



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N ALGEMENE RAADSVERGADERING GEHOU OM 11:00 OP DINSDAG
28 JUNIE 2016 IN DIE MUNISIPALE RAADSAAL TE BREDASDORP**

**MINUTES OF A GENERAL COUNCIL MEETING HELD ON TUESDAY, 28 JUNE 2016 AT
11:00 IN THE MUNICIPAL COUNCIL CHAMBERS, BREDASDORP**

RAADSLEDE / COUNCILLORS

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

AMPTENARE / OFFICIALS

Mnr D O'Neill	Munisipale Bestuurder
Mnr H Van Biljon	Direkteur: Finansiële Dienste
Mnr N Kotze	Direkteur: Siviele Ingenieursdienste
Mnr K Mrali	Direkteur: Gemeenskapsdienste
Mnr S Cooper	Wvd Asst. Direkteur: Elektries
Mnr B Hayward	Bestuurder: Stads- en Streeksbeplanning
Mnr B Swart	Interne Ouditeur
Mnr G M Moelich	Bestuurder: Admin Ondersteuning
Me T Stone	Bestuurder: Strategiese Dienste

1. **OPENING**

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

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

Mnr S Ngwevu Direkteur: Korporatiewe Dienste

3. NOTULES VAN VORIGE VERGADERINGS VOORGELê VIR BEKRAGTIGING**3.1 NOTULE VAN ALGEMENE RAADSVERGADERING GEHOU OP:**

31 Mei 2016

BESLUIT 130/2016

Die Notule word as korrek en volledig bekragtig.

4. NOTULES VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE VERGADERINGS OOR BESLUIE DEUR HOM GENEEM SAAM MET DIE BURGEMEESTERSKOMITEE**4.1 NOTULES VAN UBK VERGADERINGS GEHOU OP:**

24 Mei 2016

BESLUIT 131/2016

Die Raad neem kennis van bogenoemde UBK Notule.

5. NOTULES VAN KOMITEE VERGADERINGS VOORGELê VIR KENNISNAME

Die volgende notules word ingebind in die meegaande bylaagboek, direk na die UBK notule:

5.1 WYKSKOMITEE VERGADERINGS GEHOU OP:

- WYK 1 : 17 Mei 2016
- WYK 2 : 23 Mei 2016
- WYK 3 : 17 Mei 2016
- WYK 4 : 30 Mei 2016
- WYK 5 : 23 Mei 2016

BESLUIT 132/2016

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

6. SAKE VOORTSPRUITEND UIT NOTULES

Geen.

7. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE VOORSITTER**7.1 BRIEWE VAN DANK / VIR KENNISNAME** Aangeheg op bladsy 1 en 2**7.2 FUNKSIES VIR DIE MAAND****7.3 AANWYS VAN AFGEVAARDIGDES****7.4 DRINGENDE SAKE DEUR DIE SPEAKER VOORGELê**

Die Speaker bedank die Raadslede vir hulle goeie samewerking die afgelope 5 jaar tydens Raadsvergaderings. Sy stel die Raad in kennis dat hierdie die laaste Raadsvergadering vir die huidige termyn sal wees, behalwe waar uiters dringende items bespreek moet word, waartydens 'n spesiale Raadsvergadering gehou sal word.

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

Die Burgemeester meld dat Madiba-dag vierings gedurende Julie 2016 sal plaasvind waartydens die nuwe sportvelde in Zwelitsha geopen sal word.

9. **ONDERHOUDE MET AFGEVAARDIGDES EN/OF ANDER BESOEKE****Sea2Land Trading (Pty) Ltd**

Mev Louise van den Berg spreek die Raad toe en stel die komitee en aandeelhouders aan die Raad bekend. Die doel van die organisasie is om vissermanne op te hef, die opgradering van "chuckies" en die beskerming van vis pryse.

'n Versoek word aan die Raad gestel vir die beskikbaarstelling van vakante grond vir die oprigting van drie 12 meter houers asook grond vir die oprigting van 'n klein sake kern (Raadslid Burger noem dat gepaste ontwikkeling by die industriële gebied gevestig kan word).

BESLUIT 133/2016

Dat die aangeleentheid na die "Land Disposal" Komitee en LED afdeling verwys word.

