

**MINUTES OF AN ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY
HELD ON FRIDAY, 28 JULY 2023 AT 10:00**

PRESENT: Councillors	Ald B Williams	(Speaker)
	H Bornman	(Executive Mayor)
	Ald D Benson	
	B Dhludhlu	
	T Jantjes	
	W Gertenbach	
	W van der Linde	
	H Murray	
	R Foley	
	F Heystek	
	C August	
	M Biko	
	M van Niekerk	
	J Alexander	
	L Maree	

Officials & Municipal Manager	C du Plessis	(Municipal Manager)
	D de Jager	(Deputy Municipal Manager)
	L Opperman	(Acting Director: Planning, Tourism, & Development)
	R Lorgat	(Chief Financial Officer)
	N Machelesi	(Director: Community Services)
	C de Kock	(Director: Infrastructure & Engineering)
	E Goliath	(Manager: Public Participation)
	K Minnaar	(Chief of Staff)
	M Basson	(Media Specialist)
	M Julius	(Acting Manager: Administration & Auxiliary)
	C Prinsloo	(Intern)
	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 all those in attendance and asked Cllr Ntshota to open with a prayer.

3. **ABSENT WITH LEAVE**

Cllr S Ruth
Cllr B Human
Cllr W Petersen
Cllr P Oliphant

4. **ABSENT WITHOUT LEAVE**

V Gunuza
M Mbandana
E Mbuqu
M Valgee
V Zana
K Ndzalani

5. **PRESENTATIONS**

None

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

In addition to congratulating the Links Royal House for reaching a new milestone, Cllr Petersen read a letter he had received on 31 March 2023 from the Minister of Forestry, Fisheries, and Environmental Affairs concerning the Biodiversity Stewardship Agreement in the pursuit of establishing a Biodiversity Cultural Educational Centre.

Cllr Nkilishane congratulated the Economic Freedom Fighters (EFF) on the party's 10th anniversary.

Cllr Gunuza congratulated Cllr Lucas for being elected as the new Executive Mayor of Sarah Baartman District Municipality. She expressed her condolences to the families of the children who died in recent gangsterism incidents in Humansdorp.

Cllr Yali expressed his condolences to Cllr Ndzalani and his family following the passing of Sibusiso Khuswayo, whom Kouga Local Municipality also employed. The Speaker concurred.

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

Good morning, Mayor, Councillors, Municipal Manager, officials, and our observers in the meeting today.

We are one month into the new financial year, and it is pleasing to note that, yet again, all 15 of our ward committees met in July. I ask the ward councillors to express my gratitude to the ward committee members who are diligently serving their communities at a grassroots level and bringing government to the people of Kouga in a real and meaningful manner.

Action sheets are developed from ward committee minutes taken in ward committee meetings for the inputs of the relevant department/section to resolve and provide feedback within the stipulated timeframes.

A total of six public street meetings also took place during July and well done to the ward councillors of wards 2, 4, 6, 10, 13, and 14 who are leading the way in this regard.

It can often be uncomfortable facing our communities when there are burning service delivery matters to be resolved and it is great to see how committed our ward councillors are in providing feedback to their respective communities.

Our Public Participation Unit was engaged in several Intergovernmental Stakeholder Activities during the month of July, including crime prevention meetings, handing over of toilets to needy communities and land and agriculture meetings.

It is of concern, Mayor, to note the departments who seem to be no longer attending IGR meetings and this is something we need to solve so meaningful dialogue takes place between the various key stakeholders who have a role to play to strengthen our service delivery issues. The lack of attendance of the Department of Water and Sanitation is of particular concern.

Towards the end of June, the Moral Regeneration Movement (MRM) held a meeting in Jeffreys Bay. On 14 July 2023, representatives of the MRM attended the Crime Prevention Launch hosted by South African Police Services (SAPS).

Quarterly sectoral meetings are held with Cooperative Governance and Traditional Affairs (CoGTA) to evaluate the functionality of Kouga's public participation mechanisms/structures.

Community Development Workers (CDWs) are employed by CoGTA and placed in the various wards, however, Kouga Local Municipality (KLM) have only 7 out of fifteen CDWs with no additional warm bodies provided since 2013.

Despite numerous attempts from KLM Public Participation Unit to get a formal response from CoGTA with respect to the MOU for CDWs (i.e., Duties & Reports), none has been forthcoming since June 2022.

It is noted with concern that no formal communication has been received from CoGTA to indicate how and when this long outstanding matter will be concluded.

I thank the administration for the support received by my office and look forward to a productive Council meeting today.

Thank you.

