

MINUTES OF A VIRTUAL ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY HELD ON THURSDAY, 14 DECEMBER 2023 AT 10:00
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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	
	M Yali	
	E Mbuqu	
	V Gunuza	
M Valgee		
K Ndzelani		
N Ntengwane		
P Oliphant		
N Ntshota		
W Petersen		
W van der Linde		
B Human		
L Nkilishane		
Officials & Municipal Manager	C du Plessis	(Municipal Manager)
	D de Jager	(Deputy Municipal Manager)
	R Lorgat	(Chief Financial Officer)
	N Machelesi	(Director: Community Services)
	C de Kock	(Director: Civil & Water Services)
	L Opperman	(Manager: Legal Services)
	T Madatt	(Acting Director: Electro-Mechanical Services)
	L Ramakuwela	(Acting Director: Planning & Development)
	E Goliath	(Manager: Public Participation)
	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)	
S Sidjiyo	(Committee Officer)	
Stakeholder	Mr G. Billson	(Kouga Audit Committee – Chairperson)

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 at 10:00 am on 14 December 2023.

2. **OPENING AND WELCOME**

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

3. **ABSENT WITH LEAVE**

Cllr V Zana

4. **ABSENT WITHOUT LEAVE**

5. **PRESENTATIONS**

None

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr Gunuza extended heartfelt condolences to the Mkutukana family for the passing of the musician, Ms Bulelwa Mkutukana known as Zahara.

She further congratulated Luvuyo Jako from Ocean View for receiving an opportunity to represent Keep Kouga Sport Development in Denmark at the Dana Cup.

The Executive Mayor extended deepest condolences and sympathy to the family of the Democratic Alliance stalwart Angelina Speelman.

Ald Benson conveyed birthday wishes to the following Councillors:

- 5 November – Cllr T Jantjes and M Yali
- 21 November – Cllr L Maree
- 23 November – Ald B Williams
- 15 December – Cllr W Gertenbach
- 24 December – Cllr M Mbandana
- 25 December – Cllr L Nkilishane

Cllr Petersen congratulated Selvyn Davids for being the first non-white captain of the Springbok Sevens Rugby team and his participation in the tournament.

He further commended the ANC Youth League members who sat with him in the Council Chambers to observe the proceedings of the Council meeting as part of the succession plan.

Cllr Mbandana noted the significance of 15 December 2013 as it marked the burial of the first black President of the democratic South Africa, Dr Nelson Rholihlahla Mandela in Qunu.

He further acknowledged the establishment of the Pan African University (PAU) on 14 December 2010.

He applauded the office of the Chief Financial Officer for the audit outcome of Kouga Local Municipality.

The Executive Mayor expressed his appreciation for the completed projects during his term of office in the Town Planning department.

Cllr Nkilishane requested the Council to rejoice with him as he celebrates the birthday of his twins born on 14 December 2005.

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

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

Welcome to the final Council meeting of 2023. We have a large agenda to apply our minds to this morning and I am looking forward to a productive Council meeting.

It has been brought to my attention that the manner in which voting has been conducted in Council meetings is flawed and there are risks in allowing a dual system of voting, one via the online poll and a verbal vote.

Therefore, we will only be voting via the poll today and I urge all Councillors to utilize their council laptops for the Council meeting and not to share devices or use cell phones as no verbal voting will be allowed.

I wish to thank all Councillors for this support this year and as a gesture of my appreciation there is a small gift for all Councillors in my office and I ask all of you to kindly collect your gifts from Mrs Klopper.

I also wish to thank all the staff who have gone beyond the call of duty this year to ensure the office of the Speaker is fully functional and fulfilling the legislative requirements of the office.

Mrs Klopper has done an excellent job since taking over as office administrator earlier this year and the calm and professional manner in which she handles all queries coming to my office is highly appreciated.

Ms Prinsloo was appointed as the legal adviser in my office during this year as well and the prompt and professional manner in which she is dealing with all legislative related matter is notable and has taken the office of the Speaker to a new level.

The Ward Development Fund handovers are continuing and are making a difference in the lives of our various communities.

It is heartwarming to see the gratitude of the recipients, from a brass band in Humansdorp to rugby clubs in Hankey and old age homes in Sea Vista as well as being able to assist schools and creches all across Kouga.

I would like to thank Ms Wendy Betsha for her hard work and innovation in ensuring that procurement takes place timeously and for the management oversight she is also playing over the expenditure.

At this stage, we are sitting at expenditure of around R 1.2 million and are well on track to ensuring 100 % expenditure by the end of the third quarter of this financial year.

Honorable Mayor, this will put me in a good position to motivate, on behalf of the Ward Councillors, for an increase in the Ward Development Fund for the 2024/25 financial year to ensure that we can do more in our various communities and ensure that Kouga maintains its name as a Municipality that cares.

We have had a great year in Public Participation, another legislative mandate of the office of the Speaker.

Mr Goliath and his team have made certain that Kouga is regarded as having the best public participation department in the Eastern Cape and the number of benchmarking requests we receive from Municipalities all over the Eastern Cape bears testimony to this fact.

In fact, we have been earmarked as one of the top three municipalities in the country by CoGTA at a national level and our best practices are sure to be adopted by other municipalities in the country.

I wish to take this opportunity to wish all Councillors and officials a very happy Christmas with family and friends and a prosperous and successful new year.

Apart from the Mayoral Committee who will all be on duty during the Festive Season, please enjoy the recess and lets return in 2024 fresh and well rested and ready to serve our communities to the best of our abilities in the new year.

Thank you

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

Good morning, goeiemôre, Speaker, Municipal Manager, Deputy Municipal Manager, Members of the Mayoral Committee, Alderman, Councillors and Officials

As the year draws to a close, I wish to briefly reflect on the progress made on the key priorities which I highlighted when I took office on the 30th June this year.

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 basic service delivery.
2. Continue being an innovative Municipality.
3. Being accessible and responsive in serving our residents.

I am pleased that we have indeed made significant progress in all respects:

Roads:

- I am happy to announce that we are now in an advanced stage of negotiations with DBSA for a loan of R200 million which will allow us to rehabilitate a substantial number of critical roads in the municipality – which will not only make our roads safer but will add the necessary impetus into the local economy.

Electricity:

- We remain steadfast on our goal of reducing reliance on the failed state owned entity, ESKOM, which continues to cripple our economy. I am pleased that our EIA has been approved and we are now exploring partnerships both locally and internationally to bring this project to life.

Water:

- The Latest Blue Drop report has proved our commitment to ensuring safe drinking water for all residents in Kouga. As the best performing local municipality in the province, we achieved:
 - Blue Drop Score of 64.6%
 - 8 water systems (100%) in low-risk positions
 - TSA score of 91% for Jeffreys Bay WTW

ISUP:

- The informal settlement upgrade programme remains a key priority for the installation of permanent services in 9 identified informal settlements. Whilst Kwanomzamo will receive the majority of the committed R69 million, we are looking into the possibility of receiving more funds to roll out even more critical services across the Municipality.

