

**MINUTES OF A VIRTUAL ORDINARY COUNCIL MEETING OF KOUGA
MUNICIPALITY HELD ON THURSDAY, 31 AUGUST 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	
W van der Linde	
M van Niekerk	
J Alexander	
L Nkilishane	
L Maree	
G Stuurman	
P Oliphant	
M Yali	
K Ndzelani	
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)
D de Jager	(Deputy Municipal Manager)
R Lorgat	(Chief Financial Officer)
N Machelesi	(Director: Community & Safety Services)
L Opperman	(Acting Director: Planning & Development)
C de Kock	(Director: Civil & Water Services)
E Goliath	(Manager: Public Participation)
A Koegelenberg	(Manager: PMS)
K Minnaar	(Chief of Staff)
T Madatt	(Acting Director: Electro & Mechanical Services)

C Schoeman	(Acting Internal Communication Officer)
M Basson	(Communication Specialist)
M Julius	(Senior Admin Officer: Committees)
C Prinsloo	(Legal Officer)
D Klopper	(Office Administrator: Office of the Speaker)
N Mazibuko	(Committee Clerk / 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 virtually.

2. **OPENING AND WELCOME**

The Speaker welcomed everyone present to the meeting and requested Ald Benson to open the meeting with prayer.

3. **ABSENT WITH LEAVE**

None.

4. **ABSENT WITHOUT LEAVE**

None.

5. **PRESENTATIONS**

None.

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr August conveyed her condolences on the passing of victims in the Johannesburg CBD fire.

Cllr Petersen conveyed his condolences to the family of 69-year-old pensioner from Ward 4, Mr Andrew Stuurman, who went missing and whose body was subsequently found in a creek although the cause of death is yet to be established. Mr Stuurman was well-known in the Kruisfontein community.

He requested that the matter be escalated to the JOC to ensure that real-life situations are dealt with.

Cllr Foley congratulated the Kruisfontein United Rugby team that ended up on the top of the log in the Eastern Cape by winning all 14 games and will be playing this coming Saturday against Alexandria. He urged Council to support the rugby team as they play in Kruisfontein at 15:30.

Cllr Mbandana commended the recent successful BRICS summit that was held on African soil and the addition of two countries, Ethiopia and Egypt to the BRICS group. He further congratulated, the Russian President, Mr Vladimir Putin, and Russia for making a significant contribution to the African continent and the liberation struggle as well as the Chinese government for their involvement in resolving South Africa's electricity challenges and patriotism.

Cllr Alexander also conveyed his condolences to the family of Mr Andrew Stuurman and highlighted that himself and Cllr Biko were at the scene.

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

Good morning Honorable Mayor, Councillors, Municipal Manager and officials.

It is very pleasing to note how our Mayor has taken public participation to a new level in the institution with the 15 wards in 15 days campaign. The Mayor has kept the Public Participation Unit very busy during this time and I wish to thank all our staff who have worked tirelessly to ensure the campaign is a success and the feedback from various communities has been very positive.

We also appreciate the various Ward Councillors who have supported the programme and have ensured that public participation is alive and well within Kouga Municipality.

It is with concern that I have noted the increasing request for submission of late items to Council. We have a standard operating procedure in place to address how and when Items need to be submitted, yet it is apparent that some officials feel the rules do not apply to them.

I have met with the Municipal Manager to express my discomfort with what is going on and he has committed to me that the issue will be addressed in the Top Management meeting on Monday and I'll await feedback from the Municipal Manager in this regard.

Items bypassing Sections 80 committees is also a practice that is taking place in the Municipality and the issue will be addressed later in the agenda as we have several items that have once again bypassed Section 80 committees as well as the Mayoral Committee.

There is a clear understanding that only urgent items will be considered for inclusion in the Council agenda that have not served at Portfolio and Mayoral. Municipal Manager please address this issue as well and I'll await feedback.

While it is not possible to wish every staff member who leaves the institution for greener pastures, I would like to make an exception and to thank Mr. Lundi Landu for his contribution to Kouga Municipality and the fact that the Auditor General had no adverse findings in Supply Chain is testimony to the contribution that Mr. Landu has made to the institution. We wish him well in his new position and are sure he will make a significant contribution to his new employer.

The Ward Development Fund has got off to a flying start this financial year unlike what has happened in previous financial years. We are already sitting at around R200,000 of expenditure and to compare with the previous financial year, institutionally we were at zero expenditure by November 2022.

I will submit a full report on the Ward Development Fund expenditure at the next Council meeting which will detail the highs and the lows of what we experienced with the Ward Development Fund in the previous financial year. Thanks to all the staff members who are going above and beyond the call of duty to ensure that the Ward Development Fund is spent timeously this financial year and I wish to thank Mr. David de Jager and his team for making the effort to ensure the Ward Development Fund is taken seriously so that Ward Councillors can look their communities in the eye and not have to come up with excuses as to why expenditure is not taking place.

I would also like to thank Councillor August who in Ward 9 has taken the initiative to create a Junior Ward Committee of youngsters who are still at school and each one of them has a shadow portfolio in a Ward Committee and Ward Councillors we will discuss this at our next Ward Forum because it is a great initiative to include the youth in our Municipality and to let them know what the structures are and how things work and we can look at seeing how we can assist them to make a difference in their different communities and schools. So well done to Councillor August on that initiative.

I look forward to a productive Council meeting today so that decisions can be made in the best interests of the communities we serve.

Thank you.

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

Good morning, goeiemôre,

When I took office on the 30th June I said that 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 reiterated my belief that 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 shared three key points which I wish to remind council of today.

1. Fast-track quality service delivery.
2. Continue being an innovative Municipality.
3. Being responsive in serving our people.

