

**MINUTES OF AN ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY
HELD ON FRIDAY, 30 JUNE 2023 AT 10:00**

PRESENT: Councillors

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

**Officials &
Municipal Manager**

C du Plessis	(Municipal Manager)
E Goliath	(Acting Deputy Municipal Manager)
R Lorgat	(Chief Financial Officer)
N Machelesi	(Director: Community Services)
L Opperman	(Manager: Legal Services)
	(Acting Director: Planning, Tourism, & Development)
M Rossouw	(Acting Director: Corporate and Digital Services)
K Minnaar	(Acting Chief of Staff)
M Basson	(Media Specialist)
M Julius	(Senior Admin Officer: Committees)
C Prinsloo	(Intern)
D Klopper	(Office Administrator: Office of the Speaker)
L Cronjé	(Committee Clerk)

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.

2. **OPENING AND WELCOME**

The Speaker welcomed those in attendance.

The Speaker stated that the IEC informed him that the vacancy created by Cllr Dayimani's resignation had been filled. As a result of the replacement of ANC PR Councillor Dayimani in EC-108 Kouga Local Municipality, he read to the Council that Wayne Bradley Petersen, the ANC's candidate at the top of the party list for EC-108 Kouga Local Municipality, has been declared elected. This is prescribed in Item-18 of Schedule 1 of the Municipal Structures Act 1998 of 117/1998. In addition, he stated that Mr Petersen replaces Mr Malibongwe Dayimani, who held office in the Municipality as a Councillor. He called Mr Petersen forward to administer the oath.

Mr Petersen read and signed the oath.

The Speaker welcomed Mr Petersen as Councillor to Kouga Local Municipality.

Councillors were reminded by the Speaker that the meeting was a Council meeting and that Council rules apply. The Speaker advised all Councillors that any outburst that goes unrecognised will result in the application of the disciplinary code.

3. **URGENT ITEM TABLED BY THE MUNICIPAL MANAGER**

23/06/MM9 ELECTION OF EXECUTIVE MAYOR

The Municipal Manager presented the item to the Council as an urgent matter that, although not included in the agenda, required immediate attention.

The Speaker opened for nominations of the new Executive Mayor.

At 10:05, Cllr Oliphant received a warning for speaking out of turn.

At 10:05, Cllr Yali received a warning for speaking out of turn.

At 10:05 Cllr Oliphant received a second warning for speaking out of turn.

The Acting Director: Corporate & Digital Services handed out the supplementary item to all the Councillors.

At 10:06, Cllr Zana called for a 10-minute caucus to review the new item.

Cllr Human joined the meeting at 10:20.

Cllr Oliphant requested the exact date of the former Executive Mayor's resignation. He further enquired about the former Executive Mayor's tools of trade and municipal vehicle.

The Speaker responded that the Municipal Manager would respond to Cllr Oliphant in writing.

At 10:23, Cllr Oliphant was issued a fine, as per the Disciplinary Code, for speaking out of turn.

At 10:24, the Speaker warned Cllr Oliphant that he will be referred to the Rules & Ethics Committee if he continues to speak out of turn.

Cllr Oliphant continued to talk over the Speaker and was thus referred to the Rules & Ethics Committee.

Upon Cllr Oliphant not adhering to the Speaker's requests thereafter, the Speaker called a 5-minute recess with the Chief Whips at 10:24.

Cllr Mbandana joined the meeting at 10:25.

The Municipal Manager tabled the item.

Cllr Yali referred to the legal implications under point 5 and read from the Municipal Structures Act. He questioned why the Deputy Mayor is assuming the Executive Mayor's responsibilities until the next Executive Mayor is elected.

Cllr Bornman reminded the Council that the discussion is not in line with the tabled item.

The Speaker called for a 10-minute recess for legal consultation on the matter.

In response to Cllr Yali, the Speaker referred to Section 56.6 of the Structures Act for clarification. He thereby confirmed that the position is vacant.

Upon Cllr Oliphant's concern about the Deputy Executive Mayor not being appointed by the Council, the Speaker clarified that the appointment was made through a vote at the November 2021 inauguration.

Cllr Human requested the minutes of the inauguration referred to by the Speaker. The Speaker assured that the minutes are available and that it can be sent upon written request.

The Speaker opened nominations for the new Executive Mayor.

