

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

PRESENT: Councillors

Ald B Williams	(Speaker)
H Bornman	(Executive Mayor)
T Jantjes	
Ald D Benson	
B Dhludhlu	
W Gertenbach	
H Murray	
F Heystek	
S Ruth	
J Alexander	
C August	
M Nicholls	
M van Niekerk	
L Maree	
M Valgee	
G Stuurman	
W van der Linde	
K Ndzelani	
N Ntshota	
V Zana	
M Mbandana	
M Yali	
W Petersen	
L Nkilishane	
B Human	

**Officials &
Municipal Manager**

C du Plessis	(Municipal Manager)
D de Jager	(Deputy Municipal Manager)
R Lorgat	(Chief Financial Officer)
N Machelesi	(Director: Community Services)
C de Kock	(Director: Civil & Water Services)
L Ramakuwela	(Director: Planning & Development)
T Madatt	(Director: Electro-Mechanical Services)
L Opperman	(Manager: Legal Services)
M Rossouw	(Manager: Administration & Auxiliary Services)
E Goliath	(Manager: Public Participation)
A Koegelenberg	(Manager: PMS)
K Minnaar	(Chief of Staff)
C Prinsloo	(Legal Officer: Office of the Speaker)
S Mlonyeni	(Communication Officer)
M Julius	(Senior Admin Officer: Committees)
S Sidjiyo	(Committee Officer)
R Swart	(Committee Clerk)

Stakeholders

G Bilson	(Chairperson: Kouga Audit Committee)
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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 August 2024 at 10:00 a.m.

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**

R Foley
N Ntengwane

4. **ABSENT WITHOUT LEAVE**

E Mbuqu
P Oliphant
V Gunuza

5. **PRESENTATIONS**

None.

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr Petersen congratulated the Humansdorp Development Golf Club for the assistance and donation of junior golf equipment from the St Francis Links.

Cllr Alexander celebrated Jaco Smit who would participate in the Paris 2024 Summer Paralympics Games.

Cllr Zana congratulated the recently elected Shop Stewards for the South African Municipal Workers Union (SAMWU) at Kouga Municipality. He wished the South African Paralympic team well in the Paris 2024 Summer Paralympics Games.

He further wished Brian Katoo from Ward 13 victory in the Lima World Championships in Peru.

Ald Benson extended belated birthday wishes to Cllr Nicholls who celebrated her birthday on 27 August.

The Executive Mayor congratulated Cllr Human on his appointment to the Eastern Cape Provincial Legislature and acknowledged his contribution to the Council.

Cllr Dhludhlu applauded Ms Lolita Vosloo on her appointment as the new Chairperson of the Jeffreys Bay Dorp van Drome and wished her well in her tenure.

Cllr Ntshota commended a group of ten young girls from the St Francis Bay area who started a tennis club and appreciated the support and mentorship offered by the community.

Ald Benson wished the Manager: Public Participation well and speedy recovery on his upcoming surgery.

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

Good morning Honourable Mayor, Councillors, Municipal Manager and officials as well as guests in the meeting.

As South Africa moves towards a Just Energy Transition, it is pleasing to note that Kouga Municipality has been recognized by the Office of the President of South Africa as being well positioned to move into the future of electricity supply and distribution.

I joined the Mayor and the Deputy Mayor at a conference earlier this week where the energy transition was discussed and we can all be proud that Kouga Municipality was the only rural municipality invited to present.

Director Madatt presented what Kouga's plans are to provide electricity to all our residents and it is clear that we are regarded as a flagship rural municipality in terms of where we are heading.

I would like to commend Director Madatt on his professionalism and for the hard work he has done over many years to ensure our electrical network is being maintained despite loadshedding theft and vandalism of infrastructure.

It became apparent that Kouga is being recognized as the Municipality to lead the way in the Eastern Cape in particular but also throughout South Africa when it comes to the energy transition that is going to take place.

President Ramaphosa mentioned that South Africa needs R1.5 trillion until 2027 to ensure we meet our climate change goals and to ensure electricity is available to all South Africans consistently and that power is affordable to all.

Out of the R 1.5 trillion, the President revealed that 613 million dollars have already been allocated to projects out of the 12 billion dollars in grant funding that has been pledged by international donors known as the International Partners Group, which consists of France, Germany, the UK, America, Denmark and the Netherlands.

