

**MINUTES OF THE SPECIAL COUNCIL MEETING OF BITOU LOCAL MUNICIPALITY  
HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET,  
PLETTENBERG BAY ON WEDNESDAY, 18 SEPTEMBER 2024 AT 14H05**

**1. OPENING**

The Speaker, Councillor M P Busakwe welcomed everyone present at 14h05 and requested a moment for silent prayer.

**2. ATTENDANCE**

As per attached attendance register.

**3. APPLICATION FOR LEAVE OF ABSENCE**

None received, all members of the Council were present.

**4. DECLARATION OF INTERESTS**

None received

**5. CONFIRMATION OF MINUTES FOR PREVIOUS MEETINGS (OPEN)**

**5.1 MINUTES OF THE ORDINARY COUNCIL MEETING DATED 31 JULY 2024**

That the minutes of the Ordinary Council Meeting of 31 July 2024, be and are hereby **CONFIRMED AND SIGNED.**

**Proposed:** Councillor W J Jee  
**Seconded:** Councillor A R Omer

**5.2 MINUTES OF THE SPECIAL COUNCIL MEETING DATED 19 AUGUST 2024,  
SUBSEQUENTLY ADJOURNED TO MONDAY, 26 AUGUST 2024**

That the minutes of the Special Council Meeting of 19 August 2024, subsequently adjourned to Monday, 26 August 2024, be and are hereby **CONFIRMED AND SIGNED.**

**Proposed:** Councillor C N-J Terblanche  
**Seconded:** Councillor J N Kamkam

**5.3 MINUTES OF THE SPECIAL COUNCIL MEETING DATED 23 AUGUST 2024**

That the minutes of the Special Council Meeting of 23 August 2024, be and are hereby **CONFIRMED AND SIGNED.**

**Proposed:** Councillor T Mhlana  
**Seconded:** Councillor S E Gcabayi

(Approved: 31 October 2024)

m.p

**5.4 MINUTES OF THE SPECIAL COUNCIL MEETING DATED 30 AUGUST 2024**

That the minutes of the Special Council Meeting of 30 August 2024, be and are hereby **CONFIRMED AND SIGNED.**

**Proposed:** Councillor C N-J Terblanche

**Seconded:** Councillor S A Mangxaba

**6. STATEMENTS AND COMMUNICATIONS BY:**

**6.1 The Executive Mayor**

None

**6.2 The Speaker**

None

**7. PRESENTATION**

None

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

That it be noted that the items for information will be considered at the Ordinary Council Meeting of October 2024.

**FOR INFORMATION**

**9. NOTING OF OUTSTANDING COUNCIL RESOLUTIONS.**

That it be noted that the noting of outstanding Council resolutions will be considered at the Ordinary Council Meeting of October 2024.

**FOR INFORMATION**

**10. CONSIDERATION OF REPORTS (NON- DELEGATED MATTERS)**

*Councillor W J Nel requested a five (5) minute caucus, which was granted by the Speaker. The meeting adjourned at 14h19 and reconvened at 14h22.*

**Section 1: Office of the Municipal Manager****Resolution C/1/247/08/24****PROPOSED AMENDMENTS: MACRO AND MICRO ORGANIZATIONAL STRUCTURE:  
OFFICE OF THE MUNICIPAL MANAGER****Portfolio Comm:** Office of the MM and Strategic Services**File Ref:** 2/1/8**Demarcation:** All Wards**Delegation:** Council**Resolved**

That the Council approve the macro and micro-structure of the Office of the Municipal Manager.

**Proposed:** Councillor N P Kolwapi**Seconded:** Councillor J N Kamkam**EXECUTION:** Acting Municipal Manager, Senior Manager Human Resources**Cc:** Director Corporate Services**Resolution C/1/248/09/24****APPLICATION TO WAIVE A REQUIREMENT OF THE GENERAL NOTICE NO 50737  
OF 30 MAY 2024 – UPPER LIMITS OF TOTAL REMUNERATION PAYABLE  
TO MUNICIPAL MANAGERS AND MANAGERS DIRECTLY ACCOUNTABLE TO  
MUNICIPAL MANAGERS (DIRECTOR CORPORATE SERVICES: ADV L LOLIWE)****Portfolio Comm:** Finance & Corporate Services**File Ref:** 12/2/1/3**Demarcation:** All Wards**Delegation:** Council**Resolved**

1. That Council supports that an application be made to the MEC for Local Government in the Western Cape to garner support for a waiver application to the National Minister for Cooperative Governance and Traditional Affairs (COGTA) in respect of the Director of Corporate Services, Adv. L Loliwe, to waive the upper limits of remuneration of Senior Managers as per notice No 50737 of 30 May 2024.
2. That the application for a waiver be based on the principle approved for the Heads of Department of Engineering, Community Services and Previous CFO's as well as the previous Municipal Manager.

**Proposed:** Councillor N P Kolwapi

m.p

Seconded: Councillor J N Kamkam

EXECUTION: Acting Municipal Manager, Senior Manager Human Resources

Resolution C/1/249/09/24

**MUNICIPAL PUBLIC ACCOUNTS COMMITTEE – REPORT ON IRREGULAR EXPENDITURE INCURRED BETWEEN 01 JULY 2023 AND 28 FEBRUARY 2024.**

**Portfolio Comm:** Municipal Public Accounts Committee **Demarcation:** All Wards  
**File Ref:** 5/11/1/1& 9/1/1 **Delegation:** Council

**Resolved**

1. That the Municipal Public Accounts Committee notes the attached irregular expenditure from 01 July 2023 up to 28 February 2024 to the value of R1,868,534.58 as per Annexure A.
2. That it be noted that the Irregular Expenditure in the context of this report refers to spending that deviated from the newly adopted PPPFA Regulations of 2023. This was also due to the interpretation by most municipalities in the country to only apply Price, BBBEE, and Locality scoring to transactions above R30,000 (Incl. VAT), which was found to be irregular and not due to knowingly or intentionally deviating from the procurement processes or regulations.
3. That it be noted that a compromise, based on the misinterpretation, has been confirmed by the Auditor General and National Treasury to identify transactions above R2,000 (Incl. VAT) and below R30,000 (Incl. VAT) as irregular Expenditure, and submit a report to Council to note the application of Price, BBBEE, and Locality scoring, which must be applied to all transactions above R2,000 (Incl. VAT).
4. That Council write off the attached Irregular Expenditure transactions to the value of R1,868,534.58.

**Proposed:** Councillor N P Konyapi  
**Seconded:** Councillor A R Olivier

EXECUTION: Acting Municipal Manager, MPAC Coordinator

**Resolution C/1/250/09/24****PAYMENT OF SALARY AND BENEFITS FOR CHAIRPERSON OF MPAC RETROSPECTIVE TO DATE OF APPOINTMENT BY COUNCIL – COUNCILLOR N P KOLWAPI**

**Portfolio Comm:** Office of the MM and Strategic Services  
**File Ref:** 3/2/2/2/4

**Demarcation:** All Wards  
**Delegation:** Council

**Resolved**

1. That Council takes note of the report.
2. That Council requests the payment of salaries and benefits to the Chairperson of MPAC retrospective to the date of appointment by Council subject to MEC approval.
3. That Council mandate the Acting Municipal Manager to apply in writing to the MEC to approve the payment of salaries and benefits to the Chairperson of the Public Accounts Committee retrospective from the date of appointment by Council until the date of appointment as a full-time Councillor, in terms of the publication of the amended Establishment Notice dated 17 November 2023.

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

**EXECUTION:** Acting Municipal Manager

**Resolution C/1/251/09/24****DECLARATION OF VACANCY, APPROVAL OF SELECTION AND RECRUITMENT PROCESS FOR THE FILLING OF POSITION OF DIRECTOR PLANNING AND DEVELOPMENT**

**Portfolio Comm:** Strategic Services & Office of the MM  
**File Ref:** 3/2/2/2/6

**Demarcation:** All Wards  
**Delegation:** Council

**Resolved**

1. That Council note that the post of Director of Planning and Development has become vacant as per the attached Council resolution.
2. That Council approve the advertisement of the vacancy for the post of Director of Planning and Development and the timeframes outlined above.
3. That the following persons be approved by Council as the Selection and Interview Panel in terms of both Regulations 12 and 15 of Government Gazette No. 37245 respectively:

a) *The Municipal Manager, who will be the chairperson;*

- b) *The Portfolio head of the relevant portfolio (i.e Strategic Services and Office of the Municipal Manager); Councillor N. Kolwapi;*
- c) *At least one other person, who is not a councillor or a staff member of the municipality, and who has the expertise or experience in the area of the advertised post;*
- d) *(Two (2) Union Representatives, 1 union representative from IMATU and 1 Union Representative from SAMWU, who will sit as observers.*
4. That Council approves the Recruitment and Selection processes hereunder, in line with the Local Government: Regulations on Employment and Conditions of Employment of Senior Managers, as promulgated on 17 January 2014.

ACTIVITY	DATE
Advertising for the position of Director: Planning and Development (minimum of 14 days from the date of advertisement appearing and not more than 30 days)	21 September 2024
Closing Date	10 October 2024
Shortlisting (within 30 days of closing of advert)	17 October 2024
Interviews (within 21 days of shortlisting)	24 – 31 October 2024
Screening and competency assessments (within 21 days of interview)	11-15 November 2024
Outcome report tabled in Council	28 November 2024
Successful candidate report for duty	02 January 2025

6. The Municipal Manager be delegated to procure services of consultant to assist with the process.
7. That upon completion of the selection process, a report containing the proposed appointment be tabled with Council in order for Council to make the necessary appointment.

**Proposed:** Councillor J N Kamkam  
**Seconded:** Councillor A R Olivier

**EXECUTION:** Director Corporate Services, Manager Human Resource Management  
**cc.** Acting Municipal Manager

**Resolution C/1/252/09/24**

#### **REPORT ON GRANT IN AID FUNDING APPROVAL**

**Portfolio Comm:** Strategic Services and Office of the MM **Demarcation:** All wards  
**File Ref:** 3/4/2 **Delegation:** Council

A proposal was received from Councillor T Mhlana to vote on the matter, seconded by Councillor J N Kamkam.

The Speaker then ruled to vote **IN FAVOUR** of or **AGAINST** the recommendation “*That the Grant-in-Aid be re-advertised*”.

**The following Councillors voted IN FAVOUR of the recommendation;**

Councillor J N Kamkam, Councillor N P Kolwapi; Councillor W J Nel; Councillor R Willemse, Councillor A R Olivier; Councillor D J Swart and Councillor M P Busakwe

**The following Councillors voted AGAINST the recommendation;**

Councillor S E Gcabayi, Councillor S A Mangxaba, Councillor T Mhlana, Councillor N T Seti, Councillor H Mitchell and Councillor C N-J Terblanche.

Results of Voting:

**IN FAVOUR** of the recommendation: 7 Votes  
**AGAINST** the recommendation: 6 Votes

The votes **IN FAVOUR** of the recommendation “*That the Grant-in-Aid be re-advertised*”, therefore carries.

It was therefore;

**Resolved**

1. That Council take note of the report.
2. That Council rescind the decision of the Mayoral Committee under resolution M/2/226/08/24 of 23 August 2024.
3. That the Grant-in-Aid be re-advertised.

**EXECUTION:**      **Acting Municipal Manager**

**Section 2: Financial Services**

No items for consideration

APPROVED

m.p

**Section 3: Corporate Services**

Resolution C/3/238/09/24

**NOMINATION OF COUNCILLOR TO SERVE ON CLINIC COMMITTEES**

**Portfolio:** Finance & Corporate Services

**File Ref:** 3/2/2/7

**Demarcation:** All Wards

**Delegation:** Council

**Resolved**

1. The Council take note of the report.
2. The Council appoint the following members to the specified Clinic Committees:
  - a. *New Horizon/Plett Town Cluster: Cllr C N-J Terblanche*
  - b. *Kwanokuthula Clinic Committee: Cllrs S A Mangxaba and N T Seti*
  - c. *The Crags Clinic Committee: Cllr J N Kamkam*
  - d. *Kranshoek Clinic Committee: Cllr A R Olivier*

**Proposed:** Councillor J N Kamkam

**Seconded:** Councillor W J Nel

**EXECUTION:** Director Corporate services

**cc.** Acting Municipal Manager

**Section 4: Community Services**

No items for consideration

**Section 5: Engineering Services**

No items for consideration

**Section 6: Economic Development and Planning**

No items for consideration

**11. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER**

None received.

**12. CONSIDERATION OF NOTICES OF MOTION**

None received.



**13. CONSIDERATION OF NOTICES OF QUESTION**

None received.

**14. CONSIDERATION OF MOTIONS OF EXIGENCY**

Councillor T Mhlana tabled the below motion of exigency in terms of Rule 42, seconded by Councillor S A Mangxaba;

**TITLE: THE ACTING MUNICIPAL MANAGER APPOINTED MR. ALLEN PAULSE TO ACT ON THE POSITION OF SENIOR MANAGER GOVERNANCE AND COMPLIANCE WITHOUT FOLLOWING DUE PROCESS**

The Speaker then ruled to vote **IN FAVOUR** of or **AGAINST** the motion of exigency

**The following Councillors voted IN FAVOUR of the motion of exigency;**

Councillor S E Gcabayi, Councillor S A Mangxaba, Councillor T Mhlana, Councillor N T Seti, Councillor H Mitchell and Councillor C N-J Terblanche.

**The following Councillors voted AGAINST the motion of exigency;**

Councillor J N Kamkam, Councillor N P Kolwapi; Councillor W J Nel; Councillor R Willemse, Councillor A R Olivier; Councillor D J Swart and Councillor M P Busakwe

Results of Voting:

**IN FAVOUR** of the motion of exigency: 6 Votes

**AGAINST** the motion of exigency: 7 Votes

The votes **AGAINST** the motion of exigency, therefore carries.

It was therefore;

**Resolved**

That the motion of exigency does not carry.

**15. IN-COMMITTEE MATTERS**

Please refer to the In-Committee minutes of even date.

**16. RECORDING OF COUNCILLORS PRESENT**

The Speaker, Councillor M P Busakwe requested that Councillors verbally record their presence during the Special Council open meeting in the following order.

Councillor J N Kamkam, Councillor N P Kolwapi, Councillor W J Nel, Councillor R Willemse, Councillor A R Olivier., Councillor D J Swart, Councillor N T Seti, Councillor C N-J Terblanche, Councillor H Mitchell, Councillor S A Mangxaba, Councillor S E Gcabayi, Councillor T Mhlana and Councillor M P Busakwe.

**17. CLOSURE**

The Speaker adjourned the Special Council Meeting at 15h58.

**CONFIRMED AND SIGNED**

**SIGNATURE:**

M. Busakwe

The Speaker, M P Busakwe

**DATE:**

01/11/2024



## ATTENDANCE REGISTER

**SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON WEDNESDAY, 18 SEPTEMBER 2024 AT 14H00**

<u>NAME</u>	<u>SIGNATURE</u>
COUNCILLOR M P BUSAKWE (Speaker)	m Busakwe
COUNCILLOR S E GCABAYI	S. E. Gcabayi
COUNCILLOR J N KAMKAM (Executive Mayor)	J. N. Kamkam
COUNCILLOR N P KOLWAPI (Deputy Executive Mayor)	N. P. Kolwapi
COUNCILLOR S A MANGXABA	S. A. Mangxaba
COUNCILLOR T MHLANA	T. Mhlana
COUNCILLOR H MITCHELL	H. Mitchell
COUNCILLOR R WILLEMSE	
COUNCILLOR W J NEL	W. J. Nel
COUNCILLOR A R OLIVIER	A. R. Olivier
COUNCILLOR N T SETI	N. T. Seti
COUNCILLOR D J SWART	D. J. Swart
COUNCILLOR C N-J TERBLANCHE	C. N-J. Terblanche
COUNCILLOR R WILLEMSE	R. Willemse


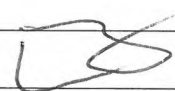


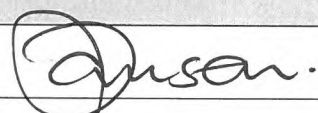

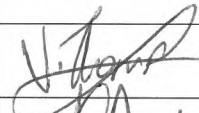


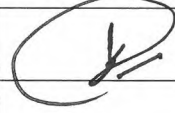
m.p

ATTENDANCE REGISTER

BITOU LOCAL MUNICIPALITY

SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON WEDNESDAY, 18 SEPTEMBER 2024 AT 14H00

OFFICIALS

<u>DESIGNATION</u>	<u>NAME</u>	<u>SIGNATURE</u>
Acting Municipal Manager	Mr M Memani	
<b>DIRECTORS</b>		
Director: Community Services	Ms M Paulsen	
Director: Engineering Services	Mr V Felton	
Acting Director: Financial Services	Mr. F Lotter	
Acting Director: Development and Planning (Manager Building Control)	Mr L Gericke	
Acting Director: Corporate Services (Manager Administration)	Ms T M Wildeman	
<b>MANAGERS</b>		
Head Committee Services & Councillors Support	Ms J Jansen	
Committee Clerk	Ms T Mpembe	
Manager: Legal Services	Mr A Croutz	
Manager: Executive Mayor	Mr T Liwani	
Manager: Deputy Executive Mayor	Mr V Thomas	
Manager: Office of the Speaker	Mr M James	
Manager: Communications, Customer Relations Management	Mr A Namntu	PP 
Acting Senior Manager Governance & Compliance	Mr A A Paulse	
Acting Chief Audit Executive	Mr C Koeberg	
Risk Management	Mrs C Van Staden	

m.p

# ATTENDANCE REGISTER



Interested members of the Public

Thank you for attending.

Name	Contact number	Email address	Representing	Signature
Caran Loux	082 774 500		KH	

SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON WEDNESDAY, 18 SEPTEMBER 2024 AT 14H00

m.b