The Speaker warned Cllr Oliphant that he will be removed from the Council chambers if he continues to speak out of turn.

Cllr Dhludhlu nominated Cllr Bornman for the role of the Executive Mayor and Cllr Heystek seconded. Cllr Bornman accepted the nomination.

Cllr Oliphant nominated Cllr Petersen for the role of the Executive Mayor and Cllr Yali seconded. Cllr Petersen accepted the nomination.

The Acting Director: Corporate & Digital Services handed out the forms for the confirmation in writing while the Speaker explained the procedure that will follow.

Cllr Zana raised his concern about privacy and proposed that votes be cast elsewhere, considering the cameras in the Council chambers.

At 11:00 the Speaker called a 20 -minute recess.

The Speaker confirmed that voting would take place in his office. At 11:22, the Chief Whips voted first; the Councillors followed row-by-row.

The Municipal Manager read the votes out loud.

The Speaker read the results of the votes.

Votes in favour of Cllr Bornman as the new Executive Mayor: 14

Votes in favour of Cllr Petersen as the new Executive Mayor: 12

The Speaker declared Cllr Bornman the new Executive Mayor of Kouga Local Municipality.

Resolved (30 June 2023)

1. That Councillor H Bornman be declared Executive Mayor of the Kouga Local Municipality for a term consistent with the provisions of Section 46 of Act 117 of 1998.

4. **ABSENT WITH LEAVE**

Cllr W van der Linde
Cllr L Nkilishane

5. **ABSENT WITHOUT LEAVE**

None

6. **PRESENTATIONS**

None

7. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

The Speaker, on two occasions, instructed Cllr Oliphant about the tabled item and not make an unrelated speech.

Cllr Oliphant paid his condolences to Josh Felix, who had passed away.

The Speaker requested Cllr Oliphant not to make a speech unrelated to the tabled item.

At 11:54, Cllr Oliphant received a fine for speaking over and not acknowledging the Speaker.

Cllr Dhludhlu congratulated the previous Mayor on his appointment to the Provincial Legislature and acknowledged that he served Kouga well.

Cllr Benson acknowledged that the previous mayor Horatio Hendricks was an excellent leader who shared his commitment with everyone.

The Speaker instructed the Councillors not to speak out of turn and warned that he would issue fines.

Cllr August congratulated Cllr Zana on receiving a Certificate in Human Settlements short course, which she would receive as well.

Cllr Alexander congratulated the Executive Mayor on his appointment.

Cllr Gunuza congratulated Cllr Petersen on his appointment.

At 11:57, Cllr Gunuza received a fine for speaking out of order.

At 11:57, Cllr Oliphant received a fine for speaking out of order.

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

We are at the end of the 2022/23 financial year and from the Office of the Speaker it is very pleasing to note that the first time in many financial years, we have close to 100 % expenditure on the Ward Development Fund.

There are still items that need to be handed out in the various wards and this will take place over the next few weeks.

I will be meeting with the officials to go through the list of Ward Development Fund' requests for the new financial year and we will begin as soon as possible with procurement.

Public participation has continued despite the challenges posed by load shedding and even by the rainy weather we have experienced lately. Despite all this, in the year to date by end of May 2023, 45 ward committee meetings have been conducted and 18 public meetings. Meetings will continue as per planned schedule.

Action sheets are developed from minutes taken in ward committee meetings for the inputs of the relevant department/section to resolve & provide feedback

within the stipulated timeframes. Updated actions sheets are communicated to Ward Committees monthly.

All Councillors are requested to monitor the progress of the action sheets in the various portfolio meetings where these sheets are tabled.

The Office of the Speaker is responsible for the complaints management system (i.e., service-delivery queries, KLM Presidential Hotline platform) including the customer satisfaction survey.

We have only one outstanding complaint (resolved in September 2021) on the Presidential Hotline reporting tool that could not be closed out due to the continued inaccessibility of the system on the side of the Office of the Premier.

All petitions received have been acknowledged within 48 hours and responded to within 7 days, with no petitions outstanding. I wish to express my thanks to the Public Participation Unit who have been very pro-active in this regard.

The Clinic petitions have been submitted to the relevant stakeholders and I will report back to Council as soon as a response has been received.

The Office of the Speaker supports all internal departments through the provision of the public participation committee framework.