10. **ITEMS NA DIE RAAD VERWYS VIR OORWEGING****Bladsy: Agenda**10.1 **MUNISIPALE BESTUURDER / MUNICIPAL MANAGER**

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Bladsy: Agenda

11. **ITEMS DEUR DIE UITVOERENDE BURGEMEESTER / -BURGEMEESTERS-KOMITEE NA DIE RAAD VERWYS VIR OORWEGING**
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13. **DRINGENDE SAKE DEUR DIE MUNISIPALE BESTUURDER**
- Geen.
14. **OORWEGING VAN KENNISGEWING VAN MOSIES**
- Geen.
15. **OORWEGING VAN KENNISGEWING VAN VRAE**
- Geen.
16. **OORWEGING VAN DRINGENDE MOSIES**
- Geen.
17. **VERSLAG DEUR MUNISIPALE BESTUURDER OOR DIE UITVOERING VAN RAADSBESLUIE**
Lys van onafgehandelde Raadsbesluite verskyn op **bladsy 28**.
18. **IN-KOMITEE VERSLAE:** Die In-Komitee word apart hanteer.
19. **SLUITING**
- Die vergadering verdaag om 12:30

10. ITEMS NA DIE RAAD VERWYS VIR OORWEGING

10.1 MUNISIPALE BESTUURDER / MUNICIPAL MANAGER

10.1.1 REPORT BY THE SPEAKER: WARD COMMITTEE ESTABLISHMENT PROCESS PLAN

PURPOSE OF REPORT

To present a process plan, as attached on page 3 to 6 for the establishment of ward committees following the Municipal Elections on 3 August 2016.

LEGISLATIVE FRAMEWORK

- **The Republic of South Africa Constitution Act 108 of 1996:**
Section 52 of the Constitution sets out the objectives of local government, including the objective of encouraging communities and community organisations to participate in matters of local government.
- **The Municipal Structures Act 117 of 1998 and its regulations:**
Chapter 4, Part 4, Sections 72-78) read together with Regulation R972 (2009) regulate the establishment, vacation of office and meeting frequency of ward committees as well as their term of office. The Municipal Council is responsible for the formulation of its own rules to regulate the election, operation and administration of ward committees.
- **The Municipal Systems Act, No 32 of 2000:**
Chapter 4 regulates community participation and makes it clear that communities are an integral part of the municipal governance process. The Municipality is required to develop a culture of municipal governance that complements formal representative government with a system of participatory governance by encouraging and creating conditions for the local community to participate in the affairs of the municipality (Section 16). The Municipality must also establish appropriate mechanisms, processes and procedures to enable the local community to participate in the affairs of the municipality (section 17). The Act also sets out specific areas where community participation is required, including the formulation and review of Integrated Development Plans (IDPs) and performance management. The Municipality must promote public participation and build the capacity of residents, Councillors and municipal officials to engage in participatory processes.

DISCUSSION

A ward committee establishment process plan has been developed which sets out the process to be followed for the establishment of ward committees. Provincial Guidelines require that ward committees be established within 90 days of the municipal elections. The process we envisage is somewhat shorter as ward committees play an integral role in the development of the new five year IDP and it is essential that they be established in time to participate in the public participation process associated with the new IDP. For this reason it is proposed that the preparatory process be commenced as prior to the election in order that the nomination process can begin as soon as the election has taken place.

MANAGEMENT RECOMMENDATION

That Council approve the Ward Committee Establishment Process Plan.

RESOLUTION 134/2016

That the management recommendation be accepted as resolution of Council.

10.1.2 **HALF-JAARLIKSE VERSLAG: OUDIT- EN PRESTASIEOUDIT KOMITEE OOR DIE PRESTASIEMETINGSTELSEL VIR DIE TYDBERK GEËINDIG 31 DESEMBER 2015**

DOEL VAN VERSLAG

Om die Raad in te lig oor die Oudit- en Prestasieoudit Komitee se half-jaarlikse verslag en hulle evaluering van die prestasiekeningstelsel en die bestuur daarvan vir die half-jaar geëindig 31 Desember 2015.

AGTERGROND

In terme van artikel 14(4)(a)(iii) van die Plaaslike Regering: Munisipale Beplanning en Prestasiebestuursregulasies, 2001 (Regulasie 796), moet die Komitee twee maal per jaar die munisipaliteit se prestasiekeningstelsel (SDBIP stelsel) en die bestuur daarvan evalueer en daarvoor aan die Raad verslag doen.

