



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N ALGEMENE RAADSVERGADERING VIRTUEEL GEHOU OM 10:00
OP DINSDAG 25 MEI 2021**

***MINUTES OF A GENERAL COUNCIL MEETING HELD VIRTUALLY ON TUESDAY,
25 MAY 2021 AT 10:00***

RAADSLEDE TEENWOORDIG / COUNCILLORS PRESENT

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)
ME	Z TONISI	(Onder-Burgemeester)

AMPTENARE TEENWOORDIG / OFFICIALS PRESENT

Mnr E Phillips	Munisipale Bestuurder
Mnr H Van Biljon	Direkteur: Finansiële Dienste
Mnr A Jacobs	Direkteur: Infrastruktuurdienste
Mnr H Kröhn	Direkteur: Bestuursdienste
Mnr B Swart	Interne Ouditeur
Mnr G M Moelich	Bestuurder: Administrasie
Me S Nel	Stadsbeplanner
Me T Stone	Afdelingshoof: Strategiese Dienste
Me A Jonker	Snr Admin Beampte: Komiteedienste

INHOUDSOPGAWE / TABLE OF CONTENT

	ITEM	Bladsy / Page	
		Agenda	Bylaes
1.	Opening	4	
2.	Aansoeke om Verlof tot Afwesigheid	4	
3.	Onderhoude met Afgevaardigdes en/of ander besoeke	4	
4.	Notules van Vorige Vergaderings voorgelê vir Bekragtiging:		
4.1	Notule van Algemene Raadsvergadering gehou op: 29 April 2021	4	Bylaag 1
5.	Notules van UBK Vergaderings vir Kennisname:		
5.1	Notule van UBK vergadering gehou op: 28 April 2021	4	Bylaag 1
6.	Notules van Komitee Vergaderings vir Kennisname / Bespreking:		
6.1	Voorgelê vir Bespreking: Wykskomitee Vergaderings	4	Bylaag 1
6.2.1	Voorgelê vir Kennisname: ICT Steering Committee: 15 April 2021	5	Bylaag 1
6.2.2	Voorgelê vir Kennisname: MPAC: 26 November 2019 en 28 Julie 2020	5	Bylaag 1
7.	Sake voortspruitend uit Notule	5	
8.	Verklarings en/of Mededelings deur die Voorsitter:		
8.1	Briewe van Dank	5	
8.2	Funksies vir die maand	5	
8.3	Aanwys van Afgevaardigdes	5	
8.4	Dringende sake deur die Speaker voorgelê.	5	
9.	Terugvoering vanaf Raadslede oor Vergaderings Bygewoon	5	
10.	Verklarings en/of Mededelings deur die Uitvoerende Burgemeester	5 – 6	
11.	Items na die Raad verwys vir Oorweging:		
11.1	Approval: 4 th Revision of the 2017/2018 - 2021/2022 IDP	6 - 7	<i>Apart</i>
11.2	Final Budget for the 2021/2022 Financial Year	7 - 11	<i>Apart</i>
11.3	Oversight Report of MPAC on Annual Report for 2019/20	11 - 12	<i>Apart</i>
11.4	Reviewed and Updated Revenue Enhancement Strategy - Action Plan (2021/2022)	13	-
11.5	Proposed Long-Term Debt Application	13 - 15	-
11.6	2021/2022 Risk Management Policy, Risk Management Strategy and FARMCO Charter	15 - 16	1 - 48
11.7	Privacy Policy	16 - 17	49 - 61
11.8	Review and Updating: Finance- and Budget Related Policies	17 - 19	-
11.9	Anti-Corruption and Fraud Prevention Policy, Strategy and Plan Review	20 - 21	62 - 105
11.10	CAM: Winter Season Readiness Plan 2021	21 - 22	106 - 138
11.11	CAM: Provisional Flood Disaster Report	22	139 - 152
11.12	Uitvoering van Raadsbesluit 123/2020: Vervreemding (Koop): Erf 4176, Bredasdorp (D Oncke)	22 - 23	153 - 154
11.13	Recognition of additional MIG allocation for CAM	23 - 24	-
11.14	Amendment/Extention of Contract: CAB Holdings	24 - 25	-
11.15	OPCAR: Monthly Report - May 2021	25	155 - 164

INHOUDSOPGAWE / TABLE OF CONTENT			
	ITEM	Bladsy / Page	
		Agenda	Bylaes
12.	Dringende Sake deur die Munisipale Bestuurder	25	
13.	Oorweging van Kennisgewing van Mosies: Raadsdame Marthinus	26	
14.	Oorweging van Kennisgewing van Vrae	26	
15.	Oorweging van Dringende Mosies	26	
16.	Verslag deur Munisipale Bestuurder oor die uitvoering van Raadsbesluite	26	
17.	In-Komitee Verslae	26	
18.	Sluiting	26	

1. **OPENING**

- (i) Die Speaker heet die teenwoordiges welkom en Raadsdame Marthinus open die vergadering met gebed.
- (ii) Raadsdame Marthinus en Raadsheer Nieuwoudt word geluk gewens met hul verjaarsdae.
- (iii) Die Speaker meld dat hierdie Raadslid Burger se laaste Raadsvergadering is, aangesien hy as Raadslid bedank het.

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

Geen.

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

Geen.

4. **NOTULES VAN VORIGE VERGADERINGS VOORGELê VIR BEKRAGTING**

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

29 April 2021 [*Notule was onder lede versprei*]

BESLUIT 97/2021

- (i) Die Notule word as korrek en volledig bekragtig.
- (ii) Dat Raadsbesluit 90/2021 (*Implementation of Feeding Schemes*) na die Bestuursdienste Komitee terugverwys word vir verdere ondersoek.

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

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

28 April 2021 [*Notule was onder lede versprei*]

BESLUIT 98/2021

Die Raad neem kennis van bogenoemde UBK Notule.

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

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

- WYK 1 : 12 April 2021
- WYK 2 : 14 April 2021
- WYK 3 : 13 April 2021
- WYK 4 : 19 April 2021
- WYK 5 : 15 April 2021
- WYK 6 : 20 April 2021

[*Notules was onder lede versprei*]

BESLUIT 99/2021

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

6.2 **VOORGELê VIR KENNISNAME**

6.2.1 **ICT Steering Committee:** 15 April 2021

6.2.2 **MPAC:** 28 November 2019
28 Julie 2020

[*Notules was onder lede versprei*]

BESLUIT 100/2021

Die Raad neem kennis van bogenoemde Notules.

7. **SAKE VOORTSPRUITEND UIT NOTULES**

Geen.

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**

Geen.

8.4 **DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê**

Die Speaker en verskeie Raadslede spreek hul dank teenoor Raadslid Burger wat bedank het as Raadslid aan die einde van Mei 2021. Sy kennis as Voorsitter van die Finans- en IT Dienste Komitee sal gemis word.

9. **TERUGVOERING VANAF RAADSLEDE OOR VERGADERINGS BYGEWOON**

Raadslid Tonisi gee terugvoer aangaande 'n SALGA sessie wat gehandel het oor die "upliftment and development of Councillors".

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

Die Burgemeester lê klem op die volgende aangeleenthede:

- (i) Alle amptenare en Raadslede moet deel vorm van 'n "positiewe omgewing".
- (ii) Belangrike beleide en riglyne moet gebruik word om weldeurdagte besluite te neem.
- (iii) Die Raad sal gefokus bly om dienslewering te verbeter.
- (iv) Hy spreek sy dank uit teenoor almal wat gehelp het met die onlangse vloede.
- (v) 'n "Sukses bemerkingsboek" word tans saamgestel oor die Raad se dienslewering die afgelope vyf jaar.

- (vi) 'n Vergadering word eerskomende Vrydag met Provinsie gehou aangaande hulpverlening ten opsigte van die onlangse vloede.
- (vii) 'n Behuisingsinligtingsessie sal in elke dorp plaasvind.
- (viii) Raadslid Burger word bedank vir tien jaar se onbaatsugtige diens aan die gemeenskap.

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

11.1 **APPROVAL OF THE FOURTH REVISION (2021/22) OF THE 2017/18 - 2021/22 INTEGRATED DEVELOPMENT PLAN**

PURPOSE OF REPORT

To present the Final Integrated Development Plan (IDP) Review for 2021/22 to the Council for approval.