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

Good morning, goeie môre, molweni,

Today, 28 August, marks exactly 4 weeks as Executive Mayor. In spite of my vast experience in Council thus far, these past twenty-eight days have been momentous. The past 4 weeks have been incredibly rewarding, heartwarming, fulfilling and mostly encouraging. They have also been positively challenging, revealing and in some cases, rather concerning.

Above all else, Speaker, these past twenty-eight days have blessed me with a vigorous renewed energy and commitment to the livelihood of every resident in this region. In 4 weeks, I was reminded of 4 valuable lessons, which I believe are worth reminding and sharing with Council today.

Lesson 1: If it's not right, don't do it. If it's not true, don't say it.

Let us be reminded, for we can never remind ourselves enough, of our commitment to getting things done right and our commitment to truthful and transparent governance. Never forget that residents deserve the absolute truth. Where we have made mistakes, we must admit them and swiftly rectify them to ensure excellence.

Lesson 2: If everyone is moving forward together, success takes care of itself.

If we are to realise the municipality we envision, we will require every one of us in Kouga to move forward together. The whole-of-society approach requires everyone: Politicians of all affiliations, NGOs, businesses, Provincial Government, partners, and residents to work together to achieve success.

Lesson 3: There is no greater burden than an unfulfilled potential.

This unique and special municipality has the potential to become the blueprint of what a flourishing South Africa can look like. If we move forward together, we can achieve this success.

Lesson 4: True leadership is servanthood.

Remember, if you (politician or official) do not place the interest of our residents at the centre of every decision you make, you will not be moving forward with us.

I believe if we keep these lessons at the forefront of our minds on a daily basis we will achieve our current priorities.

Roads:

Speaker, whilst there is a tremendous amount of work in front of us, we are moving forward. We need to continue moving forward with the maintenance and upgrading of our admittedly inadequate roads. The "Rehabilitation and Upgrading of Municipal Roads" plan presented by the Sarah Baartman District Municipality, published:

- There are 1 469.5 km of road in Kouga.
- 70.49 km is the authority of SANRAL (5.1%).

- 973.8 km is the authority of the Provincial Government (71.4%).
- 420.9 km is the authority of Kouga Municipality (28.6%).
- Of the 420.9 km of our roads 70% is paved and 30% is unpaved.
- It would cost us an estimated R350 million to repair our roads.

Kouga alone does not have a sufficient budget to completely rehabilitate and maintain all the roads within the municipality. I resonate with the frustration of our residents and want to give them assurance that we do have a plan. We are doing everything we can with the resources available and want to thank our workers facing the brunt on a daily basis for fixing close to 3 000 potholes in the past twenty-eight days.

Water:

Speaker, we are moving forward with our drought mitigation plan. I am pleased that all 4 of our water purification plants are now fully operational. Whilst urgent maintenance is necessary by some, we can, at full capacity, now treat an average of fifteen megalitres of water per day.

We will begin upgrading the Humansdorp Wastewater Treatment Works (WWWT) within the coming weeks through an R42 million Municipal Infrastructure Grant (MIG) project, which will not only improve our water purification process but will assist in alleviating treated water flowing outside of the plant too.

Electricity:

We must also continue moving forward in our efforts to reduce reliance on ESKOM. We intend phase 1 to roll out after the feasibility study currently being conducted. This project remains a priority and a step toward the self-sufficient municipality we aspire toward.

In conclusion, Speaker:

Whilst these are two critical areas of focus, there are many more areas that require urgent attention (such as our bulk infrastructure maintenance, sewer, accounts, and the upgrading of informal settlements).

All departments and sectors will be guided by a service delivery charter which we will be launching in due course and will speak to what, how, and by when basic services must be rendered.

I believe that if we all move forward together to get things done right and in a truthful manner through servanthood leadership, we will realise our potential.

And I, again, ask Council to join me; join me to dare greatly.

I thank you.

9. **DISCLOSURE OF INTEREST**

None

10. **STATUTORY MATTERS**

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

None

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

12.1 **MINUTES OF THE ORDINARY COUNCIL MEETING OF 30 JUNE 2023**

Cllr Yali suggested that the administration not include the times when warnings and fines were issued. He clarified that the word "not" in his statement - regarding the Deputy Mayor absorbing the responsibilities of the former Executive Mayor - was incorrectly captured.

Cllr Petersen referred to the incorrect spelling of Bramley on page 9. He further queried why the Administration omitted to include the ruling to cast votes in private. Furthermore, the Councillor stated that he required assistance in comprehending the second paragraph found on page 23. He contended that the recommendation on the same page needed to be corrected.

