



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N ALGEMENE RAADSVERGADERING GEHOU OM 09:00 OP DINSDAG
8 DESEMBER 2015 IN DIE MUNISIPALE RAADSAAL TE BREDASDORP**

**MINUTES OF A GENERAL COUNCIL MEETING HELD ON TUESDAY, 8 DECEMBER 2015
AT 09:00 IN THE MUNICIPAL COUNCIL CHAMBERS, BREDASDORP**

RAADSLEDE / COUNCILLORS

Me E Marthinus	Speaker
Mnr R G Mitchell	Uitvoerende Burgemeester
Mnr D Jantjies	Uitvoerende Onder-Burgemeester
Mnr R Mokotwana	Lid van die Uitvoerende Burgemeesterskomitee
Me P Atyhosi	Raadslid
Mnr D Burger	Raadslid
Mnr J Nieuwoudt	Raadsheer
Me E Sauls	Raadslid (tot 11:40)
Me Z Tonisi	Raadslid

AMPTENARE / OFFICIALS

Mnr D O'Neill	Munisipale Bestuurder
Mnr S Ngwevu	Direkteur: Korporatiewe Dienste
Mnr H Van Biljon	Direkteur: Finansiële Dienste
Mnr N Kotze	Direkteur: Siviele Ingenieursdienste
Mnr K Mrali	Direkteur: Gemeenskapsdienste
Mnr P Everson	Asst. Direkteur: Elektries
Mnr B Hayward	Bestuurder: Stads- en Streeksbeplanning
Mnr B Swart	Interne Ouditeur (vanaf 09:30)
Mnr G M Moelich	Bestuurder: Admin Ondersteuning
Me T Stone	Bestuurder: Strategiese Dienste
Me N Mhlati-Musewe	Bestuurder: Menslike Hulpbronne

1. OPENING

- (i) Die Speaker heet die teenwoordiges welkom en Raadsheer Jantjies open die vergadering met gebed.
- (ii) Raadslid Evelyn Sauls lê haar eed en verklaring van plegtigheid voor die Raad af.

- (iii) Die Burgemeester stel die "District Agri Park Wardens" aan die Raad bekend. Hierdie nasionale program, in samewerking met Departement Landelike Ontwikkeling het opleiding aan studente verskaf waarin lewensvaardighede, lewensredders asook onder andere brandweer opleiding voorsien is. Studente sal gedurende 2016 vir ses maande opleiding aan 'n tersiêre kollege ontvang.
- (iv) Die Burgemeester bedank mnr Paul Bezuidenhout vir 32 jaar se diens aan Kaap Agulhas en omgewing. Hy verlaat die Raad se diens op 31 Desember 2015.

2. AANSOEKE OM VERLOF TOT AFWESIGHEID / APPLICATIONS FOR LEAVE

Geen.

3. NOTULES VAN VORIGE VERGADERINGS VOORGELê VIR BEKRAGTING

3.1 NOTULE VAN ALGEMENE RAADSVERGADERING GEHOU OP:

3.1.1 27 Oktober 2015

BESLUIT 274/2015

Die Notule word as korrek en volledig bekragtig.

3.2 NOTULE VAN SPESIALE RAADSVERGADERING GEHOU OP:

3.2.1 3 November 2015

BESLUIT 275/2015

Die Notule word as korrek en volledig bekragtig.

4. NOTULES VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE VERGADERINGS OOR BESLUIE DEUR HOM GENEEM SAAM MET DIE BURGEMEESTERSKOMITEE

4.1 NOTULES VAN UBK VERGADERINGS GEHOU OP:

21 Oktober 2015

BESLUIT 276/2015

Die Raad neem kennis van bogenoemde UBK Notule.

5. NOTULES VAN KOMITEE VERGADERINGS VOORGELê VIR KENNISNAME

5.1 WYKSKOMITEE VERGADERINGS GEHOU OP:

- WYK 1 : 21 September 2015
- WYK 2 : 26 Oktober 2015
- WYK 3 : 19 Oktober 2015
- WYK 4 : 21 Oktober 2015
- WYK 5 : 19 Oktober 2015
-

BESLUIT 277/2015

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

6. SAKE VOORTSPRUITEND UIT NOTULES**27 Oktober 2015:**

Die Raad word bedank vir die regstelling van dranklisensie ure.

3 November 2015:

Suidpunt Voetjies is in kennis gestel dat die Raad erf 1893 per veiling verkoop het.

7. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE VOORSITTER

7.1 **BRIEWE VAN DANK / VIR KENNISNAME:** Aangeheg op bladsy 1 tot 5.

BESLUIT 278/2015

Die Raad neem kennis van bogenoemde skrywes ontvang.

7.2 **FUNKSIES VIR DIE MAAND:** Die Raad se afsluiting vir 2015 vind plaas op 8 Desember 2015.

7.3 **AANWYS VAN AFGEVAARDIGDES:** Die Raad moet 'n afgevaardigde aanwys vir die Kaap Agulhas Toerisme Buro, in die plek van Raadslid October.

BESLUIT 279/2015

Dat Raadslid Burger aangewys word om KAM te verteenwoordig op die Kaap Agulhas Toerisme Buro.

7.4 **DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê**

BESLUIT 280/2015

Dat die Raad in reses gaan vanaf 11 Desember 2015 tot 11 Januarie 2016.

7.5 **TERUGRAPPORTERING VAN AFGEVAARDIGDES**

- (i) Die Speaker rapporteer ten opsigte van 'n Speakersforum wat sy bygewoon het waarin Kaap Agulhas se webtuiste bespreek is. Die Munisipale Bestuurder gee terugvoer rondom die vordering met die daarstelling van 'n nuwe webtuiste, in samewerking met die Provinsiale Departement.
- (ii) Raadsheer Nieuwoudt gee terugvoer oor die Distriksgesondheidsraad. Hy meld dat die "wellness" bus alle landelike gebiede besoek het. Hy gee terugvoer aangaande die huidige ambulans situasie in KAM se regsgebied. Hy verwys verder na die sluiting van die tender (9 Desember 2015) van Napier kliniek.
- (iii) Die Speaker versoek dat alle Raadslede wat in die toekoms vergaderings bywoon as afgevaardigde van die Raad, 'n kort verslag rakende die uitkomst van die vergadering saamstel vir terugrapportering aan die daaropvolgende Raadsvergadering.

8. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER

Die Burgemeester spreek sy kommer uit oor die hoë frekwensie van misdaad en die voorkoming van selfmoord in die KAM regsgebied.

9. ONDERHOUDE MET AFGEVAARDIGDES EN/OF ANDER BESOEKE

Geen.

10.	<u>ITEMS NA DIE RAAD VERWYS VIR OORWEGING</u>	<u>Bladsy: Agenda</u>
10.1	<u>MUNISIPALE BESTUURDER / MUNICIPAL MANAGER</u>	
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14. **OORWEGING VAN KENNISGEWING VAN MOSIES**

Geen.

15. **OORWEGING VAN KENNISGEWING VAN VRAE**

Geen.

16. **OORWEGING VAN DRINGENDE MOSIES**

Geen.

17. **VERSLAG DEUR MUNISIPALE BESTUURDER OOR DIE UITVOERING VAN RAADSBESLUIITE**

Lys van onafgehandelde Raadsbesluite verskyn op **bladsy 39**.

18. **IN-KOMITEE VERSLAE**19. **SLUITING**

Die Speaker bedank alle Raadslede en amptenare vir hul toewyding gedurende 2015 asook hul samewerking tydens Raadsvergaderings.

Hierna verdaag die vergadering om 12:30

10. **ITEMS NA DIE RAAD VERWYS VIR OORWEGING**10.1 **MUNISIPALE BESTUURDER / MUNICIPAL MANAGER**10.1.1 **2014/2015 DRAFT ANNUAL REPORT SUBMITTED IN TERMS OF SECTION 127 OF THE MUNICIPAL FINANCE MANAGEMENT ACT (ACT 56 OF 2003): REPORT BY THE MANAGER STRATEGIC SERVICES****PURPOSE OF REPORT**

To present the Draft Annual Report for the 2014/15 financial year (the report has been distributed to members separately).

BACKGROUND

The following documents are submitted for consideration by Council:

- The draft annual report for 2014/15;
- The final consolidated financial statements for 2014/15 as signed-off by the Auditor-General;
- The final consolidated audit report from the Auditor-General;
- The Audit and Performance Committee report for 2014/15.

The most important documents of the Municipality are the Integrated Development Plan (IDP), Budget, and Annual Report. The IDP and Budget are planning documents that focus on the year ahead; the IDP identifies the objectives, strategies and projects that the Municipality will achieve and implement in the year as well as the key performance indicators against which its performance can be measured, while the budget sets out how these strategies and projects will be funded.

The Annual Report is retrospective and focuses on the year's actual performance as measured against the key performance indicators set out in the IDP. The Annual Report also indicates the manner in which the IDP was implemented and how the budget was spent during the year under review.

LEGAL FRAMEWORK

The submission of the Annual Report is regulated by the Municipal Systems Act, Act 32 of 2000 and the Municipal Finance Management Act, Act 56 of 2003. The following table provides an overview of the main provisions;

MUNICIPAL SYSTEMS ACT NO. 32 OF 2000	
Section 46: Annual performance reports	<ol style="list-style-type: none"> 1) <i>A municipality must prepare for each financial year a performance report reflecting -</i> <ol style="list-style-type: none"> (a) <i>the performance of the municipality and of each external service provider during that financial year;</i> (b) <i>a comparison of the performances referred to in paragraph (a) with targets set for and performances in the previous financial year; and</i> (c) <i>measures taken to improve performance.</i> 2) <i>An annual performance report must form part of the municipality's annual report in terms of Chapter 12 of the Municipal Finance Management Act.</i>
MUNICIPAL FINANCE MANAGEMENT ACT NO 56 OF 2003	
Section 121: Preparation and adoption of annual reports	<ol style="list-style-type: none"> 1) <i>Every municipality and every municipal entity must for each financial year prepare an annual report in accordance with this Chapter. The council of a municipality must within nine months after the end of a financial year deal with the annual report of the municipality and of any municipal entity under the municipality's sole or shared control in accordance with section 129.</i> 2) <i>The purpose of an annual report is-</i> <ol style="list-style-type: none"> (a) <i>to provide a record of the activities of the municipality or municipal entity during the financial year to which the report relates;</i> (b) <i>to provide a report on performance against the budget of the municipality or municipal entity for that financial year; and</i> (c) <i>to promote accountability to the local community for the decisions made throughout the year by the municipality or municipal entity.</i> 3) <i>The annual report of a municipality must include-</i> <ol style="list-style-type: none"> (a) <i>the annual financial statements of the municipality, and in addition, if section 122 (2) applies, consolidated annual financial statements, as submitted to the Auditor-General for audit in terms of section 126 (1);</i> (b) <i>the Auditor-General's audit report in terms of section 126 (3) on those financial statements;</i> (c) <i>the annual performance report of the municipality prepared by the municipality in terms of section 46 of the Municipal Systems Act;</i> (d) <i>the Auditor-General's audit report in terms of section 45 (b) of the Municipal Systems Act;</i> (e) <i>an assessment by the municipality's accounting officer of any arrears on municipal taxes and service charges;</i> (f) <i>an assessment by the municipality's accounting officer of the municipality's performance against the measurable performance objectives referred to in section 17 (3) (b) for revenue collection from each revenue source and for each vote in the municipality's approved budget for the relevant financial year;</i> (g) <i>particulars of any corrective action taken or to be taken in response to issues raised in the audit reports referred to in paragraphs (b) and (d);</i> (h) <i>any explanations that may be necessary to clarify issues in connection with the financial statements;</i> (i) <i>any information as determined by the municipality;</i> (j) <i>any recommendations of the municipality's audit committee; and</i> (k) <i>any other information as may be prescribed.</i>

<p>Section 127: Submission and tabling of annual reports</p>	<p>1) <i>The accounting officer of a municipal entity must, within six months after the end of a financial year, or on such earlier date as may be agreed between the entity and its parent municipality, submit the entity's annual report for that financial year to the municipal manager of the entity's parent municipality.</i></p> <p>2) <i>The Mayor must within seven months (by end January) of the financial year, table in the municipal council the annual report of the municipality.</i></p> <p>3) <i>If the mayor, for whatever reason, is unable to table in council the annual report of the municipality, or the annual report of any municipal entity under the municipality's sole or shared control, within seven months after the end of the financial year to which the report relates, the mayor must:</i></p> <p>a) <i>Promptly submit to the council a written explanation referred to in section 133(1)(a) setting out the reasons for the delay, together with any components of the annual report listed in section 121(3) or (4) that are ready; and</i></p> <p>b) <i>Submit to council the outstanding annual report or the outstanding components of the annual report as soon as may be possible.</i></p> <p>(4) <i>The Auditor-General may submit the financial statements and audit report -</i></p> <p>(a) <i>of a municipality directly to the municipal council, the National Treasury, the relevant provincial treasury, the MEC responsible for local government in the province and any prescribed organ of state, if the mayor fails to comply with subsection (2) or (3); or</i></p> <p>(b) <i>of a municipal entity directly to the parent municipality, the National Treasury, the relevant provincial treasury, the MEC responsible for local government in the province and any prescribed organ of state, if the accounting officer of the entity fails to comply with subsection (1).</i></p> <p>5) <i>Immediately after an annual report is tabled in the council in terms of subsection (2), the accounting officer of the municipality must-</i></p> <p>(a) <i>in accordance with section 21A of the Municipal Systems Act-</i></p> <p>(i) <i>make public the annual report; and</i></p> <p>(ii) <i>invite the local community to submit representations in connection with the annual report; and</i></p> <p>(b) <i>submit the annual report to the Auditor-General, the relevant provincial treasury and the provincial department responsible for local government in the Province.</i></p>
<p>Section 129: Oversight reports on annual reports</p>	<p>1) <i>The council of a municipality must consider the annual report of the municipality and of any municipal entity under the municipality's sole or shared control, and by no later than two months from the date on which the annual report was tabled in the council in terms of section 127 adopt an oversight report.</i></p>
<p>Section 130 Council meetings open to the public and certain officials</p>	<p>1) <i>The meetings of a municipal council at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken, must be open to the public and any organs of state, and a reasonable time must be allowed -</i></p> <p>a) <i>for the discussion of any written submissions received from the local community or organs of state on the annual report; and</i></p> <p>b) <i>for members of the local community or any organs of state to address the council.</i></p> <p>2) <i>Representatives of the Auditor-General are entitled to attend, and to speak at, any council meeting referred to in subsection (1).</i></p> <p>3) <i>This section, with the necessary modifications as the context may require, is also applicable if only components of the annual report were tabled in terms of section 127 (3).</i></p>

DISCUSSION

The 2014/15 Draft Annual Report will be made public and submitted to the relevant organs of state following its adoption. The report will also be referred to the MPAC to perform the oversight process which shall include the consideration of any representations received from the public and organs of state and the compilation of the oversight report.

MANAGEMENT RECOMMENDATION

- (i) That the Council adopt the 2014/15 Draft Annual Report as tabled by the Mayor in terms of Section 127(2) of the MFMA.
- (ii) That the 2014/15 Draft Annual Report be made public and submitted to the relevant organs of state in terms of Section 127 of the MFMA.
- (iii) That the 2014/15 Draft Annual Report be referred to the MPAC to perform the oversight process and compile the oversight report.

RESOLUTION 281/2015

- (i) That the Management recommendation be accepted as a resolution of Council.
- (ii) That all identified errors be rectified before the document is made public on the forthcoming Friday.

10.1.2 MAYOR'S STRATEGIC PLAN 2015/2016: REPORT BY THE MANAGER: STRATEGIC SERVICES**PURPOSE OF REPORT**

To present the 2015/2016 Mayor's draft Strategic Plan.

BACKGROUND

The Municipality held its strategic planning session, led by the Executive Mayor, Ald. R Mitchell, on the 29th and 30th of October 2015 at The Dunes, Arniston. The attached report is a summary of the proceedings.

Of particular importance to note is Paragraph 4.2.1 which contains the items finalised from the previous strategic plan and Paragraph 4.2.2 which contains a revised plan strategic plan containing items carried over from the previous year, revised items and new items.

This revised plan will be monitored and reported on to Council on a quarterly basis.

MANAGEMENT RECOMMENDATION

That Council approve the 2015/2016 Mayor's Strategic Plan.

RESOLUTION 282/2015

That the Management recommendation be accepted as a resolution of Council.

10.1.3 PERFORMANCE REVIEWS: MUNICIPAL MANAGER AND SENIOR MANAGERS**PURPOSE OF REPORT**

To submit the performance reviews of the Municipal Manager and senior managers to Council.

BACKGROUND

The Municipal Manager and all senior managers reporting directly to him are required, in terms of section 57.1(b) of the Local Government: Municipal Systems Act, to annually conclude a performance agreement. Performance agreements were thus concluded between the Municipal Manager and the Executive Mayor as well as between all other senior managers and the Municipal Manager for the 2014/15 financial year.

PERFORMANCE PROCESS

The performance reviews for the full year were done on 21 September 2015 and were done by a panel consisting of the Executive Mayor and Deputy Mayor, Councillor Mokotwana, Municipal Manager Dave Barretti from Overberg District Municipality as well as the Chairperson of the Audit Committee and a member of the community, mr R Smal. This panel conducted the annual review of the performance of the following managers:

- Municipal Manager
- Director: Corporate Services
- Director: Community Services
- Director: Financial Services; and
- Director: Technical Services.

All evaluatees were allowed an opportunity to make a presentation to the panel and scoring was done in terms of evidence provided. The following information was considered during the evaluation:

- The Performance Agreements;
- The presentation of the employee, and
- The SDBIP reports.

The supporting evidence was audited by the Internal Auditor.

ASSESSMENT OUTCOMES

The assessment outcomes were as follows:

- | | | |
|--------------------------------|---|-----|
| • Municipal Manager | : | 75% |
| • Director: Corporate Services | : | 63% |
| • Director: Community Services | : | 67% |
| • Director: Financial Services | : | 71% |
| • Director: Technical Services | : | 71% |

These outcomes were communicated to the employees and agreed upon at the same meeting and can be seen as a realistic reflection of the level of performance at the municipality.

BONUSES PAYABLE

The evaluation was done in terms of the requirements stipulated in the Local Government Municipal Performance Regulations for Municipal Managers and Managers directly accountable to Municipal Managers (2006) and the performance contracts.

The bonuses are payable in terms of clause 11.3 of the performance agreements which stipulate that bonuses should be calculated as follows:

Performance Rating**Performance Bonus Calculation**

- | | |
|--------------|----------------------|
| • 0% - 40% | 0% of total package |
| • 41% - 50% | 5% of total package |
| • 51% - 60% | 8% of total package |
| • 61% - 70% | 11% of total package |
| • 71% - 100% | 14% of total package |

Bonuses payable in terms of the above are therefore as follows:

- | | | |
|--------------------------------|---|-----|
| • Municipal Manager | : | 14% |
| • Director: Corporate Services | : | 11% |
| • Director: Community Services | : | 11% |
| • Director: Financial Services | : | 14% |
| • Director: Technical Services | : | 14% |

Sub regulation 8 states that -

“a performance bonus, based on affordability, may be paid to the employee, after -

- 1) *the annual report for the financial year under review has been tabled and adopted by the municipal council;*
- 2) *an evaluation of performance in accordance with the provisions of regulation 23; and*
- 3) *approval of such evaluation by the municipal council as a reward for outstanding performance.”*

The draft annual report is tabled at the same council meeting and its adoption is a pre-requisite to the payment of bonuses.

PERSONNEL IMPLICATIONS

Effect will be given to the stipulations of the performance agreements.

FINANCIAL IMPLICATIONS

Sufficient funds have been allocated in the current budget for the payment of these bonuses.

MANAGEMENT RECOMMENDATION

It is recommended that:

- (i) Council notes the content of the 2014/15 performance review report.
- (ii) Council approves the payment of performance bonuses to the affected employees as per the outcome of the performance reviews subject to the condition that the 2014/15 draft Annual Report is adopted by Council.

RESOLUTION 283/2015

- (i) That the Management recommendation be accepted as a resolution of Council.
- (ii) That in future Council approves the member of the community that must participate in the performance evaluation process.
- (iii) That Council reconsiders the employment performance agreements of the senior managers in the new year to ensure compliance with national legislation.

10.2 KORPORATIEWE DIENSTE / CORPORATE SERVICES

10.2.1 VERSOEK: WYSIGING VAN RAADSBESLUIT 257/2015 (VERSOEK OM KAM KANTORE OP SEKERE DAE BINNE DIE KERSSEISOEN TE SLUIT)

DOEL VAN VERSLAG

Om oorweging te skenk vir die wysiging van Raadsbesluit 257/2015 (vii) gedateer 27 Oktober 2015, wat lees: "Dat personeel steeds verlof vir die genoemde dae sal insit."

AGTERGROND

Die Raad het op 27 Oktober 2015 soos volg besluit:

- (i) Dat alle kantore van Kaap Agulhas Munisipaliteit op 28, 29, 30 en 31 Desember 2015 gesluit sal wees, uitsluitend Struisbaai kantoor.
- (ii) Dat alle kantore op 4 Januarie 2015 oop sal wees vir die publiek.
- (iii) Dat vooraf kennisgewings op strategiese plekke geplaas word om die publiek dien-ooreenkomstig in te lig.
- (iv) Dat alle buitendienste soos geskeduleerd sal voortgaan.
- (v) Dat telefoniese navrae steeds deur die bystandpersoneel hanteer sal word.
- (vi) Dat 'n rampbestuurspan beskikbaar sal wees om binne 2 uur te kan rapporteer. Alle Direkteure in samewerking met die Munisipale Bestuurder sal deel uitmaak van die span.
- (vii) *Dat personeel steeds verlof vir die genoemde dae sal insit.***

Tydens 'n plaaslike Arbeidsforum vergadering gehou op 12 November 2015 het die Komitee versoek dat personeel slegs verlof insit vir **twee** van die genoemde dae.

FINANSIËLE IMPLIKASIE

Geen.

BESTUURSAANBEVELING

- (i) Dat die Raad oorweging skenk vir die wysiging van Raadsbesluit 257/2015 (vii), om soos volg te lees: "Dat personeel steeds verlof sal neem vir **twee** van die genoemde dae."
- (ii) Dat die Raad die oorblywende **twee** dae as erkenning aan die personeel toestaan.

BESLUIT 284/2015

Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.

10.2.2 JAARBEPLANNER 2016 (BAO)

DOEL VAN VERSLAG

Om die Raad se jaarbeplanner vir vergaderings vir 2016 te oorweeg.

AGTERGROND

Die jaarbeplanner van die Raad word jaarliks deur komiteedienste opgestel om die beplanning van vergaderings te koördineer. 'n Voorlopige beplanner is na rolspelers gesirkuleer en nadat insette in berekening gebring is, word die volledige dokument aan die Raad voorgelê vir oorweging (reeds aan Raadslede voorsien tydens die UBK vergadering).

FINANSIËLE IMPLIKASIE

Geen.

ANDER ROLSPELERS GENADER

Alle Raadslede, Munisipale Bestuurder, Direkteure en Departementshoofde.

BESTUURSAANBEVELING

- (i) Dat die skedule as beleidsraamwerk van die Raad aanvaar word.
- (ii) Dat die skedule op strategiese plekke binne die Raad se lokale vertoon sal word.

BESLUIT 285/2015

Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.

10.2.3 AANWYS VAN VERTEENWOORDIGER OP OTTO DU PLESSIS HOSPITAAL SE GESONDHEIDSFASILITEITSRAAD (12/2/3/3/1- DKD / BAO)**DOEL VAN VERSLAG**

Om iemand aan te wys wat die Raad kan verteenwoordig op die Otto du Plessis Hospitaalraad.

AGTERGROND

Die Raad wys 'n verteenwoordiger aan op die Otto Du Plessis Hospitaalraad om die Raad te verteenwoordig. Raadslid M R Mokotwana is die aangewese persoon, maar 'n skrywe, soos aangeheg op bladsy 6 is op 30 Oktober 2015 van hom ontvang waarin hy versoek dat 'n nuwe verteenwoordiger aangewys word.

“Die benoemde persoon moet ten minste 2 van die 3 amptelike tale van die Wes-Kaap magtig wees, en die vergadering se voertaal is Afrikaans.”

Die Raad vergader as 'n reël elke 2 maande (om 17h00 - moontlik 15h00 in die toekoms).

WETLIKE VEREISTES

Geen.

BESTUURSAANBEVELING

Dat die Raad 'n verteenwoordiger aanwys.

BESLUIT 286/2015

Dat Raadslid Z Tonisi as die Raad se verteenwoordiger op Otto Du Plessis Hospitaalraad aangewys word.

10.2.4 VERLENGING VAN HUUROOREENKOMS: MTN NETWERKTORING, WAENHUISKRANS (DKD/BAO)**DOEL VAN VERSLAG**

Om oorweging te skenk aan die verlenging van 'n huurkontrak van MTN se netwerk toring wat tans operig is op die Waenhuiskrans water reservoir.

AGTERGROND

“Mobile Telephone Networks (Edms) Bpk” huur sedert 1 September 2004 reeds ’n gedeelte bo op die perseel bekend as “die Waenhuiskrans water reservoir” vir ’n termyn van 9 jaar en 11 maande (sien kontrak nr T5006 op bladsy 7 tot 27). Hierdie terrein is geleë op gedeelte van Plaas 260, Arniston met ’n grootte van 20m².

Die ooreenkoms het nou onlangs verval en ’n versoek is vanaf MTN ontvang om die perseel vir ’n verdere termyn van 9 jaar en 11 maande te huur. Die terrein, asook die toring wat tans daar aangebring is se volledige besonderhede vorm deel van die bestaande ooreenkoms wat aangeheg is. Paragraaf 3.2 en 3.3 van die bestaande ooreenkoms maak voorsiening vir die opsie om die ooreenkoms te verleng.

Die aanvanklike huurgeld in 2004 is bepaal op R500,00 per maand met ’n jaarlikse eskalاسie van 8% (sien aangehegte skedule op bladsy 28).

FINANSIËLE IMPLIKASIE

Dat die ooreenkoms ’n jaarlikse inkomste van bykans R13 200,00 sal genereer.

BESTUURSAANBEVELING

- (i) Dat die bestaande kontrak vir ’n verdere termyn van 9 jaar en 11 maande verleng word vanaf 1 September 2015 tot 31 Augustus 2025.
- (ii) Dat alle bestaande huurvoorwaardes steeds toegepas word.
- (iii) Dat die ge-eskaleerder huurbedrag opgerond word na R1 100,00 per maand en voortaan jaarliks met ’n verdere 8% eskaleer.
- (iv) Dat die Munisipale Bestuurder gemagtig word om verlengings van huurkontrakte te magtig waar dit as ’n voorwaarde in die oorspronklike huurkontrak vervat is.
- (v) Dat die hernude kontrak deur Korporatiewe Dienste opgestel sal word.

AANBEVELING: KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: CORPORATE SERVICES COMMITTEE

Dat die Bestuursaanbeveling aanvaar word.

BESLUIT 287/2015

Dat die Korporatiewe Dienste Komitee se aanbeveling as besluit van die Raad aanvaar word.

10.2.5 **VERLENGING VAN HUUROORENKOMS: OTB (DENEL) PARKEERTERREIN - ERF 1148, BREDASDORP (DKD/BAO)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die verlenging van ’n huurkontrak van die OTB (DENEL) parkeerterrein in Bredasdorp om bedryf te word as ’n parkeerterrein.

AGTERGROND

Die OTB parkeerterrein langs die Bredasdorp SAPD in Rekreasiestraat, Bredasdorp op ’n gedeelte van erf 1148, word tans verhuur aan DENEL (EDMS) BPK vir die stoor van hulle busse na-ure.

Die terrein beslaan nagenoeg 2 500m². Die bestaande kontrak is gesluit in 2005 en die Raad word versoek om die bestaande kontrak te verlang vir 'n verdere termyn van 9 jaar en 11 maande (skrywe sowel as kontrak word aangeheg op bladsy 29 tot 31).

Die huurgeld was aanvanklik R160 per maand met 'n eskalاسie van 5% per jaar. Indien die ooreenkoms verleng word behoort bedrae gehef te word soos per die aangehegte skedule op bladsy 32.

FINANSIële IMPLIKASIE

Dat, indien die ooreenkoms verleng word, dit 'n addisionele inkomste van R46 932,00 verseker.

BESTUURSAANBEVELING

- (i) Dat die bestaande kontrak vir 'n verdere termyn van 9 jaar en 11 maande verleng word vanaf 1 September 2015 tot 31 Augustus 2025.
- (ii) Dat alle bestaande huurvoorwaardes steeds toegepas word.
- (iii) Dat die ge-eskaleerde huurbedrag steeds bestaan en opgerond word na R270,00 per maand en jaarliks met 'n verdere 5% eskaleer.
- (iv) Dat die bestaande klousule 6 insake die wedersydse kennisgewing met opsegging tot 3 maande verkort word (dit kan ook insluit moontlike vervreemding).
- (v) Dat die hernude kontrak deur Korporatiewe Dienste opgestel sal word.

AANBEVELING: KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: CORPORATE SERVICES COMMITTEE

Dat die Bestuursaanbeveling aanvaar word.

BESLUIT 288/2015

Dat die Korporatiewe Dienste Komitee se aanbeveling [as besluit van die](#) Raad aanvaar word.

10.2.6 **SYSTEMS ACT APPEAL - REZONING AND SPECIAL CONSENT: ERF 264, 55 MAIN ROAD, STRUISBAAI (S264 - TRP) (WARD 5)**

PURPOSE OF REPORT

The evaluation of the application under the provisions of section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000). The locality and site development plan of the said property is shown on the map as Annexure A on page 33.

GENERAL INFORMATION

Current zoning	:	Single Residential
Existing Use	:	Single Dwelling with outbuilding
Size of the Property	:	928m ²

BACKGROUND

The application consisted of the following:

1. Rezoning of Erf 264, Struisbaai in terms of Section 17 of the Land Use Planning Ordinance, 1985 from Single Residential Zone to Local Business Zone.
2. Departure of the prescribed parking requirements on Erf 264, Struisbaai in terms of Section 15 of the Land Use Planning Ordinance, 1985.
3. Removal of restrictive title condition applicable to Erf 264, 55 Main Road, Struisbaai in order to allow the owner to operate a furniture- and coffee shop on the property.

ADVERTISING PERIOD FOR COMMENTS

The application was advertised on **17 April 2015** in the Provincial Gazette as well as the local newspaper - closing date for comments was 18 May 2015. Registered mail was also sent to the surrounding property owners, Suidpunt Residents Association, Cape Agulhas Business Chamber, The Department of Transport and Public Works.

Objections were received when the proposal was advertised.

COMMENTS**RAADSLID BURGER: WYK 5**

Daar is reeds 'n aantal besighede in die seksie van Hoofweg en sou nog een sekerlik nie veel verskil maak nie, behalwe indien dit tot 'n hindernis van omliggende eienaars kan wees - soos in die geval van hierdie beplande meubelhandel en restaurant. Parkering en gepaardgaande verkeersopeenhoping in Hoofweg is reeds gedurende Desember 'n erge probleem wat nie deur KAM aangespreek of opgelos word nie.

Enkele van die naburige eienaars het my geskakel om hul besware te opper. Ek het versoek hulle doen dit direk en skriftelik aan Donald.

OVERBERG DISTRICT MUNICIPALITY: HEALTH SECTION

The health department of the Overberg District Municipality has no objections against the application.

DIRECTOR: CIVIL ENGINEERING SERVICES

In Order. Parking should be provided on the property in question.

STREETS AND STORMWATER

Foresee not a problem.

WATER AND SEWERAGE

Minimal impact on water and sewerage services.

SOLID WASTE AND PURIFICATION

Currently no problems. In order.

DEPUTY DIRECTOR: ELECTROMECHANICAL SERVICES

Electricity can become a problem in the area. The owner shall be liable for all costs of upgrading.

DIRECTOR: COMMUNITY SERVICES

Supported as long as they comply with Town Planning Scheme Regulations

DIRECTOR: CORPORATE SERVICES

No objection. As long as town planning regulations are adhered to.

BUILDING CONTROL

The application is not supported, and for the following reasons. The area is earmarked for business, but currently the surrounding areas are just single residential. The business will disturb the tranquility and the traffic will cause problems. Furthermore, the parking is non-practical and will cause problems. The tranquility of the area will be affected.

MANAGER: TOWN AND REGIONAL PLANNING

Section 36(1) states that any application under Chapters II and III shall be refused solely on the basis of a lack of desirability of the contemplated utilisation of the land concerned (including the guideline proposals in a relevant structure plan, insofar it relates to desirability), or on the basis of its effect on existing rights (except any alleged right to protection against trade competition)."

Section 36(2) then goes further to determine that where an application is not refused in terms of 36(1), only the following aspects are seen as relevant particulars when assessing the application:

Safety and welfare of the community, preservation of the natural and developed environment, or the effect on existing rights (except protection against trade competition).

From a town planning point of view, the department is in favour of the application, reasons being:

1. Additional job opportunities will be created as part of the facility.
2. A basic assessment in terms of the National Environmental Management Act, 1998(Act No. 107 of 1998) will not be required, since none of the regulations are triggered.
3. The subject property falls within the commercial corridor that has been identified along Main Road. The application furthermore not only promotes economic development for the community and tourism aspect of Struisbaai, it also keeps in line with the Cape Agulhas Spatial Development Framework.
4. The proposed development will be done within the parameters of the Single Residential Zone zoning, even though the zoning that is applied for allows for more intensive development. This is being done not only to minimise negative impacts, but also to keep in aesthetic harmony of surrounding areas.
5. Considering that a number of offices have been established along Main Road and within close proximity of the subject property, the proposal for land use is compatible with the character of the surrounding environment.
6. The operations of the proposed shop will be limited to normal office hours and no negative impact will be expected after 17h00. The commercial component of the proposal will then not negatively impact the surrounding residential properties.
7. As far as the impact on service infrastructure is concerned, the subject property in terms of its water-, electrical- and sewage system is already connected and existing on the property. No additional impact is anticipated.

CONDITIONS FOR APPROVAL**City Planning**

- a) The property be revalued and accordingly taxed.
- b) All land use restrictions in terms of the Cape Agulhas Intergrated Zoning Scheme be complied with.
- c) The main use of the erf shall be used for Local Business Zoned purposes.
- d) The applicant / owner / developer note that the rezoning approval will lapse within two years of the date of this letter, if all the conditions are not met.
- e) Noise not more than 60 dB.
- f) No windows on the southern side of the building.
- g) No electrical motors on the southern and lateral side of the building (i.e air conditioners, computers, etc.).

Building Division

- h) Building plans of any alterations or any new buildings and structures be submitted to Council for consideration by the Aesthetic Committee and for consideration by the building committee before construction commences.
- i) All advertising or tourism signs, to be according to the Council's specifications.
- j) On-premises advertising signs or similar notice of any kind shall be made solely in accordance with the Council's policy.
- k) A Site Development Plan with regard to the provision of adequate on-site parking to be submitted to Council.

General Services

- l) The applicant / owner / developer at his own expense be responsible for all internal and external services that may result from this application.
- m) The applicant / owner / developer to negotiate with the relevant adjoining owners, if any servitudes need to be registered.
- n) Any existing servitudes from the title deeds to be maintained.
- o) Amendment to Municipal infrastructure to be for the applicant / owner / developer's cost, including all connections and supervision costs.
- p) All service standards relating to the development must meet the "Guidelines for the provision of Engineering Services and Amenities in Residential Township Development" and "the latest SABS 1200 Series Standardised Specifications".

Parking and Streets

- q) Parking must be at least 5.0 x 2.5 meters in size and clearly defined and demarcated to the satisfaction of the Council and Department of Transport and Public Works and it should be on-site.
- r) Parking must be provided to accommodate disabled individuals and for on- and off-loading of goods.

Stormwater and Water

- s) Stormwater onto the site and from the site to be handled by the applicant / owner / developer at his own expense.
- t) Increasing of the water supply network to be for the applicant / owner / developer's account.

Cleansing and Purification

- u) Refuse should be stored at a place to the satisfaction of the building committee and the Head Cleansing and Purification.
- v) The applicant / owner / developer is responsible for the provision of refuse containers on site that is aesthetically acceptable to the Aesthetic Committee.

Other departments and institutions

- w) Compliance with health requirements as determined from time to time by the Overberg District Municipality: Department of Environmental Health.

Post and Telecommunications

- x) Compliance with the conditions for granting a Telkom 'wayleave'. Any electrical work at Telkom poles or overhead cables must meet the requirements of Section 88 of the Act, post offices, Act 44 of 1985 and meet the "Code of Practice for Overhead Lines in South Africa". The conditions for granting a Telkom "wayleave" to be met.
- y) The owner / developer to negotiate with the Department of Posts and Telecommunications for the underground installation of a telephone network.

Nuisance

- z) No noise may be permitted causing a nuisance to neighbours.
- aa) No activities resulting in a public nuisance may be exercised.

MAYORAL COMMITTEE

On 23 July 2015 the Mayoral Committee took the following decision (MC130/2015):

- (i) *That Council approves the following, subject to the removal of restrictive conditions:*
1. *Rezoning of Erf 264 Struisbaai in terms of Section 17 of the Land Use Planning Ordinance, 1985 from Single Residential Zone to Local Business Zone.*
 2. *Departure of the prescribed parking requirements on Erf 264 Struisbaai in terms of Section 15 of the Land Use Planning Ordinance, 1985.*

- (ii) *That Council supports the following:*

Removal of restrictive title condition applicable to Erf 264, 55 Main Road, Struisbaai in order to allow the owner to operate a furniture- and coffee shop on the property.

- (iii) *Above-mentioned approval is subject to the City Planning Conditions, as laid down in Article 42 of the Land Use Planning Ordinance, 1985 (Ordinance 15 of 1985).*
- (iv) *That the applicant / owner be shown on their right to appeal to Council , under the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).*
- (v) *That the applicant / owner and objectors must be informed accordingly.*

MAYORAL COMMITTEE

On 21 October 2015 the Mayoral Committee took the following decision (MC200/2015):

- (i) That Council approves the following additional conditions to the rezoning approval of Erf 264 Struisbaai of Mayoral Committee decision on 23 July 2013 (MC130/2015):
1. No liquor trading on-site.
 2. The building at the back of the site be demolished in order to make provision for parking.
 3. A 15 cm curb be erected by the property owner in front of the subject property and in front of the two adjoining properties.
 4. Trading hours be between 8h00 and 17h00.
 5. The site be used for a coffee shop on the first floor and a furniture shop in the ground floor.
- (ii) That the applicant / owner and objectors must be informed accordingly.

SYSTEMS ACT APPEAL

On 30 October 2015 the applicant was informed of Council's decision. The following summarized appeal was received on 17 November 2015 (see Annexure B on page 34):

	APPEAL	COMMENTS
1.	Why was a second report submitted to the Executive Mayoral Committee? No reasons were provided. No valid reason exists why the decision of the Executive Mayoral Committee dated 23 July 2015 needs to be amended.	The approval was compared with the application and it was felt that some conditions were left out.
2.	The Executive Mayoral Committee's decision was functus officio.	Functus Officio: Having fulfilled the function, discharged the office, or accomplished the purpose, and therefore of no further force or authority. Where a statute authorizes variations of the original decision, the decision maker may revisit his or her previous decision.

		From a Town Planning point of view the decision of the Mayoral Committee was not <i>functus officio</i> because in the case referred to it states that it does not adhere to every type of administrative action.
3.	Council may either confirm, vary or revoke the decision subject to any rights that may have accrued to a person. Only Council may confirm, vary or revoke the decision.	Therefore, this report to Council.
4.	No liquor trading on site – rights accrued will be affected.	Application was made for furniture and coffee shop (27 February 2015). Approval was granted for Local Business Zone. Liquor license application was also submitted before removal of restrictive conditions were dealt with by Province.
5.	Building at the back be demolished.	Site Development Plan submitted to Council showing no building at the back (see Annexure C on page).
6.	15cm curb in front of the building – the rights accrued will be affected.	No rights have been accrued as the site development plan does not indicate any parking in the front of the building. No other site development plan was submitted to Council.
7.	Site be use for coffee shop on first floor and furniture shop on ground floor	Surrounding property owners were informed of a furniture shop and coffee shop; therefore the intention was not to have a restaurant. Primary rights are therefore not limited.
8.	Time limit did not allow us to apply for the reasons in terms of the Promotion of Administrative Justice Act, 3 of 2000.	30 days were allowed for the appeal to be submitted. No telcon or e-mail was received in this regard to obtain additional information.

MANAGEMENT RECOMMENDATION

- (i) That Council do not upheld the appeal under the provisions of Section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) and therefore suffice with the decisions of the Mayoral Committee taken on 23 July 2015 (MC130/2015) and 21 October 2015 (MC200/2015).
- (ii) That the appellant be informed accordingly.

BESLUIT 289/2015

That the matter be referred back in order to ensure that the report to Council specifically address the grounds for appeal.

10.2.7 **STELSELSWETAPPÈL - VERGUNNING EN AFWYKING: ERF 129, HOOFWEG, STRUISBAAI (S129 - BSSB) (WYK 5)**

DOEL VAN VERSLAG

Die evaluering van bogenoemde aansoek ingevolge die bepalinge van artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000). Die ligging van die eiendom word aangetoon op die plan aangeheg as Bylaag A op bladsy 44.

ALGEMENE INLIGTING

Bestaande Sonering : Dientsstasie
 Huidige gebruik : Vulstasie
 Grootte : 3965m²

AGTERGROND

Die aansoek het die volgende behels:

1. Afwyking ingevolge Artikel 15 van die Ordonnansie op Grondgebruiksbeplanning, Ordonnansie 15 van 1985 van die 8 meter hoogtebeperking na 30 meter.
2. Vergunning op Erf 129, Struisbaai ingevolge die Ordonnansie op Grondgebruiksbeplanning, Ordonnansie 15 van 1985 vir 'n Telekommunikasie Basisstasie.

ADVERTERING

Die aansoek is op 10 Julie 2015 in die Provinsiale Koerant en in die Plaaslike koerant geadverteer - sluitingsdatum was 11 Augustus 2015. Skrywes is op 10 Julie 2015 aan die Suidpunt Belastingbetalersvereniging, Kaap Agulhas Sakekamer, Departement Vervoer en Publieke Werke en die omliggende eienaars per geregistreerde pos gestuur.

UITVOERENDE BURGEMEESTERSKOMITEE BESLUIT

Op 27 Oktober 2015 neem die Uitvoerende Burgemeesterskomitee die volgende besluit (BK196/2015):

“Dat, inaggenome van besware ontvang asook die visuele impak wat die oprigting van so ‘n basisstasie op genoemde perseel sal hê, die aansoeker versoek word om na alternatiewe persele te kyk, waarna die Raad dit weer sal oorweeg.”

STELSELSWET APPÈL

Op 19 November 2015 ontvang die Raad die appèl van die aansoeker. Die appèl word aangeheg as Bylaag B op bladsy 44 tot 55.

BESTUURSAANBEVELING

- (i) Dat die Raad die appèlaansoek ingevolge die bepalinge van artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) nie handhaaf nie en dat die Raad volstaan by die besluit wat geneem was op 27 Oktober 2015 tydens die Uitvoerende Burgemeesterskomitee.
- (ii) Dat die aansoeker / eienaar en beswaarmaker dien ooreenkomstig ingelig word.

BESLUIT 290/2015

Dat die item terugverwys word om te verseker dat die verslag na die Raad spesifiek die gronde van appèl aanspreek.

10.2.8 **STELSELSWETAPPÈL- VERGUNNING EN AFWYKING: ERF 654, DU TOITSTRAAT 2, BREDASDORP (15/5/3 - BSSB) (WYK 4)**

DOEL VAN VERSLAG

Die evaluering van bogenoemde aansoek ingevolge die bepalinge van artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000). Die ligging van die eiendom word aangetoon op die plan aangeheg as Bylaag A op bladsy 56.

ALGEMENE INLIGTING

Bestaande Sonering	:	Sake
Bestaande Grondgebruik	:	Winkel
Voorgestelde Aansoek	:	Vergunning vir 'n telekommunikasie basisstasie en afwyking van die 16 meter hoogtebeperking na 25 meter
Oppervlakte van Erf	:	1864m ²

DIE EIENDOM

Die eiendom word ingevolge die Titelakte beskryf as “Erf Nr. 654, Bredasorp, in die Munisipaliteit en Afdeling van Bredasorp. GROOT: Eenduisend Agthonderd Vier en Sestig (1864) Vierkante meter.”

AGTERGROND

Die aansoek het die volgende behels:

1. Vergunning op erf 654, Bredasorp ingevolge die Ordonnansie op Grondgebruiksbeplanning, Ordonnansie 15 van 1985 vir 'n Telekommunikasie Basisstasie.
2. Afwyking ingevolge Artikel 15 van die Ordonnansie op Grondgebruiksbeplanning, Ordonnansie 15 van 1985 van die 16 meter hoogtebeperking na 25 meter en die kantboulyn van 3 meter na 0.5 meter.

ADVERTERING

Die aansoek is op 10 Julie 2015 in die Provinsiale Koerant en in die plaaslike koerant geadverteer. Skrywes is aan Bredasorp GPF, Estetiese en Bewaringskomitee, Departement van Gesondheid, Telkom, Toerisme, Departement van Omgewingsake en Ontwikkelingsbeplanning, ODM, DENEL, Lugmagbasis, Bredasorp Belasting betalersvereniging, KAM Sakekamer, Breede Overberg, Padnetwerkbestuur en omliggende eienaars gestuur vir kommentaar.

UITVOERENDE BURGEMEESTERSKOMITEE BESLUIT

Op 27 Oktober 2015 neem die Uitvoerende Burgemeesterskomitee die volgende besluit (BK202/2015):

“Dat, inaggenome van besware ontvang asook die visuele impak wat die oprigting van so 'n basisstasie op genoemde perseel sal hê, die aansoeker versoek word om na alternatiewe persele te kyk, waarna die Raad dit weer sal oorweeg.”

STELSELSWET APPÉL

Op 19 November 2015 ontvang die Raad die appél van die aansoeker. Die appél word aangeheg as Bylaag B op bladsy 57 tot 62.

BESTUURSAANBEVELING

- (i) Dat die Raad die appélaansoek ingevolge die bepalinge van artikel 62 van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000) nie handhaaf nie en dat die Raad volstaan by die besluit wat geneem was op 27 Oktober 2015 tydens die Uitvoerende Burgemeesterskomitee.
- (ii) Dat die aansoeker / eienaar en beswaarmaker dienooreenkomstig ingelig word.

BESLUIT 291/2015

Dat die item terugverwys word om te verseker dat die verslag na die Raad spesifiek die gronde van appél aanspreek.

10.3 **GEMEENSKAPSDIENSTE / COMMUNITY SERVICES**

10.3.1 **PROPOSED DRAFT LAND INVASION POLICY (DCS)**

PURPOSE OF REPORT

The Mayoral Strategic Planning session of 2014/2015 identified land invasion as one of the potential strategic risk for both municipal and private won land. A policy to deal with land invasion had to be developed by Management for Council approval and adoption.

LEGISLATIVE BACKGROUND

1. The Constitution of the RSA, 1996
2. Prevention of illegal eviction from Unlawful Occupation of and Act 19 of 1998 (PIE ACT)

DISCUSSION

In anticipation of the potential for land invasion, Cape Agulhas Municipality does not have a policy and procedures to handle such eventuality. The draft proposed policy is hereby tabled for consideration and finally adopted by Council (see page 63 to 69).

MANAGEMENT RECOMMENDATION

- (i) That Council considers the draft policy.
- (ii) That the policy be circulated for public comment and finally for Council to consider the input and adopt the policy.

RESOLUTION 292/2015

- (i) That Council approves the draft policy.
- (ii) That the policy be circulated for public comment and finally for Council to consider the input and adopt the policy.

10.3.2 **PROTEM SOUP KITCHEN (DCS)**

PURPOSE OF REPORT

To inform Council about the amount of R5 819,39 that is left from the Protem soup kitchen project.

BACKGROUND

Council awarded R10 000,00 to Protem for the establishment of a soup kitchen for a period of three months. The project was in operation for one and a half months only because the cooks accepted seasonal work. This resulted that the project ended before the projected period.

MANAGEMENT RECOMMENDATION

For Council to make a resolution on the remaining funds.

BESLUIT 293/2015

Die Raad neem kennis van die besparing van R5 819,39 ten opsigte van die Protem sopkombuis.

10.4 FINANSIËLE DIENSTE

10.4.1 AANSOEK OM FINANSIËLE ONDERSTEUNING: HARTKLOP CHRISTUSFEES (5/18/1)

DOEL VAN VERSLAG

Oorweging van 'n aansoek om finansiële ondersteuning aan die Hartklop Christusfees, soos per aangehegte skrywes op bladsy 70 tot 72.

AGTERGROND

Die Hartklop Christusfees is 'n nie-winsgewende organisasie gemik op die gesamentlike aanbidding van die Drie Enige God. Die Hartklop Christusfees is inter-denominaal en word nou reeds tien jaar met groot sukses aangebied.

Nie alleen is die Hartklop Christusfees 'n waardevolle meganisme in die regering se gestelde doelwit om morele herlewing in die Suid-Afrikaanse gemeenskappe aan te moedig nie, maar bevorder dit ook sosiale kohesie binne die Kaap Agulhas gemeenskappe. Gemeenskappe reik uit na mekaar en smee bande van versoening wat die gemeenskap op vele ander velde baat.

Die fees se aanbieding beloop nagenoeg R80 000,00 en word hierdie fondse vanuit die gemeenskap ge-in.

Kaap Agulhas Munisipaliteit het in die verlede 'n finansiële bydrae tot die aanbied van die fees gemaak en het die Hartklop Christusfees die Raad genader om weer eens finansiële steun aan hul te bied.

Die Wet op Plaaslike Regering: Beheer oor Munisipale Finansies, 2003 (Wet No 56 van 2003) omskryf in artikel 67 die bepalings rondom die oordrag van fondse aan instansies buite die regeringsfeer.

FINANSIËLE IMPLIKASIE

Die Raad het die vorige boekjaar R40 000,00 vanuit die Bemerkingsfonds bewillig (R73 000,00 huidiglik nog beskikbaar).

BESTUURSAANBEVELING

Dat die Raad dit oorweeg om weer 'n bydrae uit die Bemerkingsfonds te maak.

AANBEVELING: KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: CORPORATE SERVICES COMMITTEE

Dat die aangeleentheid na die Raad verwys word vir oorweging.

BESLUIT 294/2015

Dat die bedrag van R40 000,00 uit die Bemerkingsfonds aan die Hartklop Christusfees toegeken word.

10.4.2 LOUDITEUR-GENERAAL 2014/15 BEVINDINGE AKSIEPLAN (OPCAR)

DOEL VAN VERSLAG

Om die voorgestelde aksieplan ten opsigte van die bevindinge voortspruitend uit die Ouditeur-Generaal (OG) se oudit op die 2014/15 finansiële jaar aan die Raad voor te lê vir oorweging.

AGTERGROND

Alhoewel die munisipaliteit 'n "skoon" oudit gekry het met die OG se oudit op die 2014/15 finansiële jaar, het daar nogtans 'n aantal bevindinge uitgekome wat aandag moet geniet en waarvoor 'n bestuursaksieplan opgetrek moet word om die bevindinge aan te spreek.

Die voorgestelde aksieplan is opgestel in samewerking met die interne ouditeur en ander bepaalde rolspelers, insluitende die Munisipale Bestuurder. Die plan bevat ook detail oor die onderliggende redes vir die bevindinge (soos deur die OG in hulle bevindinge gemeld) en werkbare aksies om te verseker dat doelgerigte en effektiewe korrektiewe maatreëls ingestel word om die bevindinge op te los en behoorlike kontroles in plek te stel.

Die konsep aksie plan soos voorgelê dui ook aan wat se vordering reeds gedoen is soos op 30 November 2014.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIES

Geen.

BESTUURSAANBEVELING

- (i) Dat die voorgestelde aksieplan oorweeg en deur die Raad aanvaar word vir onmiddellike implementering daarvan.
- (ii) Dat 'n vorderingsverslag maandeliks aan die Raad voorgelê word vir oorweging.

BESLUIT 295/2015

Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.

11. **ITEMS DEUR DIE UITVOERENDE BURGEMEESTER / -BURGEMEESTERSKOMITEE NA DIE RAAD VERWYS VIR OORWEGING**

11.1 **OORWEGING VAN AANSOEKE OM DONASIES (5/18/1 - BM/DFD)**

DOEL VAN VERSLAG

Om die aansoeke om donasies wat in terme van die Donasiebeleid ontvang is te oorweeg.

AGTERGROND

Aansoeke om donasies in terme van die Raad se Donasiebeleid is soos per aangehegte skedule op bladsy 73 tot 75 gedoen.

FINANSIËLE IMPLIKASIES

R110 000,00 is begroot vir 2015/2016. Daar is 36 instansies wat kwalifiseer in terme van die Raad se Donasiebeleid en wat elk R3 000,00 kan ontvang.

BESTUURSAANBEVELING

Dat die Uitvoerende Burgemeesterskomitee die volgende aansoeke oorweeg:

1. Kindersorg : Liefdesnessie Dienssentrum
2. Kindersorg : Suiderster Bejaarde Klub
3. Kindersorg : Bredasdorp
4. Kindersorg : Nompumelelo
5. Kindersorg : Lesedi Educare
6. Kindersorg : Struisies Day Care
7. Kindersorg : Kaap Agulhas Tuisversorging
8. Kindersorg : Kammaland Versorgingsoord
9. Kindersorg : Emmanuel Dienssentrum
10. Kindersorg : Napier Nuwerus Nasorg
11. Kindersorg : Napier
12. ACVV
13. ACVV : Ons Huis
14. ACVV : Suideroord
15. ACVV : Dienssentrum
16. ACVV : Strandloper-tjie Dienssentrum
17. ACVV : Gesondheid en Welsymkomitee
18. Huis Klippedrift
19. Babbel en Krabbel Kleuterskool
20. Wieg-gel en Wag-gel
21. Lions Klub Bredasdorp
22. Hoërskool Bredasdorp Joshua Groep
23. Napier Netbalklub
24. Napier Rygby Klub
25. Bredasdorp Krieketklub
26. Overberg Development Assosiation
27. Community Police Forum
28. Zoetendal Akedemie
29. Geluksoord Dienssentrum Elim
30. Otto du Plessis Hospitaal
31. Kaap Agulhas Noodspens
32. Kaap Agulhas Gesondheid en Welsyn
33. Bredasdorp Voeding en Ontwikkeling Sentrum
34. Sea Hawks Rugby Klub
35. Rangers Rugby Klub
36. Bredasdorp Jukskei Klub

UBK BESLUIT BK227/2015: 1 DESEMBER 2015

- (i) Dat bogenoemde organisasies se aansoeke ondersteun word.
- (ii) Dat elk van die organisasies, ingevolge die Donasiebeleid, 'n bedrag van R3 000,00 sal ontvang.
- (iii) Dat die aangeleentheid na die Raad verwys word vir goedkeuring.

BESLUIT 296/2015

- (i) Dat bogenoemde organisasies se aansoeke goedgekeur word.
- (ii) Dat elk van die organisasies, ingevolge die Donasiebeleid, 'n bedrag van R3 000,00 sal ontvang.

11.2 **AANSOEK OM OPRIGTING VAN TYDELIKE SELFOON (VODACOM) BASISSTASIE TE WAENHUISKRANS MUNISIPALE OORD (DKD) (WYK 5)**

DOEL VAN VERSLAG

Om oorweging te skenk aan die versoek van Vodacom vir 'n tydelike selfoon basisstasie op erf 150, Waenhuiskrans Munisipale Oord. Die liggingsplan is aangeheg op bladsy 76.

ALGEMENE INLIGTING

Eienaars	:	KAM
Huidige sonering	:	Oord
Bestaande grondgebruik	:	Kampeerterrein
Voorgestelde grondgebruik	:	Basisstasie
Voorgestelde oppervlakte	:	48m ²

AGTERGROND

Vodacom se aansoek is aangeheg op bladsy 77. 'n Terreinbesoek het plaasgevind met Vodacom, Myburgh Briers en Piet Everson, waar moontlike erwe geïdentifiseer was.

DEPARTEMENTELE KOMMENTAAR

MUNISPALE BESTUURDER

Geen probleem solank wetlike vereistes gevolg word.

DIREKTEUR: GEMEENSKAPSDIENSTE

No objections.

ASSISTENT DIREKTEUR: ELEKTROMEGANIESE DIENSTE

Sodra hulle ons die nodige inligting gee, sal ons die elek punt opgradeer om hulle te akkomodeer.

DIREKTEUR: SIVIELE INGENEURSWESE

Geen beswaar.

BESTUURDER: STRATEGIESE DIENSTE

The application is supported.

BESTUURDER: BOUBEHEER

Aansoek word ondersteun. Daar moet aan die voorwaardes soos vir die ander oorde gestel voldoen word.

BESTUURDER: ADMINISTRATIEWE DIENSTE

As dit reeds bestaan, moet ons 'n agendapunt voorberei.

FINANSIËLE IMPLIKASIES

Huurinkomste vir die Raad.

WETLIKE IMPLIKASIES

Council policy	Alienation of land
MFMA	<ol style="list-style-type: none"> Sect 14(2)(a): asset not required for minimum level of basic services. Sect 14(2)(b): consider fair market value and economic and community value to be received in exchange for the asset. Items in 1 and 2 only to be complied with if the asset to be transferred is a high value asset (see definition of MATR below). Sect 33: Contracts having long term financial implications.
MATR	<ol style="list-style-type: none"> Definition of "high value asset": <i>"fair market value of the capital asset exceeds any of the following amounts:</i> <ol style="list-style-type: none"> R50 million; One percent of the total value of the capital assets of the municipality.... An amount determined by resolution of the council of the municipality which is less than (a) or (b). Definition of "realisable value": fair market value <u>less</u> estimated costs of completion. Definition of "right to use, control or manage": when granting such rights do not amount to permanent transfer or disposal. Regulation 5 (decision-making). Regulation 6 (public participation)
SCM Regulations SCM Policy	Regulation 40: (Disposal Management) Project for job creation, skills development, poverty alleviation and economic growth
Systems Act (public participation)	<p>Section 21A: (1) All documents that must be made public by a municipality in terms of a requirement of this Act, the Municipal finance Management Act or other applicable legislation, must be conveyed to the local community:</p> <ol style="list-style-type: none"> by displaying the documents at the municipality's head and satellite offices and libraries; by displaying the documents on the municipality's official website, if the municipality has a website as envisaged by section 21 B; and by notifying the local community, in accordance with section 21, of the place, including website address, where detailed particulars concerning the documents can be obtained.
Town Planning legislation	All surrounding property owners be informed of the temporary use of the site.

BESTUURSAANBEVELING

- Dat toestemming verleen word vir die oprigting van 'n tydelike selfoonbasis te Waenhuiskrans Oord gedurende seisoentye.
- Dat die oprigting vooraf met die Assistent Direkteur: Elektromeganisese Dienste uitgeklaar word.
- Dat die aansoeker verantwoordelik sal wees vir elektrisiteitsverbruik gedurende hierdie tydperk.
- Dat 'n dagtarief gehef word vir die staanplek waarop die toring aangebring sal word.

UBK BESLUIT BK222/2015: 1 DESEMBER 2015

- Dat die Bestuursaanbeveling as besluit van die Burgemeesterskomitee aanvaar word.
- Dat 'n dagtarief vir genoemde perseel asook die versoek vir Struisbaai en L'Agulhas, bepaal word.
- Dat die aangeleentheid na die Raad verwys word vir goedkeuring.

BESLUIT 297/2015

- Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.
- Dat 'n dagtarief vir genoemde perseel asook die versoek vir Struisbaai en L'Agulhas, bepaal word.

11.3 **VERSLAG VAN DIE DIREKTEUR: FINANSIËLE DIENSTE VIR OKTOBER 2015 / REPORT FROM THE DIRECTOR: FINANCIAL SERVICES FOR OCTOBER 2015**

Aangeheg op bladsy 78 tot 120. / Attached on page 78 to 120 .

BESTUURSAANBEVELING / MANAGEMENT RECOMMENDATION

Dat die maandverslag van die Direkteur: Finansiële Dienste vir Oktober 2015 aanvaar word.
That the monthly report of the Director: Financial Services for October 2015 be accepted.

UBK BESLUIT BK224/2015: 1 DESEMBER 2015

Dat die verslag aan die Raad voorgelê word sodat Raadslede genoegsame tyd gegun word om die dokument te bestudeer.

BESLUIT 298/2015

Dat die Raad kennis neem van die maandverslag van die Direkteur: Finansies vir Oktober 2015.

11.4 **TABLING OF REPORT: MEC I MEYER (MAYOR)**

PURPOSE OF REPORT

To table the report of MEC Meyer emanating from a meeting held with all MayCo members responsible for finance.

BACKGROUND

The MEC for Finance in the Western Cape, Dr Ivan Meyer, held a meeting with all MayCo Members responsible for finance in the municipalities in the province on 12 October 2015 at Goudini Spa in Rawsonville. The meeting was attended by Alderman Richard Mitchell who is responsible for the finance portfolio at Cape Agulhas Municipality.

The purpose of the above-mentioned meeting was to support the mayoral committee members of finance in the respective municipalities with the execution of their oversight responsibilities in ensuring sound financial management systems and procedures. It was also agreed that the MEC would generate a report that needs to be tabled at all councils to ensure consistency.

Attached on page 121 to 129 is the report sent by the MEC. Paragraph 5 of the report contains specific resolutions that were taken at the meeting which states specific responsibilities of MayCo members as well as the provincial treasury.

FINANCIAL IMPLICATIONS

None at present. Oversight is to be exercised as part of the day to day activities of the MayCo.

MANAGEMENT RECOMMENDATION

- (i) That Council notes the contents of the report.
- (ii) That the Mayor, in terms of oversight, and the CFO, in terms of implementation, be responsible for the implementation of the outcomes of the report.

UBK BESLUIT BK226/2015: 1 DESEMBER 2015

Dat die aangeleentheid na die Raad verwys word vir oorweging.

RESOLUTION 299/2015

- (i) That Council notes the contents of the report.
- (ii) That the Mayor, in terms of oversight, and the CFO, in terms of implementation, be responsible for the implementation of the outcomes of the report.

12. **AANVULLENDE ITEMS DEUR DIE RAAD HANTEER**12.1 **PROPOSED LONG-TERM DEBT APPLICATION (DFS)****PURPOSE OF REPORT**

The purpose of this report is for council to consider the proposed long-term debt application to the total amount of R5,33m as approved by the bid adjudication committee on 22 October 2015.

In its consideration of the long-term debt application approved by the bid adjudication committee, it will be imperative for Council to take into account all inputs received from the public, National and Provincial Treasury as prescribed in terms of section 46 of the MFMA.

BACKGROUND

Tenders for long-term debt to the total amount of R5,33m were invited from various banks and / or borrowing institutions to fund the following specified items Upgrade of Ablution Facility – Old Nostra; Purchase of Sewer Truck; Purchase of “Rolbesem”; Purchase of Pedestrian Roller (1 Ton); Purchase of Pedestrian Roller (1 Ton); Purchase of Light Delivery Vehicle and Purchase Jetcleaner as per approved 2015/16 financial year budget informed in terms of the conditions / specifications approved by Council during July 2015.

Particulars of the approved long term debt application are as follows:

Purpose of Borrowing	Type / Method of Borrowing	Service of External Loan	Repayment period / Interest Rate	Anticipated External Loan application	Anticipated Total Cost of External Loan	Anticipated Annual Installment
Upgrade of Ablution facility – Old Nostra	Direct borrowing from ABSA Bank calculated on annuity method	Half Yearly	10 Years at a fixed interest rate of 10,00%	R3,600,000	R5,784,377	R 577,746-62
Sewer Truck	Direct borrowing from ABSA Bank calculated on annuity method	Half Yearly	5 Years at a fixed interest rate of 9,45%	R 800,000	R 989,802	R 204,449-20
“Rolbesem”	Direct borrowing from ABSA Bank calculated on annuity method	Half Yearly	5 Years at a fixed interest rate of 9,45% 5 Years	R 300,000	R 374,563	R 76,648-92
Pedestrian Roller (1 Ton)	Direct borrowing from ABSA Bank calculated on annuity method External Loan	Half Yearly	5 Years at a fixed interest rate of 9,45% 5 Years	R 200,000	R 251,515	R 51,112-30
Light Delivery Vehicle	Direct borrowing from ABSA Bank calculated on annuity method External Loan	Half Yearly	5 Years at a fixed interest rate of 9,45% 5 Years	R 180,000	R 226,906	R 46,001-06
Jetcleaner	Direct borrowing from ABSA Bank calculated on annuity method	Half Yearly	5 Years at a fixed interest rate of 9,45% 5 Years	R 250,000	R 313,039	R 63,890-38
Total Long-term Application:				R5,330,000	R7,940,202	R1,019,848-48

A once-off administration charge to the total value of R10,285 is applicable in respect of purchase of the Sewer Truck, "Rolbesem", Pedestrian Roller, Light Delivery Vehicle and the Jetcleaner and not included as part of the above mentioned total cost of the external loan calculation.

In terms of section 46(3)(a)(ii) of the MFMA the public as well as National and Provincial Treasury were invited through publication in the two local news papers – Overberg Gazette / "Suidernuus", notice boards and the municipal website on 30 October 2015. National and Provincial Treasury was also informed in a formal written letter dated 16 November 2015 together with supporting documentation as per National Treasury circular no 26 borrowing checklist requirements.

The municipality only received an enquiry from Mr Patrick Tompkins on 30 October 2015 requesting more detail to the nature of capital goods the municipality wishes to acquire in order to submit any comments regarding the raising of the proposed long term debt.

LEGAL IMPLICATION

Non-compliance to prescribed legislation and external loan conditions.

FINANCIAL IMPLICATION

The total estimated borrowing cost in respect of the 2015/16 budget year amounts to R2,93m whilst the total borrowing application inclusive of the two other years for the Old Nostra project amounts to R5,33m.

Cost implication to service the external loan up to the end of June 2016 will not exceed the estimated amount of R509,924 subject to the date of finalizing the loan agreement and transfer of funds.

The Municipal Manager, in consultation with the Director: Finance, recommends as follows:

MANAGEMENT RECOMMENDATION

Council considers proceeding with the long term debt application to the total estimated amount of R5,33m from ABSA Bank as approved by the bid adjudication committee based on the specifications and guidelines determined by Council during July 2015.

RESOLUTION 300/2015

That the Management recommendation be accepted as a resolution of Council.

12.2 **PROPOSED LONG-TERM FINANCIAL PLAN STRATEGY (DFS)**

PURPOSE OF REPORT

The purpose of this report is for council to consider the proposed long-term financial plan strategy for consideration and approval.

BACKGROUND

A long-term financial plan has been completed by INCA Portfolio Managers during May 2015 and submitted to council for adoption during June 2015.

Council at the meeting held on 30 June 2015 resolved that a strategy been developed based on the recommendations made by INCA Portfolio Managers in order to be workshop before final submission to council for consideration / approval of the long-term financial plan.

The workshop took place during October 2015 as part of the Executive Mayor's Strategic Session and it was resolved based on the discussions held to submit the long-term financial plan strategy at the next council meeting for consideration. (The proposed long-term financial plan strategy is attached as **Annexure A** for council's consideration.

LEGAL IMPLICATION

Non-compliance to prescribed legislation and external loan conditions.

FINANCIAL IMPLICATION

Proposals to be incorporated as part of the 2015/16 MTREF budget consideration as per set targets for implementation subject to availability of funding.

The Municipal Manager, in consultation with the Director: Finance, recommends as follows:

MANAGEMENT RECOMMENDATION

Council considers approval of the long term financial plan strategy submitted as Annexure A.

RESOLUTION 301/2015

That Council approves the long term financial plan strategy submitted as Annexure A.

12.3 **RECOVERING OF AND / OR WRITING OFF UNAUTHORISED, IRREGULAR OR FRUITLESS AND WASTEFUL EXPENDITURE FOR 2014/15 FINANCIAL YEARS (DFS)**

PURPOSE OF REPORT

The purpose of this report is for council to investigate any unauthorised, irregular or fruitless and wasteful expenditure that have been incurred for the period September 2014 to June 2015 as well as based on the final audit outcome report in respect of the 2014/15 financial year for approval and / or to be written off.

BACKGROUND

In terms of section 32(1) of the MFMA any political office-bearer or official of a municipality is liable for unauthorized expenditure if -

- An office-bearer knowingly or after having been advised by the accounting officer that the expenditure is likely to result in unauthorized expenditure, instructed an official of the municipality to incur the expenditure;
- The accounting officer deliberately or negligently incurred unauthorized expenditure, subject to subsection (3) whereby the accounting officer has informed the Council in writing that the expenditure is likely to be unauthorized , irregular or fruitless and wasteful expenditure;
- Any political office-bearer or official deliberately or negligently committed, made or authorized an irregular expenditure; or
- Any political office-bearer or official deliberately or negligently made or authorized a fruitless and wasteful expenditure.

Furthermore section 32(2) of the MFMA prescribes that a municipality must recover unauthorized, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure -

- (a) in the case of unauthorized expenditure, is -
- (i) authorized in an adjustment budget; or
 - (ii) certified by the municipal council, after investigation by a council committee, as irrecoverable and written off by the council; and
- (b) in the case of irregular or fruitless and wasteful expenditure, is, after investigation by a council committee, certified by the council as irrecoverable and written off by the council.

A list of identified unauthorized, irregular, fruitless and wasteful expenditure has been submitted for the months of July 2014 and August 2014 to council to investigate the possibility to either recover or certify as irrecoverable and write off. During the financial year end process and the final audited outcome report a number of unauthorized, irregular, fruitless and wasteful expenditure have been identified for further investigation by council / MPAC in order to either recover or certify as irrecoverable and write off as prescribed in terms of the above mentioned legislation. Attached as **Annexure A** the updated register in respect unauthorized, irregular, fruitless and wasteful expenditure for the period September 2014 to June 2015 for Council's investigation and / or verification.

Following the final list of unauthorized and irregular expenditure (Operating & Capital) in respect of the 2014/15 financial year:

2014/15: Unauthorised Expenditure Operating

	2015 R (Actual)	2015 R (Budget)	2015 R (Variance)	2015 R (Unauthorised)
<u>Unauthorised expenditure current year - operating</u>				
Executive and Council	14 743 988	14 489 901	254 087	254 087
Budget and Treasury Office	31 334 448	31 124 784	209 664	209 664
Corporate Services	21 030 047	22 669 956	(1 639 909)	-
Community and Social Services	33 003 436	36 018 176	(3 014 740)	-
Sport and Recreation	8 170 225	8 625 381	(455 156)	-
Public Safety	8 904 557	7 803 779	1 100 778	1 100 778
Road Transport	11 741 302	11 305 082	436 220	436 220
Electricity	66 277 177	68 380 484	(2 103 307)	-
Water	13 801 400	13 037 975	763 425	763 425
Waste Water Management	8 217 010	7 200 857	1 016 153	1 016 153
Waste Management	11 641 486	12 406 434	(764 948)	-
Environmental Protection	346 320	327 819	18 501	18 501
Other	3 385 093	4 913 454	(1 528 361)	-
	232 596 488	238 304 082	(5 707 594)	3 798 828

2014/15: Unauthorised Expenditure Capital

	2015 R (Actual)	2015 R (Budget)	2015 R (Variance)	2015 R (Unauthorised)
<u>Unauthorised expenditure current year - capital</u>				
Executive and Council	71 811	123 170	(51 359)	-
Budget and Treasury Office	848 468	866 740	(18 272)	-
Corporate Services	1 257 994	1 446 150	(188 156)	-
Community and Social Services	1 362 648	1 263 103	99 545	99 545
Sport and Recreation	1 987 216	2 092 800	(105 584)	-
Public Safety	22 154	20 040	2 114	2 114
Road Transport	10 094 387	9 904 600	189 787	189 787
Electricity	2 751 418	2 881 360	(129 942)	-
Water	480 722	785 000	(304 278)	-
Waste Water Management	790 250	773 900	16 350	16 350
Waste Management	36 675 916	36 736 218	(60 302)	-
Other	3 412 494	73 850	3 338 644	3 338 644
	59 755 479	56 966 931	2 788 548	3 646 440

The unauthorized operating expenditure mainly refers to the following non-cash and other cash related items per expenditure category such as Debt Impairment due to increased traffic fines revenue and Depreciation & Asset Impairment in respect of increased cost relating to the L'Agulhas tipsite not in operation anymore.

Whilst the main reason for unauthorized capital expenditure refers to an incorrect classification of a capital project as operating relating to ASLA - Housing Services which has been rectified during the financial year end process as well as the exceeding of the MIG grant in respect of roads.

In order to adhere to applicable legislation and to avoid similar cases to be repeated in future, appropriate procedure and internal budget controls have been identified for implementation as from the 2015/16 financial year. Council have adopted a budget & virement policy effective from 1st July 2014 which been effective to ensure strict budget control and oversight from council's point of view. Request monthly projected revenue / expenditure reports from Heads of Departments / Divisional Heads to be submitted to the Budget Treasury Office to monitor the realistic and credibility of the monthly projections.

2014/15: Irregular Expenditure

		2015 R	2014 R
Incident	Disciplinary steps/criminal proceedings		
<i>Premium Computers - Non-compliance with MFMA section 44.</i>	<i>None</i>	-	247 064
<i>Nashua Mobile (Pty) Ltd - Non-compliance with MFMA section 44.</i>	<i>None</i>	138 292	219 575
<i>Schneider Electric South Africa PTY (LTD) - Non-compliance with MFMA section 44.</i>	<i>None</i>	270 977	-
<i>Identified irregular expenditure in terms of the SCM policy acquisition procedures</i>	<i>None</i>	9 091	-
<i>Non-Compliance relating to Bid Adjudication Committees not in line with SCM Regulation 29 (4)</i>	<i>None</i>	298 737	-
<i>Brasika - Services Rendered after contract have lapsed</i>	<i>None</i>	-	714 931
<i>Thusong Centre - Contract extended with more than 20% of tender award.</i>	<i>None</i>	-	525 475
		717 097	1 707 045

System and procedures have been identified for implementation aligned with the newly approved Supply Chain Management policy effective from the 1st July 2015.

2014/15: Fruitless & Wasteful Expenditure

		2015 R	2014 R
Incident	Disciplinary steps/criminal proceedings		
<i>Interest on late payments</i>	<i>None</i>	2 567	-
<i>Settlement payment relating to unfair dismissal</i>	<i>None</i>	16 000	-
		18 567	-

Investigate reason for late payments and possible recovery due to negligence. Awareness workshops to capacitate non-financial managers / officials involved in the procurement processes and to improve systems to ensure timeous payment creditor accounts.

LEGAL IMPLICATION

Non-compliance if not adhere to the prescripts as stipulated per above mentioned legislation.

FINANCIAL IMPLICATION

In terms of the prescribed legislation a Council must recover any unauthorized, irregular or fruitless and wasteful expenditure deliberately or negligently incurred by a political office-bearer or official of the municipality for which he / she will be held liable after a thorough investigation been completed.

The Municipal Manager, in consultation with the Director: Finance, recommends as follows:

MANAGEMENT RECOMMENDATION

- (i) Council considers the report on unauthorized, irregular, fruitless and wasteful expenditure for the period from September 2014 till the end of June 2015 as per Annexure "A" for recovery or certification as irrecoverable and written off.
- (ii) Council promptly informs the MEC for local government and Auditor-General in writing of the unauthorized, irregular, fruitless and wasteful expenditure incurred by the municipality for the periods under review inclusive of the council resolution on the outcome of finding.
- (iii) Council request the Chief Financial Officer in terms of the approved policy on unauthorized, irregular, fruitless and wasteful expenditure to report promptly on a monthly basis as prescribed.

RESOLUTION 302/2015

- (i) That the Management recommendation be accepted as a resolution of Council.
- (ii) That 2014/2015 fruitless and wasteful expenditure to the amount of R18 567,00 be referred to MPAC for further investigation.

12.4 **AANSOEK OM FINANSIËLE ONDERSTEUNING VIR DIVINE VISION MINISTRIES (BM)**

DOEL VAN VERSLAG

Om 'n aansoek vir finansiële ondersteuning vir die aanbied van 'n evangeliese sangaand deur Divine Vision Ministries, te oorweeg.

AGTERGROND

Divine Vision Ministries beoog om 'n evangeliese sangaand te hou op 26 en 27 Desember 2015. Tydens bogenoemde geleentheid sal daar ook plaaslike talent deelneem. Die kerk het vir Hildegardt White (Bonita van 7 de Laan) as gaskunstenaar genooi. Hulle vra vir finansiële ondersteuning.

BESTUURSAANBEVELING

Dat die Raad bogenoemde finansiële ondersteuning oorweeg vir goedkeuring.

BESLUIT 303/2015

Dat die Raad nie die versoek kan ondersteun nie, aangesien die versoek buite voorskrifte van die Raad se Donasiebeleid val.

12.5 **VOORLEGGING VAN VEILIGHEIDS- EN GESONDHEIDSODITVERSLAG**

DOEL VAN VERSLAG

Om die Veiligheids- en Gesondheids Ouditverslag van **November/Desember 2015** aan die Raad voor te lê.

AGTERGROND

In Mei 2015 is 'n Interne Veiligheidsoudit vir Kaap Agulhas Munisipaliteit gedoen. Die doel van die oudit was om die Raad leiding te gee ten opsigte van die Veiligheid- en Gesondheidsaspekte binne die werksplek.

Die ouditverslag se implementering was gemonitor deur die Veiligheidskomitee en die Direkteure moes terugvoering gee oor die vordering. Die oudit aspekte wat uitgewys was, is in n groot mate afgehandel.

RAADSBELEID

Beroepsgesondheid- en Veiligheidsbeleid.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIES

Om sekere aspekte in die verslag te implimenter sal koste aangegaan moet word. Die kostes impak is onbekend, en sal elke Direkteur in sy begroting voorsiening moet maak vir die regstellings.

BESTUURSAANBEVELING

- (i) Dat die Raad kennis neem van die Interne Veiligheidsoudit wat gedoen was in **November 2015**.
- (ii) Dat die Direkteure verantwoordelikheid neem vir die implimentering van die verslag in hul onderskeie departemente.
- (iii) Dat die Veiligheidsoudit verslag deur die Veiligheidskomitee gemonitor word en verslagdoening by Veiligheidskomitee vergaderings deur onderskeie departemente gedoen word.

BESLUIT 304/2015

Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.

12.6 **ELEKTRISIEITSTOEVOER AAN HULPBEHOEWENDES / SKULDOOREENKOMS IN TERME VAN MASAKHANE WERKSPROSEDURES (DFD)**

DOEL VAN VERSLAG

Die Raad het tydens die Burgemeesterskomitee vergadering van 1 Desember 2015 versoek dat 'n verslag voorgelê word rakende die elektrisiteitsvoorsiening aan hulpbehoewendes / "Masakhane" skuldooreenkomste met spesifieke verwysing na die maksimum aanvraag gebruik van enkelfase elektrisiteit bo 20 ampere synde van toepassing op voorafbetaalde meters.

AGTERGROND

Die Raad het tydens die goedkeuring van die jaarlikse begroting (2015/16) gedurende Mei 2015 die volgende tariewe vasgestel ten opsigte van voorafbetaalde meters vir elektrisiteit (huishoudelik):

Tarief C2: Huishoudelik (voorafbetaalde meters) **Slegs tot MAKSIMUM aanvraag van 20 Amp -**

Enkelfase	n/a	n/a	n/a
Energieprys (c/kWh verbruik):			
1 tot 50 k	0.82899	0.11605	0.94504
Bo 50,1 kWh tot 350 kWh	1.00177	0.14024	1.14201
Bo 350,1 kWh tot 600 kWh	1.31406	0.18396	1.49802
Bo 600 kWh	1.48315	0.20764	1.69079

50 kWh gratis per maand vir arm huishoudings soos per register - nie oordraagbaar nie.

Die koopbewys verval na 3 maande met geen vervanging.

Besikbaarheidsfooi (bo 20 Amp maks. aanvraag)**Enkelfase:**

Van toepassing op meters wat sedert 1 Julie 1999 geïnstalleer is en waar 'n eienaarsverandering sedert 1 Julie 2005 plaasgevind het, ook op die meters wat voor 1 Julie 1999 geïnstalleer was:

Enkelfase per Amp	n/a	n/a	n/a
	5.03	0.70	5.73
Energieprys (c/kWh) verbruik:			
1 tot 50 kWh	0.74158	0.10382	0.84540
Bo 50,1 kWh tot 350 kWh	0.93674	0.13114	1.06788
Bo 350,1 kWh tot 600 kWh	1.27504	0.17850	1.45354
Bo 600 kWh	1.47647	0.20670	1.68317

Indien 'n elektrisiteitsgebruiker oor 'n voorafbetaalde meter beskik met 'n maksimum aanvraag wat 20 Ampere oorskry, is 'n beskikbaarheidsfooi betaalbaar van R5,03 per Amp ten opsigte van 'n enkelfase aansluiting teenoor die maksimum aanvraag van 20 Amp waar geen beskikbaarheidsfooi betaalbaar is vanweë die feit dat die tarief reeds as deel van die eenheidskoste (kWh) verreken is.

Ten einde die elektrisiteitsgebruik van hulpbehoewendes / "Masakhane" skuldooreenkomste te bestuur, is die beginsel in terme van 'n Raadsbesluit toegepas waar die konvensionele meters vervang word met 'n voorafbetaalde elektrisiteitsmeter met 'n maksimum aanvraag van 20 Amp.

Aangesien die nuwe tarief met 'n enkelfase aansluiting van bo 20 Ampere goedgekeur is met ingang 1 Julie 2015 en ongeveer 172 hulpbehoewende gebruikers van die geraamde totaal van 3 514 geregistreerde gebruikers as armlastig oor 'n elektrisiteitsaansluiting beskik wat 20 Ampere oorskry, word voorgestel dat die bestaande gebruikers die voordeel sal behou, onderhewig aan sekere voorwaardes van toepassing, naamlik:

"Indien die gemelde gebruikers (bo 'n 20 Ampere elektrisiteitsaansluiting) een maand in gebreke sou bly om die maandelikse beskikbaarheidsfooi te betaal, sal die bestaande elektrisiteitsaansluiting op die Raad se koste verwyder en vervang word met 'n maksimum aanvraag elektrisiteitsaansluiting van 20 Ampere."

WETLIKE IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIE

Moontlike verlies aan inkomste en die verhoging van uitstaande debiteure as gevolg van die nie-betaling van die toepaslike tarief van toepassing op 'n elektrisiteitsaansluiting van meer as 20 Ampere.

BESTUURSAANBEVELING

Dat die geraamde 172 gebruikers wat 'n elektrisiteitsaansluiting van bo 20 Ampere het, skriftelik in kennis gestel word dat hulle die bestaande voordeel sal behou en dat, indien hulle in gebreke sou bly om die toepaslike maandelikse beskikbaarheidsfooi te betaal, die Raad op eie koste die elektrisiteitsaansluiting sal vervang met 'n maksimum aanvraag elektrisiteitsaansluiting van 20 Ampere.

BESLUIT 305/2015

- (i) Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.
- (ii) Dat, indien daar soortgelyke gevalle voorgekom het, dit verder ondersoek en 'n volledige skedule aan die Masakhane Komitee voorgelê word.

13. **DRINGENDE SAKE DEUR DIE MUNISIPALE BESTUURDER**

13.1 **PROGRESS REPORT: TASK IMPLEMENTATION**

PURPOSE OF REPORT

To report to council regarding the progress on the implementation of TASK.

BACKGROUND

The implementation of TASK at CAM has been outstanding and work has been done over the last decade in order to get to point where it can actually be effected. After vigorous consultations between council, the administration and the unions as well as the staff complement consensus was reached in the previous financial year that TASK must be implemented retrospectively from 1 July 2015 and subsequently the CFO has made provision in the current salary budget to give effect to this.

SALGA was then requested by the municipal managers of both CAM, ODM and Swellendam, being the only municipalities in the district that has not implemented TASK, to assist with the evaluation of the job descriptions of all the posts on the staff establishment of the municipality with the assistance of the established evaluation committee. This has been completed fully and the results to the evaluations were received on 26 November 2015. The results are in the process of being distributed to the individual employees.

IMPLEMENTATION

The process will now be started where all the staff will be informed of the outcome of their evaluation. If the a staff member is not in agreement with the evaluation of his/her post a formal dispute must be lodged which will then be heard by a committee established for this purpose in the district in order to promote impartiality. However as the results are now official, it must be implemented subject to the sufficient available budget.

The results also show that the majority of employees are already remunerated within their respective payment levels. A number of employees are remunerated at higher levels and will remain "person to incumbent" until the post becomes vacant and lastly the minority where the TASK results are higher than what they are currently paid. The guidelines to the implementation of TASK however requires that the new remuneration level of a particular employee in terms of TASK where the evaluation shows that he/she remains on the same level the TASK level will be the first level higher than what is already earned.

For example if the general assistants are already remunerated within the TASK level and currently earns R6 267, 22 the new remuneration will be R6 392, 74. For a cashier that earned R13 065,23 the new remuneration will be R13 332,98. Then there are some significant changes where the re-evaluation of the post resulted therein that the employee will now be remunerated at the right level in local government for the actual work and qualifications needed for a post. The number of posts falling within this criteria are, as mentioned earlier very few, and are confined to posts with a specific technical as well as a strategic nature like supervisors, artisans and some managers.

Another issue that has been applied ambiguously previously was that of transport allowances where a discretion was exercised as to what the actual allowance would be for each employee who does qualify for it. Transport allowances are a benefit that is paid to managers at a certain level as they are required to have a vehicle available for the proper performance of his or her functions and the discharge of his or her duties.

Transport allowances were paid in terms of a fixed number of kilometres that were deemed to have been travelled by a manager and is structured as follows:

Number of km's	Van Der Merwe Scales	TASK	Amount
850 km	0 - 1	17 and higher	R11 568,50
750 km	1 -2	16	R10 207,50
650 km	3	14 - 15	R 8 846,50

This manner of grading has been in practice for a very long time and has never been changed by the bargaining council or SALGA. Although outdated and in the absence of a formal negotiated policy in this regard, if it is applied in this manner, at least it would ensure uniformity, equity and transparency in the application of this allowance.

Approximately half of the current managers are already receiving the highest allowance even though they have been evaluated on a level 14 and they will remain "person to incumbent" until the post becomes vacant. Managers that were evaluated 14 and higher who are currently receiving an allowance less than the above will be treated in terms of the new levels and allowances. All other employees currently receiving a travel allowance will remain on the essential scheme and new entrants will be treated in the same manner.

FINANCIAL IMPLICATIONS

The financial implications for the implementation of TASK for the 2015/16 financial year on the salary budget is R4,0 million and R330 000,00 per month. Council has budgeted R84 430 000, 00 for salaries of staff excluding that of councillors and the senior management. The current monthly actual expenditure as at 31 October 2015 was R6 317 000, 00 while the budgeted expenditure per month is R7 035 833, 33. One needs to take into account that these figures also include the cost of those posts which were budgeted for but not filled and which will be done before the end of the financial year. Be that as it may, however, these figures show that sufficient provision has been made for in the current budget to implement the new salary scales.

MANAGEMENT RECOMMENDATION

- (i) That council notes that the TASK evaluation for Cape Agulhas Municipality have been issued on 26 November 2015 for implementation from 01 July 2015.
- (ii) That council notes the financial implication of the implementation of TASK.
- (iii) That council notes that sufficient provision has been made in the current budget for the implementation of TASK.
- (iv) That council approves the transport allowance to the parameters as stated in the report.

RESOLUTION 306/2015

That the Management recommendation be accepted as a resolution of Council.

13.2 **COMMUNITY WORK PROGRAMME (CWP)**

Die Munisipale Bestuurder meld dat Provinsie goedkeuring verleen het om 500 werksgeleenthede aan Kaap Agulhas beskikbaar te stel vir die genoemde projek. Die vorige toewysing was 100 werknemers wat deur die Raad toegedeel is aan wyke 1 en 3.

BESLUIT 307/2015

Dat die 100 werksgeleenthede per wyk toegedeel word vir elk van die vyf wyke.

13.3 **AANWYS VAN MUNISIPALE VERKIESINGSBEAMPTE (MEO)**

Met die bedanking van mnr Paul Bezuidenhout het die pos van munisipale Verkiesingsbeampte vakant geword.

BESLUIT 308/2015

- (i) Dat die Munisipale Bestuurder as munisipale Verkiesingsbeampte aangewys word.
- (ii) Dat die OVK dienooreenkomstig ingelig word.

16. **ONAFGEHANDELDE RAADSBESLUIT**

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
205/2014	Kantoorakkommodasie	(iv) Dat erwe 581, 591 en 3652, Bdorp op 'n openbare veiling vervreem word met 'n insetwaarde gekoppel aan die markwaarde soos bepaal. (v) In gesprek getree word met 'n ontwikkelaar om die Raad te adviseer rakende die toekomstige moontlike gebruike van erwe 581, 591 en 3652. (vi) Moontlikheid om erwe 581, 591 en 3652, Bredasdorp op 'n openbare veiling te vervreem ondersoek word en verslag aan die Raad voorgelê word.	<i>Punte (i) tot (iii) is reeds afgehandel. 'n Verslag oor punte (iv) tot (vi) sal weer aan die Raad voorgelê word.</i>	MB
70/2015	Market Analysis: Retirement Village, Bredasdorp	Ontwikkelingsvoorstelle vir die gedeelte weer gevra word.	<i>Konsep na Munisipale Bestuurder en R Sefoor.</i>	BSSB
105/2015	Vervreemding: Erf 5221, Bredasdorp (Waxa)	Terug verwys word vir moontlike ontwikkelingsvoorstelle.		Eiendoms-administrasie

BESTUURSAANBEVELING

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

BESLUIT 309/2015

- (i) Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.
- (ii) Besluit 205/2014 - Erf 581: Is vervreemd vir R1,25m.
- (iii) Besluit 105/205: Geen ontwikkelingsvoorstelle vir erf 522, Bredasdorp is ontvang nie. Die Land Disposal Komitee sal die markwaarde laat bepaal en die erf sal per openbare tender vervreemd word.

Hierna gaan die Raad In Komitee om sake van vertroulike aard te bespreek.

BEKRAGTIG op hierdie

dag van

2016

SPEAKER

DATUM: