

**MINUTES OF A VIRTUAL ORDINARY COUNCIL MEETING OF KOUGA
MUNICIPALITY HELD ON WEDNESDAY, 28 FEBRUARY 2024 AT 10:00 AM**

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 Ndzaleni	
N Ntshota	
B Human	
M Valgee	
V Zana	
E Mbuqu	
L Nkilishane	
M Mbandana	
V Gunuza	
W Petersen	

**Officials &
Municipal Manager**

C du Plessis	(Municipal Manager)
E Goliath	(Acting 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)
C Prinsloo	(Legal Officer: Office of the Speaker)
K Minnaar	(Chief of Staff)
M Basson	(Manager: Media & Communication)
M Rossouw	(Manager: Administration & Auxiliary Services)
M Julius	(Senior Admin Officer: Committees)

S Sidjiyo (Committee Officer)
N Mazibuko (Committee Clerk/Scribe)

Stakeholders G Billson (Chairperson: Kouga Audit)

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 on 28 February 2024 at 10:00 AM.

2. **OPENING AND WELCOME**

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

3. **ABSENT WITH LEAVE**

D de Jager (Deputy Municipal Manager)

4. **ABSENT WITHOUT LEAVE**

N Ntengwane

5. **PRESENTATIONS**

None.

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Ald Benson extended birthday wishes to the following Councillors:

18 January – Cllr Alexander
28 January – Cllr Murray
30 January – Cllr Heystek
9 February – Executive Mayor
11 February – Cllr Mbuqu
23 February – Cllr Dhludhlu

Cllr Zana extended condolences to Cllr Yali and his family on the loss of his sister who will be laid to rest in the upcoming weekend in Jeffreys Bay, and to the families of the African National Congress (ANC) supporters who died tragically after the ANC Manifesto Rally in Durban.

He also congratulated Councillors who celebrated their birthdays as well as the ANC for hosting a successful manifesto launch in Durban.

He applauded Banyana Banyana for their victory against Tanzania and wished them well in the upcoming Olympic Qualifiers.

The Speaker also extended his condolences to Cllr Yali and his family for their loss.

Cllr Petersen stated that he also celebrated his birthday on 16 February and congratulated the Links Royal House on hosting a successful cultural event despite the challenges faced.

The Speaker extended birthday wishes to Cllr Petersen.

Cllr Ruth extended her heartfelt sympathies to the families whose shacks caught fire in Ward 1, Sea Vista and thanked the administration for their swift response in providing necessities and food parcels to the affected community. She further extended her sympathies for the child who was electrocuted by a fence and stated that the Planning and Development department is working on acquiring land to ensure that proper services are provided.

Cllr Stuurman congratulated the House of Klaas and Dawid Stuurman for the successful commemoration service that was held at the Chief Dawid Stuurman International Airport in Gqeberha. He also welcomed the German lecturers and students to the Kouga region.

Cllr Oliphant stood with the people of Palestine and applauded all the countries that advocate for peace and stability in Palestine and that have condemned the actions of Israel.

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

The Speaker noted that there has been a lack of attendance by Councillors at the public hearings on Bills tabled in Parliament and urged that Councillors attend the public hearings as well as the scheduled Policy Workshops.

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

It is my honour today, to deliver my first State of the Municipality Address as Executive Mayor of Kouga Municipality.

This is a unique opportunity for us to collectively reflect on the year that passed and, more importantly, to outline the vision for the year ahead of us.

I wish to address Council today not only as a politician or as an Executive Mayor, but, foremost, as a proud South African.

I, therefore, dedicate this address to every South African in Kouga who, during this trying time in our country, endures various levels of distress daily, yet as is entrenched within our character, continues to hold dear to them, a passionate degree of hope and a better tomorrow.

We cannot, as a local municipality, neither reflect nor project, without considering the state of our beloved nation.

I listened to the State of the Nation Address by President Cyril Ramaphosa on 8 February 2024 and was, like many South Africans, concerned about how disconnected the contents of his speech were from the reality facing South Africans daily.

The stark reality is, that our beloved country is on the brink of collapse. The true state of our nation as a direct result of cadre deployment, politically connected individuals are placed in key positions in the public service without merit, which has facilitated gross levels of corruption leading to state collapse.