Activity support is provided at community engagements (i.e., electrifications projects, housing developments, environmental clean-ups, etc.).

In the year-to-date, by end of May 2023 there were 55 community development programs held in various wards supported by the PPU.

Disaster Management activities (i.e., Covid-19 outreaches, floods, fire, drought, etc.) are supported through loud hailing, pamphlet distribution and awareness program support to requesting departments across the KLM directorates.

In the year to date by end of May 2023 loud hailing has been done in various wards.

Thank you.

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

Good morning, goeiemôre, molweni,

It is an honour for me to address you today for the very first time as the Executive Mayor.

I am deeply humbled by the trust you have placed in me to lead this beautiful Municipality which is filled with opportunities and is alive with hope.

I would like to thank my caucus, the DA leadership, both national and provincial for their support and trust and also Council for electing me.

On behalf of the Kouga Municipality, I would like to congratulate and wish Horatio Hendricks well in his new venture as a Member in the Eastern Cape Provincial Legislature.

Horatio served as Councillor with absolute distinction for 14 years of his life and steered this ship diligently as Executive Mayor for 5 years which included leading us through 2 years of a health pandemic, a long-term drought and an electricity crisis. If it were not for his valiant leadership, this municipality might very well have collapsed as many others in the province already have. As Horatio often reminded us, "If you cannot change the direction of the wind, adjust your sails". Honorable Speaker, the wind has changed, and our sails therefore must be adjusted.

As Executive Mayor, it is my hope and vision to continue building Kouga as a Municipality of Opportunity – where anyone from any background can realize their potential and enjoy a high-quality standard of living.

I believe Kouga can become a blueprint of what a flourishing South Africa can look like. A place of hope, innovation and excellence.

To achieve this vision, I would like to share some of the following priorities:

1. Fast-track quality service delivery.
 - a. Let me state this unequivocally, the state of roads in Kouga Municipality is not good enough and we must place the repair and resealing of our roads as a priority.
 - b. Every resident of Kouga deserves clean running water and access to electricity.
 - c. We have to get the basics right in order to grow our economy.
2. We must continue being an innovative Municipality.
 - a. Kouga has shown its ability to maximize the use of technology to improve our communities.
 - b. We must continue finding innovative solutions to the challenges facing us. Particularly in respect of the electricity crisis and the crippling effect this is having on our businesses and in turn on jobs. It is up to us to beat loadshedding, and whether through courageous innovation or build partnerships, let us continue to seek for our own solutions.
3. Being responsive in serving our people
 - a. We need to be more responsive as an institution as we become even more accessible. We must reduce waiting times and further extend services into parts of Kouga that are poorly served.
 - b. Doing the small things in an excellent way is part of what I would like to see this municipality become.

We must remember why we are here, both administrator and politician. As a boy growing up in Humansdorp I never dreamed of being the Mayor of our beautiful municipality. I did however dream about how I can make things better. I dreamt about how I can somehow help people and make a difference in their lives.

I wondered how I can influence those around me to change the way they think and feel about life in a positive way.

This is why I am here... This is why we are here... If we do not SERVE the people of Kouga municipality, we miss the point.

Join me in serving all our people.

In time, and with the support of my Mayoral Committee, which will remain unchanged at this stage, I will unveil the plans of HOW to make these priorities a reality.

This can however not be done alone. Addressing these challenges requires a "whole-of-society" approach. It requires government, business, communities, families and individuals to work together to overcome them.

Speaker, Theodore Roosevelt said it best:

"It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least he fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat."

I would like to invite you, council, residents, and businesses in Kouga, to join me in this...

Join me, to make sure that quality services are rendered in every corner of this municipality...

Join me, to build a Kouga that every resident and visitor can be proud of...

Join me, in supporting, nurturing and empowering the people Kouga...

Join me, in ensuring that we create an environment filled with opportunities so that any boy or girl from any corner of our municipality can realize their potential and make the most of their talents.

Join me, because we cannot be separated in interest or divided in purpose. We must stand together until the end....

Join me, to dare greatly...

I thank you.

10. **DISCLOSURE OF INTEREST**

None

11. **STATUTORY MATTERS**

None

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

12.1 **MINUTES OF THE MAYORAL COMMITTEE MEETING HELD ON 19 APRIL 2023**

Resolved (30 June 2023)

1. That the minutes of the Mayoral Committee meeting held on 19 April 2023 be noted.

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

13.1 **MINUTES OF THE ORDINARY COUNCIL MEETING OF 31 MAY 2023**

Cllr Yali pointed out the typographical error of "Hankey" on page 24.

