

**MINUTES OF AN ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY HELD IN
THE COUNCIL CHAMBERS, JEFFREYS BAY, ON FRIDAY, 09 DECEMBER 2022 AT 10:00**

Councillors

Ald B Williams (Speaker)
Ald H Hendricks (Executive Mayor)
H Bornman (Deputy Executive Mayor)
Ald D Benson
B Dhludhlu
T Jantjes
W Gertenbach (Joined via zoom)
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 Ndzalani
N Ntshota
B Human
N Ntengwane
E Mbuqu
M Valgee
W van der Linde
L Nkilishane
V Zana

**Officials &
Municipal Manager**

C du Plessis (Municipal Manager)
D De Jager (Deputy Municipal Manager)
M Rossouw (Acting Director: Corporate &
Digital Services)
F Mabusela (Director: PDT)
N Machelesi (Director: Community Services)
T Madatt (Acting Director: I&E)
R Lorgat (CFO)
L Opperman (Manager: Legal Services)
A Koegelenberg (Manager: PMS)
E Goliath (Manager: Public Participation)
M Basson (Acting Media Specialist)
N Zode (Scribe)

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 welcomed those present and stated that no leave of absence was received by his office.

3. **ABSENT WITH LEAVE**

None

4. **ABSENT WITHOUT LEAVE**

M Dayimani

5. **PRESENTATIONS**

Valuations - DDP – Mr B Van Eck & Ms T Du Plessis

Cllr Oliphant appreciated the presentation and enquired whether incidences of under-valuation or over-valuation of a property occur, is there an appeal process to remedy the occurrence and will there be a process to educate the community on how to lodge an appeal should such an occurrence take place.

Cllr Bornman enquired on the appeal process and indicated that the Municipality is under scrutiny on property rates and there might be queries in that regard. Will the service provider handle the public participation process or will it be handled by the Municipality? He further enquired how they put a value in a piece of land.

Cllr Jantjes enquired how the presentation influences the building valuation portion which is normally reflected in the billing invoice from the Municipality.

Mr Van Eck stated that the appeal/objection process normally gets handled by the Municipality, however, they do assess whether the Municipality needs a workshop in informing rate payers regarding the process and they can assist the Municipality. They also have information brochures which states the process from the objection to appeals. The Act is clear that objection must be submitted to the Municipal Manager and upon receipt of the forms from the Municipality, the service provider will handle the objection as received.

He further indicated that there is a building value indicated in the Municipal billing account, currently they are influencing the value over time as they say that the valuation roll must be done every 4 years for Metro Municipalities and every 5 years for Local Municipalities. The valuers determine the market value and Council determines the rates. For vacant land, past sales and use of land, this is analysed to determine the market value, public open space value is determined by taking 30% of the selling price of vacant land in the vicinity due to the fact that it is limited to certain restrictions.

Cllr Ruth enquired whether Google aerial photography is the primary source of aerial.

Ms Du Plessis stated that they are using Google but the primary source is physical inspections and taking photos of each property and street view, they get updated building plans from the building department in the Municipality.

The Speaker indicated that if needs be there can be a workshop once the actual valuations roll has been received by the end of January.

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr Gunuza conveyed words of condolence to the Mayor of SBDM Cllr D Devos on losing his elder brother, and SBDM Speaker Cllr N Gaga on the loss of her child.

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

Honourable Mayor, Councillors, Officials and Members of the Public.
It is hard to believe that a year has passed since this Council was inaugurated and a lot has been accomplished since 17 November 2021.

As at the end of October, 60 Ward Committee meetings were conducted, and 35 Public Meetings were held in the various Wards. This excludes the IDP participation meetings that were well attended and other ad hoc public meetings that have taken place, ensuring that our Cllrs are engaging with residents and hearing their concerns. The Ward Committee action sheets are still a work in progress and have served at the various Portfolio meetings for actioning. Ward Committees need to follow up on outstanding issues so that they can be resolved.

The Moral Regeneration Movement has had two meetings and 5 Outreach Programs since the new committee was elected. We are looking forward to continued participation from the MRM to further strengthen the moral fiber of our society which is riddled by drugs, crime, gangsterism and gender-based violence.

The Municipality has only one outstanding complaint reported to the Presidential Hotline and we continue to try resolve the issue as it could not be closed out due to the inaccessibility of the Presidential hotline reporting tool.

We have escalated the matter to the office of the Executive Mayor of Sarah

Baartman District Municipality to assist in this regard. The Public Participation Unit has conducted 76 outreach programs in the various wards including information sessions about electrification projects, housing developments and environmental clean ups inter alia.

65 *loud hailing's* took place as well to further support the institution in our goal of reaching maximum residents with information that affects different communities. 55 *drought mitigation* outreaches took place which advised communities on water saving tips and will continue for as long as required. As we enter the festive season, all indications are that we are in for a bumper holiday period. There are already holiday makers in Kouga, and this bodes well for the economy and the resultant job creation that is the spin off from increased economic activity in the Municipality.

While Council is going into recess, this does not mean our job as Cllrs comes to a halt during this period. We need to play oversight during the festive season to ensure problems that arise are sorted out timeously by our officials who are already hard at work to ensure a successful holiday season.

Many of our holidaymakers will return year after year to Kouga. Some of them will become investors and buy property here, while some will even become traders and buy or open businesses in Kouga, which will further contribute to economic growth in our Municipality.

I wish all Councillors and officials a happy and blessed festive season, even though many of us will be working throughout to ensure a safe and successful season and a great end to 2022.

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

The Executive Mayor greeted all Councillors, Directors and Officials and the members of the public and media. He further stated that this is the last meeting of the calendar year with a very challenging 2022, so much happened during the year but we still standing.

