



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N ALGEMENE RAADSVERGADERING IN DIE
MUNISIPALE RAADSAAL, BREDASDORP GEHOU OM 10:00 OP
DINSDAG 28 JUNIE 2022**

**MINUTES OF A GENERAL COUNCIL MEETING HELD ON TUESDAY,
28 JUNE 2022 AT 10:00 AT THE MUNICIPAL
COUNCIL CHAMBERS, BREDASDORP**

RAADSLEDE / COUNCILLORS

Me	J August-Marthinus	
Mnr	D Burger	(Speaker)
Me	K Donald	
Mnr	D Jantjies	
Mnr	R Louw	
Me	M Matthysen	
Mnr	R Mokotwana	
Mnr	J Nieuwoudt	
Mnr	G Olwage	
Mnr	R Ross	(Onder-Burgemeester)
Mnr	P Swart	(Burgemeester)

AMPTENARE / OFFICIALS

Mnr	E Phillips	Munisipale Bestuurder / Municipal Manager
Mnr	H Van Biljon	Direkteur: Finansiële Dienste
Mnr	H Kröhn	Direkteur: Bestuursdienste
Mnr	B Swart	Interne Ouditeur
Mnr	M Moelich	Bestuurder: Administrasie
Me	T Stone	Afdelingshoof: Strategiese Dienste
Me	S Nel	Stadsbeplanner
Me	L May	nms. Afdelingshoof: Menslike Hulpbronne

INHOUDSOPGAW / 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: 31 Mei 2022	4	Bylaag 1
4.2	Notule van Spesiale Raadsvergadering gehou op: 7 en 14 Junie 2022	4	Bylaag 1
5.	Notules van UBK Vergaderings vir Kennisname:		
5.1	Notule van UBK vergadering gehou op: Geen	4	-
6.	Notules van Komitee vergaderings vir Kennisname/Bespreking		
6.1	Notules van Wykskomitee Vergaderings vir Kennisname/Bespreking	4	Bylaag 1
6.2	ICT Steering Committee Vergadering vir kennisname: 10 Maart 2022	5	Bylaag 1
7.	Sake voortspruitend uit Notule	5	
8.	Verklarings en/of Mededelings deur die Voorsitter:		
8.1	Briewe van Dank	5	1 - 4
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	Special Adjustment Budget: 2021/22	6 - 8	<i>Separately</i>
11.2	Final Process Plan and Time Schedule: IDP (2022/23 - 2026/27) and SDF	8 - 10	<i>Separately</i>
11.3	CAM Zoning Scheme and Municipal Land Use Planning By-Law	10 - 12	<i>Separately</i>
11.4	ICLD Municipal Partnership: Ekerö Municipality - Progress Report	12 - 13	-
11.5	Beleid: Staande Reëls en Prosedure met betrekking tot dissiplinêre aan-geleenthede rakende Raadslede	13 - 14	5 - 20
11.6	Terugvoer: Struisbaai Industriële Veiling: Junie 2022	14 - 15	-
11.7	Proposed Development of Taxi Interchange: Erf 538 & 539, Bredasdorp	15 - 19	-
11.8	Review of Human Settlements Plan	19 - 20	<i>Separately</i>
11.9	Bemagtigingstrategie vir plaaslike opkomende entrepreneurs	20	21 - 27
11.10	Amendment/Extention of Contract: Opulentia Financial Services	21 - 22	-
11.11	Amendment/Extention of Contract: Siyanda Business Solutions	22 - 23	-
11.12	Amendment/Extention of Contract: Mubesco Africa Pty (Ltd)	23 - 24	-
11.13	Review and Amendment: Supply Chain Management Policy	25 - 26	-
11.14	OPCAR: Monthly Progress Report: June 2022	26	28 - 31
11.15	Implementation of Feeding Schemes	27 - 29	-
11.16	Compliance Report: Municipal Staff Regulations: 2021	30 - 31	32 - 39
11.17	Aanstelling van Munisipale Bbestuurder vir KAM	32 - 33	

INHOUDSOPGAWE / TABLE OF CONTENT

	ITEM	Bladsy / Page	
		Agenda	Bylaes
12.	Addisionele item deur die Raad hanteer:		
12.1	Collaboration with USAID and SAEP	33 - 34	
13.	Dringende Sake deur die Munisipale Bestuurder	34	
14.	Oorweging van Kennisgewing van Mosies	34	
15.	Oorweging van Kennisgewing van Vrae	34	
16.	Oorweging van Dringende Mosies	34	
17.	Verslag deur Munisipale Bestuurder oor die uitvoering van Raadsbesluite	34	
18.	In-Komitee Verslae	34	
19.	Sluiting	34	

1. **OPENING**

Die Speaker heet die teenwoordiges welkom en Raadslid Matthysen open die vergadering met gebed. 'n Spesiale woord van welkom ook aan mnr Myburgh (lid van die Parlement).

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

Mnr A Jacobs (Direkteur: Infrastruktuurdienste)

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:**

31 Mei 2022 (*Notule was onder lede versprei*)

BESLUIT 136/2022

Die Notule word as korrek en volledig bekragtig.

4.2 **NOTULES VAN SPESIALE RAADSVERGADERINGS GEHOU OP:**

- 7 Junie 2022 } *Notules was onder*
- 14 Junie 2022 } *lede versprei*

BESLUIT 137/2022

Die Notules word as korrek en volledig bekragtig.

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

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

Geen.

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

6.1 **WYKSKOMITEE VERGADERINGS** (*Notules was onder lede versprei*)

- WYK 1 : 10 Mei 2022
- WYK 2 : 23 Mei 2022
- WYK 3 : 26 Mei 2022
- WYK 4 : 17 Mei 2022 en 7 Junie 2022
- WYK 5 : 3 Mei 2022 en 15 Junie 2022
- WYK 6 : 24 Mei 2022

BESLUIT 138/2022

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

6.2 ICT STEERING COMMITTEE VERGADERING

- 10 Maart 2022 (*Notule was onder lede versprei*)

BESLUIT 139/2022

Die Raad neem kennis van bogenoemde ICT Steering Committee Notule.

7. SAKE VOORTSPRUITEND UIT NOTULES

Geen.

8. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE VOORSITTER

8.1 BRIEWE VAN DANK: AANGEHEG OP BLADSY 1 TOT 4

Aangeheg op *bladsy 1 tot 4* van die bylaes.

8.2 FUNKSIES VIR DIE MAAND

Geen.

8.3 AANWYS VAN AFGEVAARDIGDES

Geen.

8.4 DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê

Die Speaker stel die Raad in kennis dat die reses datums gewysig word vanaf 1 Julie 2022 tot en met 15 Julie 2022. Geskeduleerde vergaderings se datums sal dienoreenkomstig aangepas word.

9. TERUGVOERING VANAF RAADSLEDE OOR VERGADERINGS BYGEWOON

- Die Speaker het op 3 Junie 2022 'n Speakers Forum bygewoon - 'n Dokument getiteld "*Implementation of the Local Government: Municipal Structures Amendment Act, 2021*" was onder lede versprei.
- Die Burgemeester meld dat alle SALGA induksie vergaderings nou afgehandel is.
- Die Burgemeester en Munisipale Bestuurder woon 'n "MINMAY" vergadering in Swellendam by.
- Raadsheer Jantjies woon 'n MPAC Voorsittersvergadering by.

10. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER

- Die Behuisingspyplyn vir die daarstelling van huise bly 'n wesenlike uitdaging vir die Raad en deeglike kommunikasie in dié verband moet gepubliseer word na alle inwoners.
- Na die reses sal die UBK elke drie weke verskillende dorpe besoek om terugvoer aan en van die gemeenskap te gee.
- Die Burgemeester spreek sy dank uit oor die bemagtigingstrategie vir plaaslike opkomende entrepreneurs.
- 'n Dringende fokus moet geplaas word op die funksionaliteit van sokkombuise en die oorbetalings van gelde aan NGO's.
- Dringende aandag moet gegee word aan persone wat "op straat" slaap en woon.

- (vi) Op 30 Junie 2022 vind die instelling van "Cape Agulhas Local Drug Action Committee (LDAC)" vind op 30 Junie 2022 om 10h00 by die Glaskasteel plaas.
- (vii) Cape Peninsula University of Technology (CPUT) stel 15 internskappe aan die Raad beskikbaar vir die volgende ses maande.
- (viii) Die Burgemeester bedank die betrokke departemente vir die uitrol van die "rent to own" behuisingsprojek.
- (ix) Die amptelike stigting van die "Cape Agulhas Sustainable Growth Agency (CASGA)" projek vir varkboere sal eersdaags plaasvind onder die leiding van mnr Noël Bastiaan, Louw Coetzer en Thys Pretorius.
- (x) Die Burgemeester versoek dat kommunikasie na die gemeenskap via die Wykskomitees aansienlik moet verbeter, na die afhandeling van die reses tydperk.

11. ITEMS NA DIE RAAD VERWYS VIR OORWEGING

11.1 SPECIAL ADJUSTMENT BUDGET FOR 2021-22 FINANCIAL YEAR (DFS)

PURPOSE OF REPORT

To submit a special adjustment budget in respect of the 2021/22 financial year for consideration and approval by Council as per legislative requirement.

The Director: Finance reports as follows:

"In terms of section 28 of the MFMA and guidelines received from National Treasury the municipality is allowed to revise its approved annual budget through an adjustments budget based on the following criteria:

- *Must adjust the revenue and expenditure estimates downwards if there is material under-collection of revenue during the current year;*
- *May appropriate additional revenues that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmes already budgeted for;*
- *May within a prescribed framework, authorize unforeseeable and unavoidable expenditure recommended by the mayor of the municipality; may authorize the utilization of projected savings in one vote towards spending under another vote;*
- *May authorize the spending of funds that were unspent at the end of the past financial year where the under-spending could not reasonably have been foreseen at the time to include projected roll-overs when the annual budget for the current year was approved by the council;*
- *May correct any errors in the annual budget; and*
- *May provide for any other expenditure within a prescribed framework."*

However, section 23(2) of the Municipal Budget & Reporting Regulations prescribe that only one adjustment budget be tabled in council during a financial year except when additional revenues become available from National / Provincial governments and / or unforeseeable and avoidable expenditure has been incurred.

