

MINUTES OF THE ORDINARY COUNCIL MEETING OF BITOU LOCAL MUNICIPALITY HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON MONDAY, 28 FEBRUARY 2022 AT 10H05

1. OPENING

The Speaker, Councillor C N-J Terblanche welcomed everyone present at 10h05 and requested everyone to observe a moment of silence prayer out of respect for the different religions.

2. ATTENDANCE

The attendance registers of members of the Municipal Council, Officials are attached hereto as annexures was circulated.

The meeting was held at the Council Chambers as well as virtually via skype.

3. APPLICATION FOR LEAVE OF ABSENCE

None received

4. DECLARATION OF INTERESTS

None received

5. CONFIRMATION OF MINUTES FOR PREVIOUS MEETINGS (OPEN)

5.1 Minutes of the Ordinary Council meeting dated 31 January 2022

Resolved:

That the Minutes of the Ordinary Council Meeting held on 31 January 2022, be, and are hereby, **CONFIRMED & SIGNED.**

Proposed: Councillor W J Nel

Seconded: Councillor A R Olivier

5.2 Minutes of the Special Council meeting dated 14 February 2022.

Resolved:

That the Minutes of the Special Council Meeting held on 14 February 2022, be, and are hereby, **CONFIRMED & SIGNED.**

Proposed: Councillor W J Nel

Seconded: Councillor M Busakwe

CNS

6. STATEMENTS AND COMMUNICATIONS BY:**6.1 The Executive Mayor****“Mayor Comments – Council Meeting of 28 February 2022**

When taking office on 18 November 2021, the members of the ruling coalition first set themselves the task of stabilising the Bitou financial position considering that for a number of months preceding the November elections, Bitou Municipality expenses had exceeded its income and investment savings were being used to fund the operational expenses.

Saturday, 26 February 2022, signified the first 100 days in office.

Measures to control spending and staffing were put in place during November 2021 and cognizance was taken of in-year monitoring feedback received from the Western Cape Government for the period ending 31 October 2021. During December 2021, for the first time since at least March 2021, the municipality's income exceeded its expenditure. This, unfortunately, was not the case for January 2022, however, the over-expenditure has reduced somewhat. The municipality's current ratio improved from 0.81 times to its current level of 1.5 which is within acceptable norms, however still needs further improvement.

Water and electricity losses are being addressed by the manager to reduce the increased losses that have been experienced since the 2019/2020 financial year.

Employee-related costs have been reduced from 38.2% to 36% but remain high, driven by excessive overtime that is also being closely monitored. Other areas of concern that are being addressed are the payment of outstanding legal fees, use of outside contractors, and outsourced services.

Outstanding debt on municipal services is still too high, however, collections have improved to 87.53% as at end of December 2021. This is still below the accepted norm of 95%. The current contractor that was appointed to assist in collecting this debt has not performed over the past 6 months. Measures are being put in place to source a service provider that will assist with this collection of outstanding debt.

A planned awareness campaign to address the challenges of affordability of services and the need to pay for such services in poorer communities has been slow to roll out and will be happening during the coming months.

In line with covid regulations, the use of restrictive water devices was curtailed to allow the proper flow of water to poorer households.

A moratorium on the unblocking of prepaid electricity meter surcharge was extended until a review has been completed of the effectiveness of this in collecting outstanding service fees and the affordability of basic service charges to provide some relief to our poorer communities.

Since November 2021, we also became aware that no budget had been provided for Mayoral Grants-in-Aid in the current budget. This has been attended to in the Adjustment Budget that serves in Council today. Both the Mayor and Deputy Mayor have forgone the use of vehicles that can be provided for these positions, at least for this financial year, and requested that the monies budgeted for this be used towards the Mayoral Grants in Aid.

Several policies were also reviewed during February 2022 and will come to council for approval. The focus will continue on the core functions of providing enhanced service delivery to the broader Bitou community.

Then to a reminder that we are still at level 1 lockdown and need to comply with the current regulations to ensure the safety of our staff and public.

Unfortunately, in many instances, it still takes too long to either gather information or implement improvements because of a lack of co-operation by some people within the municipality. This has been noted and measures will be taken to improve this current lack of co-operation from some areas.

A word of thanks also needs to go to the staff of Bitou Municipality who are ensuring that we improve our support to the public and assisting the political office bearers to improve the status of our municipality.

Thank you."

6.2 The Speaker

The Speaker expressed his appreciation for the decisions taken by the Executive Mayor and the Deputy Executive Mayor to forgo the use of mayoral vehicles to assist Plettenberg Bay and the underprivileged communities of Plettenberg Bay.

7. PRESENTATIONS

Resolved

1. That it be noted that the officials from the Department of Minerals and Energy conducted a virtual presentation on the progress update of the National Solar Water Heating Programme (NSWHP).

FOR INFORMATION

8. ITEMS FOR INFORMATION, WHICH HAVE BEEN DEALT WITH BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED AUTHORITY

No items for information

9. NOTING OF OUTSTANDING / PARTIALLY IMPLEMENTED COUNCIL RESOLUTIONS

Resolved:

1. That it be NOTED that the following resolutions will be reviewed through the Office of the Speaker and the Chief Whip;

Reference Number	Item Number	Description
FOURIE A		
528861	C/4/33/11/18	RENDERING OF THE TITLE DEED RESTORATION PROJECT FOR BITOU MUNICIPALITY TOWNSHIPS
525970	C/4/44/02/19	REPORT ON PROGRESS MADE THUS FAR REGARDING THE R 3 988 200.00 APPROVED BY NATIONAL TREASURY FOR EMERGENCY HOUSING FOR THE 69 FIRE VICTIMS
525965	C/4/43/02/19	REQUEST FOR THE BITOU MUNICIPAL COUNCIL TO APPROVE THE REQUEST FOR ADDITIONAL FUNDING AMOUNTING TO R 2 000 000.00 FOR EMERGENCY HOUSING PROJECT AT QOLWENI/BOSSIESGIE, KURLAND AND NEW HORIZON/EBENEZER
554322	C/4/46/02/19	STATUS REPORT ON THE IMPLEMENTATION OF THE EMERGENCY HOUSING PROGRAM FOR QOLWENI, KWANOKUTHULA & KURLAND

2. That a full report on the status of title deeds in terms of reference number 528861, Item Number C/4/33/11/18, be submitted to Council.
3. That all Ward Councillors be furnished with a list of beneficiaries who have received title deeds and those that are pending.

Proposed: Councillor A R Olivier
Seconded: Councillor J A Kamman

EXECUTION: Director Corporate Services

10. CONSIDERATION OF REPORTS (NON- DELEGATED MATTERS)

Section 1: Office of the Municipal Manager

Resolution C/1/31/02/22

TABLING OF THE PROPOSED AMENDED 2021/2022 TOP-LAYER SDBIP (SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN)

Portfolio Comm: Strategic Services & Office of the MM
File Ref: 5/1/1/4

Demarcation: All Wards
Delegation: Council

Resolved

1. That Council approves the amendments to the 2021/2022 Top-Layer SDBIP (Service Delivery and Budget Implementation Plan).

2. That all the statutory processes be followed, for submission thereof to the relevant State bodies.
3. That the amended Top-Layer SDBIP be placed in the local media and on the municipal website.
4. That it be noted that the relevant appeal documentation in respect of Erf 562, Kurland (TRA) will be submitted to the Executive Mayor for a final decision.

Proposed: Councillor A R Olivier

Seconded: Councillor W J Nel

EXECUTION: Manager: Performance Management,
 Manager: Integrated Human Settlements (resolution 4)
cc. Municipal Manager (acting),
 Acting Manager: Governance and Compliance

Resolution C/1/32/02/22

AMENDMENT OF CLAUSE 3 OF COUNCIL RESOLUTION C/1/22/01/22: DRAFT ANNUAL REPORT TAKEN ON 31 JANUARY 2022

Portfolio Comm: Strategic Services & Office of the MM
File Ref: 5/11/1/1 & 9/1/1

Demarcation: All Wards
Delegation: Council

Resolved

That Council amend clause (3) of Resolution C/1/22/01/22 taken on 31 January 2022 to read as follows;

- “3. That the Annual Report be submitted to MPAC in order to consider and evaluate the 2020/2021 Draft Annual Report to provide a detailed analysis and review thereof, and to submit an Oversight Report to Council by 31 March 2022.”

Proposed: Councillor W J Nel

Seconded: Councillor A R Olivier

EXECUTION: Manager PMS
cc. Manager: Governance and Compliance (acting)
 Municipal Manager (acting)

Section 2: Directorate Financial Services

Resolution C/2/33/02/22

OUTSTANDING DEBT REPORT: DECEMBER 2021

Portfolio Comm: Finance and Corporate Services
File Ref: 9/1/3/4

Demarcation: All Wards
Delegation: Council

Resolved:

1. That the Billing & Debt Collection statistics for the month of December 2021 be noted.
2. That the Prescribed debt report be submitted to the next Finance and Corporate Services Portfolio Committee Meeting.
3. That it be NOTED, that the performance of the current Debt Collection service provider has not been satisfactory for the past 6 months, and that it be investigated whether an alternative Local Service Provider can be utilized.

Proposed: Councillor J N Kamkam
Seconded: Councillor W J Nel

EXECUTION: Manager Revenue Services
cc. Director Financial Services (CFO)

Resolution C/2/34/02/22

SECTION 71 REPORT FOR THE MONTH OF JANUARY 2022

Directorate: Finance
File Ref: 9/1/3/4

Demarcation: All Wards
Delegation: Council

Resolved:

1. That the Section 71 report for the month ending 31 January 2022 be NOTED.
2. That it be noted that the detailed Adjustment Budget report is still outstanding and that it be tabled at the next Council meeting as per resolution C/2/10/11/21, where Council referred back the Item and resolved that a comprehensive report be submitted to the next meeting of Council with relevant supporting Annexures.

3. That additional information be included in the report to compare the monthly budget versus the actual expenditure for the month of reporting.

Proposed: Councillor J N Kamkam

Seconded: Councillor W J Nel

FOR EXECUTION: Manager Budget and Financial Reporting
cc. Director Financial Services (CFO)

Resolution C/2/35/02/22

ADJUSTMENT BUDGET 2021/22

Portfolio Comm: Finance & Corporate Services

File ref no: 5/1/1/17

Demarcation: All wards

Delegation: Council

Resolved:

1. That Council note the adjustment budget as contained in the adjustment budget narrative report as per Annexure A.
2. That Council approve the adjustment budget, B Schedule and supporting table as per Annexure B.
3. That Council approve the Capital Budget as per Annexure C.
4. That Council approve the RSEP amounting to R1.8 million as per Annexure D.
5. That Council approve the additional newly gazetted funds amounting to R8.6 million which excludes Library grant of R911 000 already included in original budget on Annexure E.
6. That Council approve the unforeseen and unavoidable expenditure for only Qolweni and Kurland Fire and Electrification amounting to R4.5 million which was funded from employee related cost as per the Mayoral Committee resolution C/2/249/08/21 on annexure F.
7. That it be noted that the following reports be submitted
 - a. *Monthly human settlement reports*
 - b. *Human settlement grant funding allocation progress reports*

Proposed: Councillor D J Swart

Seconded: Councillor J N Kamkam

EXECUTION: Manager Budget and Financial Reporting,
Acting Manager: Integrated Human Settlements (*resolution 7*)
cc. Director Financial Services (CFO), Acting Director Community Services

Section 3: Directorate Corporate Services

No Items for consideration

Section 4: Community Services

Resolution C/4/06/02/22

FESTIVE SEASONAL REPORT 2021/2022: COMMUNITY SERVICES

Portfolio Comm: Engineering & Community Services **Demarcation:** All Wards
File Ref: 17/1/3/1 **Delegation:** Council

Resolved:

1. That Council take cognizance of the Community Services Department Festive Seasonal Report for 2021/2022.
2. That the Council supports the festive seasonal report and that the proposals made in the Annexure to the report be NOTED.

Proposed: Councillor W J Nel
Seconded: Councillor M Busakwe

EXECUTION: Senior Manager Public Safety
cc. Director Community Services (acting)

Section 5: Engineering Services

Resolution C/5/17/02/22

CAPITAL PROJECTS IMPLEMENTATION PLAN (CPIP): PROGRESS REPORT FOR PERIOD ENDING DECEMBER 2021

Portfolio Comm: Finance & Engineering **Demarcation:** All Wards
File Ref: 5/7/1/12 **Delegation:** Council

Resolved:

That Council takes cognizance of the Capital Project Implementation Plan (CPIP) for the period ending December 2021 and progress recorded therein.

Proposed: Councillor M Busakwe
Seconded: Councillor N Ndayi

FOR INFORMATION: Acting Manager: PMU

Section 6: Economic Development & Planning

Resolution C/6/13/02/22

AMENDMENT OF BITOU BY-LAW ON MUNICIPAL LAND USE PLANNING 2015: CONSIDERATION OF PUBLIC COMMENTS AND FINAL AMENDED BY-LAW

Portfolio Comm: Strategic Services & Office of the MM
Ref Number: 1/3/1

Demarcation: All Wards
Delegation: Council

Resolved

That approval be granted for an amendment of the Bitou By-Law on Land Use Planning (2016) by the deletion of Section 85 (1) (d) thereof.

Proposed: Councillor J N Kamkam

Seconded: Councillor A R Olivier

FOR EXECUTION: Director: Economic Development and Planning

Resolution C/6/14/02/22

ERVEN 210 AND 57, KURLAND: CRECHES: LEASE AGREEMENTS AND WAIVER OF CONNECTION FEES

Portfolio Comm: Strategic Services & Office of the MM
File Ref: 18/47/KL; 18/57/KL

Demarcation: Ward 1
Delegation: Council

Resolved

1. That approval be granted for lease agreements to allow 'Happy Kidz' and 'Angels of Joy' to operate creches from Erven 57 and 210, Kurland, subject to the following conditions:
 - (a) That the lease be for a period of 9 years and 11 months, on condition that it is in line with legislative prescripts.
 - (b) That authority be delegated to the Municipal Manager to determine the rental amount, and that it be recorded that this rental amount is not required to be market related.
2. That the failure to comply with the prescribed Asset Transfer Regulations in respect of the lease agreements mentioned in paragraph 1 above be condoned.

3. That both the cost to install connections to Erven 57 and 210, Kurland as well as the related connection fees to service the envisaged crèches on these properties be waived.

Proposed: Councillor J N Kamkam

Seconded: Councillor A R Olivier

FOR EXECUTION: Manager: Land Use Planning, Manager Legal Services
cc. Director: Economic Development and Planning, Director:
Corporate Services

11. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

None received

12. CONSIDERATION OF NOTICES OF MOTION

None received

13. CONSIDERATION OF NOTICE OF QUESTION

None received

14. CONSIDERATION OF MOTIONS OF EXIGENCY

None received

15. IN-COMMITTEE MATTERS

15.1 CONFIRMATION OF MINUTES: (IN-COMMITTEE)

15.1.1 Minutes of the Special Council In-Committee meeting dated 28 January 2022

In-Committee Minutes circulated separately as part of the In-Committee Addendum.

15.1.2 Minutes of the Ordinary Council In-Committee meeting dated 31 January 2022

In-Committee Minutes circulated separately as part of the In-Committee Addendum.

15.1.3 Minutes of the Special Council In-Committee meeting dated 14 February 2022

In-Committee Minutes circulated separately as part of the In-Committee Addendum.

15.2 CONSIDERATION OF IN-COMMITTEE REPORTS (NON- DELEGATED MATTERS)

In-Committee Reports circulated separately as part of the In-Committee Addendum.

16. RECORDING OF COUNCILLORS PRESENT

It should be noted that the recording of Councillors present was conducted at the Ordinary Council In-Committee meeting of even date and were recorded as follow.

Councillor D J Swart, Councillor M Busakwe, Councillor W J Nel, Councillor J N Kamkam, Councillor A R Olivier, Councillor N Ndayi, Councillor M A M Botha, Councillor N P Kolwapi, Councillor N T Seti, Behaviour N T Seti, Councillor S A Mangxaba, Councillor S E Gcabayi, Councillor T Mhlana, Councillor C N-J Terblanche.

17. CLOSURE

The Speaker adjourned the Ordinary Council meeting where OPEN items were discussed at 11h48.

CONFIRMED AND SIGNED

SIGNATURE:


The Speaker, Councillor C N-J TERBLANCHE

DATE:

31 March 2022



ATTENDANCE REGISTER

ORDINARY COUNCIL MEETING OF BITOU LOCAL MUNICIPALITY HELD
IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET,
PLETTENBERG BAY ON MONDAY, 28 FEBRUARY 2022 AT 10H00

<u>NAME</u>	<u>SIGNATURE</u>
COUNCILLOR M A M BOTHA	
COUNCILLOR M P BUSAKWE (Deputy Executive Mayor)	
COUNCILLOR S E GCABAYI	
COUNCILLOR J N KAMKAM	
COUNCILLOR N P KOLWAPI	
COUNCILLOR S A MANGXABA	
COUNCILLOR T MHLANA	
COUNCILLOR N NDAYI	
COUNCILLOR W J NEL	
COUNCILLOR A R OLIVIER	
COUNCILLOR N T SETI	
COUNCILLOR D J SWART (Executive Mayor)	
COUNCILLOR C N-J TERBLANCHE (Speaker)	

CS



ATTENDANCE REGISTER

BITOU LOCAL MUNICIPALITY

ORDINARY COUNCIL MEETING OF BITOU LOCAL MUNICIPALITY HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON MONDAY, 28 FEBRUARY 2022 AT 10H00

OFFICIALS

<u>DESIGNATION</u>	<u>NAME</u>	<u>SIGNATURE</u>
Acting Municipal Manager	Mr N I van Stade	
DIRECTORS		
Director: Financial Services	Mr N Dyushu	VIRTUAL
Director: Economic Development and Planning	Mr. L Gericke	
Acting Director: Community Services	Mr. A Sakati	28/2/22
Acting Director: Engineering Services	Mr M Rhode	APOLOGIES - SICK.
Director: Corporate Services	Mrs M Mpahlwa	M.P. Mpahlwa
MANAGERS		
Manager: Administration	Mrs. T Wildeman	
Acting Manager: Governance and Compliance	Mr A Crouz	
Manager Legal Services	Mr L Loliwe	.
Manager: Office of the Executive Mayor	Mr H Nieuwoudt	
Manager: Deputy Executive Mayor	Mr X Bangela	.
Manager: Office of the Speaker	Mr R Plaatjies	.
Chief Audit Executive	Ms H Bester	VIRTUAL
Chief Risk Officer	Mrs C V Staden	
Manager: Communications	Mr A Namntu	
Principle Committee Officer	Ms J Jansen	
Committee Clerk	Ms T Mpembe	
Senior Communications Officer	Mr R Kova	VIRTUAL



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COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY
ON MONDAY, 28 FEBRUARY 2022 AT 10H00**

CNS