Cllr Gertenbach referred to the typographical error of "Councillors" on page 23.

Cllr Yali asked why the Administration omitted his statement about the leading party dismissing the previous Executive Mayor as he had congratulated the party for doing so.

Cllr Human referred to the inauguration minutes on Page 10 and noted that the Speaker stated the minutes are available upon written request. He stated that he had yet to receive the minutes, although the Speaker stated that the minutes of the inauguration would be sent. In response, the Speaker reminded Council that the minutes are available on the website.

Resolved (28 July 2023)

1. That the minutes of the Ordinary Council Meeting held on 30 June 2023 be approved subject to amendments.

Proposed: W Gertenbach

Seconded: L Maree

13. **MATTERS DEALT WITH IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR**

(The reports by the Executive Mayor, in terms of the provisions of Section 63 of the Local Government Municipal Systems Act, 32 of 2000, on matters dealt with

by the Executive Mayor in terms of delegated authority as detailed in the Minutes to be noted).

14. **REPORTS OF COMMITTEES OF COUNCIL**

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

None

14.2 **KOUGA AUDIT COMMITTEE**

None

14.3 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

None

15. **REPORT BACK: MUNIMEC**

None

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

23/07/MM1 COUNCIL RESOLUTIONS AS AT 30 JUNE 2023

Cllr Zana referred to page 47 and enquired about the status of the Umzamowethu sanitation system.

It was requested that the status of the roads scheduled for upgrades under phase 2 of the gravel road contract be updated. Cllr Zana requested the date of commencement.

Cllr Gertenbach raised concern over the many incomplete items on the action sheet. He, therefore, recommended that individual departments with whom things must be arranged or addressed scrutinise outstanding actions on or before 15 August 2023, as there will be consequences otherwise.

Cllr van der Linde seconded the proposal and, in addition, urged that incomplete items take priority. Cllr Dhludhlu concurred.

In response to Cllr Zana, the Director: Infrastructure and Engineering explained that the master plan is in its development phase. He clarified that the grading of roads and the Yellow Plant occur periodically. Systematically addressing areas where roads need attention will be part of an official plan. He said the challenges coupled with the Umzamowethu Sanitation System and confirmed that the department is investigating best practices and options. Formulating a joint activity and venture is in the planning phase since outside funders agreed to assist.

In response to the Speaker advising that the road upgrade programme be inclusive of dates, the Director: Infrastructure and Engineering explained that they could not provide dates due to it still being in the planning phase.

The Executive Mayor suggested separating different matters and programs to avoid uncertainty.

The Speaker remarked that all members of the Council who serve on the Infrastructure and Engineering Portfolio must directly engage on the item at the following Portfolio meeting.

In response to queries relating to dates not coupled with the master plan, the Director: Infrastructure and Engineering explained that the master plan indicates the status quo. Road lengths, advice on road requirements, and budget-wise estimates have been provided in addition to statistics.

He explained that the Municipality must organise the information, ensure affordability, choose priorities, and establish timelines to proceed. The director further highlighted how the public helped and that he was pleased about the forward-thinking process.

Resolved (28 July 2023)

1. That the updated Action Sheets reflecting resolutions of previous Council meetings, be noted.
2. That the action sheet be tabled at Top Management for discussion and actioning.
3. That individual departmental meetings be arranged to address and scrutinise outstanding actions on or before 15 August 2023 otherwise there will be consequence management.

Proposed: W Gertenbach

Seconded: W van der Linde

23/07/MM2 FINAL ADOPTION OF THE ORGANISATIONAL STRUCTURE: 2023/2024

Cllr Zana remarked that the African National Congress (ANC) did not support the item because they believed the institution did not follow the correct processes. He highlighted that there needed to be inputs from the Local Labour Forum (LLF) component and proposed a Special Council meeting to deliberate on the matter. Cllr Petersen and Cllr Human agreed.

Cllr Jantjes referred to Page 61 and announced that the Call Centre division would return to the Administration and Auxiliary section.

Cllr Maree proposed splitting the Infrastructure & Engineering department and appointing Mr Theo Madatt as the Acting Director for the Electro-Mechanical section.

Cllr Human raised concerns regarding the delayed receipt of a letter from the Member of the Executive Council (MEC) and the 30 days given for response. He also expressed worry about the lack of provision for the Office of the Deputy Municipal Manager, despite its inclusion in the organogram. According to him, the letter's contents had yet to be considered, and thus no decision could be made at the current Council meeting.

The Speaker called a break at 10:56 to consult with the Manager: Legal Services on speaking in Afrikaans.