Circular 68 provides clarity on the procedures to be followed when dealing with unauthorized, irregular or fruitless and wasteful expenditure as defined in section 1 of the MFMA. The circular further provides guideline information on what process to follow when council may authorize unauthorized expenditure in an adjustment budget. An adjustment budget can be addressed in the following three different adjustments budgets:

- **Adjustments budget for unforeseen and unavoidable expenditure:** It allows council to provide *ex post* authorization for unforeseen and unavoidable expenditure that was authorized by the Executive Mayor in terms of section 29 of the MFMA and which must be tabled in council at the "first available opportunity" or within 60 days after the expenditure was incurred.
- **Main adjustments budget:** In terms of regulation 23(6)(a) of the Municipal Budget and Reporting Regulations a council may authorize unauthorized expenditure in the adjustments budget occurred in the first half budget which may be tabled in council for approval at any time after the mid-year budget and performance assessment but not later than 28 February of the current year.

- **Special adjustments budget to authorize unauthorized expenditure:** In terms of regulation 23(6)(b) of the Municipal Budget and Reporting Regulations, council may authorize unauthorized expenditure in a special adjustments budget which only deals with unauthorized expenditure from the previous financial year such as:
 1. Unauthorized expenditure that occurred in the first half of the previous financial year that was not included in the main adjustments budget;
 2. Unauthorized expenditure that occurred in the second half of the previous financial year; and
 3. Any unauthorized expenditure identified by the Auditor-General during the annual audit process.

In order to avoid any unauthorized expenditure as prescribed in terms of section 15 of the MFMA it is suggested that council considers the special adjustment budget based on the additional grant allocations received from the respective National- and Provincial Treasuries, Eskom Bulk purchases adjustment based on the projected expenditure trend and other unforeseeable expenditure incurred and/or approved after finalization of the mid-year financial and performance assessment when the main adjustments budget was approved by council during January 2022. The second adjustment budget is attached as **Annexure "A"** for council's consideration and approval.

The unforeseen adjustment mainly refers to:

- Application of virement above the 10% ratio prescribed in terms of the Budget & Virement policy;
- Additional grant allocations in respect of capital as well as operating expenditure;
- Reallocation and / or downward adjustment of capital projects due to savings in respect of completed projects; and
- Provision in respect of Landfill Site and Post Service Employee Benefits if necessary.

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

MANAGEMENT RECOMMENDATION

1. Council considers the approval of the special adjustment budget as per recommended resolution tabled.
2. Council resolves that the special adjustment budget of Cape Agulhas Municipality for the financial year 2021/2022, and indicative for the projected outer years 2022/2023 and 2023/2024 be approved as set out in the following schedules:
 - 2.1 Adjustment Budget Summary - Table B1;
 - 2.2 Budgeted Financial Performance (Revenue and Expenditure by standard Classification) - Table B2;
 - 2.3 Budgeted Financial Performance (Revenue and Expenditure by standard Classification) - B - Table B2;
 - 2.4 Budgeted Financial Performance (revenue and expenditure by municipal vote) Table B3;
 - 2.5 Budgeted Financial Performance (revenue and expenditure by municipal vote) - B -Table B3;
 - 2.6 Budgeted Financial Performance (revenue and expenditure) - Table B4;
 - 2.7 Budgeted Capital Expenditure by vote and funding - Table B5;
 - 2.8 Budgeted Financial Position - Table B6;
 - 2.9 Budgeted Cash Flows Table B7;
 - 2.10 Cash backed reserves/accumulated surplus reconciliation - Table B8;
 - 2.11 Asset Management - Table B9; and
 - 2.12 Basic service delivery measurement table B10
3. Council resolves that a hard and electronic copy of the complete special adjustment budget be submitted to National- and Provincial Treasury respectively for information.

RESOLUTION 140/2022

1. Council approves the special adjustment budget as per recommended resolution tabled.
2. Council resolves that the special adjustment budget of Cape Agulhas Municipality for the financial year 2021/2022, and indicative for the projected outer years 2022/2023 and 2023/2024 be approved as set out in the following schedules:
 - 2.1 Adjustment Budget Summary - Table B1;
 - 2.2 Budgeted Financial Performance (Revenue and Expenditure by standard Classification) - Table B2;
 - 2.3 Budgeted Financial Performance (Revenue and Expenditure by standard Classification) - B - Table B2;
 - 2.4 Budgeted Financial Performance (revenue and expenditure by municipal vote) Table B3;
 - 2.5 Budgeted Financial Performance (revenue and expenditure by municipal vote) - B -Table B3;
 - 2.6 Budgeted Financial Performance (revenue and expenditure) - Table B4;
 - 2.7 Budgeted Capital Expenditure by vote and funding - Table B5;
 - 2.8 Budgeted Financial Position - Table B6;
 - 2.9 Budgeted Cash Flows Table B7;
 - 2.10 Cash backed reserves/accumulated surplus reconciliation - Table B8;
 - 2.11 Asset Management - Table B9; and
 - 2.12 Basic service delivery measurement table B10
3. Council resolves that a hard and electronic copy of the complete special adjustment budget be submitted to National- and Provincial Treasury respectively for information.

11.2 **FINAL PROCESS PLAN AND TIME SCHEDULE OUTLINING KEY DEADLINES FOR THE DRAFTING AND REVIEW OF THE 5TH GENERATION INTEGRATED DEVELOPMENT PLAN (2022/23 - 2026/27), ANNUAL BUDGETS AND SPATIAL DEVELOPMENT FRAMEWORK**

REPORT BY THE MANAGER STRATEGIC SERVICES**PURPOSE OR REPORT**

To present a Final Process Plan and Time Schedule outlining key deadlines to guide the planning, drafting, adoption and review of its Integrated Development and Budget Plan (IDP) for 2022/23-2026/27.

LEGAL FRAMEWORK

Integrated development planning is regulated by Chapter 5 of the Local Government Municipal Systems Act. Act 32 of 2000.

Section 25 (1) requires each Municipal Council to adopt a single, inclusive and strategic plan (IDP) for the development of the Municipality within a prescribed period after the start of its elected term.

Section 53(1)(b) 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.

Section 28 requires:

- 1) *Each municipal council, within a prescribed period after the start of its elected term, must adopt a process set out in writing to guide the planning, drafting, adoption and review of its integrated development plan.*
- 2) *The municipality must through appropriate mechanisms, processes and procedures established in terms of Chapter 4, consult the local community before adopting the process.*

- 3) *A municipality must give notice to the local community of particulars of the process it intends to follow.*

Section 29(1) states that the process must -

- a) be in accordance with a predetermined programme specifying timeframes for the different steps;
- b) through appropriate mechanisms, processes and procedures established in terms of Chapter 4, allow for -
 - (i) the local community to be consulted on its development needs and priorities;
 - (ii) the local community to participate in the drafting of the integrated development plan; and
 - (iii) organs of state, including traditional authorities, and other role players to be identified and consulted on the drafting of the integrated development plan;
- c) provide for the identification of all plans and planning requirements binding on the municipality in terms of national and provincial legislation; and
- d) be consistent with any other matters that may be prescribed by regulation.

The Municipal Finance Management Act, (MFMA) Act 56 of 2003 regulates the Budget preparation process;

“21. (1) The mayor of a municipality must:

- a) *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;*
- b) *at least 10 months before the start of the budget year, table in the municipal council a **time schedule** outlining key deadlines for:*
 - (i) the preparation, tabling and approval of the annual budget;*
 - (ii) the annual review of:*
 - (aa) the integrated development plan in terms of section 34 of the Municipal Systems Act; and*
 - (bb) the budget-related policies;*
 - (iii) the tabling and adoption of any amendments to the integrated development plan and the budget-related policies; and*
 - (iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).*

DISCUSSION

The draft process plan and time schedule were presented to Council on 31 May 2022, whereafter it was advertised for public comment.

Public comment closed on 24 June 2022 and no comments was received.

The final Process Plan and Time Schedule outlining key deadlines has been developed in cognizance of the inter-relatedness of the Municipal Budgeting and Performance Management Processes and as far as possible addresses the integration of these processes through the inclusion of a Time Schedule for 2023/24.

The Process Plan is drafted every 5 years with the new term of office for Council, while the Time schedule is drafted annually. The drafting of the Spatial Development Framework is also integrated as an appendix to the Process Plan.

The composition of the CAMAF was omitted in the Draft Process plan and can be found in paragraph 4.3.2 in the final process plan which is **separately attached** to this Agenda. The remainder of the plan is unchanged.

MANAGEMENT RECOMMENDATION

- (i) That the final Process Plan and time schedule for the compilation / amendment / review of the 2022/23 - 2026/27 IDP for Cape Agulhas Municipality be approved in terms of Section 28 of the Municipal Systems Act (Act 32 of 2000).
- (ii) That the Time Schedule for the 2022/23, 2023/24 and 2025/26 Budget be approved in terms of Sections 21(1)(b) and 53(1)(b) of the Municipal Finance Management Act (Act 56 of 2003) (MFMA).
- (iii) That the integration of the SDF process in terms of the Spatial Planning and Land Use Management Act (Act 16 of 2013) be noted.
- (iv) That the Process Plan and Time Schedule be made public in terms of Section 21 of the Local Government Municipal Systems Act (Act 32 of 2000).

RESOLUTION 141/2022

- (i) That the final Process Plan and time schedule for the compilation / amendment / review of the 2022/23 - 2026/27 IDP for Cape Agulhas Municipality be approved in terms of Section 28 of the Municipal Systems Act (Act 32 of 2000).
- (ii) That the Time Schedule for the 2022/23, 2023/24 and 2025/26 Budget be approved in terms of Sections 21(1)(b) and 53(1)(b) of the Municipal Finance Management Act (Act 56 of 2003) (MFMA).
- (iii) That the integration of the SDF process in terms of the Spatial Planning and Land Use Management Act (Act 16 of 2013) be noted.
- (iv) That the Process Plan and Time Schedule be made public in terms of Section 21 of the Local Government Municipal Systems Act (Act 32 of 2000).

11.3 **CAPE AGULHAS MUNICIPALITY ZONING SCHEME BY-LAW AND CAPE AGULHAS BY-LAW ON MUNICIPAL LAND USE PLANNING**

PURPOSE OF REPORT

To approve the Zoning Scheme and Municipal Land Use Planning By-Laws.