Finance:

- I want to take this opportunity to congratulate our CFO and his finance department for achieving a 10th consecutive unqualified audit this year.

- This achievement yet again highlights our commitment to remaining financially stable with the aim of ensuring every cent is spent prudently and contributes to service excellence.
- In respect of grant spending in particular, I wish council to take note of correspondence sent to my office from the MEC of CoGTA, Mr Williams.
- Reference was made to the recent grant performance review conducted by the MEC for CoGTA and his team in relation to the Risk Adjusted Strategy (RAS).
- It was rather erroneously stated that Kouga has an expenditure of 17% against the RAS 30% required expenditure by end September 2023, and 25% against RAS 40% by end October 2023 and that Council should hold the MM responsible for ensuring action steps are taken to rectify the situation.
- I have responded to the MEC comprehensively and wish to affirm the MEC and this council that we will ensure 100% of our funding is spent before the end of the financial year.
- I will furthermore be meeting with the MEC on the 20th December to outline exactly how we will go about ensuring this.

Speaker, I wish to use this opportunity to extend my heartfelt gratitude to every single municipal official in Kouga Municipality for their contributions toward service excellence this year.

Coming together is a beginning, keeping together is progress, working together is success.

I am pleased about the progress we have made in making our Municipality more accessible to residents through our highly successful First Thursday campaign which has seen MAYCO, Directors and officials from all departments engage with close to 1000 residents on service delivery challenges.

A lot of work, however, lays ahead of us in this respect as we continue to build a close relationship with all of our residents. By so doing, every official must demand high levels of productivity and efficiency from lower level employees right up to the Municipal Manager.

2024 will be marked by a shift in organizational culture. Where every official and politician must be held to the highest standard of efficiency, because we cannot achieve our goals with anything less than that.

Lastly, Speaker, I want thank our residents for their continued support and shared belief that we can and we must become a blueprint of what a flourishing South Africa can look like. A place of hope, innovation and absolute excellence.

I wish all our locals and visitors a safe, peaceful and joyous festive season.

Thank you

9. **DISCLOSURE OF INTEREST**

Cllr Benson raised a concern that three Councillors had an interest in the agenda, and they had not declared this.

Cllr Oliphant declared an interest in item: 23/12/MM5

It was noted that the other Councillors who had an interest in the agenda did not disclose as per Cllr Benson's remarks.

10. **STATUTORY MATTERS**

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

MINUTES OF THE MAYORAL COMMITTEE MEETING OF 15 AUGUST 2023

Resolved (14 December 2023)

1. That the minutes of the Mayoral Committee Meeting held on 15 August 2023 be noted.

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

12.1 **MINUTES OF THE SPECIAL COUNCIL MEETING OF 12 APRIL 2023**

Cllr Yali and Cllr Oliphant raised a concern on the omission of the 12 April 2023 Special Council Meeting minutes and stated that the African National Congress (ANC) does not support the adoption of the minutes and would solicit a legal opinion on the validity of the minutes.

Cllr Petersen concurred with Cllr Yali and Cllr Oliphant and added that an external legal opinion would be sought before the adoption of the minutes.

At 10:40 Cllr Petersen received a warning for speaking out of turn.

The Speaker made a ruling that the legal opinion provided by the Manager: Legal Services stands and called for a vote on the adoption of the Special Council Meeting minutes of 12 April 2023.

In favour: 18

Not in favour: 8

Resolved (14 December 2023)

1. That the minutes of the Special Council Meeting held on 12 April 2023 be adopted.

Proposed: Cllr B Dhludhlu

Seconded: Cllr C August

12.2 **MINUTES OF THE ORDINARY COUNCIL MEETING OF 27 OCTOBER 2023**

Resolved (14 December 2023)

1. That the minutes of the Ordinary Council Meeting held on 27 October 2023 be adopted.

Proposed: Cllr B Dhludhlu

Seconded: Ald D Benson

12.3 **MINUTES OF THE SPECIAL COUNCIL MEETING OF 7 NOVEMBER 2023**

Resolved (14 December 2023)

1. That the minutes of the Special Council Meeting held on 7 November 2023 be adopted.

Proposed: Ald D Benson

Seconded: Cllr 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 receipt of the Report was appreciated.

14.2 **KOUGA AUDIT COMMITTEE**

23/12/KAC1 MINUTES OF THE KOUGA AUDIT COMMITTEE

Cllr Petersen opposed the noting of the Kouga Audit Committee minutes.

Resolved (14 December 2023)

1. That the minutes of the Kouga Audit Committee be noted.

14.3 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

23/12/MPAC1 MINUTES OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

Resolved (14 December 2023)

1. That the minutes of the Municipal Public Accounts Committee be noted.

15. **REPORT BACK: MUNIMEC**

None.

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

23/12/MM1 COUNCIL RESOLUTIONS AS AT 7 NOVEMBER 2023

Resolved (14 December 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.

23/12/MM2 APPROVAL OF TERMS OF REFERENCE FOR THE MONITORING AND EVALUATION COMMITTEE

Cllr Mbandana proposed that the item be referred back for proper application of mind and was seconded by Cllr Petersen.

The Executive Mayor proposed that the recommendation be approved, and Cllr van Niekerk seconded the proposal.

The Speaker noted the two proposals and requested the Council to vote on approving the recommendation as tabled in the agenda.

In favour: 16

Not in favour: 10

Resolved (14 December 2023)

1. That the Terms of Reference for the Monitoring and Evaluation Committee be approved.

23/12/MM3 DISCIPLINARY ENQUIRY HELD BY THE RULES AND ETHICS COMMITTEE - CLLR. V GUNUZA

Cllr Gunuza was placed in the virtual waiting room.

Cllr Human proposed an amendment to recommendation 7.2.1, to read that in respect of Charge 1 – Fined with half a month's salary payable over six months.

The proposal was seconded by Cllr Yali.

The Executive Mayor counter proposed an amendment to recommendation 7.2.1, to read that in respect of Charge 1 – Fined with one month's salary payable over two months.

The proposal was seconded by Cllr Dhludhlu.

The Speaker called for a vote on the proposal by Cllr Human as follows:

In favour: 8

Not in favour: 17

The Speaker called for a vote on the proposal by the Executive Mayor as follows:

In favour: 17

Not in favour: 7

Resolved (14 December 2023)

1. That the recommendation by the Rules and Ethics Committee herein be upheld.
2. That the following sanctions be implemented against Councillor V. Gunuza in respect of the charge laid against her and for which charge the Councillor was found guilty by the Committee:
 - 2.1 In respect of **Charge 1** – Fined with one month's salary payable over two months.