I am so proud of this Council and Executive that supported me through my own personal health issues. I had a meeting this morning with the Auditor General in terms of the audit outcome and it seems they are positive we have achieved another unqualified audit.

It is an improvement from last year as we just missed it with one material finding, the positive is that our performance has had no material findings and our credit performance is clean. It is the first time ever that I have been involved in this institution that our performance audit has been clean.

The AG raised opinions on the Annual Financial Statements compliance and performance, well done to the team involved in the in year monitoring and in year audit. Cllr Ruth, I hope you had something to do with that as well. The audit

findings is quite positive and it bodes well for us to getting that first clean audit next year.

With respect to the state of our drought disaster, with all the adversity that we faced this year and how we responded to that adversity by being innovative through the first leak detection vehicle. And being proactive and financially prudent, our packaging plants or purification plants are operational in Humansdorp and Jeffreys bay. Through augmenting our water supply using boreholes and we striving to get new boreholes and new sources of water. We are fairly assured that when the tourist arrive we will have enough water supply to get us through the season and beyond. Thank you very much to a very challenged I&E Directorate which has been operating without a Director for sometime, Thank you to Mr Theo Madatt the Acting Director for taking the difficult task of making sure that water supply is consistent and clean for our citizens.

We have appointed a new Director who will assume duty in January 2023, he is also active through his supporting capacity during this difficult time. With regards to Summer Readiness for summer festivals, it looks as if we are very prepared to give the citizens a safe and festive summer. We will be going into Joint Operations Committee meeting and the forum will be sitting every morning at 08:00. Council will be considering two items today with respect to the summer programme and hopefully Council will fully support the programme as proposed.

With that I wish to extend my gratitude to all the politicians, senior managers, my executive and all Councillors and the staff in general for all the support given and administration during service delivery. Thank you for the hard work and commitment. He then read the definition of resilience as follows; " Resilience is the process and outcome of successfully adapting to difficult and challenging life experience" and I can confirm that this is a resilient institution by looking back at the challenges that we had this year and we are still thriving through all of them. This bodes well for our citizens that we are a strong leadership which bounce back from any given challenge. He then quoted a sentence as follows; "the greatest glory in living lies not in never falling but in rising every time we fall" by Nelson Mandela.

9. **DISCLOSURE OF INTEREST**

Cllr Oliphant stated that there is an item about him on page 425 in the agenda which he will recuse himself for.

10. **REPORT BACK: SARAH BAARTMAN DISTRICT MUNICIPALITY REPRESENTATIVE**

None

11. **REPORT BACK: INTERGOVERNMENTAL RELATIONS FORUM (IGR)**

None

12. **KOUGA AUDIT COMMITTEE**

22/12/KAC1

MINUTES OF THE KOUGA AUDIT COMMITTEE

Resolved (9 December 2022)

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

13. **REPORT BACK: MPAC**

22/12/MPAC1

MINUTES OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

Cllr Alexander proposed adding the MPAC recommendations from MPAC minutes reflected on page 104 of the agenda to the item.

Cllr Dlhudlhu seconded the proposal.

Resolved (9 December 2022)

1. That the minutes of the Municipal Public Accounts Committee be noted.
2. That the write-off of fruitless and wasteful expenditure report be noted.
3. That in accordance with Section 32(2)(b) of the MFMA, the fruitless and wasteful expenditure in the amount of R37 528, incurred during the 2020/2021 financial year, be certified as irrecoverable and be written off.
4. That in accordance with Section 32(2)(b) of the MFMA, the fruitless and wasteful expenditure in the amount of R7 647, incurred during the 2021/2022 financial year, be certified as irrecoverable and be written off.
5. That the Municipal Manager implements the necessary control measures, in order to prevent a recurrence of instances of fruitless and wasteful expenditure.
6. That the write-off of irregular expenditure report be noted.
7. That in accordance with Section 32(2)(b) of the MFMA, the Irregular expenditure in the amount of R1 079 310, incurred during the 2019/2020 financial year, be certified as irrecoverable and be written off.
8. That in accordance with Section 32(2)(b) of the MFMA, the Irregular expenditure in the amount of R261 222,

incurred during the 2020/2021 financial year, be certified as irrecoverable and be written off.

Proposed by: J Alexander

Seconded by: B Dhludhlu

14. **STATUTORY MATTERS**

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

15.1 **MINUTES OF THE MAYORAL COMMITTEE MEETING HELD ON 17 AUGUST 2022**

That the minutes of Mayoral Committee Meeting held on 17 August 2022 be noted.

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

16.1 **MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 5 SEPTEMBER 2022**

Cllr Oliphant proposed that all the minutes be endorsed as a package.

Cllr Bornman seconded the proposal.

Resolved (9 December 2022)

1. That the minutes of the Ordinary Council meeting held on 5 September 2022 be accepted.

Proposed: P Oliphant

Seconded: H Bornman

16.2 **MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 28 OCTOBER 2022**

Resolved (9 December 2022)

1. That the minutes of the Ordinary Council meeting held on 28 October 2022 be accepted.

Proposed: P Oliphant

Seconded: H Bornman

16.3 **MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 11 NOVEMBER 2022**

Resolved (9 December 2022)

1. That the minutes of the Ordinary Council meeting held on 11 November 2022 be accepted.

Proposed: P Oliphant

Seconded: H Bornman

17. **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).

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

19. **REPORTS BY THE EXECUTIVE MAYOR**

22/12/MM1 **COUNCIL RESOLUTIONS AS AT 28 OCTOBER AND 11 NOVEMBER 2022**

The Municipal Manager tabled the item.

Cllr Zana enquired on the progress of the Weston Water Waste Treatment plant.

Cllr Foley proposed administration to table the Grant in aid policy for a review in 2023 as indicated in the action sheets.

Cllr Bornman added to the proposal the rules of order for review in 2023. Cllr van der Linde seconded the proposal.