The cost of living has subsequently spiralled out of control where 81% of households are skipping at least one meal a day, 12 million people go to bed hungry every night, 30% of children under the age of five are stunted in their development, and millions of hungry schoolchildren are unable to concentrate and learn.

According to the Eastern Cape Department of Health, 1722 children under the age of five in this province were newly diagnosed with severe acute malnutrition between August 2022 and September 2023. Of these, 114 have sadly died. Today, 50% of South Africans live below the poverty line.

South Africa's income per capita has been falling for over a decade with unemployment at around 33%, and at an expanded definition, around 41%, the world's highest.

The electricity crisis has shut down small businesses and has plunged more South Africans deeper into poverty.

As a local municipality, we are closer to the ordinary South African citizen and the socio-economic challenges that besiege us daily.

I want the residents of Kouga to know that I understand the challenges that are faced every day, and despite the gruelling national climate, we have as a local municipality built a resilience second to none, with a community of residents that refuse to bow down.

When I first took office in July last year, I embarked on a tour of every ward in the municipality, visiting every community and engaged with thousands of residents to intimately understand exactly what and how we need to continue to get things done.

I was reminded that a quality education, an opportunity to find meaningful work, and access to quality basic services are the surest ways to ensure that South Africans live a life of dignity.

I am immensely proud of the achievements we have made in the past year to do our bit, in ensuring that our residents maintain a life of dignity.

You cannot have dignity within a dysfunctional Municipality.

In Kouga Municipality, the Accounting Officer and I work hand in glove to ensure that our budget reflects the needs of our community guided by the Integrated Development Plan.

Kouga Municipality, for the 22/23 financial year had an actual operating revenue of R1,286 billion. Of this, we managed to spend 94.66% of our capital projects budget and 100% of our Municipal Infrastructure Grant funding.

Notable highlights include over R13 Million spent for resurfacing 10km of gravel roads and over 4000m² of potholes repaired and over R20 million for resealing roads creating more than 300 new jobs along the way.

To alleviate the cost of living as best we can, we ensured that residential properties valued at R400 000 and less will not be required to pay property rates. The national norm is just R85 000.

We doubled the pensioners rebate from R100 000 to R200 000 and increased our total indigent subsidy budget to R68 million, which equates to approximately R1367 per indigent household per month.

We reduced tariffs by 23.8% on property rates whose value has not increased by more than 30%.

And in November last year, to provide further relief to residents, we reduced water tariffs from part c to part b.

Even so doing, while municipal debt to Eskom stands at a staggering R75.4 billion nationally, Kouga Municipality owes Eskom nothing.

I would like to commend our accounting officer and chief financial officer for not only enhancing the municipal revenue base but also for keeping costs as affordable as possible for the residents of Kouga.

Congratulations also on your 10th consecutive unqualified audit.

You cannot have dignity without access to water.

It needs not reminding that last year Kouga Municipality was battling the worst drought we have faced in over a decade.

Not only did we avoid day zero, but we used this as an opportunity to improve our water security better than it has ever been before.

The year 2023 marked the completion of four groundbreaking water purification plants in Kouga. These plants are the largest in Africa to make use of this process for municipal supply.

As a result, where we previously relied on 70% of water supply from dams, we now only have a 35% reliance on it, while 65% of our water is now supplied from our underground water from fountains and boreholes.

Our innovative efforts toward ensuring a high standard of water quality were affirmed by being acknowledged as one of the best-performing water service authorities in the Eastern Cape – receiving an overall 64.59% in the latest Blue Drop assessment released by the Department of Water and Sanitation for the year 2022/2023.

The score was further supported by an excellent technical site assessment rating of 91% for the Jeffreys Bay Water Treatment Works.

We had the privilege of having the Minister of Water and Sanitation, Mr. Senzo Mchunu visit this treatment works in August last year, who observed what is possible when funds are spent prudently.

I encourage other local municipalities, who continue to battle with water supply, to work with us and our incredible team in finding solutions to this critical challenge.

You cannot have dignity without ownership.

We have made it our mission that no title deed should remain with the municipality or any government institution but must instead reside with the rightful owner.