I am most pleased that we have made **progress** in all of these areas:

Informal Settlements Upgrade Programme (ISUP)

- a. We have received commitment of funding from DoHS (R68 968 781)
- b. Appointment of Implementing Agent by the DoHS,
- c. Municipality is drafting an implementation plan and the affected Ward Councillors will be consulted.
- d. The funding is for installation of permanent services in the identified 9 informal settlement, not for bulk.
- e. We are engaging the department for funding for bulk services under ISUP and are awaiting the outcome of the engagement, as most of the permanent services would be dependent on bulk services. This is especially so in the case of electricity.

Housing

- a. We are currently in the process to issue a total of 1 172 title deeds to residents for their RDP houses across the region – this is a milestone for the Municipality.
- b. To date close to 800 notices have been issued, informing residents to collect their title deeds. This includes residents from Hankey (135), Kruisfontein (403), and KwaNomzamo (231) in Humansdorp.
- c. The title deed programme will now move to Jeffreys Bay (131), Thornhill (83), Patensie (144), and St Francis (45).

Accessible Municipality

- a. Residents will soon have the opportunity to engage with myself, members of the MAYCO and officials directly every month when we launch the First Thursday Campaign on the 7th September 2023 – A first of kind in the Province.
- b. I am also excited about the launch of the Rescue Our Roads Campaign which consists of a “whole of society approach” in a bid to formulate an achievable

and lasting strategy to effectively address the myriad of road infrastructure challenges facing the municipality.

The financial performance highlights for July are as follows:

- Operating revenue amounted to R207,691 million, whilst operating expenditure amounted to R 78,016 million, resulting in an operating surplus of R 129,675 million
- The municipality's investment portfolio has increased by R83,114,584 (79.21%) since June 2023, from R 104,933,812 to R 188,049,408

I am halfway through my mayoral public engagement programme, having visited 12 of the 15 wards in the Municipality thus far. Whilst I am pleased with the progress made in many areas already, it is clear that a lot of work is still ahead of us.

Lastly, we need to become complaints orientated so that residents do not wait for small matters to be resolved.

The small things make a massive difference.

9. **DISCLOSURE OF INTEREST**

None.

10. **STATUTORY MATTERS**

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

Cllr Gertenbach referred to page 15 and highlighted that the *Calendar of Meetings: 1 July 2023 to 30 June 2024* has not been resubmitted to Council as per the recommendation.

The Speaker clarified that the Calendar was included in the Council meeting agenda in July 2023.

Resolved (31 August 2023)

1. That the minutes of the Mayoral Committee Meeting of 20 June 2023 be noted.

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

Cllr Yali referred to page 18 and requested that the attendance list be updated accordingly as he was in attendance and signed the attendance register.

The Speaker clarified that the meeting was adjourned and reconvened virtually. Councillors that did not rejoin the meeting virtually without an apology were marked as absent, however, Councillor Oliphant's apology was received. He stated that the minutes will be amended accordingly.

Cllr Petersen shared the sentiments in relation to the attendance register and highlighted that he sent communication to the Speaker requesting the details of the virtual meeting to join, however, no response was given by the Speaker.

He questioned the reason for being marked as absent if he did not receive details of the meeting after he requested them.

The Speaker stated that the minutes will be amended accordingly to reflect the apologies that were tendered including both Councillor Oliphant and Councillor Petersen.

Cllr Gertenbach referred to page 31 on the submission of Section 80 Committee Members list and enquired whether the submission was made. He further requested that the list be provided to Councillors.

The Speaker confirmed that the list of Committee members was submitted within 7-days and that the list will be distributed accordingly to Councillors.

Cllr Yali requested that the Standing Rule which outlined that a Councillor may be marked as absent if they do not rejoin a Council meeting be provided.

The Speaker stated that a response will be provided in due course.

Resolved (31 August 2023)

1. That the minutes of the Ordinary Council Meeting held on 28 July 2023 be approved with amendments.

Proposed: W Gertenbach

Seconded: W van der Linde

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

(The reports by the Executive Mayor, in terms of the provisions of Section 63 of the Local Government Municipal Systems Act, 32 of 2000, on matters dealt with by the Executive Mayor in terms of delegated authority as detailed in the Minutes to be noted).

14. **REPORTS OF COMMITTEES OF COUNCIL**

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

The Speaker highlighted that a follow up on the matter will be done with the Executive Mayor.

14.2 **KOUGA AUDIT COMMITTEE**

None.

14.3 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

23/08/MPAC1 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) – ANNUAL WORK PLAN**

Cllr Dhludhlu stated that the 4th quarter report for the current year, which was supposed to be tabled on the 29th of August 2023, will be deferred to the 19th of September 2023. A report will be submitted on the grounds for the deferral.

Resolved (31 August 2023)

1. That Council approves the MPAC Annual Work Plan.

15. **REPORT BACK: MUNIMEC**

None.

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

23/08/MM5 **COUNCIL RESOLUTIONS AS AT 28 JULY 2023**

Cllr Zana referred to page 50 and enquired on the status of gravel roads to be upgraded as a road plan and phase 2 of road upgrades were mentioned in the previous Council meeting by the relevant Director.

He further highlighted that Weston, Loerie and Patensie received funding from the Integrated National Electrical Programme (INEP) and requested an update on the electrification of informal settlements in the Gamtoos Valley area as well as the Umzamowethu Wastewater Plant connections.

Cllr Human congratulated the Municipal Manager on the progress made in relation to the action sheets and urged that Top Management prioritise the outstanding issues.

The Municipal Manager stated that more effort will be made to ensure that issues are addressed accordingly and resolved.

In response to the status of gravel roads, electrification of informal settlements and the Umzamowethu Wastewater Plant, the Director: Civil & Water Services stated that upgrading of gravel roads is well underway through the Roads Paving Programme which is at execution phase in Ward 5. Images of the programme were posted online.

He highlighted that there are challenges with the programme, however, there has been a good start to the initiative.

On the Umzamowethu Wastewater Plant, he stated that there have been engagements with the service provider, The Windfarm, who is willing to provide assistance in relation to structural issues. In return, the Municipality would assist the Windfarm with storm water and runoff control.