Resolved (30 June 2023)

2. That the minutes of the Ordinary Council meeting held on 31 May 2023 be accepted.

Proposed: Cllr Dhludhlu

Seconded: Cllr Gertenbach

14. **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).

15. **REPORTS OF COMMITTEES OF COUNCIL**

15.1 **REPORT BACK: SARAH BAARTMAN DISTRICT MUNICIPALITY REPRESENTATIVE**

None.

The Speaker reminded Council that he had received the minutes from the District but that it was too large to add to the agenda. He further stated that no report back had been received and that he would therefore, through the Executive Mayor, request that the District Representative Councillors meet to take it forward.

15.2 **KOUGA AUDIT COMMITTEE**

23/06/KAC1 MINUTES OF THE KOUGA AUDIT COMMITTEE

The Speaker extended an apology on behalf of the Chairperson of the Kouga Audit Committee for not attending the meeting.

Resolved (30 June 2023)

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

15.3 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

23/06/MPAC1 MINUTES OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

Resolved (30 June 2023)

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

16. **REPORT BACK: MUNIMEC**

None

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

23/06/MM6 COUNCIL RESOLUTIONS AS AT 31 MAY 2023

Cllr Zana requested an update on the guesthouse status. He referred to the Network Assessment report and expressed frustration over connectivity issues in the Gamtoos Valley area.

The Acting Director: Corporate & Digital Services explained that at the time the resolutions were formulated by the Deputy Municipal Manager - who acted as Acting Director: Corporate & Digital Services at the time, it was decided that the house was not suited as a guesthouse and will therefore be utilised for other purposes. She confirmed that the Architect has not responded. She committed to providing formal feedback in writing on the matter.

She further stated that she had instructed the IT department to fit the offices in the Gamtoos Valley with new SIM cards as the MTN network is disrupted during load-shedding times. She would provide written feedback on the matter.

The Speaker noted that points on the action sheet that are, in fact, still in progress must be marked as such.

The Executive Mayor reminded the Council that as the decision to use the house, as referred to earlier, was made at Council level, a decision to deem the house for another purpose must also be made at Council level.

The Speaker advised that the action sheets be discussed at the Kouga Collective Meeting.

Resolved (30 June 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 and the Collective for discussion and actioning.

23/06/MM7

APPROVAL OF PUBLIC PARTICIPATION POLICIES

Cllr Zana enquired whether the process of public participation with external role players was completed in the policy formulation. The Manager: Legal Services responded that, in terms of the legislation, there was no provision for public participation.

She explained that the policy was workshopped and will be implemented with Council's approval. She confirmed that the policy could be provided to Ward Committees.

Cllr Zana recommended that the policy be circulated to the various role players within the community.

The Speaker suggested that the policy be circulated for public noting and, if there is insufficient public participation within three months, the item be brought back to Council.

The Acting Deputy Manager concurred. He, in addition, requested policies of this nature to be workshopped through Ward Councillors. This is to ensure that the Municipality utilises the participatory structure within Ward Committees to facilitate public dialogue on the policies while it is in circulation.

Resolved (30 June 2023)

1. That the Council approves the Public Participation Policy (Annexure A).
2. That the Council approves the Ward Committee Policy (Annexure B).
3. That the Council approves the Public Participation Standard Operating Procedure (Annexure C).
4. That the policies be circulated to the various role players within the communities and that, should there not be sufficient public participation within three months, the policy be referred back to Council.

Proposed: V Zana

Seconded: P Oliphant

23/06/MM8 SUBMISSION OF ADDENDUMS TO PERFORMANCE PLANS: 2022/23 YEAR

Resolved (30 June 2023)

1. That the addendums to the 2022/23 performance plans of the Municipal Manager and Directors, following the amendment to the 2022/23 Service Delivery and Budget Implementation Plan, be noted.

18. REPORTS BY THE EXECUTIVE MAYOR

18.1 REPORTS BY THE CHAIRPERSON: PLANNING, DEVELOPMENT & TOURISM

23/06/PDT3 ALIENATION OF ERF 588, PELLSRUS TO THE ETHIOPIAN EPISCOPAL CHURCH

Cllr Zana expressed gratitude for the Municipality's direction regarding places of worship. He requested that more land be alienated and distributed fairly among churches. He raised his concern regarding roaming churches and asked for an update on the policy.