Upon return at 11:04, the Manager: Legal Services confirmed that the communication policy makes provision for Afrikaans, English, and Xhosa.

The Executive Mayor seconded the proposals of Cllr Maree and Cllr Jantjes. He exemplified that the MEC addressed the letter of 17 July to Cllr Hendricks in error. The Staff Regulations, Section 67, clearly state what the Municipality can do.

He emphasised that the Municipality followed the correct steps during the process and that the MEC should have responded more effectively. He reiterated that Council must only consider the suggestions and, in addition, explained how the Staff Regulations and the Systems Act clearly state that the Deputy Municipal Manager is under different regulations than the Municipal Manager.

At 11:22, Cllr Gunuza received a warning for speaking out of turn.

Cllr Human and Cllr Zana's concerns were clarified by the Executive Mayor. In response to the Electro-Mechanical portfolio concern raised, he read a list of accepted portfolios which confirmed accuracy.

The Speaker warned the Chief Whips that warnings will be issued if disruptions continue.

Cllr Yali concurred with Cllr Human and asked whether the 30 days referred to are working days.

At 11:37, Cllr Yali received a warning for being disruptive and out of line.

At 11:39, Cllr Oliphant received a warning for speaking out of turn. In the same minute, he received another warning for discourteous behaviour and persistently raising his voice over the Speaker.

The Manager: Legal Services clarified that regarding regulations and correspondence received from the MEC, it is essential to note that the MEC's response confirmed that all regulations were followed. She stated

that, in addition, the Municipality responded to the specific concerns that the MEC raised.

She explained that circulating the correspondence was to give clarity and, as a collective, respond to that. She read Regulations 6, Subsection 8, of the Staff Regulations. She confirmed that the approved staff establishment had been submitted but that the MEC should have responded within or provided their comments within the prescribed period regarding the regulation. She clarified that, from the Council's side, it was a courtesy to circulate the comments to give input or consider comments from the MEC.

The Deputy Municipal Manager ascribed the timelines of responses received.

Cllr Zana requested a caucus at 11:45.

Upon return at 11:57, Cllr Zana reported back on the Caucus. He again proposed deliberating the matter in a special council meeting and asked for clarity on how many days the MEC had to respond. He implored that the organogram must motivate skills development as some employees feel they have reached the ceiling. In closing, he said that the ANC would write to the MEC as they feel they were not allowed to engage on the item meaningfully.

The Deputy Municipal Manager clarified that - as stated in the previous Council meeting and the report to the MEC - the Municipality had consulted with IMATU, which currently has a functioning structure within the Municipality. He indicated that the Municipality cannot have a LLF due to the refusal to elect new Shop Stewards.

The dismissal of Shop Stewards in 2021 was due to an unlawful strike. He added that the Municipality could not force the election of new Shop Stewards as it is a matter for the Labour Union and that SAMMU must resolve any issues.

The Speaker called for Cllr Zana's proposal to be voted upon by a show of hands:

In favour: 13

Not in favour: 16

The Speaker called for Cllr Maree's proposal to be voted upon by a show of hands:

In favour: 16

Not in favour: 13

Resolved (28 July 2023)

1. That the Final Organisational Structure for the 2023/2024 period be adopted by Council.
2. That the filling of positions be prioritised subject to the budgetary provision and organisational priorities.
3. That the Call Centre division be moved back to Administration & Auxiliary Services.

Proposed: T Jantjes

Seconded: H Bornman

4. That Mr Theo Madatt be appointed as Acting Director: Electro-Mechanical Services.

Proposed: L Maree

Seconded: H Bornman

23/07/MM3 ELECTION OF DEPUTY EXECUTIVE MAYOR

The item was withdrawn.

23/07/MM4 REPLACEMENT OF A REPRESENTATIVE TO SARAH BAARTMAN DISTRICT MUNICIPALITY

Resolved (28 July 2023)

1. That Council note that Cllr F Heystek will replace Cllr H Bornman on the Democratic Alliance list for Sarah Baartman District Council in terms of Schedule 2 of the Local Government: Municipal Structures Act, 1998.
2. That the Sarah Baartman District Municipality be informed accordingly.

23/07/MM5 RESTRUCTURING OF MEMBERS TO SECTION 80 COMMITTEES

The Executive Mayor announced the new chairpersons of the Section 80 Committees as follows:

Planning and Development:	Cllr Ruth
Community and Safety Services:	Cllr Benson
Corporate and Communication Services:	Cllr Alexander
Civil and Water Services:	Cllr Foley
Electro-Mechanical Services:	Cllr Jantjes
Finance and Economic Development:	Cllr Maree

Cllr Benson proposed that within 7 days, a list with Section-80 Committee Members be supplied to the Office of the Speaker. He was seconded by Cllr Jantjes.