Proposed: Cllr H Bornman

Seconded: Cllr B Dhludhlu

Cllr Gunuza was admitted back into the meeting.

23/12/MM4 DISCIPLINARY ENQUIRY HELD BY THE RULES AND ETHICS COMMITTEE - CLLR. B HUMAN

Cllr Human was placed in the virtual waiting room.

At 12:10 Cllr Oliphant requested an ANC caucus, and the Speaker granted a ten minutes caucus.

At 12:20 Council resumed.

The ANC expressed discontentment with the Rules and Ethics Committee and its application of the rules and legislation.

The Speaker called for a vote on the recommendations.

In favour: 15

Not in favour: 12

Resolved (14 December 2023)

1. That the recommendations by the Rules and Ethics Committee herein be upheld.

2. That the following sanction be implemented against Councillor. B Human in respect of the charge laid against him, and for which charge the Councillor. B Human pleaded guilty.

2.1 In respect of **Charge 1** – The sanction imposed on Councillor Human is a Final written warning.

Cllr Human was admitted back into the meeting.

23/12/MM5 DISCIPLINARY ENQUIRY HELD BY THE RULES AND ETHICS COMMITTEE - CLLR. P OLIPHANT

Cllr Oliphant was placed in the virtual waiting room.

Cllr Human proposed an amendment to recommendation 7.2.1 to read that in respect of Charge 1 – Be fined with half of one month's salary, payable over three months.

Cllr Petersen seconded the proposal.

Cllr van der Linde proposed for approval of the recommendations as per the item and was seconded by Cllr Heystek.

The Speaker called for a vote on the proposal by Cllr Human as follows:

In favour: 7

Not in favour: 17

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

In favour: 17

Not in favour: 7

At 12:43 Cllr Dhludhlu received a warning for speaking out of turn.

Resolved (14 December 2023)

1. That the recommendations made by the Rules and Ethics Committee herein be upheld.

2. That the following sanction be implemented against Councillor P. Oliphant in respect of the charge laid against him and for which charge the Councillor was found guilty by the Committee:

2.1 In respect of Charge 1 – Be fined with half of one month's salary, payable over two months.

Proposed: Cllr W van der Linde

Seconded: Cllr F Heystek

Cllr Oliphant was admitted back into the meeting.

23/12/MM6 APPROVAL TO RE-ADVERTISE THE VACANCY OF THE POSITION: DIRECTOR PLANNING AND DEVELOPMENT

Resolved (14 December 2023)

1. That Council approves the re-advertisement of the approved, vacant post of Director Planning and Development inviting applications from suitably qualified candidates, and as a permanent position.
2. 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:
 - 2.1 The Municipal Manager, who will be the Chairperson;
 - 2.2 A member of the Mayoral Committee or Councillor who is the Portfolio Head of the relevant portfolio which will be Cllr. Shena Ruth.
 - 2.3 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 McCarthy.
3. That the acting appointment of Mr. Lawrence Ramakuwela be extended for a period of another three (3) months.
4. That the Municipal Manager be delegated to apply for a Waiver to the MEC and Minister of CoGTA, in applying for the minimum requirements to be waived.

At 12: 50 the Kouga Audit Committee Chairperson joined the meeting.

17. REPORTS BY THE OFFICE OF THE DEPUTY MUNICIPAL MANAGER

23/12/DMM1 MANDATORY GRANT FUNDING: LGSETA TRAINING AND DEVELOPMENT

At 13:10 Cllr Oliphant requested a caucus, and the Speaker granted a five minutes caucus.

At 13:15 Council resumed.

The Speaker called for a vote on the two proposals.

Cllr Oliphant proposed an increase of the monthly stipend to R4500 and was seconded by Cllr Mbandana.

In favour: 10

Not in favour: 16

The Executive Mayor proposed an increase of the monthly stipend to R4000 and was seconded by Cllr Dhludhlu.

In favour: 17

Not in favour: 8

Resolved (14 December 2023)

1. That the Council approves that the mandatory grant fundings as received quarterly from the LGSETA be ringfenced for placement of interns and unemployed graduates.
2. That the monthly stipend be limited to an amount of R4000.00 per month for the duration of placement.
3. That the budget be placed within the Skills Development Unit for management and placement of interns.

Proposed: Cllr H Bornman

Seconded: Cllr B Dhludhlu

23/12/DMM2 COUNCIL RECESS: DELEGATED AUTHORITY: EXECUTIVE MAYOR

The Executive Mayor indicated that his office would extend an official invitation to the Whips of Council to do an oversight exercise during the Council recess period.

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

The Speaker called in for a vote as follows.

In favour: 18

Not in favour: 4

Abstained: 7

Resolved (14 December 2023)

1. That it be noted that the Council will be in recess for the period 15 December 2023 to 14 January 2024.
2. That the Executive Mayor be granted delegated authority to deal with all Council affairs during the recess from 15 December 2023 to 14 January 2024, subject to the following undermentioned conditions:
 - a) The Exercise of delegated authority shall exclude the passing of a by-law; approval of the budget; the imposition of rates and other taxes levies and duties; the raising of loans, the amendment of tariffs, the approval or amendment of the IDP;
 - b) That the parameters of the Procurement Policy be complied with.

3. That all matters dealt with by the Executive Mayor, which would conventionally have required a resolution of the Council be submitted to Council in report format for noting or review at the first Ordinary Council Meeting for 2024.

23/12/DMM3 RECOGNITION OF IMMANUEL “MANIE” LIBBOK IN TERMS OF KOUGA MUNICIPALITY HONOURS POLICY

At 13:46 Cllr Dhludhlu received a second warning.

Resolved (14 December 2023)

1. That Council bestow a medal upon Immanuel “Manie” Libbok, in line with section 7.8 of the approved Municipal Honours Policy, following his participation and outstanding performance during the Rugby World Cup 2023.

23/12/DMM4 APPROVAL OF THE 3-YEAR ICT STRATEGY FOR KOUGA LOCAL MUNICIPALITY

Resolved (14 December 2023)

1. That the ICT Strategy be approved.
2. That the previous approved ICT Strategy be repealed and replaced by the ICT Strategy as approved by Council herein.

The Speaker indicated that the comfort break would be taken after the presentation of the Finance and Economic Development items.

At 13:53 Cllr W Petersen received a fine for speaking out of turn.