Mr Madatt stated that the Weston plant project was halfway constructed and is now registered with MIG funding, the water quality challenge is on the taste of the water, and there is no impact on the health of the water.

Resolved (9 December 2022)

1. That the updated Action Sheets reflecting resolutions of previous Council meetings, be noted.
2. That the Grant in Aid policy and Standing Rules of Order By-law be reviewed in 2023.

Proposed by: H Bornman Seconded by: W van der Linde

22/12/MM2 **KOUGA SUMMER FESTIVAL 2022: 9 DECEMBER 2022 – 1 JANUARY 2023**

The Municipal Manager tabled the item.

Cllr Mbandana stated that he is objecting the transfer of funds because the facility is a private entity, section 67 of the MFMA indicates that funds should be transferred to municipal entities. Why is the fund not transferred to an organized entity that represents Kouga Arts and Culture.

Cllr Foley requested the proposals and plans for festive season be finalized in October 2023 for the following season.

Cllr Bornman seconded the proposal.

Cllr Zana concurred with the latter speakers and requested inclusivity for the Gamtoos area with specific details for the activities as indicated in other areas.

The Municipal Manager took note of the request and indicated that many factors hinder getting the program out early but they will try to improve, there are multiple programs scheduled and budgeted for by the Municipality. It is standard procedure for the Municipality to enter into an SLA with an external party where Municipal funding is involved, to ensure that the funding is properly spent and accounted for and the roles and responsibilities of both parties are clearly defined. The SLA process is handled by the legal department which ensures that all legislation requirements including the MFMA is adhered to.

Cllr Mbandana still maintained his view that the service provider indicated in the item is not an entity as indicated in section 67 of the MFMA. He further stated that on the IDP there is a plan for the Hankey Jazz festival at Yellowwoods yet it has not materialised. There is a young emerging black gentlemen who owns a recording studio which has been struggling to get his show approved by the Municipality.

The Speaker requested the programs to be specified per area and be communicated to the Councillors timeously.

The Municipal Manager noted the request and indicated that there will be communication and marketing rolled out for all the programs.

Resolved (9 December 2022)

1. That the 2022 Kouga Summer Festival be noted.
2. That the funding available be paid over to Mentorskraal and a fully audited statement and report be submitted.
3. That the Council approves the funding amount of R450000.00 (four hundred and fifty thousand rand) excluding VAT.
4. That the Council authorizes the Accounting Officer to conclude a Sponsorship Agreement/SLA with Mentorskraal in respect of the sponsorship stated in the above.

5. That the plans for festivals and events be finalized by October 2023 for the following season.

Proposed by: R Foley

Seconded by: H Bornman

22/12/MM3

PUBLIC PARTICIPATION REPORT: FIRST QUARTER 2022/2023

The Municipal Manager tabled the item.

Cllr Maree congratulated the Office of the Mayor and the Speaker for making such a good impression on the public and it was one of the best public participations this year.

Resolved (9 December 2022)

1. That the public participation report for July-October 2022 year be noted.
2. That proposed plans and activities in support of institutionalizing Public Participation be supported by all Directorates.

22/12/MM4

SUBMISSION OF PERFORMANCE AGREEMENTS: SECTION 56 AND SECTION 57 EMPLOYEES: 2022/23 FINANCIAL YEAR

The Municipal Manager tabled the item.

Cllr Oliphant appreciated the item and requested that the tools to measure the performance of the Municipal Manager and Directors be availed in advance. He further requested that the measuring of performance should not be done hastily and last minute.

The Speaker stated that the departmental quarterly SDBIPs and the institutional SDBIP should be utilized for oversight on the performance.

Cllr Zana requested clarity on the performance signed by the two Acting Directors while the appointed I&E Director will assume duty in January, yet the item will be submitted to the MEC. He further enquired why the PDT performance agreement is not part of the agenda.

Cllr Mbandana requested inclusion of the Community input in the performance assessment in terms of Systems Act section 32.

The Municipal Manager stated that the Municipality is rolling out the performance management system to the lower levels for all employees, there is no existing baseline to compare with as it will be a first time implementation.

There are one or two performance clauses being finalized for the lower levels and alignment of job descriptions, which will

have an effect on the performance agreement of the Directors. In January Directors will focus on the new performance agreements.

The Acting Directors sign on behalf of their acting period, the new Directors will sign based on their appointment. In terms of the PDT Director's agreement, it is being finalised and will be tabled to the next Council meeting.

The Speaker stated that the Key Performance Indicators on the SDBIP include the inputs received from the IDP meetings. The IDP correlates with the Budget and the SDBIP, performance agreements are drawn up in terms of the KPI's.

Cllr Oliphant indicated that there is a contradiction, the Mayor indicated that the new I&E Director will assume duty in January. The Municipal Manger stated that the performance contract signed buy the Acting Director goes up to June. There is no clause indicating termination of the Acting Director agreement when the appointed Director assumes duty.

The Municipal Manager stated that the performance agreements are for the position not the individuals, when an individual is no longer in the position the new appointee will sign the performance agreement.

Resolved (9 December 2022)

1. That the Performance Agreements and supporting Performance Plans for the 2022/23 financial year in respect of the Municipal Manager and Directors be noted.
2. That in terms of the provisions of Section 53(3) of the Local Government Municipal Finance Management Act 56 of 2003 the amended Performance Agreements of the Municipal Manager and Directors for the 2022/23 financial year be submitted to the MEC for Local Government.

22/12/MM5

2022/23 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: PROGRESS UP TO THE QUARTER ENDING 30 SEPTEMBER 2022

The Municipal Manager tabled the item.

Cllr Mbandana stated that the SDBIP is a tool that clearly indicates progress or regress to the communities. The SDBIP has not been implemented progressively.