Resolved (28 July 2023)

1. That Council resolve to compose the Section 80 Committee as per the amendment of the organogram as follows, per Committee:
 - 1.1 A minimum of 10 (ten) committee members.
 - 1.2 Allocation of seats for members will be 5 (five) DA Councillors, 2 (two) ANC Councillors, 1 (one) PA Councillor, 1 (one) EFF Councillor and 1 (one) FFP Councillor
 - 1.3 Allocation of seats for alternate Councillors will be 2 (two) DA Councillors and 1 (one) ANC Councillor
2. That the following Section 80 Portfolio Committees be constituted as follows:

Corporate & Communication Services Portfolio Committee:

Committee Members	Alternate members:
Chairperson: Cllr J. Alexander	Cllr.....
Cllr.....	Cllr.....
Cllr.....	Cllr.....
Cllr.....	
Cllr.....	
Cllr.....	
Cllr.....	
Cllr.....	
Cllr.....	
Cllr.....	

Planning and Development Portfolio Committee:

Committee Members	Alternate members:
Chairperson : Cllr S. Ruth	Cllr.....
Cllr.....	Cllr.....
Cllr.....	Cllr.....
Cllr.....	
Cllr.....	
Cllr.....	
Cllr.....	
Cllr.....	
Cllr.....	
Cllr.....	

Community and Safety Services Portfolio Committee:

Committee Members	Alternate members:
Chairperson : Cllr D. Benson	Cllr.....
Cllr.....	Cllr.....
Cllr.....	Cllr.....
Cllr.....	

Cllr.....	
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3. That a list of Section-80 Committee Members be supplied to the Office of the Speaker within 7 days.

Proposed: D Benson

Seconded: T Jantjes

23/07/MM6 REVIEW COMPOSITION OF MEMBERS TO THE SECTION 79 COMMITTEES AND SECTION 79(A) COMMITTEE

The Executive Mayor proposed that Cllr van der Linde remain the Rules & Ethics Committee Chairperson.

He proposed that Cllr Biko be elected as the Chairperson for the Municipal Bylaws and Policies Committee. Cllr Jantjes seconded.

He proposed that Cllr van Niekerk be elected the new Chairperson of the Monitoring and Evaluation Committee. Cllr Maree seconded.

Finally, he proposed that Cllr Dhludhlu be elected the new Chairperson of the Municipal Public Accounts Committee. Cllr Foley seconded.

Cllr Human expressed unease over the compilation of the committees. He proposed that all parties be represented in the Monitoring and Evaluation Committee and the Municipal Bylaws and Policy Committee.

At 12:17, Cllr Benson called for a 10-minute caucus.

The Executive Mayor proposed that the Municipal Bylaws and Policies Committee, the Rules & Ethics Committee, and the Monitoring and Evaluation Committee reflect the same proportion as the Municipal Public Accounts Committee. Cllr van der Linde seconded his proposal.

Cllr Benson proposed that, within 7 days, a list with Section-79 Committee Members be supplied to the Office of the Speaker. Cllr Gertenbach seconded the proposal.

Cllr Zana nominated Cllr Human as the new Chairperson of the Municipal Public Accounts Committee, and was seconded by Cllr Yali.

At 13:11, the Speaker called for a lunch break.

A vote was held by secret ballot as indicated below:

Those in favour of Cllr B Dhludhlu as MPAC Chairperson: 16 votes

Those in favour of Cllr B Human as MPAC Chairperson: 13 votes

Resolved (28 July 2023)

Cllr.....
Cllr.....
Cllr.....
Cllr.....
Cllr.....
Cllr.....

Monitoring and Evaluation Committee:

Committee Members
Chairperson : Cllr M. van Niekerk
Cllr.....
Cllr.....
Cllr.....
Cllr.....
Cllr.....
Cllr.....

4. That Council resolve on the composition of members for the Section 79(A) committee as follows:

Municipal Public Accounts Committee:

Committee Members
Chairperson : Cllr B. Dhludhlu
Cllr.....
Cllr.....
Cllr.....
Cllr.....
Cllr.....
Cllr.....
Cllr.....
Cllr.....
Cllr.....
Cllr.....

5. That a list with Section-80 Committee Members be supplied to the Office of the Speaker within 7 days.

Proposed: H Bornman

Seconded: W Gertenbach

23/07/MM7

REQUEST FOR COUNCIL TO INVESTIGATE AN ALLEGED BREACH OF CODE OF CONDUCT - CLLR HUMAN

Cllr Human refused to recuse himself from the meeting.