17. REPORTS BY THE PORTFOLIO COMMITTEE CHAIRPERSONS

17.1 REPORTS BY THE CHAIRPERSON: FINANCE & ECONOMIC DEVELOPMENT

23/12/FED1 KOUGA LOCAL TOURISM ORGANISATION 2022/2023 ANNUAL EXPENDITURE REPORT AND THE KLTO 2023/2024 BUSINESS AND BUDGET PLAN TO MARKET KOUGA AS A DESTINATION OF CHOICE (AMENDMENT)

At 13:58 Cllr Oliphant requested a caucus, and the Speaker granted a five-minute caucus.

At 14:03 Council resumed.

Resolved (14 December 2023)

1. That the annual report on the 2022/2023 FY funding paid to Kouga Local Tourism Organisation be noted.
2. That Council approves the funding of R 300, 000-00 (Three Hundred Thousand Rands only all-inclusive for 2023/2024 FY.

3. That Council authorises the Accounting Officer to conclude a Funding Agreement / SLA with Kouga Local Tourism Organisation in respect of funding stated in (2) above.
4. That a strategic planning session be held with the KLTO and LED department within the next 2 months.

23/12/FED2 SUPPLY CHAIN MANAGEMENT REPORT FOR THE MONTHS: JULY AND AUGUST 2023

Resolved (14 December 2023)

1. That Council approve the Supply Chain Management report for the period ending 31 August 2023.

23/12/FED3 SUPPLY CHAIN MANAGEMENT: ANNUAL REPORT FOR THE FINANCIAL YEAR ENDING 30 JUNE 2023

Resolved (14 December 2023)

1. That Council approve the report for the period as per the reporting requirements.

23/12/FED4 MONTHLY BUDGET STATEMENTS FOR THE PERIOD JULY 2023 TO SEPTEMBER 2023 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 30 SEPTEMBER 2023 (2023/24 FINANCIAL YEAR)

Resolved (14 December 2023)

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

23/12/FED5 MONTHLY BUDGET STATEMENTS FOR THE PERIOD JULY 2023 TO OCTOBER 2023 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 31 OCTOBER 2023 (2023/24 FINANCIAL YEAR)

Resolved (14 December 2023)

1. That the Council notes Municipal Manager's report on the monthly budget statements, in accordance with Section 71(1) of the Municipal Finance Management Act.
2. That the monthly budget statements accordingly be submitted to Provincial Treasury as stipulated in Section 71(1) of the MFMA.

23/12/FED6 SPONSORSHIP AGREEMENT BETWEEN KOUGA LOCAL MUNICIPALITY AND NELSON MANDELA BAY AQUATICS FOR THE 2024 SOUTH AFRICAN NATIONAL OPEN WATER CHAMPIONSHIP

Cllr Oliphant indicated that the African National Congress is not in support of the item.

The Speaker noted the ANC's stance on the item and requested for a vote.

In favour: 14
Not in favour: 5

Resolved (14 December 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 150,000-00 (One Hundred and Fifty Thousand Rand) only, VAT-inclusive.
3. That the Council authorises the Accounting Officer to conclude a Sponsorship Agreement with Nelson Mandela Bay Aquatics for staging the 2024 to 2026 South African National Open Water Championship Event in respect of funding stated in (2) above.
4. That a full report be provided in respect of the intended local economic benefits that such an event would add to the Kouga municipal area.

23/12/FED7 HUMANSDORP MUSEUM ASSOCIATION 2022/2023 ANNUAL REPORT AND THE 2023/2024 BUSINESS AND BUDGET PLAN TO PRESERVE THE NATURAL AND CULTURAL HERITAGE OF KOUGA

Cllr Petersen requested an addition to the recommendations: That the Khoi and San structure form part of the Tourism Strategy.

Cllr Yali seconded the proposal.

The recommendations were unanimously approved.

Resolved (14 December 2023)

1. That the 2022/2023 FY Annual Report be noted.
2. That Council approves the annual funding of R 200,000-00 (Two Hundred Thousand Rand) only, VAT-inclusive.

3. That Council authorizes the Accounting Officer to conclude a Funding Agreement with Humansdorp Museum Association in respect of funding stated in (2) above.
4. That the Khoi and San structure form part of the Tourism Strategy.

Proposed: Cllr W Petersen

Seconded: M Yali

At 15:06 Council took a comfort break and resumed at 15:25.

17.2 **REPORTS BY THE CHAIRPERSON: PLANNING & DEVELOPMENT**

23/12/PD1 PROGRESS REPORT: LAND EVALUATION COMMITTEE SITTINGS

Resolved (14 December 2023)

1. That Council takes note of the Land Evaluation Committee progress report.
2. That Council confirms that the applications "**not supported**" by the LEC be considered refused and that such applicants be informed accordingly in writing regarding the outcome of their applications.
3. That Council will consider the "**supported**" applications by the LEC individually for consideration and approval.
4. That Council notes the deferred items, and further investigation or additional information be sought for further evaluation by the Land Evaluation Committee.

23/12/PD2 ALIENATION (LEASE) OF ERF 512, HANKEY

Cllr Gertenbach proposed the inclusion of an additional recommendation on all the items with a lease agreement: That an annual escalation be included in the lease agreement.

Cllr August seconded the proposal.

Resolved (14 December 2023)

1. That Council **grant in-principle approval** for the long-term lease of Erf512, Hankey for 9 years and 11 months.
2. That Council authorises the Accounting Officer to advertise Council's intention to alienate the property by way of a long-term lease agreement.
3. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
4. That Council authorises the Accounting Officer to obtain the market-related rental valuation for consideration.

5. That Council authorises the Accounting Officer to obtain the services of a registered professional to submit building plans for approval.
6. That all other administrative costs including the departure application, building renovations and valuation be for the cost of the applicant.
7. That the flood line in relation to the building on the property be determined.
8. That the project be registered with the LED Section, Finance Department.
9. That unless any approval/certification is received from the National Heritage Council of South Africa no renovations may take place on the building.
10. That the Building Control department engage with the South African Heritage and Resource Agency (SAHRA) on the guidelines to be followed on the renovation of the building by the Applicant.
11. That an annual escalation be included in the lease agreement.

Proposed: Cllr W Gertenbach

Seconded: Cllr C August

23/12/PD3

LEASE OF LAND FOR A 21M MONOPOLE TELECOMMUNICATIONS MAST (MOROPA SITE SOLUTIONS) – A PORTION OF ERF 835, PARADISE BEACH

Resolved (14 December 2023)

1. That Council **grant in-principle approval** for the long term of the lease of a portion of Erf 835, Paradise Beach for a 21m High Telecommunications Mast to Moropa Site Solutions for 9 years and 11 months years.
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 grant authorisation to the Accounting Officer to advertise Council's intention to lease immovable property for public participation.
4. That relevant Ward Councillor addresses the application herein at a ward committee meeting during the public participation period referred to in 3.
5. That Council authorises the Accounting Officer to obtain the market-related rental valuation for consideration.

