



KAAP AGULHAS MUNISIPALITEIT  
CAPE AGULHAS MUNICIPALITY  
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N ALGEMENE RAADSVERGADERING GEHOU OM 10:00 OP WOENSDAG  
18 APRIL 2018 IN DIE MUNISIPALE RAADSAAL TE BREDASDORP**

**MINUTES OF A GENERAL COUNCIL MEETING HELD ON WEDNESDAY, 18 APRIL 2018  
AT 10:00 IN THE MUNICIPAL COUNCIL CHAMBERS, BREDASDORP**

**RAADSLEDE / COUNCILLORS**

MNR	R J BAKER	
MNR	G D BURGER	
MNR	D J EUROPA	
MNR	C J JACOBS	
MNR	D JANTJIES	
ME	E C MARTHINUS	
MNR	J G A NIEUWOUDT	(Speaker)
ME	M OCTOBER	
ME	E L SAULS	
MNR	P J SWART	(Burgemeester)

**AMPTENARE / OFFICIALS**

Mnr D O'Neill	Munisipale Bestuurder
Mnr H Van Biljon	Direkteur: Finansiële Dienste
Mnr K Mrali	Direkteur: Bestuursdienste
Mnr B Swart	Interne Ouditeur
Mnr S Cooper	Bestuurder: Elektrotegniese Dienste
Mnr B Hayward	Bestuurder: Stads- en Streeksbeplanning
Mnr G M Moelich	Bestuurder: Administrasie
Mnr G Prins	Kommunikasie
Me T Stone	Afdelingshoof: Strategiese Dienste

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1. **OPENING**

Die Speaker heet die teenwoordiges welkom en mnr Hayward open die vergadering met gebed.

2. **AANSOEKE OM VERLOF TOT AFWESIGHEID / APPLICATIONS FOR LEAVE**

Raadslid            Z Tonisi

### 3. ONDERHOUDE MET AFGEVAARDIGDES EN/OF ANDER BESOEKE

#### 3.1 Unsolicited Bid for Bredasdorp Waste Treatment Works

Mnr Trevor du Toit van Iminivonke Holdings trading as Tswellopele Holdings Pty (Ltd) spreek die Raad toe oor die "Unsolicited bid for Bredasdorp Waste Treatment Works". Hy stel mev Chrystal Engel, CEO van ARDS aan die Raad bekend.

Hy verwys na 'n intree gesprek tussen homself, die Burgemeester en Munisipale Bestuurder. Die projek behels die suiwing van riool water, die daarstelling van groentetuine en die moontlike terugvoer van gesuiwerde water in bestaande netwerke soos, die Arniston pyplyn en Theewaterskloof besproeiingskema. Die projek sal hoofsaaklik fokus op werksverskaffing.

#### **BESLUIT 37/2018**

- (i) Dat die Raad kennis neem van die voornemende projek.
- (ii) Dat 'n volledige verslag oor die aanbod aan die Raad voorgelê word vir besluitname.

#### 3.2 Ashwille Riddles (Chief Risk Officer - ODM)

Mnr Riddles doen 'n voorlegging aan die Raad oor die Raad se strategiese doelwitte soos vervat in die GOP, teenoor die ses strategiese risiko's wat bestaan. Hy stel die Raad in kennis dat 'n nuwe risiko komitee sopas aangewys is onder voorsitterskap van mnr Andre Kock.

Hy verwys na prosesse wat voortaan gevolg moet word om risiko's aan te spreek. Die Raad het slegs 'n oorsigrol en alle aksieplanne word bestuur en beheer deur departementshoofde. Aksieplanne sal voortaan aan die portfolio komitees voorgelê word vir uitvoering.

Hy versoek Raadslede om enige nuwe risiko's wat mag bestaan via die komiteestelsel in genoemde plan vas te lê.

#### **BESLUIT 38/2018**

Dat die Raad kennis neem van bogenoemde voorlegging.

### 4. NOTULES VAN VORIGE VERGADERINGS VOORGELê VIR BEKRAGTIGING

#### 4.1 NOTULE VAN ALGEMENE RAADSVERGADERING GEHOU OP:

27 Maart 2018

#### **BESLUIT 39/2018**

Die Notule word as korrek en volledig bekragtig na 'n regstelling van besluit 14/2018.

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

5.1 **NOTULE VAN UBK VERGADERING GEHOU OP:**

19 Maart 2018

**BESLUIT 40/2018**

- (i) Dat die Raad kennis van bogenoemde UBK Notule.
- (ii) Dat, indien Raadslede enige navrae het ten opsigte van UBK Notules, vrae skriftelik aan die Munisipale Bestuurder voorgelê sal word.

6. **NOTULES VAN KOMITEE VERGADERINGS VIR BESPREKING / KENNISNAME**

6.1 **VOORGELê VIR BESPREKING : WYKSKOMITEE VERGADERINGS GEHOU OP**

- WYK 1 :
- WYK 2 : 15 Maart 2018
- WYK 3 : 14 Maart 2018
- WYK 4 : 13 Maart 2018
- WYK 5 :
- WYK 6 : 15 Maart 2018

**BESLUIT 41/2018**

- (i) Die Raad neem kennis van bogenoemde Wykskomitee Notules.
- (ii) Dat die klagte van wyk 4 ten opsigte van mnr Cloete van Elim in samewerking met Gemeenskaps- en Sosiale Dienste (maatskaplik) dringend aangespreek word.
- (iii) Dat die Raad kennis neem van wyk 4 se navrae ten opsigte van teer van strate in Simunye en Zwelitsha. Die projek is gelys vir "MIG" befondsing vir 2018/19.