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

Cllr Gertenbach reminded the Council that there are rules of order in place to maintain control and discipline.

At 12:44, Cllr Dhludhlu received a fine for speaking out of place.

Cllr Benson urged Councillors to study the Rules of Order and the Code of Conduct and use it as a guide to avoid being referred to the Rules & Ethics Committee.

The Speaker called for a vote by a show of hands on the recommendations as per the item:

In favour: 15

Not in favour: 12

Resolved (28 July 2023)

1. That Council notes the item submitted herein.
2. That Council authorises the Rules and Ethics Committee to investigate and recommend an appropriate finding on the alleged breach of the Code of Conduct for Councillors by Councillor Human.

23/07/MM8

REQUEST FOR COUNCIL TO INVESTIGATE AN ALLEGED BREACH OF CODE OF CONDUCT - CLLR OLIPHANT

Cllr Oliphant refused to recuse himself from the meeting.

A fine was imposed on Cllr Oliphant for speaking out of place and constantly raising his voice over the Speaker's voice at 12:49.

Cllr Zana stated that the ANC did not support the item. Cllr Human and Cllr Nkilishane concurred.

At 12:54, Cllr Oliphant received a fine for being out of line. He continued to raise his voice over the Speaker.

Cllr Nkilishane stated that the EFF does not support the item and felt that the EFF should also form part of the Rules & Ethics Committee.

At 12:55, the Speaker called a 5-minute recess with the Chief Whips.

Upon return, the Speaker warned the Council that if the meeting proceeded with disruptions and without discipline, the meeting would reconvene virtually.

Cllr Human stated that the PA was not in support of the item.

Cllr Benson urged Council members to become more familiar with both the Code of Conduct and the Rules of Order.

The Speaker called for a show of hands to vote on the recommendations as per the item:

In favour: 15

Not in favour: 12

Resolved (28 July 2023)

1. That Council notes the item submitted herein.
2. That Council authorises the Rules and Ethics Committee to investigate and recommend an appropriate finding on the alleged breach of the Code of Conduct for Councillors by Councillor Oliphant.

23/07/MM9 REQUEST FOR COUNCIL TO INVESTIGATE AN ALLEGED BREACH OF CODE OF CONDUCT - CLLR GUNUZA

Cllr Gunuza refused to recuse herself from the meeting.

Cllr Zana stated that the ANC did not support the item. In addition, Cllr Human expressed concern over the Initiator being based in Cape Town.

Cllr Benson reminded members of Council that members are bound by the Code of Conduct and the Rules of Council.

The Speaker called for a show of hands to vote on the recommendations as per the item:

In favour: 15

Not in favour: 12

Resolved (28 July 2023)

1. That Council notes the item submitted herein.
2. That Council authorises the Rules and Ethics Committee to investigate and recommend an appropriate finding on the alleged breach of the Code of Conduct for Councillors by Councillor Gunuza.

23/07/MM10 APPOINTMENT OF KOUGA AUDIT COMMITTEE MEMBER AND CONDONEMENT OF THE EXTENSION OF THE TERM OF THE CHAIRPERSON

Cllr Petersen opposed recommendation 7.2, emphasising the importance of providing opportunities to others in the oversight committees.

Cllr Zana concurred with Cllr Petersen and stressed that the Municipality should consider Kouga locals.

The Executive Mayor explained that the Municipality must follow the set requirements and select the best applicant.

The Speaker forewarned members of the Council that if disruptions in the Council meeting continue, the meeting will adjourn and continue virtually.

The Speaker called for a show of hands to vote on Cllr Petersen's proposal:

In favour: 13

Not in favour: 16

The Speaker called for a show of hands to vote on the recommendations as per the item:

In favour: 16

Not in favour: 13

Upon further disruptions, the Speaker again warned that the meeting would adjourn and continue virtually if disorderly behaviour continued.

Resolved (28 July 2023)

1. That Council approves the appointment of George Sarpong as a member of the Kouga Audit Committee for a period of 2 years (ending 31 July 2025).
2. That Council condones the extension of the term of Gregory Bilson as Chairperson for a period of two years (ending 30 June 2025).

17. **REPORTS BY THE EXECUTIVE MAYOR**

17.1 **REPORTS BY THE CHAIRPERSON: FINANCE**

23/07/F1 MONTHLY BUDGET STATEMENTS FOR THE PERIOD OF JULY 2022 TO JUNE 2023 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 30 JUNE 2023 (2022/23 FINANCIAL YEAR)

After Cllr Ganuza spoke out of turn, the Speaker warned that the meeting would be adjourned and continued virtually in 45 minutes if any further disruptions occurred.

The Executive Mayor tabled the item.

At 14:20 pm, the Executive Mayor was interrupted by Cllr Gunuza, leading to the Speaker adjourning the meeting. The members of the

Council were informed that the meeting would resume virtually after 45 minutes.

The meeting reconvened virtually at 15:00

Cllr Dhludhlu requested clarity on the low ratios and the Main Revenue Sources Budget that reflected an increase of 222.97%.

Cllr Heystek referred to the Overdue Consumer Debt that increased by R77.14 million and requested the reasons. He further asked for clarity on the Unspent Conditional Grants that indicated unspent grants of R48 million.

The CFO went over the ratios and highlighted that, from a ratio point of view, the Debtor's Collection Rate is the only concern, as 87% was achieved instead of the budgeted 95%. The reason for this is the low collection rate of only 38% since the start of July 2022. He explained that catching up to the 90 %s was challenging throughout the year. He further described that the normal on which to start the year is between 65-69% due to the charged annual rates. He reported that other than this, the institution achieved and exceeded targets.

In response to Cllr Dhludhlu, the CFO communicated that the Municipality budgeted for interest on external investments at R3 million and up, achieving R6.8 million. He clarified that the increase in funds resulted from receiving extra grants throughout the year and needing to utilise the additional grant funds fully. He said the additional grants received in the year were not considered when budgeted. It was based on the MIG and the expected conditional grants at the beginning of the year.

In response to Cllr Heystek, he stated that the debtor's book increased by R77 million because they only achieved 87% of the budgeted target of 95%.

He, in addition, explained that there was R48 million that was unspent. A significant contributor to that was the Human Settlements project. He explained that the department had raised concerns with the service provider, resulting in the expenditure slowing down. He further explained that as of the end of March, the department transferred the total project amount to the Municipality as their yearend was end of March, and they would have had to apply rollovers or have lost the money to Treasury.

Resolved (28 July 2023)

1. That Council note the Accounting Officer's report on the monthly budget statements, in accordance with Section 71(1) of the Municipal Finance Management Act.

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

23/07/F2

BUDGET AND TREASURY: WITHDRAWALS FROM MUNICIPAL BANK ACCOUNT FOR THE QUARTER ENDED 30 JUNE 2023

Resolved (28 July 2023)

1. That the Council notes the withdrawals that were made in terms of section 11(1) (b) to (j) of the MFMA for the quarter ended 30 June 2023; and
2. That the report accordingly be submitted to the Provincial treasury and Auditor-General as determined by section 11(4) (b) of the MFMA.

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

23/07/I&E1 **2023/24 ADJUSTMENTS BUDGET FOR THE ADDITIONAL TRANSFERS OF MUNICIPAL DISASTER RESPONSE GRANT (MDRG) FUNDING**

The council voted on the recommendations. As the majority was in favour, the recommendations were therefore approved.

Resolved (28 July 2023)

1. That the Council, by resolution taken by the majority of its full number and in terms of Section 30(2) of the Local Government: Municipal Structures Act No. 117 of 1998 (as amended), read in conjunction with Section 28 of the Local Government: Finance Management Act, Act No 56 of 2003, approves the following adjustments budget:

Town	Project Description	U-key Nr.	Allocated amount
St Francis Bay	Support Structures for the bridge gave way during torrential rains and flooding experienced in St Francis Bay.		R 3,000,000.00
Total			R 3,000,000.00

23/07/I&E2 **REPORT: THE COMPILATION AND SUBMISSION OF A COST OF SUPPLY STUDY**

Cllr Maree revised the second paragraph under point 2 on page 206 to instead read: "The current tariff does not reflect all costs, and in some instances, we are incurring additional expense.". She also

amended the third paragraph: "The study of the cost of supply will indicate actions needed to rectify the recurring expense."

Cllr van der Linde enquired about the cost of the study.

Cllr Heystek referred to page 207. He remarked that the Municipality must account for its electrical consumption and enquired whether there are plans to implement this as per the NERSA rules.

Cllr Maree responded that the study must still happen. The Director: Infrastructure and Engineering explained that the item is to upgrade the best practices by ensuring that what is available in-house, in terms of cost and supply, is accurate. He added that a consultant did it and that the item will be tabled at the following portfolio meeting if the cost is available. He added that once the cost of supply is available, it will speak to the Municipality's efficiency and use.

Cllr van der Linde enquired whether the Municipality released a tender for the Consultant.