Cllr Oliphant stated that the SDBIP is extracted from the budget, the budget was not supported by the opposition party. Service

delivery is skewed, communities remain in squalor conditions while the budget is diverted to the affluent areas.

Cllr Zana stated that the Municipality needs to do more for the different wards, the SDBIP needs to reflect the needs and progress per ward. He further indicated that the ANC caucus does not support the item.

Cllr Bornman indicated projects reflected in the agenda which are taking place in all the different wards, and it is concerning that there are Councillors who see the budget expenditure as skewed.

The Speaker requested a seconder for Cllr Zana's proposal.

Cllr Oliphant seconded the proposal.

The Speaker requested a proposer for the recommendation in the item as is.

Cllr Van der Linde proposed.

Cllr Maree seconded.

The Speaker requested all Councillors in favour of Cllr Zana's proposal seconded by Cllr Oliphant to raise their hands.

Cllr Gertenbach indicated his vote as not in favour.

In favour: 10

Not in favour: 17

The Speaker requested all Councillors in favour of Cllr Van der Linde's proposal seconded by Cllr Maree to raise their hands.

Cllr Gertenbach indicated his vote as in favour.

In favour: 17

Not in favour: 10

The recommendations carried.

Resolved (9 December 2022)

1. That the Quarter 1 operational and institutional performance report on progress made with the implementation of the 2022/23 Service Delivery and Budget Implementation Plan be noted.
2. That Directorates ensure that corrective actions are discussed and agreed on at the level of the Portfolio Committees in respect of all Key Performance Indicators where set targets for the reporting period have not been

achieved in order to ensure achievement of the annual performance targets.

Proposed by: W van der Linde

Seconded by: L Maree

22/12/MM6

REQUEST FOR COUNCIL TO INVESTIGATE AN ALLEGED BREACH OF CODE OF CONDUCT

The Municipal Manager tabled the item.

Cllr Mbandana stated that he submitted a sick note to the Office the Speaker for a Special Council meeting, the sick note was not recognized and he was marked as absent for the meeting and there was a cordial discussion with the Speaker's Office. The same case might have occurred to Cllr Dayimani, the ANC is of the view that he should have been given a chance to explain his side and an investigation should have been embarked on before the item was tabled Council. The ANC is rejecting the item and requests that the Councillor be given an opportunity to explain his case to the Speaker.

The Speaker indicated that Cllr Dayimani was given the opportunity to state his case and declined, hence the item is now referred to the Rules and Ethics Committee for investigation on the alleged misconduct. The Councillor still has an opportunity to state his case.

The Speaker requested the seconder for Cllr Mbandana's proposal.

Cllr Yali seconded the proposal.

Cllr Oliphant raised a point of clarity.

The Speaker did not recognize the Councillor.

Cllr Bornman raised a point of clarity.

The Speaker did not recognize the Councillor.

Cllr Yali said consistency.

Cllr Bornman indicated that he wants to assist with Cllr Mbandana's proposal.

The Speaker gave Cllr Oliphant an opportunity to raise his point of clarity.

Cllr Oliphant addressed Cllr Bornman.

The Speaker indicated that he will not tolerate disruptions and the next Councillor to break the Rules of Order will receive a R300 fine.

Cllr Oliphant stated that the Speaker should not allow an official to table an item regarding a Councillor. The Speaker is supposed to brief Council on the item regarding a Councillor, as Councillors fall under the office of the Speaker. A serious precedence has been created.

The Speaker noted the concerns raised by Cllr Oliphant.

Cllr Bornman requested clarity on Cllr Mbandana's proposal to reject the item while proposing that the Councillor should be given an opportunity to state his case, and referring the item to the Rules and Ethics will afford the Councillor an opportunity to state his case. The item will need to be accepted.

Cllr Mbandana apologized for the ambiguity and stated that Cllr Oliphant has captured his sentiments correctly and clearly. The item should not be presented in this manner.

The Speaker enquired whether Cllr Mbandana is still rejecting the item. He further indicated that he will follow up on the legislation of who should table the items.

Cllr Mbandana stated that he is no longer rejecting the item, Cllr Dayimani must get an opportunity to state his case in the relevant forum.

Resolved (9 December 2022)

1. That Council notes the report submitted herein.
2. 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.

22/12/MM7

REQUEST FOR COUNCIL TO INVESTIGATE AN ALLEGED BREACH OF CODE OF CONDUCT

Cllr Yali raised a point of order on rule 50.4

The Speaker recognised him

Cllr Yali stated that Cllr Gunuza is not drinking water as required in the standing rules of order only water is allowed in the Council Chamber.

The Speaker called Cllr Gunuza in to order and indicated that only water is allowed in the Council Chambers.

The Municipal Manager tabled the item.

Cllr Zana challenged the fact that the Municipal Manager tabled an item concerning a Councillor and requested the Speaker to take note of their discomfort with the procedure followed. The ANC caucus does not support the item, the charges indicate that Cllr Oliphant failed to attend a Community Services Portfolio Committee, he is not a member of that committee. Cllr Oliphant is a member of Infrastructure & Engineering Portfolio Committee and MPAC. The charges are fabricated.

Cllr Human quoted a Corporate Services resolution of 5 April 2022 and confirmed that Cllr Oliphant is not part of the Community Services Portfolio Committee. He further agreed with the recommendations for MPAC as Cllr Oliphant is a member and should be given an opportunity to state his case at Rules & Ethics.

Cllr Zana stated that the Chief Whip of Council and the office of the Speaker should reach out to Councillors who are not attending meetings before they are charged, as people face many challenges which could hinder their attendance and could require assistance not punishment.

The Speaker requested Councillors not in favour of the recommendations to raise their hands.

Cllr Gertenbach indicated his vote as not in favour.