Last year Kouga Municipality issued over 1 100 title deeds to residents for their RDP houses across the region, a milestone for the municipality.

We can be proud of being a catalyst for people's self-determination and development.

This is in addition to the 3 056 title deeds issued since 2019 – some of the documents which dated back 20 years or more and had never been issued to their rightful owners.

You cannot have dignity without food on your table.

While I am aware that alleviating food insecurity in Kouga Municipality is beyond our control, I am most pleased with our efforts to alleviate this burden in a meaningful way for those who need it most.

Through a dedicated mayoral initiative and by sourcing necessary donations, Kouga Municipality has in just the past four months donated over five tons of fresh vegetables to over 30 local NGOs across the region.

By supporting this critical sector in our community hundreds of residents can be assured of having a nutritious meal a day.

I particularly want to recognize Xolani Woni from KwaNomzamo, who established his non-profit organisation, "Ikhaya Labakhaya" in March last year.

Xolani distributes close to 300 meals to vulnerable residents on a weekly basis.

His operation unfortunately came to a halt in December due to a lack of resources. Thanks to our initiative, Xolani is now back on his feet providing this critical service.

Wenze kakuhle Xolani! May you continue to make a difference in our community. It is through the will and tenacity of our people, of South Africans, who ensure that despite all the wrong indicators going up in South Africa, there is hope. As the late Archbishop Desmond Tutu said, and I quote: "Hope is being able to see that there is light despite all of the darkness".

Let me state this with no uncertainty, there is hope.

There is hope for South Africa and there is clear hope for Kouga Municipality. This is not a fairytale, as the plans for this municipality for this very year are real. While Kouga Municipality remains the best run Municipality in the Eastern Cape, we are not blinded by the challenges in front of us.

While we remain a beacon of hope in the province, we are far from where we envision ourselves to be.

Allow me, therefore, to touch on some of the ongoing priorities for this year. Streamlining customer care Kouga Municipality is committed to bringing open, accessible, transparent, and accountable government to all residents across the Kouga region. For this reason, I launched the First Thursday initiative.

On every first Thursday of the month, residents can meet with myself and my mayoral committee, the municipal manager, and directors without having to make any appointment.

We recommence with this on 7 March 2024 between 12:00 and 17:00 outside municipal offices in Jeffreys Bay and will thereafter visit every town again.

True leadership is servanthood, and we must continue to improve our ability to do just that.

I am also excited about launching our first ever Customer Service Charter, which could possibly be the first of its kind in the province.

This document, which will be distributed broadly, is essentially a commitment to residents detailing the services we offer, the level to which they ought to be rendered and the turnaround time we commit ourselves toward.

We are here to serve, and residents need to hold us accountable.

I wish to acknowledge the myriad of challenges we have experienced with accounts in the past few months.

I am pleased to announce that incorrect billing will soon be an issue of the past as we are currently rolling out our smart water reading initiative.

We have already begun piloting this innovative intervention which we hope will be fully implemented within the next couple of months.

Roads

The extent to which people can use the opportunities available is dependent on how easily they are able to move around their towns, their cities and their country. When individuals cannot move around freely and easily, their access to economic opportunities is impaired.

Over many years, our road infrastructure has faced neglect, reaching a point where fixing potholes is no longer an adequate solution.

This can be attributed to years of negligence dating back to prior August 2016, when the municipality inherited a backlog of R500 million in road maintenance from the previous term. Heavy rainfall and increased population (3.22% per annum) have exacerbated the road conditions, intensifying the need for prompt action.

Recognizing this, the municipality is committed to reforming its approach to pave the way for tangible and lasting progress.

On 12 September 2023, we hosted a first of its kind "Rescue our Roads" stakeholder meeting. This was attended by engineers, contractors, and stakeholders from all over the country.

Innovative technologies including new methods and materials were discussed.

A month later, the Kouga Municipality Council passed a resolution to secure external funding amounting to R200 million for the vital task of rehabilitating 150km of roads in the next 15 months.

We are presently negotiating with several financial institutions to secure these funds to appoint the most capable contractors to do the job effectively.

In addition to this, we have recently appointed a new manager for roads and stormwater who will lead this process going forward.

