

<b>MINUTES OF A VIRTUAL RECONVENED ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY HELD ON THURSDAY, 6 APRIL 2023 AT 08:30</b>
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**PRESENT: Councillors**

Ald B Williams	(Speaker)
Ald H Hendricks	(Executive Mayor)
Ald D Benson	
B Dhludhlu	
T Jantjes	
W Gertenbach	
H Murray	
R Foley	
F Heystek	
C August	
M Biko	
M van Niekerk	
N Ntengwane	
J Alexander	
L Maree	
S Ruth	
P Oliphant	
M Dayimani	
M Mbandana	
V Gunuza	
K Ndzelani	
N Ntshota	
B Human	
E Mbuqu	
W van der Linde	
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)
E Goliath	(Manager: Public Participation)
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 a virtual Reconvened Ordinary Council Meeting will be held.

2. **OPENING AND WELCOME**

The Speaker welcomed everyone to the meeting.

3. **ABSENT WITH LEAVE**

Cllr L Nkilishane

4. **ABSENT WITHOUT LEAVE**

Cllr M Valgee  
Cllr H Bornman  
Cllr M Yali

5. **PRESENTATIONS**

None

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

None

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

None

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

None

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 MEETING**

None

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 BY THE EXECUTIVE MAYOR**

14.1 **REPORTS BY THE CHAIRPERSON: FINANCE**

23/03/F1 **RE: LIST OF OBSOLETE EQUIPMENT (ASSETS) THAT WERE IDENTIFIED FOR AUCTION**

**Resolved (6 April 2023)**

1. That the disposal of the condemned/redundant assets listed above be approved.
2. That the condemned/redundant assets listed above be removed from the Asset Register.
3. That the condemned/redundant assets listed above be disposed of in terms of the Supply Chain Management Policy through a public auction / donation.

14.2 **REPORTS BY THE PORTFOLIO CHAIRPERSON: PLANNING, DEVELOPMENT & TOURISM**

23/03/PDT2 **PROGRESS REPORT ON THE IMPLEMENTATION OF THE PROCESS PLAN OF THE INTEGRATED DEVELOPMENT PLAN (IDP) OF 2023/2024**

Cllr Human proposed that reference to imbizo's be removed from the process plan.

**Resolved (6 April 2023)**

1. That the process followed to date of the IDP Process Plan for 2023/2024 be noted.
2. That the progress report and the accomplishments to date on the actions of the 2023/2024 IDP Process Plan also be noted.
3. That reference to Mayoral imbizos be removed from the process plan.

Proposed by: W van der Linde

Seconded by: V Zana

**23/03/PDT3 DRAFT BY-LAW RELATING TO LAND INVASION, MANAGEMENT AND CONTROL OF INFORMAL SETTLEMENTS**

**Resolved (6 April 2023)**

1. That Council approves the Draft By-Law Relating To Land Invasion, Management And Control of Informal Settlements.
2. That Draft By-Law Relating to Land Invasion, Management and Control of Informal Settlements, so passed by Council, be promptly published in the Provincial Gazette.

**23/03/PDT4 REQUEST FOR COUNCIL AUTHORISATION TO ADVERTISE AN IN-PRINCIPLE APPROVAL TO DEVELOP A SHELTER FOR THE HOMELESS ON ERF 5972, JEFFREYS BAY**

**Resolved (6 April 2023)**

1. That in terms of Reg 5(1)(b)(ii) of the MATR and Policy on disposal of immovable assets, the Council **grants in-principle approval** to alienate erf 5972, Jeffreys Bay for the development of a Shelter for the Homeless on a long-term lease basis to an NPO.
2. That in terms of Reg 6(a) and (b) of the MATR and Policy on disposal of immovable Assets, Council grant authorization to the Accounting Officer to advertise the intended alienation of the immovable property herein.
3. That it be noted that the Department of Land & Property Administration has finalised the s14 and Council confirms that the land is not needed to provide the minimum level of basic municipal services.
4. That it be noted that the NPO will be responsible for all administrative costs in respect of the development of the property.
5. That public participation process and stakeholder engagement be embarked on after which an agreement be concluded.
6. That a Service Level Agreement (SLA) be concluded with the successful NPO for the funding of the Shelter.

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

**23/03/I&E1 ROADS TO BE UPGRADED UNDER THE GRAVEL ROADS PHASE 2 CONTRACT**

Cllr Maree corrected spelling errors on the report as follows;  
Humansdorp Arcadia should refer to Ward 15 not Ward 5  
Arcadia Mentoor should refer to Ward 15 not Ward 5

Campher/ Coetzee should refer to Ward 15 and Ward 5  
Kwanomzamo entrance should refer to Ward 15 not Ward 6  
Kwanomzamo Mtsila should refer to Ward 15 not Ward 6  
Arcadia Kroutz should refer to Ward 15 not Ward 13

Cllr Mbandana enquired whether an inspection was done in all Wards as there are roads in Patensie which are not covered in the report.

Mr De Kock indicated that adding a new street on the list will require additional costs or removal of a street on the list, there is a huge backlog on road maintenance. There should be an engagement between administration and Councillors in order to determine priority roads per ward and the report be tabled to Council for approval.

The Speaker indicated that a solution could be that the additional roads be identified during the IDP consultation process and be included in a follow-up phase. He then requested a proposer and a seconder for the additional recommendation.

Cllr Oliphant formally made the proposal and further indicated that all wards should benefit accordingly. Cllr Mbandana seconded the proposal.

The Speaker enquired whether there are other proposals or is everyone in support of the recommendations.

Cllr Oliphant stated that the ANC is not in support of the item.

The Speaker requested Councillors to vote by show of hands.

In Favour – 15  
Not in Favour - 8

**Resolved (6 April 2023)**

1. That Council approve that phase 2 proceed as per the approved roads on the project.
2. That the additional roads be identified during the IDP consultation process and be included in a follow-up phase, all wards should benefit accordingly.

Proposed by: P Oliphant

Seconded by: M Mbandana

**23/03/I&E2 EXPANDED PUBLIC WORKS PROGRAMME (EPWP) POLICY NO 4 ADOPTION, IMPLEMENTATION AND EXPRESSION WITHIN KOUGA LOCAL MUNICIPALITY**

*Item withdrawn*

**23/03/I&E3 REPORT ON THE REGISTERING OF NEW PROJECTS ON MIG**

Prioritizing of Kwanomzamo hall was raised as a concerning issue for the community.

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

In Favour – 15

Not in Favour – 6 + 2 = 8

Cllr Ntengwana and Cllr Gunuza indicated that they had connection issues during voting and requested their votes to be recognised.

Speaker recognised their votes and requested that they be added to the vote.

**Resolved (6 April 2023)**

1. That the Item be approved by Council.

**23/03/I&E4 APPROVAL OF THE FINAL PROJECT IMPLEMENTATION PLAN (PiP) FOR THE 23/24 FY MIG ALLOCATED GRANT FUNDING**

Cllr Maree indicated that there was an attachment which was omitted from the item.

The Speaker requested that the item be deferred to the next Special Council where all attachments can be circulated properly to all Councillors.

**Resolved (6 April 2023)**

1. That the Item be deferred to the next Special Council.

**14.4 REPORTS BY THE PORTFOLIO CHAIRPERSON: CORPORATE AND DIGITAL SERVICES**

**23/03/CDS4 ACTING APPOINTMENT: DIRECTOR CORPORATE & DIGITAL SERVICES AND DIRECTOR: PLANNING, DEVELOPMENT & TOURISM**

Acting requirements were queried as Managers in the PDT section are not considered for acting and what experience is required for acting. The prescribed skills and expertise for acting in PDT have not been identified or determined by Council in the incumbent.

The Municipal Manager stated that PDT Managers have a lot of backlog and the workload for existing officials has increased as there have been a number of retirements and resignations in the Directorate. Ms Opperman has the skills and has been advising the department on legal aspects in a number of issues and is the suitable candidate for acting in the Directorate. He further indicated that the Council does have a policy that allows the Municipal Manager to appoint an acting for a couple of days while awaiting Council resolution, however the Municipal Manager was overseeing the Directorate while waiting on the Council resolution.

The date was corrected to 6 April 2023 for the Director PDT.

Cllr Human requested a whip caucus.

Cllr Benson stated that the whip forum has been dissolved until a terms of reference is developed for the forum.

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

In Favour – 16  
Not in Favour - 8

**Resolved (6 April 2023)**

1. That Council approves the Acting appointment of Mr D de Jager as Director: Corporate & Digital Services for no longer than 3 months from 1 May 2023 to 31 July 2023, or until such time as the vacant position is filled, whichever event occurs first.
2. That Council approves the Acting appointment of Mrs L Opperman as Director: Planning, Development and Tourism for no longer than 3 months from 6 April 2023 to 30 June 2023, or until such time as the vacant position is filled, whichever event occurs first.

**23/03/CDS5 APPROVAL OF TERMS OF REFERENCE FOR THE MUNICIPAL BY-LAWS & POLICIES COMMITTEE**

**Resolved (6 April 2023)**

1. That the Terms of Reference for the Municipal By-laws & Policies Committee be approved.

15. **CLOSURE**

The meeting closed at 10:30



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**B WILLIAMS**  
**SPEAKER**

10 July 2023

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**DATE**

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