

**MINUTES OF A VIRTUAL ORDINARY COUNCIL MEETING OF KOUGA
MUNICIPALITY HELD ON FRIDAY, 27 OCTOBER 2023 AT 10:00**

PRESENT: Councillors

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

**Officials &
Municipal Manager**

C du Plessis	(Municipal Manager)
D de Jager	(Deputy Municipal Manager)
R Lorgat	(Chief Financial Officer)
N Machelesi	(Director: Community Services)
L Opperman	(Manager: Legal Services)
T Madatt	(Acting Director: Electro-Mechanical Services)
L Ramakuwela	(Acting Director: Planning & Development)
J du Toit	(Acting Director: Civil & Water Services)
E Goliath	(Manager: Public Participation)
L Wessels	(Legal Officer)
K Minnaar	(Chief of Staff)
M Rossouw	(Manager: Admin & Auxiliary Services)
M Basson	(Manager: Communication)
M Julius	(Senior Admin Officer: Committees)
C Prinsloo	(Legal Officer: Office of the Speaker)
N Mazibuko	(Acting Committee Officer)

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 and requested Cllr Ndzelani to open the meeting in prayer.

3. **ABSENT WITH LEAVE**

M Yali

N Ntshota

Mr G. Billson (Kouga Audit Committee – Chairperson)

Mr de Kock (Director: Civil & Water Services)

4. **ABSENT WITHOUT LEAVE**

L Nkilishane

V Gunuza

5. **PRESENTATIONS**

None.

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

The Speaker, on behalf of Council, wished the Springboks all the best for the upcoming final match.

Cllr Mbandana congratulated the Palestinian community in defending their territory and expressed his condolences to the lives that were lost during the conflict. He stood in support of the Muslim community.

He further commemorated the month of October as the month when the Bolsheviks united the people of Russia and congratulated president Vladimir Putin for withstanding the attacks from NATO and the USA.

Cllr van der Linde wished the Proteas well for their upcoming match and expressed his condolences and prayer for all the Christians who lost their lives in the Israeli-Palestinian Conflict.

Cllr Ruth wished the all the peacemakers strength in addressing the Israeli-Palestinian conflict and the Qataris who are working hard to promote peace.

Cllr Stuurman congratulated the eight boys who participated in the Touch Tournament in Durban and were elected to play in Johannesburg.

Cllr Petersen congratulated the Eastern Cape Provincial Legislature for the ongoing initiative in Graaff-Reinet to engage with people and involving communities in governance.

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

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

I am pleased to report to Council that the Ward Development Fund is sitting at around R1 million rand expenditure to date and we are well on track to spend our full allocation of R 1.5 million by the end of the financial year.

The benefit the Ward Development Fund delivers to the various communities in Kouga goes way beyond the monetary value and shows communities that the Municipality as well as the Ward Councillors care about them.

Hand overs will continue to take place to ensure all beneficiaries receive their allocations as soon as possible.

Thank you to all the staff involved in administering the Ward Development Fund and in particular I wish to thank Ms Wendy Betsha whose innovation and monitoring of expenditure has taken us to the next level and in the Ward Councillor Forum held last week, it came out strongly that the ward development allocation should be increased in the new financial year.

Due to the fact that for the second financial year in a row we are on track to spend the full budget, I am in support of this input from the Ward Councillors.

Bringing government to the people continues in Kouga Municipality with Home Affairs taking their mobile unit to various wards in Kouga and this will continue especially in the build up to election 2024 so we can ensure that as many voters as possible have valid ID's to enable them to vote.

The fraud and corruption taking place in SASSA has seen the department pushing for grant recipients to receive their money directly into their bank accounts instead on their SASSA accounts which will go a long way in minimizing the fraud that is currently taking place.

There will be a number of drives in the various wards and it is the responsibility of all of us, not only Ward Councillors, to ensure we get as many people as possible to register to receive their grants via bank accounts.

Lastly, I would like to thank the support staff who ensure the Office of the Speaker runs smoothly and services the various departments who rely on my office to function in terms of Public Participation and Council support.