Renewable energy

I believe that municipalities have the ability to choose how they wish to approach local governance. If you're proactive, you focus on preparing. If you're reactive, you focus on repairing.

While repairs to critical infrastructure will remain a priority throughout the year, Kouga Municipality will proactively work toward mitigating the devastating effects of load shedding on our residents.

I am pleased to announce that an environmental impact assessment for the construction of a 20MW solar plant outside Humansdorp has been completed and approved.

We are currently in the process of conducting a thorough financial feasibility study to distinguish costing and various financing models.

This green energy project will reduce our reliance from Eskom, cut costs on energy supply, create jobs, keep local businesses energised and will ultimately increase economic development exponentially, particularly within the targeted Humansdorp area.

This initiative includes a 160KW solar project to take the Jeffreys Bay Municipality Building off the grid and a 1MW solar project geared toward powering our critical infrastructure such as our Waste Water Treatment Works.

ISUP

Kouga Municipality will be forking out more than R42 million to upgrade the vandalised Waste Water Treatment Plant in KwaNomzamo, Humansdorp.

The 18-month project, designed to enhance the treatment capacity of the plant, will also clear obstacles holding back the progress of a 400-unit housing project here.

The increased treatment capacity of 2.5ML per day and efficiency will provide the necessary infrastructure support for new residential areas, contributing to the municipality's efforts to address housing demands in a rapidly growing community.

Informal settlements across the Kouga region are set to be upgraded at a combined cost of more than R68 million over the next 12 months.

The implementation of this project will see nine informal communities with over 3000 households be provided with decent basic services, such as water, electricity, sanitation, and waste management.

This will help to address the ongoing dependence of informal areas on the bucket system – which we are committed to removing entirely.

There are many priorities for Kouga Municipality, which include our local economic development strategy, town planning, ensuring we have clean beaches, and increasing tourism.

I, however, want Council and residents to know today, our four key priorities:

1. We have to fix our roads.
2. We have to reduce our reliance on Eskom.
3. We have to make sure that residents are served quickly and effectively.
4. We have to upgrade our Waste Water Treatment Works.

Conclusion

Despite the national climate in South Africa now, I still have immense hope. Hope that we will get out of this decline we have fallen into. Hope that as South Africans we are able to rise above stats and figures and thrive.

That is also why I believe that Kouga has what it takes. We can be a blueprint of what a flourishing South Africa can look like. A place of hope, innovation, where families can live, work, and play safely.

Allow me to end with a quote that I have read in Council numerous times.

Theodore Roosevelt said: "It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls whom neither knows victory nor defeat."

Fellow South Africans, may we continue to dare greatly – for our country depends on it.

Thank you.

9. **DISCLOSURE OF INTEREST**

Cllr Oliphant declared an interest in item 24/02/R&E2.

Cllr Human declared an interest in item 24/02/R&E1.

10. **STATUTORY MATTERS**

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

Resolved (28 February 2024)

1. That the Minutes of the Mayoral Committee Meeting held on 30 November 2023 be noted.

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

Resolved (28 February 2024)

1. That the minutes of the Ordinary Council Meeting held on 30 January 2024 be approved.

Proposed: W Gertenbach

Seconded: S Ruth

MOTION OF EXIGENCY:

WATER INTERRUPTIONS THAT OCCURRED IN HUMANSDORP FROM 23 FEBRUARY 2024 TO 27 FEBRUARY 2024

Cllr Alexander tabled a Motion of Exigency under rule 30 of the Standing Rules and Orders for meetings of Council and all its Committees on the water interruptions in Humansdorp. Under rule 30.1, he requested that the matter be considered as a matter of exigency.

The Executive Mayor seconded the proposal to table the motion.

The Speaker called for a vote on the tabling of the motion:

In Favour: 24

Not in Favour: 2

Cllr Alexander tabled the motion and outlined that since Friday, 23rd of February 2024 complaints were received about the lack of water and low water pressure in the Humansdorp area.

He further highlighted that the technical department reported back that reservoirs were not filled up as per usual and it was discovered that the main line providing water to the Humansdorp area had burst.

At 10:57, the Speaker called for a 10-minute caucus for the discussion of the recommendations.

Upon return at 11:10, Cllr Zana stated that the ANC was in support of the motion. However, he raised a concern about the speed in addressing the matter.

Cllr Mbandana expressed dissatisfaction about the lack of a Water Master Plan in the Municipality.

Cllr Human highlighted that the community of Kruisfontein has been battling with the matter for five years and he added that the water regulation system in Humansdorp needs to be changed, and water needs to be diverted to flow the natural way and not against gravity.

Cllr Oliphant stated that the tabled matter has been continuing for many years with no motion tabled and the State of the Municipality Address has not reflected on the problems of water.

At 11:27, Cllr Zana and Cllr Mbandana received warnings for speaking out of turn.

At 11:34, Cllr Nkilishane received a warning for speaking without being recognised.

Cllr Nkilishane stated that the EFF was in support of the motion and requested that a detailed report of what happened in Ward 4 and 5 be prepared by the relevant department.

Cllr Zana requested that timelines be applied for the execution of the recommendations as outlined.

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

In Favour: 24

Not in Favour: 1

Resolved (28 February 2024)

1. That the Accounting Officer provide a report on what caused the water interruptions in Humansdorp from 23 February 2024 to 27 February 2024.
2. That an urgent action plan be prepared and implemented by the Civil and Water Services Directorate to prevent a re-occurrence of water outages/interruptions, considering the dire water situation the community experienced.

2.1 That the recommendations outlined in 1 and 2 be accepted.

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**

24/02/SBDM1 REPORT BACK: SARAH BAARTMAN DISTRICT REPRESENTATIVES

Resolved (28 February 2024)

1. That the report be noted.

14.2 **KOUGA AUDIT COMMITTEE**

24/02/KAC1 MINUTES OF THE KOUGA AUDIT COMMITTEE

Resolved (28 February 2024)

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

14.3 **RULES & ETHICS COMMITTEE**

24/02/R&E1 DISCIPLINARY ENQUIRY HELD BY RULES AND ETHICS COMMITTEE – COUNCILLOR BAZIL HUMAN

At 12:02, Cllr Human was placed in the virtual waiting room.

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

In Favour: 16

Not in Favour: 9

Resolved (28 February 2024)

1. That the recommendation made by the Rules and Ethics Committee herein be upheld.
2. That the following sanction be implemented against Councillor Human in respect of the charge laid against him and for which charge the Councillor was found guilty.
 - 2.1 That in respect of Charge 1 – the sanction is a fine equal to 50% of Councillor Human's salary, suspended for the balance of his term in office, subject to him not being found guilty of the same offence.

Cllr Human was admitted back into the meeting.

24/02/R&E2

DISCIPLINARY ENQUIRY HELD BY RULES AND ETHICS COMMITTEE – COUNCILLOR PHUMZILE OLIPHANT

At 12:13, Cllr Oliphant was placed in the virtual waiting room.

Cllr Petersen expressed that he was not in support of the item.

Cllr Human proposed an amendment to the recommendations for the sanction to be half a month's salary payable over three months.

Cllr Petersen seconded the proposal.

At 12:24, Cllr Dhludhlu received a warning for speaking out of turn.

Cllr Dhludhlu requested a 5-minute caucus.

Upon return at 12:36, Ald Benson counter proposed that the sanction be half a month's salary payable over 1 month.

Cllr Dhludhlu seconded the counter proposal.

The Speaker called for a vote on the acceptance of the amended proposal for half a month's salary payable over 3 months to be sanctioned.

In Favour: 7

Not in Favour: 18

The Speaker called for a vote on the acceptance of the amended proposal for half a month's salary payable over 1 month to be sanctioned.

In Favour: 17

Not in Favour: 8

Resolved (28 February 2024)

1. That the recommendation made by the Rules and Ethics Committee herein be upheld.
2. That the following sanction be implemented against Councillor Oliphant in respect of the charge laid against him and for which charge the Councillor was found guilty.
 - 2.1 That in respect of Charge 1 – the sanction is a fine equal to 50% of Councillor Oliphant's salary payable over (1) one month.

Proposed: Ald Benson Seconded: B Dhludhlu

Cllr Oliphant was admitted back into the meeting.