Cllr Ruth responded that she hopes for a clear indication of available land upon the review of the Spatial Development Framework. She confirmed that the department is reviewing a list of churches that have requested land, as well as the lists received from Councillors Mbandana and Ntshota. She confirmed that the policy is a work in progress.

Resolved (30 June 2023)

1. That the Council grant in-principle approval for alienation of Erf 588, Pellsrus to Ethiopian Episcopal Church, at the fair market related value in terms of the policy of Council.
2. That Council grant authorization to the Accounting Officer to advertise the immovable property herein for public comment and/or objections.
3. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.

23/06/PDT4 ALIENATION (LEASE) OF ERVEN 27, 28, 29 AND 30, LOERIEHEUWEL

Cllr Zana was in support of the item. He said that he was excited to see the results and then suggested that the LED sections form a partnership with the entrepreneurs who aim to develop their communities.

Resolved (30 June 2023)

1. That Council grant in-principle approval for the lease of Erven 27, 28, 29 and 30, Loerieheuwel for 9 years and 11 months.
2. That Council grant authorization to the Accounting Officer to advertise the immovable property herein for public comments and/or objections.

3. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
4. That Council consider the market related valuation of the immovable property.
5. That a land surveyor be appointed to attend and conclude the subdivision, etc. as well as all other administrative costs for the cost of the applicant.

23/06/PDT6 ALIENATION (LEASE) OF A PORTION OF ERF 231, PELLSRUS AND ERVEN 36 AND 37, PELLSRUS

Cllr Heystek supported the item as it would be an asset to the area and community.

Cllr Zana's concerns about the multi-purpose centre location were addressed by the Executive Mayor.

The Executive Mayor clarified that the proposal is outdated since discussions, in consultation with the department, have taken place. He referred to Page 274 and explained that the proposed area - a dilapidated outdoor gym behind the Pellsrus wall that had become a crime hotspot - has been confirmed by the developer and will benefit the Pellsrus community.

Resolved (30 June 2023)

1. That Council grant in-principle approval for the lease of a portion of Erf 231, Pellsrus as well as Erven 36 and 37, Pellsrus for a period of 9 years and 11 months.
2. That Council grant authorization to the Accounting Officer to advertise the immovable property herein for public comment and/or objections.
3. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
4. That Council obtain and consider the market related valuation of the immovable property.
5. That a land surveyor be appointed to attend and conclude the subdivision, consolidation and rezoning and that all other administrative costs be borne by the applicant.

23/06/PDT8 APPROVAL OF GENERAL CAPACITATION GRANT FUNDING FOR SOCIAL HOUSING

Resolved (30 June 2023)

1. That Council confirms and accepts the General Capacitation Grant for the development process of the Rental housing Strategy/Policy.
2. That Council authorizes the Accounting Officer to enter into an Institutional Grant Agreement with the SHRA.
3. That Council adheres to the conditions of the General Capacitation Grant Funding.

23/06/PDT10 PORTION 7 OF FARM GEELHOUTEBOOM 688, HUMANSDORP ROAD, EASTERN CAPE PROVINCE – LAND PURCHASED BY HDA FOR THE KOUGA MUNICIPALITY

Cllr Zana supported the item and highlighted that housing development in Kwanomzamo could, as a result, continue.

The Executive Mayor expressed that it is a vital part of the Humansdorp growth strategy and crucial that both job and housing opportunities are created thereby.

In response to Councillors Ndzalani and Zana's inquiries surrounding Geelhouteboom's location, he referred to Pages 309 and 310 to offer clarity.

In response to Cllr Oliphant's query regarding the land purchased, he clarified that land on the eastern side of Kwanomzamo has been purchased. The spatial development plans are in progress. He highlighted how large the land is and expressed the importance of managing it well to develop it well.

Resolved (30 June 2023)

1. That Council confirm and accept the property described as Portions 7,14, 5, 17, 18, and 21 of Geelhouteboom 688, Humansdorp as purchased by the HDA for an amount of R18 000 000 on behalf of the Kouga Municipality.
2. That Council confirms that the land parcels contemplated herein will be utilised for the development of integrated human settlements that will assist in addressing the current housing backlog.
3. That the Acting Director: Planning Development and Tourism submit a development plan indicating that the land will be used for integrated human settlements projects as outlined in the Housing Code.

