

**MINUTES OF A VIRTUAL ORDINARY COUNCIL MEETING OF KOUGA
MUNICIPALITY HELD ON WEDNESDAY, 27 MARCH 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	
W van der Linde	
K Ndzelani	
N Ntshota	
V Zana	
E Mbuqu	
L Nkilishane	
M Mbandana	
W Petersen	

**Officials &
Municipal Manager**

C du Plessis	(Municipal Manager)
D de Jager	(Deputy Municipal Manager)
R Lorgat	(CFO)
N Machelesi	(Director: Community Services)
L Opperman	(Manager: Legal Services)
N Gouws	(Acting Director: Electro-Mechanical Services)
L Ramakuwela	(Acting Director: Planning & Development)
C de Kock	(Director: Civil & Water Services)
T Twani	(Manager: IDP)
A Koegelenberg	(Manager: PMS)
M Mangembe	(Acting Manager: Electrical)
C Prinsloo	(Legal Officer: Office of the Speaker)
K Minnaar	(Chief of Staff)
E Goliath	(Manager: Public Participation)
M Basson	(Manager: Media & Communication)
M Julius	(Senior Admin Officer: Committees)
S Sidjiyo	(Committee Officer)
N Mazibuko	(Committee Clerk/Scribe)

Stakeholders

G Billson
K Dyonase

(Chairperson: Kouga Audit)
(Eastern Cape: CoGTA)

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 27 March 2024 at 10:00 AM.

2. **OPENING AND WELCOME**

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

3. **ABSENT WITH LEAVE**

V Gunuza
M Yali
T Madatt (Director: Electro-Mechanical Services)

4. **ABSENT WITHOUT LEAVE**

B Human
M Valgee
N Ntengwane

5. **PRESENTATIONS**

None.

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr Petersen applauded the Links Royal House on their advances in establishing the //Are-ma//eis Great Palace Nature Reserve & Biodiversity Centre.

The Executive Mayor congratulated the Kruisfontein United Rugby team for advancing to the Provincial finals and commended the team for its efforts and hard work, regardless of not winning the final. He further appreciated the support that the local community has shown to the team.

Additionally, he conveyed his sympathies to Cllr Jaques Alexander and his family for the unfortunate incidents that transpired and thanked the Councillor for his commitment to the community and the Council.

Cllr Mbandana congratulated and celebrated the life of the oldest resident in the Sarah Baartman District, Mr Dyantyisi, who will be celebrating 110 years.

He further expressed his appreciation to the people of Russia for displaying their confidence in the Russian President, Mr Vladimir Putin, by re-electing him for another term.

The Speaker further extended congratulations to Mr Dyantyisi.

Cllr Oliphant appreciated the retired employee, Mr Elvis Olivier, who dedicated his time and energy to serving the communities of Kouga regardless of race or creed. He highlighted that Mr Olivier served before the amalgamation of the Municipality and worked tirelessly to ensure that the residents of Kouga have adequate shelter through the delivery and completion of the housing projects.

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

Good morning, Executive Mayor, Councillors, Municipal Manager and Officials.

A warm welcome to the March Council meeting where we have a massive agenda to work through, with important documents like the Draft Budget, the Annual Report and numerous town planning reports that we need to apply our minds to.

It is pleasing to report back to Council that the Ward Development Fund is close to being fully spent with just a few outstanding procurements that have to be dealt with.

On behalf of the Ward Councillors, I wish to thank Deputy Municipal Manager Mr Dawie de Jager and his team for their hard work and commitment in ensuring we reach the needy in our communities. In particular, Ms Wendy Betsha has been incredible in her managing of the process, and I wish to thank her on behalf of the Council.

We have been able to benefit sports clubs, neighbourhood watches, creches and soup kitchens amongst others and it is pleasing to see how the Ward Development Fund has helped to improve the lives of residents of Kouga.

The Ward Committees will be discussing upcoming projects that will be supported by the Ward Development Fund during their monthly meetings in April and May to ensure that we hit the ground running in the 2024/25 financial year.

I wish to report to Council that Cllr Jacques Alexander is stable after the horrific shooting that took place outside the Municipality. It is shocking that two of his sons were also shot outside an entertainment venue in Jeffreys Bay recently and we have to commend the South African Police Services as well as our own Law Enforcement who were all instrumental in ensuring all the shooters have been arrested and that the law is taking its course.

We had another awful incident where Cllr Yali had an intruder in his personal residence, and I have been informed that a suspect has been arrested in connection with this crime as well.

Risk assessments of affected Councillors in terms of Municipal Upper Limits have been conducted by SAPS and they are busy with the assessment of Cllr Yali. Councillor safety remains a priority of this Council and we will do everything we can to ensure our Councillors are safe.

Kouga Municipality is still a key role player in the COMPACT programme being rolled out by the European Union, PARI and Salga and it is pleasing to report to Council that Kouga is being regarded as a flagship Municipality in terms of Public Participation and I would like to extend my appreciation to Mr Goliath and our Public Participation Unit for all their hard work and commitment to ensure we engage with our various stakeholders and residents to continue to bring Government to the people of Kouga.

An item will be brought to the April Council meeting requesting Council to approve a two-week recess after the May Council meeting as I believe we will all need a break after the May 2024 elections.

Councillors, reports have been received about some election posters being removed and I urge us all not to go down that route as there will have to be consequences for anybody being caught engaging in such activities.

I wish all Cllrs and officials and residents of Kouga a blessed and happy Easter and that we will all have quality time with our family and friends.

Thank you.

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

I wish to firstly acknowledge the brutal and senseless shooting of Councillor Alexander outside of this building on the 29th of February.

This tragic incident, which very nearly resulted in his death, has unsettled everyone in our community.

I am pleased that he, who some now dub "the man of steel", is making remarkable progress toward a full recovery. Cllr Alexander and his family remain in our thoughts and prayers as they work to overcome this ordeal.

I want to commend the swift action taken by the South African Police Service, Kouga Law Enforcement, and local security companies in apprehending the suspects using license plate recognition technology and CCTV camera networks.

I also wish to thank our HR Department for immediately availing the opportunity for employees to receive counselling.

I further call for the police to intensify their efforts to ensure that all of those involved are brought to justice and that they face the full might of the law.

It was Mahatma Gandhi who said “adversity is the mother of progress” and it is during this adversity that we need to unite against all acts of violence and crime.

Speaker, allow me also to take this opportunity to condemn the distressing trend of damage to critical infrastructure over the past few months which has cost millions to repair and are, in the main, stemming from deliberate acts of vandalism.

The repercussions of damage to municipal infrastructure extend beyond financial implications; they affect the very fabric of our communities, hindering access to essential services and eroding quality of life, as well as poses a serious threat to public safety.

I call on the broader community of Kouga Municipality to condemn these acts and work with the authorities to bring perpetrators to book.

Speaker, such incidents highlight the need for us to be both prudent and agile when drafting our budget. I therefore call on Council to support the draft 24/25 budget being tabled today.

I commend our Finance Department for ensuring a revenue increase of 7.34% or R 95,210 million for the 2024/25 financial year, compared to the 2023/24 Adjustments Budget.

For the two outer years, our operational revenue increases by 8.59% and 9.0% respectively, resulting in a total revenue growth of R 350,924 million over the MTREF, when compared to the 2023/24 financial year.

This draft budget will take us a step closer toward achieving our 4 key priorities which are to upgrade our WWTW, repair our roads, reduce reliance from ESKOM and improve customer satisfaction.

Some key capital projects therefore include R34M toward further capacitating our fleet in order to improve basic service delivery efficiency and a total of R42M being directed toward Civil and Water which includes the critical project of upgrading the KwaNomzamo WWTW.

Together we are more, when we unite against the deterioration and destruction of our physical, cultural, structural, and moral assets, and can seize the potential we hold to be the best Municipality in South Africa.

9. **DISCLOSURE OF INTEREST**

Cllr Ruth declared an interest in item 24/03/FED6.

Cllr Dhludhlu declared an interest in item 24/03/CSS18.

10. **STATUTORY MATTERS**

None.

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

Resolved (27 March 2024)

1. That the minutes of the Ordinary Council Meeting held on 28 February 2024 be approved.

Proposed: Cllr W Gertenbach

Seconded: Cllr T Jantjes

12. **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).

13. **REPORTS OF COMMITTEES OF COUNCIL**

13.1 **REPORT BACK: SARAH BAARTMAN DISTRICT MUNICIPALITY REPRESENTATIVE**

None.

13.2 **KOUGA AUDIT COMMITTEE**

None.

13.3 **RULES & ETHICS COMMITTEE**

None.

13.4 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

24/03/MPAC1 MINUTES OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

Resolved (27 March 2024)

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

14. **REPORT BACK: MUNIMEC**

None.

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

24/03/MM2 COUNCIL RESOLUTIONS AS AT 28 FEBRUARY 2024

Cllr Zana raised the following matters:

- On page 58, the *Humansdorp Museum Association 2022/2023 Annual Report*, he enquired about the progress on the Khoi and San structures forming part of the Tourism Strategy.
- On page 72, he raised concerns about the *Hankey 990 housing project* and requested a status update on the matter.
- On page 87, he requested an update on the finalisation of the *Partnership Agreement with Gamtoos Tourism to host the Jazz Festival in the Park at Yellowwoods*.
- On page 119, he requested a progress update on phase 2 of *upgrading gravel roads*.
- On page 123, he noted that the report on the *Clearing of Servitudes* was reflected as incomplete and enquired on the status of the matter.

Cllr Jantjes referred to page 55 on the *Implementation of a Water Amnesty for a 3 month period* and enquired about the progress of the amnesty period as well as an indication of successful applications.

The Speaker raised the following matters:

- On page 61, he enquired about the current progress of the SPLUMA By-law in relation to the *Donation and transfer of Kouga Municipal Properties from Kouga Municipality to Public Works*.
- On page 65, he questioned when consultations with the MMC were due to take place for the development proposal precinct plan for erf 8783 in Oceanview.
- On page 68, he enquired about when the service provider would be appointed for the rezoning of erf 1331 in Pellsrus. He further questioned whether an alternative method of engaging with the applicant, Mr Johansens, has been established.
- On page 123, he questioned the reasons for no action being taken on the *Clearing of Servitudes*.
- On page 125, he enquired when the training report would be submitted to Human Resources.
- On page 118, he requested a progress update on the reviewing of the *Augmentation Policy*.

- On page 120, he enquired whether documentation pertaining to the Municipal Disaster Response Grant (MDRG) Funding was indeed finalised at the end of February 2024.

In response, The Acting Director: Planning & Development confirmed that a contractor has been appointed for the Hankey 990 housing project and will commence work on 3 July 2024.

On the Clearing of Servitudes, he explained that the process would require the Municipality to provide alternative sites for the people currently residing on the servitudes and that the intention was to formalise certain portions of land that will be earmarked as alternative sites before any relocations can be undertaken. He indicated that the actual relocation will take place after alternative sites have been made available.

On the progress of the SPLUMA By-law, he highlighted that the By-law was 90% complete as there were no major amendments. However, there are intentions to simultaneously carry out the public participation process for both the By-law and the Land Use Scheme. The Land Use Scheme was anticipated for submission to the Policy Workshop in April 2024 before the public participation process.

On the consultations relating to the development proposal precinct plan, he stated that the matter would be discussed with the MMC at the next internal weekly meeting.

On the appointment of a service provider for the rezoning of erf 1331 in Pellsrus, he highlighted that the resolution consisted of two aspects; the closure of the public space and the rezoning. The closure of the public space has been completed and the appointment will be finalised before the end of April 2024.

He further outlined that the former MMC, Ald Rheeder, raised the matter of establishing an alternative method of engaging Mr Johansen, however, there have been challenges in getting hold of Mr Johansen. As a result, Ald Rheeder gave assurance that he would contact the applicant, but feedback was still awaited.

In response to the upgrading of gravel roads phase 2, the Director: Civil & Water Services stated that phase 2 will be undertaken through a tender process which will be advertised in April 2024 to ensure that a suitable service provider is appointed.

On the finalisation of the Augmentation Policy, he highlighted that a meeting was scheduled with all the relevant Directors affected by the Augmentation Policy on 27 March 2024 which was chaired by the Municipal Manager and that there are plans to establish a Development Committee where augmentation and projects above a certain level of impact will be discussed and fast-tracked.

On the finalisation of the MDRG Funding document, he stated that the entire process was concluded on 12 February 2024 and that a completion certificate as well as a close-out report have been issued and prepared.

On the gravel roads programmes, he highlighted that the rollout of the programme was not within the target dates and that a mitigation plan was in place to employ a yellow plant for 2 weeks to address the critical areas.

On the progress of the Khoi and San structures forming part of the Tourism Strategy, the CFO stated that the process is underway as the Tourism Strategy was included in the draft Economic Strategy which has to go through the public participation process.

On the progress of the Water Amnesty period, he stated that the Amnesty period ended on 29 February 2024 and that all applications will be processed by the end of March 2024. The April invoices will reflect the processed applications and the final report will be submitted to the Finance & Economic Development Portfolio Committee before submission to Council.

On the finalisation of the Partnership Agreement with Gamtoos Tourism, he stated that the Parks & Amenities section has booked and confirmed the availability of the Yellowwoods Park for the Jazz Festival.

On the submission of the training report to the Human Resources section, the Deputy Municipal Manager stated that the report was submitted, and quotations have been requested by HR. Estimates on the quotations were included in the Draft Budget, hence, an increase in training on the budget.

He highlighted that a full report would be submitted once the budget has been approved.

Resolved (27 March 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.

24/03/MM3 KOUGA MUNICIPALITY: 2022/23 ANNUAL REPORT

Resolved (27 March 2024)

1. That in terms of the provisions of Section 127 (2) of the Local Government Municipal Finance Management Act, 56 of 2003, the 2022/23 Annual Report be adopted.

2. That in terms of the provisions of Section 21A of the Local Government Municipal Systems Act, 56 of 2003, the 2022/23 Annual Report be made public.
3. That in terms of the provisions of Section 127 (5) (b) of the Local Government Municipal Finance Management Act, 56 of 2003 the 2022/23 Annual Report be submitted to the Auditor General, Provincial Treasury and the Provincial Department of Cooperative Government and Traditional Affairs.

24/03/MM4 MUNICIPAL PUBLIC ACCOUNTS COMMITTEE: 2022/23 OVERSIGHT REPORT ON THE 2022/23 ANNUAL REPORT

Cllr Dhludhlu tabled the report and referred to page 576 on the *MPAC Oversight Report Recommendations regarding the Annual Report* and proposed the addition of the recommendations from points 4.1 to 4.8.

Cllr Gertenbach seconded the proposal.

Resolved (27 March 2024)

1. That the 2022/23 Oversight Report on the 2022/23 Annual Report be adopted.
2. That Council has approved the Annual Report without reservations.
3. That the Accounting Officer, in accordance with Section 21A of the Local Government: Municipal Systems Act, No. 32 of 2000, as amended, make public an Oversight Report, within seven days of its adoption.
4. That the recommendations contained in the 2022/23 Oversight Report on the 2022/23 Annual Report be adopted as resolutions of Council.
 - 4.1 That measures be put in place to improve the financial health of the municipality as per long-term financial plan as adopted by Council.
 - 4.2 That the impairment loss on fines be sufficiently budgeted for in future budgets.
 - 4.3 That the findings on performance management be addressed by revising the Performance Management Policy and adopting new performance management software that addresses the shortcomings of the existing performance management software.
 - 4.4 That the Municipal Manager ensures expert advice from external consultants be sourced to ensure that KPIs are developed that are SMART and that sufficient performance evidence could realistically be provided,

- 4.5 That measures be taken to ensure that the billing system of Kouga Municipality is accurate and credible and based on actual readings as far as possible.
- 4.6 That measures be introduced to ensure that the Water and Infrastructure Department be strengthened by ensuring that competent technical and administrative staff are appointed to deal with the challenges in the department.
- 4.7 That the Water Services Authority develop a program of action to ensure that all water service points are measured by meters including community water taps.
- 4.8 That the formalization of informal settlements be prioritized to provide acceptable services to such settlements and to reduce illegal connections to the electrical network.

Proposed: Cllr B Dhludhlu

Seconded: Cllr W Gertenbach

24/03/MM5 2023/24: SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: AMENDMENT

Cllr Oliphant appreciated the report but raised concerns that the SDBIP was not ward-based in order to identify and determine the needs of communities in non-affluent Wards.

The Municipal Manager clarified that the report was not ward-based as it was a budget implementation plan.

Cllr Oliphant added that a budget should reflect the number of capital projects that have been attended to per Ward in order to ensure efficient oversight.

Resolved (27 March 2024)

1. That in terms of the provisions of Section 54(1)(c) of the Local Government Municipal Finance Management Act, 56 of 2003, the amended 2023/24 Service Delivery and Budget Implementation Plan be approved.
2. That in terms of the provisions of Section 54(3) of the Local Government Municipal Finance Management Act, 56 of 2003, the amended 2023/24 Service Delivery and Budget Implementation Plan be made public by publication on the Municipal Web Site.
3. That the Municipal Manager affects the required changes to the performance plans of Senior Managers to ensure that the performance plans are aligned to amended 2023/24 Service Delivery and Budget Implementation Plan targets for implementation with effect 1 March 2024.

4. That the addendum to the Performance Agreements of Senior Managers following the amendment of the 2023/24 Service Delivery and Budget Implementation Plan, be submitted to Council.

24/03/MM6 DRAFT AMENDMENTS TO THE 2022-2027 INTEGRATED DEVELOPMENT PLAN

Resolved (27 March 2024)

1. That Council notes the Draft amendments to the IDP 2022-2027.
2. That Council notes that the **Draft Amended IDP** will serve as the basis for public participation during April/ May 2024 as envisaged in the Local Government: Municipal Systems Act 32 of 2000 as well as the Local Government: Municipal Finance Management Act 56 of 2003.
3. That immediately after the **Draft Amended IDP** is tabled in Council, the Accounting Officer of the Municipality must in accordance with Section 21A of the Municipal Systems Act –
 - (i) make public the **Draft Amended IDP**;
 - (ii) invite the local community to submit comments and inputs in connection with the **Draft Amended IDP**; and
 - (iii) convene IDP and Budget consultation meetings to provide further opportunity for engagement on proposals emanating from the **Draft Amended IDP** and Multi-Year Budget.

24/03/MM7 ACTING APPOINTMENT APPROVAL: DIRECTOR PLANNING AND DEVELOPMENT

At 11:32, the Acting Director: Planning & Development was placed in the virtual waiting room.

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

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

In Favour: 23

Not In Favour: 1

At 11:36, Cllr Petersen received a warning for speaking without being recognised.

Resolved (27 March 2024)

1. That the Council approve the acting appointment of Mr. Lawrence Ramakuwela for the period April 2024 to June 2024.
2. That a request for concurrence be directed at the MEC: CoGTA.

The Acting Director: Planning & Development was allowed back into the meeting.

24/03/MM8 DRAFT 2024/25 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN

Cllr Mbandana stated that he had previously raised that the SDBIP be aligned to the Wards.

Resolved (27 March 2024)

1. That the Draft 2024/25 Service Delivery and Budget Implementation Plan be noted.
2. That in terms of the provisions of National Treasury MTREF Circular 126, Annexure "B", the Draft 2024/25 Service Delivery and Budget Implementation Plan be submitted to the National Treasury.

16. REPORTS BY THE PORTFOLIO COMMITTEE CHAIRPERSONS

16.1 REPORTS BY THE CHAIRPERSON: FINANCE & ECONOMIC DEVELOPMENT

24/03/FED4 COUNCIL AUTHORISATION FOR 3-YEAR SPONSORSHIP TO JEFFREYS BAY PRIMARY SCHOOL: ALOE-CUP

Resolved (27 March 2024)

1. That Council approves the allocation of R 78 300.00 (Seventy-eight thousand three hundred rand) all inclusive, to support the Jeffreys Bay Primary – Aloe Cup for the 2023/24 financial year.
2. That Council approves a sponsorship for the Aloe Cup for the following 2 outer years as follows;

2024/2025: R80 000-00 (all inclusive)
2025/2026: R80 000-00 (all inclusive)
3. That Council authorises the Accounting Officer to conclude a three-year Sponsorship Agreement with Jeffreys Bay Primary School in accordance with the funding allocated in recommendation 1 and 2 above.

24/03/FED5 SPONSORSHIP AGREEMENT BETWEEN KOUGA LOCAL MUNICIPALITY AND THE WORLD SURF LEAGUE (WSL) FOR THE WSL LEGENDS J-BAY AND J-BAY SURF MUSIC FESTIVAL 2024

Cllr Oliphant expressed that the African National Congress(ANC) was not in support of the item based on a pending case of racial discrimination.

Cllr Petersen requested that a report be prepared by either the CFO or the Local Economic Development (LED) section detailing how the event will benefit the poorest communities.

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

In Favour: 17

Not In Favour: 8

Resolved (27 March 2024)

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 R1 700 000 (one million seven hundred thousand rand) for J-Bay WSL Legends, VAT-inclusive.
3. That Council authorizes the Accounting Officer to conclude a Sponsorship Agreement with the World Surf League (WSL) for staging the WSL Legends J-Bay and Music Festival from 14 – 23 June 2024 from in respect of funding contemplated in 2 above.

24/03/FED6 COUNCIL AUTHORISATION FOR 3-YEAR SPONSORSHIP TO THE NON-PROFIT ORGANIZATION: KOUGA BUSINESS FORUM

Cllr Zana indicated that the ANC was not in support of the item.

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

In Favour: 17

Not In Favour: 7

Resolved (27 March 2024)

1. That Council approves the allocation of R 100 000-00 (one hundred thousand rand) all inclusive, to support the Kouga Business Forum for the 2023/24 financial year.
2. That Council approves the allocation for the 2 outer financial years as follows –

2024/2025 – R100 000 (all inclusive)
2025/2026 – R100 000 (all inclusive)
3. That Council authorises the Accounting Officer to conclude a three-year Sponsorship Agreement with Kouga Business Forum in accordance with the funding allocated in recommendation 1 and 2 above.

24/03/FED9 DEBTORS BOOK REDUCTION PLAN

Resolved (27 March 2024)

1. That the Debtor Book Reduction Plan be noted; and
2. That Council approve the Debtors Book Reduction Plan.

24/03/FED12 CAPITAL ITEMS TO BE DISPOSED (MOVABLE ASSETS)

Resolved (27 March 2024)

1. That the disposal of the condemned/redundant assets listed above be approved.
2. That the condemned/redundant assets listed above be removed from the Asset Register.
3. That the condemn/redundant assets listed above be disposed of in terms of the Supply Chain Management Policy through a public auction/donation in line with the provisions of Section 40(4)(c) and Section 40(4)(h) of the said Policy.

24/03/FED15 SUPPLY CHAIN MANAGEMENT: POLICY AMENDMENTS AND ADOPTION WITHIN KOUGA LOCAL MUNICIPALITY

Resolved (27 March 2024)

1. That Council approve the Supply Chain Management Policy, as amended.
2. That the amended Supply Chain Management Policy be published on the Kouga Website.
3. That the previous approved version be replaced with this version.

24/03/FED16 2023/24 SPECIAL ADJUSTMENTS BUDGET

Cllr Oliphant expressed that the ANC was not in support of the item because the budget did not speak to the interests of the poorest communities.

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

In Favour: 16
Not In Favour: 7

Resolved (27 March 2024)

1. That 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: Municipal Finance Management Act, Act 56 of 2003, approves the 2023/24 Special Adjustments Budget as set out in the **Annexure "A"** on the following tables:
 - Table 7 - B1 Adjustments Budget Summary.
 - Table 8 - B2 Adjustments Budget Financial Performance (revenue and expenditure by standard classification).
 - Table 9 - B3 Adjustments Budget Financial Performance (revenue and expenditure by municipal vote).
 - Table 10 - B4 Adjustments Financial Performance (revenue and expenditure by type).
 - Table 11 - B5 Adjustments Budget Capital Expenditure by vote and standard classification and funding source.
 - Table 12 - B6 Adjustments Budget Financial Position.
 - Table 13 - B7 Adjustments Budget Cash Flows.
 - Table 14 - B8 Cash backed reserves/accumulated surplus reconciliation.
 - Table 15 - B9 Asset Management, and
 - Table 16 - B10 Basic service delivery measurement.
2. That Council notes **Annexure B** - Conditional Grants Funded Capital Projects.
3. That Council notes **Annexure "C"** which regulates the format of the budget documentation as set out in Schedule B of the Municipal Budget and Reporting Regulations. This includes the main Tables B1 - B10 as well as the supporting tables SB1 – SB38.

24/03/FED17 DRAFT MEDIUM-TERM REVENUE AND EXPENDITURE FRAMEWORK (MTREF)- BUDGET FOR 2024/25 TO 2026/27 FINANCIAL YEARS

Cllr Zana stated that the ANC was not in support of the item.

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

In Favour: 17

Not In Favour: 7

Resolved (27 March 2024)

1. That 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 16 of the Local Government: Municipal Finance Management Act, Act 56 of 2003, approves the 2024/25 – 2026/27 Draft Annual Budget, as set out in the **Annexure “A”** on the following tables:

- a) Consolidated Budget Summary [Table A1] [Page 23]
 - b) Budgeted Financial Performance (revenue and expenditure by standard classification); [Table A2] [Page 25]
 - c) Budgeted Financial Performance (revenue and expenditure by municipal vote); [Table A3] [Page 27]
 - d) Budgeted Financial Performance (revenue by source and expenditure by type); [Table A4] [Page 28]
 - e) Multi-year and single year capital appropriations by municipal vote and standard classification and associated funding by source. [Table A5]
2. That the budgeted financial position, budgeted cash flows, cash-backed reserves/accumulated surplus, asset management and basic service delivery targets be noted as set-out in the following tables:
- a) Budgeted Financial Position; [Table A6] [Page 32]
 - b) Budgeted Cash Flows; [Table A7] [Page 34]
 - c) Cash backed reserves and accumulated surplus reconciliation; [Table A8] [Page 35]
 - d) Asset Management; [Table A9] [Page 36]
 - e) Basic service delivery measurement. [Table A10] [Page 39]
3. That the tariffs be increased as follows, with effect from 1 July 2024:

Property rates	5.5%
Water	7.25%
Sanitation	6.5%
Refuse	6.5%
Electricity (average increase in electricity income)	12.7%
Environmental Management Fee	6.5%

- a) Indicative tariffs for 2025/26 and 2026/27 will be increased as follows:

	<u>2025/26</u>	<u>2026/27</u>
Property rates	5.5%	5.5%
Water	7.25%	7.25%
Sanitation	6.5%	6.5%
Refuse	6.5%	6.5%
Electricity (average increase in electricity income)	15.7%	15.7%
Environmental Management Fee	6.5%	6.5%

4. That Council notes **Annexure “B”** which regulates the format of the budget documentation as set out in Schedule A (version 6.8) of the Municipal Budget and Reporting Regulations. This includes the main Tables A1 - A10 as well as the supporting tables SA1 – SA38.

5. That the Council, approves the draft tariffs, as reflected in **Annexure 'C'**, for public participation.
6. That the mSCOA road map be approved. "**Annexure D**"

At 12:26 the Speaker called for a 20-minute comfort break.

At 12:48 Council resumed.

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

24/03/PD3 LAND AND PROPERTY ADMINISTRATION - PROGRESS REPORT: IMPLEMENTATION OF OUTSTANDING COUNCIL RESOLUTIONS

Resolved (27 March 2024)

1. That the content in the Land and Properties progress report on outstanding Council resolutions be noted.
2. That the moratorium be extended to 31 June 2024 for the Land and Property Administration Department to finalise outstanding Council resolutions.

24/03/PD4 REQUEST TO ACCEPT: PORTION 62 AND 97 OF FARM ONGEGUNDE VRYHEID 746, HUMANSDORP RD, EASTERN CAPE PROVINCE – LAND DEVOLVED BY PUBLIC WORKS TO THE KOUGA MUNICIPALITY

Resolved (27 March 2024)

1. That the Council accepts the properties described as Portions 62 and 97 of Farm 746, Ongegunde Vryheid, Humansdorp RD, Eastern Cape, as devolved by the Department of Public Works to Kouga Municipality.
2. That Council confirms that the land parcel described as Portion 97 of the Farm Ongegunde Vryheid No 746 as contemplated herein will be utilized for the development of an integrated human settlements project that will assist in addressing the current housing backlog experienced in the Sea Vista area.
3. That a Development Plan setting out the use of the said Portion 97 of the Farm Ongegunde Vryheid No 746 for purposes of the development of an integrated human settlements project as outlined in the Housing Code be submitted to HDA.
4. That Council take note of the Special Power of Attorney signed by Public Works appointing the Housing Development Agency to facilitate the development process for the land parcels contemplated herein.

24/03/PD6 REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL FOR THE ALIENATION OF MUNICIPAL ERVEN WITHIN THE KOUGA MUNICIPAL AREA

Resolved (27 March 2024)

1. That Council **grant in-principle** approval for the alienation of the municipal erven, as per the attached report, at fair market related value.
2. That Council authorises the Accounting Officer to advertise the intended alienation of the immovable property for public comments and objections.
3. That Council, in terms of Section 14 of the Local Government: Municipal Finance Management Act No.56 of 2003, confirms that the immovable properties in consideration are not needed for the provision of the minimum level of basic municipal services.
4. That Council authorizes the Accounting Officer to obtain the market-related valuation from the latest valuation roll for consideration in line with Section 14(2) of the Municipal Finance Management Act No.56 of 2003.
5. That Council grant the in-principle approval for the alienation of the immovable properties, as contained in the attached report, by way of a competitive bidding process.
6. That Council takes note and approves the qualifying criteria for churches as per Annexure "C" below.

24/03/PD9 REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL AND AUTHORISATION TO ADVERTISE: RIGHT-TO-USE: PORTION 7 OF FARM 688, HUMANSDORP RD (GEELOUTEBOOM)

Resolved (27 March 2024)

1. That Council **grant in-principle approval** and accept the recommendations for the alienation (right-to-use) of portion 7 of Farm 688, Humansdorp RD (Geelhouteboom).
2. That Council confirms that the said Portion 7 of Farm 688 Humansdorp RD (Geelhouteboom) is not needed for the provision of the minimum level of basic municipal services.
3. That all applicable costs, where necessary, be for the cost of the beneficiaries.
4. That Council considers the immovable properties to be made available for commonage purposes until such time that the property is needed for Human Settlement development purposes.

24/03/PD11 REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF ERF 1567, PELLSRUS

Cllr Oliphant requested that a land audit be prepared and submitted to Council to determine the value, size and location of Municipal land.

Resolved (27 March 2024)

1. That Council **grant final approval** for the lease of Erf 1567, Pellsrus for 9 years and 11 months to Lilungelo Lomntwana Jbay Training Centre NPC (Registration Number: 2022/770104/08), with restrictive conditions in respect of the land usage for the sole purposes of social care uses.
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 approves the market-related rental valuation of R380.00 per month in line with the provisions of the approved Asset and Disposal Policy of Council for Social Care uses, as the structure will not be erected by the municipality.
4. That town planning activities and all other administrative processes be finalized at the cost of the applicant.
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 Council authorizes the Accounting Officer to enter into long-term lease agreement with Lilungelo Lomntwana Jbay Training Centre NPC (Registration Number: 2022/770104/08) and that an annual escalation clause be included in the written lease agreement.

24/03/PD12 REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF ERF 1160, HUMANSDORP: HALALISANA TOWNSHIP INCUBATOR

Resolved (27 March 2024)

1. That Council **grants final approval** for the lease of Erf 1160, Humansdorp for 9 years and 11 months to Halalisana Township Incubator (Registration Number: 2022 / 730757 / 08).
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 approves the market-related rental valuation of R2,950.00 per month in line with the provisions of the approved Asset and Disposal Policy of Council.

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 Lessor.
5. That the lease be cancelled if the purpose for which the lease is applied for is not implemented within 3 years from date of signed lease agreement.
6. That town planning activities and all other administrative processes be finalized at the cost of the applicant.
7. That Council authorizes the Accounting Officer to enter into a written long-term lease agreement with Halalisana Township Incubator (Registration Number: 2022 / 730757 / 08) and that the lease provides for the annual escalation of the monthly rental.

24/03/PD13 REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF ERF 843, JEFFREYS BAY

Resolved (27 March 2024)

1. That Council **grant final approval** for the lease of Erf 843, Jeffreys Bay for 9 years and 11 months to SMHART Guards Family Trust (2/2012) represented by Mr. Carl Trahms.
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 approves the market-related rental valuation of R930.00 per month in line with the provisions of the approved Asset and Disposal Policy of Council.
4. That town planning activities and all other administrative processes be finalized at the cost of the applicant.
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 the property is not being used for the purposes for which it has been applied for and is not implemented within 3 years from the date of signed lease agreement.
7. That Council authorizes the Accounting Officer to enter into a long-term lease agreement with SMHART Guards Family Trust (2/2012), represented by Mr. Carl Trahms and that an annual escalation clause be included in the written lease agreement.

24/03/PD14 REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF A PORTION ERF 2, KRUISFONTEIN

Resolved (27 March 2024)

1. That Council **grants final approval** for the lease of a portion (2ha in extent) of Erf 2, Kruisfontein (Commonage) for 9 years and 11 months to Siyavuma Agri Farm Primary Co-op Ltd, represented by Mr. Marvin Witbooi.
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 approves the market-related rental valuation of R1,960.00 per month in line with the provisions of the approved Asset and Disposal Policy of Council.
4. That service providers be appointed to attend and conclude the subdivision and Environmental Impact Assessment and that all costs be for the applicant.
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 the property is not being used for the purposes for which it has been applied for is not implemented within 3 years from date of signed lease agreement.
7. That the Accounting Officer be authorized to enter into a written Lease Agreement with the applicant herein and that an annual escalation clause be included in the written lease agreement.

24/03/PD15 REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF A PORTION OF ERF 1, ERVEN 2084 AND 2085 AS WELL AS A PORTION OF ROAD ERF 2077, HUMANSDORP

Resolved (27 March 2024)

1. That Council **grant final approval** for the lease of Erven 2084 and 2085, Humansdorp and a portion of Road (Erf 2077, Humansdorp) to Khoisan Doepa, represented by Mr. Joseph 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 approves the market-related rental valuation of 15,800.00 per month in line with the provisions of the approved Asset and Disposal Policy of Council.

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 Lessor. The approval is limited to medicinal cannabis factory (not an egg production or hemp growing facility)
5. That the lease be cancelled if the purposes for which it was applied for is not implemented within 3 years from the date of signed lease agreement.
6. That a Land Surveyor be appointed to attend and conclude the closure of public road, subdivision, consolidation and rezoning and other administrative costs including the valuation, be for the cost of the applicant.
7. That an escalation be included in the lease agreement.

24/03/PD16 REQUEST FOR COUNCIL'S FINAL APPROVAL FOR LEASE OF A PORTION OF ERF 1244, PELLSRUS FOR AN OLD AGE SERVICE CENTRE

Resolved (27 March 2024)

1. That Council **grants final approval** for the lease of a portion of Erf 1244, Pellsrus for 9 years and 11 months to Sunshine Old Age Service Centre with restrictive conditions in respect of the land usage for the sole purposes of social care uses.
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 town planning activities and all other administrative processes must be finalized.
4. That Council approves the market-related rental valuation of R100.00 per month (25% of R400.00 market related rental) in line with the provisions of the approved Asset and Disposal Policy of Council for Social Care uses, as the structure was not erected by the municipality.
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 the purpose for which the lease was applied for is not implemented within 3 years from date of signed lease agreement.
7. That an annual escalation be included in the lease agreement.
8. That Council authorizes the Accounting Officer to enter into a written long-term lease agreement with Sunshine Bay Old Age Service

Centre, and that the agreement provides for an annual escalation of the monthly rental.

24/03/PD17 REQUEST FOR FINAL APPROVAL FROM COUNCIL TO DISPOSE AND TRANSFER: ERF 2593, SEA VISTA (ANNIE DANIELS)

Resolved (27 March 2024)

1. That Council **grant final approval** for the out-of-hand disposal and transfer of Erf 2593, Sea Vista to Ms. Annie Daniels.
2. That Council confirms that the land is not needed in future to provide the minimum level of basic municipal services.
3. That Council approves the selling price of R9,234.00 for Erf 2593, Sea Vista.
4. That it be noted that the purchaser will be responsible for all administrative and transfer costs in respect of the disposal and transfer of the property.
5. That Council authorizes the Accounting Officer to enter into a Deed of Sale for the disposal of the property.

24/03/PD18 REQUEST FOR FINAL APPROVAL FROM COUNCIL TO RESCIND A SECTION OF COUNCIL RESOLUTION, GRANT AUTHORISATION TO DISPOSE: ERF 1044, SEA VISTA (MUNICIPAL HOUSE)

Resolved (27 March 2024)

1. That Council grant **final approval** to rescind the section of the previous council resolution (21/06/CF18) that resolved that erf 1044, Sea Vista be leased and for the disposal of Erf 1044, Sea Vista at fair market related value to Mr. Bosch.
2. That Erf 1044 be disposed to Mr. B.W. Bosch, out of hand based on the extensive period (26 years) he resided in the premises.
3. 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.
4. That Council approves the market value of R1,380,000.00 obtained for the property 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 disposal and transfer of the property.

6. That Council authorises the Accounting Officer to enter into a Deed of Sale for the disposal of the property.

24/03/PD19 LAND AND PROPERTY ADMINISTRATION: DISPOSAL OF A PORTION OF ERF 873, JEFFREYS BAY (JEFFREYS BAY BOWLING CLUB)

Resolved (27 March 2024)

1. That Council **grant final** approval for the disposal of a portion of Erf 873, Jeffreys Bay to Jeffreys Bay Bowling Club, at R471 275.00 (25% of R1 885,100.00) in terms of the policy of Council, subject to the subdivision of the portion of Erf 873, Jeffreys Bay.
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 town planning processes be finalized for the portion of Erf 873, Jeffreys Bay and that the cost be for the applicant.
4. That it be noted that the purchaser will be responsible for all administrative and transfer costs in respect of the disposal and transfer of the property.
5. That Council authorises the Accounting Officer to enter into a Deed of Sale for the purposes of transferring the said portion of the property.

24/03/PD20 REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION OF ERF 137, PELLSRUS (LIZO PATRICK LETSEKHA)

Resolved (27 March 2024)

1. That Council **grant's final approval** for the out-of-hand alienation of Erf 137, Pellsrus to Mr. Lizo Patrick Letsekha through the Enhanced Extended Discount Benefit Scheme Subsidy (EEDBS) and therefore will be transferred at no cost to the beneficiary.
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 authorizes the Accounting Officer to enter into a Deed of Sale for the purpose of transferring the said property.

24/03/PD21 APPOINTMENT OF THE KOUGA MUNICIPALITY AS IMPLEMENTING AGENT FOR THE UPGRADING OF NINE (09) INFORMAL SETTLEMENTS FOR A PERIOD OF NINE (9) MONTHS

Resolved (27 March 2024)

1. That Council accept the appointment of Kouga Local Municipality as the Implementing Agent by the EC DHS for the upgrading of the nine (9) informal settlements to total monetary value of **R72 417 220.05 [Capital of R 68 968 781.00 plus R3 448 439.05 Project Management Fee of 5%]**.
2. That the Accounting Officer be authorised to enter into formal Funding Agreement with the Eastern Cape Department of Human Settlement to secure the funding as per the appointment as Implementing Agent.

24/03/PD22 REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF ERF 130, PELLSRUS

Resolved (27 March 2024)

1. That Council **grants final approval** for the lease of Erf 130, Pellsrus for 9 years and 11 months to Hepzibah Community Centre, with restrictive conditions in respect of the land usage for the sole purposes of social care uses.
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 approves the market-related rental valuation of R190.00 per month in line with the provisions of the approved Asset and Disposal Policy of Council for Social Care uses.
4. That Council authorizes the Accounting Officer to obtain the services of a registered professional to submit building plans for approval and the costs be for the account of the applicant.
5. That Council authorizes the Accounting Officer to enter into a long-term lease agreement with the Hepzibah Community Centre and that an annual escalation clause be included in the written lease agreement.
6. That the building plans and rezoning be finalized, and the costs be for the account of the applicant.

24/03/PD23 REQUEST FOR COUNCIL'S FINAL APPROVAL: DISPOSAL (PURCHASE) OF A PORTION OF ERF 164 (A PORTION OF ROAD RESERVE VERGE IN DROMMEDARIS STREET) TO CONSOLIDATE WITH ERF 269, JEFFREYS BAY

Resolved (27 March 2024)

1. That Council **grant final approval** for the purchase of a portion of Erf 164 (road reserve verge of Drommedaris Street), Jeffreys Bay.
2. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
3. That Council approves the market-related valuation of R24,000.00 for the immovable property (13,275m²).
4. That town planning process be finalized and all other administrative costs be for the account of the applicant.
5. That Council authorises the Accounting Officer to enter into a Deed of Sale for the disposal of the property.

24/03/PD24 REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION (RIGHT-TO-USE) OF A PORTION OF ERF 164 (AT THE MTN TOWER BUILDING), JEFFREYS BAY

Resolved (27 March 2024)

1. That Council **grant final approval** for the alienation (right-to-use) of a portion of Erf 164, Jeffreys Bay to National Sea Rescue Institute (NSRI) as a Non-Profit Company, represented by Mr. Willem De Waal 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 applicant be responsible for any repairs and maintenance of the municipal property to the satisfaction of the Municipality.
4. That town planning process be finalized and all other administrative costs be for the account of the applicant.
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 for which the lease is applied for is not implemented within 3 years from date of signed lease agreement.

7. That the Council authorizes the Accounting Officer to enter into a Lease Agreement (right-to-use) with the National Sea Rescue Institute (NSRI) as a Non-Profit Company, represented by Mr. Willem De Waal.

24/03/PD25 REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION (LEASE) OF A PORTION OF ERF 164 (A PORTION OF ROAD RESERVE VERGE IN FERREIRA STREET), JEFFREYS BAY

Cllr Heystek proposed an amendment to the third recommendation to increase the monthly rental to R500.00 and an additional recommendation for the Administration to consider the possibility and feasibility of permanently alienating the land within 1 year. He was seconded by Cllr Dhludhlu.

Resolved (27 March 2024)

1. That Council **grant final approval** for the alienation (lease) of a portion of Erf 164 (road reserve verge of Ferreira Street), Jeffreys Bay to Marentia 0164 CC, who is represented by Mr. Dieter Sarel Le Roux 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 approves the market-related valuation of R500.00 monthly for the lease of immovable property.

Proposed: Cllr F Heystek

Seconded: Cllr B Dhludhlu

4. That town planning process be finalized and all other administrative costs be for the account of the applicant.
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 the purpose for which the lease was applied for is not implemented within 3 years from date of signed lease agreement.
7. That the Accounting Officer be authorised to enter into a written lease agreement with the Applicant, and that the written lease agreement makes provision for an annual escalation of the monthly rental amount.
8. That the Administration considers the possibility and feasibility of permanently alienating the land within 1 year.

Proposed: Cllr F Heystek

Seconded: Cllr B Dhludhlu

24/03/PD26 REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION (LEASE) OF LAND FOR 21M MONOPOLE TELECOMMUNICATIONS MAST (MOROPA SITE SOLUTIONS) – A PORTION OF ERF 835, PARADISE BEACH

Resolved (27 March 2024)

1. That Council **grant final approval** for the alienation (lease) of a portion (100m²) of Erf 835, Paradise Beach to Insite Towers to erect a 21m high Telecommunication Mast 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 land is not needed to provide the minimum level of basic municipal services.
3. That Council approves the market-related valuation of R5,000.00 per month for the lease of immovable property.
4. That town planning activities and all other administrative processes be finalized at the cost of the applicant.
5. That the position of the towers be as such where it can be disguised if possible.
6. 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.
7. That the lease be cancelled if the purpose for which it is applied for is not implemented within 3 years from date of signed lease agreement.
8. That Council authorizes the Accounting Officer to enter into a written long-term lease agreement with Insite Towers, and that the written agreement provides for the annual escalation of the monthly rental.

24/03/PD27 REQUEST FOR COUNCIL'S FINAL APPROVAL: ALIENATION (LEASE) OF LAND FOR A 35M MONOPOLE TELECOMMUNICATIONS MAST (ORION TRUST) – A PORTION OF ERF 1996, SEA VISTA

Resolved (27 March 2024)

1. That Council **grant final approval** for the alienation (lease) of a portion (100m²) of Erf 1996, Sea Vista to Orion Trust to erect a 35m high Telecommunication Mast 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 land is not needed to provide the minimum level of basic municipal services.
3. That Council approves the market-related valuation of R5,000.00 per month for the lease of immovable property.

4. That town planning activities and all other administrative processes be finalized at the cost of the applicant.
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 the purpose for which the lease was applied for is not implemented within 3 years from date of signed lease agreement.
7. That Council authorizes the Accounting Officer to enter into a written long-term lease agreement with Orion Trust, and that the agreement make provision for the annual escalation of the monthly rental.

24/03/PD28 REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF ERF 3087, SEA VISTA

Resolved (27 March 2024)

1. That Council **grant final approval** for the alienation (lease) of Erf 3087, Sea Vista to Little Urchins, Montessori (Registration Number: 2021/497872/07) 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 all applicable town planning activities and all other administrative processes be finalized at the cost of the applicant, if applicable.
4. That Council approves the market-related rental valuation of R3,350.00 per month in line with the provisions of the approved Asset and Disposal Policy of Council for Social Care uses.
5. That Council authorizes the Accounting Officer to enter into long-term lease agreement with Little Urchins, Montessori (Registration Number: 2021/497872/07) and which agreement must make provision for an annual escalation of the monthly rental.
6. That all other administrative costs (valuation, building plans, etc.), be for the cost of the applicant.

24/03/PD29 REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF ERF 7263, JEFFREYS BAY (OCEANVIEW)

Resolved (27 March 2024)

1. That Council **grants final approval** for the lease of Erf 7263, Jeffreys Bay (Oceanview) for 9 years and 11 months to Mizamoyethu Community

Centre with restrictive conditions in respect of the land usage for the sole purposes of social care uses.

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 town planning activities and all other administrative processes be finalized at the cost of the applicant.
4. That Council approves the market-related rental valuation of R230.00 per month in line with the provisions of the approved Asset and Disposal Policy of Council for Social Care uses.
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 for which the lease was applied for is not implemented within 3 years from date of signed lease agreement.
7. That Council authorizes the Accounting Officer to enter into a written long-term lease agreement with Mizamoyethu Community Centre.

24/03/PD30 TO UPDATE COUNCIL ON THE APPLICATION (LEASE) OF ERF 7292, JEFFREYS BAY (OCEANVIEW) AND TO CALL FOR BUSINESS PROPOSALS FOR A RESTUARANT/TAKE-AWAYS/TSHISANYAMA

Resolved (27 March 2024)

1. That Council notes the progress on the application to lease Erf 7292, Jeffreys Bay (Oceanview).
2. That both applicants be requested to submit business proposals for the long-term lease of the municipal property and that the property be disposed through an auction to the highest bidder.
3. That Council takes note of the market-related rental valuation of R400.00 per month.

24/03/PD31 REQUEST TO GRANT COUNCIL'S FINAL APPROVAL TO ALIENATE (LEASE) OF COUNCIL PROPERTIES TO EARLY CHILDHOOD DEVELOPMENT CENTRES (CRECHES) TO REGISTERED SOCIAL CARE USERS

Resolved (27 March 2024)

1. That Council **grants final approval** for the alienation (long-term lease) of properties to the Registered Early Childhood Development Centres

(Social Care Users) currently operating on the properties for the sole purposes of social care uses.

2. That in terms of Section 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the properties listed below are not needed in future to provide the minimum level of basic municipal services.
3. That town planning activities and all other administrative processes be finalized.
4. That Council considers the current monthly rental of R10.00 paid by Creches as social care users.
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 signed lease agreement.
7. That Council authorizes the Accounting Officer to enter into long-term lease agreements with creches contemplated herein.

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

24/03/EMS6 APPROVAL OF THE ELECTRICITY LOSSES REDUCTION PLAN

The Executive Mayor proposed an additional recommendation for the inclusion of backyard dwellers in the electrification process to ensure that there are formalised electrical connections to reduce illegal connections and pressure on the electrical system.

Cllr Stuurman seconded the additional recommendation.

Resolved (27 March 2024)

1. That Council approves the Electricity Loss Reduction Plan.
2. That the electrification of backyard dwellers be included in the Electricity Loss Reduction plan.

Proposed: Cllr H Bornman

Seconded: Cllr G Stuurman

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

24/03/CWS22 APPROVAL OF THE FINAL PROJECT IMPLEMENTATION PLAN (PIP) FOR THE 24/25 FY MIG ALLOCATED GRANT FUNDING

Cllr Mbandana prompted for an engagement to be initiated with the PMU section on matters relating to allocated funding for projects within the Kouga Region.

Resolved (27 March 2024)

1. That the Final Project Implementation Plan for MIG projects for the 24/25 FY be approved by Council.

16.5 **REPORTS BY THE CHAIRPERSON: COMMUNITY & SAFETY SERVICES**

24/03/CSS6 PROCLAMATION OF KOUGA MUNICIPALITY AS MANAGEMENT AUTHORITY OF NOORSEKLOOF NATURE RESERVE AND THE DECLARATION OF TWO NEW NATURE RESERVES IN THE KOUGA MUNICIPAL REGION

Resolved (27 March 2024)

1. That the approval of the MEC for Economic Development, Environmental Affairs, and Tourism of the Eastern Cape Province to assign Kouga Local Municipality as the Management Authority of the Noorsekloof Nature Reserve be noted and supported.
2. That the declaration of two new Nature Reserves, Vorentoe and Thula Moya Nature Reserve in the Kouga Region be noted.
3. That the management plans be developed by the directorate within 12 months from date of promulgation.

24/03/CSS7 KOUGA LOCAL MUNICIPALITY FLOOD MANAGEMENT PLAN ADOPTION

Resolved (27 March 2024)

1. That the Kouga Local Municipality Flood Management Plan be approved.

24/03/CSS18 SPONSORSHIP REQUESTS FOR EIGHT NON-PROFIT ORGANISATIONS (NGOS) FOR A PERIOD OF THREE (3) YEARS

Cllr Ruth and Cllr Dhludhlu were placed in the virtual waiting room.

Cllr Oliphant suggested that the item be deferred based on poor demographic representation and questioned whether one animal welfare body can be established to ensure inclusivity and equal demographic representation.

Cllr Maree proposed an additional recommendation stating that the amounts allocated to the Animal Welfare NGOs be utilized as outlined below and for the SPCA to split the amounts equally across all Kouga areas under its jurisdiction, excluding St Francis and Jeffreys Bay which are covered by the other rescue organisations, in order to serve under all these areas:

- 50% for the sterilisation, split between male and female.
- 10% for vaccinations.
- 40% for veterinarian treatment

Cllr Gertenbach seconded the additional recommendation.

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

In Favour: 16

Not In Favour: 4

The recommendations were approved as amended.

Cllr Ruth and Cllr Dhludhlu were allowed back into the meeting.

Resolved (27 March 2024)

1. That the Council approves sponsorship requests for the eight NGOs as follows:

ANNEX	BENEFICIARIES	TERM	AMOUNT	UKEY #
A	SPCA	3 Years	R 250 000.00	20230707065868
B (2)	St Francis Animal Rescue	3 Years	R 100 000.00	20230707065868
C	JBay Animal Rescue	3 Years	R 100 000.00	20230707065868
D	NSRI	3 Years	R 220 000.00	20210710002297
E	Dorp van Drome	3 Years	R 100 000.00	20170702071052
F	JBay Recycling	3 Years	R 40 000.00	20240131064534
G	"In God's Hands"	3 Years	R 40 000.00	20240131064534
H	Patensie Pronk	3 Years	R 40 000.00	20240131064534

2. That the Council authorizes the Accounting Officer to conclude a Sponsorship Agreement/SLA for sponsorship stated above and that the Municipality is at liberty to request any further and/or additional information in respect of the expenditure report and the beneficiaries must comply with all reporting, financial management, and auditing requirements as stipulated in the SLA.
3. That the amounts allocated to Animal Welfare NGOs be utilized as reflected below and that the SPCA must split the amounts equally across all Kouga areas under its jurisdiction, excluding St Francis and Jeffreys Bay which are covered by the other rescue organisations, in order to serve under all these areas.

- 50% for the sterilisation, split between male and female.
- 10% for vaccinations.
- 40% for veterinarian treatment.

Proposed: Cllr L Maree

Seconded: Cllr W Gertenbach

17. **CLOSURE**

The meeting closed at 13:56



6 May 2024

B WILLIAMS

DATE

SPEAKER