Further funding will be in the form of concessional loans. The JET Project Management Unit is situated within the Presidency, which will oversee the implementation of the Just Energy Transition.

The plan includes support to workers and communities affected by coal mine and power station closures in Mpumalanga and to facilitate the electricity transition through grid infrastructure as well as new energy vehicle manufacturing and emerging green hydrogen prospects.

Support for funding to enable Municipalities to source power supply themselves is also on the table.

On a more sombre note, there is concern regarding the implementation of Council resolutions and from the Council action sheets, it would appear that several departments are falling behind in the implementation thereof.

I implore all officials to support the Municipal Manager who remains responsible for the implementation of Council decisions.

Thank you.

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

Speaker
Deputy Executive Mayor
Municipal Manager
Deputy Municipal Manager
Members of the Mayoral Committee
Councillors
Officials

Good morning

Speaker,

On Monday and Tuesday, the 26th and 27th of August I attended the Municipal Just Energy Conference in Johannesburg. I was pleased with the efforts made by the Government of National Unity to solve South Africa's energy crisis.

I am particularly pleased with the pronouncements made at this conference as they addressed one of Kouga Municipality's key priorities, to become less reliant on Eskom for electricity generation and to diversify by means of independent power producers.

Unlike the majority of Municipalities there, I was proud that Kouga Municipality does not owe ESKOM anything – a status I wish to maintain.

Speaker, further to the challenge of electricity, the community of Sea Vista is facing an increasingly dangerous problem of illegal electricity connections. We have held community engagements on this matter, I was very clear that our priority as a municipality is to keep our residents safe and to safeguard our infrastructure.

I have written to the newly appointed Minister of Public Works, Dean Machperson to request permission for Kouga Municipality to install electricity in this informal settlement. The land in question falls under the jurisdiction of Public Works, hence permission is required before working on the land.

Speaker, the Civil and Water department did a sterling job of playing an oversight role over the reconstruction of Leorie Sports field with a cost of just below R10 million. This project is a testament to our commitment to deliver service excellence.

I furthermore wish to thank the Department of Cooperate and Government Affairs for funding this project through the Municipal Infrastructure Grant.

To put more safety measures and prevent damage and theft, we will install surveillance cameras that will be monitored at our Incident Command Centre in Humansdorp.

I am thrilled to see the amount of progress being made on our critical projects. The Gill Marcus Water Treatment Works is heading toward completion, this project, with a total cost of close to R5 million will benefit residents of Kruisfontein, who, over the years have suffered water cuts during loadshedding.

Simultaneously, the Hankey Water Treatment Works is also fast-approaching completion, this project too, with an estimated total cost of R5 million, will benefit Hankey residents.

Furthermore, the upgrade of the KwaNomzamo Waste Water Treatment Works, this project, with a total cost of R42.6 million is expected to conclude by April 2025.

Additionally, Kouga Municipality has recently completed the successful restoration of the Paradise Beach Water Tower, a significant infrastructure project that involved an investment of nearly R9.7 million.

The restoration of the Paradise Beach Water Tower is a testament to our commitment to improving infrastructure and ensuring a reliable water supply for our community.

Speaker, the Special Programmes Unit (SPU) in my office recently hosted an interactive Skills Development Programme in Oyster Bay, aimed at empowering local women.

With the support of local sewing experts, Marie Oosthuizen and Lesa Seenay, the initiative provided hand sewing training to 15 women from the Oyster Bay informal settlement and surrounding farms – a craft that not only fosters creativity but also unlocks new economic opportunities.

In conclusion, we are making significant strides in addressing our community's needs and advancing our infrastructure projects. The progress we've achieved thus far is a testament to our commitment and collaborative spirit. With continued dedication and teamwork, I am confident that Kouga Municipality will reach even greater heights, delivering improved services and enhanced quality of life for all our residents.

Thank you for your unwavering support.

9. **DISCLOSURE OF INTEREST**

None

10. **STATUTORY MATTERS**

None.

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

Resolved (28 August 2024)

1. That the minutes of the Mayoral Committee meeting held on 16 May 2024 be noted.

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

12.1 **MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 31 JULY 2024**

Resolved (28 August 2024)

1. That the minutes of the Ordinary Council meeting held on 28 July 2024 be approved.

Proposed: Cllr W Gertenbach

Seconded: Cllr C August

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**

24/08/KAC1 MINUTES OF THE KOUGA AUDIT COMMITTEE

Cllr Ruth referred to page 63 and raised a concern about the incomplete information on the matters arising register. She urged the Administration to monitor the timeous completion of the matters arising register.