Die Komitee het dan ook sodanige evaluering gedoen vir die eerste helfte van die 2015/16 finansiële jaar en die vereiste verslag opgestel. Die verslag, soos aangeheg op bladsy 7 tot 10 word nou aan die Raad voorgelê vir bespreking en oorweging. Die Raad se aandag word graag op die volgende items gevestig:

1. **Paragraaf 4 (a)** : Items waarmee die Komitee tevrede is.
2. **Paragraaf 4 (b)** : Items waaroor die Komitee bekommernisse het.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIE

Geen.

BESTUURSAANBEVELING

- (i) Dat die Komitee se half-jaarlikse verslag vir Desember 2015 oor die munisipaliteit se prestasiebestuurstelsel en die bestuur daarvan oorweeg en beprek word met pertinente verwysing na die items hierbo gemeld.
- (ii) Dat die Komitee se verslag aanvaar word.

BESLUIT 135/2016

Dat die bestuursaanbeveling as besluit van die Raad aanvaar word.

10.1.3 **CAPE AGULHAS MUNICIPALITY LOCAL ECONOMIC DEVELOPMENT STRATEGY REVISION (2016)**

REPORT BY THE MANAGER STRATEGIC SERVICES

PURPOSE OR REPORT

The purpose of this report is to present the Local Economic Development Strategy Revision to Council for approval. The revised strategy is attached as annexure on page 11 to 68.

BACKGROUND

The original CAM LED strategy was compiled in October 2009. This strategy was developed for the whole Municipal Area following an extensive participation exercise to allow communities to provide input into the strategy. The strategy was reviewed in 2013, with the assistance of the Provincial Department of Economic Development but was never approved by Council.

In compiling this review, cognisance was taken of the fact that Municipal Elections are scheduled for 3 August 2016. The most significant implication of this is that a new Council will be elected shortly and it is their prerogative to reappraise the overall strategic vision, mission and goals of the Municipality through the IDP process which will culminate in the development of a new five year IDP for their term of office. Section 26 of The Local Government: Municipal Systems Act, Act 32 of 2000 states that a core component of the Municipality's IDP are the Municipal Council's development priorities and objectives for its elected term, including its **local economic development** and internal transformation needs. It is therefore envisaged that it will be necessary to develop a new LED Strategy within the next 18 months. An extensive consultation process will again precede the development of this strategy.

It is important to note that this revision is a consolidation of relevant initiatives from the 2009 and 2013 revisions supplemented by initiatives arising from the following initiatives which in most cases were based on public participation:

1. Cape Agulhas Municipality PACA Process (2014)
2. Comprehensive Rural Development Programme (2013)
3. Napier Small Town Re-generation Strategy (2016)
4. Cape Agulhas Municipality LED Maturity Assessment (2015)
5. Overberg District Municipality PACA Process (2014)
6. Overberg Agri Parks Master Business Plan (2016)
7. Harbours Spatial and Economic Development Framework (2014)

Implementation of this LED Strategy is a crucial, but is often a key challenge as it must be done within the framework of the available resources. For this reason, a variety of economic interventions have been identified namely town based interventions, sector based interventions and institutional interventions. Implementation mechanisms have also been varied and include direct implementation by the Municipality, facilitation by the Municipality as well as Community mobilization.

MANAGEMENT RECOMMENDATION

That Council adopt the Cape Agulhas Municipality Local Economic Development Strategy Revision (2016), with amendments.

RESOLUTION 136/2016

That the management recommendation be accepted as resolution of Council.

10.1.4 **RISK MANAGEMENT POLICY AND RISK MANAGEMENT STRATEGY AND IMPLEMENTATION PLAN REVIEW (2016)**

REPORT BY THE MANAGER STRATEGIC SERVICES

PURPOSE OF REPORT

The purpose of this report is to submit the revised Cape Agulhas Municipality Risk Management Policy and Risk Management Strategy and Implementation Plan to Council for approval.

LEGAL AND POLICY FRAMEWORK

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

There are also a number of National Treasury Guidelines most notably the National Treasury Risk Management Framework which must be adhered to.

DISCUSSION

Section 7 (1) of the National Treasury Risk Management Framework requires that the Municipality must operate within the terms of a risk management policy approved by the Accounting Officer / Authority.