On the Weston Wastewater Treatment Works, the fencing tender has been advertised and closed on the 20th of July. The process of evaluation is underway to ensure that the contractor is on site as soon as possible.

A warning was given to Councillor Petersen for speaking out of turn at 10:56.

Resolved (31 August 2023)

1. That the updated Action Sheets reflecting resolutions of previous Council meetings, be noted.
2. That the action sheet be tabled at Top Management for discussion and actioning.

23/08/MM4

PUBLIC PARTICIPATION REPORT: JUNE 2023 TO JULY 2023 REPORTING PERIOD

Cllr Zana raised concerns that government departments are not actively participating in the Intergovernmental Relations (IGR) forum and questioned the efforts of Council in ensuring that maximum participation is achieved.

He further highlighted that the Sarah Baartman District Municipality holds IGR forums and questioned whether Kouga Local Municipality actively participates in those IGR forums.

On the CDW, he enquired on the efforts made to engage the provincial Department of Cooperative Governance and Traditional Affairs (COGTA) in terms of filling the CDW vacancies.

The Deputy Municipal Manager responded that the issue of the filling of CDW vacancies was raised at IGR by other stakeholders. The Chief of Staff had met with the Executive Mayor to determine smaller working groups for IGR to ensure that it is more effective and concentrated on pertinent issues such as Education, CDWs and Health. All departments are invited to the IGR but do not attend.

The Manager: Public Participation responded that the first provincial engagement of the Public Participation Unit, through the Rapid Response Provincial Forum, was held in August 2022 at the Raymond Mhlaba Local Municipality where both the national and provincial

Department of Cooperative Governance and Traditional Affairs were engaged on the filing of CDW vacancies.

A follow up engagement was held in December 2022 with the Office of the MEC and the HoD, however, feedback is still awaited on the engagement. The Ward Councillors Forum was also held where the Sarah Baartman regional COGTA office presented and committed to a formalised Memorandum of Understanding with the inclusion of the filing of CDW vacancies.

Between April/May 2023, vacancies were advertised for the Sarah Baartman District Municipality, Kou Kamma Local Municipality, Beyers Naude Local Municipality and Makana Local Municipality but none for Kouga. The CDWs are not having their monthly round table meetings and reports are not being submitted to the Office of the Speaker, through the Public Participation Unit, which is an outcome of the non-responsiveness from the provincial Department of COGTA.

The Deputy Municipal Manager highlighted that Kouga Municipality has been attending the strategic sessions with the Sarah Baartman District Municipality and good relations have been established.

Resolved (31 August 2023)

1. That the Public Participation report for the June 2023– July 2023 reporting period be noted,
2. That the submission of the Departmental year-plans be made compulsory and form part of the departmental SDBIPs.
3. That Council note the lack of support from EC COGTA to Kouga LM with the filling of CDW vacancies and signing of a MOU including operational support to communities within the various wards.
4. That Council write to the MEC: COGTA and request immediate intervention on this matter emanating from 2013.
5. That proposed plans and activities in support of institutionalizing Public Participation be supported by all Directorates.

23/08/MM6

APPROVAL TO RE-ADVERTISE THE APPROVED VACANCY OF THE POSITION: DIRECTOR: PLANNING & DEVELOPMENT

The Executive Mayor proposed that an additional recommendation be included for Council to write to the MEC to approve the relaxation of the scope application for an appointment be made. Cllr Heystek seconded the proposal.

The Deputy Municipal Manager highlighted that the Office of the MEC confirmed that the process of head hunting can be followed, however, the regulations still have to be adhered to. He suggested that a waiver be applied for in terms of the Municipal Systems Act to amend the requirements of the position.

Cllr Human raised concerns that there are challenges in appointing a candidate and agreed that a waiver should be applied for. The Planning and Development Directorate is collapsing as officials are being suspended and morals are at a low, especially since the Directorate is critical.

The Executive Mayor proposed Ms Dawn MCarthy as an expert in the area of the advertised post.

Resolved (31 August 2023)

1. That Council approves the re-advertisement of the approved, vacant post of Director: Planning and Development, and invites applications from suitably qualified candidates, and for a permanent position.
2. 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 the date of the Council resolution.
3. That the post be advertised for a minimum period of 14 days as prescribed by the regulations as contained in chapter 4 section 11(j)
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 which will be Cllr. S. Ruth;
 - 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 which will be Ms Dawn MCarthy.

4.4 That Council writes to the MEC to request a waiver of the minimum requirements for the Director Planning & Development to attract more qualified and suitable candidates.

Proposed: H Bornman

Seconded: F Heystek

23/08/MM7

REQUEST FOR COUNCIL TO INVESTIGATE AN ALLEGED BREACH OF CODE OF CONDUCT: CLLR. B. HUMAN

The Speaker requested for Cllr Human to be placed in the waiting room.

Cllr Nkilishane stated that the EFF is not in support of the item as it is a way of harassing and suffocating other opposition leaders.

The Executive Mayor requested clarity on whether a complaint regarding a breach of the code of conduct or rules of order can be investigated by the Speaker or an appointed individual by way of writing to the affected Councillor and referring the matter to the Rules and Ethics Committee.

The Speaker noted that the EFF is not in favour of the item and requested that a vote be made on the recommendations as per the item.

Cllr Oliphant highlighted that the Rules and Ethics members will be compromised if a vote is held on the items and proposed that MM7, MM8 and MM9 be withdrawn.

The Speaker took into consideration the comments made and requested that MM7, MM8 and MM9 be withdrawn from the agenda.

23/08/MM8

REQUEST FOR COUNCIL TO INVESTIGATE AN ALLEGED BREACH OF CODE OF CONDUCT: CLLR. W. PETERSEN

Item withdrawn.

23/08/MM9

REQUEST FOR COUNCIL TO INVESTIGATE AN ALLEGED BREACH OF CODE OF CONDUCT: CLLR. P. OLIPHANT

Item withdrawn.

