

**MINUTES OF A VIRTUAL ORDINARY COUNCIL MEETING OF KOUGA
MUNICIPALITY HELD ON FRIDAY, 13 DECEMBER 2024 AT 10:00 AM**

PRESENT: Councillors	Ald B Williams H Bornman 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 W van der Linde K Ndzaleni N Ntshota B Human V Gunuza V Zana E Mbuqu L Nkilishane M Mbandana N Ntengwane W Petersen	(Speaker) (Executive Mayor)
Officials & Municipal Manager	C du Plessis L Opperman R Lorgat N Machelesi T Madatt C de Kock L Ramakuwela M Mange D Klopper C Prinsloo K Minnaar C Groenewald M Basson S Mlonyeni	(Municipal Manager) (Acting Deputy Municipal Manager) (CFO) (Director: Community Services) (Director: Electro-Mechanical Services) (Director: Civil & Water Services) (Director: Planning & Development) (Acting Manager: Public Participation) (PA: Speaker) (Legal Officer: Office of the Speaker) (Chief of Staff) (Manager: Supply Chain) (Manager: Media & Communication) (Communications Officer)

M Rossouw	(Manager: Administration & Auxiliary Services)
M Julius	(Senior Admin Officer: Committees)
S Rautenbach	(Committee Officer)
R Swart	(Committee Clerk)
M Mitchell	(Committee Clerk)

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 13 December 2024 at 10:00 a.m.

2. **OPENING AND WELCOME**

The Speaker welcomed everyone present to the meeting and requested Cllr Foley to open the meeting with a prayer.

3. **ABSENT WITH LEAVE**

Cllr P Oliphant

4. **ABSENT WITHOUT LEAVE**

Cllr M Valgee

5. **PRESENTATIONS**

None

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr Petersen on behalf of the African National Congress (ANC) conveyed condolences to the sister of Cllr Margaret Valgee, Ms Catherine Loggrenberg who had passed away.

He expressed sincere condolences to the family of Mr Collin Palmer who drowned in a dam.

Ald Benson extended birthday wishes to the following Councillors:

- Cllr Ntengwane - 7 December
- Cllr Gertenbach - 15 December
- Cllr Mbandana - 24 December
- Cllr Petersen - 16 January
- Cllr Alexander - 18 January
- Cllr Stuurman - 26 January
- Cllr Murray - 28 January
- Cllr Mbuqu - 30 January

He extended condolences to Mr Adam Floors who had lost his wife.

Cllr Dhludhlu extended condolences to the family of Mr G Billson, the former Chairperson of the Audit Committee who had passed away.

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

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

Welcome to the final Council meeting of 2024.

2024 has been a challenging year in many respects but we have been buoyed by the news that Kouga Municipality has received a clean audit for the first time ever.

This has taken a lot of hard work and commitment since 2016 and I wish to congratulate the Executive Mayor, the Mayoral Committee, the Municipal Manager and all Directors for the unwavering commitment in dealing with the legacy issues that have prevented the Institution from obtaining a clean audit in the past.

Some of the benefits of a Municipality receiving a clean audit is a renewed faith in the institution from not only the residents who have the assurance that their rates and taxes are being spent prudently and in line with legislation. A clean audit also gives those who wish to invest in the Municipality the confidence to do so and with our property prices still reasonable compared to other coastal municipalities, we could see our rates base increase in future, which will enable us to spend more on providing quality services which will lead to a better life for all.

As we reach the end of the year, I would like to express my appreciation to all who have supported my office during the year.

In particular, I would like to express my appreciation to Mrs Klopper and Ms Prinsloo for the efficient manner in which they run the office of the Speaker and for the quality of service that is provided to us as Councillors as well as the legal capacity that now exists within the office.

The PPU function has had a great year in ensuring that we engage with the various communities in Kouga as well as the support provided to other government departments when they need to engage with the residents of Kouga.

Thanks to Mr Goliath and Mr Mange who have led from the front in PPU and ensured that we have a department that is being benchmarked against by other Municipalities from around the country.

We have seen a major improvement in the quality of the Council agenda and this would not have been possible without the inputs of Ms Julius and Mrs Rossouw and their team in Committees. They are hard at work ensuring that Collaborator, our new software package, will be fully implemented in the new year, which will take us to another level in 2025. Please pass on my appreciation to your team as well.

Mrs Opperman has consistently over the years provided valuable legal support and advice to me, both in the preparation of agendas as well as ensuring that Council does not take any illegal decisions. Thank you for your support.

There are so many people to thank that I am worried I will leave somebody out, so I am going to stop there.

Executive Mayor, we have a lengthy Council agenda today and I look forward to constructive inputs to ensure we positively impact the lives of all the people of Kouga.

I wish every Councillor and all our officials a happy and blessed festive season and both the Mayor and myself as well as the Mayoral Committee will be on the ground over the next 3 – 4 weeks to ensure that our staff who will be working non-stop get all the support they need.

Thank you

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

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

Goeiemôre, Good morning, Molweni

As the year comes to a close, it is an honor to address you and reflect on what has been a truly remarkable year for our municipality. Together, we have achieved milestones that have set a new benchmark for excellence and service delivery.

We made history with our first-ever clean audit—a landmark achievement that demonstrates our commitment to ethical governance and transparency. This milestone is a testament to the hard work of every individual in this room and sends a powerful message to our community about the trustworthiness of our administration.

We also laid a strong foundation for enhanced service delivery through a R58 million investment in our fleet, ensuring we can meet the needs of our residents efficiently and reliably.

Through Ignite Consulting, we are revolutionizing how we manage and monitor our goals, with innovations like the HR Dashboard and live SDBIP Dashboard, currently in draft. These tools will significantly improve accountability and ensure we deliver on our promises.

Our safety summit brought stakeholders together to prioritize security, furthering our commitment to creating a safer environment for all. On the financial front, while South Africa owes Eskom R78 billion, I am proud to say that we owe Eskom nothing—a testament to our sound financial management and commitment to sustainability.

This year, we were also named the greenest municipality in the district, a recognition that underscores our leadership in environmental stewardship. Our blue flag beaches continue to set us apart, drawing visitors and enhancing our local economy.

Looking ahead, we have embarked on exciting projects that will revolutionize our municipality. The implementation of our renewable energy project is poised to drive sustainability and reduce reliance on traditional energy sources. The design of our eco-industrial zone will foster economic growth while prioritizing environmental responsibility. Meanwhile, progress on our informal settlement upgrade project demonstrates our commitment to improving living conditions for all residents.

Lastly, the R200 million loan secured for road upgrades will improve infrastructure, connectivity, and economic opportunities for our communities.

To all directors and officials, thank you for your hard work and dedication. Your efforts have been the backbone of these achievements, and your commitment to excellence ensures that we continue to move forward as a municipality.

To our councillors, your dedication to service excellence and your passion for making a difference in the lives of our residents have been evident in every decision and step forward.

A special thank you goes to everyone who has worked tirelessly to ensure that Kouga is ready for the festive season. Your efforts make this a joyful and welcoming time for our residents and visitors alike.

To our tourists, welcome to Kouga! We are thrilled to share our beautiful beaches, vibrant communities, and warm hospitality with you. May your time here be filled with joy, relaxation, and unforgettable memories.

As we celebrate this festive season, let us take time to reflect on what we've achieved, spend quality moments with loved ones, and recharge for the year ahead. I wish each of you a Merry Christmas and a Happy New Year. May 2025 bring prosperity, unity, and continued success to our municipality and everyone in it.

Thank you, and may the festive spirit shine bright in all our homes.

9. **DISCLOSURE OF INTEREST**

Cllr M Nicholls – item no. 24/12/PD7

Cllr W Petersen – item no. 24/12/R&E1

10. **STATUTORY MATTERS**

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

11.1 **MINUTES OF THE MAYORAL COMMITTEE MEETING HELD ON 16 SEPTEMBER 2024**

Resolved (13 December 2024)

1. That the minutes of the Mayoral Committee Meeting held on 16 September 2024 be noted.

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

12.1 **MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 30 OCTOBER 2024**

Resolved (13 December 2024)

1. That the minutes of the Ordinary Council meeting held on 30 October 2024 be approved.

Proposed: Cllr S Ruth

Seconded: Cllr R Foley

12.2 **MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 8 NOVEMBER 2024**

Resolved (13 December 2024)

1. That the minutes of the Special Council meeting held on 8 November 2024 be approved.

Proposed: Cllr M van Niekerk

Seconded: Cllr L Maree

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**

None

14.3 **RULES & ETHICS COMMITTEE**

24/12/R&E1 **DISCIPLINARY ENQUIRY HELD BY RULES AND ETHICS COMMITTEE – COUNCILLOR WAYNE PETERSEN**

Cllr Petersen was recused from the meeting.

Cllr Human proposed a once of deduction of 25% from Cllr Petersen's salary and mentioned that he is not in favour of the recommendations as stated in the report.

Cllr Zana indicated that the ANC was not in support of the outcome of the Rules and Ethics Committee. He informed Council that Cllr Petersen had appealed the outcome of the Rules and Ethics Committee. He added that until such time that a response from the Office of the MEC was received, the Municipality could not deduct any amount from Cllr Petersen salary.

Cllr Stuurman indicated that as a Committee Member of Rules and Ethics Committee he expresses great concern for the bad behaviour and breach of the Code of Conduct for Councillors by Cllr Petersen. He stated that leadership comes with commitment, responsibility, ethics, and respect for the rule of law.

He stated that as leaders, Councillors carry a social responsibility to promote social cohesion in line with the Constitution of the Republic of South Africa. He stated that Cllr Petersen was not acting in the best interest of the Municipality and by doing so he had compromised its credibility and integrity and therefore, on many occasions brought the Municipality's name into disrepute.

Cllr Dhludhlu indicated that irrespective of political affiliation, a Councillor must always act responsibly and in a respectable manner. Any Councillor has the freedom of choice to resign if he or she does not want to adhere to the Rules and Orders.

The Executive Mayor indicated that a policy is in place regarding fines and the policy states that only after the fourth charge, a 50% deduction of a salary could be implemented. Cllr Petersen, at multiple times, appeared before the Rules and Ethics Committee, therefore the Executive Mayor proposed that the policy be reviewed that Councillors can be fined 100% of their salaries for continuous offences.

Cllr Mbandana indicated that the ANC was still in support of Cllr Petersen and noted how heartless some people can be in politics.

Cllr Dhludhlu raised a point of order under rule 33.1.

The Speaker permitted the point of order and asked that Cllr Mbandana keep to the item in the agenda.

Cllr Mbandana stated that the ANC was not in support of the recommendations.

Cllr Gertenbach stated that the Municipality cannot tolerate disrespect and violence from Councillors.

Cllr Zana raised a point of order under rule 32 and indicated that the ANC will not tolerate any directive from other political parties.

The Speaker permitted the point of order and noted the comment.

Ald Benson indicated that the matter will be forwarded to both Provincial and National ANC as well as to CoGTA, if need be, to deal with the matter in a professional manner.

The Speaker indicated that there are two proposals made by Cllr Human and the Executive Mayor.

Cllr Yali seconded the proposal of Cllr Human.

The Executive Mayor clarified his suggestion was not a proposal he requested that Speaker's office investigate the possibility that the Policy with regards to fines issued to Councillors to be amended to read that a fine equal to 100% of one month's remuneration can be deducted if Councillors was found guilty on numerous charges.

The Speaker called for a vote for the recommendations as tabled in the agenda or as proposed by Cllr Human.

The vote was held as follows:

In favour of the recommendations as tabled in the agenda: 17
In favour of the recommendations as proposed by Cllr Human: 8
Abstained: 0

The recommendations as tabled in the agenda were approved.

Resolved (13 December 2024)

1. That the recommendation made by the Rules and Ethics Committee herein be upheld.
2. That the following sanctions be implemented against Councillor Petersen in respect of the charges laid against him and for which charges the Councillor was found guilty.

2.1 That in respect of –

Charge 1 – **Guilty** – A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 2 – **Guilty** – A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 3 – **Guilty** – A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 4 – **Guilty** – A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 5 – **Guilty** – A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 6 – **Guilty** - A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 7 – **Guilty** - A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 8 – **Guilty** - A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 9 – **Guilty**- A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

Charge 10 – **Guilty** - A fine equal to 50% of one month's remuneration of non-executive Councillor in Kouga Municipality after deductions.

3. That in respect of charge 1 to 10, the deductions will be implemented and processed over ten (10) months from January 2025 – October 2025.
4. That the Speaker must report the outcome of the investigation to the MEC for the local government in the province concerned.

14.4 **MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**

24/12/MPAC1 MINUTES OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

Resolved (13 December 2024)

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

14.5 **MUNICIPAL BY - LAWS AND POLICIES**

Cllr Gertenbach requested Management to implement the same colour coding for all Policy reports.

The Speaker stated that all policies under items 24/12/BP1 – 24/12/BP7 would be tabled together for approval.

24/12/BP1 MAYORAL FUND POLICY

Resolved (13 December 2024)

1. That the Mayoral Fund Policy be approved by Council.
2. That the Mayoral Fund Policy be uploaded on the Kouga Website.
3. That the previous version be replaced with this version.

24/12/BP2

INJURY ON DUTY (IOD) POLICY

Resolved (13 December 2024)

1. That the Injury on Duty (IOD) Policy be approved by Council.
2. That the Injury on Duty (IOD) Policy be uploaded on the Kouga Website.

24/12/BP3

LEAVE POLICY

Resolved (13 December 2024)

1. That the Leave Policy be approved by Council.
2. That the Leave Policy be uploaded on the Kouga Website.
3. That the previous version be replaced with this version

24/12/BP4

OCCUPATIONAL HEALTH AND SAFETY (OHS) POLICY

Resolved (13 December 2024)

1. That the Occupational Health and Safety (OHS) Policy be approved by Council.
2. That the Occupational Health and Safety (OHS) Policy be uploaded on the Kouga Website.
3. That the previous version be replaced with this version.

24/12/BP5

POLICY ON PERSONAL PROTECTIVE EQUIPMENT (PPE)

Resolved (13 December 2024)

1. That the Policy on Personal Protective Equipment (PPE) be approved by Council.
2. That the Policy on Personal Protective Equipment (PPE) be uploaded on the Kouga Website.
3. That the previous version be replaced with this version.

24/12/BP6

RECRUITMENT, SELECTION AND APPOINTMENT POLICY

Resolved (13 December 2024)

1. That the Recruitment, Selection and Appointment Policy be approved by Council.
2. That the Recruitment, Selection and Appointment Policy be uploaded on the Kouga Website.

3. That the previous version be replaced with this version.

24/12/BP7

DRAFT SMALL-SCALE EMBEDDED GENERATION (SSEG) POLICY

Resolved (13 December 2024)

1. That the Draft Small-Scale Embedded Generation (SSEG) Policy be approved by Council.
2. That the Draft Small-Scale Embedded Generation (SSEG) Policy be uploaded on the Kouga Website.
3. That the previous version be replaced with this version

24/12/BP8

DRAFT FIBRE OPTIC CABLE & TELECOMMUNICATIONS INFRASTRUCTURE BY-LAW

Resolved (13 December 2024)

1. That Council supports the introduction of the Fibre Optic Cable & Telecommunications Infrastructure By-law.
2. That the Accounting Officer be authorized to publish the Draft Fibre Optic Cable & Telecommunications Infrastructure By-law for public comment in a manner that allows the public an opportunity to make representations regarding the proposed by-law.
3. That the Draft Fibre Optic Cable & Telecommunications Infrastructure By-law be referred to the Municipal Council following the implementation and finalisation of the public participation process referred to in 2. above.

24/12/BP9

SUPPLY CHAIN MANAGEMENT: REVISED SUPPLY CHAIN POLICY

Resolved (13 December 2024)

1. That the Supply Chain Management: Revised Supply Chain Policy be approved by Council.
2. That the Supply Chain Management: Revised Supply Chain Policy be uploaded on the Kouga Website.
3. That the previous version be replaced with this version.

15. **REPORT BACK: MUNIMEC**

None

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

24/12/MM1 **COUNCIL RESOLUTIONS AS AT 08 NOVEMBER 2024**

Cllr Human enquired about the following matters:

- On page 362, he sought feedback on the delegations register.
- On page 362, he requested the latest feedback on the Bulk Water Service Agreement with Nelson Mandela Bay Metro
- On page 363, he requested that administration consider widening the comment section on the document.

Cllr Zana enquired about the following matters:

- On page 362, he enquired regarding the allegations made that the Nelson Mandela Bay Metro was unstable.
- On page 399, he enquired regarding the status of the provided streetlights.
- On page 401, he requested an update on the Western Wastewater Treatment Works fencing.

The Speaker enquired about the following matters:

- On page 363, he enquired on the status of the replacement of residents by the Department of Human Settlements and Housing Section.
- On page 377, he enquired if the action sheet was tabled for discussion and action by Top Management.
- On page 377, he enquired if any additional support information was obtained from Provincial and National Departments regarding the foot and mouth disease.
- He referred to page 377, he enquired regarding the progress of Departmental reports on the implementation of the SDBIP.
- On page 382, he enquired when will the financial statements be obtained for submission to the MEC.
- On page 397, he enquired when the Deed of Sale would be drafted to transfer the property to the African Gospel Church.
- On page 399, he enquired regarding the progress on the upgrading of informal settlements and clearing of servitudes.
- On page 402, he enquired when the official letters from CoGTA will be obtained regarding the registrations of the MIG projects.

In response the Director: Planning and Development indicated that a Service Provider was appointed to obtain the environmental authorisation, land use rights and engineering designs. Once processes are completed the process can unfold to demolish the informal structures and move the residents to the formalised sites.

Regarding the clearing of servitudes, the same process applies. The Service Provider provided a draft layout that needs to be approved by Council and the submission of environmental reports to the Department for approval.

On item PD7, the Legal Department recently appointed a panel of professionals to assist with the transfer of properties and it was confirmed that the instructions will be sent in January 2025.

The Chief Financial Officer responded that the Customer Care Policy will be submitted together with the budget related policies that will form part of the budget report.

In response the Director: Electro-Mechanical Services responded that Eskom started on 1 & 2 December 2024 with the maintenance of streetlights. The agreement was that all streetlights be repaired or replaced before entering into negotiations for taking over of street light maintenance.

The Director: Civil and Water Services explained that the bulk water services with the Nelson Mandela Metro was currently under discussion. Engagements on the matter were scheduled for the new year and the plan was to sign the SLA within the first quarter of the new year.

A Service Provider was appointed for the Western Wastewater Treatment Works. The site has been handed over and the fencing will be dealt with under the Department of Human Settlements.

The PMU Manager confirmed that the official letter from CoGTA regarding the registration of the MIG projects will be issued on 13 December 2024.

The Acting Deputy Municipal Manager responded that the input from the Office of the Executive Mayor was received regarding the Delegations Register. If finalised, it will be submitted to the next policy workshop for discussion and inputs. Regarding Nelson Mandela Metro, due to no political instruction during that time, the SLA was not finalised, but communication has since improved, which would assist in finalising the matter.

The Acting Deputy Municipal Manager indicated that the financial report to the MEC was sent.

The Municipal Manager responded that the Municipality was busy migrating to a new SDBIP system with Ignite. The amended SDBIP will be submitted to Council together with the amendment budget.

On the Wastewater Treatment Works, the contractor was making good progress, and the estimated completion date is April/May 2025.

The Director: Community Services responded that safety meetings continued every Thursday regarding foot and mouth disease to monitor movement of animals. The Municipality still fell under the disease management area.

The Chief Financial Officer responded on the Grant in Aid policy and indicated that it has been reviewed from the basis of the economic development strategy. It would form part of the submission of economic development related policies.

The Speaker warned Cllr Petersen regarding offensive comments.

Cllr Petersen raised two clarity seeking questions. He questioned who the informer was that indicated that the Nelson Mandela Metro experienced political instability and the process to be followed regarding the evictions.

The Director: Planning and Development indicated that it is not eviction but demolishing of structures after formalisation instead, meaning there will be an alternative available for the occupants. The Acting Deputy Municipal Manager indicated that the information regarding the instability was received from the Legal Representatives of Nelson Mandela Bay Metro.

Resolved (13 December 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.

24/12/MM2 APPOINTMENT OF KOUGA AUDIT COMMITTEE CHAIRPERSON AND MEMBER

Resolved (13 December 2024)

1. That Council approves the appointment of Daniel J de Lange as Chairperson of the Kouga Audit Committee for the period in line with his current term (ending 31 August 2026).
2. That Council approves the appointment of Romano Moodaley as a member of the Kouga Audit Committee for a period of 2 years (ending 31 December 2026).

24/12/MM3 LIQUOR LICENSE APPLICATIONS: DELEGATED AUTHORITY TO THE DEPUTY MUNICIPAL MANAGER

Cllr Zana proposed that all Liquor License applications be dealt with as one and that the liquor license applications be delegated to the Deputy Municipal Manager.

Cllr Human seconded Cllr Zana's proposal and suggested that all the liquor license applications items be withdrawn and be delegated to the Deputy Municipal Manager for finalization.

The Speaker resolved that all liquor licence application items be withdrawn and be delegated to the Deputy Municipal Manager to administer, and a report will be submitted to Council on a quarterly basis.

Resolved (13 December 2024)

1. That Council approves the delegation, to administer liquor license applications, to the Deputy Municipal Manager.

24/12/MM4 APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: MERWE VAN DER WATT TRADING AS KUDU KAYA

Item withdrawn

24/12/MM5 APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: MR E SEKULA TRADING AS BRE BROS GRILL

Item withdrawn

24/12/MM6 APPLICATION OF THE INTENTION TO APPLY FOR TRANSFER OF CERTIFICATE OF REGISTRATION: FROM ELSABE RADAMEYER TO FRANCOIS DE RANDT: HAVANA SPORTS CLUB

Item withdrawn

24/12/MM7 APPLICATION OF THE INTENTION TO APPLY FOR TRANSFER OF CERTIFICATE OF REGISTRATION: FROM WILDUSO 173 (CURRENT HOLDER) TO MR & MRS DROTSCHIE (PROSPECTIVE HOLDERS) IN RESPECT OF JBAY BRU CO

Item withdrawn

24/12/MM8 APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: JOHN MORE TRADING AS THE RIPPLE HILL HOTEL

Item withdrawn

24/12/MM9 APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: SABELO ZOYA TRADING AS EMACETHENI, JEFFREYS BAY

Item withdrawn

24/12/MM10 APPLICATION FOR A LIQUOR TRADING REGISTRATION CERTIFICATE: LUKAS COETSEE TRADING AS WY WORRY MICRO ARTISAN CAFÉ

Item withdrawn

17. REPORTS BY THE OFFICE OF THE DEPUTY MUNICIPAL MANAGER

24/12/DMM1 REPLACEMENT OF COUNCILLOR AS COMMITTEE MEMBER FOR RULES & ETHICS COMMITTEE

Resolved (13 December 2024)

1. That Cllr Foley be replaced on the Rules & Ethics Committee by Cllr Nicholls.

24/12/DMM2 COUNCIL RECESS: DELEGATED AUTHORITY: EXECUTIVE MAYOR

Resolved (13 December 2024)

1. That Council approves the recess period from 14 December 2024 to 13 January 2025.
2. That Council resolves that the Executive Mayor be granted delegated authority to deal with all Council affairs during the recess from 14 December 2024 to 13 January 2025, subject to the following undermentioned conditions:
 - 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 information or for review at the Ordinary Council Meeting scheduled as per the institutional calendar on 29 January 2025.

18. REPORTS BY THE PORTFOLIO COMMITTEE CHAIRPERSONS

18.1 REPORTS BY THE CHAIRPERSON: FINANCE & ECONOMIC DEVELOPMENT

24/12/FED1 2024 CLOSE-OUT REPORT AND 2025 SPONSORSHIP PROPOSAL: RYD SOUTH AFRICA LONGBOARDING CHAMPIONSHIP

Cllr Ntshota enquired if the Municipality received any value for money for the events it sponsored.

The Executive Mayor responded that the local economy benefitted from sponsored events which boosted job creation within communities.

Resolved (13 December 2024)

1. That Council notes the 2024 RYD South Africa Longboarding Championship Close-out Report.

2. That Council approves funding allocation of R 300,000.00 (Three Hundred Thousand Rand) only, VAT-inclusive for the 2025/2026 FY.
3. That Council authorizes the Accounting Officer to conclude a Sponsorship Agreement with Surfing South Africa, in accordance with the funding allocated in recommendation 2. above.

24/12/FED2 CLOSE-OUT REPORT: THE 2024 J-BAY CLASSIC SURF FESTIVAL

Resolved (13 December 2024)

1. That Council notes the 2024 J-Bay Surf Festival Close-out report.

24/12/FED3 CLOSE-OUT REPORT: THE 2024 HUMANSDORP COMMUNITY FESTIVAL

Cllr Petersen referred to the different amounts of sponsorships allocated to different communities and stated that it indicates discrimination of communities due to socioeconomic statuses.

Cllr Ruth raised a point of order under rule 36.2 and stated that Cllr Petersen was disobeying the Speaker's request to utilise his own device. He should stop live streaming and use his personal device for log in purposes.

The Speaker permitted the point of order and instructed Cllr Petersen to log in with his own device and stop live streaming the Council meeting.

At 11:42, Cllr Petersen received a fine for speaking without being recognised.

At 11:43, Cllr Petersen was referred to the Rules and Ethics Committee for continuing to speak without being recognised.

Resolved (13 December 2024)

1. That the Council notes the 2024 Humansdorp Community Festival Close-out report.

24/12/FED4 CLOSE-OUT REPORT: THE 2024 SOUTH AFRICAN NATIONAL OPEN WATER SWIMMING CHAMPIONSHIPS

Cllr Zana enquired regarding the late submission of the report and questioned whether any local athletes participated in the event.

The Speaker responded that local athletes benefit from local events which allowed them to qualify internationally.

The Chief Financial Officer responded that the late submission of the report was due to an omission from his office and apologised.

At 11:49, Councillor Petersen received a fine for speaking without being recognised.

Resolved (13 December 2024)

1. That the Council notes the 2024 South African National Open Water Swimming Championships Close-out report.

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

24/12/PD1 REQUEST TO RESCIND PREVIOUS COUNCIL RESOLUTION AND ACCEPTANCE OF LAND PARCELS OWNED BY THE FORMER NATIONAL HOUSING BOARD TO KOUGA LOCAL MUNICIPALITY

Cllr Petersen stated that Cllr Ruth mislead Council by giving incorrect information as she indicated that the land parcels was given to the Municipality. The memorandum stated that the Municipality must provide a development plan and must indicate that the land will be utilized for housing development.

Cllr Foley raised a point of order under rule 32.

The Speaker permitted the point of order and stated that Cllr Petersen must speak to the item.

Cllr Petersen enquired whether the Municipality still planned to continue earmarking the area as an environmentally protected area or if it was being developed for housing purposes.

Cllr Zana sought clarity regarding erf 1982 and enquired whether the erf could be earmarked for business development and stated that the erven belonged to Department Human Settlements and must be utilised for human settlements.

The Executive Mayor indicated that the item dealt with a property in Thornhill where a school is located, and the Municipality advised the Department of Human Settlements to transfer the land to the Department of Education or the Department of Public Works.

At 12:00, Cllr Petersen received a fine for speaking out of turn.

The Director: Planning and Development responded that erf 1982 was very small and located close to a road. It was also not ideal for human settlement, but the development was still subject to investigations.

The Speaker called for a vote either in favour or not in favour of the recommendations as tabled in the agenda.

The vote was held as follows:

In favour: 17

Not in favour: 6
Abstain: 0

The recommendations as tabled in the agenda were approved.

Resolved (13 December 2024)

1. That Council rescinds resolution 22/03/PDT7 which granted in principle approval to devolve land parcels owned by the Former National Housing Board to Kouga Municipality.
2. That Council **grant final approval** for the acceptance of the offer from the Provincial Department of Human Settlements to devolve certain properties that belonged to the National Housing Board to Kouga Municipality. The properties contemplated herein includes the following:
Erven 1968, 1982, 1983 Humansdorp and Erf 391, Hankey.
3. That the acceptance mentioned in the above excludes Erf 110, Thornhill as the Thornhill Combined Primary School is built on this property, therefore, transfer must be to the Department of Education or the Department of Public Works.
4. That the Council grant authorization to the Accounting Officer to enter into agreement with the current owners for transfer of the properties to KLM.

24/12/PD2 REQUEST FOR COUNCIL'S FINAL APPROVAL FOR ALIENATION (LEASE) OF ERVEN 2084 AND 2085, HUMANSDORP

Resolved (13 December 2024)

1. That Council **grant final approval** for the lease of Erven 2084 and 2085, Humansdorp to Khoisan Doepa, represented by Mr. Joseph for 9 years and 11 months with the option to purchase.
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 considers the market-related rental valuation of R15,800.00 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 (solar plant, charging station, a farm stall and a restaurant), and for no other purpose whatsoever, unless prior written consent has been obtained from the Lessor.
5. That the lease be cancelled if purpose applied for is not implemented within 24 months from date of signed lease agreement.

6. That all costs in respect of the consolidation, rezoning, surveying and any environmental approval, be borne by the applicant.
7. That an escalation be included in the lease agreement.

24/12/PD3 REQUEST FOR COUNCIL'S FINAL APPROVAL FOR THE ALIENATION OF BUSINESS ZONED MUNICIPAL ERVEN WITHIN THE KOUGA MUNICIPAL AREA

Cllr Zana indicated that the Municipality set a moratorium on alienation of land and asked if the moratorium was lifted. If not, he proposed that a land audit be done to identify land and the availability thereof before any alienation of land took place.

The Executive Mayor agreed with Cllr Zana that the Municipality must be more strategic in disposing of land. He indicated the report refers to the selling of land and not the structures on the land. He suggested that a strategic document be implemented to give guidance regarding strategic proposals.

The Speaker indicated that the moratorium referred to had been a fixed term moratorium.

The Director: Planning and Development indicated that the alienation of business zoned municipal erven as mentioned in the report was historical. The properties mentioned in the report are already being developed.

Cllr Yali seconded Cllr Zana's proposal.

The Speaker called for a vote either in favour of the recommendations as tabled in the agenda or in favour of the recommendations as proposed by Cllr Zana.

The vote was held as follows:

In favour of the recommendations as tabled in the agenda: 15
In favour of the recommendations as proposed by Cllr Zana: 8
Abstain: 0

The recommendations as tabled in the agenda were approved.

Resolved (13 December 2024)

1. That Council **grant final approval** to alienate by way of a competitive bidding process the municipal erven 32, Loerie Heuwel, 259, Patensie, 1826, Hankey and 7294 Jeffreys Bay.
2. That Council confirms that the immovable properties are not needed for the provision of the minimum level of basic municipal service.

3. That Council confirms the market-related valuations in line with Section 14(2) of the Municipal Finance Management Act:

- 3.1 Erf 7294, Jeffreys Bay (R460,000.00)
- 3.2 Erf 1826, Hankey (R170 000.00)
- 3.3 Erf 259, Patensie (R81,000.00)
- 3.4 Erf 32, Loerieheuvel (R40 000.00)

4. That Council authorizes the Accounting Officer to enter into a Deed of Sale with the successful bidder.

24/12/PD4 REQUEST FOR COUNCIL'S AUTHORISATION TO ADVERTISE AND IN-PRINCIPLE APPROVAL FOR THE ALIENATION OF A PORTION OF ERF 1 AND A PORTION OF ERF 6, HUMANSDORP
Resolved (13 December 2024)

1. That Council **grant in-principle approval** to alienate a portion of Erf 1 and a portion of Erf 6, Humansdorp.
2. That Council confirms that the immovable properties contemplated herein are not needed for the provision of the minimum level of basic municipal services.
3. That Council grant authorization to the Accounting Officer to advertise the immovable properties contemplated herein.
4. That a service provider be appointed to finalise planning activities and costs be for the applicant.

24/12/PD5 REQUEST TO RESCIND ALL PREVIOUS RESOLUTIONS PERTAINING TO THE ALIENATION OF PORTIONS OF ERF 873, ERVEN 5478, 5479, 5480 5481 AND 8825, JEFFREYS BAY AND GRANT IN-PRINCIPLE APPROVAL AND AUTHORISATION TO UNDERTAKE PUBLIC PARTICIPATION FOR THE ALIENATION OF ERVEN 5478, 5479, 5480, 5481 AND 8825, JEFFREYS BAY

Cllr Human recommended that the land be utilised for residential purposes.

Cllr van der Linde stated that the item did not serve before the Portfolio Committee for consideration.

The Executive Mayor proposed that all recommendations be removed except for recommendation 1. and that a recommendation 2. that a full feasibility study be done on the bigger portion of land to determine a way forward, be added.

Cllr Human indicated that he maintained his proposal.

Cllr Ruth indicated that the item was a continuation of a previous item which went for public participation and therefore the item was submitted to Council with the recommendations.

Cllr Ndzelani seconded Cllr Human's proposal.

Cllr van der Linde seconded the proposal of the Executive Mayor.

The Speaker called for a vote either in favour of the recommendation of Cllr Human or in favour of the recommendations as proposed by the Executive Mayor.

The vote was held as follows:

In favour of the recommendations proposed by Executive Mayor: 15
In favour of the recommendations proposed by Cllr Human: 10
Abstain: 0

The recommendations as proposed by the Executive Mayor were approved.

Cllr van der Linde excused himself from the meeting at 12:42.

Resolved (13 December 2024)

1. That Council rescind all previous resolutions pertaining to the alienation of a portion of Erf 873, Erven 5478, 5479, 5480, 5481 and 8825, Jeffreys Bay.
2. That a full feasibility study be done on the bigger portion of land to determine a way forward.

24/12/PD6 LAND AND PROPERTY ADMINISTRATION: IMPLEMENTATION OF OUTSTANDING TRANSFERS OF PROPERTIES ACQUIRED FROM THE THEN PATENSIE TRANSITIONAL LOCAL COUNCIL (TLC)

Resolved (13 December 2024)

1. That Council **grant final approval and accept** the recommendations and process for the disposal of the municipal erven as per Annexure A.
2. That Council accepts that properties be transferred to Estate Late beneficiaries in instances where the original purchasers have passed away.

3. That Council confirms that the immovable properties are not needed for the provision of the minimum level of basic municipal services.
4. That all applicable costs, where necessary, be for the cost of the applicants / purchasers, but in confirmed instances where the applicant / purchaser is unemployed or has confirmed pensioner status, a request be made for the transfer costs to be borne by the municipality.
5. That Council authorizes the Accounting Officer to enter into respective Deed of Sale to give effect to the intended transfer of immovable property herein.

24/12/PD7 REQUEST TO SWOP: TENDER FOR THE SELLING OF VACANT MUNICIPAL RESIDENTIAL ERVEN WITHIN THE KOUGA MUNICIPAL AREA (TENDER NOTICE 137 OF 2021)

Cllr Nicholls was placed in the virtual waiting room at 12:44.

Cllr Human enquired regarding the legality of a straight swop without the process of public participation and proposed that the properties be referred for public participation.

The Director: Planning and Development indicated that a legal opinion was obtained regarding a direct swop, and it was indicated that the swop is a legal process.

Cllr Yali seconded the proposal of Cllr Human.

The Speaker called for a vote either in favour of the recommendations as tabled in the agenda or in favour of the recommendations as proposed by Cllr Human.

The vote was held as follows:

In favour of the recommendations as tabled in the agenda: 14
In favour of the recommendations as proposed by Cllr Human: 8
Abstain: 0

The recommendations as tabled in the agenda were approved.

Resolved (13 December 2024)

1. That Council accepts the recommendations by the leading department and **grants final approval** for the swop and disposal of erven 1044, 1045, 1047 and 1048 Humansdorp as per Annexure A

2. That Council grant authorization to the Accounting Officer to cancel the Deed of Sales for the properties contained in Annexure B
3. That Council grant authorization to the Accounting Officer to enter into a Deed of Sale for the purpose of transferring the properties contemplated in 1.
4. That Council grants permission to dispose properties that were advertised on Tender Notice 137 of 2021 as per Annexure C.

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

24/12/CSS1 **AUTHORISATION FOR THE APPROVAL OF THE COMMUNITY SAFETY FORUM TERMS OF REFERENCE FOR KOUGA LOCAL MUNICIPALITY**

Cllr Petersen referred to the location of the security cameras and indicated that the cameras are only placed at strategic positions to benefit the privileged areas and not the crime scene areas.

Cllr Heystek raised a point of order under rule 32.1.

The Speaker permitted the point of order and stated that Cllr Petersen must speak to the item.

Cllr Petersen suggested that the locations of the security cameras be revised.

The Executive Mayor indicated that the report speaks about the terms of reference for the Community Safety Forum and not location of cameras.

Resolved (13 December 2024)

1. That the Council approves the Community Safety Forum Terms of Reference.

24/12/CSS2 **SPONSORSHIP REQUEST OF R100 000 FOR LIFESAVING CHAMPIONSHIPS TO BE HOSTED IN KOUGA FOR TWO (2) YEARS FROM 2025 - 2026**

Cllr Gunuza indicated that she was not in support of the item.

Cllr Human indicated that the event coordinators must become sustainable and less reliant on the Municipality for sponsorships. He enquired how the local community benefitted from sponsorships of events.

The Speaker responded that sponsorships of events such as the Lifesaving Championships, create a platform for locals from Jeffreys Bay to upskill their capabilities.

Resolved (13 December 2024)

1. That Council approves the allocation of R100 000.00 all inclusive, to support the Lifesaving Championships for the 2024/25 financial year.
2. That Council approves the allocation for the outer financial year as follows – 2025/26 – R100 000
3. That Council authorises the Accounting Officer to conclude a Sponsorship Agreement with Lifesaving Nelson Mandela Bay in accordance with the funding allocated in recommendation 1. and 2. above.

18.5 **REPORTS BY THE CHAIRPERSON: ELECTRO – MECHANICAL SERVICES**

24/12/EMS1 **REPORT ON THE SOUTH AFRICA MUNICIPAL ENERGY REVERSE TRADE MISSION IN U.S. (20-26 OCTOBER 2024)**

Resolved (13 December 2024)

1. That Council notes the report from the nominated delegate, EMS Director Theodore Madatt on his attendance of the South Africa Municipal Energy Reverse Trade Mission program in the USA.

19. **CLOSURE**

The meeting closed at 13:08.



B WILLIAMS

SPEAKER



DATE