7. **SAKE VOORTSPRUITEND UIT NOTULES**

**27 MAART 2018: BESLUIT 28/2018**

Die Munisipale Bestuurder word versoek om 'n ondersoek in te stel oor die "skenking van 40m<sup>2</sup> grond" vanaf die Vissersunie na die Raad. 'n Verslag moet aan die Raad voorgelê word.

8. **VERKLARINGS EN/OF MEDEDELINGS DEUR DIE VOORSITTER**

8.1 **BRIEWE VAN DANK**

Geen.

8.2 **FUNKSIES VIR DIE MAAND**

Geen.

8.3 **AANWYS VAN AFGEVAARDIGDES**

Die Speaker sal 'n volledige lys van alle SALGA vergaderings aan Raadslede deurstuur.

#### 8.4 DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê

- (i) Dat 'n sertifikaat oorhandigingsplegtigheid gereël word vir alle amptenare en beursoeurs.
- (ii) 'n Versoek was aan Raadslede gerig vir die besoek van gemeenskapstuine. Die Speaker vra dat Raadslede asb. sal aandui of hulle die geleentheid gaan meemaak.
- (iii) 'n Staande mosie van roubeklag word aangeneem met die afsterwe van mev Mandela.
- (iv) Dat die Raad in reses sal gaan vanaf 25 Junie 2018 tot 13 Julie 2018.

#### 9. TERUGVOERING VANAF RAADSLUDE OOR VERGADERINGS BYGEWOON

- (i) Die Speaker sal voortaan alle SALGA notules na Raadslede versprei.
- (ii) Die Speaker meld dat die pensioenfonds vir Raadslede onder kuratorskap geplaas is. Verdere inligting sal volg.

#### 10. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER

Geen.

<b>11. <u>ITEMS NA DIE RAAD VERWYS VIR OORWEGING</u></b>	<b>Notule</b>	<b>Bladsy Bylaes</b>
<b>11.1 <u>MUNISIPALE BESTUURDER</u></b>		
11.1.1 Revision: System of Delegations	5 - 6	
11.1.2 Verkiesing van Komitees van die Raad: Arbeidsforum	6 - 7	
11.1.3 Huurooreenkoms meentgronde: KAM vs Agri Mega Beperk	7 - 8	1 - 11
11.1.4 Kwartaalverslag: Oudit- en Prestasieoudit Komitee	8 - 9	12 - 15
<b>11.2 <u>STRATEGIESE BEPLANNING EN ADMINISTRASIE</u></b>		
11.2.1 Cape Agulhas Tourism: Financial Contribution	10 - 11	
11.2.2 Strategic Risk Analysis for 2018/19	12 - 13	
11.2.3 Quarterly Performance Report: 1 Jan 2018 - 31 March 2018	13 - 15	16 - 29
<b>11.3 <u>BESTUURSDIENSTE</u></b>		
11.3.1 Approval: Review of Human Settlement Plan 2017 - 2021	15 - 16	30 - 45
<b>11.4 <u>FINANSIES- EN IT DIENSTE</u></b>		
11.4.1 Oudit Aksieplan 2016/2017: Maandelikse Vordering	16	46 - 53

#### 12. DRINGENDE SAKE DEUR DIE MUNISIPALE BESTUURDER

Geen.

#### 13. OORWEGING VAN KENNISGEWING VAN MOSIES

Geen.

14. **OORWEGING VAN KENNISGEWING VAN VRAE**

Geen.

15. **OORWEGING VAN DRINGENDE MOSIES**

Geen

16. **VERSLAG DEUR MUNISIPALE BESTUURDER OOR DIE UITVOERING VAN RAADSBESLUIE**

Lys van onafgehandelde Raadsbesluite verskyn op **bladsy 17**.

17. **IN-KOMITEE VERSLAE**

Die In-Komitee items word vertroulik hanteer.

18. **SLUITING**

Die vergadering verdaag om 13:05

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11. **ITEMS NA DIE RAAD VERWYS VIR OORWEGING**

11.1 **MUNISIPALE BESTUURDER / MUNICIPAL MANAGER**

11.1.1 **REVISION: SYSTEM OF DELEGATIONS**

**PURPOSE OF REPORT**

To table the revised delegation of administrative and operational powers and duties of Cape Agulhas Municipality for council approval.

**BACKGROUND**

The current set of delegations were approved by council on 28 January 2014. The approved changes to the portfolio committees as well as those made to the macro-structure necessitated the revisions to the above approved system of delegations.

Section 59 of the Local Government: Municipal Systems Act, 32 of 2000, makes it obligatory for a municipal council to develop a system of delegation that will maximise administrative and operational efficiency and provide for adequate checks and balances. The system must allow for the delegation of powers, excluding those mentioned in section 160(2) of the Constitution of South Africa, 1996, the power to set tariffs, to decide to enter into a service delivery agreement and to approve or amend the municipality's IDP, to any of the municipality's other political structures, political office bearers, councillors or staff members.

The development of the current set of delegations was done by a senior legal practitioner in consultation with the management of the municipality and shows the actual legal mandate for each delegation. The proposed revision was done by the Municipal Manager and actually only required the alignment of the approved delegations with the changes to the political and administrative structures that were approved by the current council.