23/08/MM10

APPROVAL OF THE INTEGRATED DEVELOPMENT PLAN (IDP) AND BUDGET PROCESS PLAN TIME SCHEDULE OF KEY DEADLINES FOR THE REVIEW OF 2023/2024 AND SUBSEQUENT IMPLEMENTATION IN 2024/2025 FINANCIAL YEAR

Cllr Oliphant stated that improvements should be evident in relation to public participation of the IDP because there has been poor attendance of communities. The grounds for the lack of attendance should be examined and addressed accordingly.

Cllr Mbandana highlighted that the vision of the Municipality is not aligned to the medium-term financial planning and questioned the action being taken to develop a strategic plan for additional revenue.

He stated that if there is no clear strategy at the next IDP on developing a plan for additional revenue then the component of the ANC, in terms of Section 32 of the White Paper, will raise the issues with the MEC.

The IDP does not speak to the development of rural areas and poor communities which is a failed vision. A request will be made to the MEC for Section 39 of the Constitution to be applied and for the provincial Department of COGTA to intervene in terms of Section 5 of the Constitution should the strategy for additional revenue not be developed.

The Executive Mayor highlighted that the previous IDP had more engagements in terms of public participation and that progress has been made regarding public participation, however, it can be more effective by engaging with stakeholders to address the issues that have been raised by Cllr Mbandana.

He added that it was concerning that the matters that had been raised are not outlined in the IDP as funded mandates by the Municipality, making it difficult to implement unless funding is sourced externally.

Communities need to be made aware on what is possible in terms of the IDP to ensure that reasonable expectations are identified in the IDP process.

Resolved (31 August 2023)

1. That the IDP Process Plan (Time Schedule) for the review of 2023/2024 and subsequent implementation in the 2024/2025 financial year attached as Annexure "A" to the item be approved.
2. That the provisions of Section 21 (1) (b) and Section 32 of the Local Government Municipal Systems Act, 32 of 2000 be complied with.

3. That the IDP Process Plan (Time Schedule) for 2024/ 2025 be submitted to the MEC and relevant stakeholders within 10 days after adoption by Council.

23/08/MM11

SUBMISSION OF PERFORMANCE AGREEMENTS: SECTION 56 AND SECTION 57 EMPLOYEES: 2023/24 FINANCIAL YEAR

Cllr Mbandana referred to Section 38 of the Municipal Systems Act in relation to the Municipality's IDP priorities, objectives and targets and stated that there is a dismal collapse. There are issues with performance by Directors and the Municipal Manager in being responsive to the needs of the communities. He proposed that the item be rejected and resubmitted as an appropriate item.

Cllr Petersen highlighted that the position of the Deputy Municipal Manager was contested by the Office of the MEC, therefore, it is pointless to engage with the item until it has been adjudicated by the Office of the MEC.

The Executive Mayor requested that additional information relating to the contesting of the establishment of the Office of the Deputy Municipal Manager be provided and stated that the establishment of the Deputy Municipal Manager's Office was discussed, and approved, by the Office of the MEC.

Cllr Oliphant requested a 5-minute caucus.

At 11:50, the Speaker called a 10-minute recess.

Cllr Oliphant stated that the Executive Mayor was supposed to submit a report to Council on the deliberations held with the Office of the MEC on the approval of the organisational structure of the Municipality.

As a result, he requested that a formal report be prepared by the Executive Mayor, with an attendance register, of the meeting held and proposed that the item be deferred until the report is submitted by the Executive Mayor, and confirmation is received from the Office of the MEC on the decisions made.

The Executive Mayor clarified that the meeting was arranged by the Office of the MEC and stated that the minutes and attendance register of the meeting will be provided.

The Speaker suggested an additional recommendation that the minutes and attendance register of the meeting held between the Executive Mayor and the Office of the MEC be made available to Councillors.

Cllr Zana clarified that regardless of the proposal, the item still be rejected until the report from the Office of the MEC has been provided.

At 12:14, Cllr Human received a fine for speaking out of turn.

At 12:16, Cllr Human was removed from the virtual meeting platform as per the Standing Rules of Order.

The Speaker called for a vote on the recommendations as per the item:

In favour: 17

Not in favour: 12

Resolved (31 August 2023)

1. That the Performance Agreements and supporting Performance Plans for the 2023/24 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 Performance Agreements of the Municipal Manager and Directors for the 2023/24 financial year be submitted to the MEC for Local Government and be made public by publication on the Municipal Website.

23/08/MM12

KOUGA MUNICIPALITY: FIRST UNAUDITED DRAFT: ANNUAL REPORT (2022/2023)

Cllr Mbandana highlighted the possibility that financial performance in critical areas of the Municipality is in an unfavourable state as a result of misgovernance under the current administration and suggested that the MEC for Cooperative Governance and Traditional Affairs and the MEC of Finance and Economic Development, Environmental Affairs and Tourism be engaged to determine whether the Municipality has good liquidity to ensure service delivery.

Cllr Oliphant stated that there are compliance issues which have resulted in target dates not being met and questioned why the item was not tabled at the previous Council meeting to ensure that it is examined timeously. He proposed that the item be workshopped and was seconded by Cllr Yali.

The Speaker highlighted that the report is a first draft, therefore, there is room for inputs to be made by Councillors. Inputs can be submitted to the Office of the Speaker on the first draft of the report.

Resolved (31 August 2023)

1. That it be noted that the First Draft of the 2022/23 Annual Report shall be submitted to the Office of the Auditor General by not later than 31 August 2023.
2. That it be noted that financial information shall only be included in the 2022/23 Annual Report on receipt of the findings of the Auditor General on the 2022/23 Financial Statements.
3. That it be noted that the First Draft of the 2022/23 Annual Report shall be submitted to the Municipal Public Accounts Committee for scrutiny and preparation of an Oversight Report.
4. That Directorates responsible for the verification of information not included in the First Draft of the 2022/23 Annual Report, expedite the verification process to ensure that all information is verified before the commencement of the oversight processes by the Municipal Public Accounts Committee and the January 2024 submission of the 2022/23 Annual Report to Council.
5. That a workshop be held on the first draft of the 2022/23 unaudited draft annual report with all Councillors.

Proposed: P Oliphant

Seconded: M Yali

23/08/MM13

**SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN: 2023/24
FINANCIAL YEAR**

Cllr Mbandana expressed his dissatisfaction with the SDBIP as it should outline the detailed performance, budget and implementation plan for every ward and highlighted that a credible SDBIP with performance and financial details should be drafted.

Cllr Petersen raised concerns on the revenue generated for tourism under the Planning, Development & Tourism department because money is being invested in tourism but there is no return on investment. He enquired on how tourism is being managed considering that there is no return on investment.

At 12:37, Cllr Yali was fined for speaking without being recognised.

Cllr Zana stated that the SDBIP does not clearly outline the planned services in certain wards and that there is no synergy between the budget of the institution and the SDBIP.

He stated that the ANC is not in support of the SDBIP as it is not a true reflection of anticipated services in the various wards.

The Speaker called for a vote on the acceptance of the recommendations as per the item:

In favour: 17

Not in favour: 11

Resolved (31 August 2023)

1. That the Service Delivery and Budget Implementation Plan for the 2023/24 financial year as approved by the Executive Mayor be noted.
2. That the Municipal Manager oversees the quarterly submission of departmental progress reports to Council on the implementation of the Service Delivery and Budget Implementation Plan.

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

23/08/DMM2

ELECTION OF DEPUTY EXECUTIVE MAYOR

Cllr Zana highlighted that the ANC is not in favour of the item and requested clarity on whether a member of the Mayoral Committee receives additional remuneration once appointed as the Deputy Mayor.

The Speaker clarified that the Councillor would receive a top up amount, not two salaries.

The Executive Mayor nominated Cllr Timothy Jantjes for Deputy Executive Mayor.

Cllr Foley seconded the nomination.

Cllr Petersen enquired on whether a qualification is required for a Deputy Mayor to be appointed.

The Speaker clarified that no qualification is required to serve as a Councillor or Parliamentarian.

The election of the Deputy Executive Mayor was uncontested.

Resolved (31 August 2023)

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

Proposed: H Bornman

Seconded: R Foley

18. **REPORTS BY THE EXECUTIVE MAYOR**

18.1 **REPORTS BY THE CHAIRPERSON: FINANCE & ECONOMIC DEVELOPMENT**

23/08/FED2

SUPPLY CHAIN MANAGEMENT YEAR ENDING STOCKTAKING AS AT THE END OF 30 JUNE 2023: S40 DISPOSAL MANAGEMENT (DISPOSAL OF SLOW-MOVING STOCK, REDUNDANT STOCK AND DAMAGED STOCK ITEMS)

Cllr Zana highlighted that a proposal was made in the previous Council meeting that those redundant items be donated to NGOs and requested an update report on the matter.

The Chief Financial Officer responded that a report on the auctioned items was submitted to the Finance Portfolio Committee outlining the proceeds from the auction as well as the items that were auctioned.

Resolved (31 August 2023)

1. That Council approve the disposal of slow-moving stock, redundant stock and damaged stock as at the Financial Year End of 2022/2023 (30 June 2023).
2. That the recommended disposal strategy by SCM section for redundant stock for the total value of **R 12 131.16 (Excluding Vat)** which is **Annexure B** be put on a public auction, and after approval by council these items will be removed from the shelves at stores. Thereafter be kept safe for collection by Manager Asset, so that they can be included in the list to be considered for auction.
3. That any stock item that has not been issued by the Stores Section on a minimum of three previous financial years be allocated in the BINS and regarded as redundant stock items.

23/08/FED3

SUPPLY CHAIN MANAGEMENT: QUARTERLY REPORT FOR THE PERIOD ENDING 30 JUNE 2023

Cllr Yali questioned whether the number of local beneficiaries can be determined to ensure local economic development.

Cllr Oliphant expressed his dissatisfaction with the Supply Chain section as there was a lack of support for local SMMEs as outside SMMEs were appointed. Local residents do not benefit from opportunities within Kouga. He appealed for the Supply Chain section to restructure their approach.

Cllr Petersen referred to page 563 and raised concerns that private plots are serviced in relation to the mulching and shredding of alien vegetation.

The Speaker clarified that private owners are charged if any work is done by the Municipality as notices are issued to the owners.

The Chief Financial Officer stated that the number of local beneficiaries cannot be reported on because the system is still manual, however, there are plans to go live with the online system in the next month or two which will assist in extracting reports on local beneficiation.

In relation to the appointment of outside SMMEs, he highlighted that an open process is used, therefore, the Municipality works with SMMEs that submit tenders. If local SMMEs do not submit their tenders, then they cannot be appointed.

The SCM policy does stipulate that local SMMEs are considered first before quotes are requested from outside SMMEs. A memo needs to be attached and approved by the CFO for every requisition in this event.

The SCM Policy allows for a 10% premium threshold on pricing to be given to local service providers.

Cllr Ruth requested clarity on whether a report on local content cannot be provided because the SCM system is manual.

The Executive Mayor stated that SMMEs have established a forum where regular engagements with the Municipality are held, and assistance is provided to these SMMEs on projects initiated by the Municipality. An open line of communication has been established between SMMEs and the Municipality.

He further stated that SMMEs from Kwanomzamo have been appointed as the main contractors on the pothole projects.

The CFO confirmed that reporting on the local content is challenging as there are inconsistencies with the information and the database is incomplete in terms of locality. The Central Supplier Database is not always accurate because different sources would have to be utilised to generate a thorough report.

Cllr Yali requested timeframes on the implementation of the system in order to determine local content.

The Speaker noted the concerns raised and requested that an update on the system be provided at the next Finance & Economic Development Portfolio Committee meeting.

The Chief Financial Officer confirmed that a report will be submitted.

Resolved (31 August 2023)

1. That Council approve the quarterly report for the period starting 1 April 2023 to 30 June 2023.

23/08/FED4

AUTHORISATION FOR KOUGA MUNICIPALITY DELEGATION TO PARTICIPATE AND EXHIBIT KOUGA LOCALLY PRODUCED PRODUCTS AT THE INTERNATIONAL IMPORT EXPO 5-10 NOVEMBER 2023

Cllr Ntshota raised concerns that businesses from the townships are not given an opportunity to exhibit their products/services internationally and questioned who decides on the delegation that exhibits. She further requested clarity on the requirements for each business to exhibit internationally.

Cllr Petersen also requested clarity on the selection criteria for businesses that were selected to attend the exhibition and questioned why the service providers are not given the opportunity to attend the exhibitions instead of the Municipal delegation.

The Executive Mayor stated that additional people cannot be included in the delegation to participate in the exhibition because of expenditure costs, however, the District Municipality made the final decision on the products that will be showcased at the exhibition.

The exhibition is an annual initiative, therefore, more local SMMEs can be considered in the coming years.

He highlighted that should the costs be excessive, the MMC: Finance, ED & Tourism or the Acting Manager: ED & Tourism will be excluded from the trip.

Cllr Gunuza supported the comments made by both Cllr Ntshota and Cllr Petersen.

Cllr Zana stated that the District Municipality should be engaged on the selection of SMMEs to participate in the exhibition to ensure that there is fair representation.

Resolved (31 August 2023)

1. That Council approves the participation of Kouga LM in the International Business Expo from 05 – 10 November 2023 in Shanghai.

2. That Council approves the financial support rendered to local producers for sample products to be exhibited in the Expo.
3. That Council approve the following delegation to represent and participate in the International Business Expo in Shanghai:

The KLM Executive Mayor
MMC: Finance, ED & Tourism
Director: Finance, ED & Tourism
Acting Manager: ED & Tourism

18.2 **REPORTS BY THE PORTFOLIO CHAIRPERSON: CIVIL AND WATER SERVICES**

23/08/CWS1

REGISTERING OF NEW PROJECTS ON MIG

Cllr Ntshota stated that money has been invested through MIG funding, however, there are still issues with bulk infrastructure and sewage. She urged that the MIG funding be utilised to improve the infrastructure in communities.

Cllr Ndzaleni stated that the resealing of provincial roads project in Ward 6 was halted and R1,6 million was allocated for the repairing of the community hall, however, nothing was done.

He further highlighted that the sewage plant in Humansdorp has been vandalised. He questioned when the Humansdorp community will be prioritised in the upgrading of the damaged infrastructure.

Cllr Petersen raised concerns that a budget allocation of the grant funding has not been provided and requested that a breakdown of how the money will be spent be provided.

The Executive Mayor clarified that the report spoke to registering the Kwanomzamo Community Hall as a MIG project and that the other projects have already been registered for funding.

Cllr Petersen questioned how the grant funding of R1,6 million will be spent per ward.

The Director: Civil & Water Services explained that the report spoke to the registration of the R1,6 million for the project to MIG. The question whether the funding will be adequate or not will be determined once the final design stage and public participation process have been concluded.

On the amounts reflected for MIG funding for 2023/24 and 2024/25, he stated that the amounts reflect the approved funding for the Municipality which will be used to register projects.

The Kwanomzamo Community Hall will go through all the stages until the matter is resolved.

On the progress of the Kwanomzamo Wastewater Treatment site, he stated that the project will be initiated in the next financial year as the initial contractor has been approved to be reinstated by the Bid Adjudication Committee.

He requested that the breakdown of the MIG projects be presented at the next Portfolio Committee meeting to ensure transparency.

Cllr Petersen suggested that a full budget breakdown of what is required for the Kwanomzamo Community Hall project be submitted when the registration is applied for and requested whether a service provider will be paid to make the application or whether the registration costs R1,6 million.

The Speaker requested that a report on the breakdown of MIG projects which outlines the different stages of the project be submitted to the Office of the Speaker.

Resolved (31 August 2023)

1. That the registering of the new MIG projects be approved by Council.

23/08/CWS2

CREDIT PAYMENT DUE TO MARKET DEMAND TRADING 22 (PTY) LTD

Cllr Petersen raised concerns that an overpayment based on a miscalculation may have occurred and questioned the institutional process of ensuring that the individual responsible is held accountable.

Cllr Mbandana requested clarity on whether the overpayment was caused by an official's misconduct as there are clear guidelines on addressing misconduct.

The Director: Civil & Water Services explained that when the development application was tabled, there was an agreement that the augmentation fees would be paid fully by the Developer and that the credits would be repaid should a recalculation of the augmentation fees be done.

Once the development was done, a recalculation of the fees was done and the Developer requested that the original agreement be implemented.

As a result of the recalculation agreement, the Developer, who had paid the augmentation fees, rightfully requested a refund on the credits of the fees.

Cllr Mbandana requested that the matter be referred to the MPAC for further investigation.

Cllr Petersen enquired on whether the process was recalled and restarted if a Site Development Plan (SDP) was submitted. He further requested that evidence be provided.

Cllr Zana enquired whether there was a contravention of the Municipal Augmentation Policy and supported that the matter be referred to MPAC for further investigation.

The Acting Director: Electro & Mechanical Services clarified that the number of units to be constructed was reduced, however, payment had already been made for the initial number of units.

The electrical demand remained the same, however, the water and sewage usage demand reduced, as a result, the amount that needed to be paid to the Developer was equivalent to the Erven in relation to water and sewage.

The Director: Civil & Water Services proposed that the final report on the SDP, recalculations and the augmentation be submitted to the Office of the Speaker to ensure transparency.

The Speaker called for a vote on the acceptance of the recommendations as per the item:

In favour: 17

In addition, the Speaker called for a vote on the recommendation that the report be referred to the MPAC for further investigation:

In favour: 9

Resolved (31 August 2023)

1. That amount of R242 035.00 due to Market Demand Trading, be approved by Council to be paid back according to the motivation thereof in the item above.