Resolved (28 August 2024)

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

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**

24/08/MM2 COUNCIL RESOLUTIONS AS AT 31 JULY 2024

Cllr Zana enquired about the following matters:

- He referred to pages 70 and 71 and enquired if there were any appeals received from the Respondents on the disciplinary enquiries pending the feedback from the Office of the MEC.
- On page 74, item 24/07/FED8 he questioned to whom would the R10 000 exhibition funding be paid to.
- On page 78, he sought clarity on whether the Department of Water and Sanitation or the Department of Environmental Affairs was involved in the process of selling the 98 high water table erven in Kruisfontein.
- On page 90, he requested the status of the devolution of land parcels owned by the former National Housing Board to Kouga Municipality.
- On page 105, he requested the status of the alienation of Erf 512 in Hankey.
- On page 114, he enquired about the period of the lease for Erf 843.
- On page 130, he requested an update on the Weston Waste Water Treatment Works.

The Speaker suggested that Councillors could also submit questions and enquiries in writing to his office for further clarification.

Cllr Ruth requested that Legal Services update the progress on the action sheet on items that were referred to their office, especially the alienation of properties in the Planning and Development directorate.

The Executive Mayor suggested that the action sheets be grouped and sorted according to the responsible official. He further added that pending the launch of the Collaborator System, he would sit with the Municipal Manager monthly to peruse the action sheets and escalate matters to the relevant Mayoral Committee members for action.

The Deputy Municipal Manager responded that regarding the Collaborator System, his office was finalising the Service Level Agreement (SLA) and had started working on workflows. However, the system would not be able to go live at the end of the month as there were processes still to be finalised.

Cllr Petersen enquired about which properties were referred to when reference was made about Papiestfontein.

The Speaker indicated that he had numerous questions, however, he would submit the questions in writing to the Office of the Municipal Manager. He further concurred with the concerns raised by the Council that the action sheets did not receive adequate attention.

In response to the enquiry about the R 10 000 exhibition funding, the CFO indicated that the amount was a limit in terms of the financial support that would be offered to the product owners.

Regarding the Papiestfontein properties, the Director: Planning and Development indicated that it was Portion 3 of Farm 321, Portion 5 of Farm 31 and Portion 24 of 321 division. On the sale of the 98 high water table Erven in Kruisfontein, he confirmed that the Geotechnical studies were conducted, and the Department did not proceed with the sale due to the cost implication on the construction of properties. He further added that an item would be submitted to the Portfolio Committee for consideration.

On the devolution of land parcels owned by the former National Housing Board to Kouga Municipality, the Director: Planning and Development stated that an item was prepared and would be submitted to the Portfolio Committee and later to the Council. Regarding the status of the alienation of Erf 512 in Hankey, he mentioned that an application was received for the use of the property. However, it was discovered that there was an existing lease with a Rugby Club and the department was currently identifying an alternative building for the Rugby Club due to the installation of the pipeline through the sports field.

Regarding the period of the lease for Erf 843, the Director: Planning and Development stated that the lease was for nine years and eleven months.

On the update on the Weston Waste Water Treatment Works, the Director: Civil and Water Services indicated that the Department of Human Settlement had committed funds towards the project and consultants were appointed. He added that the fencing tender was awarded and cost estimates for the works would be determined.

The Speaker requested that further questions be submitted in writing to his office before the close of business on 29 August 2024.

Resolved (28 August 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.

24/08/MM3

KOUGA MUNICIPALITY: DRAFT: 2023/24 ANNUAL REPORT

Resolved (28 August 2024)

1. That the Draft 2023/24 Annual Report be noted.
2. That it be noted that the First Draft of the 2023/24 Annual Report shall be submitted to the Office of the Auditor General by no later than 31 August 2024.
3. That it be noted that financial information shall only be included in the 2023/24 Annual Report on receipt of the findings of the Auditor General on the 2023/24 Financial Statements.
4. That it be noted that the First Draft of the 2023/24 Annual Report shall be submitted to the Municipal Public Accounts Committee for scrutiny and preparation of an Oversight Report.
5. That the Directorates responsible for the verification of information not included in the First Draft of the 2023/24 Annual Report, expedite the verification process to ensure that all information is verified before the commencement of the oversight processes by MPAC and the January 2025 submission of the 2023/24 Annual Report to Council.