4. That Council take note of the Deed of Sale signed by the Accounting Officer in line with the delegated authorities of the Accounting Officer.

23/06/PDT12 ANNUAL REVIEW OF THE KOUGA MUNICIPALITY SPATIAL DEVELOPMENT FRAMEWORK

Cllr Oliphant appreciated the item. He stated that the Spatial Development Framework must emphasise community integration and suggested that townships be located closer to employment and the CBD.

Cllr Zana appreciated the item. He expressed concern over the shortcomings the Municipality face, particularly in the long term.

He highlighted that due to the SDF of 2011 not having objectives, the housing plan along the N2 could not materialise.

Moreover, he drew attention to South African households who intend to relocate to Kouga due to the energy mix.

He pleaded that the SDF considers Kouga's long-term development and clearly state what it wishes to achieve.

In closing, Cllr Zana inquired about the proposed SPLUMA workshop for all Councillors.

Cllr Ruth confirmed that a nuclear site had been ruled out in court and is therefore off the table. In addition, she clarified that the Municipality was misled by Eskom Representative at the IGR meeting on 22 June 2023 who made contrary statements.

Cllr Ruth supported the suggestion of a SPLUMA workshop. Additionally, she recommended that before SDF is circulated for public review, all councillors be workshopped on SPLUMA, the Spatial Development Framework, the guides compiled, and how it impacts spatial planning.

Resolved (30 June 2023)

1. That Council take note of the urgent need for the amendment or review of the MSDF.
2. That Council approve the review of the Municipal Spatial Development Framework.
3. That, before the SDF is circulated for public review, Councillors are workshopped on SPLUMA, the Spatial Development Framework, guides compiled, and the impact that it has on spatial planning and development.

Proposed: S Ruth

Seconded: V Zana

23/06/PDT15 TAX REFUNDABLE PAYMENT BETWEEN KOUGA LOCAL MUNICIPALITY AND THE SOUTHERN AFRICA PGA TOUR NPC FOR THE 2023 SDC CHAMPIONSHIP

The Acting Director: Planning Development and Tourism responded to Councillors Oliphant and Gertenbach's queries regarding the Tax Refundable Payment. She explained that the PGA payment was as per Council's approval. The current amount due is VAT on that amount and confirmed that it was a neutral transaction.

The item was deferred until the CFO's return.

Upon the CFO's return, he clarified that that with Council's approval, there was a commitment to pay R1.5 million. As the vendor is VAT-registered, which was first not considered, the Municipality can claim R225 000 back from SARS as input VAT.

In response to Cllr Petersen's query, the Acting Director: Planning Development and Tourism said that they became aware when the vendor submitted the invoice.

Resolved (30 June 2023)

1. That Council approves the Refundable output Tax Payment towards the SDC Championship hosted in St Francis Bay for R225,000.00 (Two hundred and twenty-five thousand rand)
2. That Council authorizes the Accounting Officer to finalize the payment for refundable tax amount to Southern Africa PGA Tour.

23/06/PDT16 REQUEST FOR COUNCIL TO RESCIND COUNCIL RESOLUTION-21/09/PDT9, GRANT AUTHORISATION TO TAKE TO PUBLIC PARTICIPATION THE INTENTION OF COUNCIL TO ALIENATE ERF 3291, HUMANSDORP (KOUGA CULTURAL CENTRE)

Cllr Alexander requested that the current facility be secured to prevent further damage and vandalism.

The Executive Mayor supported Cllr Alexander's recommendation and further noted that the Cultural Centre is not a positive reflection of the Municipality. He continued to explain that there is no funding to restore the building without budget.

Cllr Petersen pleaded that culture should be appreciated.

Cllr Oliphant commented that, structurally, there is nothing left. He asked whether the buildings are insured

The Executive Mayor confirmed that all municipal properties are insured. He said that the Municipal Manager will compile a report on municipal buildings' insurance.

Resolved (30 June 2023)

1. That Council rescind previous Council resolution, 21/09/PD9.
2. That Council, in terms of Reg 6(a) and (b) of the MATR and Policy on disposal of immovable assets, in principle, approve the alienation of the said Erf 3291, Humansdorp and grant authorization to the Accounting Officer to advertise and commence public participation, on Council's intention to alienate the immovable property, Erf 3291, Humansdorp (Kouga Cultural Centre) and dispose of the immovable property by way of a competitive alienation process.
3. That a 30-day process of advertisement, consultation and invitation for public commentary be implemented.
4. That the Department of Land & Property Administration finalizes the Section 14 process confirming that the land is not needed to provide the minimum level of basic municipal services before final approval is granted in terms of section 14 of the MFMA.
5. That the market related value for the immovable properties contemplated in be confirmed through independent or alternatively the latest municipal valuation.
6. That an independent valuation report and the section 14 report be submitted to Council after completion of the processes stated in 3. to 5. above.
7. That the current facility be secured to prevent further damage and vandalism subject to financial implication.
8. That the Municipal Manager compiles a report on the insurance of municipal buildings.

Proposed: J Alexander

Seconded: H Bornman

23/06/PDT17 GRANT-IN-AID 2022/2023 FEEDBACK REPORT TO COUNCIL: SALVATION SA KRUISFONTEIN KOUGA FUTURE FARMERS.

Cllr Ntshota was in support of the item. She expressed her excitement about the organisations that will help and uplift communities.

Cllr Petersen requested a point of clarity that was unrelated to the tabled item. The Speaker stated that he must direct his query in writing to the Speaker's office.

There was a lunch break started from 13:17 to 13:45.

Resolved (30 June 2023)

1. That Council **approves** the recommendation of the Grant- in- aid Committee as submitted (Item 22/12/PDT 6) in respect of **Salvation South Africa Kouga (Kruisfontein Future Farmers)** to allocate funds as follows:

<u>ORGANISATION</u>	<u>GRANT ALLOCATION</u>	<u>DIRECTORATE</u>
Salvation South Africa Kouga Kruisfontein Future Farmers	R100 000.00	Planning, Development & Tourism

2. That the Accounting Officer be authorized to enter into a Funding Agreement in respect of the approved funding in 1. above.

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

23/06/I&E14 TEMPORARY TRANSFER OF FUNDS FROM THE BUDGETED ENERGY PROGRAM TO THE URGENT REPAIR OF HANKEY WWTW AND KWANOMZAMO SEWAGE PUMP STATION

Cllr Yali commented on the deteriorated state of sewer systems and bulk infrastructure. He supported the item.

Cllr Zana appreciated the item and expressed gratitude that the Municipality is moving in the right direction. He urged that the non functional Weston Wastewater Treatment facility be considered as well.

The Speaker warned Councillors Yali and Oliphant for speaking out of turn and over Cllr Zana.

The Speaker asked for a vote by a show of hands.

Those in favour: 25

Resolved (30 June 2023)

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 56 of 2003, approves the following proposed amendments to the 2023/2024 Capital Budget as follows:

Project description	Approved Budget 2023/24	Adjustment	Final Amended Budget 2023/24
Solar Panels Installation project	12 000 000,00	- 6 380 525,00	5 619 475,00
Hankey WWTW	-	5 155 634,00	5 155 634,00
Kwanomzamo Sewerage Pump Station	-	1 224 891,00	1 224 891,00
	12 000 000,00	-	12 000 000,00

18.3 **REPORTS BY THE PORTFOLIO CHAIPERSON: CORPORATE & DIGITAL SERVICES**

23/06/CDS7 KOUGA MUNICIPALITY –CALENDAR OF MEETINGS:1 JULY 2023 TO 30 JUNE 2024

Cllr Jantjes requested that the Portfolio meetings' date for August 2023 be amended to 1 August. Further amendments to the calendar will be forthcoming.

Resolved (30 June 2023)

1. That the Calendar of Meetings for the period 01 July 2023 to 30 June 2024, be approved by Council.
2. That the Portfolio Committee meetings' date for August 2023 be amended to 1 August.

19. **MOTION**

MOTION OF NO CONFIDENCE IN THE EXECUTIVE MAYOR

The motion was withdrawn.

Cllr Zana stated that the ANC will write to MPAC regarding the contents of the motion.

20. **CLOSURE**

The meeting closed at 13:59.



5 September 2023

B WILLIAMS

DATE

SPEAKER
