MINUTES OF A VIRTUAL ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY HELD ON MONDAY, 31 MARCH 2025 AT 10:00 AM

PRESENT: Councillors	L Maree	(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	
	G Stuurman	
	P Oliphant	
	M Yali	
	K Ndzelani	
	N Ntshota	
	B Human	
	M Valgee	
	V Zana	
	E Mbuqu	
	L Nkilishane	
	W Petersen	
	Ald B Williams	
Officials & Municipal Manager	C du Plessis	(Municipal Manager)
	D de Jager	(Deputy Municipal Manager)
	N Swarts	(Acting CFO)
	N Machelesi	(Director: Community Services)
	J Du Toit	(Acting Director: Civil & Water Services)
	T Madatt	(Director: Electro-Mechanical Services)
	L Ramakuwela	(Director: Planning & Development)
	L Opperman	(Manager: Legal Services)
	E Goliath	(Manager: Public Participation)
	C Prinsloo	(Legal Officer: Office of the Speaker)
	K Minnaar	(Chief of Staff)
	A Koegelenberg	(Manager: PMS)
	M Basson	(Manager: Media & Communication)
	M Rossouw	(Manager: Administration & Auxiliary Services)
	M Julius	(Senior Admin Officer: Committees)
	R Swarts	(Acting Committee Officer)
	P Gunya	(Committee Officer)

2. **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 31 March 2025 at 10:00 a.m.

3. **OPENING AND WELCOME**

The Speaker welcomed everyone present to the meeting and requested Ald Benson to open with a prayer.

4. **ABSENT WITH LEAVE**

Cllr W van der Linde	
Cllr V Gunuza	
R Lorgat	(CFO)
C de Kock	(Director: Civil & Water Services)

4. **ABSENT WITHOUT LEAVE**

Cllr M Mbandana
Cllr N Ntengwane

5. **PRESENTATIONS**

None

6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Ald Benson congratulated Cllr Dhludhlu and his wife on their 20th wedding anniversary.

Cllr Petersen on behalf of the African National Congress (ANC) conveyed message of sympathy to the family of the former Municipal employee, Mr Tommy Jacobs, who had passed away.

Cllr August congratulated herself and her husband for becoming first-time great grandparents.

Cllr Alexander on behalf of the Democratic Alliance (DA) conveyed condolences to the family of the former Municipal employee, Oom Sanie, who passed away.

Cllr Foley congratulated the Speaker for being elected as a new Speaker of Council.

Cllr Stuurman congratulated the Historical Khoisan leaders, the House of Klaas and Chief Dawid Stuurman for leaving a huge footprint for playing a significant role in Khoisan history.

Cllr Zana raised a point of exigency. He wished to be afforded an opportunity to address Council on it. He indicated that he had tried to raise it at the Special Council meeting and requested that the Speaker include it as one of the items.

The Speaker indicated that the item would be discussed at the end of the open agenda.

7. STATEMENTS OR COMMUNICATIONS BY THE SPEAKER

Honorable Mayor and Members of the Council, Officials, Online Guests, and dear colleagues,

I am before you today with immense gratitude and a deep sense of responsibility as I accept the honor of serving as the Speaker of this esteemed council. I sincerely thank each and every one of you for placing your trust and confidence in me. This is not just a personal achievement but a commitment to uphold the values, integrity, and purpose of this council.

I recognize the challenges ahead, but I am also confident that with collaboration, respect, and dedication, we will serve our community with excellence. My promise to you is that I will lead with fairness, transparency, and an open heart, ensuring that every voice in this council is heard and valued.

Together, let us work toward progress, unity, and impactful decision-making for the benefit of those we serve. Once again, I am deeply honored, and I look forward to working alongside all of you to achieve our shared goals.

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 we move forward in our mission to best serve our community, it's important to recognize that change is an inevitable part of progress. At the national level, we are witnessing a historic moment with the **national budget being properly debated** for the first time in our history. This is a remarkable step forward in strengthening our democracy. It reflects a more inclusive and transparent approach to governance, and we should all be proud to be a part of this momentous change.

While change can be challenging, it also opens doors to new opportunities. We, too, must be adaptable and proactive as we adjust to the shifting government landscape and the financial realities that come with it. The recent proposed adjustments in the national budget bring with them both challenges and opportunities for us as a municipality. We must be wise stewards of the resources we are entrusted with and ensure that we continue to meet the needs of our residents, even in times of fiscal change.

This is not just about surviving change but thriving through it. By embracing these shifts, we can pave the way for innovation, collaboration, and a more efficient, effective municipality. It's an opportunity for us to rethink our priorities, optimize our resources, and find creative solutions to the issues that matter most to our community.

Council can be very pleased with the financial status of our municipality. It is encouraging to table our **Special Adjustments Budget** to Council today, as it reflects a clear alignment with our goals in the IDP and SDBIP.
We extend our gratitude to the Finance and Economic Development Department for their continued efforts in maintaining financial stability, building on the foundation of our well-deserved clean audit for Kouga Municipality.

Looking at our **2023-2024 Annual Report**, along with our adjusted IDP and SDBIP, it is incredible to reflect on the progress we have made on our four key priorities.

First, our **Roads Reseal Project**, launched on 23 January 2025, marks the largest single investment in infrastructure in the history of our municipality, significantly improving our road network.

Second, our **water infrastructure** upgrades have been substantial. The Kwanomzamo Wastewater Treatment Upgrade, valued at R42 million, has been completed. Additionally, the long-anticipated Gill Marcus Water Treatment Upgrade was finalized on March 28, further strengthening our water security.

Third, while we still have work ahead in **renewable energy**, ware actively pursuing Small-Scale Embedded Generation (SSEG) installations to make meaningful progress in the next financial year. A heartfelt thank you to the 7,000 residents who signed our petition against Eskom's proposed tariff increases.

Finally, on **customer satisfaction**, we have implemented various innovative solutions and technologies within our ICT sector, software applications which are the finest in the Country, well done to our IT Department under the office of the DMM.

Our First Thursday initiative, which continues to be an effective platform for addressing residents' concerns, remains a valuable outreach for our Municipality. We also look forward to publishing our Customer Service Charter—the first of its kind in the Eastern Cape—which will outline clear timeframes for all municipal services.

I am also pleased that our partnership with IGNITE is yielding positive results. Now more than ever before, we see a strong alignment of goals from our **IDP**

to our SDBIP and across the organization. I look forward to us engaging on our IDP and providing feedback to our residents on the progress we have made as well as the challenges we encounter in April this year.

Speaker, I want to extend my gratitude to the Municipal Manager for sitting beside me during the past three compulsory **quarterly institutional meetings**. Together, we have addressed all staff members in Kouga Municipality, reinforcing our achievements, priorities, and most importantly, our values.
I also want to take this opportunity to remind Council of the values we must uphold on a daily basis. These are:

1. Service Excellence
2. Accountability and Transparency
3. Integrity and Professionalism
4. Efficiency and Effectiveness
5. Equity and Respect
6. Empathy and Compassion

As a collective, we have reviewed these principles, and I am pleased to affirm that following today's agenda, these will be our newly approved **values**, which will guide us as an institution moving forward.

I wish to extend my sincere gratitude to **Alderman Councillor Brenton Williams** for his dedicated service as the Speaker of Council. His leadership and commitment have been invaluable.

At the same time, I warmly congratulate **Councillor Lorraine Maree** on her election as the new Speaker of Council. We are confident that she will build on the strong foundation laid by Cllr Williams and will continue to guide Council forward.

As Mayor, together with Council, I assure her of our full support in this important role.

As we embrace this transition, following Cllr Maree's election as Speaker, I will be announcing potential **changes to my Mayoral Committee** in due course.

Lastly, I sincerely appreciate the **efforts of the administration** in putting together such a comprehensive and meaningful agenda. It offers valuable insight into the incredible work happening behind the scenes and reflects the professionalism and core values that define our organization. Your dedication does not go unnoticed

Change is inevitable, but how we navigate it defines us. With resilience, innovation, and a shared vision, we will embrace every challenge as an opportunity to grow stronger and serve better. Together, we will continue building a Kouga Municipality that is a **blueprint** of what a flourishing South Africa can look like.

Thank you

9. **DISCLOSURE OF INTEREST**

10. **STATUTORY MATTERS**

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

11.1 **MINUTES OF A MAYORAL COMMITTEE MEETING HELD ON 13 NOVEMBER 2024**

Resolved (31 March 2025)

1. That the minutes of the Mayoral Committee Meeting held on 13 November 2024 be noted.

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

12.1 **MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 17 JANUARY 2025**

Ald Williams proposed the following amendments: that "insurance" be changed to "assurance" on page 18 and that "gives" be changed to "gave" on page 20.

Cllr Dhludhlu on corrected the statement by Cllr Gunuza congratulating ANC students on page 17, he proposed that the sentence be changed to reflect all student who passed matric.

The Speaker indicated that it was the actual words from Cllr Gunuza.

Cllr Oliphant proposed that the Speaker withdraw her statement and listen to the recordings of the minutes and thereafter confirm that it was actual words of Cllr Gunuza.

The Speaker indicated that a follow up would be made by Administration.

Resolved (31 March 2025)

1. That the minutes of a Special Council meeting held on 17 January 2025 be approved.

Proposed: Cllr S Ruth Seconded: Cllr B Dhludhlu

12.2 **MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 29 JANUARY 2025**

Ald Williams proposed that "Grand – In – Aid" be corrected to "Grant – In – Aid" on page 31.

Resolved (31 March 2025)

1. That the minutes of an Ordinary Council meeting held on 29 January 2025 be approved.

Proposed: Cllr W Gertenbach Seconded: Cllr C August

12.3 **<u>MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 27 FEBRUARY 2025</u>**

Resolved (31 March 2025)

1. That the minutes of a Special Council meeting held on 27 February 2025 be approved.

Proposed: Cllr M van Niekerk Seconded: Cllr F Heystek

13. **<u>REPORTS OF COMMITTEES OF COUNCIL</u>**

13.1 **<u>REPORT BACK: SARAH BAARTMAN DISTRICT MUNICIPALITY REPRESENTATIVE</u>**

Cllr Oliphant expressed concern regarding the lack of reports from the SBDM representatives. He noted that it has become a recurring issue, with a lack of accountability. He requested that a formal resolution be taken to address the matter.

The Speaker reported that she would investigate matter.

13.2 **<u>KOUGA AUDIT COMMITTEE</u>**

None.

13.3 **<u>RULES & ETHICS COMMITTEE</u>**

None.

13.4 **<u>MUNICIPAL PUBLIC ACCOUNTS COMMITTEE</u>**

25/03/MPAC1 <u>MINUTES OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE</u>

Resolved (31 March 2025)

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

25/03/MPAC2 <u>MUNICIPAL DEVELOPMENT FINANCE CIRCULAR: 3 OF 2024</u>

Resolved (31 March 2025)

1. That the Municipal Development Finance Circular 3 of 2024 be noted.

2. That the additional function be included in the existing Terms of Reference for the Municipal Public Accounts Committee, and that the amended Terms of Reference be referred to Council for approval.

13.5 **MUNICIPAL BY - LAWS AND POLICIES**

25/03/BP1 PERFORMANCE MANAGEMENT AND DEVELOPMENT SYSTEM FRAMEWORK

Resolved (31 March 2025)

1. That the Performance Management and Development System Framework be approved by Council.

2. That the Performance Management and Development System Framework be published on the Kouga Website.

25/03/BP2 DRAFT 240 LITRE BIN MANAGEMENT POLICY

Resolved (31 March 2025)

1. That the Draft 240 Litre Bin Management Policy be approved by Council.

2. That the Draft 240 Litre Bin Management Policy be published on the Kouga Website.

25/03/BP3 REVISED PAUPER & SOCIAL BURIAL POLICY

Resolved (31 March 2025)

1. That the Reviewed Pauper & Social Burial Policy be approved by Council.

2. That the Reviewed Pauper & Social Burial Policy be published on the Kouga Website.

3. That the previously approved Pauper & Social Burial Policy be repealed and replaced by the reviewed Pauper & Social Burial Policy.

25/03/BP4 APPROVAL OF TERMS OF REFERENCE FOR THE MUNICIPAL BY-LAW AND POLICY REVIEW COMMITTEE

Resolved (31 March 2025)

1. That the Terms of Reference for the By-law and Policy Review ` Committee be approved.
2. That the Terms of Reference shall repeal and replace the previous Terms of Reference as approved by Council and shall became effective from date of this Council Resolution.
3. That the Terms of Reference be circulated internally and to the By-law and Policy Review Committee Members.

14. **REPORT BACK: MUNIMEC**

Cllr Oliphant enquired whether there had been any MUNIMEC meetings to which Kouga Municipality was invited but did not attend.

The Speaker responded that she would verify and provide a written reply.

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

25/03/MM1 COUNCIL RESOLUTIONS AS AT 29 JANUARY 2025

Cllr Human enquired about the following matters:

On page 177, he requested that the alignment on comments regarding petitions received from Kouga Local Clinics in 2023 be amended to be readable.

On page 179, he enquired on the progress on correspondence from the service provider regarding the disciplinary enquiry for Cllrs Oliphant and Petersen.

On page 183, he enquired about the scheduled date for a presentation by the Department of Civil and Water Services on current road conditions within the Municipality.

On page 192, he enquired regarding the community's view on the progress report on the Alienation of 98 wet erven in Kruisfontein.

On page 193, he requested clarification on the implications if the Council's offer to Teen Challenge S.A. for the purchase of a portion of Portion 4 of the Farm Zwartenbosch No. 347 was not accepted.

On page 195, he requested the status of the final eviction order regarding the unlawful dwellers at Aston Bay Caravan Park, as well as progress on the sale of the 98 wet erven.

On page 196, he enquired on the status of the disposal and transfer of pre-1994 municipal houses in Sea Vista.

On page 198, he requested clarification on the process concerning individuals leasing Erf 499.

On page 200, he enquired on the progress on the transfer of Provincial roads.

On page 202, he requested an update of the six houses in Patensie, including the issue of the missing contractor and the guarantees in place to ensure the houses would be rebuilt.

The Director: Planning and Development provided clarity on several matters. He stated that, regarding the sale of 98 wet erven, interested buyers were still willing to proceed despite the foundational challenges. He pointed out that all relevant requirements and recommendations had been communicated to them.

Concerning the application to purchase a portion of Portion 4 of the Farm Zwartenbosch No. 347 by Teen Challenge S.A., he explained that although Council had passed a resolution to sell the specific portion applied for, the applicant expressed interest in a different portion of the same property. He indicated that a meeting would be arranged to discuss the implications of their preference.

Regarding Erf 499, he confirmed that existing development plans were in place, and the administration remained open to engaging with interested parties to explore available options. He added that the Council resolution on the property remains valid.

Furthermore, an environmental study, subdivision, rezonings, and engineering designs would be undertaken, followed by an application for funding for infrastructure. He added that the method of disposal would depend on proposals received and could include leasing -, or outright sale, as previously recommended by the service provider.

On the 6 houses in Patensie, the Director: Planning and Development reported efforts to negotiate with the appointed contractor to commence work as an agent project. He pointed out that the issue was referred to the Provincial Department of Human Settlements and that the Municipality must formally request the Department to use one of the other appointed contractors to begin construction.

He added that a response from the Department is awaited, and the contractor under consideration was already involved in other Kouga housing projects.

On the disposal and transfer of pre-1994 municipal houses in Sea Vista, he noted that the process was nearing completion with departmental assistance.

The Municipal Manager responded on the matter of the relocation of unlawful dwellers at the Aston Bay Caravan Park, stating that although an eviction order had been granted by the Provincial Department of Public Works, it was not executed and has since lapsed.

On the matter of the transfer of provincial roads, he confirmed that negotiations with the Department of Provincial Roads were ongoing.

The Acting Director: Civil and Water Services provided an update on the reclamation process, stating that it remains underway with the Department of Transport.

He pointed out that a Memorandum of Understanding (MoU) had been submitted to request a permission to begin work on the roads while the process continues. He pointed out that for roads like the Da Gama and St Francis they were waiting for the signing of the MoU and that may take a while, but it was in process.

He further reported that, regarding the presentation on the current road conditions within the Municipality, the Department had received the investigation report from consultants and once the report has been reviewed, the Department would be able to present its findings to Council.

In respect to the litigation matter, Manager: Legal Services indicated that a full report on the litigation matter instituted against the Office of the MEC for CoGTA was in the confidential agenda and she requested permission to discuss it at that time.

Cllr Human indicated that he did not receive a confidential agenda. He requested that clarity in terms of Erven 394 in Jeugkamp regarding the transfer of the three houses where there were difficulties with transfers.

The Director: Planning and Development confirmed a conveyancer has already been appointed and they were in the finalising of transferring the three properties.

Cllr Petersen raised a concern regarding the issue of provincial roads. He recalled that when the matter was previously discussed in Council, he had suggested that Municipality should apply to the Provincial Government for the transfer of responsibility over all provincial roads within the Municipality's demarcated boundaries.

He expressed dissatisfaction with regard to the current approach of targeting only certain sections of provincial roads. He emphasised the importance of submitting an inclusive application that covers all provincial roads, as it would be in the best interest of both the community and the Provincial Government for the local municipality to take responsibility for maintaining all such roads.

The Municipal Manager reported that there was a Council resolution on the matter and if Council want to rescind the previous decision it may do so.

Resolved (31 March 2025)

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.

25/03/MM2 KOUGA MUNICIPALITY: 2023/24 ANNUAL REPORT

The Municipal Manager presented the item and informed Council that although the Annual Report includes the Audit Action Plan, there have been amendments made to it since its initial inclusion. He proposed that when considering the Annual Report, the Council should ensure that the final version of the Audit Action Plan as contained in the upcoming item would be incorporated into the report.

Cllr Gertenbach acknowledged the comments made by the Municipal Manager and noted that they would be taken into consideration during discussions in the MPAC meeting. He congratulated and expressed his appreciation to the Municipal Manager and the Administration on the preparation of a well-written Annual Report, which contributed to Kouga Municipality achieving a clean audit for the first time.

The Executive Mayor proposed that the amended Audit Action Plan be incorporated into the 2023/2024 Annual Report to ensure accuracy.

Cllr Dhludhlu seconded the proposal.

Resolved (31 March 2025)

1. That the 2023/24 Annual Report be adopted with the inclusion of the amended Audit Action Plan without reservation.

2. That in terms of the provisions of Section 127 of the Local Government Municipal Finance Management Act, 56 of 2003, the 2023/24 Annual Report be made public.

3. That in terms of the provisions of Section 132 of the Local Government Municipal Finance Management Act, 56 of 2003, the 2023/24 Annual Report be submitted to the Auditor General, Provincial Treasury and the Provincial Department of Cooperative Government and Traditional Affairs.

Proposed: H Bornman Seconded: B Dhludhlu

25/03/MM3 MUNICIPAL PUBLIC ACCOUNTS COMMITTEE: 2023/24 OVERSIGHT REPORT ON THE 2023/2024 ANNUAL REPORT

Cllr Gertenbach congratulated the MPAC Chairperson and MPAC at large for overseeing this Annual Report and drafting of the Oversight Report.

Cllr Zana indicated that he had submitted himself as a speaker for all the items. He enquired in terms of recommendations by the MPAC 4.1 and 4.2 whether there was any plan in place to achieve what has been recommended and formalisation of informal settlements to provide acceptable service. He enquired on the latest development around the two recommendations.

The Manager: PMS with regard to the plans in place to curb the losses, he indicated that it was also highlighted in the draft SDBIP. He indicated that the recommendations of the MPAC Oversight report would have to be considered in the preparation of the SDBIP for the new financial year.

Cllr Zana requested that the SDBIP be corrected accordingly to accommodate the recommendations.

Cllr Dhludhlu indicated that the MPAC recommendations were for Council's adoption and not for only noting. He referred to page 709 to 710 for the recommendations to be adopted without reservations.

Resolved (31 March 2025)

1. That the 2023/24 Oversight Report on the 2023/24 Annual Report be adopted.

2. That Council approve the Annual Report without reservations.

3. That the Accounting Officer, in accordance with Section 21A of the Local Government: Municipal Systems Act, No. 32 of 2000, as amended, make public an Oversight Report, within seven days of its adoption.

4. That the recommendations contained in the 2023/24 Oversight Report on the 2023/24 Annual Report be adopted as resolutions of Council.

   4.1 That the Water Services Authority develop a program of action to ensure that all water service points are measured by meters including community water taps.

   4.2.That the formalization of informal settlements be prioritized to provide acceptable services to such settlements and to reduce illegal connections to the electrical network.

   4.3 That reporting as per Appendices F, H and O in the Annual Report be improved upon to be fully compliant with the provisions of MFMA Circular 63 for the 2024/25 Annual Report.

Proposed: W Gertenbach Seconded: V Zana

25/03/MM4 **<u>2024/25: SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: AMENDMENT</u>**

Resolved (31 March 2025)

1. That in terms of the provisions of the Local Government Municipal Finance Management Act, 56 of 2003, Circular 129, the amended 2024/25 Service Delivery and Budget Implementation Plan be noted.

2. That in terms of the provisions of Section 54(3) of the Local Government Municipal Finance Management Act, 56 of 2003, the amended 2024/25 Service Delivery and Budget Implementation Plan be made public by publication on the Municipal website.
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 the amended 2024/25 Service Delivery and Budget Implementation Plan targets for implementation with effect 1 April 2025.

4. That the addendum to the Performance Agreements of Senior Managers following the amendment of the 2024/25 Service Delivery and Budget Implementation Plan, be submitted to Council.

Proposed: B Dhludhlu Seconded: Ald D Benson

25/03/MM5 **<u>DRAFT 2025/26 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN</u>**

Resolved (31 March 2025)

1. That the Draft 2025/26 Service Delivery and Budget Implementation Plan be noted.

2. That in terms of the provisions of National Treasury MTREF Circular 126, the Draft 2025/26 Service Delivery and Budget Implementation Plan be submitted to National Treasury with the Draft 2025/26 Budget.

25/03/MM6 **<u>TABLING OF THE DRAFT REVIEWED 2025/2026 INTEGRATED DEVELOPMENT PLAN (IDP)</u>**

Cllr Human referred to page 953 and requested that his political party be amended to Patriotic Alliance (PA).

Cllr Gertenbach indicated that the information in the report needs to be updated. He referred to page 1121 regarding Ward three, he pointed out that the Ward has been changed it has been developed it is a much bigger Ward.

Ald Williams referred to page 941 in the last paragraph and stated that the content needs to be investigated.
At 11:26 Cllr Petersen raised a point of order, for Ald Williams using the word “white” because when he used the word, he is deemed racists. The Speaker overruled the point of order as the word “white” reflected in the report Ald Williams read.

Ald Williams referred to page 984 and requested that the policies be looked at as the Honours policy was not included which might indicate that other policies were not included.

Cllr Dhludhlu referred to page 953 and indicated that his surname was not captured correctly and requested that the spelling of Cllr van der Linde’s surname be corrected as well. He requested that the name of Cllr Stuurman be written in full on page 954.

At 11:28, Cllr Human raised a point of order that Cllr Dhludhlu address him as Councilor and not by his first name.

Cllr Zana requested clarity whether the IDP priorities were met in different wards in the previous financial year and if not, what needed to be done to rectify this.

The Municipal Manager noted the amendments as suggested would be made. He pointed out that the IDP process was in the stage that it must go public participation to give report back on all the priorities listed for every ward and they would give feedback on the progress on all those projects that have been listed. He alluded that some projects were easier to implement, and others were not easy to get finance.

Cllr Dhludhlu proposed that the recommendations be adopted.

The Executive Mayor seconded the proposal from Cllr Dhludhlu and requested that the Councillors be given time to submit other amendments in writing to the administration.

The Speaker indicated that the Councillors may write to her Office regarding amendments.

Resolved (31 March 2025)

1. That the Draft Reviewed 2025/2026 IDP with amendments attached as Annexure A to the Agenda be noted as it will serve as the basis for public participation during April/May 2025.

2. That immediately after the Draft Reviewed 2025/2026 IDP is tabled in Council, the Accounting Officer of the Municipality must in accordance with Section 21A of the Municipal Systems Act –

- make public the Draft Reviewed 2025/26 IDP.

- invite the local community to submit comments and inputs in connection with the Draft Reviewed IDP; and
- Convene Ward-Based Sessions(meetings) in all 15 wards to provide further opportunity for engagement on proposals emanating from the Draft Reviewed 2025/26 IDP and the Multi-Year Budget.

Proposed: B Dhludhlu Seconded: H Bornman

25/03/MM7 <u>ESTABLISHMENT OF BUDGET STEERING COMMITTEE AND TERMS OF REFERENCE</u>

Resolved (31 March 2025)

1. That the Terms of Reference be approved.

16. **<u>REPORTS BY THE OFFICE OF THE DEPUTY MUNICIPAL MANAGER</u>**

25/03/DMM1 <u>MEDIA AND COMMUNICATION: BRANDED CORPORATE CLOTHING</u>

Resolved (31 March 2025)

1. That the remaining inventory of the Corporate Shop be sold to Municipal employees at a 50% discount, due to same being considered slow moving items.

17. **<u>MATTERS DEALT WITH IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR</u>**

(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).

18. **<u>REPORTS BY THE PORTFOLIO COMMITTEE CHAIRPERSONS</u>**

18.1 **<u>REPORTS BY THE CHAIRPERSON: FINANCE & ECONOMIC DEVELOPMENT</u>**

25/03/FED1 <u>HANKEY MINI FRESH FOOD PRODUCE MARKET REPORT</u>

Cllr Human expressed disappointment regarding the Hankey Mini Fresh Food Produce Market project and raised concerns about the lack of a feasibility study. He pointed out the potential issues with Eskom regarding the location of the building beneath overhead power lines. He questioned the plans for reviving the market, especially when there were unspent funds that would be rolled over to the next financial year.

Cllr Zana shared the same sentiments as Cllr Human and recommended that no further money be invested in the project and suggested seeking a demolition certificate to remove the structure.

He emphasised the need for a more suitable location with a proper feasibility study to ensure future success. He requested that a proper investigation to properly close the issue and prevent further risks.

The Acting CFO acknowledged the comments from the Councillors and indicated that the intention based on the recommendations was to repurpose the building.

He suggested that before any action taken was taken, the department was waiting for the Spatial Development Plan to determine the most effective way to repurpose the building for the community's benefit. He highlighted that at this stage the process was dependent on the finalisation of the Spatial Development Framework.

The Municipal Manager indicated that there were several factors which influenced the choice of site for the Hankey Mini Fresh Food Produce Market particularly the lack of suitable alternative sites. He proposed that before accepting the recommendation to demolish the structure, the department should submit a report to Council on the future of the market.

He pointed out that the report should include discussions with the Spatial Development Department to explore suitable alternative locations, if available. He requested that the report be provided as soon as possible for further consideration.

The Executive Mayor concurred with Cllr Zana proposal but suggested amending the recommendation. He indicated that instead of immediately approving the demolition, he proposed that Council receive a report outlining the best future use of the site, which could include various options such as repurposing the building.

He proposed that recommendation 10.2 be removed and replaced with a new recommendation for the department to present proposals for the future of the Hankey Mini Fresh Food Produce Market, allowing Council to make an informed decision based on the available options.

Cllr Petersen suggested that the Hankey Mini Fresh Food Produce Market would be more effective if it were in Jeffreys Bay, a popular tourist destination where tourists could buy produce directly from the vendors. He urged careful consideration be given to the project, stressing the importance of conducting a feasibility study.

Cllr Human seconded the proposal of the Executive Mayor.

Resolved (31 March 2025)

1. That the report be noted by Council.

2. That a report be submitted to Council with proposals regarding the future of the Hankey Fresh Food Market for Council to consider the best way forward.

25/03/FED2 **<u>CHINA INTERNATIONAL IMPORT EXPO 05-10 NOVEMBER 2024, SHANGHAI, CHINA: TOURISM DESTINATION MARKETING REPORT</u>**

The Executive Mayor tabled the report and pointed out that Local Kouga businesses received valuable exposure to the international market, which has already resulted in two to three groups of Chinese investors expressing interest. He indicated that the visit increased interest in Kouga Municipality from the Chinese market.

He requested that the LED department intensify efforts to identify and support more local businesses to participate in future visits to China. He commended the LED Department for an excellent job.

Cllr Human supported the Executive Mayor's remarks and emphasised prioritising local business participation over political attendance in international visits. He proposed that Kouga Municipality should host a Mini Expo to showcase local products and identify businesses suitable for international exposure, particularly to the Chinese market. He emphasised the need for the LED department to develop a clear programme to support local entrepreneurs.

Cllr Zana emphasised the importance to expose and develop Kouga to fight the high unemployment rate. He highlighted the potential of the Agricultural sector, particularly beef farming as a key opportunity for job creation and export to China. He suggested that the LED department focus on initiatives such as establishing abattoirs. He highlighted the need to showcase Kouga Municipality potential across sectors including Agriculture, Arts, and Culture. He pleaded with the LED department to provide a clear strategy that could position Kouga Municipality as a national model for local economic development and job creation.

Resolved (31 March 2025)

1. That the China International Import Expo report be noted.

25/03/FED3 **<u>QUARTER 2 LOCAL ECONOMIC DEVELOPMENT REPORT</u>**

Cllr Zana expressed appreciation for the efforts of the LED department. He highlighted that the organisation of local SMMEs was essential for enabling large-scale production and access to broader financial support not only from Kouga Municipality, but also external institutions. He stated that recognition should be given to local farmers in areas that involved in livestock farming.

He encouraged the Department to seek additional funding to better support cooperatives and emerging farmers.

The Executive Mayor agreed with the comments by Cllr Zana. He pointed out that it was agreed at the Mayoral Committee meeting that the LED department was really doing a wonderful work and it wanted Council to take note of the good work and massive progress that has been happening in the LED Department.

Resolved (31 March 2025)

1. That the Quarter 2 report for the 2024/25 financial year ending 31 December 2024 on implementation of the Economic Development activities be noted.

25/03/FED4 **<u>WRITE-OFF IN RESPECT OF IRRECOVERABLE ARREAR DEBTS – EQUITABLE SHARE</u>**

Cllr Human raised concern regarding the backlog of applications and requested an update on the status. He indicated only 2,500 applications were received out of the previous 7,500 listed on the indigent register, which affects the extent of debt that can be written off. He highlighted the complaints from community members who have not received communication regarding the outcome of their applications.

Cllr Zana requested clarification on whether the item had been submitted to the Bad Debt Committee for review and approval prior to being tabled in Council.

The Acting CFO clarified that the item relates to newly submitted applications and in total of 344 received so far. He pointed out that the current list reflects only those applications that have been verified and recommended for write-off.

He added that the remaining applications were still being processed. He assured that as the review progresses, the public would be kept informed about the status and progress of all applications.

Resolved (31 March 2025)

1. That the EQS Irrecoverable Debt write-off report for the month of December 2024 be noted.

25/03/FED5 **<u>CAPITAL ITEMS TO BE DISPOSED (CONDEMNED ASSETS)</u>**

Cllr Zana proposed that the redundant or unusable assets listed in the report be considered for donation to the local NPOs and NGOs. He enquired about assets from the Country Club and whether the assets were recent.

The Acting CFO confirmed that donations of redundant assets were possible. He indicated that following the previous council meeting resolution, Councillors have 30 days to submit items for donation to NGOs through the office of the Municipal Manager. NGOs would be given time to inspect and select donated items, after which the Council would be informed of which NGOs benefited.

Regarding the Country Club assets, the Acting CFO clarified that while the building was demolished, there were items which were still allocated to that building, therefore the assets in the list were found in other location but were just damaged.

Resolved (31 March 2025)

1. That the disposal of the condemned/redundant assets listed in Annexure A be approved by Council.

2. That the condemned/redundant assets listed in Annexure A be removed from the Asset Register.

3. That the condemned/redundant assets listed in Annexure A be disposed of in terms of the Supply Chain Management Policy through a public auction / donation.

25/03/FED6 **<u>2023/24 REVISED AUDIT ACTION PLAN</u>**

Ald Williams requested an update on page 99 regarding the status of the remaining months regarding the water bulk accounts. On page 101, he requested clarity regarding the columns that were not updated in the Audit Action Plan.

The Municipal Manager explained that more information would be collected in this regard, and he would provide Ald Williams with the detailed responses. He pointed out that one of the key concerns relates to the bulk meter readings and what the Municipality was being billed for by the Nelson Mandela Bay Metropolitan Municipality.

He highlighted that there were discrepancies between Kouga and the Nelson Mandela Bay Metropolitan Municipality in terms of readings.

He raised a concern that the readings were not taken every month, which adds to the challenge. He added that the CFO was currently in the process of arranging discussions and negotiations to address the issue. He stated that the goal was to ensure that when readings were taken Kouga Municipality would be present due to the struggle to reconcile the data properly, and it needs to be addressed as part of the

Audit Action Plan. He confirmed that there were several discrepancies in the accounts.

The Speaker requested that the information be sent via email to Ald Williams.

The Executive Mayor emphasised the urgency of resolving the issue with the bulk water account. He indicated that despite being unresolved for years there was no progress. He pointed out that it was crucial that the Finance Department obtains detailed information from the Nelson Mandela Bay Metropolitan Municipality. He highlighted that it was important to keep receiving regular account updates and to put pressure on the Nelson Mandela Bay Metropolitan Municipality to correct the discrepancies especially since current charges were based on estimates, which may be unreasonably high.

The Speaker requested that the Administration update the Audit Action Plan on page 101.

Resolved (31 March 2025)

1. That the 2023/24 Revised Audit Action Plan as per Annexure A, be approved.

25/03/FED7 **<u>2024/25 SPECIAL ADJUSTMENTS BUDGET</u>**

Cllr Zana indicated that he was not in support of the Special Adjustment Budget item. He requested clarity from the Executive Mayor regarding the meaning of the term "Special Adjustment Budget".

The Municipal Manager explained that the allocations to the Municipality were received through the year. Therefore, in the Adjustment Budget Administration need to amend the allocation figures.

The Acting CFO added that the Adjustment Budget were done in accordance with section F, section 28 of the MFMA, although it is called a Special Adjustment Budget.

The Speaker called for a vote as follows:

In favour of the recommendations as tabled in the agenda: 16
Not in favour of the recommendations as tabled in the agenda: 8
Abstain: 0

Resolved (31 March 2025)

1. That the Council, by resolution taken by the majority of its full number, and in terms of Section 30(2) of the Local Government: Municipal

Structures Act No. 117 of 1998 (as amended), read in conjunction with Section 28 of the Local Government: Finance Management Act, Act No 56 of 2003, approves the 2024/25 Special Adjustments Budget Report as set-out in the **"Annexure A"** on the following tables:

- Table 7 (B1 Adjustments Budget Summary: page 7)
- Table 8 (B2 Adjustments Budget Financial Performance (revenue and expenditure by standard classification): page 9)
- Table 9 (B3 Adjustments Budget Financial Performance (revenue and expenditure by municipal vote): page 11)
- Table 10 (B4 Adjustments Financial Performance (revenue and expenditure by type): page 12)
- Table 11 (B5 Adjustments Budget Capital Expenditure by vote and standard classification and funding source: page 14)
- Table 12 (B6 Adjustments Budget Financial Position: page 15)
- Table 13 (B7 Adjustments Budget Cash Flows: page 17)
- Table 14 (B8 Cash backed reserves/accumulated surplus reconciliation: page 18)
- Table 15 (B9 Asset Management: page 19), and
- Table 16 (B10 Basic service delivery measurement: page 21)

2. That the Council approves the **"Annexure B"** which regulates the format of the budget documentation as set out in Schedule B (Version 6.8) of the Municipal Budget and Reporting Regulations. This includes the main Tables B1 – B10 as well as the supporting tables SB1 – SB20.

3. That the Detailed Capital Programme be noted, **"Annexure C."**

4. That the Government Gazette No. 52142 be noted, **"Annexure D".**

5. That the Adjustments Budget be submitted to National Treasury in both printed and electronic format and the relevant Provincial Treasury.

25/03/FED8 **DRAFT MEDIUM-TERM REVENUE AND EXPENDITURE FRAMEWORK (MTREF)-BUDGET FOR 2025/26 TO 2027/28 FINANCIAL YEARS**

The Executive Mayor raised concern regarding the ANC's decision not to participate in the recent approval of the Special Adjustment Budget. He indicated that the Special Adjustment Budget was a benefit for the community as it addresses the important community development projects such as electrifying Loerie, constructing the Sea Vista access road, upgrading the Ramaphosa sewer pump station, and improving the Ramaphosa Village reservoir.

He expressed disappointment that the opposition did not appear to treat such impactful decisions with the seriousness they warrant.

He acknowledged that each political party has the right to make its own choices and would not interfere in that process. He proposed that the item be approved and thereafter go out for public participation.

Cllr Zana indicated that it has been a consistent stance of the ANC throughout this term not to support the budget presented to Council, due to several ongoing concerns. He pointed out that as an opposition they have always advocated for a budget that was truly people-centred, the one that the average resident can understand and relate to through the IDP and community engagement processes.

He added that the community should be able to clearly see how Kouga's budget would directly impact and improve their lives. He stated that the distribution of funds must be balanced, rather than favouring certain areas excessively. He made an example if the budget was addressing infrastructure issues, it should be evident what specific developments such as roads, water systems, or other services were planned for each area.

He highlighted that this approach would help ensure that all communities benefit equally and were positioned for economic growth and improved service delivery. Therefore, based on the comments the opposition would not be supporting the item.

The Speaker called for a vote as follows:
In favour of the recommendations as tabled in the agenda: 16
Not in favour of the recommendations as tabled in the agenda: 8
Abstain: 0

Resolved (31 March 2025)

1. That the Council, by resolution taken by the majority of its full number, and in terms of Section 30(2) of the Local Government: Municipal Structures Act No. 117 of 1998 (as amended), read in conjunction with Section 16 of the Local Government: Municipal Finance Management Act, Act 56 of 2003:

1.1.1 Approves the 2025/26 – 2027/28 Draft Annual Budget, as set out in the "**Annexure A"** on the following tables:

   a) Consolidated Budget Summary [Table A1] [Page 23
   b) Budgeted Financial Performance (revenue and expenditure by standard classification); [Table A2] [Page 25]
   c) Budgeted Financial Performance (revenue and expenditure by municipal vote); [Table A3] [Page 27]
   d) Budgeted Financial Performance (revenue by source and expenditure by type); [Table A4] [Page 28]

e) Multi-year and single year capital appropriations by municipal vote and standard classification and associated funding by source. [Table A5] [Page 30]

1.1.2. That the budgeted financial position, budgeted cash flows, cash-backed reserves/accumulated surplus, asset management and basic service delivery targets be noted as set out in the following tables:

a) Budgeted Financial Position; [Table A6] [Page 32]
b) Budgeted Cash Flows; [Table A7] [Page 34]
c) Cash backed reserves and accumulated surplus reconciliation; [Table A8] [Page 35]
d) Asset management ; [Table A9] [Page 36]
e) Basic service delivery measurement. [Table A10] [Page 39]

1.1.3. That the tariffs be increased as follows, with effect from 1 July 2025:

Property rates	6%
Water	6.9%
Sanitation	6.9%
Refuse	6.5%
Electricity (average increase in electricity income)	12.74%
Environmental Management Fee	6.5%

a. Indicative tariffs for 2026/27 and 2027/28 will be increased as follows:

	2026/27	**2027/28**
Property rates	6%	6%
Water	6.9%	6.9%
Sanitation	6.9%	6.9%
Refuse	6.5%	6.5%
Electricity (average increase in electricity income)	5.36%	6.19%
Environmental Management Fee	6.5%	6.5%

1.1.4. That the Council approves "Annexure B" which regulates the format of the budget documentation as set out in Schedule A (version 6.9) of the Municipal Budget and Reporting Regulations. This includes the main Tables A1 - A10 as well as the supporting tables SA1 – SA38.

1.1.5. That the Council notes the 2025/26 Draft Capital Expenditure, "Annexure C".

1.1.6. That the Council approves the Draft tariffs, as reflected in "Annexure D", for public participation.

1.1.7. That the Council approves the Draft Budget-Related Policies, as reflected in"Annexure E", for public participation.

1.1.8. That the 2025/26 Draft Procurement Plan be approved "Annexure F".

1.1.9. That the mSCOA road map be approved. "Annexure G".

1.2. That the Draft Annual Budget be submitted to the National Treasury in both printed and electronic format and the relevant Provincial Treasury.

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

25/03/PD1 EXEMPTION OF HOUSE SHOPS (SPAZA SHOPS) APPLICATIONS FROM REQUIREMENT TO ADVERTISE IN LOCAL MEDIA AND VIA REGISTERED MAIL

Cllr Human opposed the item, noting that despite the President's call last year for all spaza shops to be compliant by the end of February, Kouga Municipality did not meet this deadline. He highlighted that spaza shops were required to follow a policy in place since 2018, but many have not adhered to it.

The Executive Mayor explained that if the Municipality were to close all spaza shops, it would impact communities that rely on these shops for essential food and other products at convenient locations. He indicated that instead the Municipality should be focused on ensuring these shops comply with all relevant health and safety regulations.

He added that regular inspections were conducted by Health and Safety Inspectors, in collaboration with Law Enforcement to ensure that spaza shops sell legal, non-expired products and have the necessary licenses. He highlighted that the only area where spaza shops were not compliant was in terms of building regulations, which was the reason this item was being brought forward.

Cllr Human emphasised that the Patriotic Alliance (PA) has been a strong advocate for spaza shop compliance. He emphasised that non-compliant spaza shops cannot be part of the community. He pointed out that the policy in question was adopted by the Council at Kouga Municipality, not by the PA, and it sets the standard for spaza shops.
He clarified that the PA has been pushing for compliance long before the President's announcement. He mentioned that he had consistently been raising the issue in portfolio meetings. He added that despite fines being issued, there has been no substantial action to ensure compliance. He reaffirmed his stance that spaza shops must become compliant, following the existing policies and regulations of Kouga Municipality, particularly in terms of building control.

Cllr Petersen raised a concern regarding the absence of a legislative framework for regulating structures. He emphasised that Council must operates within the law.

Cllr Zana raised a concern about the legal implications of the item whether it might oppose with the SPLUMA Act if notices were not served to the shops. He pointed out that the recommendations mention exemptions, and he sought clarification on whether this would not contravene with any laws. He emphasised that Council not to adopt a resolution that could conflict with other legislation. He asked for clarity on the applicable legal framework to ensure compliance.

The Executive Mayor explained that the purpose of the item was to make it easier for spaza shops to comply with building regulations. He pointed out that if the formal process, which involves advertising and complying with all land and building regulations, were followed, spaza shops would likely never comply.

Therefore, the item was intended to provide a simpler process for spaza shops to meet the necessary requirements. He added that the local government has the authority to amend its own laws. He highlighted that the aim was to make it as easy as possible for spaza shops to comply with legislation, as they cannot operate without meeting legal requirements. He pointed out that if the PA truly supports compliant spaza shops, they should agree with this item, as it simplifies the process for spaza shops to become compliant.

The Director: Planning and Development confirmed that Section 115 of SPLUMA allows the Municipality to exempt certain applications if deemed necessary. He added that in this case, some applicants have struggled with advertising in the local paper, despite efforts and advice, which led to delays. He pointed out that to address the issue the Municipality decided to simplify the process. However, all applications would still need to be advertised and affected property owners would be contacted for consent or notification this process would ensure compliance with the law.

Cllr Petersen clarified the need for a legal framework to be in place, specifically through Council consent and consent use, which allows for a temporary departure from zoning regulations. He explained that although the zoning is residential, this temporary departure enables the process of legalising the structure. He added that under this framework, building plans can be submitted. Cllr Petersen emphasised that this process was legal and ensures that spaza shops operate within a lawful framework, providing a service to the community.

The Speaker called for a vote as follows:

In favour of the recommendations as tabled in the agenda: 16
Not in favour of the recommendations as tabled in the agenda: 7
Abstain: 0

Resolved (31 March 2025)

2. That land use applications for Consent Use to operate house shops from dwelling houses on properties zoned as Residential Zone 1, be exempted from provisions of sections 93 and 94 of the By-law regarding the requirement to publish a notice in the local media and serving notices by registered mail.

3. That the following public participation requirements be applicable to applications contemplated in paragraph 10.1 above: -

    - Written consent by abutting property owners.
    - Written comment by relevant ward councilors.
    - Erection of a site notice and submission of an affidavit in this regard by the applicant.

4. That the exemption be applicable to all applications submitted to date and submissions to be received from date of resolution.

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

25/03/CWS1 APPROVAL OF THE FINAL PROJECT IMPLEMENTATION PLAN (PIP) FOR THE 25/26 FINANCIAL YEAR MIG ALLOCATED GRANT FUNDING

Cllr Foley presented the item and indicated that the Department received the new DORA the previous week. He explained that there was a reduction of R 34 000. Therefore, an adjustment needs to be made. He requested that an additional recommendation be added follows:

> " That the expenditure value for the Queen Street Pumpstation upgrade be changed to R0.00 and the expenditure value of Arcadia Pumpstation be changed to R66 000".

Cllr Jantjes seconded the proposal.

Resolved (31 March 2025)

1. That the final Project Implementation Plan for MIG projects for the 25/26 FY be approved by Council.

2. That the expenditure value for the Queen Street Pumpstation upgrade be changed to R0.00 and the expenditure value of Arcadia Pumpstation be changed to R66 000.

Proposed: R Foley Seconded: T Jantjes

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

25/03/EMS1 **REPORT: CORRECTION OF ELECTRICAL TARIFFS, CONSUMER CATEGORY COMMERCIAL FOR THE 2024/25 FINANCIAL YEAR**

The Deputy Executive Mayor presented the item to bring to Council's attention to the correction of electrical tariffs submitted to NERSA. He pointed out that although the tariffs were already submitted and the approved schedule received, it was noticed that some tariffs were incorrectly captured by NERSA. He pointed out that the background information was provided on page 788 and Table 1 and Table 2 detail the corrections.

Cllr Human sought clarification on item 7, which indicates potential financial losses if not rectified. He requested details on the current financial losses, the large tariff discrepancies, and how consumers were previously billed. Noting that 668 consumers were affected, he asked about the financial impact on both the consumers and Kouga Municipality. He also inquired how any losses would be recouped.

The Director: Electro – Mechanical Services clarified that the number of affected consumers was 58, not over 600 as initially reported. He indicated that many of the consumers were not billed for the correct kilo-volt-amperes (KVA) usage. He assured that the Municipality was in the process of installing the correct meters.

He pointed out that an accurate financial loss at this stage could not be provided but indicated that a later report would be submitted to Council, detailing the affected consumers and financial losses. He highlighted that once the item is approved, billing will begin with the correct tariff, and affected consumers will be notified in writing about the error and its correction.

Resolved (31 March 2025)

1. That Council approves the correction of the commercial tariffs for the 2024/25 financial year from R 68.30 p/kVA to R 391.11p/kVA in the ≤ 500V category and from R 62.84p/KVA to R 359.83 p/kVA in the >500V ≤ 66kV tariff category.

2. That Council note the comment from NERSA and approve immediate implementation.

19. **QUESTIONS SUBMITTED IN TERMS OF RULE 39 OF THE STANDING RULES & ORDERS**

25/03/MM8 **QUESTION POSED BY COUNCILLOR B. HUMAN IN TERMS OF RULE 39 OF THE STANDING RULES AND ORDERS FOR MEETINGS OF COUNCIL AND ALL ITS COMMITTEES**

Question:

"I am hereby requesting clarity from the CFO, Mr. Lorgat in terms of an item that appeared on the adjustment budget of 2023/2024. The demolition of the cultural centre at a cost of R1mil. A year later we still see the very same building standing. I want to know why the plan to demolish the cultural centre was abandoned and what is the future with the building".

Response:

An item was submitted to Special Council for permission to proceed with the demolishing of the building. On 27 February 2025, Council granted in principle approval for the demolishing of the building. A notice has been prepared for publication in the local media, inviting affected members of the community to provide comments on the intended demolition.

It is hereby confirmed that the plan to demolish the building has not been abandoned by the Directorate: Planning & Development. However, it is imperative to understand the implication of the proposed demolition from the community before final decision.

....

Cllr Human raised concerns regarding the demolition of the Kouga Cultural Centre.

He highlighted that a decision was made in June 2023 to sell the building not to demolish. However, the demolition process began in August 2023 without Council approval. He indicated that Council took decision in February 2025. He expressed dissatisfaction that the action was taken without a Council resolution. He pointed out issues with a non-responsive tender process. He noted unresolved commitments from the 2023 resolutions, including a report on the Kouga Cultural Centre status and insurance, which have not been provided.

He urged the administration to address these gaps. Additionally, he clarified that the item was originally scheduled for the January meeting, but due to administration misunderstanding of Rule 39, the item was not addressed. He emphasised that this meeting was the first time a councillor questions were being addressed and expressed confidence that administration was now aligned to provide answers. He felt that the issue had not been treated with due seriousness.

The Executive Mayor raised concern to introduce new questions or items during the discussion. He pointed out that the correct process must be followed for obtaining answers.

Cllr Human expressed dissatisfaction that the item presented lacks the detail and depth of his original question, which were quite extensive. He felt that administration had edited the item compared to how he had initially submitted it.

Cllr Petersen raised a procedural concern, stating that Cllr Human had submitted an item to Council, which should have been sent to the administration for a report and then brought back to Council. He enquired why the administration did not provide answers as expected. He believed the answers should have been presented in the current Council meeting, with proper communication to all Chief Whips so they could bring relevant speakers.

The Speaker indicated that any additional questions must be submitted in writing to the Speaker's office under the same rule.

The Director: Planning and Development clarified that the question in the agenda was the only one received. He pointed out that if there were any missed communications, they would check and provide a formal response at the next Council meeting.

He confirmed some issues have already been addressed, and further details would be provided.

Cllr Human indicated that for the sake of progress, he would step down on the item and allow the item to come back to the next meeting.

Resolved (31 March 2025)

1. That Council notes the question posed by Councillor Human and written response in respect of the Kouga Cultural Centre, Humansdorp.

2. That the question and response must reflect in the minutes of the meeting as per Rule 39.3 of the Standing Rules and Orders for meetings of Council and all its Committees.

20. MOTION OF EXIGENCY BY CLLR V ZANA

Cllr Zana raised a motion of exigency in accordance with Rule 30.1 of the Council Rules of Order. He pointed out that the motion addresses the current practice of holding virtual meetings. He highlighted the lack of clear guidance in the standing rules. He indicated that a Council resolution was taken in 2021 that permitted the continuation of virtual meetings. Now that the national state of disaster has ended and relying on Circular 18 of 2020 was no longer legally justifiable.

He alluded that the motion emphasises that physical meetings, which promote direct engagement, accountability, and transparency should resume and virtual meetings only used in exceptional circumstances. He mentioned that the ANC Caucus required an urgent review of the 2021 resolution. He highlighted challenges on voting virtual meetings. He further proposed recommendations as follows:

1. That an immediate resumption of physical meetings, with virtual options only for exceptional circumstances.

2. That a review of the Standing Rules and Order of Council to ensure alignment with post-disaster legislation be completed.

He urged the Council to consider the motion and review the standing rules to ensure compliance with current legal and democratic practices, while also acknowledging the growing public engagement through platforms like YouTube.

The Executive Mayor requested a caucus of 15 minutes.

The Speaker granted the caucus from 13:09.

The Executive Mayor stated that the DA caucus opposed the motion, highlighting that virtual Council meetings allow for live streaming and greater public access. He explained that virtual meetings help address the challenge of limited physical venue space, enabling broader public participation. He noted that since the COVID-19 pandemic, Zoom meetings have become standard practice. For example, Councillors with to other engagements can still attend virtually, which enhances flexibility.

He also pointed out that virtual meetings reduce costs, such as catering. He agreed that the Standing Rules and Orders of Council should be reviewed to formally incorporate provisions for virtual meetings.

Cllr Dhludhlu seconded the proposal from the Executive Mayor.

The Speaker requested that the matter be voted on.

The Speaker called for a vote as follows:
In favour of the recommendations as tabled in the agenda: 7
Not in favour of the recommendations as tabled in the agenda: 17
Abstain: 0

Cllr Zana expressed dissatisfaction regarding the counting of the vote.

The Speaker requested a recount, and the result were the same.

21. **CLOSURE**

The meeting closed at 13:42

LMaree

30 MAY 2025

L Maree **DATE**

SPEAKER