18.3 **REPORTS BY THE PORTFOLIO CHAIRPERSON: PLANNING AND DEVELOPMENT**

23/08/PD2

REQUEST FOR COUNCIL'S FINAL APPROVAL: SELLING OF VACANT MUNICIPAL ERVEN WITHIN THE KOUGA MUNICIPAL AREA

Item Withdrawn

MORATORIUM ON THE SALE OF MUNICIPAL OWNED LAND

Cllr Mbandana highlighted that there are churches that applied for vacant land occupation timeously but have not received feedback and proposed that the moratorium be revoked.

The Speaker highlighted that there are processes in place for the alienation of land for churches and enquired on how the moratorium would effect the process.

The Executive Mayor clarified that the moratorium is for the sale of land for future applications and not the existing applications. Existing applications will be handled as per the regulations.

Cllr Yali raised concerns that items were submitted directly to Council instead of Section 80 Committees and proposed that the item be referred to the Portfolio Committee.

Cllr Oliphant requested clarity on the purpose of the moratorium. He proposed that an item be prepared in the form of a report reflecting a comprehensive audit on industrial land, public open spaces and residential plots belonging to the Municipality during the moratorium period and forwarded to the next Council meeting to ensure that all land belonging to the Municipality has been audited.

The Executive Mayor seconded the proposal.

Cllr Petersen enquired on the purpose of the moratorium and the provisions made for emerging farmers in relation to the alienation of land.

Cllr Zana raised concerns that there are conditions to the moratorium in relation to recommendation 7.2 and questioned the grounds for the moratorium, the type of land where a moratorium will be applied as well as the functions that will allow for the moratorium to be lifted for development.

He urged that the moratorium be enforced at all times and not relaxed because of possible development as outlined in recommendation 7.2.

The Executive Mayor requested a caucus at 14:52.

The Speaker granted a 10-minute caucus.

The Municipal Manager stated that there are agreements in place for the existing emerging farmers.

The Acting Director: Planning & Development added that the system is filled with a number of unfinalized Council resolutions which include commonage applications, emerging farmer applications and church applications that cannot be finalised because new applications are being submitted.

The main purpose of the item is to assist the department in confirming and implement Council's decisions as well as to inform the land audit in confirming the available property.

The Speaker requested clarity on whether all the emerging farmers have been catered for.

The Acting Director: Planning & Development clarified that all the applications from emerging farmers on the system will be addressed.

Cllr Petersen stated that not all emerging farmers have been catered for.

The Municipal Manager explained that the Municipality has limited land and that the available pieces of land already have contracts in place. He confirmed that there are a lot of people that have not been catered for, however, there are applications pending for the land that is available.

A meeting will be scheduled to address the issue on emerging farmers.

The Speaker requested that the meeting be scheduled within the next 2 weeks.

Cllr Gertenbach requested clarity on whether the item relates to the sale or alienation of land by the emerging farmers.

Cllr Alexander highlighted that a meeting with the emerging farmers in Kruisfontein is due to take place in the following week.

Cllr Mbandana raised concerns on the sale of land for developers and questioned whether infrastructure is not affected. He highlighted that the best time to meet with emerging farmers is after hours.

The Executive Mayor proposed that the LED department take up the responsibility to engage with the emerging farmers.

At 15:30, Cllr Yali received a fine for speaking out of turn.

The Speaker requested an explanation on the reasons for the item bypassing the Section 80 Committees.

The Acting Director: Planning & Development explained that there was an agreement in the Portfolio Committee meeting held on 1 August 2023 that the omitted reports would either be submitted to the Mayoral Committee and reports with in-principle approval would be submitted to Council.

The Mayoral deadline closed on the 28 July 2023, which would have been late for submission. All the reports in the agenda have in-principle approval.

She clarified that the Moratorium report was submitted because the next Portfolio Committee meeting was scheduled to take place in November 2023.

The Speaker stated that a Special Mayoral Committee meeting could have been scheduled if the deadline was missed and requested the transcript of the Planning & Development Portfolio Committee meeting held on 1 August 2023.

Resolved (31 August 2023)

1. That Council approves the implementation of a moratorium on the alienation / disposal (including lease) of municipal property for a period of 6 months and that the period be extended to the end of the financial year if the moratorium process is not complete.

Proposed: H Bornman

Seconded: V Zana

2. That no **new** applications for land disposals and alienation will be accepted, unless it is land required for development and the extent of the land applied for is equal to or greater than 2 (two)hectares.
3. That Council grant authorization to the Accounting Officer to advertise the intention of the moratorium on the alienation/ disposal of municipal owned immovable property.
4. That Council be informed of the progress on a quarterly basis in order to review the moratorium on the sale of land.
5. That a comprehensive land audit report on industrial land, public open spaces and residential plots belonging to the Municipality be prepared and submitted to the next Portfolio Committee meeting and Council.

Proposed: P Oliphant

Seconded: H Bornman

23/08/PD4

ALIENATION OF ERF 2330, HUMANSDORP TO THE MORAVIAN CHURCH OF SOUTH AFRICA

Cllr Zana supported the item and stated that the process of alienation of land to churches be fast-tracked.

Resolved (31 August 2023)

1. That the Council **grant final approval** for alienation of Erf 2330, Humansdorp to the Moravian Church of South Africa, at 25% of the market value, subject to a reversionary clause being registered against the title deed of the property.
2. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
3. That Council authorizes the Accounting Officer to enter into a Deed of Sale for the purpose of transferring the said property.

23/08/PD5

EXTENSION OF LEASE OF LAND FOR A CELLULAR BASE STATION (VODACOM PROPRIETARY LIMITED) – A PORTION OF ERF 873, JEFFREYS BAY (THE JEFFREYS BAY GOLF COURSE)

The Executive Mayor tabled the item and proposed an additional recommendation that the applicant obtains the necessary land use rights by submitting an application for temporary departure to the Town Planning department for approval before finalizing the lease agreement.

Cllr Yali requested that the installation of MTN towers be mobilised within the Kouga to address the network issues.

Cllr Petersen highlighted that provision needs to be made to ensure network connectivity in the rural and remote areas.

Resolved (31 August 2023)

1. That Council **grant final approval** for the extension of the lease of a portion of Erf 873, Jeffreys Bay for a Cellular Base Station to Vodacom Proprietary Limited for 9 years and 11 months.
2. That in terms of Section 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the property is not needed in future to provide the minimum level of basic municipal services.
3. That Council consider the market related valuation of R5,000.00 for the rental of the immovable property.

4. That all other administrative costs be for the cost of the applicant.
5. That Council authorizes the Accounting Officer to enter into a lease agreement with the applicant for a period not exceeding 9 years and 11 months.
6. That the applicant obtains the necessary land use rights by submitting an application for temporary departure to the Town Planning department for approval before finalizing the lease agreement.

Proposed: H Bornman

Seconded: W van der Linde

23/08/PD6

EXTENSION OF LEASE OF LAND FOR A CELLULAR BASE STATION (VODACOM PROPRIETARY LIMITED) – A PORTION OF FARM 746, PORTION 72, HUMANSDORP RD (SEA VISTA WATER RESERVOIR)

The Executive Mayor tabled the item and proposed an additional recommendation that the applicant obtains the necessary land use rights by submitting an application for temporary departure to the Town Planning department for approval before finalizing the lease agreement.

Resolved (31 August 2023)

1. That Council **grant final approval** for the extension of the lease of a portion of Farm 746, portion 72, Humansdorp RD (Sea Vista Water Towers) for a Cellular Base Station to Vodacom Proprietary Limited for 9 years and 11 months.
2. That in terms of Section 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the property is not needed in future to provide the minimum level of basic municipal services.
3. That Council consider the market related valuation of R5,000.00 for the rental of the immovable property.
4. That all other administrative costs be for the cost of the applicant.
5. That Council authorizes the Accounting Officer to enter into a lease agreement with the applicant for a period not exceeding 9 years and 11 months.

6. That the applicant obtains the necessary land use rights by submitting an application for temporary departure to the Town Planning department for approval before finalizing the lease agreement.

Proposed: H Bornman

Seconded: W van der Linde

23/08/PD7

EXTENSION OF LEASE OF LAND FOR A CELLULAR BASE STATION (VODACOM PROPRIETARY LIMITED) – A PORTION OF ERF 406, PARADISE BEACH (PARADISE BEACH WATER RESERVOIR)

The Executive Mayor tabled the item and proposed an additional recommendation that the applicant obtains the necessary land use rights by submitting an application for temporary departure to the Town Planning department for approval before finalizing the lease agreement.

He proposed a further amendment to recommendation 7.1 to read the current contract be extended until water tower refurbishment commences, at which time all equipment must be removed from the tower, whereafter, a stand-alone tower can be erected on the site for a long-term contract.

Cllr Mbandana seconded the proposal.

Resolved (31 August 2023)

1. That the current contract be extended until water tower refurbishment commences, at which time all equipment must be removed from the tower, whereafter, a stand-alone tower can be erected on the site for a long-term contract.

Proposed: H Bornman

Seconded: M Mbandana

2. That in terms of Section 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the property is not needed in future to provide the minimum level of basic municipal services.
3. That Council consider the market related valuation of R5,000.00 for the rental of the immovable property.
4. That all other administrative costs be for the cost of the applicant.

5. That Council authorizes the Accounting Officer to enter into a lease agreement with the applicant for a period not exceeding 9 years and 11 months.
6. That the applicant obtains the necessary land use rights by submitting an application for temporary departure to the Town Planning department for approval before finalizing the lease agreement.

Proposed: H Bornman

Seconded: M Mbandana

23/08/PD8

**ALLOCATION OF STREET AND AREA NAMES: VARIOUS GOVERNMENT
SUBSIDISED HOUSING PROJECT: KRUISFONTEIN AND PELLSRUS**

Cllr Petersen highlighted that the new proposed names are not supported.

Cllr Alexander highlighted that the petition is questionable and requested that the street naming process in Ward 4 (Kruisfontein 391, Kruisfontein 205, Kruisfontein 219 and Jeugkamp 85) be restarted.

Cllr Dhludhlu raised concerns with the recommendation in relation to the street names in Pellsrus 220 and proposed that Pellsrus 220 street names be rejected.

The Executive Mayor proposed an amendment to recommendation 7.1 to read that Council uphold the objections to the Pellsrus 220 names and replace them with the fish names as proposed in the petition in line with the current naming conventions in the area.

Cllr Petersen proposed that a public participation process be held on the matter.

The Speaker clarified that the public participation process had taken place.

The Executive Mayor stated that the public participation process started years ago for the Pellsrus 220 and was discussed at Portfolio Committee level as well as through the street naming committee.

He highlighted that the public participation process will be considered in Kruisfontein because the community expressed dissatisfaction on the street names.

The Speaker called for a vote on the acceptance of the recommendations as amended:

In favour: 17

Not in favour: 3

Resolved (31 August 2023)

1. That Council uphold the objections to the Pellsrus 220 names and replace them with the fish names as proposed in the petition in line with the current naming conventions in the area.

Proposed: H Bornman

Seconded: B Dhludhlu

2. That the Infrastructure and Engineering Directorate erect the street and area names in accordance with the approved street and area names contemplated in point 7.1 above.

3. That the street name register and the cadastral layers on Council's GIS be updated in accordance with resolution 1 above.

4. That the process of allocating street names be restarted in Kruisfontein 391, Kruisfontein 205, Kruisfontein 219 and Jeugkamp 85.

Proposed: J Alexander

Seconded: W Petersen

19. **CLOSURE**

The meeting closed at 16:05.



B WILLIAMS

SPEAKER

13/11/2023

DATE