BACKGROUND

SPLUMA (Spatial Planning and Land Use Management Act, 2015), is a national framework legislation which came into operation on the 1st of July 2015. SPLUMA's primary aim is to provide national, provincial, and municipal spheres of government with a framework relating to the establishment of policies and systems relating to planning and land use management.

Historically each province had its own set of Acts governing land use within its boundaries. SPLUMA unifies all the provinces under one national legislation. SPLUMA replaced a number of Acts such as Removal of Restrictions Act 84 of 1967, Physical Planning act 88 of 1967, Less Formal Township Establishment Act 113 of 1991, The Physical Planning Act 125 of 1991 and the Development Facilitations Act 67 of 1995.

Each Municipality must approve and adopt a single land use management scheme and Planning -By-law for its entire area within 7 years from the commencement date of SPLUMA. The commencement date was 1 July 2015 and as such each Municipality is required to adopt its land use management scheme by 1 July 2022. The purposes of a land use scheme is to promote economic growth, social inclusion, efficient land development and a minimal impact on public health, the environment, and natural recourses.

Each municipality must pass by-laws (Scheme and Municipal Planning) to formulate the procedures they will follow to give effect to and enforce the provisions of SPLUMA.

We have amended our Scheme and Planning -By-Laws to be in line with the Provincial model. Council approved the Draft By-laws, and the public participation process commenced on the 8th of April for 30 days until the 13th of May 2022. However, CAM decided to extend the period until the 8th of June 2022 to provide more opportunity. We also did a workshop with Councillors and gave presentations to all Ward Committees.

All representations received were circulated to DEADP.

The following representations were received:

NAME	NATURE OF COMMENT
CapeNature	In general, CapeNature supports the Draft By-Law on Municipal Land Use Planning and do not recommend that any amendments are required. CapeNature is the provincial authority responsible for conservation of biodiversity and should be provided notice of applications which could impact on biodiversity.
Allen Hills	Consent uses on Agriculture, Smallholding and Resort Zone, be amended
Suiderpers	Primary rights of cell phone towers on land be linked with a public participation process before approval is granted
Infoprop Kevin Poulter	Densification and subdivisions Overlay zones Road in Napier cutting through residential properties Comments/ corrections on Zoning Scheme Map Consent use applications vs percentage of proposed uses Availability of Zoning Scheme register and Consent use register on website Discrepancies with some zonings
Town and Country	Propose changes on; - Definitions, Parking requirements and Land use Zones Inputs/corrections on Zoning Scheme Map
Rondefontein Farm Break Even 55	Recommend changes to the zoning and current Zoning Scheme Map

All comments and inputs can be dealt with administratively. All the above representations were circulated to DEADP.

In terms of section 27(2) of LUPA the Provincial Minister had 60 days to comment on the Draft Zoning Scheme and Planning By-Laws. On 21 June 2022 the Ministers comments were received via DEADP and it was confirmed that the Department has no objection to the two by-laws from a provincial planning point of view and only made suggestions in terms of minor improvements.

Cape Agulhas Municipality needs to be SPLUMA compliant before 1 July 2022. It is therefore important to approve these By-Laws.

DISCUSSION

No amendments were suggested by Province following submission of the draft and it is requested that the Council approve the documents as submitted on 31 March 2022 (**document will be separately distributed**).

FINANCIAL IMPLICATION

Both By-Laws need to be advertised in the Government Gazette.

LEGAL IMPLICATION.

1. CAM will be SPLUMA compliant before 1 July 2022.
2. Chapter 7 of the Constitution and Section 13 of the Municipal Systems Act regulate by-laws.

MANAGEMENT RECOMMENDATION

- (i) That Council approves the Cape Agulhas Municipality Zoning Scheme By-Law (2022) and Cape Agulhas By-law on Municipal Land Use Planning (2022).
- (ii) That the above by-laws be promulgated and come into effect from date of promulgation.

RESOLUTION 142/2022

- (i) That Council approves the Cape Agulhas Municipality Zoning Scheme By-Law (2022) and Cape Agulhas By-law on Municipal Land Use Planning (2022), subject to the following Amendment:
That "transmission tower", as primary use in the following Use Zones (Industrial, Noxious Industrial, Authority Use, Transport Use, Streets and Parking), be moved to Consent Use, to allow for public participation and formal application, before any decision could be taken.
- (iii) That the above by-laws be promulgated in die Government Gazette and come into effect from date of promulgation.

11.4 **INTERNATIONAL CENTRE FOR LOCAL DEMOCRACY (ICLD) MUNICIPAL PARTNERSHIP: WITH EKERÖ MUNICIPALITY: PROGRESS REPORT**

REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER**PURPOSE OF REPORT**

To inform Council on progress in respect of the establishment of a partnership with Ekerö Municipality in Sweden

BACKGROUND

Cape Agulhas Municipality successfully applied to be part of the Swedish ICLD Municipal Partnership Programme in 2019 and was partnered with Ekerö Municipality in Sweden. The Municipal Partnership Programme is aimed at politicians and officials from local governments.

DISCUSSION

We are now in the inception phase of the programme which aims to investigate how to develop dialogue and cooperation between civil society (non-governmental organisations, institutions and networks and citizens) and the two municipalities, involved. We will choose one focus area, such as developing methods for citizen dialogue, youth involvement or social inclusion. The outcome of the inception phase is a project plan that focuses on one of these areas for the two Municipalities to work on jointly.

The project team comprises two officials and two politicians from each Municipality. One of the politicians should represent the opposition party. Cape Agulhas is represented by the Municipal Manager and Division Head Strategic Planning and Administration from the administration and Cllr P Swart and Cllr R Louw from the political side. We have also involved the IT and Human Development Department in the project.

ICLD provide training and support as well as reciprocal visits. Although the programme began in 2019, it was delayed due to Covid 19, and only reconvened in earnest towards the end of 2021. The partnership will ideally last for at least 3-4 years and possibly even longer depending on the nature of the project.

To date the following has taken place:

- A meet and greet between both teams where each municipality presented their profiles and discussed possible project themes. It was agreed at this workshop that the focus of the project would be on the youth. Both political and administrative components of the teams attended this.
- Training workshops took place on 26 January and 28 March and another is scheduled for 30 August 2022. It is important to note that the ICLD requires the project to be developed in accordance with their methodology, hence the importance of the workshops.

- On 6 March 2022, the ICLD visited Cape Agulhas to view the projects that were communicated to them during the two previous training programmes that were attended by our officials.
- Multiple meetings have also taken place during the administrative components of both teams to begin planning a project. One of the key outcomes of these engagements is to create a platform for dialogue between the youth of Ekerö and CAM, and a digital workshop has been planned for 27 August 2022, where the youth of the respective municipalities will get the opportunity to talk to one another.
- Municipal elections are taking place in Sweden during September 2022, meaning Ekerö's political representation could change. Their Mayor, who is part of the project team has already resigned, but this will not materially affect project as the discussions and planning are ongoing.

LEGAL IMPLICATIONS

None specifically.

FINANCIAL IMPLICATIONS

ICLD funds all training sessions as well as the reciprocal visits.
Funding is available to host the digital workshop.

PERSONNEL IMPLICATIONS

None specifically.

MANAGEMENT RECOMMENDATION

That the Council note the report of the Municipal Manager on progress made in respect of the ICLD partnership with Ekerö Municipality in Sweden.

RESOLUTION 143/2022

That Council note the report of the Municipal Manager on progress made in respect of the ICLD partnership with Ekerö Municipality in Sweden.

11.5 **BELEID: STAANDE REËLS EN PROSEDURE MET BETREKKING TOT DISSIPLINÊRE AANGELEENTHEDE RAKENDE RAADSLEDE (SPEAKER) / POLICY: STANDING RULES AND PROCEDURES WRT DISCIPLINARY MATTERS AGAINST COUNCIL MEMBERS (SPEAKER)**

VERSLAG VOORGELEË DEUR: SPEAKER

DOEL VAN VERSLAG

Om ooreweging te skenk om die "Staande Reëls en Prosedure met Betrekking tot Dissiplinêre Aangeleenthede Rakende Raadslede" as beleid van die Raad te aanvaar.

AGTERGROND

Die Speaker het die aangehegte dokument/beleid/prosedure op **bladsy 5 tot 20** saamgestel en word aan die Raad voorgelê vir ooreweging om as beleid en riglyne vir die Raad te dien. Die beleid is opgestel om eenvoudige reëls en prosedures daar te stel vir ondersoek en optrede in terme van die Verordening insake die "Reëls vir die Hou van Vergaderings" van Kaap Agulhas Munisipaliteit, 2006 en die Gedragskode vir Raadslede soos vervat in Skedule 7 van die Wet op Plaaslike Regering: Munisipale Strukture, 2021 (Wet 3/2021).

FINANSIËLE IMPLIKASIE

Geen.

REGSIMPLIKASIE

Verordening insake die “Reëls vir die hou van Vergaderings” van Kaap Agulhas Munisipliteit, 2006, en die Gedragskode vir Raadslede soos vervat in Skedule 7 van die Wet op Plaaslike Regering: Munisipale Strukture, 2021 (Wet 3/2021).

PERSONEEL IMPLIKASIES

Geen.

BESTUURSAANBEVELING

Dat die “Staande Reëls en Prosedure met Betrekking tot Dissiplinêre Aangeleenthede Rakende Raadslede” as beleid van Kaap Agulhas Munisipliteit goedgekeur en aanvaar word, met ingang 1 Julie 2022.

BESLUIT 144/2022

- (i) Dat die “Staande Reëls en Prosedure met Betrekking tot Dissiplinêre Aangeleenthede Rakende Raadslede” as beleid van Kaap Agulhas Munisipliteit goedgekeur en aanvaar word, met ingang 1 Julie 2022.
- (ii) Dat 'n werkwinkel na die reses van die Raad geskeduleer word om die aangeleentheid te bespreek.

11.6 **TERUGVOER: STRUISBAAI INDUSTRIËLE VEILING: JUNIE 2022****DOEL VAN VERSLAG**

Om aan die Raad terugvoer te gee oor die sewe nuwe industriële erwe wat op 22 Junie 2022 op 'n openbare veiling in Struisbaai verkoop is.

AGTERGROND

In die onderstaande skedule is die reserweprys soos deur die Raad per **Raadsbesluit 132/2022** (7 Junie 2022) vir die genoemde erwe bepaal:

Erf nommer	Erf grootte	Reserweprys	VERKOOPPRYS	
Erf 4188, Struisbaai	1144 m ²	1 005 000	1 000 000	RESERWE PRYS NIE BEHAAL
Erf 4189, Struisbaai	945 m ²	832 500	840 000	Prys is behaal
Erf 4190, Struisbaai	945 m ²	832 500	860 000	Prys is behaal
Erf 4191, Struisbaai	955 m ²	840 000	925 000	Prys is behaal
Erf 4192, Struisbaai	945 m ²	832 500	900 000	Prys is behaal
Erf 4193, Struisbaai	945 m ²	832 500	890 000	Prys is behaal
Erf 4194, Struisbaai	970 m ²	855 000	1 000 000	Prys is behaal
		R6 030 000	R6 415 000	

FINANSIËLE IMPLIKASIES

Begrote inkomste vir die sewe erwe het beloop R4 000 000.

BESTUURSAANBEVELING

- (i) Dat die Raad kennis neem van die verkoopprijs behaal op die openbare veiling van 22 Junie 2022 van sewe industriële erwe geleë in Struisbaai.
- (ii) Dat die Raad die verkoopprijs van Erf 4188, Struisbaai as R1 000 000 aanvaar.
- (iii) Dat die oordrag van die die erwe so spoedig moontlik sal geskied.
- (v) Dat kooporeenkomste binne sewe dae deur die afslaer aan die Raad oorhandig word.

BESLUIT 145/2022

- (i) Dat die Raad kennis neem van die verkoopprijs behaal op die openbare veiling van 22 Junie 2022 van sewe industriële erwe geleë in Struisbaai.
- (ii) Dat die Raad nie die verkoopprijs van Erf 4188, Struisbaai as R1 000 000 aanvaar nie en dat die transaksie terugverwys word na die afslaer om die koopprijs te beding en daarna met die Munisipale Bestuurder onderhandel word vir bevestiging van verkoop.
- (iii) Dat die oordrag van die die erwe so spoedig moontlik sal geskied.
- (vi) Dat kooporeenkomste binne sewe dae deur die afslaer aan die Raad oorhandig word.

11.7 **PROPOSED DEVELOPMENT OF A TAXI INTERCHANGE ON ERF 538 AND 539, BREDASDORP****PURPOSE OF REPORT**

To inform Council of negotiations with the Taxi Association and obtain principle approval to proceed with a land use planning process in respect of erf 538 and 539, Bredasdorp to accommodate a taxi interchange on this site.

**BACKGROUND**

During 2018/19 a portion of Erf 1148, Bredasdorp measuring approximately 1.2 Ha on the intersection of Recreation Road (R319) (Struisbaai Road) and Church Street (R 316) (Arniston Road) (next to SAPS) was identified for a taxi interchange. We applied via the RSEP Programme for funding to develop the interchange with a paved secure area, ablution facilities, shelters, lighting, signage, an office and between two and four trading units.

The RSEP office did not approve the funding for the project but did grant an amount of R345 000 for a site development plan and feasibility study as a prelude to possible funding at a later stage. The site development plan which included a detailed traffic assessment was approved by the Council in 2019.

At the time an extensive public participation process took place which included consultations with the Taxi Association. The Taxi Associations preference for an interchange at that time was Erf 539 and RE 538 but their preference could not be acceded to as the land did not belong to Council. They then accepted the proposed area next to SAPS. We proceeded to subdivide and rezone the site next to SAPS, and the process is complete except for an appeal. The report still needs to be submitted by the service provider to the Appeal Authority (Mayor) to decide whether the appeal will even be considered. The land use planning process in respect of this site is therefore 99% complete.

During 2020, Erf 539 and RE 538 were offered to the Council, and a resolution taken to purchase them for purposes of an informal market which has since been developed there. The property was also zoned for informal trading.

DISCUSSION

During 2021, the Taxi Association approached the Municipality and were unhappy that their preferred site had been purchased but utilised for a totally different purpose.

The Taxi Association were adamant that the site next to SAPS was not suitable, despite their agreeing to it previously and that they wanted the Municipality to reconsider developing an interchange on the Erf 539 and RE 538. It was agreed that discussions would be held with the Taxi Association to find an amicable solution and mitigate the possible risk of taxi violence.

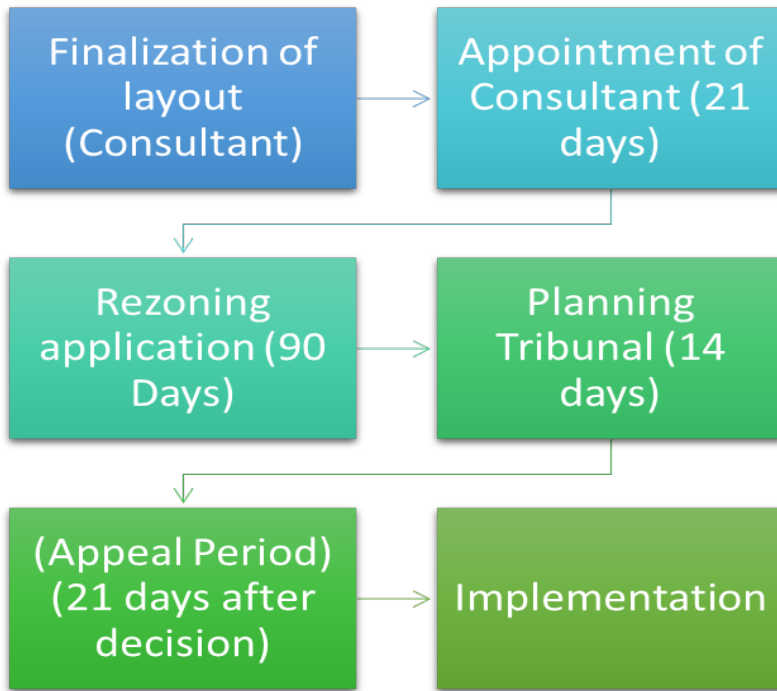
A meeting was held on 06 June 2022 at 10:00 with the Municipal Manager, Deputy Mayor, Director Management Services, Traffic Services, Councilors, Town Planning and Members of the Taxi Association, to discuss possible layouts for a taxi interchange on Erf 539 and RE 538 Bredasdorp as well as pick up points in Struisbaai and Napier.

Three different layouts were presented to them. The layouts were premised on utilising the existing infrastructure such as the shade nets and ablution facility as far as possible, even though these facilities will have to be relocated on the site and additional facilities added. The existing traders will still have place to trade, and it is believed that their business may benefit from the increased pedestrian traffic.

The current zoning of Erven 539 and 538 does not accommodate this use and the property will have to be rezoned to include "transport use" We have sufficient budget to commence with the rezoning and consolidation of the erven. Time frames will be as follows and if the application is approved the Council can consider the relocation of infrastructure and provision of additional facilities with the adjustment budget.

BREDASDORP TAXI INTERCHANGE				
ERF NO	538 & 539			
ZONING	Business			
LOCATION	Cnr. of Plein St & Dirkie Uys St			
	DESCRIPTION	EST. TIME	EST. COMPLETION DATE	EST. COST
STEP 1	Evaluate & Approve Prelim Layout	14 days	30-Jun-22	R0.00
STEP 2	Appoint Consultant	21 days	31-Jul-22	R0.00
STEP 3	Finalise Layouts	14 days	15-Aug-22	R0.00
STEP 4	Rezoning Application (rezone from Business to Transport Usage) and Consolidation	90 days	14-Nov-22	R60,000.00
STEP 5	Planning Tribunal	14 days	28-Nov-22	R0.00
STEP 6	Decision on Application	14 days	12-Dec-22	R0.00
STEP 7	Appeal Period	21 days	3-Jan-23	R0.00

THE PROCESS FLOW IS AS FOLLOWS:



A further step will be to link the interchange to formal pick-up points in the other towns. The following sites were provisionally identified:

1. Napier: Erf 513 (West Street)



2. Struisbaai: Erf 1907 (Duine Street)



If the identified sites in Napier and Struisbaai are developed into interchanges, they will also have to be rezoned. If they remain pick up points with some shelter they will not need to be rezoned. The public input on the location of these sites will also need to be obtained.

To be noted that the project is on the JDMA list and registered with RSEP. Irrespective of whether we proceed on the original site (if rezoning cannot be approved) or Erf 539 and RE 538 we need funding for the infrastructure on the site. The current budget does not make provision for this.

FINANCIAL IMPLICATION

1. Rezoning of Erf 538 & 539 from Business to Transport Usage and consolidation - R60 000.
2. Additional ablution facilities will cost approximately R 180 000 if a container is used, and a container office will be approximately the same which will total R360 000.
3. Rezoning and subdivision of pick-up points in Napier and Struisbaai If required - R120 000 (R60 000 each).
4. Costing of the development of facilities will still need to be done depending on the layout and extent.
5. There is sufficient funding under the Town Planning budget to proceed with the rezoning and consolidation of Erf 538 & 539, Bredasdorp.
6. No provision is made for the other expenditure; however, the land use planning process will be the first step and must be done before any development could be considered.

PERSONNEL IMPLICATION

None.

LEGAL IMPLICATIONS

Cape Agulhas Land use Planning By-law and Zoning Scheme.

INFRASTRUCTURE RECOMMENDATION

Water and sewer connections are available. All locations have access to formal roads and electricity is also available.

MANAGEMENT RECOMMENDATION

- (i) That Council note the current status in respect of the development of a taxi interchange.
- (ii) That approval be granted to proceed with a land use application in respect of Erf 539 and RE 538 Bredasdorp to accommodate a taxi interchange.
- (iii) That the layout plan be finalised in conjunction with the Taxi Association and costed.
- (iv) That the proposed positions of the pick-up points in Napier and Struisbaai be referred to the respective ward committees for input.
- (v) That the additional funding required for the land use planning costs of the pick-up points (if applicable) be referred to the adjustment budget.
- (vi) That the relocation of the infrastructure / additional infrastructure at the Bredasdorp site be referred to the adjustment budget or the 2023/24 Budget.

RESOLUTION 146/2022

That the matter be referred back for a workshop between Councillors, Directors and other role players.

11.8 **REVIEW OF HUMAN SETTLEMENT PLAN****PURPOSE OF REPORT**

To table the recommendations of the Human Settlement Plan review.

BACKGROUND

Cape Agulhas municipality has a Human Settlement Plan (HSP) which was approved. The HSP is reviewed annually to assess progress made on housing delivery as per pipeline deliverables and the business plan of the Western Cape Department of Human Settlements (WCDoHS).

A workshop was held with the Council to review the HSP

The HSP workshop looked at the following issues:

- Review on whether CAM pipeline is still in line with the strategic objectives of WCDoHS.
- 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 2022-2027

FINANCIAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

- (i) That Council approves the draft Human Settlement Plan (*separately attached*).
- (ii) That the draft Human Settlement plan be advertised for public comments and brought back to Council for final approval.

RESOLUTION 147/2022

- (i) That Council approves the draft Human Settlement Plan.
- (ii) That the draft Human Settlement plan be advertised for public comments and brought back to Council for final approval.

11.9 **BEMAGTIGINGSTRATEGIE VIR PLAASLIKE OPKOMENDE ENTREPRENEURS****DOEL VAN VERSLAG**

Om die aangehegte strategie op *bladsy 21 tot 27* wat ten doel het om plaaslike opkomende entrepreneurs te bemagtig, te oorweeg vir goedkeuring.

AGTERGROND

Die ontwikkeling van die plaaslike ekonomie is aangewese op die bemagtiging van plaaslike entrepreneurs om sodoende werk te kan skep. Kaap Agulhas beskik oor 'n groot verskeidenheid van entrepreneurs in verskeie velde wat graag 'n verskil wil maak deur te belê in munisipale dienslewering in terme van menslike kapitaal, en om sodoende ons plaaslike ekonomie te versterk. Die gevolge van die Covid-pandemie het dit vir baie mense moeilik gemaak om hul merk in hul onderskeie vakgebiede te maak, en het die nasionale werkloosheidsyfer laat groei.

Ten einde plaaslike entrepreneurs in staat te stel om hul merk te maak, benodig hulle die nodige bystand in terme van opleiding en geleenthede. Die munisipaliteit behoort as plaaslike regering 'n belangrike rol te speel in die fasilitering van sulke geleenthede. As leier in die samelewing moet die munisipaliteit ook sy eie bydrae maak ten opsigte van ontwikkeling en plaaslike ekonomiese bemagtiging.

Die munisipaliteit beskik oor 'n wesenlike kapitale begroting, en behoort die voortou te neem om hierdie begroting so te struktureer dat plaaslike entrepreneurs wie hiervoor kwalifiseer, hul regmatige rol in die ontwikkeling van die plaaslike ekonomie op te kan eis. Hierdie aangehegte beleid is 'n positiewe begin om ons plaaslike entrepreneurs te kan posisioneer in hierdie verband. Die konsep beleid is ook aan die CIDB gestuur wie baie waardevolle insette gemaak het in die verband.

FINANSIËLE IMPLIKASIE

Die toedeling van 'n persentasie van die munisipale begroting om die toepassing van die beleid moontlik te kan maak.

WETLIKE RAAMWERK

1. Grondwet van die Republiek van Suid-Afrika
2. Wet op die Ontwikkelingsraad vir die Konstruksiebedryf (CIDP)
3. Voorkeur Verkrygingsbeleidsraamwerk Wet (PPPFA)
4. Die Wet op Breë Swart Ekonomiese Bemagtiging (BBBEE)
5. Kaap Agulhas Ekonomiese Herstelplan

BESTUURSAANBEVELING

Dat die "Strategy on the Empowerment of Local Emerging Contractors" na bespreking deur die Raad aanvaar word.

BESLUIT 148/2022

Dat die "Strategy on the Empowerment of Local Emerging Contractors" goedgekeur word.

11.10 **AMENDMENT / EXTENTION OF CONTRACT: SHORT-TERM INSURANCE PORTFOLIO – OPULENTIA FINANCIAL SERVICES (SCM38/2018/19)**

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 2020 and section 116 (3) (a) of the Municipal Finance Management Act that the municipality intends to amend the existing contract with **Opulentia financial services**.

BACKGROUND

On 10 June 2019, the Cape Agulhas Municipality [CAM] concluded a formal agreement with **Opulentia financial services** for the provision of Short-term insurance services for the municipality for a three (3) year period. This agreement ends on 30 June 2022

The process with the new tender is as follows:

- (i) Tender was advertised on the 14 April 2022
- (ii) Tender close on the 20 May 2022

Outstanding processes to finalize the tender:

- (i) Tenders in process of being evaluated by the user department (Finance: BTO office).
- (ii) Tenders needs to be submitted to the SCM Bid evaluation committee.
- (iii) Tenders needs to be submitted to the SCM Bid adjudication committee.
- (iv) Tenders normal appointment timeframes before final award can be completed.

The Municipality now wishes to invoke the aforementioned contractual condition and amend the service level agreement for another month effectively from **1 July 2022 to 31 July 2022**.

The rationale for the above conclusion is that Opulentia financial services:

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 service delivery.

FINANCIAL IMPLICATIONS

The extended contract will be funded from the following votes:

Description	Vote number	Budget 2022/23	Budget 2023/24	Budget 2024/25
Council General Insurance	13040276010	1,500,000	1,650,000	1,815,000
Motor vehicle Fleet insurance	13051276000	750,000	825,000	907,500

The cost of the extension will be funded from the above votes.

MANAGEMENT RECOMMENDATION

That the proposed amendment / extension of the contract of Opulentia Financial Services, 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 149/2022

That the proposed amendment / extension of the contract of Opulentia Financial Services, 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 for the period 1 July 2022 to 31 July 2022.

11.11 **AMENDMENT / EXTENTION OF CONTRACT: FINANCIAL MANAGEMENT AND ACCOUNTING SERVICES - SIYANDA BUSINESS SOLUTIONS PTY LTD (SCM1/2019/20)**

PURPOSE OF REPORT

To obtain approval in terms of the Municipal Supply Chain Management Policy and System [SCMP] (Part 20.14) which been issued in terms of section 111 of the Municipal Finance Management Act [MFMA], 2003 (Act 56 of 2003) and adopted by the Council in 2020 as well as section 116 (3) (a) of MFMA whereby the municipality intends to amend the existing contract with Siyanda Business Solution (Pty) Ltd for an extended period of 24 months till the end of 30 June 2024.

BACKGROUND

The Cape Agulhas Municipality appointed Siyanda Business Solution (Pty) Ltd for a period of three years started from 1st July 2019 till the end of 30 June 2022.

One of the key outcomes with the appointment is the transfer of skills with specific reference to the financial management support during month / year end process which could not really been fulfilled because of the COVID-19 impact on the operations of the municipality for the past two financial years and whereby several key officials had worked from home during this period which from a practical point view made it difficult to implement the scheduled skill transfer plan.

A strong possibility exist that the Senior Accountant Financial Systems, as a critically identified position, plan to resign by the end of July 2022 which might put tremendous pressure within the unit to deliver especially from a financial system checks and balances perspective to which Siyanda Business Solution (Pty) Ltd can play a significant support role due to their intellectual knowledge and involvement since the conversion onto the new Vesta financial system since July 2017. The municipality have started a process to mitigate the risk in terms of the month / year processes without any major disruption in respect of data integrity with the possible breakdown of controls and balances. To ensure continuity and consistency within the unit Siyanda Business Solution (Pty) Ltd can play an important backup support role from a financial system perspective to ensure data integrity.

Due to Siyanda Business Solution (Pty) Ltd good track record and value adding over the years as well as the intellectual knowledge about the municipality operations it is suggested to extend the existing contract with another two years to allow for a reviewed and updated financial management skills transfer plan within the finance department with clear goals for achievement based on a formal gaps assessment.

It is therefore recommended to invoke the applicable contractual condition and amend the service level agreement for another two years effectively from 1 July 2022 to 30 June 2024.

The rationale for the above conclusion is that Siyanda Business Solution (Pty) Ltd :

1. Confirmed 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 service delivery.

FINANCIAL IMPLICATIONS

The extended contract will be funded from 01/3010/144000 (Consultancy: Professional Services).
The estimated cost can be less but will not exceed the amount of R1 350 000 (July 2022 to June 2024).

The Municipal Manager in consultation with the Chief Financial Officer recommends as follows:

MANAGEMENT RECOMMENDATION

To consider the proposed amendment / extension of the contract of Siyanda Business Solution (Pty) Ltd in terms of the Municipal Supply Chain Management Policy and System [SCMP] (Part 20.14) which been issued in terms of section 111 of the Municipal Finance Management Act [MFMA], 2003 (Act 56 of 2003) as well as Section 116(3) of the Municipal Finance Management Act 2003 (Act 56 of 2003), for approval at the same terms and conditions.

RESOLUTION 150/2022

That Council approves the proposed amendment / extension of the contract of Siyanda Business Solution (Pty) Ltd in terms of the Municipal Supply Chain Management Policy and System [SCMP] (Part 20.14) which been issued in terms of section 111 of the Municipal Finance Management Act [MFMA], 2003 (Act 56 of 2003) as well as Section 116(3) of the Municipal Finance Management Act 2003 (Act 56 of 2003), at the same terms and conditions effectively from 1 July 2022 to 30 June 2024.

11.12 **AMENDMENT / EXTENTION OF CONTRACT: FINANCIAL SERVICES - UNBUNDLING OF INFRASTRUCTURE ASSET ACCORDING TO GRAP 17 - MUBESKO AFRICA PTY LTD (SCM2/2019/20)**

PURPOSE OF REPORT

To obtain approval in terms of the Municipal Supply Chain Management Policy and System [SCMP] (Part 20.14) which been issued in terms of section 111 of the Municipal Finance Management Act [MFMA], 2003 (Act 56 of 2003) and adopted by the Council in 2020 as well as section 116 (3) (a) of MFMA whereby the municipality intends to amend the existing contract with Mubesko Africa (Pty) Ltd for an extended period of 24 months till the end of 30 June 2024.

BACKGROUND

The Cape Agulhas Municipality appointed Mubesko Africa (Pty) Ltd for a period of three years started from 1st July 2019 till the end of 30 June 2022.

One of the key deliverables in terms of the agreement is to assist the municipality with the unbundling of assets aligned with GRAP standard directive as well as to addressing ongoing gaps identified and possible risks in terms of the maintenance and update of the infrastructure fixed asset register (FAR) as per the GRAP compliance requirement. The municipality currently embarking on an "Asset Management Improvement" journey in partnership with DBSA and Mubesko Africa (Pty) Ltd also played a part in this asset care project to improve on the standardization of the asset classification, disclosure as per GRAP requirement, updating of GIS shapefiles and the asset lifecycle management to make a contribution towards the improvement of the long-term integrated planning and asset demand management.

Furthermore, the municipality have started a process whereby Mubesko Africa (Pty) Ltd been appointed to perform the following functions which might run over more than current financial year (2021/22).

Following is some of the required activities to be addressed as part of the 2022 financial year-end process for the update of the FAR:

1. Prepare and compile the template for the electronic register and assistance to convert to an electronic asset register (2022/23);
2. Asset management policy update;
3. Re-unbundle bulk unbundled streetlights;
4. Re-unbundle bulk assets to component level;
5. Remaining useful life (RUL) and impairment review of the asset not physically verified; and
6. Unbundling of capital projects for 2021/22.

For continuity based on the current interventions and GAPS identified the following additional activities still need to be addressed in respect of the two outer years to improve on the quality of data as reflecting in the infrastructure asset register on an ongoing manner:

1. Addressing the GAPS identified during the GAP analysis of the movable assets; and
2. Addressing the GAPS identified during the GAP analysis of the property asset register.

In terms of the transfer of skills requirement with specific reference to the asset management, COVID-19 also impacted negatively as this outcome in terms of the contract could not been fully achieved due to various administrative challenges.

Due to Mubesko Africa (Pty) Ltd good track record and value adding over the years as well as the intellectual knowledge about the municipality operations it is suggested to extend the existing contract with another two years to allow for the additional activities to be finalized aligned with the GAPS identified during the GAP analysis completed.

It is therefore recommended to invoke the contractual condition and amend the service level agreement for another two years effectively from 1 July 2022 to 30 June 2024.

The rationale for the above conclusion is that Mubesko Africa (Pty) Ltd:

1. Confirmed 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 service delivery.

FINANCIAL IMPLICATIONS

The extended contract will be funded from 01/3010/144000 (Consultancy: Professional Services).
The estimated cost can be less but will not exceed the amount of R1 200 000 (July 2022 to June 2024).

The Municipal Manager in consultation with the Chief Financial Officer recommends as follows:

MANAGEMENT RECOMMENDATION

To consider the proposed amendment / extension of the contract of Mubesko Africa (Pty) Ltd in terms of the Municipal Supply Chain Management Policy and System [SCMP] (Part 20.14) which been issued in terms of section 111 of the Municipal Finance Management Act [MFMA], 2003 (Act 56 of 2003) as well as Section 116(3) of the Municipal Finance Management Act 2003 (Act 56 of 2003), for approval at the same terms and conditions.

RESOLUTION 151/2022

That Council approves the proposed amendment / extension of the contract of Mubesko Africa (Pty) Ltd in terms of the Municipal Supply Chain Management Policy and System [SCMP] (Part 20.14) which been issued in terms of section 111 of the Municipal Finance Management Act [MFMA], 2003 (Act 56 of 2003) as well as Section 116(3) of the Municipal Finance Management Act 2003 (Act 56 of 2003), at the same terms and conditions effectively from 1 July 2022 to 30 June 2024.

11.13 **REVIEW AND AMENDMENT OF SUPPLY CHAIN MANAGEMENT POLICY****PURPOSE OF REPORT**

To obtain Council's approval in respect of the amended Supply Chain Management Policy.

BACKGROUND

In terms of the Supply Chain Management Regulation 3(1)(b), the Supply Chain Management Policy must be reviewed at least annually.

Due to ongoing changes in processes, procedures, risks legislation, as well as the NT Circulars related to SCM that impacted on the existing policy, it is suggested to amend the supply chain management policy with effect from date of approval hereof which is attached to this document.

In terms of MFMA Circular 106, the municipality needs to repeal SCM Policy for Infrastructure procurement and delivery management issued in terms of MFMA Circular 77, which was incorporated into Council's Policy, paragraph 12.5. That the Framework for Infrastructure Delivery and Procurement Management replace the abovementioned

To include PPPFA Circular 1 of 2021, application of formulae in Regulations 6(1) and 7(1) on disposal, leasing and other income generating procurement.

POLICY CHANGES AND AMENDMENTS

INFRASTRUCTURE DEVELOPMENT MANAGEMENT SYSTEM COMMITTEES (IDMS) [Optional]
Refer to sections 168 of the MFMA, SCM TR 3 (2)

<i>Refer to CIDBA</i>
<p>POLICY</p> <ul style="list-style-type: none"> <input type="checkbox"/> For infrastructure and construction related procurement the same SCM Bid Committee System will apply subject to each committee being provided with a relevant technical and related engineering expertise for each specific required commodity. <input type="checkbox"/> The provisions of the CIDBA will be adhered to, complementary to the SCM P²OS. <input type="checkbox"/> Where relevant the EPWP principles and objectives will also be observed. <input checked="" type="checkbox"/> Annexure A - CAPE AGULHUS MUNICIPALITY's SCM Policy for Infrastructure procurement and delivery management <input checked="" type="checkbox"/> Annexure B - Standard for Infrastructure Procurement and Delivery Management. <input checked="" type="checkbox"/> Annexure A - Framework for Infrastructure Delivery and Procurement Management

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

MANAGEMENT RECOMMENDATION

- (i) That Annexure A - SCM Policy for Infrastructure procurement and delivery management, and Annexure B - Standard for Infrastructure Procurement and Delivery Management be repealed from Council's Supply Chain Management Policy.
- (ii) That Annexure A - Framework for Infrastructure Delivery and Procurement Management replaces the abovementioned.
- (iii) That PPPFA Circular 1 of 2021, application of formulae in Regulations 6(1) and 7(1) on disposal, leasing and other income generating procurement be included in the policy.
- (iv) That Council consider the approval of the abovementioned amended supply chain management policy with the effective from the approval date.

RESOLUTION 152/2022

- (i) That Annexure A - SCM Policy for Infrastructure procurement and delivery management, and Annexure B - Standard for Infrastructure Procurement and Delivery Management be repealed from Council's Supply Chain Management Policy.
- (ii) That Annexure A - Framework for Infrastructure Delivery and Procurement Management replaces the abovementioned.
- (iii) That PPPFA Circular 1 of 2021, application of formulae in Regulations 6(1) and 7(1) on disposal, leasing and other income generating procurement be included in the policy.
- (iv) That Council approves the abovementioned amended supply chain management policy with the effective from the approval date.

11.14 **EXTERNAL AUDIT ACTION PLAN FOR 2020/21(OPCAR): MONTHLY PROGRESS REPORT - JUNE 2022****PURPOSE OF REPORT**

Consideration of the progress made with the implementation of the approved 2020/21 Auditor General Findings Action Plan (OPCAR) as at 30 June 2022.

BACKGROUND

The Auditor General's audit of the municipality's operational- and financial activities for the 2020/21 financial year revealed some shortcomings that needs to be addressed. These shortcomings has been taken up in the 2020/21 OPCAR where specific corrective measures has been determined for implementation.

The action plan was approved by Council on 14 December 2021. The progress made with the implementation of the plan, attached on **page 28 to 31** is submitted to Council and the Western Cape Provincial Treasury on a monthly basis as well as quarterly to the Cape Agulhas Audit Committee for review. The only two items still outstanding is linked to the finalisation of the 2021/22 annual financial statements which is due 31 August 2022.

STAFF IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That the Council consider and approve the progress report on the 2020/21 OPCAR action plan as at 30 June 2022.

RESOLUTION 153/2022

That Council approves the progress report on the 2020/21 OPCAR action plan as at 30 June 2022.

11.15 **IMPLEMENTATION OF FEEDING SCHEMES****PURPOSE OF REPORT**

Council to approve the implementation of the feeding schemes for the 2021/2022 financial year.

BACKGROUND

The Human Development department has budget R152 500,00 for the implementation of the feeding schemes in Bredasdorp, Struisbaai, Napier, Elim, Waenhuiskrans, Klipdale, and Proteem for the 2021/2022 financial year. An additional R15 000,00 was added from the Provincial Community Development Workers programme towards the winter soup kitchen project. Soup will be issued three times a week for the duration of the winter season. Distribution points will be communicated to the beneficiaries within the respective wards.

According to the drafted Memorandum of Understanding between CAM and the beneficiaries the implementation of the feeding schemes is subject to effective, efficient, and transparent financial management and internal control systems of organizations as per section 67 of the Local Government: Municipal Finance Management Act, 2003. **Funding was allocated to the following organizations:**

ORGANIZATION	WARD	FUNDING
Liefdesnessie	Ward 2	R19 000.00
Bethel Feeding Scheme NPC	Ward 6 Bredasdorp	R19 000.00
Concern Mothers	Ward 3 Zwelitsha	R19 000.00
Bredasdorp Feeding and Nutrition centre	Ward 3 Kleinbegin	R19 000.00
Bredasdorp Feeding and Nutrition centre	Ward 2 Klipdale	R 8 500.00
Bredasdorp Feeding and Nutrition centre	Ward 4 Proteem	R 8 000.00
Vissersunie	Ward 6 Arniston	R19 000.00
Elpidah	Ward 1 Napier	R19 000.00
Geluksoord	Ward 1 Elim	R18 000.00
Omgee Groep	Ward 5 Struisbaai	R19 000.00
TOTAL		R167 500.00

MONTHLY PROJECTED EXPENSES FOR THE FEEDING SCHEMES:

BREDASDORP FEEDING SCHEME - KLEINBEGIN AREA	
Item	Monthly Expenses
Food Products	R 3 500,00
Transport	R 800,00
Electricity/Gas	R 1 000,00
Stipends for 2 cooks	R 1 000,00
TOTAL	R 6 300.00

WAENHUISKRANS VISERSUNIE	
Item	Monthly Expenses
Food Products	R3300.00
Transport	R1000.00
Electricity/ Gas	R1000.00
Stipends for 2 cooks	R1000.00
TOTAL	R6300.00

OMGEE GROEP - STRUISBAAI	
Item	Monthly Expenses
Food Products	R3300.00
Transport	R1000.00
Electricity/ Gas	R1000.00
Stipends for 2 cooks	R1000.00
TOTAL	R6300.00

GELUKSOORD - ELIM	
Item	Monthly Expenses
Food Products	R3000.00
Transport	R1000.00
Electricity/ Gas	R1000.00
Stipends for 2 cooks	R1000.00
TOTAL	R6000.00

BREDASDORP FEEDING SCHEME - KLIPDALE	
Item	Monthly Expenses
Food Products	R1830.00
Transport	R 500.00
Electricity/ Gas	R 500.00
Stipends for 1 cook	R 500.00
TOTAL	R2830.00

BREDASDORP FEEDING SCHEME - PROTEM	
Item	Monthly Expenses
Food Products	R1160.00
Transport	R 500.00
Electricity/ Gas	R 500.00
Stipends for 1 cook	R 500.00
TOTAL	R2660.00

LIEFDESNESSIE - WARD 2	
Item	Monthly Expenses
Food Products	R3800.00
Transport	R 500.00
Electricity/ Gas	R1000.00
Stipends for 2 cooks	R1000.00
TOTAL	R6300.00

CONCERN MOTHERS- ZWELITSHA	
Item	Monthly Expenses
Food Products	R3800.00
Transport	R 500.00
Electricity/ Gas	R1000.00
Stipends for 2 cooks	R1000.00
TOTAL	R6300.00

ELPIDAH - NAPIER	
Item	Monthly Expenses
Food Products	R3800.00
Transport	R 500.00
Electricity/ Gas	R1000.00
Stipends for 2 cooks	R1000.00
TOTAL	R6300.00

BETHEL FEEDING SCHEME NPC - WARD 6 BREDASDORP	
Item	Monthly Expenses
Food Products	R3800.00
Transport	R 500.00
Electricity/ Gas	R1000.00
Stipends for 2 cooks	R1000.00
TOTAL	R6300.00

FINANCIAL IMPLICATIONS

R152 500,00 will be utilized from vote no 0125 4020 7001 and R15 000,00 from vote no 0125 4017 0000

STAFF IMPLICATIONS

Staff is only involved with the facilitation and monitoring process of the project.

MANAGEMENT RECOMMENDATION

- (i) That Council approves the funding allocation to the organizations based on transparent financial management.
- (ii) That Council grant permission that the feeding scheme to be accommodated at the Waenhuiskrans Community Hall for the duration of the project.
- (iii) That a Memorandum of Understanding to be signed between CAM and the organizations for the implementation of the feeding schemes.
- (iv) That organizations are responsible for the purchasing of goods, gas, electricity and transportation of goods.
- (v) Monthly reports regarding the operations and financial management of the project to be submitted to the Manager: Human Development, department of CAM.
- (vi) That Council appoints the following service providers for the implementation of the feeding scheme project: Bredasdorp Nutrition and Development Centre, Waenhuiskrans Vissermansunie, Omgee Groep Struisbaai, Liefdesnessie, Bethel Feeding Scheme NPC, Concern Mothers, Elpidah, and Geluksoord.

MANAGEMENT SERVICES COMMITTEE RECOMMENDATION: 24 MAY 2022

- (i) That the management recommendation be accepted.
- (ii) That a workshop be held for the 2022/23 bookyear that will focus on the volumes, frequencies, locations, service providers and amounts allocated.

RESOLUTION 154/2022

- (i) That Council approves the funding allocation to the organizations based on transparent financial management.
- (ii) That Council grant permission that the feeding scheme to be accommodated at the Waenhuiskrans Community Hall for the duration of the project.
- (iii) That a Memorandum of Understanding to be signed between CAM and the organizations for the implementation of the feeding schemes.
- (iv) That organizations are responsible for the purchasing of goods, gas, electricity and transportation of goods.
- (v) Monthly reports regarding the operations and financial management of the project to be submitted to the Manager: Human Development, department of CAM.
- (vi) That Council appoints the following service providers for the implementation of the feeding scheme project: Bredasdorp Nutrition and Development Centre, Waenhuiskrans Vissermansunie, Omgee Groep Struisbaai, Liefdesnessie, Bethel Feeding Scheme NPC, Concern Mothers, Elpidah, and Geluksoord.
- (vii) That a workshop be held for the 2022/23 bookyear that will focus on the volumes, frequencies, locations, service providers and amounts allocated.

11.16 COMPLIANCE REPORT IN TERMS OF MUNICIPAL STAFF REGULATIONS (MSR) 2021

PURPOSE OF REPORT

To inform Council on the compliance status of Cape Agulhas Municipality in terms of the Municipal Staff Regulations (2021)

BACKGROUND

New rules have been promulgated by the Department of Co-operative Governance & Traditional Affairs (COGTA) to municipalities on how to manage municipal staff at all levels of the organisation, starting with restructuring or designing municipal organisational structures. National Minister of Co-operative Governance & Traditional Affairs, Nkosazana Dlamini-Zuma published the regulations on 20 September 2021.

The Municipal Staff Regulations (MSR) reforms require that all staff be appointed using a process previously, established for senior managers, with interview panels and extensive record keeping to make recruitment & selection decisions legally defensible.

Local Government were handed a rulebook running to nearly 800 pages to enforce legislation, in order to exercise fair and just hiring processes for various disciplines within the Municipality. Also, how to develop the competencies of municipal employees and how new recruits should be orientated and absorbed within the organisation.

Though they replaced 2014 rules which applied only to senior managers, the new regulations explicitly cover all municipal staff for COGTA Minister to protect **municipalities and municipal entities where it is relevant**.

Also rules , that binds selection panels between three to five people appointed by the Municipal Manager. The MSR makes provision for the establishment of a panel required to declare conflicts of interest. If conflicts emerge, the recruitment & selection process can be dissolved entirely, under these rules. Union Representatives still have observer status.

Municipal Organisational Design has been amended and designing is according to the category of the Municipality i.e Category B & C , whereby the designing of the structure fits the size , revenue and need of the municipality. This aims to alleviate the bloatedness of Municipal Organisational Structures in order to reduce employee related costs.

Performance Management , has been trickled down to the lowest of staff in Local Government , Individual Performance legislated in order to manage and enhance performance and performance based recognitions & reward.

The new regulations will not affect contracts concluded before their promulgation. This change is expected to change the footprint in Local Authorities regarding Human Resources Management.

At a special Council meeting held on 14 June 2022, Council had already approved a list of policies which is required in terms of MSR. The below roadmap provides an illustration on how Cape Agulhas Municipality embarked on the MSR reform process which include consultation with all internal and external stakeholders:

Roadmap towards implementing the Municipal Staff regulations No. 890 on 1 July 2022

2021	2022						
Oct to Dec 2021	Jan	Feb	Mar	Apr	May	Jun	Jul
<p>Planning and preparation commenced on October 2021</p>	<p>1. Finalise the road map up to end of June 2022</p> <p>2. Identify non-compliance with regulations and best interim solutions</p>	<p>4. Present staff regulations to the Executive Directors</p>	<p>6. Review policies and related supporting documents</p>	<p>8. Consult with trade unions within the Local Labour Forum</p>	<p>10. Submit reviewed policies to Portfolio Committees of Council</p>	<p>12. Departmental implementation readiness assessment</p>	<p>Implementation of the Municipal Staff Regulations NO. 890 1 July 2022</p>
	<p>3. Discuss the road map with the City Manager and SMT</p>	<p>5. Change Management Sessions</p>	<p>7. Submission of policies to all relevant stakeholders and SMT for input</p>	<p>9. Consolidate inputs and draft items</p>	<p>11. Adoption of policies</p>	<p>13. Providing support to Departments where required</p>	
Oct to Dec 2021	Jan	Feb	Mar	Apr	May	Jun	July

The purpose of this report is to provide assurance to Council, that Cape Agulhas Municipality complies to all the chapters within the MSR prior to the promulgated deadline of 30 June 2022. Attached on **page 32 to 39** is an updated MSR Readiness Report which indicates all the proceses and activities that were completed to ensure compliance in terms of MSR.

LEGAL IMPLICATIONS

Local Government: Municipal Systems Act , 2000 (ACT NO. 32 OF 2000) MSA
 Local Government: Municipal Staff Regulations no. 890 & 891

FINANCIAL IMPLICATIONS

- Ignite System installation : R400 000
- Ignite Performance System training : R15 000
- Councill Committee : R3 500

PERSONNEL IMPLICATIONS

None

MANAGEMENT RECOMMENDATION

That Council takes note that Cape Agulhas Municipality complies in terms of the Municipal Staff Regulations (2021).

RESOLUTION 155/2022

That Council takes note that Cape Agulhas Municipality complies in terms of the Municipal Staff Regulations (2021).

11.17 AANSTELLING VAN MUNISIPALE BESTUURDER VIR KAAP AGULHAS MUNISIPALITEIT

DOEL VAN VERSLAG

Om die Raad in te lig oor die volgende en om die volgende besluite daaroor te kry:

- (i) Dat die kontrak van die Munisipale Bestuurder, Mr E.O Phillips, op 1 November 2022 verstryk en dat sy diens by Kaap Agulhas Munisipaliteit sal eindig op 31 Oktober 2022;
- (ii) Toestemming in terme van Item 7 van die Regulasie (sien onder paragraaf 2) dat die pos gevul mag word (vir besluitneming deur die Raad) (**sien ook skrywe vanaf Uitvoerende Burgemeester aangeheg op bladsy 36**);
- (iii) Implementeringsplan vir die aanstel van 'n Munisipale Bestuurder (vir besluitneming deur die Raad);
- (iv) Samestelling van die Aanstellingspaneel (vir besluitneming deur die Raad); en
- (v) Goedkeuring van die konsep advertensie (vir besluitneming deur die Raad).

AGTERGROND

In terme van die Plaaslike Regering: Munisipale Stelselwet, 2000 (Wet 32 van 2000): Regulasie rakende die aanstelling en diensvoorwaardes van senior bestuurders (hierin verder na verwys as die Regulasie) soos vervat in Staatskoerant No 37245 gedateer 17 Januarie 2014, moet die Raad kennis neem van die vakature van die Munisipale Bestuurder en die vulling van die vakature oorweeg. Die pos sal vanaf 1 November 2022 vakant wees.

WETLIKE RAAMWERK

Die volgende wetgewing/regulasies is van toepassing:

1. Plaaslike Regering: Munisipale Stelselwet, 2000 (Wet 32 van 2000) en veral artikels 67, 54A, 56, 57A en 72;
2. Implications of the Constitutional Court Judgement Declaring the Local Government : Municipal Systems Amendment Act, 2011 (Act no. 07 of 2011). Invalid : Circular no. 1 of 2019 from COGTA;
3. Regulations on the Appointment and Conditions of Employment of Senior Managers, published in Government Gazette No 37245 dated 17 January 2014;
4. Municipal Regulations on Minimum Competency Levels published under GNR 493 in GG 29967 dated 15 June 2007;
5. Amendments to Municipal Regulations on Minimum Competency Levels, 2007, GG 41996 dated 26 October 2018;
6. Total Remuneration Package Payable to Municipal Managers and Managers directly accountable to Municipal Managers published in Government Notice 351 published in Government Gazette 43122 dated 20 March 2020; and
7. Checklist on the Appointment of Municipal Managers and Managers directly accountable to Municipal Managers issued by the Provincial Department of Local Government on 10 January 2017.

IMPLEMENTERINGSPLAN

Die Divisional Head : HR & OD het 'n konsep implementeringsplan opgestel en dit aan die Uitvoerende Burgemeester voorsien op 24 Junie 2022, nadat die Divisional Head : HR & OD versoek is om voort te gaan met die werwingsproses, aangesien die kontrak van die Munisipale Bestuurder verstryk 31 Oktober 2022. Die konsep plan is aangeheg vir oorweging op **bladsy 37 en 38**.

ADVERTENSIE

'n Konsep advertensie, soos aangeheg op **bladsy 39 en 40** is deur die Divisional Head: HR & OD voorberei en aangeheg vir oorweging deur die Raad.

AANSTELLINGSPANEEL

In terme van Item 12 van die Regulasie moet die Aanstellingspaneel vir die pos van Munisipale Bestuurder (artikel 54A) uit die volgende persone bestaan (minstes drie en hoogstens vyf lede):

1. Die Uitvoerende Burgemeester, Raadslid Paul Swart (**Voorsitter**).
2. Raadslid aangewys deur die Raad: Onder-Burgemeester Raymond Ross.
3. 'n Eksterne persoon met relevante kennis en vaardighede (Munisipale Bestuurder van 'n ander munisipaliteit).

Bo en behalwe die bogenoemde wetlike vereiste paneellede, word ook aanbeveel dat:

1. Beide die amptelike vakbonde verteenwoordig in Kaap Agulhas Munisipaliteit, naamlik SAMWU en IMATU genooi word om 1 verteenwoordiger elk te benoem om as waarnemers deel te neem aan die proses; en
2. Dat kennis geneem word dat daar van die dienste van 'n Konsultant gebruik gemaak sal word, aangesien daar 'n bevoegdheidstoets deur die kandidate afgelê moet word.

AANBEVELING DEUR DIE UITVOERENDE BURGEMEESTER

- (i) Dat die Raad kennis neem van die verstryking van die kontrak van die huidige Munisipale Bestuurder;
- (ii) Dat die Raad goedkeuring verleen vir die vulling van die vakature van Munisipale Bestuurder vanaf 1 November 2022 (of so spoedig moontlik daarna);
- (iii) Dat die Raad die aangehegte implementeringsplan goedkeur;
- (iv) Dat die konsep advertensie oorweeg word aan die hand van alle relevante wetgewing en goedgekeur word vir advertering in die geïdentifiseerde media;
- (v) Dat die samestelling van die paneel aanbeveel word aan die Raad, soos hierbo aangedui;
- (vi) Dat beide vakbonde (SAMWU en IMATU) versoek word om hul verteenwoordiger (een per vakbond) te benoem en in skrif deur te gee aan die Divisional Head: HR & OD; en
- (vii) Dat kennis geneem word dat daar van die dienste van 'n Konsultant gebruik gemaak sal word, aangesien daar 'n **bevoegdheidstoets** deur die kandidate afgelê moet word.

BESLUIT 156/2022

- (i) Dat die Raad kennis neem van die verstryking van die kontrak van die huidige Munisipale Bestuurder;
- (ii) Dat die Raad goedkeuring verleen vir die vulling van die vakature van Munisipale Bestuurder vanaf 1 November 2022 (of so spoedig moontlik daarna);
- (iii) Dat die Raad die aangehegte implementeringsplan goedkeur;
- (iv) Dat die konsep advertensie goedgekeur word aan die hand van alle relevante wetgewing vir advertering in die geïdentifiseerde media;
- (v) Dat die samestelling van die aanstellingspaneel, soos hierbo aangedui, goedgekeur word;
- (vi) Dat beide vakbonde (SAMWU en IMATU) en opposisie partye versoek word om hul verteenwoordigers (een per vakbond/party) te benoem en skriftelik deur te gee aan die Afdelingshoof: Menslike Hulpbronne; en
- (vii) Dat kennis geneem word dat daar van die dienste van 'n Konsultant gebruik gemaak sal word, aangesien daar 'n **bevoegdheidstoets** deur die kandidate afgelê moet word.

12. **ADDISIONELE ITEM DEUR DIE RAAD OORWEEG**12.1 **COLLABORATION WITH USAID AND SAEP****PURPOSE OF REPORT**

To present to council for noting that the Cape Agulhas Municipality via its Electricity Services Division has been selected for assistance in achieving their energy mandate.

BACKGROUND

With the ever-increasing pressure on Municipalities by the residents within their supply areas to come up with own generation potential to mitigate loadshedding and the Eskom lack of supply reserves, it was brought under the attention of Dr Silas Mulaudzi of SALGA and the attached documents were drafted for assistance with this regard.

LEGAL IMPLICATION

None.

FINANCIAL IMPLICATION

No Financial implication for this phase of the collaboration.

PERSONNEL IMPLICATION

None.

MANAGEMENT RECOMENDATION

That the draft letter of collaboration be noted by Council.

RESOLUTION 157/2022

- (i) That the draft letter of collaboration be noted by Council.
- (ii) That the Municipal Manager be authorised to sign the letter of collaboration on behalf of Cape Agulhas Municipality.

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

Geen.

14. **OORWEGING VAN KENNISGEWING VAN MOSIES**

Geen.

15. **OORWEGING VAN KENNISGEWING VAN VRAE**

Geen.

16. **OORWEGING VAN DRINGENDE MOSIES**

Geen.

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

'n Lys van onafgehandelde Raadsbesluite word aangeheg op *bladsy 35* van hierdie Notule.

18. **IN KOMITEE VERSLAE**

In Komitee items word vertroulik hanteer.

19. **SLUITING**

Die vergadering verdaag om 13h30

ONAFGEHANDELDE RAADSBSLUITE

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
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.	<i>Erf word per veiling verkoop. Veiling sou saam met die vervreemding van Struisbaai industriële erwe plaasgevind het, maar is uitgestel tot 'n latere datum. Die kontrakteur vir die installering van munisipale dienste word in Jan 2023 aangestel, so die moontlike veilingsdatum kan April / Mei 2023 wees.</i>	Eiendoms-administrasie
148/2021	Property Management Policy and SOP	(i) Approves in principle. (ii) That the policy and the SOP be advertized for public inputs. (iii) That all inputs received, be take into account for the reviewing of the new Property Management Policy. (iv) That a workshop be held to finalize the policy and the SOP.	<i>Werkswinkel beplan vir 21 Julie 2022.</i>	BAO
174/2021	Vervreemding (huur): Ged Erf 670, Waenhuis-krans (J Davids)	(i) Aansoek nie ondersteun word nie. (ii) Stadsbeplanning nuwe uitleg aan Raad voorlê waar 3 NUWE aangrensende erwe uitgemeet word (aangrensend aan erf 732, 733 en 734). (iii) Dat Stadsbeplanning ook ondersoek instel na 'n verdere ontwikkeling van erf 670, Waenhuiskrans vir behuising.	<i>Stadsbeplanning is besig met nuwe uitlegte. Item was in Maart 2022 by portfolio komitee.</i> <i>Verwys na Wykskomitee vir insette.</i>	Stadsbeplanning
175/2021	Vervreemding (huur): Ged Erf 670, Waenhuis-krans (R Europa)	(i) Aansoek nie ondersteun word nie. (ii) Stadsbeplanning nuwe uitleg aan Raad voorlê waar 3 NUWE aangrensende erwe uitgemeet word (aangrensend aan erf 732, 733 en 734). (iii) Dat Stadsbeplanning ook ondersoek instel na 'n verdere ontwikkeling van erf 670, Waenhuiskrans vir behuising.	<i>Stadsbeplanning is besig met nuwe uitlegte. Item was in Maart 2022 by portfolio komitee dien.</i> <i>Verwys na Wykskomitee vir insette.</i>	Stadsbeplanning
198/2021	Vervreemding (huur): Ged erf 1837, Struisbaai	Dat die aangeleentheid terugverwys word, aangesien die betrokke muur reeds opgerig is en verdere ondersoek dienooreenkomstig moet plaasvind.	<i>Boubeheer moet bevestig dat die muur wel op Raadsgrond gebou is (indien wel, 'n boete/oorskredingsooreenkoms).</i>	Eiendoms-administrasie / Boubeheer
210/2021	Registrasie van serwituut vir "Reg Van Weg": Erf 953, L'Agulhas (mnr André Swart)	Dat die aangeleentheid terugverwys word vir verdere ondersoek, wat moontlik mag insluit die vervreemding, onderverdeling, hersonering en konsolidasie.	<i>Verwys na Maart 2022 Portfolio Komitee vergadering. 'n Volledige verslag word vanaf Infrastruktuurdienste benodig insake stormwater- en elektrisiteitsnetwerk. Die aansoeker is versoek om 'n volledige uitlegplan aan die Raad voor te lê, in samewerking met die aangrensende eiendoms-ontwikkelaar.</i>	Eiendoms-administrasie / Infrastruktuurdienste

BESTUURSAANBEVELING

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

BESLUIT 158/2022

- (i) Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.
- (ii) Dat die Raad kennis neem dat besluit 210/2021 afgehandel is.

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

BEKRAGTIG op hierdie

dag van

2022

SPEAKER

DATUM