In favour: 9

Not in favour: 18

The Speaker requested Councillors in favour of the recommendations to raise their hands.

Cllr Gertenbach indicated his vote as in favour.

In favour: 18

Not in favour: 9

Resolved (9 December 2022)

1. That Council notes the report submitted herein.
2. 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.

19.1 **REPORTS BY THE CHAIRPERSON: FINANCE**

22/12/F1 SUPPLY CHAIN MANAGEMENT: QUARTERLY REPORT FOR THE PERIOD ENDING 30 SEPTEMBER 2022

Cllr Bornman tabled the item.

Cllr Zana noted and supported the item

Cllr van Niekerk seconded the item.

Resolved (9 December 2022)

1. That Council approve the first quarter (July to September 2022) Report.

Proposed by: V Zana

Seconded by: M Van Niekerk

22/12/F2 DEVELOPMENT OF A LONG-TERM FINANCIAL PLAN FOR KOUGA MUNICIPALITY

Cllr Bornman tabled the item.

Cllr Mbandana raised a concern of no proper registration of projects and no coordination between the District and the Provincial office. The Municipality needs to coordinate work between the National Treasury and the Provincial Treasury in order to get fiscus, a loan will not be required by the Municipality. The ANC is worried about this item and feels that the item is premature and due diligence should be done.

Cllr van der Linde congratulated the Municipal Manager and the CFO for a proper plan and indicated that should the IDP be linked to the plan, Kouga would be the best municipality.

Cllr Bornman indicated that the Municipality is not approving a loan, the item is a long term financial plan for the Municipality and gives guidelines on where the institution is heading.

Cllr Oliphant requested a vote on the item.

The Speaker requested all Councillors not in favour of the item to raise their hands.

Cllr Gertenbach voted in favour of the item

In favour: 17

Not in favour: 10

The recommendations carried.

Resolved (9 December 2022)

1. That Council approve the Long-Term Financial Plan 2022/23 – 2031/32; and
2. That the recommendations in the Long-Term Financial Plan be incorporated into the relevant Budget-related policies, IDP, Budget and SDBIP going forward.

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

22/12/I&E1 PROJECTS PRESENTED AT PRE DAC (DISTRICT ADJUDICATION COMMITTEE) MEETING FOR MIG REGISTRATION ON 28 SEPTEMBER 2022

Cllr Maree tabled the item.

Cllr Ndzaleni supported the project and further indicated that the Kwanomzamo sewer plant needs to be prioritized. He then enquired which gravel roads will be upgraded.

Cllr Zana stated that the Weston Treatment Plant is not part of this MIG funding as initially informed, suction tanks are substandard, the truck is not effective. The mud houses in Weston will cave in on people, the Weston Water Treatment Plant will unlock the housing projects. Urgent action is required. If needs be the MEC must be involved.

Cllr Alexander indicated his support for the high mast light project as it is required by the informal areas.

Mr Madatt indicated that the Weston Waste Water Treatment Plant was approved by MIG for the engineering services phase, it has been included in the HDA funding as well. The fencing is on the priority list. The gravel roads list of Kwanomzamo will be circulated to the Councillors. The Kwanomzamo sewer plant was dysfunctional due to vandalism, its partially running again. Funding approval of R42 million rand has been received, the project will start in July 2023.

The engineering phase will start in July 2023 for the Weston Waste Water Treatment Plant, construction will depend on funding approval he then estimated that it might commence in 2025. There is R7 million allocated for the high mast lights and informal areas have been identified throughout Kouga . it has been registered on the MIG list as well.

Cllr Bornman supported Cllr Zana on the upgrading of the Weston Waste Water Treatment Plant, and indicated that it is crucial to get the plant up and running at all cost, and the Municipal Manager should take note as it is currently a health hazard to the public.

The Municipal Manager stated that the Municipality is working on finding alternative funding and possibly funding the project with the loan which will be applied for by the institution.

Cllr Mbandana stated that he had raised the Weston Waste Water Treatment Plant issue in March 2022, it was recommended that the MMC Chairperson with the Director should visit each Ward to get feasibility study and develop a sewer master plan.

Cllr Zana proposed that the issue be escalated to the MEC level when the sewer master plan has been developed.

Resolved (9 December 2022)

1. That Council approve this item.
2. That a sewer master plan be prioritised.

Proposed by: V Zana

Seconded by: M Mbandana

22/12/I&E2 STATUS OF THE UMZAMOWETHU SANITATION SYSTEM

Cllr Maree tabled the item.

Cllr Oliphant appreciated the item and requested that the matter be expedited and requested that other areas be prioritised as well.

Cllr Ntshota requested the correction of the word "Umzamowethu", she further appreciated the item and indicated that the community was promised during the IDP public inputs that the sewer issue will be prioritised and rectified.

Cllr Human congratulated the improvement of the lives of the people and dignity is being restored, he further enquired the relations with Kouga Windfarm and the Municipality and proposed working closely with the Windfarm. He then enquired whether the business plan covers all the households. Who will fund the conservancy tanks?

Cllr Mbandana requested Cllr Zana to approach the Executive Mayor of the SBDM and MEC of COGTA in order to fast-track the issue.

The Municipal Manager stated that all the windfarms have been approached for funding, the negotiations are still ongoing and will make announcements when everything has been finalised. He further indicated that the windfarms will fund the 6 conservancy tanks.

Resolved (9 December 2022)

1. That council support the registration of the Umzamowethu sewer reticulation on the MIG project list for future .
2. That the 6 affected households be serviced with new conservancy tanks.
3. That a submission of business plans be made to Kouga Windfarms for funding.

22/12/I&E3 CORRECTION TO ITEM- 2022/23 ADJUSTMENTS BUDGET FOR THE APPROPRIATION OF ADDITIONAL FUNDS RECEIVED

Cllr Maree tabled the item.