The Municipality's Risk Management Policy and Risk Management Strategy and Implementation Plan were reviewed and submitted to the Fraud and Risk Management Committee (FARMCO) in December 2015, who approved the amendments. Below is an extract from the minutes:

“10.3 Amendment of CAM Risk Management Policy and Risk Management Strategy and implementation plan

Mr Swart requested the Committee to consider an amendment to the Municipality's Risk Management Policy and Risk Management Strategy and Implementation Plan to ensure alignment between the two as well as the Risk Assist Module.

Paragraph 3 of the Risk Management Policy approved on 26 August 2014 (Resolution 173/2014 states that:

“The Municipality has committed itself to aggressively pursue managing risks to be within its risk appetite to avoid exposures to losses and to manage actions that could have a negative impact on the reputation of the municipality. In view of this the municipality has set its risk appetite at a risk rating of 15.1 ie all risks above this rating must be taken up in the action plan applicable to that financial year”

Paragraph 5.6.1 of the Risk Management Strategy and Implementation Plan approved on 26 August 2014 (Resolution 173/2014 states that:

..... Cape Agulhas Municipality has set its risk appetite level at a risk grading of 15 (Out of 100). This implies that all risks strategic and operational with a grading of 15.1 or higher will be addressed each year. However the Municipality's risk appetite will be reassessed on a yearly basis based on the annual risk assessment exercise results and adjusted if required.

Mr Swart proposed the following amendments for submission to the Municipal Manager which were agreed to by the Committee:

- i. The reference to the actual risk level should be deleted from the policy and that the policy must state that the risk appetite will be determined in terms of the strategy.*
- ii. The Risk grading of 15 out of a 100 must be amended to 15 out of 25 in order to align to the Risk Assist System.*

The revised Risk Management Policy and Risk Management Strategy and Implementation Plan were then approved by the Municipal Manager as per Clause 7 of the framework and the Municipality's FARMCO Charter.

Section 21 of the National Treasury Risk Management Framework sets out the functions of Executive Authority with respect to risk management and states that in the case of a municipality or municipal entity, the Executive Authority should also approve the risk management policy, strategy, and implementation plan. It is for this reason that the Revised Risk Management Policy and Risk Management Strategy and Implementation Plan attached on page 69 to 93 are submitted to Council for approval.

MANAGEMENT RECOMMENDATION

That the revised Cape Agulhas Municipality Risk Management Policy and Risk Management Strategy and Implementation Plan (2016) be approved.

RESOLUTION 137/2016

That the management recommendation be accepted as resolution of Council.

10.2 **PUBLIEKE DIENSTE / PUBLIC SERVICES**

10.2.1 **GEWYSIGDE BESIGHEIDSPLAN VIR ARKINDUSTRIES GREEN CITY MODEL (16/5/R - DTD) (WYKE 2, 3 EN 4) / REVISED BUSINESS PLAN FOR ARKINDUSTRIES GREEN CITY MODULE – DTS (16/5/R - DTS) (WARDS 2, 3 AND 4)**

DOEL VAN VERSLAG / PURPOSE OF REPORT

Ten einde gewysigde besigheidsplan van Arkindustries te oorweeg. / To consider the revised business plan of Arkindustries.

AGTERGROND / BACKGROUND

Na ongeveer twee jaar se samesprekings en onderhandelings is 'n ooreenkoms ten opsigte van die Green City Model met Arkindustries gesluit op 19 Desember 2013.

Alhoewel die Raad 'n besluit geneem het rondom die totale Green City Model gaan Arkindustries as 'n Fase I slegs die rioolsuiwering-komponent ontwikkel. Die program deur Arkindustries aan KAM voorsien, slegs vir Fase I, dui aan dat die projek operasioneel sou wees teen einde September 2015.

Arkindustries het nou 'n ooreenkoms met 'n Amerikaanse maatskappy aangegaan om die tegnologie te verskaf wat nou die verwerking van vaste afval insluit. Daar is egter 'n addisionele koste van R115/ton, oftewel nagenoeg R3 300/dag, waarvoor KAM verantwoordelik sal wees.

In terme van die oorspronklike ooreenkoms met KAM is slegs 'n bedrag van R3.90/kiloliter ter sprake en is as sulks vir publieke kommentaar so geadverteer. Die Artikel 78 ondersoek is ook op die oorspronklike ooreenkoms en tarief gebaseer. Die "scope of works" het dus wesenlik verander vanaf die oorspronklike ooreenkoms.

Die gewysigde besigheidsplan gedateer 12 Mei 2016 word aangeheg op bladsy 94 tot 103.