LEGAL FRAMEWORK

Integrated Development Planning is regulated by Chapter 5 of the Local Government Municipal Systems Act, Act 32 of 2000 read together with the Municipal Finance Management Act, Act 56 of 2003.

In terms of section 25(1) of the Municipal Systems Act, each Municipal Council must adopt a single, inclusive and strategic plan for the development of the Municipality within a prescribed period after the start of its elected term. The Municipality adopted its 2017/18 - 2021/22 IDP in May 2017.

Section 34 of the Municipal Systems Act requires Municipalities to review their Integrated Development Plans annually in accordance with an assessment of its performance and to the extent that changing circumstances demand. Amendments to the IDP must be done in accordance with the prescribed process.

Section 21 of the MFMA requires the mayor of a municipality to co-ordinate the processes for preparing the annual budget and for reviewing the municipality's integrated development plan and budget-related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget-related policies are mutually consistent and credible.

Section 53(1)(b) of the MFMA provides that the mayor of a municipality must co-ordinate the annual revision of the integrated development plan in terms of section 34 of the Municipal Systems Act and the preparation of the annual budget and determine how the integrated development plan is to be taken into account or revised for the purposes of the budget.

DISCUSSION

The Final IDP Review for 2021/22 does not constitute a new IDP but must be read in conjunction with the 2017/18 - 2021/22 five-year Integrated Development Plan as well the first review (2018/19), second review (2019/20) and third review/amendments (2020/21).

A draft IDP Review was submitted to Council on 30 March 2021 and it was resolved as follows under Item 16/2021:

"That Council adopts the Draft IDP Review for 2021/22 and that it be made public in terms of Section 21A of the Municipal Systems Act, Act 32 of 2000.

Following adoption of the Draft IDP, it was made public and submitted to the Department of Local Government. Public comments focused mostly on the budget and did not affect the IDP. An assessment was done by Provincial Departments and some minor administrative amendments were recommended. These amendments as well as the public comments where applicable are incorporated in the Final IDP Review.

MANAGEMENT RECOMMENDATION

That the fourth revision (2021/22) of the 2017/18 - 2021/2022 Integrated Development Plan of the Cape Agulhas Municipality be approved in terms of Section 34 of the Local Government: Municipal Systems Act (Act 32 of 2000).

RESOLUTION 101/2021

That the fourth revision (2021/22) of the 2017/18 - 2021/2022 Integrated Development Plan of the Cape Agulhas Municipality be approved in terms of Section 34 of the Local Government: Municipal Systems Act (Act 32 of 2000).

11.2 **FINAL BUDGET FOR THE 2021/2022 MTREF FINANCIAL YEAR**

The Director: Finance reports as follows:

PURPOSE OF REPORT

To submit the **FINAL ANNUAL BUDGET** in respect of the **2021/22 and two outer financial years** for consideration and discussion by Council as prescribed in the Municipal Finance Management Act (MFMA).

BACKGROUND

In terms of section 21(2) of the Municipal Finance Management Act, the Mayor must consider the following issues when preparing the annual budget:

- Take into account the municipality's integrated development plan;
- Take all reasonable steps to ensure that the municipality revises the integrated development plan in terms of section 34 of the Municipal Systems Act, taking into account realistic revenue and expenditure projections for future years;
- Take into account the national budget, the relevant provincial budget, the national government's fiscal and economic policy, the annual Division of Revenue Act and any agreements reached in the Budget Forum.
- Consult -
 - (i) All other local municipalities in the area, if the municipality is a district municipality
 - (ii) The relevant provincial treasury, and when requested, the National Treasury; and
 - (iii) Any national or provincial organ of state, as may be prescribed.

BUDGET PREPARATION PROCESS

The budget preparation process consists of the following six distinct steps:

1. **Planning:** Schedule key dates, establish consultation forums, review previous processes.
2. **Strategizing:** Review IDP, set service delivery goals and objectives for next three years, consult on tariffs, indigent, credit control, free basic service, etc. policies and consider local, provincial and national issues, previous year's performance and current economic trends, etc.
3. **Preparing:** Prepare budget, revenue and expenditure projections, draft budget policies, consult and consider local, provincial and national priorities.
4. **Tabling:** Table draft budget, IDP and budget related policies before Council, consult and consider formal local, provincial and national inputs or responses.
5. **Approving:** Council approves budget and related policies.
6. **Finalizing:** Publish and approve Service Delivery and Budget Implementation Plan (SDBIP) and annual performance agreements and indicators.

The above steps must be incorporated into one process with reference to the IDP and Budget. These processes could be finalized before submission of the draft budget to Council.

In terms of section 16 of the MFMA, the council of a municipality must for each year approve an annual budget for the municipality and because of this legislative requirement, the mayor of the municipality must table the annual budget at a council meeting at least 90 days before the start of the budget year.

After the draft annual budget has been tabled, the community has been invited to make written submission to the Council on the budget and to make representation at the council hearings. Key stakeholders like national and provincial departments (eg. Treasuries, Local Government, Water, Environment, Health) should also be invited to submit written comments to the hearing.

Due to COVID 19 pandemic and measures promulgated by the President no community participations meetings took place but alternative methods via the virtual platform took place in respect of each ward to ensure transparency in most appropriate and effective manner by availing the adopted draft budget also to key stakeholders in the community.

The municipality did receive written inputs, comments and questions from the community for consideration by the Executive Mayor as prescribe in terms of the above-mentioned legislation and a Budget Steering Committee meeting was held on Friday, 14 May 2020 to discuss the budget inputs received from various role players for consideration and / or amendment to the draft budget 2021/22 before final approval of the budget, if considered necessary aligned with the IDP's identified priorities input received for the community during the consultative process.

Recommendations made by Provincial Treasury during its assessment virtual meeting in respect of the draft 2021/22 budget have been addressed and incorporated where applicable. The final budget to be submitted for consideration and approval have been amended with reference to the outer years to be funded as per legislative requirement.

After the Mayor has responded to the recommendations and made amendments to the draft budget, the full council must meet to consider the budget for approval not later than 31 May 2021.

BUDGET CONTENT AND FORMAT

National Treasury, through the Municipal Budget and Reporting Regulations provided guidelines on the content and format standards of the budget as well as supporting documentation to which all municipalities must comply. The regulations became effective as from July 2009.

The reason why National Treasury provided guidelines on the budget and supporting documentation is to ensure:

- Compliance with legal requirements for an approved budget;
- Strengthened oversight by council and improved performance by officials;
- Readability of and linkages within the budget documentation.
- Satisfaction of stakeholders' information needs (councillors, community etc.); and
- Facilitation of comparability between municipalities.

Municipal Circulars 107 & 108 further provides guidance (inclusive of all previous budget related circulars issued by National Treasury) to municipalities and municipal entities for the preparation of their 2021/22 budgets, medium term revenue and expenditure framework (MTREF) as informed by the **Budget Review 2021** and the **2021 Division of Revenue Act**. According to the mentioned circular, municipalities must prepare their budgets in the context of the current global economic crisis and the slow-down in the domestic economy.

The draft annual budget is attached as annexure (**Bound separately**) for Council's consideration."

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

MANAGEMENT RECOMMENDATION

- (i) Council resolves that the FINAL budget of the municipality for the financial year 2021/22 as per Budget Related Resolutions of the budget document and indicative for the projected outer years 2022/23 and 2023/24 be adopted as set out in 1.8 Annual Budget Tables in respect of the following schedules:
- 1.1 Executive summary of revenue & expenditure – Table A1;
 - 1.2 Budgeted Financial Performance (Revenue and Expenditure by standard Classification) – Table A2;
 - 1.3 Budgeted Financial Performance (revenue and expenditure by municipal vote) A – Table A3;
 - 1.4 Budgeted Financial Performance (revenue and expenditure) – Table A4;
 - 1.5 Budgeted Capital Expenditure by vote, standard classification and funding – Table A5;
 - 1.6 Budgeted Financial Position – Table A6;
 - 1.7 Budgeted Cash Flows Table A7;
 - 1.8 Cash backed reserves/accumulated surplus reconciliation – Table A8;
 - 1.9 Asset Management – Table A9;
 - 1.10 Basic service delivery measurement table A10;
 - 1.11 Council notes Part 2 - Other related Supporting Documentation completed where applicable from Table SA1 to SA38 subject to further refinement and completion before final submission to National & Provincial Treasuries.
- (ii) Council approves and adopts the FINAL tariffs listing for services as per Appendix A with effect 1 July 2021.
- (iii) Council approves and adopt the FINAL SDBIP in respect of the 2021/22 budget year per Appendix B.
- (iv) Council notes that the administration communicated that the final information needs to be extracted from the FINANCIAL SYSTEM (VESTA) and this information should form the basis of the information submitted to Council for approval. Administration inform Council that due to the numerous reporting requirements of the DATASTRINGS extraction process and the related activities that is needed to ensure reconciliated information can be extracted the information tabled in the budget report was not ALL EXTRACTED VIA THE MUNICIPAL FINANCIAL SYSTEM (VESTA).
- (v) Council notes that the mSCOA data string in respect of A Schedule version 6.5 needs to be completed based on the numerous reporting requirements and this will be done uploaded via the VESTA Financial System for submission to National Treasury before the start of the financial year 1 July 2021.
- (vi) Council take note of the explanations in point 5 and 6 above and a analysis of the 10 main tables as follows:

No	Description of tabled	Comments
A1	Budget Summary	Summary of the different tabled as per below explanation
A2	Budgeted Financial Performance (revenue and expenditure by functional classification)	This information is extracted from the Vesta (Financial system)
A3	Financial Performance (revenue and expenditure by municipal vote)	This information is extracted from the Vesta (Financial system)
A4	Financial Performance (revenue and expenditure)	This information is extracted from the Vesta (Financial system)
A5	Budgeted Capital Expenditure by vote, standard classification and funding	This information is extracted from the Vesta (Financial system)
A6	Budgeted Financial Position	This information is currently being manually compiled due to financial system challenges
A7	Budgeted Cash Flows	This information is currently being manually compiled due to financial system challenges
A8	Cash backed reserves/accumulated surplus reconciliation	This information is currently being manually compiled due to financial system challenges
A9	Asset Management	This information is currently being manually compiled due to financial system challenges
A10	Basic service delivery measurement	This is non-financial information, required to be completed manually

After voting, the following decision is taken:

RESOLUTION 102/2021

- (i) Council resolves that the FINAL budget of the municipality for the financial year 2021/22 as per Budget Related Resolutions of the budget document and indicative for the projected outer years 2022/23 and 2023/24 be adopted as set out in 1.8 Annual Budget Tables in respect of the following schedules:
- 1.1 Executive summary of revenue & expenditure – Table A1;
 - 1.2 Budgeted Financial Performance (Revenue and Expenditure by standard Classification) – Table A2;
 - 1.3 Budgeted Financial Performance (revenue and expenditure by municipal vote) A – Table A3;
 - 1.4 Budgeted Financial Performance (revenue and expenditure) – Table A4;
 - 1.5 Budgeted Capital Expenditure by vote, standard classification and funding – Table A5;
 - 1.6 Budgeted Financial Position – Table A6;
 - 1.7 Budgeted Cash Flows Table A7;
 - 1.8 Cash backed reserves/accumulated surplus reconciliation – Table A8;
 - 1.9 Asset Management – Table A9;
 - 1.10 Basic service delivery measurement table A10;
 - 1.11 Council notes Part 2 - Other related Supporting Documentation completed where applicable from Table SA1 to SA38 subject to further refinement and completion before final submission to National & Provincial Treasuries.
- (ii) Council approves and adopts the FINAL tariffs listing for services as per Appendix A with effect 1 July 2021.
- (iii) Council approves and adopt the FINAL SDBIP in respect of the 2021/22 budget year per Appendix B.
- (iv) Council notes that the administration communicated that the final information needs to be extracted from the FINANCIAL SYSTEM (VESTA) and this information should form the basis of the information submitted to Council for approval. Administration inform Council that due to the numerous reporting requirements of the DATASTRINGS extraction process and the related activities that is needed to ensure reconciliated information can be extracted the information tabled in the budget report was not ALL EXTRACTED VIA THE MUNICIPAL FINANCIAL SYSTEM (VESTA).
- (v) Council notes that the mSCOA data string in respect of A Schedule version 6.5 needs to be completed based on the numerous reporting requirements and this will be done uploaded via the VESTA Financial System for submission to National Treasury before the start of the financial year 1 July 2021.
- (vi) Council takes note of the explanations in point 5 and 6 above and a analysis of the 10 main tables as follows:

No	Description of tabled	Comments
A1	Budget Summary	Summary of the different tabled as per below explanation
A2	Budgeted Financial Performance (revenue and expenditure by functional classification)	This information is extracted from the Vesta (Financial system)
A3	Financial Performance (revenue and expenditure by municipal vote)	This information is extracted from the Vesta (Financial system)
A4	Financial Performance (revenue and expenditure)	This information is extracted from the Vesta (Financial system)
A5	Budgeted Capital Expenditure by vote, standard classification and funding	This information is extracted from the Vesta (Financial system)
A6	Budgeted Financial Position	This information is currently being manually compiled due to financial system challenges
A7	Budgeted Cash Flows	This information is currently being manually compiled due to financial system challenges
A8	Cash backed reserves/accumulated surplus reconciliation	This information is currently being manually compiled due to financial system challenges
A9	Asset Management	This information is currently being manually compiled due to financial system challenges
A10	Basic service delivery measurement	This is non-financial information, required to be completed manually

The following Councillors record their dissentient vote:

1. **Elderlady Marthinus, Councillors Baker and Europa** due to the following reasons: (1) The unfordability of the high staff related costs; (2) The removal of ward base budget; (3) The fact that stormwater issues in the informal areas are not addressed in this budget.
2. **Councillor Jacobs** due to the following reason: The high cost of employment causes that less money could be spent on capital projects.

11.3 OVERSIGHT REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE ON THE ANNUAL REPORT FOR 2019/20

REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER

PURPOSE OF REPORT

To present the Oversight Report on the 2019/20 Annual Report to the Municipal Council in terms of Section 129 of the Local Government Municipal Finance Management Act, Act 56 of 2003

LEGAL FRAMEWORK

Annual and Oversight Reports are regulated by the Local Government Municipal Finance Management Act No 56 of 2003 read together with the Local Government Municipal Systems Act, Act 32 of 2000 and MFMA Circular 32.

Local Government Municipal Finance Management Act No 56 of 2003 (MFMA):

1. Section 121 (1) requires every municipality to prepare an annual report. The municipal council must deal with this report within nine months of the end of the financial year.
2. Section 127 (5) (1) of the MFMA requires the accounting officer to make the annual report public and invite the local community to submit representations in connection with the annual report following the tabling thereof.
3. Section 127 (5) (b) of the MFMA requires that the tabled annual report also be submitted to the Auditor General, Provincial Treasury and the Provincial Department of Local Government.
4. Section 129 (1) requires the municipal council to adopt an oversight report within 2 months of the tabling of the annual report which contains the councils comments on the annual report which must include a statement whether the council;
 - a) has approved the annual report with or without reservations; or
 - b) has rejected the annual report; or
 - c) has referred the annual report back for revision of those components that can be revised
5. Section 129(2) requires the Accounting Officer to attend the council meeting where the annual report is discussed, for the purpose of responding to questions concerning the report and submit copies of the minutes of the meeting to the Auditor-General, the relevant Provincial Treasury and the provincial Department of Local Government.
6. Section 129 (3) requires the accounting officer to make the Oversight Report public within seven days of its adoption.

Local Government Municipal Systems Act, Act 32 of 2000:

Section 46 of the Municipal Systems Act requires every municipality to prepare a performance report for each financial year which reflects the performance of the municipality and each of its external service providers during the financial year, as measured against predetermined targets as well as the performance of the previous year. The annual performance report must form part of the municipality's annual report.

DISCUSSION

The 2019/20 Annual Report was tabled in Council on 30 March 2021 and constitutes a report on the Municipality's performance for the period 1 July 2019 to 30 June 2020.

The Draft 2019/20 Annual Report was made available for public comment from 1 April 2021 to 3 May 2021. It was advertised in the press and placed on the Municipal website. It was also submitted to the Provincial Department of Local Government, Provincial Treasury, Auditor General and Cape Agulhas Audit Committee.

Stakeholder	Comments
Public	None
Provincial Department of Local Government	None
Provincial Treasury	None
Auditor General	None
Cape Agulhas Audit Committee (AC)	The draft annual report for 2019/20 was given to the AC on the same day the report was tabled in the Council on 30 March 2021 with the request to submit any input to internal audit. It was also included in the AC agenda for their quarterly meeting on 19 April 2021 with a discussion and reminder for inputs. At due date for inputs no inputs/comments were received from the Audit Committee and they are satisfied with the correctness and completeness of the annual report.

The MPAC is appointed in terms of section 79 of the Municipal Structures Act, 1998 was tasked to prepare an Oversight Report to Council. MPAC consists of:

NAME	DESIGNATION
Cllr Z Jacobs	Chairperson
Ald E Marthinus	Member
Cllr E Sauls	Member
Ald D Jantjies	Member

A special MPAC meeting was scheduled on 6 May 2021 but had to be rescheduled to 20 May 2021 due to the flood. The purpose of the meeting was to review the annual report and to compile the oversight report, including recommendations to Council on the adoption of the annual report. ***The report will be provided under separate cover.***

MANAGEMENT RECOMMENDATION

Council, having fully considered the Draft 2019/20 Annual Report of Cape Agulhas Municipality resolves:

1. That the Council adopts the 2019/20 Oversight Report and approve the 2019/20 Annual Report without reservations in terms of Section 129 (1)(a) of the Local Government Municipal Finance Management Act, Act 56 of 2003.
2. That the accounting officer submit copies of the minutes of this Council Meeting to the Auditor-General, the relevant Provincial Treasury and the Provincial Department responsible for Local Government in the Province.
3. That the accounting officer make the Oversight Report public in accordance with section 21A of the Municipal Systems Act within seven days.
4. That the recommendations made by MPAC in the 2019/20 Oversight Report be addressed.

RESOLUTION 103/2021

Council, having fully considered the Draft 2019/20 Annual Report of Cape Agulhas Municipality resolves:

1. That the Council adopts the 2019/20 Oversight Report and approve the 2019/20 Annual Report without reservations in terms of Section 129 (1)(a) of the Local Government Municipal Finance Management Act, Act 56 of 2003.
2. That the accounting officer submit copies of the minutes of this Council Meeting to the Auditor-General, the relevant Provincial Treasury and the Provincial Department responsible for Local Government in the Province.
3. That the accounting officer make the Oversight Report public in accordance with section 21A of the Municipal Systems Act within seven days.
4. That the recommendations made by MPAC in the 2019/20 Oversight Report be addressed.

11.4 **SUBMISSION OF REVIEWED AND UPDATED REVENUE ENHANCEMENT STRATEGY - ACTION PLAN (2021/22) (DFS)**

PURPOSE OF REPORT

For Council to take note of the reviewed and updated Revenue Enhancement Strategy - Action Plan for further improvement, roll-out and implementation according to set time frames.

BACKGROUND

The municipality approved a Revenue Enhancement Strategy Action Plan during December 2017 for implementation according set target dates and feedback reporting on the progress on a quarterly basis. It is further essential to assess the overall progress and implementation performance on an annual basis for further enhancement, improvement and / or alignment to amended action target dates if still in progress or not yet completed.

A number of key performance areas were highlighted for improvement to the revenue value chain at the Municipality with emphasis on the following key areas:

- Legislative framework
- Customer data quality and management
- Customer management
- Billing and revenue collection
- Debt management
- Information Technology
- Other areas

The municipality indeed make remarkable progress by implementing some of the critical identified processes to improve its revenue recoverable ability to the full and maximum potential since the inception of this Revenue Enhancement Strategy. It remains imperative for the municipality to maintain its focus and to be flexible to align itself by avoiding any unnecessary obstacles, implement new methods and trends to further improve its ability to be more cost effective and efficient on how to recover its revenue due.

LEGAL IMPLICATION

None.

FINANCIAL IMPLICATION

None.

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

MANAGEMENT RECOMMENDATION

Council takes note of the reviewed and updated Revenue Enhancement Strategy - Action Plan (2021/22).

RESOLUTION 104/2021

Council takes note of the reviewed and updated Revenue Enhancement Strategy - Action Plan (2021/22).

11.5 **PROPOSED LONG-TERM DEBT APPLICATION (SCM 32/2020/21)**

PURPOSE OF REPORT

For Council to consider the proposed long-term debt application to the total amount of R34,2 million as approved by the Bid Adjudication Committee on 12 May 2021.

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 R34,2 million were invited from various banks and/or borrowing institutions to fund the municipality capital programme over the medium term budget period (2020/21 and two outer years) as per Council's budget approval dated 29 May 2020 as well as the borrowing terms, conditions and specifications approved by Council during June 2020. *(The allocated funding source from external borrowing in respect of the proposed capital programme with reference of the two outer years may be subject to change with the approval of the final 2021/22 capital budget.)*

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	Average Anticipated Annual Installment
Motor Vehicle Fleet	External Loan: Annuity Method	Half Yearly	3 Years at a variable / linked interest rate of 6.14%	R4,800,000	R 529,545	R 1,776,515
New and Upgrade Infrastructure Services	External Loan: Annuity Method	Half Yearly	5 Years at a variable / linked interest rate of 6.32%	R2,318,000	R 422,200	R 548,040
New and Upgrade Infrastructure Services	External Loan: Annuity Method	Half Yearly	10 Years at a variable / linked interest rate of 5.94%	R27,082,000	R 9,233,785	R 3,631,578
Total Long-term Application:				R34,200,000	R10,185,530	R5,956,133

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 - Cape Argus / "Die Burger", notice boards and the municipal website. National- and Provincial Treasury was also informed in a formal written letter 14 May 2021 together with supporting documentation as per National Treasury circular no 26 borrowing checklist requirements (the feedback form National- and Provincial Treasury, if any, is still awaiting as should there be any significant recommendations it will be reveal to Council accordingly).

LEGAL IMPLICATION

Non-compliance to prescribed legislation and external loan conditions.

FINANCIAL IMPLICATION

The total estimated maximum borrowing cost in respect of the 2021/22 budget year amounts to R5,956,133 if the full borrowing amount be utilised effective form 1st July 2021. However, it is anticipated to be phased in and utilized aligned with the approved capital budget programme over the next two remaining years.

It will be further suggested to ring-fence the estimated cost required to service the loan as part of the applicable tariff submission in respect of the 2021/22 budget proposal.

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 R34,2 million from Standard Bank over the medium budget period (2020/21 and two outers) as approved by the Bid Adjudication Committee based on the specifications and guidelines determined by Council during June 2020.

RESOLUTION 105/2021

Council approves proceeding with the long term debt application to the total estimated amount of R34,2 million from Standard Bank over the medium budget period (2020/21 and two outers) as approved by the Bid Adjudication Committee based on the specifications and guidelines determined by Council during June 2020.

11.6 **2021/2022 RISK MANAGEMENT POLICY, RISK MANAGEMENT STRATEGY AND FARMCO CHARTER REVIEW**

PURPOSE OF REPORT

To submit the annual revision of the Cape Agulhas Municipality Risk Management Policy, Risk Management Strategy and FARMCO Charter for 2021/2022 to Council for approval.

LEGAL IMPLICATIONS**Municipal Finance Management Act (MFMA)**

The Municipal Finance Management Act (MFMA) (Section 62 (1) (a) states, inter alia, that the Accounting Officer of a municipality is responsible for managing the financial administration of the municipality, and must for this purpose take all reasonable steps to ensure that the municipality has and maintains effective, efficient and transparent systems of financial and risk management and internal controls.

National Treasury Risk Management Framework

The National Treasury Risk Management Framework requires that the Municipality must operate within the terms of a risk management policy.

The framework also recommends the establishment of mechanisms aimed at embedding risk management into organizational culture, one of which is a Fraud and Risk Management Committee (FARMCO). The FARMCO Charter sets out the roles and responsibilities of the FARMCO.

DISCUSSION

The Council approved the Risk Management Policy and Risk Management Strategy and FARMCO Charter in June 2020. These documents are reviewed on an annual basis by the FARMCO. The revised documents were submitted to (FARMCO) on 23 April 2021 who approved the amendments. The Risk Management Policy was also submitted to the LLF for consultation.