6. That all other administrative costs including the application for departure, valuation and advertisement cost be for the applicant.
7. That the position of the towers be as such where it can be disguised if possible.
8. That an application form be submitted together with the following supporting documents, if needed:
 - Copy of title deed (if privately owned)
 - Proposed Site plans
 - A comprehensive motivation
 - Zoning Certificate
 - Locality plan
 - Power of attorney, if applicant is not the owner (Consent from the MM)
 - Comments from EC Department of Environmental Affairs and Civil Aviation Authorisation
9. That an annual escalation be included in the lease agreement.

Proposed: Cllr W Gertenbach

Seconded: Cllr C August

23/12/PD4 LEASE OF ERF 1244, PELLSRUS FOR AN OLD AGE SERVICE CENTRE

Resolved (14 December 2023)

1. That Council **grant in-principle approval** for the lease of Erf 1244, Pellsrus 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 grant authorisation to the Accounting Officer to advertise Council's intention to lease immovable property for public participation.
4. That Council authorises the Accounting Officer to obtain the services of a registered professional to submit building plans for approval.
5. That Council consider the market related valuation of the immovable property in line with the provisions of the approved Asset and Disposal Policy of Council for Social Care uses.
6. That all other administrative costs (valuation, advertisement, etc.) and in relation to the land use application, be for the cost of the applicant.
7. That an annual escalation be included in the lease agreement.

Proposed: Cllr W Gertenbach

Seconded: Cllr C August

23/12/PD5 LEASE OF LAND FOR A 15M HIGH TELECOMMUNICATIONS MAST (INSITE TOWERS) A PORTION OF ERF 1259, JEFFREYS BAY

Resolved (14 December 2023)

1. That the item be rejected.

23/12/PD6 ALIENATION (LEASE) OF ERF 1567, PELLSRUS

Resolved (14 December 2023)

1. That Council **grant in-principle** approval for the lease of Erf 1567, Pellsrus for 9 years and 11 months.
2. That Council grant authorisation to the Accounting Officer to advertise Council's intention to alienate vacant stand, Erf 1567, Pellsrus by way of a long-term lease agreement.
3. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
4. That Council authorises the Accounting Officer to obtain the market-related rental valuation for consideration.
5. That the property be used for the purpose applied for, and for no other purpose whatsoever, unless prior written consent has been obtained from the Lessor.
6. That the lease be cancelled if not implemented within 3 years from date of the signed lease agreement.
7. That all other administrative costs including the valuation be for the cost of the applicant.
8. That an annual escalation be included in the lease agreement.

Proposed: Cllr W Gertenbach

Seconded: Cllr C August

23/12/PD7 LEASE OF LAND FOR A 35M MONOPOLE TELECOMMUNICATIONS MAST (ORION TRUST) – A PORTION OF ERF 1996, SEA VISTA

Resolved (14 December 2023)

1. That Council **grant in-principle approval** for the long term of the lease of a portion of Erf 1996, Sea Vista for a 35m High Telecommunications Mast to Orion Trust 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 the public participation process take place as coordinated by the internal department.
4. That all other administrative costs including the application for departure, valuation and advertisement cost be for the applicant.
5. That an application form be submitted together with the following supporting documents, if needed:
 - Copy of title deed (if privately owned)
 - Proposed Site plans
 - A comprehensive motivation
 - Zoning Certificate
 - Locality plan
 - Power of attorney, if applicant is not the owner (Consent from the MM)
 - Comments from EC Department of Environmental Affairs and Civil Aviation Authorisation
6. That an annual escalation be included in the lease agreement.

Proposed: Cllr W Gertenbach

Seconded: Cllr C August

23/12/PD8 LEASE OF LAND FOR A 15M HIGH TELECOMMUNICATIONS MAST (INSITE TOWERS) – A PORTION OF ERF 2434, JEFFREYS BAY

Resolved (14 December 2023)

1. That the Item be rejected.

23/12/PD9 ALIENATION OF ERF 2593, SEA VISTA (ANNIE DANIELS)

Resolved (14 December 2023)

1. That Council **grant's in-principle approval** for the out-of-hand alienation of Erf 2593, Sea Vista.
2. That Council grant authorisation to the Accounting Officer to advertise Council's intention to alienate the property by way of a permanent disposal.
3. Council confirms that the land is not needed to provide the minimum level of basic municipal services.
4. That it be noted that Council approved the selling price of R9,234.00 for Erf 2593, Sea Vista in 2004.

5. That all administrative costs for the transfer, etc. be for the account of the applicant.

23/12/PD10 ALIENATION (LEASE) OF ERF 3087, SEA VISTA

Resolved (14 December 2023)

1. That Council **grant in-principle** approval for the lease of Erf 3087, Sea Vista for 9 years and 11 months.
2. That Council grant authorisation to the Accounting Officer to advertise Council's intention to alienate the property by way of a long-term lease agreement.
3. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
4. That Council authorises the Accounting Officer to obtain the market-related rental valuation for consideration.
5. That all other administrative costs including the valuation be for the cost of the applicant.
6. That it be noted that if space is needed by St Francis Tourism on Erf 3087, Sea Vista for their market, it be availed for such purpose.
7. That the contract outlines that an approval process be followed for the construction of additional buildings/containers with the Building Control department pending extensive discussions with the Planning & Development Department before construction takes place.
8. That an annual escalation be included in the lease agreement.

Proposed: Cllr W Gertenbach

Seconded: Cllr C August

23/12/PD11 LEASE OF LAND FOR A 15M HIGH TELECOMMUNICATIONS MAST (INSITE TOWERS) – A PORTION OF ERF 4568, JEFFREYS BAY

Resolved (14 December 2023)

1. That the Item be rejected.

23/12/PD12 ALIENATION (LEASE) OF ERF 130, PELLSRUS

Resolved (14 December 2023)

1. That Council **grant in-principle approval** for the lease of Erf 130, Pellsrus for 9 years and 11 months.

2. That Council authorises the Accounting Officer to advertise Council's intention to alienate the property by way of a long-term lease agreement.
3. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
4. That Council authorises the Accounting Officer to obtain the market-related rental valuation for consideration.
5. That Council authorises the Accounting Officer to obtain the services of registered professional to submit building plans for approval.
6. That the lead department obtain a letter of authority and duly signed constitution from the applicant.
7. That all other administrative costs in relation to the land use application and valuation be for the cost of the applicant.
8. That it be noted that if the project is not successful, the lease must be reviewed for possible cancellation.
9. That an annual escalation be included in the lease agreement.

