

**MINUTES OF A VIRTUAL SPECIAL COUNCIL MEETING OF KOUGA
MUNICIPALITY HELD ON TUESDAY, 7 NOVEMBER 2023 AT 08:00**

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 Nicholls	
M van Niekerk	
J Alexander	
L Maree	
G Stuurman	
P Oliphant	
M Yali	
W van der Linde	
K Ndzalani	
N Ntshota	
B Human	
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	(CFO)
N Machelesi	(Director: Community Services)
L Opperman	(Manager: Legal Services)
T Madatt	(Acting Director: Electro-Mechanical Services)
L Ramakuwela	(Acting Director: Planning & Development)
C de Kock	(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 a Special Council Meeting will be held virtually.

2. **OPENING AND WELCOME**

The Speaker welcomed everyone present and requested Cllr Ntshota to open the meeting in prayer.

3. **ABSENT WITH LEAVE**

L Nkilishane
E Mbuqu

4. **ABSENT WITHOUT LEAVE**

5. **PRESENTATIONS**

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr van der Linde announced that he is now a grandfather to a newborn baby.

The Speaker congratulated Cllr van der Linde on becoming a grandfather of three.

Ald Benson wished every Councillor who celebrated their birthday as well as the Springboks for their victory in the Rugby World Cup.

Cllr Alexander congratulated the Kruisfontein United Rugby Club for officially being the second top club in the Eastern Cape provincial rugby despite their loss in the final. He extended his condolences to Mr McDonald, a service provider who provided internet services to the community who lost his life after a short illness.

He added that another life was lost in Ward 6 which was related to gang violence.

Cllr Ntshota wished Cllr Yali, a happy birthday.

Cllr Ruth congratulated Mr Andrew Rackstraw, a young motor sport enthusiasts from Kouga and Gqeberha, who received a podium finish at the Formula Ford Festival in Silverstone, England. It is the first time a South African stands on the podium.

Cllr Petersen applauded the advances made on the hosting of the Indigenous World: 2023 Land Conference in Cape Town and hoped that it would be the first of many events to enhance the topic of land to indigenous people.

He further congratulated the Khoi and San people for embarking on the process of land restoration.

Cllr Gunuza expressed her condolences to the family of Ms Nombulelo Hlebo, a member of the local clinic who recently passed away.

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

None.

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

Good Morning Speaker, Councillors, MM and Directors

I would like to congratulate the Springboks, particularly Mr Manie Libbok who received a gold medal for winning the Rugby World Cup. We will be announcing an event for Manie Libbok which will be held in town on Saturday and we are very excited to host him. More details will follow on what we will be doing but it is wonderful to have him in town and we look forward to celebrating his gold medal.

This is also a really important Council meeting and the urgency of calling this meeting speaks for itself. I think the water tariffs and water amnesty that Council will be deciding and discussing is really critical. The fact that that our dams are almost full, although the Department of Water and Sanitation has not lifted the official drought, as a caring and responsible Municipality, It is our responsibility to take into consideration the huge massive cost of living that our residents are experiencing.

We cannot stand by and continue to let our residents suffer with the high cost of water, therefore, we are being responsible today as a caring Municipality in saying that we need to lower our tariffs by not being as punitive because the current water tariffs are high in spite of the fact that the Minister has not alleviated the drought, or declared the drought over and that the Metro's tariffs are still high.

Secondly, making sure, as far as water amnesty is concerned, that we assist residents as much as we possibly can to get back on a good payment track record to ensure that we can assist them as much as possible in writing off water that has been lost through water leaks and that we get to a place where we can bill them for only 30 days instead of 60 days.

Therefore, this is a critical Council meeting for us. I do thank Councillors and ask that we seriously consider what is before us today.

Thank you very much.

9. **DISCLOSURE OF INTEREST**

None.

10. **STATUTORY MATTERS**

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

12. **REPORTS BY THE EXECUTIVE MAYOR**

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

23/11/FED1 **2023/24 APPROVED WATER TARIFFS: CATEGORY CHANGE APPLICATION FROM PART C TO PART B**

Cllr Heystek supported the item.

At 8:40, Cllr Petersen received a warning for speaking without being recognized.

The Speaker cautioned that if disruptions continue from Cllr Petersen, he will be put in the waiting room for the duration of discussions for the item.

At 08:43, Cllr Petersen was placed in the waiting room for the duration of the discussions after causing further disruptions.

Cllr Zana requested a 5 minute caucus at 08:47.

Upon return at 08:55, Cllr Zana stated that the ANC is not against the item as it will benefit the whole of Kouga regardless of race and status.

The item was unanimously approved.

Resolved (7 November 2023)

1. That the Executive Mayor recommend that the Council approves implementation of the change in category, from Part C to Part B as provided for in the approved water tariffs listing.
2. That the implementation of the tariff as referred to in 1 above be effective with immediate effect for all consumption that is required to be billed.

23/11/FED2

SPONSORSHIP AGREEMENT BETWEEN KOUGA LOCAL MUNICIPALITY AND CHALLENGE FAMILY – MULTI FESTIVAL FOR KOUGA

Cllr Gertenbach proposed an additional recommendation to read that the applicant submit a close out report to Council within 1 month after the event.

The Executive Mayor seconded the proposal.

Cllr Zana requested that an audit be prepared on the availability of funds against the events that are planned to ensure that events are well budgeted for.

The Speaker called for a vote on the acceptance of the recommendations as amended with the additional recommendation.

In Favour: 16

Not In Favour: 8

Resolved (7 November 2023)

1. That the event be noted, and the Event Organizer be advised to apply for approval of the event in line with the Council approved Events Policy.
2. That Council approves the funding of R 1,530,000-00 (one and a half million and thirty thousand Rand) only, VAT-inclusive.

3. That Council authorizes the Accounting Officer to conclude a Sponsorship Agreement with Africa Premier Events (Pty) Ltd for staging a live Triathlon Sporting Event organized by Challenge Family in respect of funding stated in (2) above.
4. That a close report be prepared by the Event Organizer and submitted to Council within 1 month after the event.

Proposed: W Gertenbach Seconded: H Bornman

23/11/FED3 IMPLEMENTATION OF A WATER AMNESTY FOR A 3 MONTH PERIOD

Cllr van der Linde and Cllr Dhludhlu both expressed their support for the item.

Cllr Human referred to page 32 and highlighted that a correction needs to be made on the table to read 22% and 2% instead of 0.02% and 0.22%.

The Executive Mayor proposed an additional recommendation as point 3.4 to allow a waiver on photo evidence of water leaks as it is not always possible to have an image, therefore, proof from a plumber should be sufficient evidence of the water leak.

Ald Benson seconded the proposal.

Cllr Zana further proposed that tenants be included in the amnesty period.

Cllr Human seconded the proposal.

Ald Benson requested A 10-minute caucus at 09:52.

Upon returning at 10:00, the Executive Mayor proposed an amendment to the first recommendation for the amnesty period be increased to 4 months commencing on 1 November 2023 and ending 29 January 2024 whereafter a report be tabled to Council and an extension be considered.

Cllr van der Linde seconded the proposal.

Resolved (7 November 2023)

1. That Council approves a Water Amnesty, for a period of 4 months, commencing on 1 November 2023 and ending 29

February 2024; whereafter a report be tabled to Council and an extension be considered.

Proposed: H Bornman

Seconded: W van der Linde

2. That for delayed meter, non-read, and estimated readings, the account will be corrected and charged for preceding period of up to 3 months' monthly consumption only, at the current approved tariffs;
3. That for all water leak queries:
 - 3.1 The customer be required to submit the current meter reading with all supporting evidence that the leak has been repaired;
 - 3.2 That a 100% write-off of the water leak be considered and only the average monthly consumption be charged;
 - 3.3 The average monthly consumption must be calculated using 3 months consumption prior to the water leak.
 - 3.4 That the requirement for photos to accompany applications for the amnesty period be waived.

Proposed: H Bornman

Seconded: D Benson

4. That the billing period be reduced from 2 months in arrears to 1 month in arrears by adding an additional 10 days consumption to the next 3 months billing;
5. That the Customer Care Credit Control and Debt Collection Policy be fully implemented after the Amnesty period; and
6. That the Customer Care Credit Control and Debt Collection Policy be reviewed to take the above challenges into account when the Policy is reviewed during the Budget process.
7. That tenants be included in the 4 month amnesty period.

Proposed: V Zana

Seconded: B Human

23/11/FED4

**SPONSORSHIP AGREEMENT BETWEEN KOUGA LOCAL MUNICIPALITY
AND JEFFREYS BAY TOURISM TO HOST THE J-BAY SUMMER FUN
PROGRAMME 2023**

Cllr Gertenbach proposed an additional recommendation to read that the applicant submit a close out report to Council within 1 month after the event.

Cllr van der Linde seconded the proposal.

Cllr Human expressed his opposition to the amended recommendations.

The Speaker called for a vote on the approval of the recommendations as amended.

In Favour: 17

Not In Favour: 9

Resolved (7 November 2023)

1. That the event be noted, and the Event Organizer be advised to apply for approval of the event in line with the Council approved Events Policy
2. That Council approves the funding of R 300,000-00 (Three Hundred Thousand Rand) only all-inclusive. UKEY: 20210710001477
3. That Council authorizes the Accounting Officer to conclude a Sponsorship Agreement with Jeffreys Bay Tourism in respect of funding stated in (2) above.
4. That a close report be prepared by the Event Organizer and submitted to Council within 1 month after the event.

Proposed: W Gertenbach

Seconded: W van der Linde

12.2 REPORTS BY THE PORTFOLIO CHAIRPERSON: PLANNING AND DEVELOPMENT

23/11/PD1 RESCIND PREVIOUS COUNCIL RESOLUTION: REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL TO ALIENATE (LEASE) OF COUNCIL PROPERTIES TO EARLY CHILDHOOD DEVELOPMENT CENTRES (CRECHES) TO REGISTERED SOCIAL CARE USERS

Cllr Human proposed that the item be withdrawn and that the Municipality reconsider the decision that was taken on the alienation of the property in the form of a donation.

Cllr Ntshota and Cllr van der Linde supported the sentiments shared by Cllr Human on withdrawing the item.

The Executive Mayor expressed his support for the item.

The Speaker called for a vote on the acceptance of the recommendations.

In Favour: 17

Not In Favour: 9

Resolved (7 November 2023)

1. That the Status Report: Land Audit on Creches operating from Council owned land be noted.
2. That Council rescind Council resolution 22/06/PDT18 and **grant in-principle approval** for the alienation (long-term lease) of property to the Registered Organizations (Social Care Users) currently operating on the properties with 53 restrictive conditions in respect of the land usage for the sole purposes of social care uses.
3. That in terms of Section 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the properties listed below is not needed in future to provide the minimum level of basic municipal services.
4. That Council grant authorization to the Accounting Officer to advertise Council's intention to alienate the properties by way of a long-term lease.
5. That town planning activities and all other administrative processes be finalized.

6. That Council authorizes the Accounting Officer to obtain the market-related rental valuation for consideration.
7. That Council authorizes the Accounting Officer to enter into long-term lease agreements with creches contemplated herein.

13. **CLOSURE**

The meeting closed at 11:03



B WILLIAMS
SPEAKER

22/12/2023

DATE