Amendments were only made to the policy and can be summarised as follows:

RISK MANAGEMENT POLICY		
Paragraph	Page	Amendment
6.4	19	RISK CATEGORY: 21. Covid 19 - Risks related to the Covid-19 pandemic which have an effect on the Business Continuity of municipality: Internal
RISK MANAGEMENT STRATEGY - NO AMENDMENTS		
FARMCO CHARTER		
Paragraph	Page	Amendment
4	8	FARMCO MEMBERSHIP COMPOSITION: Other invitee: Chairperson of the Audit Committee

The documents are attached as Annexures:

Annexure A:	Risk Management Policy	<i>(attached on page 1 - 22)</i>
Annexure B:	Risk Management Strategy	<i>(attached on page 23 - 38)</i>
Annexure C:	FARMCO Charter	<i>(attached on page 39 - 48)</i>

FINANCIAL IMPLICATIONS

None.

PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

- (i) That the 2021/2022 revision of the Cape Agulhas Municipality Risk Management Policy and Risk Management Strategy be approved.
- (ii) That the 2021/2022 revision of the Cape Agulhas Municipality FARMCO Charter be approved.

RESOLUTION 106/2021

- (i) That the 2021/2022 revision of the Cape Agulhas Municipality Risk Management Policy and Risk Management Strategy be approved.
- (ii) That the 2021/2022 revision of the Cape Agulhas Municipality FARMCO Charter be approved.

11.7 **PRIVACY POLICY****REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER: STRATEGIC PLANNING AND ADMINISTRATIVE DIVISION****PURPOSE OF REPORT**

To submit a Privacy Policy to Council in terms of the Protection of Personal Information Act (POPIA), Act No. 4 of 2013. This is one of the appropriate, reasonable technical and organisational measures that a responsible party can take to secure the integrity and confidentiality of personal information in its possession or under its control. The Privacy Policy is attached as annexure on **page 49 to 61**.

BACKGROUND

The Protection of Personal Information Act (POPIA), Act No. 4 of 2013, regulates all organizations who process personal information.

Parliament assented to POPIA on 19 November 2013. The commencement date of section 1, Part A of Chapter 5, section 112 and section 113 is 11 April 2014. The commencement date of the other sections is 1 July 2020 (with the exception of section 110 and 114(4) which must be implemented by 30 June 2021. The President of South Africa has proclaimed the POPI commencement date to be 1 July 2020, and a year was given to become compliant.

The purpose of the POPI Act is to -

1. *give effect to the constitutional right to privacy, by safeguarding personal information when processed by a responsible party, subject to justifiable limitations that are aimed at -*
 - a) *balancing the right to privacy against other rights, particularly the right of access to information; and*
 - b) *protecting important interests, including the free flow of information within the Republic and across international borders;*

2. *regulate the manner in which personal information may be processed, by establishing conditions, in harmony with international standards, that prescribe the minimum threshold requirements for the lawful processing of personal information;*
3. *provide persons with rights and remedies to protect their personal information from processing that is not in accordance with this Act; and*
4. *establish voluntary and compulsory measures, including the establishment of an Information Regulator, to ensure respect for and to promote, enforce and fulfil the rights protected by POPI Act.*

DISCUSSION

Cape Agulhas Municipality is legally obliged to protect personal information and implement measures to ensure that all personal information kept by the municipality is effectively safeguarded. The Municipality needs to gather and use certain information about individuals and juristic persons. These can include clients/customers, suppliers, business contacts, employees, and other people the organisation has a relationship with or may need to contact. The Privacy Policy outlines how the Municipality manages personal information which it collects and processes for various business needs.

LEGAL IMPLICATIONS

The Protection of Personal Information Act (POPIA), Act No. 4 of 2013 and the Regulations thereunder and the Promotion of Access to Information (PAIA) Act 2 of 2000.

FINANCIAL IMPLICATIONS

None.

PERSONNEL IMPLICATIONS

All personnel will have to adhere to the regulations as set out in the POPI Act and the Privacy Policy of the municipality. The Policy was presented to the Local Labour Forum on 13 May 2021 for their input.

COMMENTS BY RELEVANT DEPARTMENTS

The draft policy was circulated internally and an opportunity provided for input.

MANAGEMENT RECOMMENDATION

That the Cape Agulhas Municipality Privacy Policy be approved.

RESOLUTION 107/2021

That the Cape Agulhas Municipality Privacy Policy be approved.

11.8 **REVIEW AND UPDATING OF FINANCE- AND BUDGET RELATED POLICIES**

The Director: Finance reports as follows:

PURPOSE OF REPORT

To submit to Council the Finance- and Budget related policies as per the Municipal Budget and Reporting Regulations No 32141 dated 17 April 2009 for updating of the reviewed policies as prescribed in the Municipal Finance Management Act (MFMA).

BACKGROUND

Section 7(1) of the Municipal Finance Management Act, Municipal Budget and Reporting Regulations stipulates as follows:

“The Municipal Manager of a municipality must prepare or take all reasonable steps to ensure the preparation of the budget-related policies of the municipality, or any necessary amendments to such policies, in accordance with the legislation applicable to those policies for tabling in the municipal council by the applicable deadline specified by the mayor in terms of section 21(1)(b) of the Act.”

Section 24(2)(c)(v) of the Municipal Finance Management Act, 56 of 2003 stipulates as follows:

“An annual budget must be approved together with the adoption of resolutions as may be necessary - approving any changes to the municipality’s budget-related policies.”

EXECUTIVE OVERVIEW

In line with the above legislated background the Administration is tabling the following policies for review and updating. These policies is table to ensure that the budget documentation correspond with the latest tabled information submitted to Council.

The policies as per the list below is only named to council due to no changes being affected to the policies last approved by Council. Where policies was changed significantly from the last approved policies, these detailed changes will be workshopped and tabled as required.

List of policies with an explanation of the objectives for review and update:

1. Borrowing, Funds and Reserve Policy

Objectives:

Each municipality must have a funding and reserves policy which must set out the assumptions and methodology for estimating -

- projected billings, collections and all direct revenues;
- the provision for revenue that will not be collected;
- the funds the municipality can expect to receive from investments;
- the dividends the municipality can expect to receive from municipal entities;
- the proceeds the municipality can expect to receive from transfer or disposal of assets;
- the municipality’s borrowing requirements;
- the funds to be set aside in reserves.

2. Budget and Veriment Policy

Objectives:

The objective of the budget policy is to set out -

- The principles which the municipality will follow in preparing each medium term revenue and expenditure framework budget
- The responsibilities of the executive mayor, the accounting officer, the chief financial officer and other senior managers in compiling the budget
- To establish and maintain procedures to ensure adherence to Cape Agulhas Municipality Integrated Development Plan (IDP) review and budget processes.

3. Cost Containment Policy

Objectives:

The purpose of this policy is to direct the Municipality on cost containment measures that must be implemented to ensure that resources of the Municipality are used effectively, efficiently and economically.

4. Asset Management Policy

Objectives:

The objective of this policy is to ensure that assets of the Municipality are properly managed and accounted for by -

- The accurate recording of essential asset information;
- The accurate recording of asset movements;
- Exercising strict physical controls over all assets;
- Treating the assets correctly in the Municipality's financial statements;
- Providing accurate and meaningful management information;
- Compliance with the Council's accounting policies and Generally Recognised Accounting Practices;
- Adequate insuring of assets;
- Sufficient maintenance of Council's assets;
- Ensuring that managers are aware of their responsibilities with regard to the assets; and
- Setting out the standards of management, recording and internal controls so as to safeguard the assets against inappropriate utilization or loss.

5. Cash and Investment Policy

Objectives:

The Council of the municipality is the trustee of the public revenues, which it collects, and it therefore has an obligation to the community to ensure that the municipality's cash resources are managed effectively and efficiently. The council therefore has a responsibility to invest these public revenues knowledgeably and judiciously, and must be able to account fully to the community in regard to such investments.

The investment policy of the municipality is therefore aimed at gaining the optimal return on investments, without incurring undue risks, during those periods when cash revenues are not needed for capital or operational purposes. The effectiveness of the investment policy is dependent on the accuracy of the municipality's cash management programme, which must identify the amounts surplus to the municipality's needs, as well as the time when and period for which such revenues are surplus.

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

MANAGEMENT RECOMMENDATION

- (i) Council resolves that the following policies be reviewed and updated as required.
- (ii) Council resolves that no changes was made to the policies tabled as per the previous policies approved.
- (iii) Council approves the following list of policies:
 1. Borrowing, Funds and Reserve Policy
 2. Budget and Veriment Policy
 3. Cost Containment Policy
 4. Asset Management Policy
 5. Cash and Investment Policy

RESOLUTION 108/2021

- (i) Council resolves that the following policies be reviewed and updated as required.
- (ii) Council resolves that no changes was made to the policies tabled as per the previous policies approved.
- (iii) Council approves the following list of policies:
 1. Borrowing, Funds and Reserve Policy
 2. Budget and Veriment Policy
 3. Cost Containment Policy
 4. Asset Management Policy
 5. Cash and Investment Policy

11.9 ANTI-CORRUPTION AND FRAUD PREVENTION POLICY, STRATEGY AND PLAN REVIEW 2021-2022**REPORT BY THE DIVISION HEAD: STRATEGIC PLANNING AND ADMINISTRATION****PURPOSE OF REPORT**

To submit the revised Anti-Corruption and Fraud Prevention Policy, Strategy and Plan to Council for approval. The three documents must be read in conjunction with one another and are attached as follows:

1. Annexure A: Anti-Corruption and Fraud Prevention Policy (page 62 - 74)
2. Annexure B: Anti-Corruption and Fraud Prevention Strategy (page 75 - 85)
3. Annexure C: Anti-Corruption and Fraud Prevention Plan (page 86 - 105)

BACKGROUND

Corruption and fraud is a serious concern in South African society. Section 62(2)(c) of the Local Government: Municipal Systems Act states that the administration of a municipality must take measures to prevent corruption. The Local Government: Municipal Finance Management Act assigns responsibilities for the combatting of corrupt and fraudulent activities to the Accounting Officer while the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings and the Prevention and Combating of Corrupt Activities Act compels the Accounting Officer to report certain cases of corruption, fraud and theft to the South African Police Service.

In addition to the legal requirements, various frameworks and best practices for preventing, detecting and responding to corrupt and fraudulent incidents have been issued by national and provincial government departments and professional associations, most notably the Local Government Anti-Corruption Strategy and Public Sector Risk Management Framework.

Corruption and fraud risk management is also an integral part of the municipality's risk management processes. In order to give effect to the Acts, frameworks and best practices as well as to the responsibilities of the Accounting Officer, an Anti-Corruption and Fraud Prevention Strategy, Policy and Plan have been developed and approved by the Municipality's FARMCO. The documents must now be approved by Council and implemented.

DISCUSSION

Council approved the 2017/2018 Anti-Corruption and Fraud Prevention Policy, Strategy and Plan on the 26th of September 2017 (RESOLUTION 199/2017). The first review took place in 2019 and was approved on 14 October 2019 (Resolution 161/ 2019)

The Anti-Corruption and Fraud Prevention 2021-2022 documents was reviewed again on the 23rd of April 2021 by the Fraud- and Risk Management Committee who recommended that the documents be submitted to Council for approval.

No changes were made to the documents since the last review, but it is good practice to review them annually.

LEGAL FRAMEWORK

1. The Constitution of the Republic of South Africa
2. Municipal Finance Management Act (MFMA) (No. 56 2003)
3. MFMA Regulation on Financial Misconduct (No. 430 of 2014)
4. The Municipal Structures Act (No 17 of 1998)
5. Local Government: Municipal Systems Act (No 32 of 2000)
6. Prevention and Combating of Corrupt Activities Act (No. 12 of 2004)
7. Protected Disclosures Act (PDA) (No. 26 of 2000)

PERSONNEL IMPLICATIONS

The Anti-Corruption and Fraud Prevention Policy was also submitted to the LLF for consultation on the 13th of May 2021. The LLF recommended that the Anti-Corruption and Fraud Prevention Policy be referred to the Council for approval.

FINANCIAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That the following revised Anti-Corruption- and Fraud prevention documents be approved:

- (i) Cape Agulhas Municipality Anti-Corruption and Fraud Prevention Policy (2021/22).
- (ii) Cape Agulhas Municipality Anti-Corruption and Fraud Prevention Strategy (2021/22).
- (iii) Cape Agulhas Municipality Anti-Corruption and Fraud Prevention Plan (2021/22).

RESOLUTION 109/2021

That the following revised Anti-Corruption- and Fraud prevention documents be approved:

- (i) Cape Agulhas Municipality Anti-Corruption and Fraud Prevention Policy (2021/22).
- (ii) Cape Agulhas Municipality Anti-Corruption and Fraud Prevention Strategy (2021/22).
- (iii) Cape Agulhas Municipality Anti-Corruption and Fraud Prevention Plan (2021/22).

11.10 CAPE AGULHAS MUNICIPALITY: WINTER SEASON READINESS PLAN 2021**REPORT BY: MANAGER PROTECTION SERVICES****PURPOSE OF REPORT**

To present Council with the Winter Season Readiness Plan which includes relevant services applicable for its municipal area.

BACKGROUND

In order for the Municipality to comply with its legislative requirements in terms of Disaster Management to ensure winter readiness, coordination of line functions and general preparedness, a winter readiness plan has been prepared. This practice ensures that communication takes place between Disaster Management and the line functions to minimize or avoid the effect of natural disasters.

DISCUSSION

Cape Agulhas Municipality normally declare their readiness by completing the template on winter readiness issued by the Western Cape Provincial Disaster Management Centre (WCDMC) and return it through the district channel which is the Overberg District Municipality Disaster Management Centre on an annual basis. In addition this year, management requested the winter readiness plan which lays out the preparations, alertness and action planning prior and during the winter season.

LEGAL FRAMEWORK

Disaster Management Act, 57 of 2002

FINANCIAL IMPLICATIONS

None.

ANNEXURES

Draft Winter Season Readiness Plan for the period June 2021 till Aug 2021, attached on **page 106 to 138**.

MANAGEMENT RECOMMENDATION

That the Winter Season Readiness Plan (June - August 2021) be approved and implemented.

RESOLUTION 110/2021

That the Winter Season Readiness Plan (June - August 2021) be approved and implemented.

11.11 **CAPE AGULHAS MUNICIPALITY: PROVISIONAL FLOOD DISASTER REPORT****REPORT BY THE MANAGER PROTECTION SERVICES****PURPOSE OF REPORT**

To present Council with a report on the extreme climatic event that occurred on 5 May 2021 and continued until 7 May 2021, which resulted in flooding of the municipal area and the provisional impact thereof. It must be noted that this report only deals with the first event and not subsequent rains that have caused further flooding.

BACKGROUND

The report attached on **page 139 to 152** was submitted to the relevant Provincial Departments and is also submitted to Council for noting.

LEGAL FRAMEWORK

Disaster Management Act, 57 of 2002

FINANCIAL IMPLICATIONS

Provisional indications are:

1. Infrastructure damage: R791 838,37
2. Standby and Overtime: R141 508,00

ANNEXURES

Cape Agulhas Municipality Flood Disaster Report.

MANAGEMENT RECOMMENDATION

That the Cape Agulhas Municipality Flood Disaster Report in respect of the extreme climatic event of 5 to 7 May 2021 be noted.

RESOLUTION 111/2021

That the Cape Agulhas Municipality Flood Disaster Report in respect of the extreme climatic event of 5 to 7 May 2021 be noted.

11.12 **UITVOERING VAN RAADSBESLUIT 123/2020: AANSOEK OM VEEVREEMDING (KOOP) VAN ERF 4176, BREDASDORP - ME D ONCKE (WYK 2)****DOEL VAN VERSLAG**

Om uitvoering te gee aan Raadsbesluit 123/2020, gedateer 27 Augustus 2020.

AGTERGROND

Tydens die Raadsvergadering van 27 Augustus 2020 was 'n item voorgelê "Aansoek om vervreemding van Erf 4176, Bredasdorp (Wyk 2)" deur die Finansies- en IT Dienste Komitee. Die doel van die item was dat daar oorweging geskenk word aan die versoek van me D Oncke ten einde erf 4176, Bredasdorp te koop. Die besluit van die Raad was dat -

"Die aangeleentheid terug verwys word vir verdere ondersoek ten opsigte van: (1) Die hoeveelheid erwe beskikbaar; (2) Area geoormerk vir GAP behuising; (3) Middelklas groepsbehuisingprojek en dat 'n volledige verslag tot dien effek aan die Raad voorgelê word vir verdere oorweging."

Sien aangehegte kaarte op **bladsy 153 en 154** waarop area G, wat geoormerk is vir toekomstige behuisingprojekte asook erf 4176 aangedui word. Hieruit is dit duidelik dat erf 4176 nie deel vorm van Area G nie. Erf 4176 is 'n gedienste erf en is nie vir toekomstige lae koste behuising geoormerk nie.

Daar kan dus nou verdere oorweging geskenk word aan die oorspronklike doel van die verslag, naamlik "aansoek om vervreemding (koop) van erf 4176, Bredasdorp" deur me Oncke.

FINANSIËLE IMPLIKASIE

Vervreemdingsinkomste vir KAM.

BESTUURSAANBEVELING

Dat erf 4176, Bredasdorp per openbare tender vervreem word.

BESLUIT 112/2021

- (i) Dat erf 4176, Bredasdorp per openbare tender vervreem word.
- (ii) Dat alle aanliggende erwe asook soos per vorige Raadsbesluite per openbare tender beskikbaar gestel word.

11.13 **RECOGNITION OF THE ADDITIONAL MIG ALLOCATION FOR CAPE AGULHAS MUNICIPALITY****PURPOSE OF REPORT**

To inform Council of the additional MIG allocation of R1.5 million granted to Cape Agulhas Municipality in the financial year of 2020/2021.

BACKGROUND

The annual MIG allocation for the 2020/21 financial year to CAM was R10 961 000. By January 2021 the allocated funds were 95% spent and acknowledged by the MIG Provincial and National office.

National Treasury annually re-allocates funds/grants from non-performing municipalities to municipalities that have fast tracked the implementation of their projects, have accelerated expenditure against their original allocations and have the capacity to fully spend their allocation by 30 June 2021.

Due to CAM's expenditure performance and capacity to spend the additional funds before 30 June 2021, an additional R1.5m was allocated to CAM, as published in the Government Gazette dated 29 March 2021.

CAM will use most of the allocation as partial funding for the new compactor truck, which was budgeted from own funds this financial year. The subsequent financial budgetary changes, will reflect in the upcoming Adjustments Budget.

FINANCIAL IMPLICATIONS

Additional R1.5 million received.

PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

Council acknowledges the additional MIG allocation of R1.5 million granted to Cape Agulhas Municipality.

RESOLUTION 113/2021

Council acknowledges the additional MIG allocation of R1.5 million granted to Cape Agulhas Municipality.

11.14 AMENDMENT / EXTENTION OF CONTRACT: CAB HOLDINGS (SCM11/2016/17)**PURPOSE OF REPORT**

To obtain approval in terms of Part 20.14 of the Municipal Supply Chain Management Policy and System [SCMP] issued in terms of section 111 of the Municipal Finance Management Act, 2003 (Act 56 of 2003) - [MFMA] and adopted by the Council in 2016 and section 116 (3) (a) of the Municipal Finance Management Act that the municipality intends to amend the existing contract with **CAB Holdings Pty Ltd**.

BACKGROUND

On 2 March 2017, the Cape Agulhas Municipality [CAM] concluded a formal agreement with **CAB Holdings Pty Ltd** for the printing and distribution of municipal account. The contract was extended for a further 5 months ending 30 June 2020 to get the contract in line with the financial year because it will make the management of the contract and the budgeting for the service much easier.

During December Council Meeting the contract with CAB Holding was extended until 30 June 2021 due to an objection on the appointment of the preferred bidder received. The Legal advisor advised that the contract must be reviewed by court to enable us to re-advertise the bid and to date no court date could have been finalised.

The Municipality now wishes to invoke the aforementioned contractual condition and further amend the service level agreement effectively from the 1 July 2021 to 30 December 2021 or on the date that the contract has been set aside by court.

The rationale for the above conclusion is that CAB Holdings Pty Ltd:

1. Confirmed in writing its willingness to render the services at the same terms and conditions.
2. Rendered adequate services till date.
3. Has initially been appointed after an open bidding process in terms of the abovementioned services.
4. Can ensure continuous printing and distribution of municipal accounts.

FINANCIAL IMPLICATIONS

The extended contract will be funded from 01/3020/292000 (Postage)

The cost will be R120 000 (July to December - R20 000 x 6). The cost is already included in the current budget.

MANAGEMENT RECOMMENDATION

That the proposed amendment / extension of the contract of **CAB Holdings Pty Ltd** as per Parts 20.14 of the Municipal SCM Policy and System and in terms of Section 116(3) of the Municipal Finance Management Act 2003 (Act 56 of 2003), be approved at the same terms and conditions.

RESOLUTION 114/2021

That the proposed amendment / extension of the contract of **CAB Holdings Pty Ltd** as per Parts 20.14 of the Municipal SCM Policy and System and in terms of Section 116(3) of the Municipal Finance Management Act 2003 (Act 56 of 2003), be approved at the same terms and conditions.

11.15 **EXTERNAL AUDIT ACTION PLAN 2019/20 (OPCAR): MONTHLY PROGRESS REPORT - MAY 2021****PURPOSE OF REPORT**

Consideration of the progress made with the implementation of the approved 2019/20 Auditor General Findings Action Plan (OPCAR) as at 31 May 2021.

BACKGROUND

The Auditor General's audit of the municipality's activities for the 2019/20 financial year revealed some shortcomings that needs to be addressed. These shortcomings has been taken up in the 2019/20 OPCAR where specific corrective measures has been determined for implementation (see **page 155 to 164**). The action plan was approved by Council on 30 March 2021. The progress made with the implementation of the plan is submitted to Council and the Western Cape Treasury on a monthly basis as well as quarterly to the Cape Agulhas Audit Committee.

STAFF IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That the Council consider and approve the progress report on the 2019/20 OPCAR Action Plan.

RESOLUTION 115/2021

That Council approves the progress report on the 2019/20 OPCAR Action Plan.

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

Geen.

13. **OORWEGING VAN KENNISGEWING VAN MOSIES**

"Goeie môre Speaker en Munisipale Bestuurder

Graag wil ek die volgende versoek as Raadslid indien op die Raadsagenda vir MEI 2021 as 'n kennisgewing van mosie vir vrae.

Die versoek is om n volledige lys van begunstigdes (alreeds toegeken sowel as wat nog toegeken moet word) vir huise by Mill Park en Park View. Die lys moet asseblief die name van begunstigdes, hulle "spouses" sowel as geboortedatums bevat.

Vriendelike Groete - Raadsdame Eve Marthinus"

Die aangeleentheid word verder In Komitee bespreek.

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 27** van hierdie Notule.

17. **IN-KOMITEE VERSLAE**

In Komitee items word vertroulik hanteer.

18. **SLUITING**

Die vergadering verdaag om 13h30

ONAFGEHANDELDE RAADSBESLUIT

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
90/2020	Vervreemding (koop): Oopruimte langs erf 528, Waenhuiskrans	(i) Goedkeuring verleen vir die verkoop van gedeelte erf 403, Waenhuiskrans. (ii) Landmeter aanwys wat gedeelte sal registreer en konsolideer met die koper se bestaande erf, vir die koste van die koper. (iii) Dat die markwaarde soos bepaal, as koopprys van toepassing sal wees.	Markwaarde is aangevra - Steeds uitstaande. Wetlike prosesse volg.	Eiendoms-administrasie
118/2020	Vervreemding (Koop): Ged erf 955, Struisbaai	(i) In-beginsel-goedkeuring verleen word vir die verkoop van Ged van erf 955, Struisbaai per publieke veiling. (ii) Die munisipale waardasie sal as reserwe prys dien. (iii) Alle wetlike prosesse gevolg sal word, soos onder andere die voorneme van vervreemding aan die publiek bekend gemaak moet word.	Erf is gelys vir veiling.	Eiendoms-administrasie
123/2020	Aansoek om vervreemding (koop): Erf 4176, Bredasdorp	Dat die aangeleentheid terug verwys word na die Finans- en IT Dienste Komitee asook Bestuursdienste Komitee vir verdere ondersoek ten opsigte van: (1) Die hoeveelheid erwe beskikbaar; (2) Area geormerk vir GAP-Behuising?; (3) Middelklas groepsbehuisingsprojek en volledige verslag aan die Raad voorgelê word.	Direkteur: Bestuursdienste sal verslag voorberei vir volgende Komitee Vergadering.	Behuising
126/2020	Community-Based Outpatient Treatment Centre For Substance Abuse Programme	That the matter be referred back for further public participation and presentation to Council.	Direkteur: Bestuursdienste sal verslag voorberei vir volgende Komitee Vergadering.	Sosiale Ontwikkeling
129/2020	Registrasie Serwituut, versoek vir kompensasie: Mnr Roderick Roberts	Dat die aangeleentheid terugverwys word vir verdere ondersoek.	Direkteur: Finansies sal verslag voorberei vir volgende Komitee Vergadering.	Finansies / Masakhane
200/2020	Vervreemding (huur): Ged erf 513, Napier	Dat 'n terreinbesoek deur alle rolspelers so spoedig moontlik afgelê word.	Verslag by volgende Komitee Vergadering. Terrein inspeksie geskeduleer vir Jun 2021.	Eiendoms-administrasie
201/2020	Vervreemding (koop): Erf 3957, Struisbaai	(i) Aangeleentheid terugverwys word. (ii) Stadsbeplanning 'n volledige ondersoek doen rakende die toekenning van geloofsones aan kerkorganisasies in alle dorpe binne die regsgebied.	Item sal aangespreek word in die ROR.	Stadsbeplanning
202/2020	Vervreemding (koop): erf 2838, Struisbaai	(i) Aangeleentheid oorstaan. (ii) Stadsbeplanning 'n ondersoek doen oor bestaande groensones/publieke oop areas en 'n volledige verslag aan die Raad voorlê ten opsigte van die voortbestaan van die genoemde gebiede.	Item sal aangespreek word in die ROR.	Stadsbeplanning
205/2020	Vierfontein Boerdery: Vervreemding van grond	(i) Bestuursaanbeveling, in-beginsel aanvaar word. (ii) Finale toekenning van die geskikste perseel ondersoek en weer aan die Raad voorgelê word.	Toekenning is gedoen - Pakstoor word op eie eiendom opgerig.	Eiendoms-administrasie

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
214/2020	Waardasie Appèlraad: Aanwysiging van lede vir aanstelling	(i) Aangeleentheid oorstaan. (ii) Dat die vakature weer geadverteer word.	Staan oor (loop saam met aanstelling van Ouditkomitee lid).	Bestuurder: Admin Ondersteuning
22/2021	Vervreemding (Huur): Ged Erf 1148, Bredasdorp (Concern Mothers)	Dat 'n gedeelte van erf 1148, Bredasdorp wel aan Concern Mothers verhuur word en wel op die volgende voorwaardes: 1. 'n Markverwante huur; 2. Die huurder betaal vir die installing van munisipale dienste; 3. Dat verhuur deur 'n publieke deelname proses geadverteer word.	Markverwante huur word aangevra en daarna sal advertensieproses volg.	Eiendoms-administrasie
23/2021	Vervreemding (Huur): Ged Erf 1747, Bredasdorp (Metropolitan Kerk)	Dat die aangeleentheid terug verwys word sodat gesprekvoering met die aansoeker sowel as omliggende eienaars gevoer kan word.	Gesprekvoering sal in Junie 2021 plaasvind.	Eiendoms-administrasie
24/2021	Vervreemding (Koop): Ged Erf 4329, Bredasdorp (Ministry of Christ United)	Dat die aangeleentheid terugverwys word vir verdere ondersoek.	Aangeleentheid sal gedurende Junie 2021 aan die Raad voorgelê word.	Eiendoms-administrasie
25/2021	Vervreemding (Koop): Ged Erf 5585, Bredasdorp (Z Tonisi)	Dat die aangeleentheid terugverwys word sodat uitklaring verkry kan word ten opsigte van die spesifieke gedeelte aangevra, bestaande infrastruktuur en terugrapportering aan die Wykskomitee.	Aangeleentheid sal gedurende Junie 2021 aan die Raad voorgelê word.	Eiendoms-administrasie
33/2021	Afskrywing Van Uitstaande Rekening: Haasbekkie Speelskool	Dat die aangeleentheid terug verwys word na die Menslike Ontwikkeling- en Finansies Afdelings ten einde die bestaande beleid moontlik aan te pas.	Aangeleentheid sal gedurende Junie 2021 aan die Raad voorgelê word.	Finansies / Menslike Ontwikkeling
62/2021	Verhuur: Ged Erf 601, L'Agulhas (Agulhas Erfnisvereniging)	Dat die aangeleentheid terugverwys word vir 'n terrein inspeksie en weer aan die Raad voorgelê word vir oorweging.	Terrein inspeksie sal in Junie 2021 plaasvind.	Eiendoms-administrasie
63/2021	Vervreemding: Ged Erf 1148, Bredasdorp (Kalkwerke: Toegang)	(i) Raad kennis neem van die versoek van P & B Kalkwerke om 'n gedeelte van erf 1148, Bredasdorp te bekom om te gebruik as "pad". (ii) Raad in-beginsel goedkeuring gee vir die vervreemding van 'n gedeelte van erf 1148, Bredasdorp aan P & B Kalkwerke om as "pad" gesoneer te word. (iii) Dat 'n volledige ontwikkelingsplan en uitlegplan aan die Raad voorgelê word, voordat finale besluit geneem word. (iv) Dat, nadat die finale voorlegging aan die Raad plaasgevind het, die publieke deelname proses gevolg word, die ooreenkoms opgestel word met spesifieke voorwaardes van onderverdeling, konsolidasie asook die hersonering van die grond.	Terrein inspeksie het plaasgevind. Konstruksie in proses. Finale planne vanaf Provinsiale Padingenieur steeds uitstaande.	Eiendoms-administrasie
65/2021	Mill Park Sakepersele: Vervreemding van grond (Erwe 6448 en 6691, Bredasdorp)	(i) Die Raad kennis neem van die sonering van erwe 6690, 6691, 6448 en 6449, Bredasdorp. (ii) Strategiese gesprek plaasvind aangaande die moontlike ontwikkeling van genoemde erwe.	Werkswinkel het plaasgevind met rolspelers. Wyksraadslid sal aangeleentheid met inwoners konsulteer.	Eiendoms-administrasie

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
67/2021	Vervreemding (huur): Ged Erf 773, Waenhuis-krans (L Leonard)	(i) Dat 'n terrein inspeksie gedoen word. (ii) Dat 'n finale verslag weer aan die Komitee voorgelê word vir oorweging.	Terrein inspeksie sal in Junie 2021 plaasvind.	Eiendoms-administrasie
68/2021	Vervreemding (huur): Ged Erf 670, Waenhuis-krans (R Europa)	(i) Dat 'n terrein inspeksie gedoen word. (ii) Dat 'n finale verslag weer aan die Komitee voorgelê word vir oorweging.	Terrein inspeksie sal in Junie 2021 plaasvind.	Eiendoms-administrasie
69/2021	Vervreemding (huur): Ged Erf 670, Waenhuis-krans (J Davids)	(i) Dat 'n terrein inspeksie gedoen word. (ii) Dat 'n finale verslag weer aan die Komitee voorgelê word vir oorweging.	Terrein inspeksie sal in Junie 2021 plaasvind.	Eiendoms-administrasie
71/2021	Vervreemding (huur): Ged Erf 1148 en 3474, Bredasdorp (G & D Hydroponics)	Dat daar eers 'n terreinbesoek afgelê word, alvorens 'n aanbeveling aan die Raad gedoen word.	Terrein inspeksie sal in Junie 2021 plaasvind.	Eiendoms-administrasie
74/2021	Vervreemding (koop): Erf 4176, Bredasdorp (D Oncke)	Dat die aangeleentheid terugverwys word sodat die verkoopsvoorwaardes deur die Munisipale Bestuurder gefinaliseer kan word en weer aan die Finansies- en IT Dienste Komitee voorgelê word vir oorweging om per tender te vervreem.	Gedeeltelike terugvoering tydens Mei 2021 aan die Raad voorgelê.	MB
75/2021	Korting op Huurooreenkoms: Southern Whales Akkommodasie (R Europa)	Dat die aangeleentheid terugverwys word vir verdere ondersoek. Sodanige ondersoek sal insluit: Alle besigheidsaansoeke vir "Covid-korting" en moontlike aanpassings aan die Covid Ondersteuningsbeleid.	Ondersoek steeds in proses.	Finansies
77/2021	Clearlake Capital: Portion of Erf 1256, Struisbaai	That the matter be referred back for further investigation and that the Municipal Manager consults with Council's legal advisors and re-submitted to the Finance- and IT Services Committee.	Steeds uitstaande.	MB

BESTUURSAANBEVELING

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

BESLUIT 116/2021

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

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

BEKRAGTIG op hierdie

dag van

2021

SPEAKER