Proposed: Cllr W Gertenbach

Seconded: Cllr C August

23/12/PD13 ALIENATION OF ERF 137, PELLSRUS (LIZO PATRICK LETSEKHA)

Resolved (14 December 2023)

1. That Council **grant's in-principle approval** for the out-of-hand alienation of Erf 137, Pellsrus.
2. That Council grant authorisation to the Accounting Officer to advertise the immovable property herein.
3. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
4. That Council authorises the Accounting Officer to enter into a Deed of Sale for the purpose of transferring the said property.
5. That the property be transferred through the Extended Enhance Discount Benefit Scheme (EEDBS) which makes provision for properties erected pre-1994 which is still in the possession of state organs.

23/12/PD14 LEASE OF LAND FOR A 15M HIGH TELECOMMUNICATIONS MAST (INSITE TOWERS) – A PORTION OF ERF 4667, JEFFREYS BAY

Resolved (14 December 2023)

1. That the Item be rejected.

23/12/PD15 REQUEST FOR FINAL APPROVAL TO ALIENATE AND TRANSFER OF ERVEN 2216, 2217, 2225 AND 2226 (UNREGISTERED ERF 2994), HANKEY TO THE OLD APOSTOLIC CHURCH – HANKEY

Resolved (14 December 2023)

1. That Council **grant final approval** for the alienation of Erven 2216, 2217, 2225 and 2227, Hankey to The Old Apostolic Church, at the fair market related value of R40 000, 00.
2. That in terms of Sections 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 the rezoning of the property be final and the applicant responsible for all costs.
4. That Council authorises the Accounting Officer to enter into a Deed of Sale for the property contemplated herein.

23/12/PD16 ALIENATION (LEASE) OF A PORTION OF ERF 164, JEFFREYS BAY

Cllr Petersen indicated that he was not in support of the approval of the recommendations.

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

In favour: 20

Not in favour: 1

Resolved (14 December 2023)

1. That Council take note of the Section 14 comments and if recommended, grant in-principle approval for the lease of a portion of Erf 164, Jeffreys Bay for 9 years and 11 months.
2. That Council grant authorisation to the Accounting Officer to advertise the immovable property herein.
3. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
4. That Council obtain the market related valuation of the immovable property.
5. That the applicant submits consent use application and all other administrative costs be for the account of the applicant.

6. That an annual escalation be included in the lease agreement.

Proposed: Cllr W Gertenbach

Seconded: Cllr C August

23/12/PD17 LEASE OF A PORTION OF ERF 164, JEFFREYS BAY FOR A HIGH TELECOMMUNICATIONS MAST – (MTN TOWER/INSRI BASE STATION)

Resolved (14 December 2023)

1. That Council grant in-principle approval for the lease of a portion of Erf 164, Jeffreys Bay (100m²) for a 15m High Telecommunications Mast to IHS for 9 years and 11 months.
2. That in terms of Sections 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 grant authorisation to the Accounting Officer to advertise Council's intention to lease immovable property for public participation.
4. That relevant Ward Councillor addresses the application herein at a ward committee meeting during the public participation period referred to in 3.
5. That Council authorises the Accounting Officer to obtain the market-related rental valuation for consideration.
6. That all other administrative costs including the application for departure, valuation and advertisement cost be for the applicant.
7. That the position of the towers be as such where it can be disguised if possible.
8. That an annual escalation be included in the lease agreement.

Proposed: Cllr W Gertenbach

Seconded: Cllr C August

23/12/PD18 ALIENATION (RIGHT-TO-USE LEASE) OF A PORTION OF ERF 164, JEFFREYS BAY (MTN TOWER BUILDING)

Cllr Petersen expressed non-support of the recommendations.

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

In favour: 16

Not in favour: 1

Abstained: 2

Resolved (14 December 2023)

1. That Council grant in-principle approval for the lease (right-to-use) of a portion (approximately 100m²) of Erf 164, Jeffreys Bay for 9 years and 11 months.
2. That Council grant authorisation to the Accounting Officer to advertise Council's intention to alienate a portion of Erf 164, Jeffreys Bay to the NSRI by way of a long-term lease agreement.
3. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
4. That applicant submits a departure application and any other administrative costs be for the cost of the applicant.
5. That an annual escalation be included in the lease agreement.

Proposed: Cllr W Gertenbach

Seconded: Cllr C August

23/12/PD19 LEASE OF A PORTION OF ERF 719, SEA VISTA FOR A HIGH TELECOMMUNICATIONS MAST

Resolved (14 December 2023)

1. That the Item be rejected.

23/12/PD20 ALIENATION OF A PORTION OF ERF 873, JEFFREYS BAY: JEFFREYS BAY BOWLING CLUB

At 16:17 Cllr Petersen received a fine for speaking without recognition.

Cllr Oliphant alluded that the African National Congress is not in support of the item and its recommendations.

Cllr Petersen concurred with Cllr Oliphant in not supporting the item.

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

In Favour: 15

Not In Favour: 6

Resolved (14 December 2023)

1. That the Council grant in-principle approval for alienation of a portion of Erf 873, Jeffreys Bay to Jeffreys Bay Bowling Club, at 25% of the fair market related value in terms of the policy of the Council.
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 advertise the Council's intention to alienate the property by way of an out-of-hand sale.
4. That the subdivision processes be finalised for the property contemplated herein and all related administrative cost be for the cost of the applicant.

23/12/PD21 ALIENATION (LEASE) OF A PORTION OF ERF 843, JEFFREYS BAY

Cllr Petersen indicated that he was in opposition to the approval of the recommendations.

The Speaker called for a vote.

In favour: 14
Not in favour: 3
Abstained: 2

Resolved (14 December 2023)

1. That Council take note of the Section 14 comments and if recommended, grant in-principle approval for the lease of a portion of Erf 843, Jeffreys Bay for 9 years and 11 months.
2. That Council grant authorisation to the Accounting Officer to advertise the immovable property herein.
3. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
4. That Council grant authorisation to the Accounting Officer to obtain the market related rental valuation of the immovable property.
5. That the departure application be submitted by applicant and all other administrative costs be for the account of the applicant.
6. That an annual escalation be included in the lease agreement.

Proposed: Cllr W Gertenbach

Seconded: Cllr C August

23/12/PD22 REQUEST COUNCIL'S IN-PRINCIPLE APPROVAL TO ALIENATION (LEASE) & AUTHORISATION TO ADVERTISE: ERF 1160, HUMANSDORP: HALALISANA TOWNSHIP INCUBATOR

Resolved (14 December 2023)

1. That Council grant in-principle approval for the lease of Erf 1160, Humansdorp for a period of 9 years and 11 months.

2. That Council grant authorisation to the Accounting Officer to advertise Council's intention to alienate vacant stand, Erf 1160, Humansdorp by way of a long-term lease agreement.
3. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
4. That Council authorises the Accounting Officer to obtain the market-related rental valuation for consideration.
5. That the property be used for the purpose applied for, and for no other purpose whatsoever, unless prior written consent has been obtained from the Lessor.
6. That the lease be cancelled if purpose applied for is not implemented within 3 years from date of the signed lease agreement.
7. That all other administrative costs including the valuation be for the cost of the applicant.
8. That an annual escalation be included in the lease agreement.