14.4 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

24/02/MPAC1 MINUTES OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

Resolved (28 February 2024)

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**

24/02/MM2 COUNCIL RESOLUTIONS AS AT 30 JANUARY 2024

Cllr Zana referred to page 125 on the *Partnership Agreement with Gamtoos Tourism* and enquired on the status of the Jazz Festival at the Yellowwoods.

On the *Patensie 6 Rectification Project*, he requested a status update on the project as well as on the extension at the Sea Vista Clinic.

He further enquired on the status of the transfer of roads from the Provincial department to the Municipality and the maintenance thereof.

Cllr Heystek enquired on the status of the FLISP project and referred to page 125 on the *In-Principle Approval to Develop a Shelter for the Homeless* on whether there has been any progress on acquiring the land.

The Speaker raised the following queries:

- On page 113, he questioned when the Draft Tree Management Policy will be publicised as the target date is 29 February 2024.
- On page 120, he noted that discussions on grant funding in informal settlements were held on 17 January 2024 and enquired on the status of the matter.
- On page 119, he questioned whether an application was submitted as per the discussions held on 13 February as well as on the status of the transfer of properties from the Department of Public Works.
- On page 122, he enquired whether feedback from the Provincial Department of Human Settlements was received on the devolution of land parcels.
- On page 118, he questioned when the MEC's signature would be obtained for the transfer of properties from the Department of Public Works to the Municipality.
- On page 114, he noted that there are multiple items without updates.

In response, the Acting Director: Planning & Development stated that an appointment letter had been signed for the *Patensie 6 Rectification Project* and that the SCM process was underway. He highlighted that the department was looking to include an additional unit in the project, bringing the total rectification of houses to seven.

On the Sea Vista Clinic, he indicated that documents were submitted to the Department of Public Works (DPW) on the matter, however, confirmation is awaited.

On the FLISP project, he explained that a request for changes to be made was received from the Department of Economic Development, Environmental Affairs and Tourism (DEDEAT). On 18 January 2024, comments were received from the service provider, Bosch Projects, where the information was organised and forwarded to the DEDEAT.

On acquiring land for the homeless shelter, he stated that the department was still in the process of identifying land for the shelter. On the approval of grant funding, he confirmed that a business plan was submitted to the Department of Human Settlements (DHS) on 13 December 2023, upon receipt, discussions were held with the Provincial Department on the plan where minor adjustments were proposed.

The adjustments were made, and the plan was resubmitted, however, there has been no feedback on the matter.

On the transfer of properties from DPW, he confirmed that an application was submitted for the rezoning on 14 February 2024. On the devolution of land parcels, he stated that a meeting was held in Gqeberha with the DPW to discuss outstanding matters where it was outlined that the signature of the MEC was awaited. However, a follow-up on the matter was ongoing.

He further highlighted that engagements were held with the DHS where it was indicated that the Department was still in the process of transferring Papiestfontein to DEDEAT.

During the engagements, a condition was made for an Environmental Impact Assessment to be conducted by the Municipality before the transfer was finalised in order to determine a portion of the land that could be developed by the Municipality. However, no feedback has been received on the request.

The CFO referred to page 114 and stated that the update for the establishment of the Kouga SMME Forum remains unchanged as it is linked to the Economic Development Strategy, however, SMMEs are engaged in multiple issues including capital projects, training initiatives and identified opportunities pending the formalisation of the Terms of Reference.

On Grant-In-Aid, he explained that there was a limited budget available in the current year because during the budget period, all the organisations that the Municipality works with that receive or have been receiving an allocation for several years have been specifically budgeted for. As a result, reports have been continuously submitted to the Council for approval of the sponsorships where SLAs are entered into and payments are transferred.

Grant-In-Aid is moving towards the economic development area which will be linked to the anticipated achievements of the Economic Development Strategy.

On the WSL J-Bay Open close-out report, the outstanding information has been received and the report has been included in the upcoming Portfolio Committee agenda for March 2024.

On the process of sourcing external loan funding for R200 million, he stated that the stipulated terms and conditions from DBSA have been assessed at a high level and it was decided that a competitive bidding process would be more suitable. The specification has been finalised and will be submitted to the Bid Specification Committee (BSC) on 1 March 2024 to be advertised in the following week.

On the Yellowwoods festival, he highlighted that the project was underway and that a report on the venue would be submitted by 1 March 2024 as

there were issues on the matter. The final decision will be made once the report has been submitted.

Cllr Oliphant requested clarity as to which Provincial Department owns Papiessfontein.

The Acting Director: Planning & Development stated that Papiessfontein belongs to the Department of Human Settlements.

Resolved (28 February 2024)

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.

At 13:02, the Speaker called for a 20-minute comfort break.

17. **REPORTS BY THE PORTFOLIO COMMITTEE CHAIRPERSONS**

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

24/02/FED15 2023 HUMANSDORP COMMUNITY FESTIVAL CLOSEOUT AND 2024 SPONSORSHIP PROPOSAL

The meeting re-convened at 13:24.

Resolved (28 February 2024)

1. That Council note the 2023 Humansdorp Community Festival close-out report.
2. That Council approves the allocation of R 150,000.00 (One Hundred and Fifty Thousand Rand) only, VAT-inclusive, to support the 2024 Humansdorp Community Festival.
3. That Council authorizes the Accounting Officer to conclude a Sponsorship Agreement with the Khoi Kulcha Foundation for staging the 2024 Humansdorp Community Festival, in accordance with the funding allocated in recommendation 2 above.

24/02/FED16 2024 SDC DP WORLD TOUR GOLF TOURNAMENT SPONSORSHIP

Cllr Zana expressed the ANC's opposition to the approval of the item.

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

In Favour: 17
Not In Favour: 9

Resolved (28 February 2024)

1. That Council approves the allocation of R 400 000-00 (Four hundred thousand rands) + VAT, to support the 2024 Golf tournament at ST Francis Links.
2. That Council authorises the Accounting Officer to conclude a Sponsorship Agreement with St Francis Links for staging the 2024 SDC DP World tour golf tournament, in accordance with the funding allocated in recommendation 1 above.

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

24/02/PD6 REQUEST FOR ALIENATION (LEASE) OF A PORTION OF ERF 300, PATENSIE

Cllr Gertenbach requested that images of the erf be included in the report for future reference and proposed that an annual escalation fee be outlined in the contract.

Cllr van Niekerk seconded the proposal for an annual escalation.

Cllr Human proposed an additional recommendation for a full development plan to be drafted and submitted on how to develop local SMMEs for inclusive business opportunities.

Cllr Zana supported the additional recommendation.

Resolved (28 February 2024)

1. That Council grant **in-principle** approval for the lease of a portion of Erf 300, Patensie to Seven Cents Private Ltd. for 9 years and 11 months.
2. That Council grant authorisation to the Accounting Officer to advertise the Council's intention to alienate a portion of Erf 300, Patensie 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 Council.

6. That the lease be cancelled if the purpose applied for is not implemented within 3 years from the 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 on the rental amount be applied.

Proposed: W Gertenbach Seconded: M van Niekerk

9. That a full development plan be prepared and submitted.

Proposed: B Human Seconded: V Zana

24/02/PD8

REQUEST FOR COUNCIL'S FINAL APPROVAL & AUTHORISATION FOR THE RELOCATION OF THE HUMANSDORP MUSEUM FROM ERF 216 TO ERF 440, HUMANSDORP AND SUBSEQUENT LEASE OF MUNICIPAL PROPERTY BY WAY OF RIGHT-TO-USE

Resolved (28 February 2024)

1. That Council **grants final approval** for the relocation of the Humansdorp Museum to Erf 440, Humansdorp by means of a Right-to-Use Agreement for a period of 9 years and 11 months.

2. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.

3. That the applicant be responsible for all town planning and building plan processes for the intended use and that all costs be for the account of the applicant.

4. That Council grant the Accounting Officer authorisation to enter into a Right-to-Use Agreement with the applicant once all processes are concluded.

5. That the required maintenance be affected to the Municipal building located on Erf 216, Humansdorp and that it be leased, subject to a competitive process being followed as per applicable legislation and the Council approved Policy.