Resolved (9 December 2022)

1. That Council, accept the revised item where calculation errors were rectified.

Town	Project Description	U-key Nr.	Allocated amount
Humansdorp	Water treatment works		R 8,200,000.00
	Borehole 7		R 3,500,000.00
	Kruisfontein		R 14,100,000.00
Total			R 25,800,000.00
Jeffreys Bay	New Oxidation water treatment plant 4MI.		R 7,400,000.00
Total			R7,400,000.00
Hankey	Water treatment works		R 3,700,000.00
	Boreholes		R 3,800,000.00
Total			R 7,500,000.00
St Francis Bay	Water treatment works		R 5,900,000.00
	Boreholes		R 4,100,000.00
Total			R 10,000,000.00
Thornhill	Groundwater development		R 3,300,000.00
Total			R 3,300,000.00
Loerie	Groundwater development		R 3,400 000.00
Total			R 3,400,000.00
GRAND TOTAL			R 57,400,000.00

22/12/I&E4 2022/23 ADJUSTMENTS BUDGET FOR THE ADDITIONAL TRANSFER

Cllr Maree tabled the item.

The Speaker requested a show of hands by all Councillors in favour of the item.

Cllr Gertenbach voted in favour of the item.

In favour: 28

The item was unanimously approved

Resolved (9 December 2022)

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 No 56 of 2003, approves the following adjustments budget.

PROJECT	U-KEY	CURRENT AVAILABLE BUDGET	TRANSFER
66kv Line	20210710000777	R 586 000.51	R 550 000.00
Saffery substation	20200711023285	R 133 178.10	R 0.00

PROJECT	CURRENT AVAILABLE BUDGET	SHORTFALL	AMOUNT REQUIRED
Saffery substation	R 133 178.10	R 550 000.00	R 683 178.00

22/12/I&E5

ADJUSTMENTS BUDGET IN RESPECT OF MIG FUNDS WITHIN INFRASTRUCTURE AND ENGINEERING DIRECTORATES

Cllr Maree tabled the item and corrected an error in the tables below.

Cllr Mbandana requested specific details on where the funds will be spent per Ward, he further requested that certain areas be prioritised as well.

The Speaker indicated that the item also needs resolution taken by the majority of its full number.

The Municipal Manager noted the issues raised.

Cllr Gertenbach voted in favour of the item.

In favour: 28
 The item was unanimously approved.

Resolved (9 December 2022)

- 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:

Project Name	2022/2023 Approved Budget (Excl. VAT)	Actual Expenditure (Excl. VAT)	Available Balance (Excl. VAT)	2022/2023 Proposed Adjustments (Excl. VAT)	Total Adjusted Budget (Excl. VAT)
Upgrading of Gravel Roads in Kouga U-Key: 20221303055077	R9,819,118.07	R6,450,675.10	R3,365,042.43	+R1,733,352.30	R11,552,470.37
Upgrade Sanitation System of Old Hankey- U-Key: 20190710991734	R15,308,228.93	R3,340,484.44	R11,967,745.17	-R1,733,352.30	R13,574,876.63

Project Name	2023/2024 Approved Budget (Excl. VAT)	Actual Expenditure (Excl. VAT)	Available Balance (Excl. VAT)	2023/2024 Proposed Adjustments (Excl. VAT)	Total Adjusted Budget (Excl. VAT)
Upgrading of Gravel Roads in Kouga U-Key: 20221303055077	R16,415,005.50	R0.00	R16,415,005.50	-R1,733,352.30	R14,681,653.20
Upgrade Sanitation System of Old Hankey- U-Key: 20190710991734	R9,761,864.07	R0.00	R9,761,864.07	+R1,733,352.30	R11,495,216.37

Cllr Maree tabled the item.

Cllr Oliphant requested that the public participation process to be followed.

The Speaker confirmed that the By-law was tabled for input to the public and it was workshopped with all Councillors and its now tabled for final approval.

Cllr Mbandana seconded the item.

Resolved (9 December 2022)

1. That Council approves the Kouga Local Municipality Wayleave By – Law.
2. That the approved Kouga Local Municipality Wayleave By-Law be advertised in the Government Gazette for promulgation.

19.3 **REPORTS BY THE PORTFOLIO CHAIPERSON: COMMUNITY SERVICES**

22/12/CS1 REPORT ON ADOPTION AND IMPLEMENTATION OF THE FINAL DISTRICT FIRE SERVICES BY-LAW 2021

Cllr Benson tabled the item.

Cllr Zana noted and supported the report.

Cllr van der Linde seconded the item.

Resolved (9 December 2022)

1. That the District Fire Services By-Law 2021 be adopted and implemented in the Kouga municipal area.
2. That the tariffs be determined accordingly to enforce the By-Law in Kouga Jurisdiction.
3. That Kouga Municipality publish the By-Law tariffs annually.
4. That the District Fire Services By-Law 2021 be placed on Kouga municipality's website.
5. That Councillors be workshopped on the District Fire Services By-Law 2021.

Proposed by: V Zana

Seconded by: W Van der Linde

22/12/CS2 CLOSE-OUT REPORT ON THE ST FRANCIS BAY SPIT, ROCK REVETMENTS

Cllr Benson tabled the item.

Cllr Zana noted and supported the item.

Cllr van der Linde stated that he cannot accept the report as it is not finalised, the following list was not provided in the item; performance and the milestone, the time lines, performance against the budget, administration closure, the project team is not provided.

The Director: Community Services stated that the information will be updated by the service provider and tabled.

The Speaker enquired whether Cllr Zana is still in support of the item with the information to be updated.

Cllr Zana indicated that the updated information will not make a material change to the report and recommendations, he supported the item with the information to be updated as there is no need to table the same item again.

The Speaker indicated that the report be noted with the required information.