A set of the revised delegations **was provided separately to the agenda** of the meeting held on 7 December 2017. Council then resolved that a workshop be held for councillors to discuss the proposed amendments.

A workshop was held on 27 March 2018 where the specific changes regarding the revisions from the 2014 approved delegations were pointed out to council.

### **LEGAL IMPLICATION**

Section 59 of the Local Government: Municipal Systems act, 32 of 2000.

### **PERSONNEL IMPLICATION**

The alignment of the approved macro structure. No other personnel implications than those already assigned are envisaged.

### **MANAGEMENT RECOMMENDATION**

That council approves the revision to the system of delegations.

### **RESOLUTION 42/2018**

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

## 11.1.2 **VERKIESING VAN KOMITEES VAN DIE RAAD: ARBEIDSFORUM (MB)**

### **DOEL VAN VERSLAG**

Om verteenwoordigers op die Raad se Arbeidsforum aan te wys.

### **AGTERGROND**

Die Hoof Kollektiewe Ooreenkoms van die Suid-Afrikaanse Bedingingsraad vir Plaaslike Owerhede vereis dat elke werkgewer 'n plaaslike arbeidsforum moet saamstel met gelyke verteenwoordiging van beide die werkgewer en die werkersunies. Met die samestelling van die huidige Arbeidsforum was die getalle van die unie lede gebruik om die aantal lede van die forum te bepaal. Intussen het die samestelling van die unies verander, aangesien 'n derde vakbond die plaaslike regeringsvlak betree het. Die vakbond, MATUSA is egter nog nie 'n party tot die die Kollektiewe Ooreenkoms nie en gevolglik is die aantal lede van die twee vakbonde wat wel partye daartoe is, aansienlik minder.

### **ONDERSOEK**

Die gevolg is dus dat dit die aantal lede van die Arbeidsforum beïnvloed. Tans is die ledetal van die vakbonde as volg:

**IMATU** : 99

**SAMWU**: 193

In terme van die Kollektiewe Ooreenkoms kan vakbonde een verteenwoordiger vir elke 50 lede op die Arbeidsforum kry. IMATU kan dus 2 en SAMWU 4 verteenwoordigers aanwys met 'n totaal van 6 verteenwoordigers vir die vakbonde. Indien die werkgewer gelyk verteenwoordig word moet daar dan ook 6 lede vanaf werkgewerskant wees.

Die bestaande verteenwoordiging is 8 aan elke kant met 'n totaal van 16 lede wat nou moet verander na 'n totaal van 12, soos reeds hierbo genoem, 6 aan elke kant. Tans is die volgende Raadslede op die komitee aangewys:

D Burger  
E Marthinus  
E Sauls  
Z Tonisi

**Met die volgende amptenare:**

Munisipale Bestuurder  
 Hoof Finansiële Beampte  
 Direkteur: Bestuursdienste, en die afgeskafte  
 Direkteur: Korporatiewe Dienste met die Menslike Hulpbronne Afdeling wat tegniese bystand bied

Die bedoeling destyds was dat die samestelling van die werkgewerskomponent op dieselfde wyse as hierbo gelykverteenvoerdigend moet wees van Raadslede en amptenare. Indien dieselfde beginsel gevolg word moet daar dus nou met die veranderinge drie Raadslede en drie senior amptenare aangewys word.

**BESTUURSAANBEVELING / MANAGEMENT RECOMMENDATION**

- (i) Dat die Raad drie raadslidverteenvoerders van die LLF Komitee aanwys.
- (ii) Dat die Raad bevestig dat die senior amptenare op die komitee vanaf werkgewerskant die Munisipale Bestuurder, Hoof Finansiële Beampte en die Direkteur: Bestuursdienste sal wees.

**BESLUIT 43/2018**

- (i) Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.
- (ii) Dat die portfolio voorsitters die Raad sal verteenwoordig op die LLF Komitee, naamlik Raadslid Burger, Tonisi en October.

**11.1.3 HUUROOREENKOMS MEENTGRONDE: KAM vs AGRI MEGA BEPERK (MB)****DOEL VAN VERSLAG**

Om die Raad in te lig oor die huidige huurooreenkoms tussen KAM en Agri Mega Beperk.

**AGTERGROND**

Daar bestaan 'n huurooreenkoms tussen Kaap Agulhas Munisipaliteit en AGRI MEGA BEPERK (reg no: 2003/012603/08) vir die huur van 'n gedeelte van erf 1148, Bredasdorp met 'n grootte van ongeveer 302 hektaar. Die grond bestaan uit kampe 12, kampe 14 - 17 en kampe 19 - 20. Die ooreenkoms is op 3 April 2017 deur alle partye onderteken vir 'n huurtermyn van 9 jaar en 11 maande, beginnende op 1 April 2015 tot 1 Maart 2025 (ooreenkoms is aangeheg op **bladsy 1 tot 11**).

Die gronde is aanvanklik aan Agri Mega Beperk verhuur sodat "opkomende boere" die geleentheid gegun kon word om onder "beheerde" toesig geleentheid te kry om te boer en om verdere vaardighede in die boerderybedryf op te doen.

Tydens 'n ondersoek wat gedoen is, is heelwat teenstrydighede met die bestaande kontrakvoorwaardes waargeneem en bespreek. Van die voorwaardes wat nie nagekom word nie, is o.a. klousule 10 ten opsigte van "Onderverhuring", Klousule 17 ten opsigte van "Grondgebruik en Boerderypraktyke" (wat insluit grondontledingsverslae en brandpaaie) en Klousule 19 wat verwys na die "Wysiging van Besigheidstrukture".