24/08/MM4

ANNUAL PERFORMANCE REPORT: 2023/24 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN

Resolved (28 August 2024)

1. That the Annual Performance Report on the implementation of the 2023/24 Service Delivery and Budget Implementation Plan be noted by Council.
2. That the Annual Performance Report on the implementation of the 2023/24 Service Delivery and Budget Implementation Plan be submitted to the Municipal Public Accounts Committee for purposes of oversight and recommendations to Council.

24/08/MM5

SUBMISSION OF PERFORMANCE AGREEMENTS: SECTION 56 AND SECTION 57 EMPLOYEES: 2024/25 FINANCIAL YEAR

Resolved (28 August 2024)

1. That the Performance Agreements and supporting Performance Plans for the 2024/25 financial year in respect of the Municipal Manager and Directors be noted.

2. That in terms of the provisions of Section 53(3) of the Local Government Municipal Finance Management Act 56 of 2003 the Performance Agreements of the Municipal Manager and Directors for the 2023/24 financial year be submitted to the MEC for Local Government and be made public by publication on the Municipal Website.

24/08/MM6 APPROVAL OF INTEGRATED DEVELOPMENT PLAN (IDP), MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK(MSDF) AND BUDGET TIME SCHEDULE OF KEY DEADLINES FOR THE REVIEW OF THE 2024/2025 AND SUBSEQUENT IMPLEMENTATION IN 2025/2026

Resolved (28 August 2024)

1. That the IDP/Budget Time Schedule for the review of 2024/2025 and subsequent implementation in the 2025/2026 financial year attached as Annexure "A" be approved.
2. That the provisions of Section 21 (1) (b) and Section 32 of the Local Government Municipal Systems Act, 32 of 2000 be complied with.
3. That the IDP/Budget Time Schedule for 2025/2026 be submitted to the MEC and relevant stakeholders within 10 days after adoption by Council.

24/08/MM7 APPOINTMENT OF KOUGA AUDIT COMMITTEE MEMBER

Resolved (28 August 2024)

1. That Council approves the appointment of Daniel J de Lange as a member of the Kouga Audit Committee for a period of 2 years (ending 31 August 2026).

17. REPORTS BY THE PORTFOLIO COMMITTEE CHAIRPERSONS

17.1 REPORTS BY THE CHAIRPERSON: FINANCE & ECONOMIC DEVELOPMENT

24/08/FED7 SPONSORSHIP REQUEST: THE 2024 PGA CHAMPIONSHIP

Cllr Human proposed an additional recommendation that the audited financial statements be provided for the financial assistance received for the preceding financial years and the removal of recommendations 10.1.2 and 10.1.3.

He further raised concerns about the initiative for childhood development for science and robotics and how it aligned with the sponsorship for golf. He indicated that he was not in support of the early childhood development of robotics, rather PGA was to focus on underprivileged children in terms of golf, golf academy, and financial support thereof.

Cllr Zana indicated that the African National Congress was not in support of the sponsorship agreement as it would not benefit the ordinary residents of Kouga.

The Executive Mayor highlighted that he was in constant communication with the PGA and The Links in terms of the development of young golfers. He assured the Council that the tournament would not only benefit local tourism but it would immensely benefit youth from an educational point of view and indicated his support of the item.

Cllr Petersen seconded the proposal made by Cllr Human.

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

In favour: 5
Not in favour: 14
Abstain: 0

The Speaker called for a vote on the acceptance of the recommendations as per the agenda:

In favour: 16
Not in favour: 7
Abstain: 0

Resolved (28 August 2024)

1. That Council approves funding allocation as follows:
 - 1.1 R 275,000-00 (Two Hundred and Seventy-Five Thousand Rand) only, VAT inclusive for the 2024/2025 FY.
 - 1.2 R 288,750-00 (Two Hundred Eighty-eight Thousand, Seven Hundred and Fifty Rand) only, VAT-inclusive for the 2025/2026 FY.
 - 1.3 R 303,187-50 (Three Hundred Three Thousand, One Hundred and Eighty seven Rand and Fifty Cents) only, VAT-inclusive for 2026/2027 FY.
2. That Council authorises the Accounting Officer to conclude a Sponsorship Agreement with the Southern African PGA Tour trading as Sunshine Tour, in accordance with the funding allocated in recommendation 1. above.

24/08/FED8

KOUGA SUMMER FESTIVAL DECEMBER 2024 SPONSORSHIP

Cllr Human proposed an additional recommendation that a close-out report be submitted to the Council after the event.

Cllr Zana seconded the proposal.

The Executive Mayor indicated that the Democratic Alliance was in support of the item.

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

In favour: 20

Not in favour: 1

Abstain: 0

Resolved (28 August 2024)

1. That Council approves funding allocation to each of the Local Tourism Offices for the 2024/2025 FY:

1.1 Jeffreys Bay Tourism: R 400,000.00 (Four Hundred Thousand Rand) only, VAT-inclusive.

1.2 St Francis Tourism: R 60,000.00 (Sixty Thousand Rand) only, VAT-Inclusive.

1.3 Gamtoos Tourism: R 40,000.00 (Forty Thousand Rand) only, VAT-inclusive.

2. That Council authorises the Accounting Officer to conclude Sponsorship Agreements with Jeffreys Bay Tourism, St Francis Tourism and Gamtoos Tourism respectively in accordance with the funding allocated in recommendation 1. above.

3. That a close-out report be submitted to the Council after the event.

Proposed: Cllr B Human

Seconder: Cllr V Zana

24/08/FED10 DESTINATION AND BUSINESS MARKETING – INTERNATIONAL TRAVEL

Resolved (28 August 2024)

1. That Council approves international tourism destination and business marketing efforts for the 2024/2025 FY:

1.1 IBTM: 19-21 November 2024

1.2 Vakantiebeurs: 08-12 January 2025

1.3 ITB Berlin: 04-06 March 2025

1.4 Arabian Travel Market: 28 April – 01 May 2025

2. That Council approves the attendance of the above international shows by 2 officials from the Economic Development and Tourism department at Kouga Local Municipality.

24/08/FED12 SA LONGBOARD SURFING CHAMPIONSHIP CLOSEOUT REPORT 2023 AND 2024 SPONSORSHIP PROPOSAL

Resolved (28 August 2024)

1. That Council notes the 2023 Closeout Report for the SA Longboard Championship.

2. That Council approves funding allocation as follows:
 - 2.1 R 300,000-00 (Three Hundred Thousand Rand) only, VAT-inclusive for the 2024/2025 FY.
 - 2.2 R 315,000-00 (Three Hundred and Fifteen Thousand Rand) only, VAT inclusive for the 2025/2026 FY.
 - 2.3 R 330,750-00 (Three Hundred and Thirty Thousand, Seven Hundred and Fifty Rand) only, VAT inclusive for 2026/2027 FY.
3. That Council authorises the Accounting Officer to conclude a Sponsorship Agreement with SA Longboard Surfing, in accordance with the funding allocated in recommendation 2. above.

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

24/08/CWS5 APPROVAL FOR THE REGISTERING OF NEW PROJECTS ON MIG

Resolved (28 August 2024)

1. That the new projects as listed above for MIG registration, be approved by Council.
2. That a suitable Committee be established that will compile the criteria for and scrutinize projects accordingly.

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

24/08/PD8 REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF A PORTION OF ERF 1, HUMANSDORP (PORTION OF THE BUILDING) – ASPHALT PREMISES (ROADSAVER GROUP) (PTY) LTD

Resolved (28 August 2024)

1. That Council grant final approval for the alienation (lease) of a portion of Erf 1, Humansdorp (a portion of the building for an Asphalt Premises), to Road saver Group (Pty) Ltd. (2022/472566/07) represented by Mr. Wilco Bothma for a period of 9 years and 11 months, with an option to renew.
2. That in terms of Sections 14 and 90 of the MFMA and departmental inputs, Council hereby confirms that the property is not needed in future to provide the minimum level of basic municipal services.
3. That Council considers the market-related valuation of R730,00 per month which is in line with Section 14(2) of the Municipal Finance Management Act.
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 applied for is not implemented within 1 year from the date of the signed lease agreement.
6. That all town planning activities, if any, as well as other administrative costs including the valuation, be for the cost of the applicant.
7. That an escalation be included in the lease agreement.

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

24/08/CSS6 ANIMAL MANAGEMENT – FOOT AND MOUTH DISEASE (FMD) OUTBREAK

Resolved (28 August 2024)

1. That Council notes the Report.

18. **CLOSURE**

The meeting closed at 12:12



19 November 2024

B WILLIAMS

DATE

SPEAKER