Council will be going into recess on 14 December, however, both the Office of the Mayor and the Speaker will still be functioning to ensure our locals and holidaymakers have a great festive season.

Thank you

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

Good morning, Goeiemôre,

I would like to start by reading a quote from basketball legend, Michael Jordan: **"Never say never, because limits, like fears, are often just illusions"**.

One such individual, who was not blinded by such illusions is our very own Manie Libbok, who pushed the limits to become an incredibly valuable Springbok player.

On behalf of Kouga Municipality, I want to congratulate Manie on this incredible achievement and for inspiring thousands of local youth to never say never.

To Manie (although unfortunate not to be listed in the lineup) and the Springboks, good luck for tomorrow and I hope to see you carrying the World Cup Trophy in Humansdorp soon.

Pushing the limits, Speaker, is what Kouga Municipality has and must continue to do.

I wish to remind council and residents of Kouga about how we are indeed doing just this:

1. Right now, we are in the procurement process for our first SSEG installation, a small-scale embedded generation project under 1MW. This project is a pilot, designed to showcase its potential within Kouga, and if successful will be rolled out to more areas within Kouga.
2. The Municipality's 20MW Solar Plant is on the horizon, pending approval from the Department of Fisheries, Environment & Tourism. Once approved, the Municipality will follow government regulations to bring this project to life.
3. In a bid to formulate an achievable and lasting strategy to effectively address the myriad of road infrastructure challenges facing the Municipality, we hosted a first of its kind stakeholder engagement which has provided our Civil department with greater impetus.
4. We have launched our "First Thursday" initiative – bringing open, accessible, transparent, and accountable government to all residents across the region – Another first of its kind in the Eastern Cape.
5. The Kouga Milkwood Trail was launched in September, only weeks after the municipality secured the third position in the highly coveted National Arbor City Award 2023. This accolade recognises municipalities that have demonstrated exceptional commitment and dedication to the Ten Million Trees Programme and have successfully embraced greening initiatives within their communities.

6. Adventure Race World Championships recently concluded. This race saw 109 teams from 30 countries visit Kouga Municipality to take on an epic 800km expedition, the first of its kind to be hosted on the African Continent.

We must continue, Speaker, to remove the illusions of limits and fears and venture boldly into taking the difficult, but right decisions to improve our levels of service delivery across the region.

In particular, bold decisions must be made, today, to rescue our roads.

A high-level assessment of grants available for rehabilitation of roads was performed which identified the Municipal Infrastructure Grant (MIG) as one of the grants that can be used for this purpose. The Municipality has been using MIG funding for the roads, but due to the magnitude of the problem the annual MIG funding will not be able to accommodate the required rehabilitation in the short-term. Therefore, it is advised that a loan of R200 million will assist in rehabilitating a substantial number of critical roads within Kouga and I will be asking Council today to support this item.

Another priority for us is to ensure that the unfortunate discoloration of water in Humansdorp is rectified as soon as possible.

We are taking steps to clean vegetation in the catchment area as well as testing alternative flocculant chemicals to remove the higher levels of suspended solids which contribute to this discoloration. Whilst the water is safe to drink, anything but crystal-clear water for all residents is not acceptable.

I am pleased, Speaker, to affirm Council of our stable financial situation:

The financial performance highlights are as follows:

- Operating revenue amounted to R 368,241 million, whilst operating expenditure amounted to R 288,512 million, resulting in an operating surplus of R 79,729 million.
- Capital expenditure constituted 6.53 % of the 2023/24 Approved Adjusted Capital Budget.
- Overdue consumer debts increased by R 12,638 million (3.76%) since June 2023.
- An amount of R 48,600 million is owing to creditors, 97.98% which is current creditors. Currently all outstanding creditors are not reflected on the creditors age analysis.
- The Municipality's investment portfolio has increased by R61,533 (58.66%) since June 2023, from R 104,934,592 to R 166,488,025.

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 SPECIAL COUNCIL MEETING OF 22 AUGUST 2023**

Resolved (27 October 2023)

1. That the minutes of the Special Council Meeting held on 22 August 2023 be approved.

Proposed: W Gertenbach

Seconded: W van der Linde

12.2 **MINUTES OF THE ORDINARY COUNCIL MEETING OF 31 AUGUST 2023**

Cllr Human highlighted that the minutes need to be corrected to reflect his query on why he received a fine and subsequently removed from the meeting platform after he explained his reasons for struggling to participate.

Resolved (27 October 2023)

1. That the minutes of the Ordinary Council Meeting held on 31 August 2023 be approved as amended.

Proposed: B Dhludhlu

Seconded: C August

12.3 **MINUTES OF THE SPECIAL COUNCIL MEETING OF 12 SEPTEMBER 2023**

Cllr Petersen referred to page 49 and highlighted that he did not make any congratulatory comments on the Springboks' 18-3 victory against Scotland. He requested that this be corrected accordingly.

Resolved (27 October 2023)

1. That the minutes of the Special Council Meeting held on 12 September 2023 be approved as amended.

Proposed: B Dhludhlu

Seconded: C August

12.4 **MINUTES OF THE SPECIAL COUNCIL MEETING OF 5 OCTOBER 2023**

Resolved (27 October 2023)

1. That the minutes of the Special Council Meeting held on 5 October 2023 be approved subject to amendments.

Proposed: S Ruth

Seconded: B Dhludhlu

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 the minutes of the Sarah Baartman District Municipality will be included for the next Council meeting in December 2023.

14.2 **KOUGA AUDIT COMMITTEE**

23/10/KAC1 MINUTES OF THE KOUGA AUDIT COMMITTEE

Cllr Jantjes noted that the Chairperson of the Kouga Audit Committee has tendered an apology for the meeting and proposed that the minutes be deferred to the next Council meeting where the Kouga Audit Chairperson will be present.

Cllr Dhludhlu seconded the proposal made.

Resolved (27 October 2023)

1. That the minutes of the Kouga Audit Committee Meeting be deferred to the next Council Meeting in December 2023.

Proposed: T Jantjes

Seconded: B Dhludhlu

14.3 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

None.

15. **REPORT BACK: MUNIMEC**

None.

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

23/10/MM2 COUNCIL RESOLUTIONS AS AT 31 AUGUST 2023

The Speaker highlighted that although action has been taken on a number of issues, the action sheets have not been updated to reflect the current status. He requested that the action sheets be updated and resubmitted to the Administration.

Cllr Dhludhlu proposed the request made by the Speaker and was seconded by Cllr Stuurman.

Resolved (27 October 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 the action sheets be updated and resubmitted to the Administration.

Proposed: B Dhludhlu

Seconded: G Stuurman

23/10/MM3 APPROVAL TO ADVERTISE THE APPROVED VACANCY OF THE DIRECTOR: ELECTRO-MECHANICAL POSITION

Ald Benson proposed Mr Deon Louw as the person with expertise or experience in the area of the advertised post to sit on the panel.

The Executive Mayor seconded the proposal.

Cllr August indicated her support for the item.

Cllr Zana requested a division of vote on the recommendations as amended highlighting that the ANC is not in favour.

The Speaker noted the ANC's position and requested a vote on the approval of the recommendation with the proposal made to appoint Mr Deon Louw as a panellist.

In Favour: 18

Not In Favour: 6

Resolved (27 October 2023)

1. That Council approves the advertisement of the approved, vacant post of Director Electro-Mechanical inviting applications from suitably qualified candidates, and as 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 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;
 - 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 Mr Deon Louw.

Proposed: D Benson

Seconded: H Bornman

5. That the acting period of the current acting Director, Mr. Madatt be extended another 3 months.

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

23/10/DMM1 CELL PHONE POLICY AND CELL PHONE ALLOWANCE SCHEME

Resolved (27 October 2023)

1. That the Cell Phone Policy and Cell Phone Allowance Scheme be approved.
2. That the Cell Phone Policy and Cell Phone Allowance Scheme be published on the Kouga Website.
3. That the previously approved version be replaced with this version.

23/10/DMM2 APPROVAL OF THE ICT USER ACCESS MANAGEMENT POLICY AND ICT DISASTER RECOVERY POLICY FOR KOUGA LOCAL MUNICIPALITY

Resolved (27 October 2023)

1. That the following policies be approved:
 - 1.1 ICT User Access Management Policy for Kouga Local Municipality; and

- 1.2 ICT Disaster Recovery Policy for Kouga Local Municipality.
2. That the policies be published on the Kouga Website.
3. That the previous approved uploaded versions be removed and replaced with attached versions.

23/10/DMM3 APPROVAL OF THE YOUTH POLICY OF KOUGA LOCAL MUNICIPALITY

Cllr Human proposed that the item be withdrawn and was seconded by Cllr Petersen.

Cllr Dhludhlu counter proposed that the item be approved and was seconded by the Executive Mayor.

The Speaker called for a vote on the withdrawal of the item as follows:

In Favour: 10
Not In Favour: 17

The Speaker called for a vote on the approval of the item as follows:

In Favour: 17
Not In Favour: 10

Resolved (27 October 2023)

1. That the Council approves the Youth Policy.
2. That the Youth Policy be published on the Kouga Website.
3. That the previously approved version be replaced with this version.

18. **REPORTS BY THE EXECUTIVE MAYOR**

18.1 **REPORTS BY THE PORTFOLIO CHAIRPERSON: FINANCE AND ECONOMIC DEVELOPMENT**

23/10/FED16 BUDGET AND TREASURY: WITHDRAWALS FROM MUNICIPAL BANK ACCOUNT FOR THE QUARTER ENDED 30 SEPTEMBER 2023

Resolved (27 October 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 September 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.

23/10/FED17 INCURRING LONG TERM DEBT IN TERMS OF SECTION 17, 19 & 46 OF THE MFMA

Cllr Human and Cllr Zana indicated that they were not in support of the item.

The Speaker requested a vote on the approval of the recommendations.

In Favour: 18
Not In Favour: 8

Resolved (27 October 2023)

1. That the formal processes of sourcing external loan funding be initiated with immediate effect, in line with section 17,19 & 46 of the MFMA, for an amount of R200 million to repair the roads within Kouga.

The Speaker then called for a 10-minute comfort break until 12:16.

18.2 REPORTS BY THE PORTFOLIO CHAIRPERSON: CIVIL AND WATER SERVICES

23/10/CWS16 REGISTERING BUDGET MAINTENANCE ON MIG FOR LOERIE SPORTS FIELD

Cllr Petersen stated that he is not in support of the recommendations.

The Speaker requested a vote on the approval of the recommendations.

In Favour: 18
Not In Favour: 6

Resolved (27 October 2023)

1. That the Item be approved by Council.

18.3 REPORTS BY THE PORTFOLIO CHAIRPERSON: PLANNING AND DEVELOPMENT

23/10/PD44 APPOINTMENT OF THE APPEAL AUTHORITY (EXECUTIVE MAYOR) AND INTERNAL ADVISERS FOR THE APPEAL AUTHORITY

Resolved (27 October 2023)

1. That Council **approves** the appointment of the Executive Mayor: Hattingh Bornman as the Kouga Municipality's SPLUMA Appeal Authority, to consider all appeals relating to land development in

terms of Section 51(1) of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013).

2. That Council **approves** the members of the Mayoral Committee to serve as internal advisors to the SPLUMA Appeal Authority.
3. That Council **note**, the appointment of external technical experts to serve on an advisory capacity to the Kouga Municipality Appeal Authority by the Municipal Manager as prescribed by Section 39(1) of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16 of 2013). The Technical experts appointed are:
 - a) Phumzile Hubert Songo- Legal Expert
 - b) Michael Coleman- Appeal Expert with Town Planning Background
4. That Council **approves** that the Appeal Authority and it's Technical & internal advisors be published in the *Provincial Gazette* and *Local Newspaper* as required in terms of Section 27 (1) of the Spatial Planning and Land Use Management Regulations: Land Use Management and General Matters, 2015 and the Kouga Municipality Spatial Planning and Land Use Management By-law, 2016 (as gazetted in Gazette No. 3613; Dated 4 March 2016).

23/10/PD45 REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION (LONG-TERM LEASE) OF A PORTION ERF 499, HUMANSDORP

Cllr Human stated that he is against the approval of the recommendations.

The Speaker requested a vote on the approval of the recommendations.

In Favour: 15

Not In Favour: 8

Resolved (27 October 2023)

1. That Council **grant final approval** for the lease of a portion of Erf 499, Humansdorp for 9 years and 11 months to CD Freight Logistics (Pty) Ltd on condition that development can only commence once the hydrological study, environmental impact assessment report and other planning processes have been completed.
2. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
3. That Council consider the market related valuation of R5, 200.00 that was determined by a professional valuer of the immovable property.

4. That the Town Planning Department conclude all planning activities associated with development of an Industrial Development Zone for a portion of erf 499, Humansdorp.
5. That Council grant authorisation to the Accounting Officer to enter into a long-term lease agreement for a period of 9-years and 11 months with CD Freight Logistics (Pty) Ltd.

23/10/PD46 REQUEST FOR COUNCIL'S FINAL APPROVAL TO ALIENATION OF ERF 588, PELLSRUS TO THE ETHIOPIAN EPISCOPAL CHURCH

Resolved (27 October 2023)

1. That the Council grant **final approval** for alienation of Erf 588, Pellsrus to Ethiopian Episcopal Church, at the fair market value of 25% of R49,000,00 (R12,250.00) in terms of the policy of Council.
2. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
3. That Council authorises the Accounting Officer to enter into a Deed of Sale for the purpose of transferring the said property.

23/10/PD47 REQUEST FOR COUNCIL FINAL APPROVAL: ALIENATION (LEASE) OF ERVEN 27, 28, 29 AND 30, LOERIEHEUWEL

Resolved (27 October 2023)

1. That Council **grant final approval** for the lease of Erven 27, 28, 29 and 30, Loerieheuwel for 9 years and 11 months to the applicant, Rethabeleng Sumon based on the proposed business development in that there will be no need to travel to other towns as it will cater for the immediate needs of the community.
2. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
3. That Council consider the market related rental of R340,00 for the properties.
4. That a land surveyor be appointed to attend and conclude the consolidation of the properties and that all administrative costs be for the cost of the applicant.

23/10/PD48 RESCIND PREVIOUS COUNCIL RESOLUTION: REQUEST FOR COUNCIL'S IN-PRINCIPAL APPROVAL TO ALIENATE (LEASE) OF COUNCIL PROPERTIES TO

EARLY CHILDHOOD DEVELOPMENT CENTRES (CRECHES) TO REGISTERED SOCIAL CARE USERS

Item withdrawn and referred to next Special Council meeting.

18.4 **REPORTS BY THE PORTFOLIO CHAIRPERSON: COMMUNITY AND SAFETY SERVICES**

23/10/CSS23 **CLASSIFICATION OF LOCAL STATE OF DISASTER FOR KOUGA LOCAL MUNICIPALITY**

Cllr Mbandana, Cllr Ndzalani, Cllr Human and Cllr Zana indicated that they were not in support of the item.

Cllr Heystek and Cllr Foley indicated their support for the item.

The Speaker called for a vote on the approval of the recommendations as follows:

In Favour: 17

Not In Favour: 10

Resolved (27 October 2023)

1. That Council condone the submission of the application to Sarah Baartman District Municipality, dated 3 October 2023, for the declaration of Kouga Local Municipality as a Local State of Disaster in relation to the High Seas Storm damages to the coastal infrastructure.
2. That the Sarah Baartman District Municipality forward this resolution to the Provincial Disaster Management Centre (PDMC) for the PDMC to escalate the declaration to the National Disaster Management Centre (NDMC).
3. That the Storm and High Seas Damage Report from 15/16 September 2023, incorporating the extensive damage, recommendations and financial implications be noted.
4. That it be noted that the financial implication reflected in the report reflected in 3. above is an estimation and does not reflect the actual financial implication.

19. **CLOSURE**

The meeting closed at 13:10



22/12/2023

B WILLIAMS

DATE

SPEAKER