Voorts meld die Grondbesikbaarheidsooreenkoms dat indien die omgewings-impakaansoek nie goedgekeur word binne 2 jaar na die ondertekening van die ooreenkoms nie, die ooreenkoms tot niet verklaar kan word sonder enige kompensasië aan beide partye.

Dit is algemene kennis dat die rioolsuiweringswerke in Bredasdorp reeds 'n geruime tyd onder druk bedryf word. Die vertraging op die projek tot op hede en die feit dat pryseskalasies in die konstruksiebedryf die afgelope jare hoër as die inflasiekoers was kom daarop neer dat die Raad spoedig die werke moet opgradeer om toekomstige finansiële verliese te vermy. Die bestaande rioolsuiweringswerke word tans bedryf bo sy ontwerpkapasiteit en kan geen verdere uitbreidings in Bredasdorp gedoen word alvorens die aanleg nie opgradeer word nie.

FINANSIËLE IMPLIKASIES / FINANCIAL IMPLICATIONS

1. Eskalاسie soos gemeld in agtergrond (na beraming ongeveer R3 miljoen).
2. Indirekte verliese aan belastingsinkomste weens die feit dat ontwikkelings nie kan plaasvind nie as gevolg van beperkte rioolsuiweringskapasiteit.

BESTUURSAANBEVELING / MANAGEMENT RECOMMENDATION

- (i) Dat die Raad volstaan by die oorspronklike ooreenkoms en tarief van R3.90/kiloliter.
That Council suffice with the original agreement and tariff of R3.90/kilolitre.
- (ii) Dat die Raad vir die interim nie die koste van R115/ton betaal nie, totdat 'n volledige koste analise in die verband afgehandel is, waarna daar weer onderhandelings kan plaasvind.
- (ii) Dat indien Arkindustries nie hou by die teikendatums en program soos aangedui in die gewysigde besigheidsplan nie, die ooreenkoms summier gekanselleer word.
That if Arkindustries does not adhere to the target dates and programme, as stated in the revised business plan, the agreement will be cancelled with immediate effect.

AANBEVELING: PUBLIEKE WERKE KOMITEE / RECOMMENDATION: PUBLIC WORKS COMMITTEE

Dat die Bestuursaanbeveling aanvaar word. / *That Management's recommendation be accepted.*

BESLUIT 138/2016

Dat die bestuursaanbeveling as besluit van die Raad aanvaar word.

10.3 **KORPORATIEWE DIENSTE / CORPORATE SERVICES**

10.3.1 **AMENDMENT OF THE CAPE AGULHAS HOUSE SHOP BY-LAW (17/R) (ALL WARDS)**

PURPOSES OF REPORT

Council to consider the amendment of the current House Shop By Law (see Annexure A on page 187).

BACKGROUND

On 3 November 2015 the current House Shop By Law was gazetted in the Western Cape Provincial Gazette Extraordinary. The following amendments are proposed after a workshop was held on 10 May 2016 (see attendance register attached as Annexure B on page 194):

SECTION	CURRENT	PROPOSED AMENDMENTS
5(1)b	The business component of the house shop may not exceed more than 33% of the total floor area of the dwelling;	The extent and location of the business component must be indicated on a scaled plan, and shall not exceed 25 m ² or 33% (excluding toilet and storeroom) of the total floor area of the dwelling-house, whichever is the smaller area;

5(1)e	The approval for the operation of the house shop may not result in less than 80% of the property in the specific street being non-residential by nature;	House shops shall ideally be located further than a 300 meter radius around existing businesses / house shops.
5(1)f	In the case of a house shop being classified as a category two house shop, an application must be made for the rezoning of the relevant premises, but the fact that an application for rezoning must be submitted cannot be viewed as an automatic approval of the relevant rezoning application.	In the case of a house shop <i>not complying to the requirements of a house shop</i> , an application must be made for the rezoning of the relevant premises, but the fact that an application for rezoning must be submitted cannot be viewed as an automatic approval of the relevant rezoning application.
6(2)	The business portion of the house shop may not be extended.	To be removed.
6(3)	All legislation, regulations and safety measures regarding the operation of the house shop and merchandise therein must be adhered to by the owner.	All legislation, regulations, <i>environmental health</i> and safety measures regarding the operation of the house shop and merchandise therein must be adhered to by the owner.
6(10)		No temporary structures, caravans and "zinc" structures are allowed to be used for a house shop.
6(11)		House shops within the informal areas require Council's consent.