24/02/PD9

ALIENATION (LEASE) OF A PORTION OF ERF 231, PELLSRUS AND ERVEN 36 AND 37, PELLSRUS

Resolved (28 February 2024)

1. That Council **grant final approval** for the lease of a portion of Erf 231, Pellsrus as well as Erven 36 and 37, Pellsrus for a period of 9 years and 11 months to Astro Zone.

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 lease valuation of the immovable property.
4. That a service provider be appointed to attend and conclude the subdivision, consolidation, rezoning and that all other administrative costs be borne by the applicant.
5. That Council authorises the Accounting Officer to enter into a lease agreement for a period of 9 years and 11 months with Astro Zone.

24/02/PD10

REQUEST FOR COUNCIL'S FINAL APPROVAL FOR THE DISPOSAL OF ERF 600, PELLSRUS

Cllr Human applauded the department for the progress made in finalising the disposal and requested that a list of all historic land items be provided.

Resolved (28 February 2024)

1. That Council **grant final approval** for the disposal and transfer of Erf 600, Pellsrus to Uniting Reformed Church of SA at R5,750.00 which is 25% of the latest municipal valuation of R23,000.00 in terms of the policy of Council.
2. That Council confirms that the following immovable property is not needed for the provision of the minimum level of basic municipal services.
3. That a service provider be appointed to attend and conclude the rezoning and that all other administrative costs be borne by the applicant.
4. That Council authorises the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said property.

24/02/PD11

REQUEST FOR COUNCIL'S FINAL APPROVAL FOR THE DISPOSAL OF ERF 2734, SEA VISTA

Resolved (28 February 2024)

1. That Council **grants final approval** for the disposal and transfer of Erf 2734, Sea Vista to Shekinah Ministries at R25 000 which is 25% of the latest municipal valuation of R100,000.00 in terms of the policy of Council.
2. That Council confirms that the following immovable property is not needed for the provision of the minimum level of basic municipal services.

3. That a service provider be appointed to attend and conclude the rezoning and that all other administrative costs be borne by the applicant.
4. That Council authorises the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said property.

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

24/02/EMS6 REPORT: THORNHILL ELECTRICAL NETWORK TRANSFER FROM NELSON MANDELA METROPOLITAN MUNICIPALITY TO KOUGA LOCAL MUNICIPALITY

Clr Zana enquired on the composition of the Committee as proposed in the recommendations, how frequently the Committee would sit as well as the cost of taking over the network.

Clr Jantjes explained that the Committee would comprise of all the relevant stakeholders and public representatives.

The Acting Director: Electro-Mechanical Services further clarified that the Committee would include a Task Team made up of representatives from the Nelson Mandela Bay Municipality and Kouga Local Municipality. The Kouga Municipality team would comprise of the officials from Budget & Treasury, Assets & Investments, Legal Services and the technical departments.

An item on cost implications would be submitted to Council upon the completion of a study on the assets to be transferred, the cost implications and the SLAs to be drafted.

Resolved (28 February 2024)

1. That Council accept the proposal in-principle to have the Thornhill network transferred to Kouga Municipality subject to a cost assessment and feasibility study being performed.
2. That Council supports the decision to transfer the network in phases, with the first phase being the village network.
3. That Council authorise the Accounting Officer to engage and proceed with negotiations in relation to the intended transfer of the electrical network from the Nelson Mandela Metro Municipality to Kouga Municipality.
4. That a Committee be established to deal with the project's logistics around the intended network transfer, and all to be in attendance when required. This Committee will be responsible for the determination of this project's financial viability, assets, legal, and all other resources to maintain the network in the future.

24/02/EMS7 **REPORT: 20MW RENEWABLE ENERGY CONSTRUCTION PLANS FOR KOUGA MUNICIPALITY**

Resolved (28 February 2024)

1. That Council note the progress report on the 20MW renewable energy plant that will reduce load from the national grid.
2. That a feasibility study including a detailed cost-benefit financial model be submitted to Council for approval.

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

24/02/CWS13 **WATER LOSSES REDUCTION PLAN**

Resolved (28 February 2024)

1. That Council approve the Water Loss Reduction Plan.

18. **CLOSURE**

The meeting closed at 14:50



B WILLIAMS

SPEAKER

11 April 2024

DATE