Ingevolge Klousule 18 is die huurder kennis gegee van die bestaande afwyking in die ooreenkoms en moet binne 30 dae regstellende stappe neem om die voorwaardes te herstel. Sou die huurder in gebreke bly om regstellende stappe te neem, kan die kontrak op 30 dae kennisgewing beëindig word.

Intussen het Agri Mega Beperk sy belange na Worcester verskuif wat basies beteken dat die gronde verhuur word aan 'n entiteit wat nie besigheid binne die gebied van Kaap Agulhas Munisipaliteit bedryf nie. Dit op sigself is rede vir die kanselasie van die ooreenkoms en moet die huurder dit baie duidelik stel waarom hulle, aangesien hulle nie meer in die munisipale gebied gevestig is nie, nogsteeds wil voortgaan met die verhuring.

**FINANSIËLE IMPLIKASIE**

Beperk - Indien die kontrak gekanseleer word, sal gronde weer per ooreenkoms verhuur kan word.

**REGSIMPLIKASIE**

Die bepaling van die ooreenkoms is duidelik.

**PERSONEEL IMPLIKASIE**

Geen.

**BESTUURSAANBEVELING**

- (i) Dat die Raad kennis neem van die ondersoek.
- (ii) Dat die Raad kennis neem van die skrywe aan die huurder.
- (iii) Dat die huurder binne 30 dae aan die Raad 'n voorlegging doen met redes waarom die ooreenkoms nie ingevolge klousule 18 gekanseleer kan word nie.
- (iv) Dat die huurder ingelig word dat indien lande geplant gaan word voordat hierdie regstellings gedoen is, dit op die risiko van die huurder sal wees.

**BESLUIT 44/2018**

- (i) Dat die Raad kennis neem van die ondersoek.
- (ii) Dat die Raad kennis neem van die skrywe aan die huurder.
- (iii) Dat die beweerde kontrakbreuk ingevolge klousule 18 van die ooreenkoms hanteer word.
- (iv) Dat die huurder ingelig word dat indien lande geplant gaan word voordat hierdie regstellings gedoen is, dit op die risiko van die huurder sal wees.

#### 11.1.4 **KWARTAALVERSLAG OOR DIE OUDIT- EN PRESTASIEOUDIT KOMITEE SE WERKSAAMHEDE VIR DIE KWARTAAL GEËINDIG 31 MAART 2018**

**DOEL VAN VERSLAG**

Verslagdoening aan die Raad oor die Oudit- en Prestasieoudit Komitee se werksaamhede, die uitvoering van sy pligte en aanbevelings gemaak vir die kwartaal geëindig 31 Maart 2018.

**AGTERGROND**

In terme van Nasionale Tesourie se Omsendskrywe 65 van 2003 moet die Komitee op 'n kwartaallikse basis verslag aan die Raad doen oor die uitvoering van hulle funksies en werksaamhede asook werksaamhede van die interne oudit afdeling. Hierdie omsendskrywe is in 2012 aangepas om by die jongste verwikkelinge en verwagtinge rondom die Komitee, interne oudit en risikobestuur aan te pas.

Op grond van hierdie skrywe het die Komitee sy kwartaalverslag uitgebring vir bogemelde kwartaal en wat nou aan die Raad voorgelê word vir bespreking en oorweging (aangeheg op **bladsy 12 tot 15**).

**Die Raad se aandag word graag op die volgende pertinente punte in die verslag gevestig:**

- Par. 5(a) : Areas waarmee die Komitee hulle tevredenheid uitspreek.
- Par. 5(b) : Areas van bekommernisse.
- Par. 5(c) : Ouditverslae wat deur die Komitee oorweeg is.
- Par. 6 : Aanbevelings deur die Komitee gemaak.



**PERSONEEL IMPLIKASIES**

Geen.

**FINANSIËLE IMPLIKASIE**

Geen.

**WETLIKE IMPLIKASIE**

Voldiening aan die Munisipale Beplannings- en Prestasiebeestuersregulasies, 2001.

**ODIT- EN PRESTASIEODIT KOMITEE AANBEVELING**

The Committee made the following recommendations for the period of the report:

- (i) **Recommendation 13 – 2017/18:** In future the Municipal Manager and all Directors must attend the Audit Committee meeting due to the high level items on the agenda. Directors will only attend for the transversal items and other items that affect all Directors. The Municipal Manager should attend the whole meeting.
- (ii) **Recommendation 14 – 2017/18:** In view of the current capacity issues at the Internal Audit section, it was decided that the Internal Audit assessment and reporting to the Chief Risk Officer on the combined assurance module will be done bi-annually.
- (iii) **Recommendation 15 – 2017/18:** That the % hours spend on each audit item in the report be replaced with the actual hours worked.
- (iv) **Recommendation 16 – 2017/18:** That higher level interaction be instituted to ensure that compliance actions are updated and approved before due date.
- (v) **Recommendation 17 – 2017/18:** It was requested that, for future meetings, only the risks associated with ICT be tabled in the meetings.
- (vi) **Recommendation 18 – 2017/18:** Due to the current situation it is recommended that the risks associated with mSCOA and the new financial system be kept on the risk register until all issues has been resolved.
- (vii) **Recommendation 19 – 2017/18:** That the item regarding the leasing of municipal land be included in the Committee's quarterly report to Council for the period ending 31 March 2018.
- (viii) **Recommendation 20 – 2017/18:** That the vacant Audit Committee position be advertised.
- (ix) **Recommendation 21 – 2017/18:** That the Committee do not support the TWK decision that the head of the internal audit unit report functionally directly to the Executive Mayor.
- (x) **Recommendation 22 – 2017/18:** That the Committee supports the following:
  1. That the naming of the head of the internal audit position be changed to "Chief Audit Executive (Head of Internal Audit)" to be in line with all legislation and Circular 65.
  2. That the municipality's macro organogram be amended to indicate -
    - the Audit Committee as a separate Committee reporting directly to Council;
    - the internal audit section reporting functionally to the audit Committee (solid line); and
    - a dotted line from internal audit directly to the Municipal Manager to indicate internal audits administrative reporting line.

**BESLUIT 45/2018**

Dat die lys van aanbevelings aan die Finansies- en IT Dienste Komitee voorgelê word vir bespreking en daarna verwys word na die UBK en die Raad vir oorweging.

## 11.2 **STRATEGIESE BEPLANNING EN ADMINISTRASIE / STRATEGIC PLANNING AND ADMINISTRATION**

### 11.2.1 **CAPE AGULHAS TOURISM: FINANCIAL SUSTAINABILITY AND INTERIM ARRANGEMENTS**

#### **REPORT BY THE MANAGER STRATEGIC SERVICES**

##### **PURPOSE OF REPORT**

To inform Council of the financial sustainability challenge of Cape Agulhas Tourism, and interim measures that have been put in place to maintain them until Council has re-considered the manner in which tourism will be managed in the future. Although provision is made on the 2018/19 budget for funding, the management of tourism and by implication the future of the NPO will need to be finalised before the final budget is approved at the end of May 2018.

##### **BACKGROUND**

Tourism is a local government function, and the Municipality is obliged to render this service in co-operation with the District. Cape Agulhas Tourism is rendering an excellent service on behalf of the Municipality, but are experiencing challenges in terms of its financial sustainability which have reached a critical point.

**Cape Agulhas Tourism (CAT) were given grants as follows to fund their activities over the past three financial years:**

<b>Year</b>	<b>Annual Budget</b>	<b>Adjustment Budget</b>
2015/16	R780 000	R820 000 (An additional R40 000 was given to cover rental of a new premises for 5 months as their previous premises was sold.
2016/17	R858 000	R858 000
2017/18	R900 900	R900 900

The 2017/18 grant was based on a 5% escalation of the 2016/17 grant of R858 000, which in turn was based on a 5% escalation of the 2015/16 grant of R820 000.

The grants provided to Cape Agulhas Tourism are the smallest in the District and increasing inflation has resulted in them being unable to survive on the grant provided. This is exacerbated by the fact that they had to pay a R33000 penalty to SARS, dating back from 2004 - 2012, which was before the time of the current CFO who was not aware that such a penalty was due.

Furthermore, if one looks at the calculation of the grant, for 2016/17, the escalation did not adequately consider a full year's rental of the premises nor the annual increase of 10% on this rental, leaving a shortfall of plus minus R50400.00, (R7210 x 7) and this error perpetuated for 2017/18.

The question of the sustainability of the Tourism Bureau and the manner in which tourism should be managed has been a discussion point since the beginning of the 2017/18 financial year, but no finality was reached, partially because of the uncertainty relating to the possible departure of the CEO.

During the revision of the macro structure in May 2017, discussions also took place on the manner in which Tourism should be dealt with in future and the revised organisational structure made provision for a Socio Economic Manger and Tourism Officer under the newly created Socio economic Department, which was fully funded. None of these positions were filled.

##### **DISCUSSION**

It is critical that the tourism function be maintained until such time as the Council decides how tourism will be best managed in the future, and for this reason, it became necessary for the administration to intervene, and Council are requested to note the following interventions:

1. CAT has been requested to reduce their expenditure as far as possible and cut back on all items that are not strictly necessary.
2. The salaries of the CFO and tourism officer have been accommodated on the Municipality's salary structure for the interim period until 30 June 2018 and the cost implication of this is R159 493,60. Sufficient provision was made on the budget for this.

CAT has additional personnel which cannot be accommodated in terms of the structure and which are necessary to maintain the function. It is therefore requested that Council approve an extra R33 000,00 be paid over to them in lieu of the penalty that was paid over to SARS as this expenditure was totally unforeseen. This will enable them to maintain their services till financial year end. There are sufficient funds for this under Strategic and Risk Management (LED Projects: 012521201002)

### **LEGAL IMPLICATIONS**

MFMA.

### **MANAGEMENT RECOMMENDATION**

- (i) That Council note the financial position of Cape Agulhas Tourism.
- (ii) That Council note that the salaries of the CFO and tourism officer have been accommodated on the Municipality's salary structure for an interim period until 30 June 2018, and the cost implication of this is R159 493,60. Sufficient provision was made on the budget for this.
- (iii) That an additional amount of R33 000,00 be paid over to CAT in lieu of the unforeseen penalty that was paid over to SARS and that this expenditure be allocated to Strategic and Risk Management (LED Projects: 012521201002).
- (iv) That a comprehensive report be submitted on the future management of Tourism.

***Na die uitbring van stemme word die volgende besluit met die beslissende stem van die Speaker geneem:***

### **RESOLUTION 46/2018**

- (i) That Council note the financial position of Cape Agulhas Tourism.
- (ii) That Council note that the salaries of the CEO and tourism officer have been accommodated on the Municipality's salary structure for an interim period until 30 June 2018, and the cost implication of this is R159 493,60. Sufficient provision was made on the budget for this.
- (iii) That a comprehensive report be submitted on the future management of Tourism.

***Die volgende lede teken hulle teenstem aan:***

#### **Raadslid Baker:**

Die Raad was bewus van die finansiële probleme asook die personeelkoste.

#### **Raadslid Europa:**

Die Raad kan nie instaan vir swak bestuur nie. Die vergoeding van genoemde twee persone moet hersien word.

#### **Raadsheer Jantjies:**

Die Raad moet alle werknemers van CAT dieselfde hanteer en nie twee spesifiek uitsonder nie.

#### **Raadsdame Marthinus:**

Die Raad kan nie aanspreeklik gehou word vir die wanbestuur van fondse nie.

#### **Raadslid Jacobs:**

Die Raad het vroegtydig geweet van die wanbestuur, maar het as verteenwoordiger geen regstellende optrede vereis nie. Die korrekte prosedure ten opsigte van finansiering is nie gevolg deur die aangeleentheid na die aanvullende begroting te verwys nie. KAM beskik wel oor bevoegde persone om die diens volledig oor te neem.

11.2.2 **STRATEGIC RISK ANALYSIS FOR 2018/19****REPORT BY THE MANAGER STRATEGIC SERVICES****PURPOSE OF REPORT**

To review Councils Strategic Risks for the 2018/19 financial year.

**LEGAL FRAMEWORK**

Section 62(1) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) stipulates that the "Accounting Officer must take all reasonable steps to ensure that the municipality has and maintains an effective, efficient and transparent system of financial and risk management and internal control"

**DISCUSSION**

The Council is required to annually review its strategic risks, and also ensure that there is alignment between its strategic risks and the Councils strategic goals as contained in the IDP. For information purposes, the Council identified the following strategic risks for 2017/18. The risk actions were considered by the FARMCO and approved by the Municipal Manager.

RISK ITEM	RISK DESCRIPTION	RESIDUAL RISK	RESIDUAL RISK EXPOSURE	RISK ACTIONS
R 264	Illegal Erection of Informal Structures and Land invasions	High	47.25	1. Budget for Drone technology 2. Present a proposed action plan to Portfolio committee on dealing with possible future influxes of people 3. Review Housing and Squatter control Policies
R 300	Non-Adherence to Permit Conditions (Landfill Sites)	High	48	1. Awaiting final report on regional landfill investigation
R 305	MSCOA	High	40.5	1. Planned AG mid-year audit 2. Continuous monitoring of project implementation plan
R 306	Financial viability of the municipality	High	47.25	1.(a) Execution of the revenue enhancement framework (execution of targets within planned periods) 1.(b) Cleansing and updating of debtors/indigents/informal settlements 2. Explore the possible utilization of municipal assets (land and buildings)
				3. Monthly report to finance portfolio committee of long term financial plan and revenue enhancement framework 4. Formulate KPI's for each manager involved with long term financial and revenue enhancement framework
R 335	Eskom maximum demand capacity restraints in the Cape Agulhas Municipal area	Medium	27	1.Submission of Business plan to Department of Energy to secure funding for a new line and sub-station

				2. EEDSM Initiatives and energy efficiency through embedded generation and smart installation. (Green energy initiative)
R 336	Provision of long term bulk water supply - source	Medium	22.5	1. Drafting of water services development plan. (Budgeting and Procurement) 2. Arrange and execute water workshop with Council and Management

***(Risk R305 MSCOA) was recommended for deletion by the FARMCO on 19 March 2018)***

The Council is now requested to review its existing strategic risks and determine if any further risks should be added. The Chief Risk Officer of the Overberg District Shared Risk Service will be in attendance at the Council Meeting of 18 April 2018 to facilitate the process:

**MANAGEMENT RECOMMENDATION**

- (i) That Council approve the following strategic risks for 2018/19 (***to be populated during risk session***):
- (ii) That actions for each risk be determined and presented to FARMCO.

**RESOLUTION 47/2018**

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

**11.2.3 QUARTERLY PERFORMANCE REPORT FOR QUARTER 3: 1 JANUARY 2018 TO 31 MARCH 2018**

**REPORT BY THE DIVISION HEAD: STRATEGIC PLANNING AND ADMINISTRATION**

**PURPOSE OF REPORT**

To present the quarterly performance report of the Municipality for the third quarter of the financial year (1 January 2018 to 31 March 2018), as attached on **page 16 to 29**.

**LEGAL FRAMEWORK**

This Performance Report is submitted in compliance with MFMA Circular 13 which requires the Municipality to report quarterly on its Service Delivery Budget Implementation Plan (SDBIP).

This report must be read in conjunction with the Quarterly Budget Report which is submitted to Council in terms of Section 52(d) of the Municipal Finance Management Act, which requires the Mayor to within 30 days of the end of each quarter; submit a report to Council on the implementation of the budget and the financial state of affairs of the Municipality.

**DISCUSSION**

The Performance Management System is an internet based system that uses the approved Service Delivery Budget Implementation Plan (SDBIP) as its basis.

The Executive Mayor approved the Top Layer SDBIP for 2017/18 on 26 June 2017. The SDBIP is a layered plan comprising a Top Layer SDBIP and Departmental SDBIPs.

Performance reporting on the top layer SDBIP is done to the Mayoral Committee and Council on a quarterly, half yearly (Mid-year Budget and Performance Assessment Report) and annual basis (Annual Report).

Any amendments to the Top Layer SDBIP must be approved by Council following the submission of the Mid-year Budget and Performance Assessment Report and the approval of the adjustment budget. Adjustments to the SDBIP were approved on 30 January 2018 (Resolution 3/2018).

### **LINKAGE TO THE IDP**

The Council approved the new five year IDP on 30 May 2017. The SDBIP derives from the IDP which contains the Municipalities vision, mission and strategic goals and objectives, which in turn aligned to the National KPA's for Local Government.

The following table sets out this alignment:

VISION	MISSION	STRATEGIC GOAL	STRATEGIC OBJECTIVE
Together for excellence Saam vir uitnemendheid Sisonke siyagqwesa	To render excellent services through good governance, public ownership and partnership in order to create a safer environment that will promote socio-economic growth and ensure future financial sustainability in a prosperous southernmost community	SG1: To ensure good governance	SO1: To create a culture of good governance
			SO2: To create a culture of public participation and empower communities to participate in the affairs of the Municipality
		SG2: To ensure institutional sustainability	SO3: To create an administration capable of delivering on service excellence.
		SG3: To promote local economic development in the Cape Agulhas Municipal Area	SO4: To create an enabling environment for economic growth and development
			SO5: To promote tourism in the Municipal Area
		SG4: To improve the financial viability of the Municipality and ensure its long term financial sustainability	SO6: To provide effective financial, asset and procurement management
		SG5: To ensure access to equitable affordable and sustainable municipal services for all citizens	SO7: Provision of equitable quality basic services to all households
			SO8: To maintain infrastructure and undertake development of bulk infrastructure to ensure sustainable service delivery.
			SO9: To provide community facilities and services
			SO10: Development of sustainable vibrant human settlements
		SG6: To create a safe and healthy environment for all citizens and visitors to the Cape Agulhas Municipality	SO11: To promote social and youth development
			SO12: To create and maintain a safe and healthy environment

### **MANAGEMENT RECOMMENDATION**

- (i) That the quarterly performance report for the quarter 1 January 2018 to 31 March 2018 be noted.
- (ii) That this report be read in conjunction with the Quarterly Budget Report which is submitted to Council in terms of Section 52(d) of the Municipal Finance Management Act, Act 56 of 2003.

### **RESOLUTION 48/2018**

- (i) That the management recommendation be accepted as a resolution of Council.
- (ii) That Council take note of the corrective measures as indicated in the attached report.

Die volgende lede teken hulle teenstem aan:

**Raadslid Jacobs:**

Daar kan nie net kennis geneem word van die verslag nie - Aangeleenthede moet indringend bespreek word. Die gelyste KPA's word nie volledig uitgevoer nie.

**Raadsdame Marthinus:**

Spreek haar bekommernis uit oor die persentasie spandering ten opsigte van die meeste kapitaal projekte.

## 11.3 **BESTUURSDIENSTE / MANAGEMENT SERVICES**

### 11.3.1 **APPROVAL OF THE REVIEW OF HUMAN SETTLEMENT PLAN 2017 - 2021**

#### **PURPOSE OF REPORT**

To table the recommendations of the Human Settlement Plan review workshop that was held on 14 March 2018 for approval by Council.

#### **BACKGROUND**

Cape Agulhas municipality has a Human Settlement Plan (HSP) which was approved for the financial years 2017-2021. The HSP is reviewed annually so as to assess progress made on housing delivery as per pipeline deliverables and the business plan of the Western Cape Department of Human Settlements (WCDoS). The review for this financial year was done in a workshop organized for Councillors which was held on 14 March 2018 at the Council Chambers (see attendance register attached on **page 30**).

**The HSP workshop considered at the following issues (see page 31 to 41):**

- Review on whether CAM pipeline is still in line with the strategic objectives of WCDoS
- Coordination and alignment between CAM and provincial strategies, policies and delivery system
- Preparation of annual budgets for housing related expenditures
- Identification, prioritization and implementation of housing and land for housing projects on the pipeline
- Re-enforcement of planning and measuring housing delivery

#### **LEGAL AND POLICY IMPLICATIONS**

1. The Constitution of South Africa
2. The Housing Act, 1997
3. The National Housing Code, 2009
4. Cape Agulhas Municipality Human Settlement Plan 2017-2021

#### **FINANCIAL IMPLICATIONS**

None.

#### **MANAGEMENT RECOMMENDATION**

- (i) Council to approve the Human Settlement Plan reviews by the HSP workshop held on 14 March 2018 (see attached minutes of workshop on **page 42 to 45**).
- (ii) Relocation of Phola Park informal settlement in Bredasdorp be accommodated incrementally in IRDP projects Site G and Site F remainder of Erf 1148, Bredasdorp.
- (iii) Application be submitted to WCDoS for Upgrading of informal settlement programme for all informal settlements.

**RESOLUTION 49/2018**

- (i) Council to approve the Human Settlement Plan reviews by the HSP workshop held on 14 March 2018 (see attached minutes of workshop on **page 42 to 45**).
- (ii) Relocation of Phola Park informal settlement in Bredasdorp be accommodated incrementally in IRDP projects and Site F remainder of erf 1148, Bredasdorp.
- (iii) Application be submitted to WCDoHS for Upgrading of informal settlement programme for all informal settlements.
- (iv) Site G will only be allocated to applicants who qualify for GAP houses, according to the relevant policy.

**11.4 FINANSIES- EN IT DIENSTE / FINANCE- AND IT SERVICES****11.4.1 UDIT AKSIEPLAN 2016/2017 (OPCAR): MAANDELIKSE VORDERING - APRIL 2018****DOEL VAN VERSLAG**

Oorweging van die vordering met die goedgekeurde 2016/17 Oudit bevindinge Aksieplan (OPCAR) soos op 11 April 2018.

**AGTERGROND**

Na aanleiding van die Ouditeur-Generaal se oudit van die 2016/17 finansiële jaar is daar sekere leemtes uitgewys wat aangespreek moet word. Hierdie bevindinge is in die Oudit Bevindinge Aksieplan, soos aangeheg op **bladsy 46 tot 53** opgeneem en bepaalde regstellende stappe is bepaal om die bevindinge aan te spreek.

Die vordering word ook aan die Oudit- en Prestasieudit Komitee voorgelê en word ook op 'n gereelde grondslag met die Ouditeur-Generaal bespreek. Die vordering met die plan word verder op 'n kwartaalike grondslag aan die Wes-Kaapse Provinsiale Tesourie voorgelê.

**PERSONEEL IMPLIKASIES**

Geen.

**FINANSIËLE IMPLIKASIES**

Geen.

**WETLIKE IMPLIKASIES**

Geen.

**BESTUURSAANBEVELING**

Dat die Raad die vordering met die 2016/17 Ouditeur-Generaal aksieplan soos op 11 April 2018 oorweeg en aanvaar.

**BESLUIT 50/2018**

Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.



16. ONAFGEHANDELDE RAADSBESLUIE

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
90/2016	Ouditeur-Generaal navraag insake erwe 563 en 937, Napier	<ul style="list-style-type: none"> <li>(i) Dat Erf 563, Napier so spoedig as moontlik deur die raad se oordragprokureurs aan KAM oorgedra word.</li> <li>(ii) Dat, sodra Erf 563, Napier in KAM se naam registreer is, dit per openbare tender vervreemd word.</li> <li>(iii) Dat alle uitstaande skuld ten bedrae van R35 256,83 op rekening 200 000 011 073 in die naam van N en S M Noor afgeskryf word.</li> <li>(iv) Dat Erf 937, Napier se uitstaande gelde so spoedig as moontlik deur die raad se Masakane proses gevorder word (binne 90 dae).</li> <li>(v) Indien alle uitstaande fooie nie binne 90 dae gevorder is nie, erf 937 per openbare tender vervreemd sal word om deel van die koste te delg.</li> <li>(vi) Dat die verskil in uitstaande fooie (balans min verkoopprys) afgeskryf word.</li> </ul>	<i>In proses van afhandeling.</i>	DFD
237/2016	Parkering: Erf 264, Struisbaai	<p>Dat die randstene wel verwyder word, op voorwaarde dat -</p> <ul style="list-style-type: none"> <li>(i) Die eienaar in kennis gestel word dat sou hulle die parkeerarea wil vergroot tot by die voetpaadjie (in Hoofweg), die nodige grondgebruiksaansoek ingedien moet word vir oorweging.</li> <li>(ii) 'n Vergunningsooreenkoms vir die vergroting van die parkeerarea met die eienaar gesluit word.</li> </ul>	<i>Eienaar reageer nie op skrywe van prokureur nie.</i>	BSSB
238/2016	Council's further directions: Rezoning, Subdivision, Consolidation and letting of property in respect of the Vishuis Heritage Centre in Kassiesbaai, Arniston	<p>That Council approves the following: Amendment of Clause 12.2.4 of the attached Lease Agreement to read as follows: "The serving of refreshments including hot and cold beverages and snack foods (i.e. a portion of food, smaller than a regular meal, generally eaten between meals) shall be permitted, excluding regular meals."</p>	<i>In proses.</i>	BSSB
244/2016	Oordrag: Suiderstrand Pad	<ul style="list-style-type: none"> <li>(i) Dat beginsel-goedkeuring vir die oordrag van die Suiderstrand pad na Provinsie gegee word.</li> <li>(ii) Dat die Munisipale Bestuurder getaak word om die nodige prosesse van oordrag in werking te stel.</li> <li>(iii) Dat die Munisipale Bestuurder dringend 'n vergadering belê tussen die munisipaliteit, SANParke en die provinsiale departement van Paaie en Openbare Werke om die opgradering van die pad te bespreek.</li> </ul>		

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
17/2018	Fase 3 Area H Behuisingsontwikkeling in Bredasdorp	Dat die aangeleentheid terugverwys word vir die voorgestelde herontwikkeling van Fase 3 van Area H, Bredasdorp en gereed is vir ter tafellegging.		BSSB
27/2018	Valuation: Erf 857, Struisbaai	That the matter be referred back to Town Planning for further investigation.		BSSB

**BESTUURSAANBEVELING**

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

**BESLUIT 51/2018**

- (i) Dat die bestuursaanbeveling as besluit van die Raad aanvaar word.
- (ii) Dat kennis geneem word dat besluit 238/2016 verwyder kan word.
- (iii) Raadsbesluit 17/2018: 'n Besluit moet oor die kleuterskool geneem word asook die nuutste uitleg van die ontwikkeling moet gefinaliseer en aan die UBK voorgelê word - Terugverwys vir verdere inligting.

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

BEKRAGTIG op hierdie

dag van

2018

\_\_\_\_\_  
SPEAKER

DATUM: