



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 WOENSDAG
31 MEI 2023**

**MINUTES OF A GENERAL COUNCIL MEETING HELD ON WEDNESDAY,
31 MAY 2023 AT 10:00 AT THE MUNICIPAL COUNCIL CHAMBERS,
BREDASDORP**

TEENWOORDIG / PRESENT

RAADSLEDE / COUNCILLORS

Me J August-Marthinus
Mnr D Burger (Speaker)
Me K Donald
Dr A Eksteen
Mnr D Jantjies
Mnr R Louw
Me M Matthysen
Mnr R Mokotwana
Mnr J Nieuwoudt
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: Infrastruktuurdienste (*tot 13h15*)
Mnr M Moelich wnd Direkteur: Bestuursdienste
Mnr O January Bestuurder: LED en Toerisme (*tot 13h15*)
Mnr S Stanley Budget and Treasury (*vanaf 10h20 tot 13h15*)
Mnr Z Baca Internal Audit (*vanaf 10h15 tot 13h00*)
Me L Valentine wnd Afdelingshoof: Strategiese Dienste
Me S Nel Stadsbeplanner
Me A Jonker Snr Admin Beampte: Komiteedienste

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1. **OPENING**

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

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:**

26 April 2023 (*Notule was onder lede versprei*)

BESLUIT 87/2023

Die Notule word as korrek en volledig bekragtig.
(Voorsteller: Rdh Swart / Sekondant: Rdl Ross)

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

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

12 April 2023 (*Notule was onder lede versprei*)

BESLUIT 88/2023

Die Raad neem kennis van bogenoemde UBK Notule.
(Voorsteller: Rdl Ross / Sekondant: Rdl Eksteen)

6. **SAKE VOORTSPRUITEND UIT NOTULES**

Geen.

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

7.1 **BRIEWE VAN DANK**

Die Raad neem kennis van briewe van dank ontvang.

7.2 **FUNKSIES VIR DIE MAAND**

- (i) Die Burgemeester meld dat 'n lid van die gemeenskap in Arniston, mnr Jan Sums saam met ander inwoners rondom die gemeenskapsaal skoongemaak het. Hy meld ook dat hulle volgende week en Vrydag, saam met die betrokke Wyksraadslid Arniston sal besoek en 'n amptelike bedanking sal doen.
- (ii) On Friday, June 16, 2023 a youth day event, in partnership with the Community Police Forum, SAPS and various organizations will take place in ward 3 at the Anene Booysen urbun park, with the theme "Youth Against Crime" where the new skateboardpark will also be opened.
- (iii) 'n Jeugdag in wyk 6 en 2 te Bellstraat met die tema "awareness and empowerment" sal plaasvind. Ou klere sal ook daardie dag ingesamel word.
- (iv) Die verkiesing van die volgende Jeugraad vind plaas op Saterdag 3 Junie 2023 by die Thusong Sentrum.
- (v) The Youth Co-ordinator is busy with a winter drive and invites Councillors as well as officials to contribute towards this drive, by donating clothes en blankets.

7.3 **AANWYS VAN AFGEVAARDIGDES**

Geen.

7.4 **DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê**

- (i) Die Speaker meld dat, na veranderinge aan die Struktuur- en Stelselwet, daar sekere aanpassings moet plaasvind: Code of Ethics - Item vervat in agenda; Rules of Order must be updated - Will be circulated and submitted to Council at the next meeting; Consequence Management Policy - Was drafted and will be circulated.
- (ii) Each Ward Committee must nominate a "gender-base violence" ambassador by the end of June 2023.
- (iii) The Speaker read an extract from the Constitution regarding the two ways of being designated a Commissioner of Oaths in terms of the "Justices of the Peace and Commissioners of Oath" Act of 1963: "**Designation as an ex officio Commissioner of Oaths, which means that an organisation, motivates why certain officers/officials in its employ, would need to be appointed as Commissioners of Oaths by way of their Office. The motivation must be submitted to the Director.**" Die Speaker beklemtoon die belangrikheid hiervan en meld dat aansoekvorms by me Elsabé Zieff beskikbaar is.
- (iv) The Ward Committee Policy is currently being updated. It will be circulated to all Councillors for comments.

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

8.1 **Speakers' Forum: 2 and 3 February 2023**

Die Raad neem kennis van bogenoemde.

8.2 **Provincial Working Group on Human Settlements and Urban Agenda**

Die Raad neem kennis van bogenoemde.

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

- (i) Die Burgemeester lê die finale begroting vir 2023/24 voor. The Mayor expresses his thanks to all the officials, directors and managers for all their hard work towards the final budget.
- (ii) Die Burgemeester betoon, namens KAM, innige meegevoel aan die families met die afsterwe van vyf kinders wat gister betrokke was in 'n motorongeluk in Mitchells Plain, Kaapstad.
- (iii) Die Burgemeester kondig aan dat Kaap Agulhas Munisipaliteit een van ses munisipaliteite is wat deur die Premier van die Wes-Kaap uitgenooi was om deel te wees van 'n potensiële alternatiewe energie projek. Hy bedank die Munisipale Bestuurder en mnr Steve Cooper wat saam met hom die aanbieding in Kaapstad bygewoon het. Hy meld ook dat hy intussen alternatiewe beleggers ook genader het.
- (iv) Die Burgemeester deel die Raad mee dat hy 'n verbintenis vanaf 'n gesin in KAM ontvang het om menslike ontwikkeling in KAM te bevorder vir die bedrag van R1miljoen. Hy sal in samewerking met die Direkteur en me Luzeth Smith by die volgende Raadsvergadering aankondig watter projekte Kaap Agulhas sal wil voorlê.
- (v) Die Burgemeester en Munisipale Bestuurder het die jaarlikse "Service Excellence" toekenning-seremonie in Kaapstad bygewoon, waartydens KAM 'n brons toekenning ontvang het.

10. **ITEMS NA DIE RAAD VERWYS VIR OORWEGING / ITEMS REFERRED TO COUNCIL FOR CONSIDERATION**

10.1 **FINAL AMENDMENTS TO THE 2022/23 - 2026/27 INTEGRATED DEVELOPMENT PLAN (IDP)**

REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER

PURPOSE OF REPORT

To table the Final Integrated Development Plan (IDP) for 2022/23 - 2026/27 to the Council for approval.

BACKGROUND

The Integrated Development Plan (IDP) has a lifespan of five years that is directly linked to the Council's elected term of office. After every local government election, the new council has to decide on the future of the IDP. Each municipal council must, within a prescribed period after the start of its elected term, adopt an Integrated Development Plan (IDP) as per section 25 (1) of the Local Government: Municipal System Act (MSA).

In terms of Section 25 (3) (a) a newly elected municipal council may adopt the integrated development plan (IDP) of its predecessor with or with amendments, but the required process outlined in section 29 must be followed.

This approach was adopted by the new Council and on 31 May 2022, the Council adopted the IDP of the predecessor with amendments for the period 2022/23 - 2026/27 in terms of Section 25 (3) (a) of the Local Government: Municipal Systems Act (Act 32 of 2000). (Resolution 97/2022).

LEGAL FRAMEWORK

Section 34 of the Municipal Systems Act (Act 32 of 2000) provides that a municipal council must review its integrated development plan -

- “(i) annually in accordance with an assessment of its performance measurements in terms of section 41; and*
- (ii) to the extent that changing circumstances so demand; and may amend its integrated development plan in accordance with a prescribed process”.*

The process for amending integrated development plans is set out in Regulation 3(2)(A) of the Municipal Planning and Performance Management Regulations, 2001 which provides that:

“3. Only a member or committee of a municipal council may introduce a proposal for amending the municipality's integrated development plan in the council.

- 1) Any proposal for amending a municipality's integrated development plan must be -*
 - a) accompanied by a memorandum setting out the reasons for the proposal.”*

ANNEXURES

The final integrated development plan amendments will be ***distributed as a separate document*** to this Agenda.

DISCUSSION

In adopting the approach referred to above it was intended that the IDP would be further amended once the new Council had time to reflect on their strategic direction. A strategic session was held on 12 April 2022 and an institutional plan developed which was approved by Council on 13 December 2022. Although the Council resolved not to alter their overarching strategy, the institutional plan provided a good operational framework to achieve the Municipality's strategic goals.

A proposal accompanied by a memorandum to amend the IDP, was submitted to Council in March 2023.

It must further be noted that the Municipality also reviewed their SDF, which is a core component of the IDP and that the draft SDF was considered by Council and has been made available for public comments. Following approval of the IDP amendments by the council. It was advertised for public comments during April 2023 and all comments received (SDF included) was scritinized and incorporated into the Final IDP.

FINANCIAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

- (i) That the amendments to the 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) read together with Regulation 3 of the Municipal Planning and Performance Management Regulations 2001.
- (ii) That the final IDP amendments be approved by Council.
- (iii) That it be noted that the SDF forms part as a core component of the IDP and that the final SDF will also be submitted to Council for approval.

RESOLUTION 89/2023

- (i) That the amendments to the 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) read together with Regulation 3 of the Municipal Planning and Performance Management Regulations 2001.
- (ii) That the existing SDF adopted by Council, forms part as a core component of the amended IDP.

(Proposer: Ald Nieuwoudt / Seconder: Clr Eksteen)

10.2 **FINAL BUDGET FOR THE 2023/2024 MTREF FINANCIAL YEAR**

THE DIRECTOR: FINANCE REPORTS AS FOLLOWS

PURPOSE OF REPORT

To submit the **Final Annual Budget** in respect of the **2023/24 and two outer financial years** for consideration 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 (IDP).
- 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.
 - (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 Final 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 as a consequence 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 must be 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.

Method for input into the **adopted Draft Budget** will be communicated in order for Council to consider all submissions received during this process.

The Mayor must be given an opportunity to respond to the recommendations, make revisions and amend the tabled budget if so required.

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 2023**.

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 122 and 123 further provides guidance (inclusive of all previous budget related circulars issued by National Treasury) to municipalities and municipal entities for the preparation of their 2023/24 budgets, medium term revenue and expenditure framework (MTREF) as informed by the *Budget Review 2023* and the *2023 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 Final Annual Budget report is attached as annexure (***Bound separately***) for Council's consideration.

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

MANAGEMENT RECOMMENDATION

1. Council resolves that the Tabled budget of the municipality for the financial year 2023/24 as per Budget Related Resolutions of the budget document and indicative for the projected outer years 2024/25 and 2025/26 be approved and adopted as set out in 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 Supporting tables as per SA 1 to SA38
2. Council approves and adopts the final tariffs listing for services as per Annexure A with effect 1 July 2023.
3. Council take note that the final tariff in respect of the Electricity increase is still subject to final approval by NERSA, and that after Nersa issue the document the tariff will be updated based on the outcome letter.
4. Council approved and adopted the Service Delivery and Budget Implementation plan (SDBIP) in respect of the 2023/24 budget year per Appendix B.
5. The Council of Cape Agulhas Municipality, acting in terms of section 75A of the Local Government: Municipal Systems Act (Act 32 of 2000) approves and adopts with effect from 1 July 2023 the following Draft policies:
 - (i) The Final Borrowing, funds and reserve policy as per Annexure C1.
 - (ii) The Final Budget and veriment policy as per Annexure C2 .
 - (iii) The Final Cost containment policy as per Annexure C3.
 - (iv) The Final Cash and Investment policy as per Annexure C4.
 - (v) The Final Cost containment policy as per Annexure C5.
 - (vi) The Final Funding and reserves policy as per Annexure C6.
 - (vii) The Final Policy relating to the Long-term financial plan as per Annexure C7.
 - (viii) The Final Policy related to the Management and Disposal of the assets as per Annexure C8.
 - (ix) The Final policy relating to the dealing with Infrastructure investment and capital projects as per Annexure C9.
6. Council approves the Procurement plan for the 2023/24 financial year as per Annexure D attached.
7. Council approves the KAM Service charter for the financial year for the period ending 30 June 2025 as per Annexure E.
8. Council notes that the Executive Mayor will have an oversight role over the budget process before it is again submitted for final approval.

RESOLUTION 90/2023

1. That the tabled budget of the municipality for the financial year 2023/24 as per Budget Related Resolutions of the budget document and indicative for the projected outer years 2024/25 and 2025/26 be approved and adopted as set out in Annual Budget Tables in respect of the following schedules:
 - 1.12 Executive summary of revenue & expenditure – Table A1;
 - 1.13 Budgeted Financial Performance (Revenue and Expenditure by standard Classification) – Table A2;
 - 1.14 Budgeted Financial Performance (revenue and expenditure by municipal vote) A – Table A3;
 - 1.15 Budgeted Financial Performance (revenue and expenditure) – Table A4;
 - 1.16 Budgeted Capital Expenditure by vote, standard classification and funding – Table A5;
 - 1.17 Budgeted Financial Position – Table A6;
 - 1.18 Budgeted Cash Flows Table A7;
 - 1.19 Cash backed reserves/accumulated surplus reconciliation – Table A8;
 - 1.20 Asset Management – Table A9;
 - 1.21 Basic service delivery measurement table A10;
 - 1.22 Supporting tables as per SA 1 to SA38
2. That Council approves and adopts the final tariffs listing for services as per Annexure A with effect 1 July 2023.
3. That Council takes note that the final tariff in respect of the Electricity increase is still subject to final approval by NERSA, and that after Nersa issue the document the tariff will be updated based on the outcome letter.
4. That Council approves and adopts the Service Delivery and Budget Implementation plan (SDBIP) in respect of the 2023/24 budget year per Appendix B.
5. That the Council of Cape Agulhas Municipality, acting in terms of section 75A of the Local Government: Municipal Systems Act (Act 32 of 2000) approves and adopts with effect from 1 July 2023 the following draft policies:
 - (i) The final Borrowing, funds and reserve policy as per Annexure C1.
 - (ii) The final Budget and veriment policy as per Annexure C2 .
 - (iii) The final Cost containment policy as per Annexure C3.
 - (iv) The final Cash and Investment policy as per Annexure C4.
 - (v) The final Cost containment policy as per Annexure C5.
 - (vi) The final Funding and reserves policy as per Annexure C6.
 - (vii) The final Policy relating to the Long-term financial plan as per Annexure C7.
 - (viii) The final Policy related to the Management and Disposal of the assets as per Annexure C8.
 - (ix) The final policy relating to the dealing with Infrastructure investment and capital projects as per Annexure C9.
6. That Council approves the Procurement Plan for the 2023/24 financial year as per Annexure D attached.
7. That Council approves the KAM Service Charter for the financial year for the period ending 30 June 2025 as per Annexure E.
8. That Council notes that the Executive Mayor will have an oversight role over the budget process before it is again submitted for final approval.

(Proposer: Cllr Donald / Seconder: Cllr Ross)

10.3 **SPATIAL DEVELOPMENT FRAMEWORK (SDF): FINAL DRAFT SDF**

REPORT FROM OFFICE OF THE MUNICIPAL MANAGER: SENIOR TOWN PLANNER

PURPOSE OF REPORT

For Council to approve the Final Draft Municipal Spatial Development Framework in terms of Section 7(1)(d)) of our Municipal Land Use Planning By-Law, 2022.

BACKGROUND

According to Section 3 of our Municipal Planning By-Law, the Municipal Systems Act and Section 11 of the Land Use Planning Act, Council has decided to compile/ re-draft the MSDF based on the current MSDF, 2017. The Municipality appointed a service provider, Asika Consulting Pty (Ltd), to undertake the compilation of a new MSDF.

The purpose of a MSDF is to, for a specific geographical area -

- (a) provide detailed spatial planning guidelines.
- (b) provide more detail in respect of a proposal provided for in the municipal spatial development framework.
- (c) meet specific land use planning needs.
- (d) provide detailed policy and recommended development parameters for land use planning.
- (e) provide detailed priorities in relation to land use planning and, in so far as they are linked to land use planning, biodiversity and environmental issues; and
- (f) guide decision-making on land use applications.

LEGAL FRAMEWORK

In terms of Section 7 of the Cape Agulhas Municipality: By-law on Municipal Land Use Planning, 2022)

7. (1) If the Council does not establish an intergovernmental steering committee to compile or amend its municipal spatial development framework, the Municipality must -
 - (a) compile a draft status quo report setting out an assessment of the existing levels of development and development challenges in the municipal area or relevant area in the municipal area and submit it to the Council for adoption;
 - (b) after adoption of the status quo report, compile a first draft of the municipal spatial development framework or first draft of the amendment of the municipal spatial development framework and submit it to the Council to approve the publication thereof for public comment;
 - (c) after approval of the first draft of the municipal spatial development framework or first draft of the amendment of the municipal spatial development framework for publication contemplated in paragraph (b), submit the first draft of the municipal spatial development framework or first draft of the amendment of the municipal spatial development framework to the Provincial Minister for comment in terms of section 13 of the Land Use Planning Act; and
 - (d) after consideration of the comments received from the public and the Provincial Minister, submit the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework, with any further amendments, to the Council for adoption.
- (2) If the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework contemplated in subsection (1)(d) is materially different to what was published in terms of subsection (1)(b), the Municipality must follow a further consultation and public participation process before the municipal spatial development framework or amendment of the municipal spatial development framework is adopted by the Council.
- (3) The Council must adopt the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework, with or without amendments, and must within 14 days of its decision give notice of its decision in the media and the Provincial Gazette.

PROGRESS TO DATE

- (a) A notice was published On the 22nd of July 2022, concerning the intention to compile a new 5-year MSDF; and the process to be followed, in accordance with section 28(3) and 29 of the Municipal Systems Act.
- (b) The Municipality has registered relevant stakeholders, to comment on the draft MSDF as part of the process.
- (c) The MSDF process aligns to the IDP and budget process and is included in the IDP's Process Plan.

- (d) Public participation for the MSDF took place concurrently with the IDP Process during August / September. The following engagements took place:
 - (i) Preparatory meeting with all Ward Committees where we provided background information as well as planning templates for members to complete with their sectors.
 - (ii) Special Ward Committee meetings with each ward committee to assess their needs and spatial priorities in detail and establish linkages with the MSDF.
 - (iii) Inclusion of a IDP / MSDF item on the Ward Councillors Feedback Meeting agendas to affirm the needs identified by Ward Committees and pose additional needs and spatial priorities.
 - (iv) Sector engagements with the following sectors to assess needs and spatial priorities:
 1. Faith-based cluster
 2. Youth cluster
 3. Sport cluster
 4. Business cluster
 5. Agriculture cluster
 6. Fishing community Arniston
 7. Fishing community Struisbaai
 8. Social Cluster: (Including but not limited to safety, gender, the aged, people with disabilities, substance abuse and LDAC)
- (e) A comprehensive needs analysis is being developed and mapped from this which will inform the MSDF. A Draft Status Quo Report was submitted on the 28th of October 2022.
- (f) A CAMAF meeting was held on the 8th of November 2022, discussions focused on CAM's progress with IDP & MSDF, vision, mission, and priorities as identified per Ward.
- (g) The 1st Stakeholder Engagement was held in Struisbaai on the 12th of December 2022 from 12:00- 20:00. The Status Quo Report was discussed with municipal departments, public entities, community representatives and all other related bodies based on the context of the municipality.
- (h) On the 13th of December 2022 progress was given on the MSDF to Council. It was decided that the Status Quo Report be updated for approval by Council in January 2023.
- (i) The Municipality may establish a project committee to assist to compile or amend its MSDF. The project committee must consist of the Municipal Manager, or a municipal employee designated by the Municipal Manager; and municipal employees appointed by the Municipal Manager from relevant internal departments. *(A Project Steering Committee was established and consist of all Directors and relevant Managers)*
- (j) Council approved the Status Quo Report in terms of Section 7(1)(b) of the Municipal Land Use Planning By-Law, 2022, on the 31st of January 2023.
- (k) The First Draft of the MSDF was approved by Council for the publication thereof for public comment on the 8th of March 2023
- (l) The Second Draft of the MSDF was approved by Council (to include a Draft Capital Expenditure Frameworks (CEF) as a key component of the MSDF) for the publication thereof for public comment on the 31st of March 2023
- (m) Both the first and second Draft MSDF were submitted to the Provincial Minister for comment in terms of section 13 of the Land Use Planning Act;

ITEMS OUTSTANDING IN TERMS OF THE LEGAL FRAMEWORK AND WAY FORWARD IN TERMS OF THE COMMUNICATION PLAN

- (a) After consideration of the comments received from the public and the Provincial Minister, submit the final draft of the MSDF, with any further amendments, to the Council for adoption.
- (b) The Council must adopt the final draft of the MSDF with or without amendments and must within 14 days of its decision give notice of its decision in the media and the Provincial Gazette.

Spatial Development Framework Communication Plan		
Event/Action	Date	Purpose
Notice of intention to compile new 5-year MSDF Invited interested and affected parties to registered	22 July 2022	In terms of Section 28(3) and 19 of the Municipal Systems Act 2000.

Event/Action	Date	Purpose
Public Participation for SDF concurrently with IDP Process	July-September 2022	Meetings with all Wards and Clusters (IDP AND SDF)
Kick off Meeting	4 October 2022	Electronic PowerPoint presentation and PDF
Finalisation of Inception Report	14 October 2022	Electronic copy (Word & PDF)
Draft Status quo Analysis and Development vision Report	28 October 2022	Electronic copy (Word & PDF)
CAMAF Meeting	8 November 2022 Thusong Centre	(Discussion on CAM's progress with IDP & SDF, vision, mission, and priorities as identified per Ward)
Draft Narrative Report with final Development vision (Spatial sectoral Analysis)	30 November 2022	Electronic copy (Word & PDF)
Meeting with Councilors and PSC members	8 December 2022 Bredasdorp Council Chamber	Draft Status Quo Report (as input to public participation; area based through ward committees and municipal wide through CAMAF) PowerPoint presentation
1 st Stakeholder Engagement Open house public engagement with all interested and affected parties	12 December 2022 Struisbaai Diens-sentrum 14:00-20:00	Status Quo Report Engage with municipal departments, public entities, community representatives and all other related bodies based on the context of the municipality.
Draft Status Quo Report to Council for approval Advertise for 60 days (Public participation) Submit Draft to Provincial Minister for comments	End January 2023	Draft Status Quo Report to Council for approval
Report on Draft Spatial proposals	17 February 2023	Electronic copy (word)
2 nd Project Steering Committee Meeting	22 February 2023	Electronic copy (word) and PowerPoint presentation
Approval of Draft SDF by Council Submit Draft SDF to Provincial Minister for comment	8 March 2023	Electronic copy (Word and PDF)
Approval of 2 nd Draft SDF by Council (Including CEF) Submit 2nd Draft SDF to Provincial Minister for comment)	24 March 2023	Electronic copy (Word and PDF)
Public consultation period Advertisement Local and Government Gazette	24 March – 24 th of May 2023 Public Participation CAM's budget with all Wards (Budget Imbizo's- 11-26 April 2023) 4 SDF public meetings in (Struisbaai, Arniston, Bredasdorp and Napier) (Interested and Affected Parties: 20-26 April 2023) (Ward Committees: March -end April 2023)	Before adopting the MSDF, the Council must - (a) give notice of the proposed MSDF in the Gazette and the media. (b) invite the public to submit written representations to the Council within 60 days after the publication of the notice referred to in paragraph (a); (c) consider all representations received in respect of the proposed MSDF.
2 nd Stakeholder Engagement Open house public engagement with all interested and affected parties	18 April 2023 Bredasdorp Glaskasteel 14:00-20:00	Draft SDF Report Engage with municipal departments, public entities, community representatives and all other related bodies based on the context of the municipality.
Submission of Draft IDP to Council (SDF a core component)	By 30 March 2023	SDF a core component of the IDP
Report on Draft CEF	25 April 2023	Electronic copy (Word and PDF)

Event/Action	Date	Purpose
3rd Project Steering Committee Meeting Councilors and Management	5 May 2023 Council Chamber Was re-scheduled and took place on the 26TH of May 2023	FINAL SDF Sector Alignment Provide the spatial expression of the coordination, alignment, and integration of sectoral policies of all municipal departments. Priority Local Plans Identify the designation of areas in which: (i) more detailed local plans must be developed. (ii) shortened land use; development procedures may be applicable and land use schemes may be so amended. Capital Expenditure Determine a capital expenditure framework for the municipality's development programmes, depicted spatially. Electronic copy (Word and PDF)
Final MSDF- closeout Report	28 May 2023	Electronic copy (Word and PDF)
SDF adoption by Council	31 May 2023	Final MSDF
Give notice of decision within 14 days of adoption in media and provincial Gazette	June 2023	

FINANCIAL IMPLICATION

ASIKA Consulting Pty (Ltd) was appointed for R784 116,00 (45% paid to date).

RECOMMENDATION BY PLANNING DEPARTMENT

In terms of Section 7(d) of our Municipal Planning By-Law, 2022, after consideration of the comments received from the public and the Provincial Minister, submit the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework, with any further amendments, to the Council for adoption.

The municipality received comments and input from Provincial Head of Department of Environmental Affairs and Development Planning (DEADP) on the 23rd of May 2023. These comments were circulated to appointed consultants, Asika consulting on the same day. However, they omitted to address these comments in the final Draft MSDF that was submitted on Monday, 29th of May 2023. As advice and indicated by Province, there are significant gaps in the document and insufficient time left to address the gaps in a substantive manner that secures the municipality a credible MSDF.

In terms of Section 7(2) of our Municipal Planning By-Law, 2022, if the final draft of the municipal spatial development framework or final draft of the amendment of the municipal spatial development framework contemplated in subsection (1)(d) is materially different to what was published in terms of subsection (1)(b), the Municipality must follow a further consultation and public participation process before the municipal spatial development framework or amendment of the municipal spatial development framework is adopted by the Council.

Based on the above information, it is recommended that the Final Draft MSDF not be approved. The MSDF could still be approved as a core component of the IDP at a later stage.

MANAGEMENT RECOMMENDATION

- (i) That the attached final draft MSDF not be approved by Council in terms of Section 7(1)(d) of the Municipal Land Use Planning By-Law, 2022.
- (ii) That proposed substantial changes and additions identified by Province, be made to the final draft MSDF.
- (iii) Submit it to the Council to approve the publication thereof for public comment.
- (iv) After approval of the final draft MSDF for publication, submit the final draft MSDF to the Provincial Minister for comment.

- (v) After consideration of the comments received from the public and the Provincial Minister, submit the final draft MSDF, with any further amendments, to Council for adoption.
- (vi) Council must adopt the final draft of the MSDF with or without amendments and must within 14 days of its decision give notice of its decision in the media and the Provincial Gazette.

RESOLUTION 91/2023

- (i) That the attached final draft MSDF not be approved by Council in terms of Section 7(1)(d) of the Municipal Land Use Planning By-Law, 2022.
- (ii) That proposed substantial changes and additions identified by Western Cape Department of Environmental Affairs & Development Planning (DEADP), be made to the final draft MSDF.
- (iii) That the final draft MSDF be submitted to Council to approve the publication thereof for public comment.
- (iv) That, after approval of the final draft MSDF for publication, submit the final draft MSDF to the Provincial Minister for comment.
- (v) That, after consideration of the comments received from the public and the Provincial Minister, the final draft MSDF, with any further amendments be submitted to Council for adoption and notice of its decision be published in the media and the Provincial Gazette.

(Unanimously Resolved)

10.4 **UPDATED LONG-TERM FINANCIAL PLAN ASSESSMENT BASED ON THE 2021/22 PRE-AUDITED FINANCIAL RESULTS**

REPORT COMPILED BY THE DIRECTOR: FINANCE- AND IT SERVICES

PURPOSE OF REPORT

For Council to take note of the reviewed and updated long-term financial plan assessment done by INCA Portfolio Managers in respect of the 2021/22 pre-audited financial statement results.

BACKGROUND

The initial long-term financial plan (LTFP) has been completed by INCA Portfolio Managers during May 2015 and in terms of its arrangement been updated on an annual basis to reflect any progress made with the implementation of the approved long term financial plan strategies aligned with this council's term of office.

The reviewed and updated long term financial plan assessment has been completed for the period 1 July 2021 till 30 June 2022 and the Cape Agulhas municipality's financial position remained sound despite many challenges which reflects the view of sluggish economic recovery due to high operating costs and the negative impact of Covid-19 on the households' ability to pay for municipal services. The long-term financial plan includes proposals to be implemented to safeguard the financial sustainability of the municipality and the key findings and conclusions drawn from the 2021/22 long term financial plan (LTFP) update can be summarised as follows:

Historical financial analysis of Cape Agulhas LM shows

1. A strong liquidity ratio of 2.06 (above the norm of 1.5) that provides a solid liquidity buffer in the event of unforeseen circumstances.
2. A gearing ratio of 21% (below the NT norm of 45% and IPM norm of 30%) indicating scope for additional borrowing.
3. Operating surplus (excluding capital grants) of R7.8 million, indicative of improved financial performance.
4. A positive minimum liquidity coverage of 1.36, including 1 month's working capital.

5. A decline in the collection rate to 96%; however, still meeting the NT norm of 95%, indicating effective collection practices.
6. An increase in cash and cash equivalents of R14.9 million (13%).
7. Staff costs that represent close to 37% of total operating expenditure, which could become unsustainable if not managed prudently.
8. High repairs and maintenance expenditure of 13% of carrying value of PPE and Investment Property, above the norm of 8%.

Long term financial planning

1. The LTFP base case scenario assumptions include:
 - A reduction of the operational budget by 2% of total operating expenses per year between 2022 and 2025.
 - Lowering the capital spending during the MTREF period and adjusting the capital funding mix to include more borrowing during the final MTREF year. Under the base case, Cape Agulhas can afford to maintain the 10-year capital programme at R512 million, marginally less than in the 2021 LTFP update of R 520 million. The base case maintains healthy liquidity levels and bank balances sufficient to cover statutory requirements, and 1 month's working capital for the duration of the planning period.
2. The positive outlook reflected in this report remains subject to prudent financial management and discipline by Cape Agulhas.
3. The capital investment funding mix for the planning period appears less than optimal and *heavily reliant on internal cash resources*. This funding mix is not sustainable, and an opportunity exists to access external borrowing which the municipality can afford.

Collection rate sensitivity

The Base Case assumes a collection rate of 96% over the 10-year planning period.

Sensitivity analysis on Loadshedding

1. The Base Case assumes no impact by loadshedding on the sale of electricity and other services. The impact of the average level of loadshedding that is experienced, whether it being stage 2 or 4, should at the very least be considered in future decision making at Cape Agulhas.
2. Factors that have major effects on the financial sustainability of the municipality are, amongst others:
 - The reduced consumption of electricity having an effect on the units sold and effectively reducing revenue.
 - The reduced sales margin that will be made as a result of large bulk tariff increases approved by NERSA, and the subsequent pass-on to consumers expected to be substantially smaller.
 - The ever reducing appetite for consumers to be reliant on a faulty and failing electricity network, and ultimately deciding to permanently move to alternative energy solutions.
3. The above highlights the significance of making appropriate provision for the effects of the electricity crisis and loadshedding. Recommendations to mitigate the effects of loadshedding on the municipality are:
 - Improving the collection rate.
 - Reducing operational expenditure.
 - Increasing tariff hikes to consumers.
 - Reducing CAPEX programs and the usage of own cash funds.
 - Setting cost reflective tariffs.
4. This scenario indicates that the municipality can absorb the effects of stage 4 loadshedding and maintain higher levels of Opex (budgeted levels) should tariffs be adjusted at 2% above CPI.

A copy of the updated long term financial plan is ***separately attached to this Agenda as "Long Term Fin Plan 2022"***.

LEGAL IMPLICATION

Non-compliance to prescribed legislation and external loan conditions.

FINANCIAL IMPLICATION

Proposals to be review for updating the LTFP strategy and incorporation as part of the 2023/24 MTREF budget consideration aligned with the updated targets for implementation subject to availability of funding.

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

MANAGEMENT RECOMMENDATION

- (i) That Council takes note of the attached updated long term financial plan submitted by INCA Portfolio Managers.
- (ii) That Council resolves that the Chief Financial Officer reviews and update the LTFP strategy accordingly if so required.

RESOLUTION 92/2023

- (i) That Council takes note of the attached updated long term financial plan submitted by INCA Portfolio Managers.
- (ii) That Council resolves that the Chief Financial Officer reviews and update the LTFP strategy accordingly if so required.

(Unanimously Resolved)

10.5 **STRATEGIC RISK REGISTER: 2022/23 REPORT ON RISK RESPONSES: QUARTER 3**

REPORT BY THE DIVISION HEAD: STRATEGIC PLANNING AND ADMINISTRATION

INTRODUCTION

Council considered a report on the municipality's strategic risks on 5 October 2022 and resolved as follows:

"RESOLUTION 226/2022

That the 2022/2023 strategic risks be approved and reported quarterly to Council."

LEGAL FRAMEWORK

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

DISCUSSION

The Council's strategic risks for 2022/23 are as follows:

RISK ITEM	RISK DESCRIPTION	RESIDUAL RISK EXPOSURE	RESIDUAL RISK
R662 New Risk	Power Outages / Loadshedding	67.5	High

RISK ITEM	RISK DESCRIPTION	RESIDUAL RISK EXPOSURE	RESIDUAL RISK
R604	Non- adherence to Restrictive Permit Conditions (Landfill and drop off Sites)	48	High
R603	Financial viability of the municipality	47.25	High
R607	Protest action / Civil unrest	47.27	High
R606	Illegal Erection of Informal Structures and Land invasions	40.5	High
R608 New Risk	Failure to provide/render effective disaster management function	26.25	Medium
R605	Inadequate Provision of water supply - source and water quality	26.25	Medium
R609 New Risk	Xenophobia attacks within Cape Agulhas	14.4	Low

The risks as well as actions to address the risks are captured on the Risk Assist Module of the Ignite System. Some risks have multiple actions. Each action is assigned a risk owner, who is responsible for updating the system. Strategic risks are generally updated monthly. The update must include a percentage progress and a response.

The following tables show each strategic risk with its actions, risk action responses, deliverables, and deadlines:

Directorate	Risk	Risk Action	Risk Action Response	Deliverable	Deadline
Infrastructure	Power Outages / Loadshedding	1. Submit business plans to Western Cape Government for solar PV installation at Bredasdorp Waste water treatment works.	- Business plans have been submitted to DLG for own facilities SSEG installations (Logged by Stephen Cooper on 06-Apr-2023 at 12:00)	To put measures in place to address the energy shortfall and to continue effective and efficient service delivery	31 May 2023
		2. Submit business plans to Department of Energy and Mineral Resources	- The Municipality is a member of the MEMS initiative and we have registered a project with National Treasury GTAC unit for alternative energy (Logged by Stephen Cooper on 06-Apr-2023 at 12:01)		
		3. PPP application	- PPP application approved by National Treasury and we have applied to DBSA for a R23 100 000 grant over 37 Months to facilitate the appointment of a transaction advisor panel and chief project officer (Logged by Stephen Cooper on 06-Apr-2023 at 12:02)		
		4. Retrofit program on all old motor control centers	- The retrofit program of fitting VSD's in all Motor Control Centres is progressing very well with many completed already (Logged by Stephen Cooper on 06-Apr-2023 at 12:04)		
		5. Financial monitoring/forecasting on electricity	- Monthly income and expenditure statistics with respect to electricity are monitored closely and feed back provided for budgetary adjustment purposes (Logged by Stephen Cooper on 06-Apr-2023 at 12:05)		
		6. Increased capacity - two-	- Provision has been made in the new financial year to further mitigate		

Directorate	Risk	Risk Action	Risk Action Response	Deliverable	Deadline
		way radios - Willem	this risk / control. We still await the final approval of the budget. (Logged by Willem Gabriel Van Zyl on 06-Apr-2023 at 10:43)		
Infrastructure	Non-adherence to Restrictive Permit Conditions (Landfill Sites)	<ol style="list-style-type: none"> 1. Develop a new drop off site at Bredasdorp landfill - Phase 2. Medium security fencing 3. Stabilization of slopes 4. Establishment of Regional landfill steering committee 	<ul style="list-style-type: none"> - Contractor on site. (Logged by Walter Linnert on 13-Mar-2023 at 16:10) - Current budget completed. (Logged by Walter Linnert on 16-Jan-2023 at 16:21) - Busy with the slopes. (Logged by Walter Linnert on 13-Mar-2023 at 16:11) - Busy with advertisement. (Logged by Walter Linnert on 13-Mar-2023 at 16:12) 	Improved Basic Service Delivery (Waste Management)	31 May 2023
Finance	Financial viability of the municipality	<ol style="list-style-type: none"> 1.(a) Execution of the revenue enhancement framework (execution of targets within planned periods) 1.2 (b) Cleansing and updating of indigents 1.3 (c) Cleansing and updating of informal settlements 2. Annual Report to finance portfolio committee/council of long-term financial plan and revenue enhancement framework 	<ul style="list-style-type: none"> - Hierdie is 'n deurlopende proses (Logged by Dawid van Wyk on 28-Mar-2023 at 17:50) - Rapportering vind maandeliks plaas (Logged by Dawid van Wyk on 28-Mar-2023 at 17:51) 	Financially Viable	31 May 2023
Management Services	Protest action / Civil unrest	<ol style="list-style-type: none"> 1. Traffic and Law Enforcement Units to respond to protest actions and civil unrest. 2. Collaboration with the SAPS to plan for and deal with protests and riots 3. Implement Law enforcement strategy 4. Implement safety plan 	<ul style="list-style-type: none"> - Continuous awareness and integration with all units as partners is in place. Integrated proactive and quick response when information is received on protest actions and civil unrest situations. (Logged by Myllison Saptou on 29-Mar-2023 at 08:02) - Collaboration with all three SAPS stations is in place to assist CAM with all protests and riots to act within acceptable response time. (Logged by Myllison Saptou on 29-Mar-2023 at 08:08) - An Implementation Plan on the Law Enforcement Strategy is been drawn up. (Logged by Myllison Saptou on 14-Apr-2023 at 12:34) - An Implementation Plan on the CAM Safety Plan is drawn up. (Logged by Myllison Saptou on 14-Apr-2023 at 12:37) 	Continuous awareness, integration between CAM, ODM, other municipalities (if needed), military backup (if needed), and SAPS to act within an acceptable response time.	31 May 2023
Management Services	Illegal Erection of Informal Structures and Land invasions	<ol style="list-style-type: none"> 1. Integrated meeting with regards to displacement of foreign nationals with all stakeholders 	<ul style="list-style-type: none"> - Manager protection services has set up a planning meeting in April 2023 (Logged by Michael Dennis on 06-Apr-2023 at 11:51) - Developed a draft by law to combat landinvasions . awaiting comments from our legal advisor (Logged by 	Decrease in illegal land invasions	31 May 2023

Directorate	Risk	Risk Action	Risk Action Response	Deliverable	Deadline
		<p>which includes, law enforcement, SAPS, Home Affairs, Department of Labor, Department of Justice, human rights commission and the NPA</p> <p>2. Propose to council to give budget and resources to the human settlement function to mitigate risk.</p> <p>3. Implementation of Land invasion Policy</p>	<p>Michael Dennis on 06-Apr-2023 at 11:42)</p> <p>- Informal settlements management plan speak ti capacity and controls (Logged by Michael Dennis on 06-Apr-2023 at 11:50)</p> <p>- developed land invasion by law (Logged by Michael Dennis on 06-Apr-2023 at 11:43)</p> <p>- policy cuently implemented (Logged by Michael Dennis on 06-Apr-2023 at 11:44)</p>		
Infrastructure	Inadequate Provision of water supply - source and water quality	<p>1. Verification and licensing of all ground water sources and drafting of a groundwater management plan</p> <p>2. Budget for new water pipe replacement</p> <p>3. Source funding - Drafting Business plan for Struisbaai water</p>	<p>- Ongoing (Logged by Shane Roach on 06-Apr-2023 at 13:01)</p> <p>- Ongoing (Logged by Shane Roach on 06-Apr-2023 at 13:01)</p> <p>- Complete (Logged by Shane Roach on 17-Jan-2023 at 14:58)</p>	To ensure water demand is met	31 May 2023
Management Services	Failure to provide/render effective disaster management function	<p>1. Council to consider appointing a skilled disaster management official</p> <p>2. Strengthen intergovernmental relations with all stakeholders with regards to disaster management</p>	<p>- No budget for position, will address with new budget planning (Logged by Myllison Saptou on 17-Jan-2023 at 07:29)</p> <p>- Quarterly Disaster management meetings held with all relevant disaster management stakeholders on local, Provincial and National levels. (Logged by Myllison Saptou on 17-Jan-2023 at 07:32)</p>	Functional disaster management unit	31 May 2023
Management Services	Xenophobia attacks within Cape Agulhas	<p>1. Resolve planning to conduct an integrated approach in all informal areas to give effect to the memorandum received by the community with regards to the issue of undocumented foreign nationals.</p> <p>2. Regular monitoring and communication with informal</p>	<p>- Planning meeting scheduled in April 2023 with Department Home affairs immigration (Logged by Michael Dennis on 06-Apr-2023 at 11:45)</p> <p>- Developed a draft Imformal Settlement Management Plan (Logged by Michael Dennis on 06-Apr-2023 at 11:47)</p>	Mitigation of risk of xenophobia	31 May 2023

Directorate	Risk	Risk Action	Risk Action Response	Deliverable	Deadline
		<p>settlement committees with regards to allocation with plots within the informal</p> <p>3. Getting the buy in to safeguard and reporting possible illegal shacks and land grabs. Settlements</p> <p>4. Agreement with other law enforcement agencies eg. Red ants to unlock their capacity only when a possible incident occurs.</p>	<p>- Regular meetings held with Informal settlement committees (Logged by Michael Dennis on 06-Apr-2023 at 11:48)</p> <p>- Manager Protection services to action this agreements (Logged by Michael Dennis on 06-Apr-2023 at 11:49) on 17-Jan-2023 at 08:38)</p>		

MANAGEMENT RECOMMENDATION

That the 2022/2023 strategic risks and action responses for Quarter 3 be noted.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE, MANAGEMENT SERVICES COMMITTEE AND FINANCE- AND IT SERVICES COMMITTEE

That the management recommendation be accepted.

MAYCO RECOMMENDATION: 23 MAY 2023

- (i) That the 2022/2023 strategic risks and action responses for Quarter 3 be noted.
- (ii) That all municipal risks be treated with intelligence and greater determination.
- (iii) That all MMC's advise the Mayor on a monthly basis on the progress achieved in reducing risks in their respective departments.
- (iv) That the Municipal Manager, with his team, encourage innovation in combating risk factors.

RESOLUTION 93/2023

- (i) That the 2022/2023 strategic risks and action responses for Quarter 3 be noted.
- (ii) That all municipal risks be treated with intelligence and greater determination.
- (iii) That all MMC's advise the Mayor on a monthly basis on the progress achieved in reducing risks in their respective departments.
- (iv) That the Municipal Manager, with his team, encourage innovation in combating risk factors.
- (v) That "kangaroo courts" and Xenophobic attacks be included in the category of public violence as a strategic risk.

(Proposer: Clr Eksteen / Seconder: Clr Ross)

10.6 **CAPE AGULHAS MUNICIPALITY ENERGY RESILIENCE STRATEGY**

PURPOSE OF REPORT

To present to Council, the Cape Agulhas Municipality Energy Resilience Strategy, attached on **page 15 to 25**.

BACKGROUND

Cape Agulhas Municipality, like all other municipalities in the country, are feeling the effects of the Eskom load shedding on essential services, as well as the loss of sales of electricity. The Municipality has various mitigating measures already in place, and medium to long term solutions are already underway to end the total reliance on Eskom supply to perform our constitutional mandate. The strategy is the roadmap of the Municipality to achieve our end objective of being independent from Eskom for essential services, and to mitigate the effects of load shedding on our communities.

LEGAL IMPLICATION

None.

FINANCIAL IMPLICATION

None.

PERSONNEL IMPLICATION

None.

MANAGEMENT RECOMENDATION

That the Cape Agulhas Municipality Energy Resilience Strategy be noted by Council.

RECOMMENDATION: INFRASTRUCTURE SERVICES COMMITTEE

That the management recommendation be accepted.

MAYCO RECOMMENDATION: 23 MAY 2023

That the Cape Agulhas Municipality Energy Resilience Strategy be noted.

RESOLUTION 94/2023

That the Cape Agulhas Municipality Energy Resilience Strategy be noted.

(Unanimously Resolved)

10.7 **IMPLEMENTATION OF FEEDING SCHEMES**

PURPOSE OF REPORT

For Council to approve the implementation of the feeding schemes for the 2023 winter season.

BACKGROUND

Cape Agulhas Municipality budget annually for the winter soup kitchen projects within the respective wards. The Human Development department has a budget of R170 000,00 to implement feeding schemes in Bredasdorp, Struisbaai, Napier, Elim, Waenhuiskrans, Klipdale, Spanjaardskloof and Protem. Soup and bread will be distributed three times a week during the winter season to vulnerable community members.

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 will be allocated to the following organizations:

ORGANIZATION	WARD	DISTRIBUTION POINT	FUNDING
Liefdesnессie	Ward 2		R 18 900,00
Bethel Feeding Scheme NPC	Ward 6 Bredasdorp	Beth-El Church Hall	R 18 900,00
Concern Mothers	Ward 3	Zwelitsha	R 19 000,00
Bredasdorp Feeding and Nutrition centre	Ward 3	Kleinbegin	R 19 000,00
Bredasdorp Feeding and Nutrition centre	Ward 2	Klipdale community hall	R 8 000,00
Bredasdorp Feeding and Nutrition centre	Ward 4	Protem community hall	R 7 500,00
Vissersunie	Ward 6	Arniston community hall	R 18 900,00
Elpida	Ward 1 Napier	Elpida	R 19 000,00
Geluksoord	Ward 1 Elim	Geluksoord centre	R 15 000,00
Spanjaardskloof Inwonersvereniging NPC	Ward 1	Spanjaardskloof	R 6 900,00
Omgee Groep	Ward 5 Struisbaai	Anglican Church	R 18 900,00
TOTAL			R170 000,00

Monthly Projected expenses for the Feeding Schemes:

BREDASDORP FEEDING SCHEME - KLEINBEGIN AREA	
Item	Monthly Expenses
Food Products	R3 530,00
Transport	R 800,00
Electricity/Gas	R1 000,00
Stipends for 2 cooks	R1 000,00
TOTAL	R6 330,00

WAENHUISKRANS VISERSUNIE	
Item	Monthly Expenses
Food Products	R3 300,00
Transport	R1 000,00
Electricity/Gas	R1 000,00
Stipends for 2 cooks	R1 000,00
TOTAL	R6 300,00

OMGEE GROEP - STRUISBAAI	
Item	Monthly Expenses
Food Products	R3 300,00
Transport	R1 000,00
Electricity/Gas	R1 000,00
Stipends for 2 cooks	R1 000,00
TOTAL	R6 300,00

GELUKSOORD - ELIM	
Item	Monthly Expenses
Food Products	R2 000,00
Transport	R1 000,00
Electricity/Gas	R1 000,00
Stipends for 2 cooks	R1 000,00
TOTAL	R5 000,00

BREDASDORP FEEDING SCHEME SPANJAARDSKLOOF INWONERSVERENIGING	
Item	Monthly Expenses
Food Products	R 800,00
Transport	R 500,00
Electricity/Gas	R 500,00
Stipends for 1 cook	R 500,00
TOTAL	R2 300,00

BREDASDORP FEEDING SCHEME - KLIPDALE	
Item	Monthly Expenses
Food Products	R1 360,00
Transport	R 400,00
Electricity/Gas	R 400,00
Stipends for 1 cook	R 500,00
TOTAL	R2 660,00

BREDASDORP FEEDING SCHEME - PROTEM	
Item	Monthly Expenses
Food Products	R1 000,00
Transport	R 500,00
Electricity/Gas	R 500,00
Stipends for 1 cook	R 500,00
TOTAL	R2 500,00

LIEFDESNESSIE - WARD 2	
Item	Monthly Expenses
Food Products	R3 800,00
Transport	R 500,00
Electricity/Gas	R1 000,00
Stipends for 2 cooks	R1 000,00
TOTAL	R6 300,00

ELPIDAH - NAPIER	
Item	Monthly Expenses
Food Products	R3 800,00
Transport	R 500,00
Electricity/Gas	R1 000,00
Stipends for 2 cooks	R1 000,00
TOTAL	R6 300,00

CONCERN MOTHERS - ZWELITSHA	
Item	Monthly Expenses
Food Products	R3 800,00
Transport	R 500,00
Electricity/Gas	R1 000,00
Stipends for 2 cooks	R1 000,00
TOTAL	R6 300,00

BETHEL FEEDING SCHEME NPC - WARD 6 BREDASDORP	
Item	Monthly Expenses
Food Products	R3 800,00
Transport	R 500,00
Electricity/Gas	R1 000,00
Stipends for 2 cooks	R1 000,00
TOTAL	R6 300,00

FINANCIAL IMPLICATIONS

Budget vote no. 0125 4020 7001 will be utilized for the implementation of feeding schemes.

STAFF IMPLICATIONS

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

MANAGEMENT RECOMMENDATION

- (i) Council to approve the funding allocation to the organizations based on transparent financial management.
- (ii) That Council grants permission that the feeding schemes be accommodated at the community halls in Waenhuiskrans, Proteem and Klipdale.
- (iii) That the Municipal Manager be delegated to sign a Memorandum of Understanding between CAM and the organizations for the implementation of the feeding schemes.
- (iv) That organizations are responsible for the purchasing of groceries, gas, electricity and transportation of goods.
- (v) Monthly reports regarding the operations and financial management of the feeding scheme projects to be submitted to the Human Development Manager.
- (vi) That Council appoints the following service providers for the implementation of the feeding scheme projects:
 - Bredasdorp Nutrition and Development Centre
 - Waenhuiskrans Vissermansunie
 - Omgee Groep, Struisbaai
 - Liefdesnessie
 - Bethel Feeding Scheme NPC
 - Concern Mothers
 - Elpida
 - Geluksoord, Elim
 - Spanjaardskloof Inwonersvereniging NPC

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

That the management recommendation be accepted.

MAYCO RECOMMENDATION: 23 MAY 2023

That the management recommendation be accepted.

RESOLUTION 95/2023

- (i) That Council approves the funding allocation to the organizations based on transparent financial management for July and August 2023 and one month's funding be kept for next year June.
- (ii) That Council grants permission that the feeding schemes be accommodated at the community halls in Waenhuiskrans, Proteem and Klipdale.

- (iii) That the Municipal Manager be delegated to sign a Memorandum of Understanding between CAM and the organizations for the implementation of the feeding schemes.
- (iv) That organizations are responsible for the purchasing of groceries, gas, electricity and transportation of goods.
- (v) That monthly reports regarding the operations and financial management of the feeding scheme projects be submitted to the Human Development Manager.
- (vi) That Council appoints the following service providers for the implementation of the feeding scheme projects:
 - Bredasdorp Nutrition and Development Centre
 - Waenhuiskrans Vissermansunie
 - Omgee Groep, Struisbaai
 - Liefdesnessie
 - Bethel Feeding Scheme NPC
 - Concern Mothers
 - Elpida
 - Geluksoord, Elim
 - Spanjaardskloof Inwonersvereniging NPC
- (vi) That the Human Development Department arranges a workshop with all food kitchens and a strategy be drawn up and serve as benchmark for the future and on how the food kitchens can be self-sufficient and also homeless people be looked after.

(Proposer: Ald Jantjies / Seconder: Clr Ross)

10.8 **TERMS OF REFERENCE FOR THE CAPE AGULHAS LOCAL DRUG ACTION COMMITTEE (LDAC)**

PURPOSE OF REPORT

To request Council to approve the terms of reference for the Local Drug Action Committee, attached on **page 26 to 29**.

BACKGROUND

The Cape Agulhas Local Drug Action Committee (LDAC) was established in August 2022. Executive board members consisting of the chairperson, secretary, treasurer, and CAM secretariate drafted the terms of reference for the Local Drug Action Committee.

The terms of reference give guidance on the following aspects to ensure a functional LDAC:

1. The purpose of the structure.
2. The terms for the Local Drug Action Committee.
3. The objectives.
4. The way in which membership should be recruited.
5. The role of Cape Agulhas municipality.
6. Procedures in terms of meetings, decision making, minutes and agendas, attendance, sub-committees, and reporting.

FINANCIAL IMPLICATIONS

The Local Drug Action Committee programme is included in the annual budget allocation of the Human Development department.

STAFF IMPLICATION

The Human Development department serves as the secretariate of the LDAC.

MANAGEMENT RECOMMENDATION

That Council approves the terms of reference for the Local Drug Action Committee.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

That the management recommendation be accepted.

MAYCO RECOMMENDATION: 23 MAY 2023

That Council approves the terms of reference for the Local Drug Action Committee.

RESOLUTION 96/2023

That the terms of reference for the Cape Agulhas Local Drug Action Committee be approved.

(Proposer: Ald Swart / Seconder: Cllr Donald)

10.9 **APPROVAL: MEMORANDUM OF UNDERSTANDING BETWEEN THE HOPE REVOLUTION AND CAPE AGULHAS MUNICIPALITY**

PURPOSE OF REPORT

To request Council to approve the Memorandum of Understanding between the organization "The Hope Revolution" and Cape Agulhas Municipality, on a partnership to render a prevention and early intervention substance abuse program.

BACKGROUND

The organization The Hope Revolution is a registered NPO and is based in Kleinvlei Eersteriver. The Hope Revolution has been granted registration in terms of Section 14(1) of the Prevention of and Treatment for Substance Abuse Act, 2008 (Act No.70 of 2008) for Community Based Services, to render Prevention and Early Intervention substance abuse programmes in the Western Cape (*see documents attached on page 30 to 31*).

The organization has already established two substance abuse rehabilitation centres in the Cape Town area. The lady's rehabilitation centre is based in Kleinvlei, Eersteriver. and the one for males is situated in Croydon.

The primary objectives of the organization are the following

1. Prevention, early intervention, and awareness education.
2. Community based treatment / None -residential rehabilitation.
3. Mobilization of communities to become resilient.

Secondary objective

The residential restorative program.

The Hope Revolution involvement in Cape Agulhas

The organization already conducted a three-day training course in the establishment of substance abuse support groups to more than 50 community preventatives from the respective towns in Cape Agulhas. Substance abuse support groups were established in Struisbaai, Arniston, Napier and Elim.

The Hope Revolution is in the process of applying to the Department of Social Development to extend their services to Cape Agulhas by implementing the community-based treatment centre. The organization is also planning to establish a residential rehabilitation centre in future in our area, because this service is non-existent in the Overberg.

The Hope Revolution submitted a project proposal via Bte Renewables to Amstilinx in February this year to implement skills development and substance abuse intervention programmes for a period of 12 months. The organization signed the contract in March 2023 with Amstilinx and the funding was only received in May 2023.

The Hope Revolution was appointed by Amstilinx to implement skills development and substance abuse intervention programmes in collaboration with Cape Agulhas Municipality with the following aim:

1. To train 100 participants with knowledge on the concept of substance abuse disorder.
2. To establish professionally trained and skilled substance use disorder support groups for Cape Agulhas municipality.
3. Transferring of effective counselling and referral skills and job readiness skills.

FINANCIAL IMPLICATIONS

There will be no financial contribution with reference to the skills development and substance abuse intervention programme which is funded by Amstilinx.

STAFF IMPLICATION

The Human Development department will be involved in the roll out of the programme.

MANAGEMENT RECOMMENDATION

- (i) That Council approves the Memorandum of Understanding between the organization The Hope Revolution and Cape Agulhas Municipality for partnering in the roll out of the substance abuse intervention programmes.
- (ii) That Council takes note of the community-based treatment centre and residential rehabilitation centre which will be established in future by The Hope Revolution in the Cape Agulhas area.
- (iii) That the municipal facilities be made available for the implementation of the substance abuse intervention programmes.

MAYCO RECOMMENDATION: 23 MAY 2023

That the management recommendation be accepted.

Proposal - Ald Jantjies / Clr Louw:

That the MOU not be signed, but approval first be obtained from Western Cape Department of Social Development and Council be able to scrutinize the MOU.

Counter Proposal - Clr Ross (Seconded: Ald Swart):

That the management recommendation be accepted.

Council proceeds to vote:

5 For Proposal (3 ANC, 2 Diensleweringsparty)
5 For Counter Proposal (5 DA)

After the Speaker's decisive vote, the following decision was made:

RESOLUTION 97/2023

- (i) That Council approves the Memorandum of Understanding between the organization The Hope Revolution and Cape Agulhas Municipality for partnering in the roll out of the substance abuse intervention programmes.
- (ii) That Council takes note of the community-based treatment centre and residential rehabilitation centre which will be established in future by The Hope Revolution in the Cape Agulhas area.
- (iii) That the municipal facilities be made available for the implementation of the substance abuse intervention programmes.

10.10 **LETTER OF INTENT: STRATEGIC PARTNERSHIP BETWEEN REGENERATIVE NEIGHBOURHOOD DEVELOPMENT AGENCY (RNDA) AND CAPE AGULHAS MUNICIPALITY**

PURPOSE OF REPORT

To request Council to approve the strategic partnership between Regenerative Neighborhood Agency (RNDA) and Cape Agulhas Municipality (*see letter attached on page 32 to 33*).

BACKGROUND

RNDA is registered Non-Profit Organisation whose aim is to promote neighbourhood regeneration with a particular focus on improving education outcomes in no fees schools, stimulate the revitalisation of township and rural economies and promotion of environmental stewardship.

RNDA forms part of the After-school Coalition, which is the collaboration of organisations that are operating in the after-school sector. The Learning Trust is the leader of the coalition and manages its administration. The Coalition applied to the Industrial Development Corporation (IDC) and received the Social Employment Fund grant in the form of stipends to employ 3900 unemployed people nationally to work a maximum of 80 hours per month rendering services to the afterschool sector and other community development services.

Through the coalition, RNDA received 120 stipends to start from July 2022- March 2023; the same received and extension to 150 stipends from 1 April 2023 - July 2023.

The proposed terms of the strategic partnership will be as follows:

1. RNDA will provide the Municipality with 25 Stipends opportunities worth R2 036,60 each to employ 25 unemployed people between the ages of 18 - 60. The targeted people are those are not getting any of the government grants. The people who are employ will implement after-school programme and food security projects. Those employed will sign a contract of a period of four (4) Months, pending renewal in August 2023.
2. Cape Agulhas Municipality will be responsible for the recruitment of the people and with guidance from RNDA, provide an overall supervision and oversight for the successful implementation of the projects. Furthermore, the municipality will provide RNDA will a council resolution endorsing the strategic partnership and sign a Memorandum of Understanding (MOU) confirming the partnership between the two organisations.

STATUS OF AFTER-SCHOOL PROGRAMMES AND FOOD SECURITY PROJECTS IN CAM

After-school programmes

We have existing after-school programmes running at Nuwerus Nasorg, Napier and Bredasdorp Nutrition centre. Oasis is also planning to implement an after-school programme in Bredasdorp and would like to operate it from the Thusong hall and one in ward 3.

Food garden projects

Alpida implemented the household food garden project in Napier in collaboration with the department of Agriculture. Their goal is to establish 5 food gardens per month with households who show interest. They have implemented 15 food gardens thus far and do regular follow-ups to determine the progress of these projects.

The above stakeholders indicated that they are willing to partner with the Regenerative Neighborhood Development Agency to enhance their projects.

FINANCIAL IMPLICATIONS

Snacks for the after-school projects.

STAFF IMPLICATION

The Human Development will assist with the recruitment of participants and will have a supervision role.

COMMENTS: CFO

In principle support the strategic partnership initiative between Regeneration Neighborhood Development Agency and CAM with no additional cost for council except for the snacks in respect of the after-school project whereby the financial implication should be indicated subject to the availability of funding from the Social Development Vote no. 01/2540/207 000. It is not clear from the information provided but assume that the municipality will not be responsible for the administration and payment of the monthly stipends, as indicated.

COMMENTS - ACTING DIRECTOR: MANAGEMENT SERVICES

100%

COMMENTS - DIRECTOR: INFRASTRUCTURE SERVICES

With regards to the food gardens - What will the water requirements be for the entire project? What is the location of the food gardens for the entire project envisaged, and the water requirements per project?

COMMENTS - MANAGER: HUMAN RESOURCES

This is a good initiative for the community.

COMMENTS - MANAGER: LED

We should also focus on the "missing middle", meaning whatever resources we generate should assist unemployed, unskilled persons as well.

MANAGEMENT RECOMMENDATION

- (i) That Council approves the strategic partnership between Regeneration Neighborhood Development Agency and CAM.
- (ii) That the Municipal Manager be delegated to conclude a Memorandum of Understanding between CAM and Regenerative Neighborhood Development Agency for the implementation of the programmes.
- (iii) That the budget of the Human Development Department be made available for snacks for the after-school programmes.
- (iv) That the municipal facilities be made available for the implementation of the after-school programmes.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

That the management recommendation be accepted.

MAYCO RECOMMENDATION: 23 MAY 2023

- (i) That the management recommendation be accepted.
- (ii) That the Department of Agriculture be incorporated in this venture.
- (iii) That the Human Resources Department take part in the recruitment process to ensure that contractual arrangements are between RNDa and the participants.

RESOLUTION 98/2023

- (i) That the strategic partnership between Regeneration Neighborhood Development Agency and CAM be approved.
- (ii) That the Municipal Manager be delegated to conclude a Memorandum of Understanding between CAM and Regenerative Neighborhood Development Agency for the implementation of the programmes.
- (iii) That the budget of the Human Development Department be made available for snacks for the after-school programmes.
- (iv) That the municipal facilities be made available for the implementation of the after-school programmes.
- (v) That the Department of Agriculture be incorporated in this venture.
- (vi) That the Human Resources Department take part in the recruitment process to ensure that contractual arrangements are between RNDa and the participants.

(Proposer: Cllr Ross / Seconder: Ald Nieuwoudt)

10.11 **FEASIBILITY STUDY: INCREMENTAL HOUSING SUPPORT CENTRES**

PURPOSE OF REPORT

Peoples Environmental Planning (PEP) made a presentation to Council and the Housing Committee on the incremental roll out of housing support centres in Cape Agulhas (**see page 34 to 45**).

BACKGROUND

Peoples Environmental Planning (PEP) made a presentation to Council and the Housing Committee on the Incremental roll out of Housing support centres in Cape Agulhas.

Council resolved that a feasibility study should be completed and presented to Council on the feasibility to establish housing support centres in Cape Agulhas.

The feasibility has been concluded with recommendations of incremental roll out and now presented to Council.

LEGAL- AND POLICY IMPLICATIONS

MOU to be signed by CAM and PEP.

FINANCIAL IMPLICATIONS

R481 000,00 - 1st Phase of implementation at Napier.

COMMENTS - DIRECTOR: FINANCIAL SERVICES AND IT

Housing is a National Government deliverable, and the question is how this initiative will fit in the National Housing Framework directive to ensure that it not be regarded as a non-funded mandate for the municipality as the proposed anchor investor suggested in the feasibility report with no clear indication of the full cost implementation envisage for the entire roll out of the Housing Support Centres.

Was any cost incurred for the feasibility study to-date and it be imperative to follow the prescribed legislative SCM processes to avoid any irregular expenditure?

COMMENTS - ACTING DIRECTOR: MANAGEMENT SERVICES

CAM must:

- Invest in a service provider (like HSC) for a minimum period of 2 years to allow for implementation and institutionalisation.
- I support a full-time social facilitator to drive the process for a minimum of 2 years.
- That CAM budget R380 000 for 2024/25 to do the final planning and to start rolling out the PIP (Project Implementation Plan).

COMMENTS - DIRECTOR: INFRASTRUCTURE SERVICES

Services offered by the HSC encompass the UISP upgrading process but also target micro-developers, backyarders, and RDP extensions in the medium and long term. Since the UISP upgrading process is an integral of the HSC process the infrastructure services directorate must be involved in terms of providing bulk services. Internal services are an important part of the UISP project and therefore a section of the report and communication to the relevant communities must be included in the provision of bulk services, and to ensure that there is sufficient bulk service capacity available and possible upgrading of connector infrastructure.

MANAGEMENT RECOMMENDATION

- (i) That Council takes cognisance of the feasibility report presented.
- (ii) That Council notes that no provision was made for funding to establish housing support centres.
- (iii) That PEP, together with CAM Human Settlements approach the Department Infrastructure, and the MEC to support the roll out of an incremental Housing Support Centre.

RECOMMENDATION: MANAGEMENT SERVICES COMMITTEE

That the management recommendation be accepted.

MAYCO RECOMMENDATION: 23 MAY 2023

The Mayco supports the management recommendation.

RESOLUTION 99/2023

- (i) That Council takes cognisance of the feasibility report presented.
- (ii) That Council notes that no provision was made for funding to establish housing support centres.
- (iii) That PEP, together with CAM Human Settlements approach the Western Cape Department of Infrastructure, and the MEC to support the roll out of an incremental Housing Support Centre.

(Unanimously Resolved)

10.12 **REVIEW: HUMAN SETTLEMENT PLAN**

REPORT COMPILED BY - MANAGER: HUMAN SETTLEMENTS

PURPOSE OF REPORT

To table the recommendations of the Human Settlement Plan review (*see separate document "Human Settlement Plan" attached to this Agenda*).

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).

- 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 2017-2021

FINANCIAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

- (i) That Council considers the review of the draft Human Settlement Plan.
- (ii) That the draft Human Settlement Plan be advertised for public comment.

MAYCO RECOMMENDATION: 23 MAY 2023

- (i) That the management recommendation be accepted.
- (ii) That alternative building solutions form part of this plan.

RESOLUTION 100/2023

- (i) That Council accepts the review of the draft Human Settlement Plan.
- (ii) That the draft Human Settlement Plan be advertised for public comment.
- (iii) That alternative building solutions form part of this plan.

(Proposer: Ald Swart / Seconder:)

10.13 **INFORMAL SETTLEMENT MANAGEMENT PLAN**

REPORT COMPILED BY - MANAGER: HUMAN SETTLEMENTS

PURPOSE OF REPORT

A draft Informal Settlement Management Plan was drawn up. The plan highlights the state of informal settlements and the management interventions proposed (*see separate document "Human Settlement Management Plan" attached to this Agenda*).

BACKGROUND

The draft Informal Settlements Management Plan was workshopped with Council and management on 18 April 2023. The need was identified to draft an Informal Settlements Management Plan.

The purpose of the plan is to highlight challenges, but also give effect to the management of informal settlements with clear rolls and responsibilities outlined in the plan.

LEGAL AND POLICY IMPLICATIONS

1. PIE Act 19 of 1998
2. Extension of Security of Tenure Act 62 of 1997
3. PAJA Act 3 of 2000
4. NBR Act 103 of 1973
5. Constitution of South Africa (Bill of Rights)
6. CPA 51 of 1977
7. Housing Act 107 of 1997
8. NEMA 15 of 2009
9. OHS Act 85 of 1993
10. Approved Council Policies

FINANCIAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That Council adopts the Informal Settlements Management Plan, and that all administrative rolls and responsibilities by all stakeholders as contained in the plan be implemented.

MAYCO RECOMMENDATION: 23 MAY 2023

That the management recommendation be accepted.

RESOLUTION 101/2023

That Council adopts the Informal Settlements Management Plan, and that all administrative roles and responsibilities by all stakeholders as contained in the plan be implemented.

(Proposer: Ald Swart / Seconder: Clr Donald)

10.14 **SALARY- AND WAGE INCREASE FOR THE PERIOD 1 JULY 2023 TO 30 JUNE 2024**

PURPOSE OF REPORT

For Council to take note of the salary- and wage increase for the period 1 July 2023 to 30 June 2024.

BACKGROUND

The parties SALGA, IMATU and SAMWU, at the Executive Committee meeting held on the 14 March 2023, agreed to the salary- and wage increases for the 2023/2024 financial year as per the Salary and Wage Collective Agreement dated 15 September 2021. The SALGBC Circular 01/2023, attached on **page 46 to 47** sets out the salary- and wage increase for the 2023/2024 financial year.

In terms thereof, the salary increases taking effect on 1 July 2023 is 5.4%. This increase is based on the Reserve Bank's CPI average forecast for 2023, as per the statement of the Monetary Policy Committee on 26 January 2023.

Summary of selected forecast results										
*Figures below the forecast in parentheses the previous MPC forecast										
Selected forecast results (quarterly)										
	Actual				Forecast					
Percentage change (year-on-year)	1	2	3	4	2022	1	2	3	4	2023
Headline	5.7	6.6	7.6	7.4	6.9	6.5	5.9	4.9	4.6	5.4
CPI	(5.7)	(6.6)	(7.6)	(6.8)	(6.7)	(6.8)	(6.0)	(4.4)	(4.7)	(5.4)

Accordingly, the increases that will take effect on 1 July 2023 are as follows:

No.	Item	% Increase	Amount in Rands
1.	Basic Salaries (across the board)	5.4%	
2.	Benefits & Conditions of Service linked to salaries	5.4%	
3.	Minimum Wage	5.4%	R9 531.54
4.	Housing Allowance	5.4%	R1 066.41
5.	Maximum Medical Aid Subsidy (60/40)	5.4%	R5 277.38

This salary increase represents the third and final leg of the current Salary- and Wage Collective Agreement which expires on 30 June 2024. Council will be notified when negotiations on a new Salary- and Wage Collective Agreement will begin, once the SALGBC has finalized the negotiations timetable.

LEGAL IMPLICATIONS

1. Main Collective Agreement 2015 to 2020
2. Labour Relations Act 66 of 1995
3. Local Government Systems Act 32 of 2000
4. Council Remuneration Policy

PERSONNEL IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

5.4% on existing salary bill per annum:

Current : R36 200 577,00

5.4% : R 1 954 832,00

Total : R38 155 408,00

MANAGEMENT RECOMMENDATION

That Council takes note of the Salary- and Wage increases for the period 1 July 2023 to 30 June 2024 and implements accordingly:

1. The salary- and wage increase, in terms of clause 6.6 and 6.7 of the collective agreement shall be five comma four percent (5.4%), with effect from 1 July 2023.
2. Any linked benefits or conditions of service, as per clause 11.1 of the collective Agreement shall increase by the same rate of five comma four percent (5.4%), with effect from 1 July 2023.

3. The minimum wage as stipulated in clause 7.3 of the Collective Agreement shall increase by the same rate of 5.4%, from R9 043,21 to R9 531,54. The new minimum wage shall be R9 531,54, with effect from 1 July 2023.
4. The flat rate Homeowners Allowance, in terms of clause 9.1.3 of the Collective Agreement, shall increase by the same rate of 5.4%, from R1 011,77 to R1 066,41, with effect from 1 July 2023.
5. In respect of medical aid, the maximum employer contribution rate to an employee's accredited medical scheme as set out in clause 10.1.3 of the Collective Agreement shall increase by the same rate of 5.4% from R5 007,00 to R5 277,38, with effect from 1 July 2023.
6. The CPI projected (forecast) figures, from the South African Reserve Bank to calculate the salary- and wage related increases.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That the management recommendation be accepted.

MAYCO RECOMMENDATION: 23 MAY 2023

That the management recommendation be accepted.

RESOLUTION 102/2023

That Council takes note of the Salary- and Wage increases for the period 1 July 2023 to 30 June 2024 and implements accordingly:

1. The salary- and wage increase, in terms of clause 6.6 and 6.7 of the collective agreement shall be five comma four percent (5.4%), with effect from 1 July 2023.
2. Any linked benefits or conditions of service, as per clause 11.1 of the collective Agreement shall increase by the same rate of five comma four percent (5.4%), with effect from 1 July 2023.
3. The minimum wage as stipulated in clause 7.3 of the Collective Agreement shall increase by the same rate of 5.4%, from R9 043,21 to R9 531,54. The new minimum wage shall be R9 531,54, with effect from 1 July 2023.
4. The flat rate Homeowners Allowance, in terms of clause 9.1.3 of the Collective Agreement, shall increase by the same rate of 5.4%, from R1 011,77 to R1 066,41, with effect from 1 July 2023.
5. In respect of medical aid, the maximum employer contribution rate to an employee's accredited medical scheme as set out in clause 10.1.3 of the Collective Agreement shall increase by the same rate of 5.4% from R5 007,00 to R5 277,38, with effect from 1 July 2023.
6. The CPI projected (forecast) figures, from the South African Reserve Bank to calculate the salary- and wage related increases.

(Proposer: Clr Donald / Seconder: Ald Nieuwoudt)

10.15 **REVIEW OF REMUNERATION POLICY (DFS)**

PURPOSE OF REPORT

For Council to consider the amended Remuneration Policy of Cape Agulhas Municipality to be affected from 1st of July 2023 (attached on **page 48 to 57**).

BACKGROUND

The Remuneration Policy was approved for implementation by the Council on 7 December 2017 (Council resolution 247/2017). Since then, the Municipal Staff Regulations came into effect on 1 July 2022. Currently the 2017 approved policy does not refer to the Municipal Staff Regulations of 2022 and therefore needs to be reviewed by Management. The purpose for updating and review of the policy was mainly due to alignment of HR related policies in line with the Municipal Staff Regulations.

The policy was sent out per email on the 5th of April 2023 to the Municipal Manager and his Directors, Department Human Resources and Organizational Development, and the Trade Unions (IMATU and SAMWU) for comments. The deadline for comments was on 19 April 2023. SAMWU immediately indicated that they wanted to liaise with their members and asked for postponement until 12 May 2023. The postponement was granted to them.

We received input from the Director: Financial Services and ITC and IMATU. Their comments were placed in the policy as indicated by them.

FINANCIAL IMPLICATIONS

None.

LEGAL FRAMEWORK

- Local Government: Municipal Structures Act, 17/1998 as amended.
- Local Government: Municipal System Act, 32/2000 as amended.
- Basic Conditions of Employment Act, 75/1997 as amended.
- South African Local Government Bargaining Council Collective Agreement on Conditions of Service for the Western Cape Division of the SALBC.
- Main Collective Agreement on the Conditions of services for Local Government.
- Employment Equity Act 55 of 1998 as amended.
- Labour Relations Act 66 of 1995 as amended.
- Municipal Staff Regulations, 20 September 2021.
- All Approved Human Resource Related Policies of Cape Agulhas Municipality.

If there are any amendments to these acts for the purpose of this policy, it will automatically apply.

MANAGEMENT RECOMMENDATION

Council considers the approval of the amended remuneration policy to be affected 1st of July 2023.

RESOLUTION 103/2023

That Council approves the amended Remuneration Policy to be affected 1st of July 2023.

(Proposer: Ald Nieuwoudt / Seconder: Clr Ross)

10.16 **CAPE AGULHAS MUNICIPALITY COMMUNICATION STRATEGY 2023**

PURPOSE OF REPORT

To present the Cape Agulhas Communication Strategy 2023 for approval (*see separate document "Communication Strategy" attached to this Agenda*).

BACKGROUND

The strategy was compiled collaboratively during an internal stakeholder workshop held on 27 and 28 October 2022, which was attended by both officials and councillor's and facilitated by GCIS. A follow up workshop was held on 14 March 2023 to refine the document and solicit comments.

The Communication Strategy is the first in a series of communication governance documents that is submitted for approval and will be followed by a communication policy which will regulate Council's communication with all stakeholders and ensure that communication is well-coordinated, effectively managed, and responsive to the diverse information needs of personnel and the public.

COMMENTS

The strategy was circulated to all Directors and Managers and comments were incorporated.

LEGAL FRAMEWORK

- Constitution
- Municipal Systems Act, 2000
- Promotion of Access to Information Act, 2000 (Act of 2000)

MANAGEMENT RECOMMENDATION

That the Cape Agulhas Communication Strategy 2023 be approved.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

- (i) That the management recommendation be accepted.
- (ii) That the Strategy be reviewed annually.

MAYCO RECOMMENDATION: 23 MAY 2023

- (i) That the Cape Agulhas Communication Strategy 2023 be approved.
- (ii) That the Strategy be reviewed annually.

RESOLUTION 104/2023

- (i) That the Cape Agulhas Communication Strategy for 2023 be approved.
- (ii) That the Strategy be reviewed annually.

(Proposer: Clr Donald / Seconder: Clr Eksteen)

10.17 **CLIENT SERVICE CENTRE FEASIBILITY REPORT**

REPORT COMPILED BY: CHIEF INFORMATION OFFICER

PURPOSE OF REPORT

To present to management the outcome of the feasibility study done on the possible implementation of a Client Service Centre for Cape Agulhas Municipality. This is a priority is listed as Item 10 on the Institutional plan.

BACKGROUND

This feasibility study was done from the viewpoint that a holistic Client Service Centre could be implemented by the Municipality as an intervention to enhance direct communication with clients and respond to service delivery requests from the community. A formal workshop was held on the 14th of March 2023.

The following observations were made on inputs received:

- The core functions that could be part of such a centre still need to be determined if the Council is to move forward with this project. A project roadmap is provided in section 5 of this report.
- The main considerations are the proposed, estimated budget allocation should a physical centre be established. One also needs to consider that further enhancement to existing processes may also be sufficient to address the reasoning behind the establishment of such a centre.
- Considering the enhancement of existing processes or the establishment of such a centre, the same principles can be applied in a decentralized model, utilizing existing infrastructure.

- Consideration could be given to the fact that some of these functions may be automated or be made available as decentralized in municipal buildings or by utilizing technology platforms.
- There is a big need to make use of the centre to increase debt collection.
- Accessibility to services or information to what the various services that the Municipality offer must be available in the centre.
- Two of the biggest observations are a **lack of Client Services and Communication** with clients. Internal communication is also a big concern.

In addition to the interviews and workshop held we also developed a simple questionnaire to include the view of officials that have access to computers to understand their viewpoint as well. The purpose of this was to collect information from the people that work with the public, systems and procedures on a daily basis and also to understand their viewpoints on the possible implementation of such a centre.

Out of the 200 respondents that received the questionnaire, we received 80 responses, which gives us a 40% participation rate which from an internal point of view is adequate as the benchmark for good an internal response rate is between 30% - 40%.

The following observations were made after inputs received from the questionnaire:

- 83% of Officials think a physical walk-in Client Service Centre will add value to the Municipality.
- 91% think that a hybrid Client Service Centre approach will work. *This is typical where we have a Physical walk-in Centre and remotely trained Officials that can handle the same functions as the walk in Centre. I.e., in other Municipal buildings in other Towns than Bredasdorp.*
- 56% support the idea of a 24 hour, 7 days a week Centre.
- 44% support an 8 hour, 5 days a week Centre.
- On average the majority of Officials agree that most of the listed functions should be included in the Centre of which the top 5 is as follows:

1. Query management: Forms, General Municipal queries, contact details	69 out of 80
2. Recording of service delivery queries and complaints for call outs	65 out of 80
3. Service connections	62 out of 80
4. Emergency services relay	53 out of 80
5. Debt Collection of Municipal accounts (Credit Control)	53 out of 80
- The question was asked as to where people best think such a Centre should be located and the majority indicated that the Thusong Centre will be the best probable location.
- 68% indicated that they think that a Client Services Department would be the best Department to manage the operations of such a Centre. Considering that there were 10 other possibilities listed whom each received some attention this result is rather high with the second to this, The Information Communication Department, with a score of only 10%.
- The next section was focused on the overall perception of the officials on service delivery performance of the Municipality, 56% of the respondents felt that there is a lack of control of client services in the Municipality as a whole, which is worrying and should receive urgent attention.
- On average the respondents felt that on a scale from 1 - 10 on how they think the general public is with service delivery, the score is between 5 to 6, where 0 means "Not happy at all" and 10 means "Extremely happy".

The reader needs to note that these observations are purely made on perceptions of the respondents of the questionnaire and is provided to give some context on the viewpoint of the municipal officials. Extensive research on best practices on the implementation of a Client Service Centre was also done and a proposed project plan is also included in the full report. Management needs to consider the magnitude of such an implementation and decisions around the project management process and implementation need to be considered if the decision is made to continue. The full report with all its contents **is separately attached to this Agenda - See document named "ClientServiceCentre"**.

FINANCIAL IMPLICATIONS

- The exact financial implications cannot be determined as there are a lot of variables that still need to be considered, like, location, personnel implications and other.
- We still did prepare a propose financial implication in the form of a budget that is part of the full report.
- A three (3) year proposed budget could look something like this depending on the variables:
Year 1: R5 674 910
Year 2: R4 050 781
Year 3: R4 233 066
- The outer years are based on making provision for capital at 15% of the capital investment in year 1 and 2 respectively. Operational increase in year 2 and 3 is based on a 4.5.% increase.

LEGISLATIVE REQUIREMENTS

Municipal Finance Management Act, Act No. 56 of 2003.

INPUTS RECEIVED FROM OTHER DEPARTMENTS

During the assessment phase all Councillors and Managers were invited to take part in the workshop. All other personnel had the opportunity to voice their opinions by means of a questionnaire.

MANAGEMENT RECOMMENDATION

- (i) That Council notes the contents of the Client Service Centre Feasibility Report.
- (ii) That it be noted that this report is by no means a determination if a Client Service Centre is required or not but rather an outcome of data collected which can be used as a basis for a decision.
- (iii) That Council decide whether or not to further investigate the feasibility of such a centre, and if it is decided to do so Section 5 of this report be used as a baseline to start the process and the considerations in section 8 of the report needs to be considered and determined.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

- (i) That Council notes the contents of the Client Service Centre Feasibility Report.
- (ii) That, due to the affordability of the project, the establishment of a fully client service centre not be implemented at this stage.
- (iii) That it be included in the restructuring of the organogram.

MAYCO RECOMMENDATION: 23 MAY 2023

- (i) That the management recommendation not be accepted.
- (ii) That the enhancement of the debt collection processes be done by current trained staff.

RESOLUTION 105/2023

- (i) That Council notes the contents of the Client Service Centre Feasibility Report.
- (ii) That the enhancement of the debt collection processes be done by current trained staff in the financial department.
- (iii) That a report on the enhancement of debt collection be submitted to Council at the next meeting.

(Proposer: Clr Donald / Seconder: Ald Swart)

10.18 **CODE OF ETHICS FOR MUNICIPAL COUNCILLORS AND STAFF**

REPORT BY THE DIVISION HEAD: STRATEGIC PLANNING AND ADMINISTRATION

PURPOSE OF REPORT

To re-submit an amended Code of Ethics to the Municipal Council for approval. The amended Code of Ethics is attached on **page 67 to 75**.

BACKGROUND

The process of developing a Code of Ethics is an integral component of the Risk Management process. The Code of Ethics for Municipal Staff does not replace the Code of Conduct for Municipal Staff. Whereas the Code of Conduct is mainly compliance based, the Code of Ethics is mainly value based. The Code of Ethics was approved by the Municipality's FARMCO on 24 March 2017, and subsequently approved by the previous Council on the 26th of September 2021, Item 11.2.1 - Resolution 198/2017. The updated Code of Ethics has been amended in line with the: Local Government: Municipal Structures Amendment Act, (Act No. 3 of 2021) and should be approved by the new Council as Council Members need to commit to upholding the content thereof. The only significant change is the references to the Code of Conduct for Councillors. The Code of Conduct is now Schedule 7 to the Local Government: Municipal Structures Amendment Act, (Act No. 3 of 2021) which repeals Schedule 1 of the Municipal Systems Act (Act 32 of 2000).

LEGAL FRAMEWORK

- The Constitution of the Republic of South Africa, 108 of 1996: Sec 195 (1)
- Local Government: Municipal Systems Act, (Act 32 of 2000): Schedule 2
- Local Government: Municipal Structures Amendment Act, (Act 3 of 2021): Schedule 7
- Local Government Municipal Financial Management Act, (Act 56 of 2003): Sec. 112 (m)(ii)

PERSONNEL IMPLICATIONS

The Code of Ethics was previously submitted to the LLF, workshopped and recommended to Council for approval. No significant changes have been made insofar as it affects staff.

FINANCIAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That the Cape Agulhas Municipality Code of Ethics (2023) be approved.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That the management recommendation be accepted.

MAYCO RECOMMENDATION: 23 MAY 2023

That the management recommendation be accepted.

RESOLUTION 106/2023

- (i) That the Cape Agulhas Municipality Code of Ethics (2023) be approved.
- (ii) That the Code of Ethics be communicated to staff.

(Proposer: Ald Jantjies / Seconder: Clr Ross)

10.19 **CANCELLATION OF SALES OF PROPERTY SOLD ON AUCTION AND REFUND OF DEPOSITS: ERF 3619, BREDASDORP**

REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER

PURPOSE OF REPORT

To submit a request to Council from the purchaser of erf 3619, Bredasdorp to cancel the sale and refund his deposit.

BACKGROUND

A total of 26 immovable properties were auctioned in February 2023. All transactions are with the conveyancing attorneys for transfer.

In terms of the contract a 5% deposit was payable on the day of the auction and the balance within 45 days of the auction. The deposits are in the Municipality's bank account, and the balances are payable to the conveyancing attorneys. A request was received from the purchaser of erf 3619, Bredasdorp to cancel the sale and refund the 5% deposit.

DISCUSSION

As indicated above the Municipality is not obliged to refund any deposits paid and can in fact hold a purchaser liable for costs. It can however waive its rights in this regard and choose to refund the deposit. To date this is the only request received but it is reasonably foreseeable that there may be others, as not all purchasers have paid their full outstanding balances. Future requests will need to be dealt with in the same manner.

It is recommended that Council accede to any requests for cancellation of the sale of properties sold during the February auction, where buyers are unable to meet their financial obligation and that deposits not be retained for the following reasons:

- Demanding specific performance i.e payment of the purchase price may be counterproductive as we will only incur legal costs if people are unable to pay and the Municipality's objective was to empower and not impoverish buyers.
- Purchasers will forfeit the 4.35% plus VAT commission paid to the auctioneer (although the commission charged in excess can be refunded).
- The entire auction process has already been marred by negative publicity relating to higher than anticipated prices, lack of clarity on the VAT, overpayment of commission etc, and we must guard against perpetuating these perceptions.
- The Municipality will easily resell properties at a next auction. This is evidenced by multiple enquiries from people enquiring about opportunity to purchase in the event of cancellation.

It is recommended that deposits be refunded in full but exclude any legal costs due to the conveyancing attorneys. At this point the attorneys have indicated that nothing is due, but this could change as the process advances.

LEGAL IMPLICATIONS

There is not a specific cancellation clause in the contract but clause 11 of the contract deals with breach and applies in this case. Should the purchaser withdraw from the agreement, he/she will technically be in breach of the agreement and the Municipality has the following options:

1. The municipality may demand specific performance, i.e. that the purchaser pay the full purchase price and that transfer proceeds; or
2. The municipality may cancel the agreement and the purchaser will be liable for the auctioneers' commission and damages, which shall include the costs associated with the re-auctioning of the property.

Clause 3.4 provides that all monies to be forfeited as "Roukoop" by the purchaser in the event that the balance purchase price/guarantees have not been delivered within 45 days from acceptance of the offer. This means that the Municipality is not obligated to refund any of the monies paid, which in this case is the deposit.

FINANCIAL IMPLICATIONS

- Erf 3619, Bredasdorp was sold for R155 000,00 plus VAT and a deposit of R7 750,00 was paid.
- The cancellation of contracts and the refund of deposits will have a negative effect on the budgeted income for the 2022/23 financial year.

PERSONNEL IMPLICATIONS

None.

COMMENTS BY RELEVANT DEPARTMENTS

MANAGER: ADMINISTRATION

I recommend that Council set the purchaser free of any fees and that the full deposit be paid back to the buyer. Up to date there has been no cost for Council and it is supported to reimburse the buyer the full amount he already paid.

DIRECTOR: FINANCE AND IT

I am fully cover by the detail in the report as well as the recommendation made. The only question can this not be delegated to the MM for future purposes and just notifies the council at the next council meeting (Management report - Property Administration).

MANAGEMENT RECOMMENDATION

- (i) That the Municipal Manager be authorised to accede to any requests for cancellation of contracts of the sale of properties sold during the February auction, where buyers are unable to meet, their financial obligation.
- (ii) That the deposits be refunded in full excluding any legal costs due to the conveyancing attorneys.
- (iii) That the status of the transactions be reported to the IT- and Finance Portfolio Committee.
- (iv) That the purchaser of erf 3619, Bredasdorp be informed accordingly.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That the management recommendation be accepted.

MAYCO RECOMMENDATION: 23 MAY 2023

That the management recommendation be accepted.

RESOLUTION 107/2023

- (i) That the Municipal Manager be authorised to accede to any requests for cancellation of contracts of the sale of properties sold during the February auction, where buyers are unable to meet, their financial obligation.
- (ii) That the deposits be refunded in full excluding any legal costs due to the conveyancing attorneys.
- (iii) That the status of the transactions be reported to the IT- and Finance Portfolio Committee.
- (iv) That the purchaser of erf 3619, Bredasdorp be informed accordingly.

(Proposer: Clr Eksteen / Seconder: Ald Nieuwoudt)

10.20 **REQUEST FOR EXTENSION OF TEMPORARY LOCATIONAL FILMING USE ON ERF 854, STRUISBAAI**

REPORT FROM: OFFICE OF THE MUNICIPAL MANAGER

PURPOSE OF REPORT

To consider a request from mr J Loubser (Homebrew Films) to extend the temporary use of a portion of erf 854, Struisbaai as a filming location for the Kokkedoor: Vuur en Vlam set for purposes of additional post-production content creation and potential collaborations with the municipality and sponsors.

GENERAL INFORMATION

Owners : CAM
Property : Portion of Erf 854, Struisbaai
Address : Camping Site
Current zoning : Open Space
Proposed Size : Structure: Approximately 580m²



BACKGROUND

The Municipal Council considered an application from Homebrew films to use a portion of the Struisbaai Caravan Park for purposes of a filming location on 31 January 2023 and resolved as follows under Resolution 8/2023:

- (i) That approval be given to Homebrew Films to use a portion of erf 854 (Struisbaai Caravan Park) for the preparation and erection of the set as well as the production of the next season of "Kokkedoor Vuur en Vlam" from 6 February 2023 to the end of May 2023.
- (ii) That the Municipal Manager be mandated to finalise the terms and conditions of the usage.
- (iii) That the public be informed of Council's intention.

The Municipal Manager approved the following conditions:

- (i) The Municipality's filming tariff shall be applicable for the duration of the filming which is R1 900,00 per day (17 April 2023 - 10 May 2023) - Preparation and pack up are excluded.
- (ii) Water and electricity connections can be provided at the applicable tariff.
- (iii) Water and electricity consumption will be levied at the applicable tariff.
- (iv) All plans for structures must be approved by the Building Control Officer.
- (v) The municipality's ablution facilities may be used.
- (vi) As far as practically possible local labour and suppliers must be used.
- (vii) Noise levels to be kept to a minimum outside of working hours.

DISCUSSION

Kokkedoor: Vuur en Vlam is a reality cooking competition, and has successfully showcased Struisbaai and the Overberg region, attracting tourists and promoting local culture, heritage, and food. The filming of the recently completed season was a tremendous success, thanks to the ideal setting and the support received from the Struisbaai community. Homebrew Films is extremely proud of the outcome and appreciates the warm reception and collaborative spirit demonstrated by the residents, which played a significant role in the smooth execution of the show.

The picturesque beach and surrounding area in Struisbaai provided the perfect backdrop for capturing the essence of a beach braai experience. Homebrew Films believes that when the show airs, it will attract tourists to the region, further boosting the local economy and promoting the area as a prime destination for travellers.

In light of the positive experience and the anticipated impact of the show on tourism, Homebrew Films has requested an extension of two months (or longer) for the temporary use of erf 854 for the set, allowing for additional post-production content creation and potential collaborations with the Municipality and sponsors. The letter of application is attached on **page 76**.

It is recommended that the Municipal Council approve the extension of the temporary use of a portion of erf 854 as a filming location 854 for Homebrew Films for an additional two months (or longer). This extension will enable the creation of more post-production content, strengthen relationships with sponsors, and foster collaboration between Homebrew Films and the Municipality. The extension aims to maximize the potential benefits and opportunities for Struisbaai and Cape Agulhas Municipality, contributing to the promotion and growth of the region.

Granting this extension will not only showcase Struisbaai and Cape Agulhas positively but also contribute to the region's promotion and growth. The expected increase in tourism and community involvement will bring numerous benefits to the local economy.

By approving this extension, the Municipal Council will support a project with a demonstrated positive impact on the community and potential for even greater benefits in the future, while showcasing the Municipality's commitment to nurturing successful partnerships and promoting the unique attractions and culture of the region.

It must be noted that the public have reacted positively to the filming and to date only one complaint was received which was escalated by the complainant to the Premiers office. The complainant's view is that the municipality is contravening the conditions of title as well as NEMA. This has been discussed with DEADP and all indications are that there is no transgression, nor obligation to obtain approval as it is a film set, temporary structure and not used for trading. We are awaiting written confirmation of this.

COMMENTS BY THE WARD COMMITTEE

Cllr Eksteen reported that "The Ward Committee of Ward 5 has no objection to your request to occupy erf 854, Struisbaai for further use".

COMMENTS BY RELEVANT DEPARTMENTS

MANAGER PUBLIC SERVICES

No objection, its winter and occupation is low.

MANAGEMENT RECOMMENDATION

- (i) That Council approves the extension of the temporary use of erf 854 as a filming location by Homebrew Films for an additional two months (1 June 2023 - 30 July 2023).
- (ii) That the Municipal Manager be authorised to extend this term for a maximum of a further two months should there be sufficient socio economic and tourism benefit.
- (iii) That this approval be subject to any directives received from the Department of Environmental Affairs and Development Planning, and if any such directive requires the use to be terminated it be adhered to.
- (iv) The Municipality's filming tariff shall be applicable for the duration of the filming exclusive of pack up and that Homebrew films to provide a schedule.
- (v) That all conditions previously determined remain applicable.
- (vi) That Homebrew Films be invited to do a presentation at the next Portfolio Committee to discuss future partnerships and collaboration.

RECOMMENDATION: FINANCE- AND IT SERVICES COMMITTEE

That the management recommendation be accepted.

MAYCO RECOMMENDATION: 23 MAY 2023

- (i) That the management recommendation be accepted.
- (ii) That Council's decision be advertised.

RESOLUTION 108/2023

- (i) That Council approves the extension of the temporary use of erf 854 as a filming location by Homebrew Films for an additional two months (1 June 2023 - 30 July 2023).
- (ii) That the Municipal Manager be authorised to extend this term for a maximum of a further two months should there be sufficient socio economic and tourism benefit.
- (iii) That this approval be subject to any directives received from the Department of Environmental Affairs and Development Planning, and if any such directive requires the use to be terminated it be adhered to.
- (iv) The Municipality's filming tariff shall be applicable for the duration of the filming exclusive of pack up and that Homebrew films to provide a schedule.
- (v) That all conditions previously determined remain applicable.
- (vi) That Homebrew Films be invited to do a presentation at the next Finance- and IT Portfolio Committee to discuss future partnerships and collaboration.

(Proposer: Clr Eksteen / Seconder: Clr Ross)

10.21 **REPORT: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE'S ACTIVITIES FOR MARCH 2023**

PURPOSE OF REPORT

To present to Council the MPAC report on its activities for the quarter ending ending 31 March 2023 including two subsequent months ending 31 May 2023.

BACKGROUND

In terms of section I, par. 1 of the MPAC Charter, the Committee must report at least quarterly on the activities of the Committee and any recommendations made by them. As per the same section, the minutes of any meeting will serve as the report and will be tabled at the next Council meeting after the MPAC meeting. The Committee has completed its report, as attached on **page 77 to 78** for the period ending 31 May 2023 for consideration by Council.

STAFF IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

Adherence to section I of the MPAC Charter requiring at least quarterly reporting to Council.

MPAC RECOMMENDATION

That Council takes cognisance of the MPAC quarterly report for the period ending 31 May 2023.

RESOLUTION 109/2023

That Council takes cognisance of the MPAC quarterly report for the period ending 31 May 2023.

(Unanimously Resolved)

10.22 **REVIEWED AND AMENDED PROPERTY RATES POLICY**

PURPOSE OF REPORT

To obtain Council's approval in respect of Property Rates Policy.

BACKGROUND

In terms of section 17(3)(e) of the MFMA any proposed amendments to budget-related policies of the municipality must accompany the tabled budget when submitted to council for final approval each year.

The amendment to the Property Rates Policy mainly refers to changes in respect of property rates categories as well as recommendations made by The Department of Cooperative Governance when reviewing the municipality's property rates policy on an annual basis to ensure full legislative compliance.

Recommendations made as follows:

- *It is noted that the list of rateable categories in the rates policy and resolution levying rates includes "private open space" and "private roads". These are respectively defined as parks and roads in private developed towns. These are also levied the residential rate.*
- *The resolution levying rates also includes "private township owner" as a category of rateable properties, which is also levied the residential rate. Private township owner is not defined, and it is not a category of rateable properties in terms of section 8. The properties must be categorized according to their use or permitted use. "Private township owner" is not a use category and should therefore not feature as a category of rateable properties. The properties within "private township owner" should be categorized according to use or permitted use.*

- “Guesthouses” are business/commercial properties, and this is demonstrated by the fact that these are levied at the business rate. The guesthouses should be incorporated into the business properties category and not be a stand-alone category of rateable properties.
- Protected areas should not be included in the categories of rateable properties and should not attract a rate because these should be exempted from rating in terms of section 17(1)(e) of the Act, only the portions of these protected areas that are used for residential, business/commercial or agricultural purposes are rateable.

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

MANAGEMENT RECOMMENDATION

For Council to consider approval of the Property Rates Policy with the effective date 1st July 2023.

RESOLUTION 110/2023

That Council approves the Property Rates Policy with the effective date 1st July 2023.

(Proposer: Clr Donald / Seconder: Ald Swart)

10.23 **PROPOSED AMENDMENT: MASAKHANE INDIGENT SUPPORT POLICY**

PURPOSE OF REPORT

To obtain Council's approval in respect of the Masakhane Indigent Support reviewed and amended Policy.

BACKGROUND

In terms of section 17(3)(e) of the MFMA any proposed amendments to budget-related policies of the municipality must accompanied the tabled budget when submitted to Council for final approval each year.

The current approved Masakhane Indigent Support Policy been in existence since July 2019. Based on several concerns raised during the Executive Mayor's - "2019/20 Budget Imbizo" by the disadvantaged community in municipal area, with reference to the municipality's support in terms of its indigent/poor households as well as the affordability as per the policy directive at the time.

The concerns as raised by the community were consider as part of the final budget approval the end of May 2019 and the main purpose was to better define indigent/poor households, define combined household income per national treasury indigent guideline framework and for which services an indigent/poor household will qualifies to receive free basic services. It also approved that subject to the qualification criteria an indigent household will receive a 100% subsidy, subject that they remain within the set usage target as determined by Council and furthermore that a poor household will receive a 50% subsidy based on the applicable criteria.

Although the implementation of the policy been hampered by the impact of COVID-19, and a moratorium placed on various credit control policies during the mentioned period, it only started to give partial effect as from the 2021/22 financial year with numerous complaints from the community, mainly with reference to the define households income in terms of the policy directive - "**Household income**" means combined household income of all residing / living on premises which amongst others includes any wages / salaries (permanent employment), investment returns, retirement accounts, and welfare payments, excluding child welfare grant" aligned with the National Treasury Indigent guideline framework.

Despite various awareness campaigns held during the 2022/23 financial year in an attempt to reach out to the affected community by explaining the policy content and to advise on specific suggestions on how to improve affordability as a possible solution for consideration during the 2023/24 annual budget approval the community continue to complain with the support from most of the ward councilors during "2023/24 Budget Imbizo" held by the Executive Mayor.

As a result, most of the political party affiliations who serve in council as well as input from the respective wards requested the review of the "Mashakane Indigent Support" policy with specific reference to some of the following aspects contained in the policy:

- The primary qualification - Property value increase from R200 000 to R250 000.
- The defined "household income" been amended as contained in the previous policy.

"Household Income" is the gross sum of all monthly income from the registered owner and spouse, including wages, salaries, profits, dividends, pensions, rentals, board and lodging, interest received, grants or investment income, excluding the child welfare grant.

"Indigent Household" means a family unit comprising of the head of the family, being a natural person, and may include blood related or adopted dependants who are jointly living on a stand or site on a permanent basis, including a child-headed household, registered as such with the Municipality and which -

- a) complies with the qualification requirements in paragraph 9.1.4 hereof, provided that foster and child support grants are not included when calculating such household income;
- b) occupies premises within the area of jurisdiction of the municipality;
 - Additional categories of vulnerable and indigent beneficiaries for inclusion in the "Mashakane Indigent Support" policy aligned with the pre-determined social relief support rebate annually approved by council in the tariff schedule (Appendix A):
 - Household that houses a person with a disability.
 - Welfare/Charity Organisations, Old Age Homes, Retirement Villages and Creches.
 - Other benefits, services and conditions added for consecration:
 - Policy requirement to replace conventional electricity meter with pre-paid meter free of charge, if registered as an indigent;
 - Repairing of identified water leakages free of charge; and
 - New proposed tariff structure whereby the basic service charges applicable for the registered indigent category be calculated at cost (excluded electricity).

The transition arrangement remains unchanged whereby all first time owners of RDP houses for the first financial year or part of the financial year be regarded as an indigent with detailed supporting records without the completion of valid application form and important that the affected new owners be informed accordingly by the responsible Housing section.

It is suggested that the amended "Mashakane Indigent Support" Policy be effective as from the 1st July 2023 and that the impact in respect of the amended policy be reviewed annually to assess the municipality's financial affordability/financial position with reference to the previous financial year's audited outcome.

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

MANAGEMENT RECOMMENDATION

- (i) Council considers approval of the amended Masakhane Indigent Support Policy with the effective date 1st July 2023.
- (ii) Subject to item (i), Council considers approval that all first time owners of RDP houses for the first financial year or part of the financial year, be regarded as an indigent.
- (iii) Council considers approval that all indigent applications already completed before the end of June 2023, based on the current indigent policy criteria for 2023/24 financial year, be accepted as a valid application and to be assess for implementation based on the newly defined household income definition criteria.
- (iv) The newly proposed amended Masakhane Indigent Support Policy still subject to a workshop with all Councillors before it be rolled-out for information to all the different wards within Cape Agulhas Municipality.

RESOLUTION 111/2023

- (i) That Council approves the amended Masakhane Indigent Support Policy with the effective date 1st July 2023.
- (ii) That, subject to item (i), Council approves that all first time owners of RDP houses for the first financial year or part of the financial year, be regarded as an indigent.
- (iii) That Council approves that all indigent applications already completed before the end of June 2023, based on the current indigent policy criteria for 2023/24 financial year, be accepted as a valid application and to be assess for implementation based on the newly defined household income definition criteria.
- (iv) That the newly proposed amended Masakhane Indigent Support Policy be communicated to the community before it be rolled-out for information to all the different wards within Cape Agulhas Municipality.
- (v) That the amended Masakhane Indigent Support Policy be placed on the municipal website in at least three languages.

(Proposer: Cllr Donald / Seconder: Cllr Louw)

10.24 **REVIEWED AND AMENDED BUDGET-RELATED POLICIES**

PURPOSE OF REPORT

To obtain Council's approval in respect of the following reviewed and amended budget-related policies:

1. Tariff Policy (attached on **page 79 to 95**)
2. Credit Control and Debt Collection Policy (attached on **page 96 to 117**)

In terms of section 17(3)(e) of the MFMA any proposed amendments to budget-related policies of the municipality must accompanied the tabled budget when submitted to council for final approval each year.

Due to ongoing changes in processes, procedures, risks and legislation that might impact on the existing policies, it is suggested to amend the listed policies with an effective date of 1st July 2023 which is attached as Annexure "A" to this document.

The amendment to the Tariff Policy mainly refers to tariff framework applicable with specific changes in respect of the free basic services.

"Credit Control and Debt Collection Policy" is aligned to the promulgated by-law applicable with minor / or no changes with the primary objective to provide a framework based on standard practices and to ensure the collection of any outstanding debt in terms of the prescribe legal process and procedures.

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

MANAGEMENT RECOMMENDATION

- (i) Council to consider approval of the following amended budget-related policies with the effective date 1st July 2023:
 1. Tariff Policy (2023/24)
 2. Credit Control and Debt Collection Policy (2023/24)
- (ii) The abovementioned proposed policies still subject to a workshop with all councilors before it be rolled-out for information to the different wards within Cape Agulhas municipality.

RESOLUTION 112/2023

- (i) That Council approves the following amended budget-related policies with the effective date 1st July 2023:
1. Tariff Policy (2023/24)
 2. Credit Control and Debt Collection Policy (2023/24)
- (ii) That the abovementioned amended policies be rolled-out for information to the different wards within Cape Agulhas municipality.

(Proposer: Ald Nieuwoudt / Seconder: Cnr Donald)

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

Geen.

12. **OORWEGING VAN KENNISGEWING VAN MOSIES**

Geen.

13. **OORWEGING VAN KENNISGEWING VAN VRAE**

Geen.

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

'n Lys van onafgehandelde Raadsbesluite word aangeheg op **bladsy 52** van hierdie Notule.

15. **IN KOMITEE VERSLAE**

In Komitee items word vertroulik hanteer.

16. **SLUITING**

Die vergadering verdaag om 14h00.

ONAFGEHANDELDE RAADSBESLUIE

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.	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.	Eiendoms-administrasie
179/2022	Vervreemding (huur): Ged erf 270, Bredasdorp (T October)	(i) Dat die aansoek in-beginsel goedgekeur word. (ii) Volledige publieke deelname proses gevolg word. (iii) Dat Stadsbeplanning 'n uitleg van die perseel doen om sodoende ook die sokker spelers en ander aansoekers te akkommodeer. (iv) Ondersoek toestand van die bestaande ablusiegeriewe. (v) Grond sal hersoneer moet word om die gebruik te akkommodeer. (vi) Verdere verslag aan die Raad na afhandeling van bogenoemde stappe.	Publieke deelname proses moet nog gevolg word.	Eiendoms-administrasie / Stadsbeplanning
182/2022	Vervreemding (huur): Ged erf 1343, Bredasdorp (J Williams)	(i) Aansoek in-beginsel goedgekeur word. (ii) Voorneme geadverteer word vir publieke kommentaar. (iii) Eiendom sal hersoneer moet word en dat daar eerstens met die aansoeker die moontlikheid bespreek word om eerder erf 6951, Bredasdorp of 'n ander toepaslike erf wat klaar gesoneer is vir die doel te gebruik. (iv) Verdere verslag aan die Raad voorgelê word.	Verslag sal voor Raad dien na afhandeling van publieke deelname proses.	Eiendoms-administrasie
183/2022	Vervreemding (koop): Ged erf 6570, Bredasdorp (J Muggels)	(i) Aansoek in-beginsel goedgekeur word vir verhuring. (ii) Voorneme geadverteer word vir publieke kommentaar. (iii) Volledige verslag aan Raad na afhandeling van publieke deelname proses.	Verslag sal voor Raad dien na afhandeling van publieke deelname proses.	Eiendoms-administrasie
184/2022	Vervreemding (koop): Ged erf 5209, Bredasdorp (H Vaaltyn)	(i) Aansoek in-beginsel goedgekeur word. (ii) Voorneme geadverteer word vir publieke kommentaar. (iii) Volledige verslag aan Raad na afhandeling van publieke deelname proses.	Verslag sal voor Raad dien na afhandeling van publieke deelname proses.	Eiendoms-administrasie
185/2022	Vervreemding (koop): Erf 937, Napier (C Van Zyl)	Dat erf per veiling verkoop word met die waardasie as insetprys en dat 'n veiling van die en ander erwe wat die Raad mag identifiseer voor einde 2022 plaasvind.	Sal met eerskomende veiling hanteer word.	Eiendoms-administrasie
186/2022	Vervreemding (koop): Ged erf 670, WHKrans (United Outreach Ministries)	Dat die aansoek terugverwys word vir 'n terreinbesoek daarna weer aan die Raad voorgelê word vir oorweging.	Terreinbesoek (aansoeker, Wyksraadslid en Eiendomsadministrasie) sal plaasvind en daarna weer aan Raad voorgelê word.	Eiendoms-administrasie
188/2022	Subdivision: Erf 5783, Bredasdorp	(i) Approves that Town Planning Department proceed with the subdivision. (ii) Further report be submitted on the servicing and manner of disposal of the erven.	Konsultant reeds aangestel om voort te gaan met onderverdeling.	Stadsbeplanning
231/2022	Strategy to deal with illegal invasion of land	(i) Council approves the Land Invasion Strategy. (ii) That an Informal Management Settlement Plan be developed, workshopped and submitted to Council for consideration.	Manager: Human Settlements in process to finalise plan and will be submitted to the next Portfolio Committee meeting.	Bestuursdienste

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
233/2022	Vandalism/Theft - Strategy	That a security audit be compiled of all vulnerable assets and submitted to the Management Services Committee as soon as possible whereafter the Strategy will be workshopped and submitted to Council for approval.	Security audit completed and a complete item will be submitted to next portfolio meeting.	Bestuursdienste
240/2022	Vervreemding (koop): Erf 3539, Bredasdorp (mnr en mev Kloppers)	Dat die aangeleentheid terugverwys word, sodat Stadsbeplanning oorweging kan skenk aan 'n registrasie van 'n "reg tot weg" vir die aanliggende erf.	Vermoed hierdie aansoek is goedgekeur. Indien goedgekeur moet die eienaars die kostes dra van 'n stadsbeplanner vir stadsbeplanningsprosesse en publieke deelname.	Stadsbeplanning
312/2022	Vervreemding (huur): Ged Erf 1148, Bredasdorp (W Murtz)	(i) Dat die aansoek nie ondersteun word nie. (ii) Dat Eiendomsbestuur gedurende die eerste kwartaal van 2023 'n werkwinkel aanbied waartydens alle Raadslanbougrond en opkomende boere bespreek sal word.		Eiendoms-administrasie
313/2022	Vervreemding (huur): Ged Erf 4339, Bredasdorp (Maarman en Rini)	(i) Dat die aansoeke nie ondersteun word nie. (ii) Dat die aangeleentheid terugverwys word na Menslike Ontwikkeling om statistiese data te versamel om 'n weldeurdragte werkwinkel gedurende Maart 2023 aan te bied. (iii) Dat Menslike Ontwikkeling en LED, in konsultasie met die aansoekers, 'n besigheidsplan voorberei wat op 'n latere stadium weer aan die Raad voorgelê sal word vir oorweging.		Menslike Ontwikkeling / LED
314/2022	Vervreemding (huur): Ged Erf 1148, Bredasdorp (Williams en Van Niekerk)	(i) Dat die aansoeke nie goedgekeur word nie. (ii) That the matter be referred back for further investigation by property management for alternative land to mr Williams, due to the danger of animals close to the public road. (iii) That Council take note that mr Van Niekerk have received other property to rent.		Eiendoms-administrasie
31/2023	Duikerstraat, Struisbaai: Uitdagings Ou Jaarsdag en Nuwe Jaarsdag	(i) The proposal be noted. (ii) Alternative sites be identified for recreational purposes in Struisbaai. (iii) A layout be done for the area from Andrew's Field to Struisbaai-North by Townplanning. (iv) That the SDF also includes investigation towards the "OK-plein" in Struisbaai, the parking area at the harbour and the parking area on the southern side of the harbour. (v) Proposed layouts for the abovementioned premises be tabled at the next Finance- and IT Services Portfolio Committee meeting by the Town Planning Department.		Stadsbeplanning

BESTUURSAANBEVELING

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

BESLUIT 113/2023

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 2023

SPEAKER

DATUM