

**MINUTES OF A VIRTUAL ORDINARY COUNCIL MEETING OF KOUGA
MUNICIPALITY HELD ON TUESDAY, 30 APRIL 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	
M Yali	
P Oliphant	
W van der Linde	
K Ndzelani	
N Ntshota	
B Human	
V Zana	
E Mbuqu	
M Mbandana	
W Petersen	
N Ntengwane	
V Gunuza	

**Officials &
Municipal Manager**

D de Jager	(Acting Municipal Manager)
R Lorgat	(CFO)
N Machelesi	(Director: Community Services)
L Opperman	(Manager: Legal Services)
C de Kock	(Director: Civil & Water Services)
L Ramakuwela	(Acting Director: Planning & Development)
T Madatt	(Director: Electro-Mechanical Services)
A Koegelenberg	(Manager: PMS)
C Prinsloo	(Legal Officer: Office of the Speaker)
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)

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 30 April 2024 at 10:00 a.m.

2. **OPENING AND WELCOME**

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

With the Municipal Manager having tendered an apology, the Speaker requested that an Acting Municipal Manager be elected for the meeting.

Cllr Foley nominated Mr de Jager for the position and was seconded by Cllr Jantjes.

Cllr Petersen counter-proposed and nominated Mr Goliath for the position, and Cllr Zana seconded the nomination.

The Speaker called for a vote to appoint either Mr de Jager or Mr Goliath as the Acting Municipal Manager:

In favour of Mr de Jager: 17

In favour of Mr Goliath: 6

Mr de Jager was elected as the Acting Municipal Manager.

At 10:08, Cllr Petersen received a warning for speaking without being recognised.

3. **ABSENT WITH LEAVE**

C du Plessis (Municipal Manager)

4. **ABSENT WITHOUT LEAVE**

L Nkilishane

M Valgee

5. **PRESENTATIONS**

None.

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr Zana extended condolences to the family and friends of Ms Thabisa Woni, a former employee of the Kouga Local Municipality, who was involved in developing the Kouga region and was an activist for Women's Empowerment.

Cllr Petersen extended condolences to the family of Dr Christian Minick who was a Reverend in the Kouga and Humansdorp areas and was involved in the burial of the poor by ensuring that they received a decent send-off.

Cllr Human expressed condolences to the family of Ms Vivienne Jephtha, who was the face of Kruisfontein Primary School serving as the Secretary for the School for many years. He also expressed sympathies for the loss of Dr Minick.

The Speaker collectively expressed condolences to the families and loved ones of those who have passed on.

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

Good morning Honourable Mayor, Councillors, Acting Municipal Manager and all officials as well as our Audit Chairperson.

We are a month away from the 2024 National and Provincial elections and all political parties are in election mode with political activities taking place throughout all wards in Kouga.

As we all know, tensions can run high during election times, and I wish to commend all political parties for the dignified and respectful manner in which campaigning is taking place thus far.

Our constitution makes provision for freedom of association, and this means anybody can belong to any political party without fear of recriminations or intimidation.

It is heartwarming to note that in Kouga this is being respected and no incidents of intimidation or violence has been reported.

As mentioned in the Council meeting last month there was some tampering with posters, and I thank all the political leadership that this practice appears to have stopped. We all need to take note that we cannot put political party banners or stickers on any municipal infrastructure and if we have activists doing this, please can the leadership help to educate the activists as I am sure there is no ill intent involved.

We will all be involved in the campaign over the next month, and I wish everyone well during this time where Councillors are being placed under even more pressure than usual as we still have to serve our communities and fulfill our obligations to all the residents of Kouga who look at us to provide solutions to the various problems facing our communities.

Councillors can look forward to a 2 week recess after the May Council meeting, which in my opinion will be well deserved. As you are all aware there is an item in today's agenda that speaks to this, and I am sure we will all enjoy a respite after the upcoming election.

I do wish to raise Councillors my concern that very few members of the community as well as very few Cllrs attended the public hearing on some amendments to Acts of Parliament that was held in Newton Hall last week.

Our Public Participation Manager, Mr Goliath did raise our concerns that the meeting was held during working hours meaning that it is not easy for many of our residents to attend as they are at work and that public meetings of this nature should be held during the evening.

We will continue to engage with the Provincial Legislature in this regard.

Thank you once again to our Public Participation Unit who have truly learnt to multitask and to support various meetings and public engagements simultaneously in Kouga Municipality. Your efforts are the reason why many municipalities from all over the Eastern Cape are requesting to come and benchmark against our Municipality and we will continue to engage and assist other Municipalities to ensure public participation does take place not only in our municipality but also across the province.

Councillors and officials there does appear to be some connectivity issues not only with the municipal connection but also with other networks so we do have our IT department on standby should any problem arise during our meeting today.

Thank you.

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

None.

9. **DISCLOSURE OF INTEREST**

Cllr Oliphant requested to table a Motion of Exigency.

Cllr Zana requested to table a Motion of Exigency as well.

The Speaker noted the requests made and proposed that the Motions be tabled at the end of the agenda discussions.

10. **STATUTORY MATTERS**

None.

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

Resolved (30 April 2024)

1. That the minutes of the Mayoral Committee meeting held 15 February 2024 be noted.

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

Resolved (30 April 2024)

1. That the minutes of the Ordinary Council Meeting held on 27 March 2024 be approved.

Proposed: Cllr W Gertenbach

Seconded: Cllr T Jantjes

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**

None.

14.2 **KOUGA AUDIT COMMITTEE**

24/04/KAC1 MINUTES OF THE KOUGA AUDIT COMMITTEE

Resolved (30 April 2024)

1. That the minutes of the Kouga Audit Committee be noted.
2. That a full list of all policies be submitted to the next Kouga Audit Committee meeting.
3. That a "status" column be included in the Capital Programmes table to provide further detail on the overbudget or underbudget totals.
4. That a document on the allocation of Official hours and functions be included.

14.3 **RULES & ETHICS COMMITTEE**

None.

14.4 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

None.

15. **REPORT BACK: MUNIMEC**

None.

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

24/04/MM2 COUNCIL RESOLUTIONS AS AT 27 MARCH 2024

Cllr Zana commended the Administration for the resolved issues reflected as complete in the report. He referred to page 88 on the *Establishment of an Autism Centre* and questioned whether the rezoning application date for 17 April 2024 was achieved.

On page 100, he requested a status update on the *Patensie 6 Rectification Project: Approval of Project* as a service provider was appointed.

The Speaker requested feedback on the following matters:

- On page 77, he enquired about the current progress of rezoning erf 560.
- On page 96, he questioned when the Land Use Scheme will be obtained from the applicant in relation to the Sea Vista Water Reservoir.
- On page 100, he enquired about the current progress of the submission of building plans and the enrolment of the project by the service provider for the *Patensie 6 Rectification Project: Approval of Project*.
- On page 169, he requested certainty whether action was taken to clear servitudes within the Kouga region and whether any inputs were received on the Draft Energy Strategy document.
- On page 160, he enquired about the current progress of establishing a Committee on the Augmentation Policy.
- On page 161, he questioned whether approval was obtained from the Bid Adjudication Committee (BAC) on the Weston Waste Treatment Works fencing tender.
- On page 139, he enquired about the progress of the Water Amnesty applications.

In response to the queries raised on the *Establishment of an Autism Centre*, the Acting Director: Planning & Development confirmed that an application was submitted and assessed, however, there was outstanding information which was communicated with the applicant. Thereafter, the applicant was instructed to proceed with advertising for 30 days. He added that the relevant team is prioritising the task.

On the *Patensie 6 Rectification Project: Approval of Project*, the Acting Director stated that a meeting was held to introduce the Contractor to the beneficiaries of the project, wherein, the Contractor committed to commence with the project in May 2024. Building plans were due for submission and the Contractor highlighted that the plans would be finalised.

He further highlighted that during the meeting with the Contractor, there were proposals to provide alternative temporary housing to the beneficiaries during the construction.

On the rezoning of erf 560, the application was advertised on 11 April 2024 with a closing date of 11 May 2024 and an assessment will be conducted thereafter.

On the submission of the Land Use Scheme, he stated that a pre-consultation meeting was held to advise the service provider on the type of application that must be lodged. A follow-up will be done on the submission of the application.

On the clearing of the servitudes, he explained that a written response from the Human Settlements section was provided to the Electro-Mechanical department, however, the process will require the earmarking of alternative

sites for the affected households, which is currently underway with portions of land having been identified.

On the inputs relating to the Draft Energy Strategy, the Director: Electro-Mechanical Services highlighted that weekly meetings are being held to discuss the document where new information is used to update the strategy. Once the strategy is satisfactory, a submission would be made to Council for the adoption of the strategy.

On the establishment of a Committee for the Augmentation Policy, the Director: Civil & Water Services stated that there was progress in establishing the Committee and is guided by the Provincial Treasury. Consultations with other Municipalities that have established guidelines in relation to the Augmentation Policy have been held.

On the Weston Waste Water Treatment Works fencing tender, the Director: Civil & Water Services confirmed that a suitably qualified service provider was appointed by 18 October 2023 and is currently attending to the design and implementation of the site.

On the progress of the Water Amnesty applications, the CFO stated that the Water Amnesty period ended on 29 February 2024 and a total of 1405 applications were received. 1375 applications have been processed to date and 30 applications still need to be processed as there was outstanding documentation, however, the customers have been engaged to provide the information. All accounts have been updated accordingly.

Resolved (30 April 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.

24/04/MM3

**2023/24: SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN:
AMENDMENT**

Resolved (30 April 2024)

1. That Council approves, in terms of the provisions of Section 54(1)(c) of the Local Government Municipal Finance Management Act, 56 of 2003, that the 2023/24 Service Delivery and Budget Implementation Plan further be amended by the insertion of capital budget expenditure targets as set out hereunder.
 - a) 90% expenditure of capital budget provisions as per the Capital Budget approved during May 2023.
 - b) 50% expenditure of capital budget provisions emanating from the 2023/24 Adjustments Budget, subject thereto that conditional grant funding be excluded from the 50% target.

- c) That in respect of adjustments of the 2023/24 capital budget emanating from conditional grant funding, the provisions of the conditional grant prevail.
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 April 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.

24/04/MM4

2023/24 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN PROGRESS UP TO THE QUARTER ENDING 31 MARCH 2024

Cllr Oliphant expressed that the ANC was not in support of the item as it was not inclusive of the delivery of services to the poorest communities.

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

In favour: 16

Not in favour: 10

Resolved (30 April 2024)

1. That the Quarter 3 institutional performance report on progress made with the implementation of the 2023/24 Service Delivery and Budget Implementation Plan be considered by Council.
2. That Directorates ensure that corrective actions are discussed and agreed on at the level of the Portfolio Committees in respect of all Key Performance Indicators where set targets for the reporting period have not been achieved in order to ensure achievement of the annual performance targets and that such corrective actions be submitted to the relevant Portfolio Committees.

24/04/MM5

REQUEST TO RE-ADVERTISE DIRECTOR PLANNING AND DEVELOPMENT

Resolved (30 April 2024)

1. That Council approves the re-advertisement of the approved, vacant post of Director Planning and Development, inviting applications from suitably qualified candidates, and as a permanent position.
2. That the required advertisement be advertised nationally, as per Section 56 (3) of the Local Government: Municipal Systems Act 32 of 2000, as amended, within 14 days from date of the Council resolution.

3. That the post be advertised for a minimum period of 14 days.
4. That a selection panel be established and that it be noted that the selection panel for the appointment of a manager directly accountable to a Municipal Manager must consist of at least three and not more than five members constituted as follows:
 - 4.1 the Municipal Manager, who will be the chairperson.
 - 4.2 a member of the Mayoral Committee or Councillor who is the portfolio head of the relevant portfolio which will be Cllr S Ruth.
 - 4.3 at least one other person, who is not a Councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post which will be Ms Dawn McCarthy.

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

24/04/DMM12 COUNCIL RECESS: DELEGATED AUTHORITY: EXECUTIVE MAYOR IN CONSULTATION WITH THE MUNICIPAL MANAGER

Cllr Zana indicated that the ANC was not in support of the report as there was no need for a recess period.

Cllr Foley proposed an amendment to recommendation 10.3 for the report format to be reviewed and approved at the July Ordinary Council Council meeting to ensure that submissions are aligned with the Standard Operating Procedure (SOP).

Cllr Jantjes seconded the proposed amendment to the recommendation.

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

In favour: 16
Not in favour: 9

Resolved (30 April 2024)

1. That it be noted that Council will be in recess for the period 03 June to 18 June 2024.
2. That the Executive Mayor, in consultation with the Municipal Manager, be granted delegated authority to deal with all Council affairs during the recess period from 03 June 2024 to 18 June 2024, restricted to the following:
 - 2.1 The exercise of delegated authority shall exclude the passing of a by-law; approval of a budget; the imposition of rates and other taxes levies and duties, the raising of loans, the amendment of tariffs, the approval or amendment of the IDP;
 - 2.2 That the parameters of the Supply Chain Management Policy be complied with.

3. That all matters dealt with by the Executive Mayor, which would conventionally have required a council resolution be submitted to Council in report format for review or approval at the Ordinary Council Meeting scheduled as per the institutional calendar in July 2024.

Proposed: Cllr R Foley

Seconded: Cllr T Jantjes

24/04/DMM13 HUMAN RESOURCE POLICY ADOPTION REPORT

Cllr Mbandana indicated that the ANC was not in support of the report as there was no evidence that the labour force and its representatives were involved in the process of developing the policies.

The Acting Municipal Manager stated that workshops were held with Supervisors, Team Leaders, and Superintendents.

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

In favour: 17

Not in favour: 10

Resolved (30 April 2024)

1. That the Training and Development Policy be approved by Council.
2. That the Absenteeism and Reporting of Absence Policy be approved by Council
3. That the Internship/Unemployed Graduate Policy be approved by Council.

8. REPORTS BY THE PORTFOLIO COMMITTEE CHAIRPERSONS

18.1 REPORTS BY THE CHAIRPERSON: FINANCE & ECONOMIC DEVELOPMENT

24/04/FED7 SPONSORSHIP AGREEMENT BETWEEN KOUGA LOCAL MUNICIPALITY AND ST FRANCIS TOURISM FOR THE 2024 ST FRANCIS BAY AMANZI CHALLENGE

Cllr Maree requested that the item be withdrawn as the event was cancelled.

Item withdrawn.

24/04/FED13 **BUDGET AND TREASURY: WITHDRAWALS FROM MUNICIPAL BANK ACCOUNT FOR THE QUARTER ENDED 31 MARCH 2024**

Resolved (30 April 2024)

1. That the Council notes the withdrawals that were made in terms of section 11(1) (b) to (j) of the MFMA for the quarter ended 31 March 2024; and
2. That the report be submitted to the Provincial treasury and Auditor-General as required by section 11(4) (b) of the MFMA.

24/04/FED14 **MONTHLY BUDGET STATEMENTS FOR THE PERIOD JULY TO MARCH 2024 AND FINANCIAL STATE OF AFFAIRS OF THE MUNICIPALITY AS AT 31 MARCH 2024 (2023/24 FINANCIAL YEAR)**

Resolved (30 April 2024)

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

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

24/04/PD5 **HOUSING DISPUTE: ERF 1314: KWANOMZAMO: HUMANSDORP: SIBENGILE/LUZIPHO**

Resolved (30 April 2024)

1. That Council consider the request and **grant in-principle approval** for the alienation of erf 275, Humansdorp to the National Department of Public Works and Infrastructure by way of a land swap.
2. That the Council consider a land swap with the Department of Public Works and Infrastructure for Erf 400 Sea Vista, Erf 3010 Hankey and facilitate the demolition of dilapidated structures on Erf 4 Humansdorp.
3. That the outcome of the discussion with the NDPWI pertaining to the property being donated to the Municipality be tabled to Council for final approval.
4. That Council grant authorization to the Accounting Officer to advertise Council's intention to alienate erf 275, Humansdorp by way of a land swap.

5. That the Department retains the Market Building in their designs for a new court including maintaining its character and restoring it.
6. That Council confirms that the land is not needed to provide the minimum level of basic municipal services.
7. That all administrative costs be for the account of the National Department of Public Works & Infrastructure.

24/04/PD6

REQUEST FOR COUNCIL'S IN-PRINCIPLE APPROVAL AND AUTHORISATION TO ADVERTISE: APPLICATION FROM NATIONAL DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE TO ACQUIRE ERF 275 HUMANSDORP TO CONSTRUCT A NEW MAGISTRATE COURT

Resolved (30 April 2024)

1. That Erf 1314 KwaNomzamo, Humansdorp be transferred to the current occupant, Ms TL Luzipho, in line with and subject to the provisions of the National Housing Programme known as the Enhanced Extended Discount Benefit Scheme (EEDBS) and in line with the Deed of Sale dated 16 January 1990.
2. That Erf 1439 KwaNomzamo, Humansdorp be transferred to Ms. SF Sibengile in line with and subject to the provisions of the National Housing Programme known as the Enhanced Extended Discount Benefit Scheme (EEDBS).

MOTION OF EXIGENCY:

THE UNPROCEDURAL PROCUREMENT OF SECURITY PERSONNEL FOR COUNCILLOR JACQUES ALEXANDER

Cllr Oliphant, under rule 30 of the Standing Rules and Orders for meetings of Council and all its Committees, presented a Motion of Exigency on the unprocedural and unlawful procurement of personal security for Councillor Jaques Alexander for an incident that was not politically motivated. Under rule 30.1, he requested that the matter be considered as a matter of exigency.

At 11:45 the Speaker called for a 10-minute caucus.

Upon returning at 11:55, Ald. Benson expressed that the DA was not in support of the tabling of the Motion of Exigency.

The Speaker called for a vote on the tabling of the Motion of Exigency as presented by Councillor Oliphant.

In favour: 8

Not in favour: 18

The motion was therefore not tabled in Council.

MOTION OF EXIGENCY:

KWANOMZAMO WASTE WATER TREATMENT WORKS STATUS OF EXPENDITURE OF R42 MILLION

Cllr Zana presented a Motion of Exigency under rule 30 of the Standing Rules and Orders for meetings of Council and all its Committees on establishing the status of executed functions versus the expenditure of R42 million for the KwaNomzamo Waste Water Treatment Works. Under rule 30.1, he requested that the matter be considered as a matter of exigency.

Cllr Ndzelani seconded the tabling of the motion.
The Speaker called for a 10-minute caucus at 12:01.

Upon returning at 12:12, Cllr Zana requested for an additional 10-minute caucus for the ANC.

The Speaker granted the requested for an additional 10-minute caucus at 12:15.

Upon return at 12:23, the Speaker called for a vote on the tabling of the Motion of Exigency as presented by Councillor Zana.

In favour: 26
Not in favour: 1

Cllr Zana tabled the motion and outlined that there was uncertainty on the level of execution of contracted services for the KwaNomzamo Water Water Treatment Works considering the R42 million that was provided by the National government.

Cllr Oliphant stated that the matter needed to be urgently investigated as there may be misuse of funds and he requested that feedback be provided by the Executive Mayor or the relevant Portfolio Councillor.

Cllr Foley proposed an additional recommendation that the Accounting Officer provides a detailed report on the work done at KwaNomzamo Waste-Water Treatment Works, and that the report be tabled at the next Council meeting. He further clarified that the project was MIG funded, wherein, MIG funds were reduced from R36 million to R34 million which affected the cashflow of the project.

Cllr Zana seconded the proposal.

Resolved (30 April 2024)

1. That the Accounting Officer provides a detailed report on the work done at KwaNomzamo Waste-Water Treatment Works, and that the report to be tabled at the next Council meeting.

Proposed: Cllr R Foley

Seconded: Cllr V Zana

17. **CLOSURE**

The meeting closed at 12:35



2 July 2024

B WILLIAMS

DATE

SPEAKER