Resolved (9 December 2022)

1. That the St Francis Bay Spit Rock Revetment Close-Out report be noted and supported.
2. That the breakwater and revetment are temporary structures that would likely require future maintenance, unless a long-term solution is constructed in the next couple of years.

22/12/CS3 CLIMATE CHANGE STRATEGY: APPROVAL AND ADOPTION

Cllr Benson tabled the item.

Cllr Zana supported the item and encouraged planning ahead as the institution.

Resolved (9 December 2022)

1. That Kouga Municipality Council approves the Kouga Municipality Climate Change Strategy.

19.4 REPORTS BY THE CHAIRPERSON: PLANNING, DEVELOPMENT & TOURISM

22/12/PDT1 FINAL APPROVAL FOR ALIENATION OF UNREGISTERED ERF 4593, KRUISFONTEIN: JABES CHURCH

Cllr Ruth tabled the item.

Cllr Zana supported the item and requested that land be availed for other churches as well, he further requested verifying the legitimacy of churches as well.

The Speaker indicated that PDT is embarking on the process of verifying the legitimacy of churches.

Cllr Mbandana enquired the timeline for the submission of information and application by the Churches.

The Speaker advised Cllr Mbandana to liaise with Cllr Ruth.

Resolved (9 December 2022)

1. That Council grants final approval for the alienation of unregistered Erf 4593, Kruisfontein to Jabes Church, at a purchase price of R37500 (thirty thousand and five hundred rands only) calculated as 25% of the fair market value (R150 000,00).
2. 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.
3. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
4. That rezoning and subdivision processes be finalised for the property contemplated herein.
5. That Council authorizes the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said property.

22/12/PDT2

KOUGA SUMMER FESTIVAL BEACHFRONT EVENTS AND TOWNSHIP FESTIVE ROADSHOW

Cllr Ruth tabled the item.

Cllr Mbandana requested that other areas in Kouga be catered for as well and local musicians be respected and supported.

Cllr Foley requested Summer programs to be tabled in October for approval.

The Executive Mayor indicated that he is in discussion with ECPTA and Patensie Tourism regarding the Hankey Jazz Festival back to Yellowwoods. The upgrade of the Yellowwoods park is being discussed, development being proposed are exciting. The intention is to launch the Jazz Festival in 2023 and have local artist to display their art work permanently in the Yellowwoods park. It will form part of the cultural route being developed.

Cllr Mbandana appreciated the Mayor's response.

Resolved (9 December 2022)

1. That the 2022 Kouga Summer Festival – Beachfront Events and Township Festive Roadshow programme be noted.

2. That the funding available be paid over to Kouga Local Tourism Organisation and a fully audited statement and report be submitted.
3. That Council authorizes the Accounting Officer to conclude a Funding/Sponsorship Agreement with Kouga Local Tourism Organisation in respect of the facilitation and implementation of the Kouga Summer Festival Beachfront events as stated in the above.
4. That plans for Festivals and Events be submitted by October to Council.

Proposed by: R Foley

Seconded by: H Bornman

22/12/PDT3

ALIENATION OF ERF 1787, HANKEY (HENRY MASETI)

Cllr Ruth tabled the item.

Cllr Zana thanked the Speaker for addressing the issue after being alerted to this case, he further thanked the Manager: Public Participation as well and urged that other people with the same issue be assisted accordingly.

Resolved (9 December 2022)

1. That Council grant final approval for the out-of-hand alienation of Erf 1787, Hankey.
2. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
3. That transfer of the immovable property be effected on confirmation of payment of the full purchase price.
4. That based on the information from the transferring conveyancers, the purchaser settles any outstanding balance, if any, before the transfer of the property.
5. That Council authorizes the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said property.

22/12/PDT4

**TOWN PLANNING PROGRESS REPORT: PREPARATION OF ST FRANCIS BAY
CBD & HANKEY CBD PRECINCT PLAN: 1 JULY 2022 TO 30 SEPTEMBER**

2022

Cllr Ruth tabled the item.

Cllr Zana expressed his excitement for the plan, in 2026 Hankey will be 200 years old since it was name a town. He further requested that the process be expedited for all the precinct plans.

Cllr Maree proposed more public participation and stakeholder engagement process and the report to be updated.

The Speaker indicated that the second recommendation covers Cllr Maree's request.

Resolved (9 December 2022)

1. That the content in the Town Planning progress report on the preparation of St Francis Bay CBD & Hankey CBD Precinct plan be noted.
2. That Council supports that the Service Provider to embark on a Public / Stakeholder engagement Process as outlined in the Project Implementation Plan (Phase 2).

22/12/PDT5

SPONSORSHIP REQUEST OF R150 000 TO SUPPORT TOWNSHIP TOURISM EVENT -2022 JBAY 1ST ANNUAL PICNIC

Cllr Ruth tabled the item.

Cllr Yali stated that the Ward reflected in the agenda should be corrected to Ward 14 not Ward 2.

Cllr Mbandana supported the item.

Resolved (9 December 2022)

1. That Council approves the funding amount of R150 000.00 (Hundred and Fifty Thousand rand) including VAT. towards the 2022 1st Jbay Annual Picnic hosted in the Kouga Local Municipality area.
2. That Council authorizes the Accounting Officer to conclude a Sponsorship Agreement / SLA with Bhejula Investment in respect of sponsorship stated in (1) above and that the Municipality is at liberty to request any further and/or additional information in respect of the expenditure report and company to comply with all reporting, financial management and auditing requirements as stipulated in this Agreement.

22/12/PDT6

GRANT IN AID

Cllr Ruth tabled the item.

Cllr Zana stated that NPO's are doing a good job and the Municipality should find means and ways to support them, he then proposed that the Municipality should get a strategy on getting funding from big

companies doing business in the area with the Municipality. He further requested a workshop on the grant in aid application process.