The Director: Infrastructure and Engineering answered that a consultant is assisting with this space and will be covered by the current contractor that is rendering this service.

There was a vote on the recommendations.

Those in favour of the recommendations: 15

Resolved (28 July 2023)

1. That the Council approves the compilation of a Cost of Supply study to be completed within the next 12 months as required by NERSA.

23/07/I&E3

REPORT: KOUGA ENERGY PLAN

Cllr Maree recommended the Kouga Energy Plan align with the South African Renewable Energy Master Plan. The Executive Mayor seconded the proposal.

Resolved (28 July 2023)

1. That Council notes the report.
2. That a Kouga Energy Plan be developed to mitigate load shedding within the Kouga Municipal area.
3. That the Kouga Energy Plan be aligned with the South African Renewable Energy Master Plan

Proposed: L Maree

Seconded: H Bornman

23/07/I&E4

ELECTRICAL DEPARTMENT STATUS REPORT

Cllr van der Linde noted the report's urgency and encouraged Councillors to pay attention to the directors' comments and the legal implications. He proposed that an action plan be developed to implement the recommendations in the report. The Executive Mayor seconded his proposal.

Resolved (28 July 2023)

1. That Council note the report and that an action plan be drawn up to implement the recommendations in the report.

Proposed: W van der Linde

Seconded: H Bornman

23/07/I&E5

REPORT: VANDALISM AND INCREASED CABLE THEFT IN KOUGA

The Executive Mayor noted that he is wary of committing the Infrastructure & Engineering department to make budget commitments for a brand-new department. He recommended that Council rather consider making provisions in the budget for upgrading security infrastructure. Cllr Maree seconded the proposal.

Resolved (28 July 2023)

1. That Council considers making provisions in the budget to include the upgrading of security infrastructure. The cost estimate is to be determined by the Leading Department responsible for Safety and Security and supported by all departments which have to rely on security services towards infrastructure.

Proposed: H Bornman

Seconded: L Maree

2. That Council strengthens our law enforcement & security division to act against criminals.
3. That the required additional service be determined as a matter of priority.

23/07/I&E6

APPROVED ELECTRICAL TARIFFS BY NERSA 2023/24 FINANCIAL YEAR

Resolved (28 July 2023)

1. That Council hereby approves the Electricity tariffs for the 2023/24 financial year, as approved by NERSA. (Annexure A)
2. That Council notes the approval of the electricity tariff letter by NERSA. (Annexure B)

23/07/I&E7

SEA VISTA ERF 3854: GRAND COMORES AUGMENTATION FEES

The Executive Mayor proposed that Council amends recommendation 7.1 to read instead that Council approve the phased payment of the augmentation fee, that the first payment of half the total value of augmentation be paid, and the rest be paid in batches per batch of ten building plan submissions as proposed within the signed SLA.

Proposed: H Bornman

Seconded: W van der Linde

Resolved (28 July 2023)

1. That Council approves the phased payment of the augmentation fee, that a first payment of half the total value of augmentation be paid, and the rest be paid in batches per batch of 10 (ten) building plan submissions as proposed within the signed SLA.

Proposed: H Bornman

Seconded: W van der Linde

2. That the SLA be updated based on the recalculated value of the augmentation fee, based on the increased number of equivalent erven.
3. That the augmentation fees be ringfenced and secured and explicitly earmarked for the relevant directorate for the upgrade of bulk infrastructure as intended by the augmentation policy.

17.3 **REPORTS BY THE CHAIRPERSON: COMMUNITY SERVICES**

23/07/CS1 2023/24 ADJUSTMENTS BUDGET FOR THE 2022/23 UNSPENT GRANT (DEDEAT-EPWP)

The recommendations were unanimously approved.

Resolved (28 July 2023)

1. That the Council, by resolution taken by the majority of its full number, and in terms of Section 30(2) of the Local Government: Municipal Structures Act No. 117 of 1998 (as amended), read in conjunction with Section 28 of the Local Government: Finance Management Act, Act No 56 of 2003, approves the following budget adjustments.

Department	Ukey Nr.	Project Name	Adjusted Budget 2022/23	Actuals as at 30 June 2023	Amount to be rolled over to the 2023/24 FY
Environmental Management	20220707986901	Keep Kouga Clean and Green	4,452,888	1,441,946.42	3,010,941.58

Environmental Management	20220707988219	Uniform & Protective Clothing	475,750	299,200.30	176,549.70
Total			4,928,638	1,741,146.72	3,187,491.28

18. **CLOSURE**

The meeting closed at 15:47



13 October 2023

B WILLIAMS

DATE

SPEAKER