Proposed: Cllr W Gertenbach

Seconded: Cllr C August

23/12/PD23 REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL & AUTHORISATION TO ADVERTISE: ALIENATION (LEASE) OF ERF 7263, JEFFREYS BAY (OCEANVIEW)

Resolved (14 December 2023)

1. That Council grant in-principle approval for the lease of Erf 7263, Jeffreys Bay (Oceanview) for 9 years and 11 months.
2. That Council grant authorisation to the Accounting Officer to advertise Council's intention to alienate the property by way of a long-term lease agreement.
3. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
4. That Council authorises the Accounting Officer to consider the market-related rental valuation.
5. That the property be used for the purpose applied for, and for no other purpose whatsoever, unless prior written consent has been obtained from the Council.
6. That the lease be cancelled if purpose applied for is not implemented within 3 years from date of the signed lease agreement.

7. That all other administrative costs including the valuation be for the cost of the applicant.
8. That an annual escalation be included in the lease agreement.

Proposed: Cllr W Gertenbach

Seconded: Cllr C August

23/12/PD24 REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL & AUTHORISATION TO ADVERTISE: ALIENATION (LEASE) OF A PORTION FARM 346/4, HUMANSDORP RD (RHEEBOKSFONTEIN) AND A PORTION OF ERF 499, HUMANSDORP

Cllr Petersen was placed in the virtual waiting room.

Resolved (14 December 2023)

1. That Council does not support the item in accordance with the Mayoral and Portfolio Committees.

Proposed: Cllr S Ruth

Seconded: Cllr H Bornman

Cllr Petersen was admitted back into the meeting.

23/12/PD25 REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL & AUTHORISATION TO ADVERTISE: ALIENATE (LEASE): A PORTION OF ERF 1 HUMANSDORP, ERVEN 2084 AND 2085, HUMANSDORP AS WELL AS A PORTION OF ROAD (ERF 2077, HUMANSDORP)

Cllr Oliphant stated that the African National Congress does not support the item and requested the Speaker to call for a vote on the approval of the recommendations.

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

In favour: 16

Not in favour: 5

Resolved (14 December 2023)

1. That Council grant in-principle approval for the alienation (lease) of Erven 2084 and 2085, Humansdorp as well as closure and alienation of a portion of Road (Erf 2077, Humansdorp).
2. That Council grant authorisation to the Accounting Officer to advertise the immovable property herein.
3. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
4. That Council obtain the market related rental valuation of the immovable property.

5. That the property be used for the purpose applied for, and for no other purpose whatsoever, unless prior written consent has been obtained from the Council.
6. That the lease be cancelled if purpose applied for is not implemented within 3 years from date of the signed lease agreement.
7. That a land surveyor be appointed to attend and conclude the closure of public road, subdivision, consolidation and rezoning as well as all other administrative activities be for the cost of the applicant.
8. That an annual escalation be included in the lease agreement.

Proposed: Cllr W Gertenbach

Seconded: Cllr C August

23/12/PD26 REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL & AUTHORISATION TO ADVERTISE: ALIENATION (LEASE) OF A PORTION ERF 2, KRUISFONTEIN

Resolved (14 December 2023)

1. That Council grant in-principle approval for the lease of a portion of Erf 2, Kruisfontein for 9 years and 11 months and in the extent of 2 hectares.
2. That Council grant authorisation to the Accounting Officer to advertise the immovable property herein.
3. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
4. That Council consider the market related rental valuation of the immovable property.
5. That a Land Surveyor be appointed to attend and conclude the subdivision, Environmental Impact Assessment. All other administrative costs be for the cost of the applicant.
6. That an annual escalation be included in the lease agreement.

Proposed: Cllr W Gertenbach

Seconded: Cllr C August

23/12/PD27 REQUEST FOR COUNCIL TO RESCIND A SECTION OF COUNCIL RESOLUTION, GRANT AUTHORISATION TO ADVERTISE AND IN-PRINCIPLE APPROVAL TO ALIENATE: ERF 1044, SEA VISTA (MUNICIPAL HOUSE)

Resolved (14 December 2023)

1. That Council rescinds Section 5 (d) of council resolution (21/06/CF18) that resolved for erf 1044, Sea Vista to be leased at market related value and grants in-principle approval for erf 1044, Sea Vista to be alienated out-of-hand to Mr. B.W. Bosch based on the extensive period (26 years) the incumbent has resided in the premises.
2. That Council grant authorisation to advertise for comments and objections the intended alienation of the immovable property.
3. That Council has confirmed that the following property is not needed to provide the minimum level of basic municipal services.
4. That a fair market value be obtained for the property for Council to consider in line with Section 14(2) of the Municipal Finance Management Act.
5. That it be noted that the purchaser will be responsible for all administrative costs in respect of the alienation and transfer of the property.

23/12/PD28 ALLOCATION OF STREET NAMES: GOVERNMENT SUBSIDIZED HOUSING PROJECT (WARD 6) & PRIVATE DEVELOPMENTS IN JEFFREYS BAY & CAPE ST FRANCIS

Resolved (14 December 2023)

1. That Council grant in-principal approval for the proposed street names as contemplated in the layout maps for Kwanomzamo and Kruisfontein in Humansdorp, Fig Tree Estate in Jeffreys Bay, and St Francis Field in Cape St Francis.
2. That Council grant authorisation to the Accounting Officer to advertise the proposed street herein, for public participation.
3. That Council makes budgetary provision for the erection of the street names contemplated herein, upon the final approval of such street names.

23/12/PD29 ALIENATION (LEASE) OF ERF 7292, JEFFREYS BAY (OCEANVIEW)

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

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

In favour: 20

Not in favour: 2

Resolved (14 December 2023)

1. That Council grant in-principle approval for the lease of Erf 7292, Jeffreys Bay for 9 years and 11 months through a competitive process.
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 obtain the market related Rental of the property.
4. That Council authorises the Accounting Officer to advertise Council's intention to alienate the property by way of a long-term lease agreement.
5. That all costs pertaining to the installation of municipal services be borne by the successful applicant.
6. That an annual escalation be included in the lease agreement.

Proposed: Cllr W Gertenbach

Seconded: Cllr C August

23/12/PD30 ALIENATION (PURCHASE) OF A PORTION OF ERF 164 (A PORTION OF ROAD RESERVE VERGE IN DROMMEDARIS STREET) TO CONSOLIDATE WITH ERF 269, JEFFREYS BAY

Resolved (14 December 2023)

1. That Council grant in-principle approval for the purchase of a portion of Erf 164 (road reserve verge of Drommedaris Street), Jeffreys.
2. That Council grant authorisation to the Accounting Officer to advertise the immovable property herein.
3. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
4. That Council grant authorisation to the Accounting Officer to obtain the market related valuation of the immovable property.
5. That the subdivision, consolidation, rezoning and all other administrative costs be for the account of the applicant.

23/12/PD31 AMENDMENT OF KOUGA LOCAL MUNICIPALITY LAND USE SCHEME, 2021

Cllr Ruth proposed that the Director: Infrastructure and Engineering be corrected to read as Director: Civil and Water Services and was seconded by Cllr Dhludhlu.

Resolved (14 December 2023)

1. That the Council grant approval to proceed with the amendment of Kouga Local Municipality Land Use Scheme, 2021.
2. That the Council approve the establishment of a Project Committee, comprising of the following persons:
 - i) The Municipal Manager
 - ii) Manager: Legal Services
 - iii) Director: Planning & Development (or representative)
 - iv) Director: Civil & Water Services (or representative)
 - v) Director: Community Services (or representative)
 - vi) Environmental Officer
 - vii) Manager: Town Planning
 - viii) Other members to be co-opted as needed.

Proposed: Cllr S Ruth

Seconded: Cllr B Dhludhlu

3. That the Director: Planning & Development be nominated as Chairperson of the Project Committee.
4. That, in terms of Section 18(b) of the Spatial Planning & Land Use Management By-law: Kouga Municipality, 2016, a notice be published in the local media, in respect of the amendment of the Kouga Local Municipality Land Use Scheme, 2021.
5. That, in terms of Section 18(c) of said by-law, the Member of the Executive Council be informed of the municipality's intention to amend the Kouga Local Municipality Land Use Scheme, 2021.
6. That, in terms of Section 18(d) of said by-law, relevant stakeholders be invited to comment on the amendments made to the land use scheme.

23/12/PD32 REQUEST FOR COUNCIL'S FINAL APPROVAL: A PORTION OF PORTION 4 OF THE FARM ZWARTENBOSCH NO. 347: TEEN CHALLENGE SA (NEW NAME SALVATION SOUTH AFRICA KOUGA)

Cllr Ruth commended and appreciated the Planning and Development Directorate for the sterling work on the Land and Property section.

Resolved (14 December 2023)

1. That Council grants final approval for the disposal of a portion of portion 4 of the farm Zwartbosch No. 347 out-of-hand to Salvation SA Kouga as a social care user, at the fair market related value of 25% of R770 000.00 (R192 500.00) in terms of the policy of Council.
2. That Council confirmed that the land is not needed to provide the minimum level of basic municipal services.

3. That the subdivision and rezoning of the land be attended to and concluded.
4. That the property be used for the purpose applied for, and for no other purpose whatsoever, unless prior written consent has been obtained from the Council.
5. That the purchaser obtain consent from the Council should they want to sell the erf in future.
6. That Council grant authorisation to the Accounting Officer to enter into a Deed of Sale with the Salvation SA Kouga.

17.3 **REPORTS BY THE CHAIRPERSON: CIVIL & WATER SERVICES**

23/12/CWS1 REALLOCATION OF MIG FUNDS WITHIN CIVIL AND WATER ENGINEERING SERVICES DIRECTORATE

The Speaker indicated that the approval of the recommendations requires the majority of the Council by its full number. He then called for a vote on the approval of the recommendations as follows:

In favour: 17
 Not in favour: 1
 Abstained: 3

Resolved (14 December 2023)

1. That the Council, by resolution taken by the majority of its full number, and in terms of Section 30(2) of the Local Government: Municipal Structures Act No.1998 (as amended), read in conjunction with Section 28 of the Local Government: Finance Management Act, Act 56 of 2003, approves the following proposed amendments to the 2023/2024 Capital Budget:

Project Name	2023/2024 Approved Budget (Excl. VAT)	2023/2024 Proposed Adjustments (Excl. VAT)	Increase	Decrease
Upgrading of Loerie Sports Facility U-Key: 20230707065830	R3,057,474.00	R5,296,905.98	R2,239,431.98	
Upgrade Sanitation System of Old Hankey-	R10,632,672.00	R8,393,240.02		R2,239,431.98

23/12/CWS2 REALLOCATION OF WSIG FUNDS WITHIN CIVIL AND WATER ENGINEERING SERVICES DIRECTORATE

The Speaker indicated that the approval of the recommendations requires the majority of the Council by its full number. He then called for a vote on the approval of the recommendations as follows:

In favour: 17

Not in favour: 4

Resolved (14 December 2023)

1. That the Council, by resolution taken by the majority of its full number, and in terms of Section 30(2) of the Local Government: Municipal Structures Act No. 117 of 1998 (as amended), read in conjunction with Section 28 of the Local Government: Finance Management Act, Act 56 of 2003, approves the following proposed amendments to the 2023/2024 Capital Budget:

Project Name	2023/2024 Approved Budget (Excl. VAT)	2023/2024 Proposed Adjustments (Excl.VAT)	Increase	Decrease
Mimosa Street Pipeline Project U-Key: 202307065779	R16,314,317.00	R12,836,056.13		-R3,478,260.87
Connect two Boreholes in St Francis Bay	R0.00	R2,608,695.65	R2,608,695.65	
Consulting Services for the development of boreholes in St Francis Bay, Hankey and	R0.00	R869,565.22	R869,565.22	

17.4 REPORTS BY THE CHAIRPERSON: COMMUNITY & SAFETY SERVICES

23/12/CSS1 AUTHORISATION FOR THE ESTABLISHMENT OF A DISASTER MANAGEMENT ADVISORY FORUM AND THE APPROVAL OF THE TERMS OF REFERENCE OF THE DISASTER MANAGEMENT ADVISORY FORUM FOR KOUGA LOCAL MUNICIPALITY

Cllr Petersen indicated that he was opposing the recommendations.

The Speaker called for a vote.

In favour: 17

Not in favour: 1

Abstained: 1

Resolved (14 December 2023)

1. That Council grants the authorisation for the establishment of a Disaster Management Advisory Forum for Kouga Municipality.
2. That the Disaster Management Advisory Forum Terms of Reference be approved.

17.5 **REPORTS BY THE CHAIRPERSON: ELECTRO-MECHANICAL SERVICES**

23/12/EMS1 REPORT TRAINING REQUIREMENTS FOR EM DEPARTMENT

Resolved (14 December 2023)

1. That the item be supported by Council.
2. That the Directorate submit a full report on training needs to the HR Section.

18. **CLOSURE**

The meeting ended at 17:35.



B WILLIAMS

SPEAKER

4 March 2024

DATE