Cllr Alexander supported Cllr Zana, he further raised a concern on the Salvation South Africa Kouga Kruisfontein Future Farmers and requested more information on the organisation as he was not aware of such an organization in his Ward.

Cllr Human supported the request of workshop on the application process in order to assist the NGO's and NPO's in order for the communities to benefit.

Cllr Bornman agreed with the Councillors and also indicated that the public needs to be workshopped on the application process in order for them to know how to apply and what to include when applying. He further indicated that the Lifesaving Nelson Mandela Bay is hosting an event, Grant in Aid does not allocate funding for events. The service provider will have to apply for a sponsorship funding, he proposed that the service provider be removed from the Grant in Aid list and that it be communicated with them that they need to apply for the sponsorship fund. He further supported Cllr Alexander's concerns.

Cllr Human seconded Cllr Bornman.

The Director PDT: stated that there were documents received from the applicants and they met all the requirements for grant funding, she further indicated that she will forward the information to the Office of the Speaker.

The Director: Community Services stated that the item is about training and testing of the life guards and it will take place in Kouga, the organization will be hosting the event.

Cllr Bornman indicated that the Eastern Cape Champs is an event which is supported, all life guards will come to Kouga which is great but its an event and should be granted funding under sponsorship.

The Director: Community Services agreed with the Cllr Bornman and indicated that the service provider will be contacted to apply for the sponsorship fund.

Cllr Alexander requested that the Salvation South Africa Kouga Kruisfontein Future Farmers be removed from the item until he received the information requested.

The Speaker enquired whether Salvation South Africa Kouga Kruisfontein Future Farmers and Lifesaving Nelson Mandela Bay should be removed from the recommendation and referred to the next Council meeting.

Cllr Oliphant supported the proposal to withdraw the service providers from the recommendation and referring them to the next Council meeting.

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 Organisations be workshopped on the application process for Grant in Aid.
3. That the Lifesaving Nelson Mandela Bay application be withdrawn and the applicants be advised to apply for Sponsorship.
4. That the Salvation South Africa Kouga Kruisfontein Future Farmers be withdrawn and referred to the next Council Meeting.

Proposed by: H Bornman

Seconded by: B Human

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

22/12/CDS1 COUNCIL RECESS: DELEGATED AUTHORITY: EXECUTIVE MAYOR

Cllr Jantjes tabled the item.

Cllr Oliphant welcomed the item and requested the Mayor to not take critical decision without Council, he further indicated that he supports the item.

Resolved (9 December 2022)

1. That it be noted that the Council will be in recess for the period 12 December 2022 to 13 January 2023.
2. That the Executive Mayor be granted delegated authority to deal with all Council affairs during the recess from 12

December 2022 to 13 January 2023, subject to the following undermentioned conditions:

- a) The Exercise of delegated authority shall exclude the passing of a by-law; approval of the budget; the imposition of rates and other taxes levies and duties; the raising of loans, the amendment of tariffs, the approval or amendment of the IDP;
 - b) That the parameters of the Procurement Policy be complied with.
3. That all matters dealt with by the Executive Mayor, which would conventionally have required a resolution of the Council be submitted to Council in report format for information or review at the first Ordinary Council Meeting for 2023.

22/12/CDS2 APPROVAL TO COMMENCE WITH RECRUITMENT AND SELECTION PROCESS TO FILL THE VACANT DIRECTOR: CORPORATE & DIGITAL SERVICES POSITION

Cllr Jantjes tabled the item.

Cllr Yali enquired whether there was a golden handshake involved.

Cllr Mbandana stated that Council should apply their mind in matters of this nature, he then enquired the financial implication incurred in the process. He further requested that the Chief Whip of the ANC be included in the next recruitment process.

The Municipal Manager stated that he does not believe there were financial implications incurred from the Court application.

Cllr Yali stated that he was not answered, he enquired about a settlement or golden handshake given to the incumbent.

The Municipal Manager stated that in terms of the Court application, there were no implications, there was a settlement agreement which formed part of the Court application. He then requested Mr de Jager to indicate the proper details.

The Executive Mayor stated that in terms of the settlement agreement its confidential, and the Municipal Manager is not allowed to discuss it at this platform unless the parties involved give consent. The institution currently does not have full consent.

Cllr Oliphant stated that the report should not be confidential to Council as the decision to go to Court was taken by Council. The Municipality faced the same issue with Mr Felton.

Cllr Bornman raised a point of order and indicated that Cllr Oliphant is talking about someone who is no longer an employee of the institution

and is not part of the item, he further requested that the meeting to discuss items on the agenda.

The Speaker ruled Cllr Oliphant out of order and stated that the information required by the Councillors should be put into writing and submitted to the office of the Municipal Manager and he will consult legally and respond accordingly.

Cllr Oliphant enquired whether the Speaker will not give him a chance to continue.

The Speaker stated that he ruled the Councillor out of order as he was talking about people who were no longer in the employ of the Municipality.

Cllr Oliphant requested the Speaker to not panic.

The Speaker fined Cllr Oliphant for defying his ruling.

Cllr Mbandana stated that they support the item.

Cllr Zana stated that a formal request will be submitted to the Office of the Speaker regarding this issue.

Resolved (9 December 2022)

1. That Council note the court order as stipulated in Annexure A, relating to setting aside of the Council Resolution under item 22/09/CMM1.
2. That Council authorizes the commencement of the legislated recruitment and selection process for the filling of the vacant Director: Corporate & Digital Services position, by advertising the said vacancy inviting applications from suitable candidates, and as a permanent position.
3. 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.
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 and
 - 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.

20. **CLOSURE**

The meeting closed at 14:00



B WILLIAMS
SPEAKER

10 July 2023

DATE
