

**MINUTES OF A VIRTUAL SPECIAL COUNCIL MEETING OF KOUGA
MUNICIPALITY HELD ON TUESDAY, 22 AUGUST 2023 AT 10:00**

PRESENT: Councillors

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

**Officials &
Municipal Manager**

C du Plessis	(Municipal Manager)
D de Jager	(Deputy Municipal Manager)
L Opperman	(Acting Director: Planning and Development)
R Lorgat	(Chief Financial Officer)
N Machelesi	(Director: Community Services)
C de Kock	(Director: Civil & Water Services)
E Goliath	(Manager: Public Participation)
K Minnaar	(Chief of Staff)
M Basson	(Manager: Communications)
M Julius	(Senior Admin Officer: Committees)
C Prinsloo	(Intern)
L Cronjé	(Committee Clerk)

1. **NOTICE OF MEETING**

The Municipal Manager read the notice convening the meeting in terms of Section 19 of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000) that a Special Council Meeting will be held.

2. **OPENING AND WELCOME**

In the absence of the Speaker, the Municipal Manager called for nominations for an Acting Speaker.

The Executive Mayor proposed that Cllr Ruth act as Speaker and was seconded by Cllr Dhludhlu.

Cllr Yali proposed that Cllr Zana act as Speaker. Cllr Petersen seconded.

Due to a technical issue, a new meeting link was created and distributed at 10:30. The African National Congress (ANC) called a 10-minute caucus.

Upon return, Cllr Zana suggested deferring the meeting and instead deliberate on the agenda items during the Ordinary Council meeting scheduled for 31 August 2023. He added that the ANC believes that the items on the agenda do not necessitate a Special Council meeting. Additionally, they felt unprepared for deliberations.

Cllr Benson proposed that the meeting continue.

Cllr Gertenbach warned that if the meeting were to be postponed, the budget for important capital project roll-overs could not be addressed by the due date. He, therefore, seconded Cllr Benson's proposal to continue with the meeting.

Cllr Yali supported the proposal made by Cllr Zana to postpone the meeting and reconvene physically. Cllr Oliphant and Cllr Human concurred.

Cllr Dhludhlu highlighted Rule 19.4 and seconded Cllr Gertenbach's proposal to proceed with the meeting.

Cllr Ndzaleni supported the proposal by Cllr Zana and concurred with Cllr Yali that the meeting must reconvene physically to debate the items. In addition, he noted that if the meeting were to continue, the ANC would disrupt it, resulting in its eventual cancellation.

A vote to elect an Acting Speaker was held via a poll.

Those in favour of Cllr Ruth acting as Speaker: 16

Those in favour of Cllr Zana acting as Speaker: 11

Cllr Ruth was elected as the Acting Speaker for the meeting.

The Acting Speaker cautioned Cllr Gunuza that any further interruptions would result in her being dismissed from the meeting.

Due to Cllr Gunuza's repeated interruptions thereafter, she was added to a waiting room.

The Acting Speaker opened for debate on whether the meeting was to be postponed. She warned the Council members that discontinuing the meeting would result in substantial monetary loss to the Municipality.

The Executive Mayor seconded Cllr Benson's proposal to continue the meeting.

At 11:42, Cllr Oliphant requested the Chief Whip to call a 5-minute caucus.

Upon return, Cllr Zana proposed discussing only the first item of the agenda and postponing the rest until the Ordinary Council Meeting on 31 August 2023. Cllr Oliphant and Cllr Yali seconded the proposal.

Cllr Oliphant received a warning at 11:50 for interrupting the voting process.

The voting on whether the meeting should continue commenced via a poll.

Cllr Ruth warned the members of the Council that she would issue fines if the personal attacks and interruptions continued.

Following five continuous warnings for interrupting the voting process and being in contravention of Rule 37.1, Cllr Oliphant was moved to the meeting waiting room at 12:03.

Cllr Oliphant was invited back to the meeting to cast his vote.

Those in favour of Cllr Zana's proposal: 8

The voting process restarted.

Cllr Petersen received a fine for being in contravention of Rule 37.1

Those in favour of Cllr Gertenbach's proposal to proceed with the meeting: 15

Cllr Ruth announced that fined councillors will be referred to the Rules & Ethics Committee as advised by the Manager: Legal Services.

Cllr Petersen was warned that he would be removed from the meeting if he continued to be disruptive.

Cllr Gunuza was referred to the Rules and Ethics Committee for disrupting the meeting.

3. **ABSENT WITH LEAVE**

Ald. B Williams

4. **ABSENT WITHOUT LEAVE**

None

5. **PRESENTATIONS**

None

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr Petersen conveyed his condolences to the family of Mr Lloyd Rossouw, who played a pivotal role at the Humansdorp Secondary School. He did highly valued voluntary work in the community.

Cllr Gunuza thanked the ANC for recently donating money to less fortunate communities.

Cllr Ruth congratulated Cllr Ntshota for completing the Xhosa Traditional Leader programme. She expressed her admiration for women who embrace their power.

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

None

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

None

9. **DISCLOSURE OF INTEREST**

None

10. **STATUTORY MATTERS**

11. **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).

12. **REPORTS BY THE EXECUTIVE MAYOR**

12.1 **REPORTS BY THE CHAIRPERSON: FINANCE**

23/08/FED1 ADJUSTMENTS BUDGET FOR THE 2022/23 UNSPENT INTERNALLY FUNDED CAPITAL PROJECTS (ROLL-OVERS)

Cllr Zana raised concern over the rushed timeline and decision-making process and argued that the budget did not reflect the needs of Kouga's poor communities. He requested an explanation of the expenses, with the ageing infrastructure considered, to upgrade the Loerie Sewer Pump Station. In addition, he emphasised the vandalism occurring at the Mini Fresh Foods Market and expressed his belief that it was a misuse of funds. He further enquired whether the Municipality did a feasibility study before building the market, as the community is not using it for its intended purpose.

The Executive Mayor clarified that the rollover amounts are solely applicable to the budget for the preceding year and not the new financial year.

The Municipal Manager stated that the rollover amounts comprised of internal and conditional funding that remains unfinished in the financial year.

The Director: Infrastructure and Engineering explained that the upgrade of the Loerie Sewer Pump is a specialist study that requires the Municipality to estimate the value of the total project. The rollover money is to complete the study, which started when the Environmental Impact Specialist Studies were conducted and is not the total project cost.

He reassured the members of the Council that the department would address the vandalism through the rollover of the fencing tender and that appropriate measures would be put in place to secure the market.

Cllr Petersen highlighted that there was no slot in the table to distinguish which items would fall under internal funding and conditional grants. The CFO stated that the item must be presented to the Council by the 25th of August 2023 as it was linked directly to the budget.

He clarified that it was designated for internal rollovers, with external rollovers following a different procedure. The project management was not considered during this process but could subsequently be considered.

The item was voted on by means of a poll.

Those in favour: 16

Those not in favour: 11

Resolved (22 August 2023)

1. That the Council, by resolution taken by most 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 for the 2023/24 financial year.

Department	Ukey Nr.	Project Name	Adjusted Budget 2022/23	Actuals as at 30 June 2023	Roll-over amount 2023/24
FIRE SERVICES	20210710000658	Fire Services - Vehicle	1,638,000	-	1,638,000
MAYOR	20210710000989	Furniture and Equipment - Municipal Court	250,000	30,668	219,331
MUNICIPAL MANAGER	20230203054827	FURNITURE&EQUIPMENT	50,000	12,368	37,632
ASSET MANAGEMENT	20220707986569	AIR CONDITIONERS- WHOLE OF MUNICIPALITY	500,000	217,994	282,006
PROJECT MANAGEMENT UNIT (PMU)	20220509024215	Upgrading/Improvement of Sport Facilities within Kouga	1,080,555	180,312	900,243
PROJECT MANAGEMENT UNIT (PMU)	20220707986780	Mini Fresh Food and Craft Markets in Jbay & Hankey	400,000	-	400,000
SEWERAGE	20200711023341	New bypass Sewer Rising Main and Pump Stations Jbay.	450,000	126,514	323,486
SEWERAGE	20200711023350	Piped Reticulation - St Francis Bay	110,000	37,500	72,500
SEWERAGE	20220303054999	Construct emergency overflow pond Koraal Sewer pump station	300,000	-	300,000
SEWERAGE	20220303055002	Upgrade Loerie sewer pump station	80,000	23,438	56,562

WATER	20200711023312	Replace 250mm Water Main Canal Road St Francis Bay	65,000	54,283	10,717
WATER	20200711023323	Replace Main Waterline Sout Rivier Bridge Crossing	110,000	27,500	82,500
FLEET AND WORKSHOP	20230615035914	Generator	310,000	-	310,000
TOWN AND REGIONAL PLANNING		Supply and installation of paving on a portion of Erf170, Jeffreys Bay -	2,000,000	-	2,000,000
		Total	7,343,555	710,577	6,632,978

Department	Ukey Nr.	Project Name	Budget Amount 2023/24
INFORMATION COMMUNICATION TECHNOLOGY	20190710991853	Computer Equipment	1,000,000
ROADS AND STORMWATER	New Ukey Nr. For the payment of retentions	Upgrading of Gravel roads in Kouga.	800,000
Total			1,800,000

12.2 REPORTS BY THE CHAIRPERSON: PLANNING & DEVELOPMENT

23/08/PD1 PROGRESS REPORT ON PUBLIC PARTICIPATION IMPLEMENTED ON THE INTENTION OF COUNCIL TO ALIENATE CERTAIN PORTIONS OF ERF 873, ERF 5478, 5479, 5480, 5481 AND 8825 JEFFREYS BAY

Cllr Zana opposed the item and requested the Municipality's analysis of the working group in the comments. He highlighted the risk of having little development space left if the Municipality continues to dispose of land. He expressed that the ANC will be actively campaigning against the sale of land.

Cllr Petersen concurred with Cllr Zana.

Cllr Oliphant concurred with Cllr Zana's view and emphasised that the Kouga community would not welcome selling the land.

Cllr van der Linde voiced that the Freedom Front Plus did not support the item and proposed a secret ballot to vote on the matter.

Cllr Foley proposed to amend recommendation 6.5 to read "That the first round of public participation yielded useful information to guide the Municipality in what concerns they have with regard to any possible alienation of the erven being contemplated. In order to continue to guide the process of consideration of future use, to give more information to the Kouga residents to be better informed, and to give more public feedback, our call for proposals for the potential development of erven contemplated herein, such proposals including or excluding the Erf 873."

In addition, he proposed that there be re-engagement on the issue with public participation with ideas of what the future development of the Erven could be.

Cllr Heystek seconded his proposals.

The ANC requested a caucus at 14:00.

Upon return, Cllr Oliphant proposed withdrawing the item until the Municipality ensures more extensive public participation. Cllr Zana seconded his proposal.

The Acting Chairperson stated that the item cannot be withdrawn as it is for noting purposes.

Cllr Human seconded Cllr van der Linde's proposal for a secret ballot.

Cllr van der Linde questioned the need for prompt presentation of the item during a Special Council meeting.

Cllr Dhludhlu supported the proposals by Cllr Foley.

Following a series of warnings for persistent interruptions of Cllr Gertenbach's statement, Cllr Petersen was added to the waiting room to enable Cllr Gertenbach to speak.

Cllr Gertenbach explained that the objective is to provide additional information concerning the item and to solicit input from members of the public.

Cllr Oliphant spoke out of turn, continually, and received a warning.

The Acting Director: Planning and Development reminded members of the Council of the 1 August 2023, Portfolio Committee meeting. There was an agreement that items not presented would go straight to Council.

The Acting Chairperson announced that the minutes of the Portfolio meeting will be distributed to all Councillors. Any further questions on the matter must be referred to the Office of the Speaker in writing.

Resolved (22 August 2023)

1. That Council note the item.

12.3 **REPORTS BY THE OFFICE OF THE DEPUTY MUNICIPAL MANAGER**

23/08/DMM1 DETERMINATION OF THE UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF DIFFERENT MEMBERS OF A MUNICIPAL COUNCIL FOR 2023/2024 FINANCIAL YEAR

Cllr Oliphant was in support of the item.

Cllr Zana commented that Councillors were informed of amended legislation and added that the position of the Deputy Municipal Manager is one where concurrence from the MEC is not required.

In response, the Deputy Municipal Manager referred to Page 12 of the gazette that read, "For purposes of implementation of this notice, "in consultation" means that a Municipal Council must obtain the concurrence of the MEC for local government before the implementation of the provisions of this notice".

He added that, for record purposes, there must be a roll call of all Council members to confirm agreement.

The item was unanimously approved.

Resolved (22 August 2023)

1. That the report on the Determination of the Upper Limits of Salaries, Allowances and Benefits of different members of the Municipal Council for 2022/23 financial year be noted.
2. That Council approve the implementation of the Upper limits based on Gazette 49142 dated 18 August 2023.
3. That such implementation be backdated with effect from 01 July 2022.
4. That the Municipal Manager prepares all the required information and documentation for submission to the MEC for concurrence.
5. That upon concurrence by the MEC, the upper limits and tools of trade (as per section 14 (1)) of the Gazette be implemented retrospectively with effect from 01 July 2022.

13. **CLOSURE**

The meeting closed at 15:40



27 November 2023

S RUTH

DATE

ACTING SPEAKER