SUMMARY OF COMMENTS FROM COUNCILLORS

Alderman J Nieuwoudt

"There must be a cut off date by when house shop owners must comply with these regulations."

Alderman D Jantjies

Die volgende moet verwyder word aangesien dit nie moontlik haalbaar is met die huidige getal huiswinkels wat alreeds bestaan nie: "*House shops shall ideally be located further than a 300 meter radius around existing businesses / house shops.*"

Mayor R Mitchell

"No comments."

MANAGEMENT RECOMMENDATION

- (i) That Council approves the above amendments.
- (ii) That the moratorium on the application for House shops be lifted as soon as the amendments are gazetted.

RESOLUTION 139/2016

That the Cape Agulhas House Shop By-Law be referred back for further investigation with specific reference to where a shop is operated from a structure other than the house on the same erf.

10.4 **FINANSIËLE DIENSTE / FINANCIAL SERVICES**

10.4.1 **ODUIT AKSIEPLAN 2014/15 (OPCAR): MAANDELIKSE VORDERING - JUNIE 2016**

DOEL VAN VERSLAG

Oorweging van die vordering met die goedgekeurde 2014/15 Oudit Bevindinge Aksieplan (OPCAR) vir die maand Junie 2016.

AGTERGROND

Na aanleiding van die Ouditeur-Generaal se oudit van die 2014/15 finansiële jaar is daar sekere leemtes uitgewys wat aangespreek moet word. Hierdie bevindinge is in die Oudit Bevindinge Aksieplan opgeneem en bepaalde regstellende stappe is bepaal om die bevindinge aan te spreek.

Die vordering word ook aan die Oudit- en Prestasieoudit Komitee voorgelê en word ook op 'n gereelde grondslag met die Ouditeur-Generaal bespreek. Die vordering met die plan word verder op 'n kwartaallikse grondslag aan die Wes-Kaapse Provinsiale Tesourie voorgelê. Die verslag wat hierby aangeheg is op bladsy 195 tot 206, is 'n aanduiding van die vordering wat met hierdie aksieplan gemaak is soos op einde Junie 2016.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIES

Geen.

BESTUURSAANBEVELING

Oorweging, bespreking en aanvaarding van die munisipaliteit se vordering insake die implementering van die Oudit Aksieplan voortspruitend uit die bevindinge van die Ouditeur-Generaal vir die 2014/15 finansiële jaar soos op einde Junie 2016.

BESLUIT 140/2016

Dat die munisipaliteit se vordering insake die implementering van die Oudit Aksieplan voortspruitend uit die bevindinge van die Ouditeur-Generaal vir die 2014/15 finansiële jaar soos op einde Junie 2016, aanvaar word.

10.4.2 **NERSA SE GOEDKEURING VAN ELEKTRISITEITSTARIEWE INSAKE DIE 2016/17 BEGROTING JAAR**

DOEL VAN VERSLAG

Om NERSA se goedgekeurde tariewe vir die lewering van elektrisiteitsdienste in die Kaap Agulhas munisipale gebied, met betrekking tot die 2016/17 begroting jaar, te oorweeg vir goedkeuring in terme van Nasionale Tesourie se riglyne met omsendskrywe 78 en 79 asook ander toepaslike wetgewing in dié verband.

AGTERGROND

Na aanleiding van die Raad se aansoek aan NERSA vir goedkeuring van jaarlikse tarief verhoging in elektrisiteitstariewe vir die periode 1 Julie 2016 tot Junie 2017, is terugvoering op 9 Junie 2016 vanaf NERSA ontvang nadat die finale begroting en tariewe vir die 2016/17 begroting vir die Kaap Agulhas Munisipaliteit op 31 Mei 2016 deur die Raad goedgekeur is.

Derhalwe is dit noodsaaklik dat enige afwyking in terme van die reeds goedgekeurde elektrisiteitstariewe deur die Raad aangepas en in lyn gebring moet word met die elektrisiteitstariewe soos vasgestel deur NERSA. 'n Afskrif van die raad se goedgekeurde tariewe vir elektrisiteit *versus* dié van NERSA word aangeheg vir oorweging en wysiging (sien bladsy 207).

Die elektrisiteitstariewe ten opsigte van huishoudelike gebruik is afwaarts aangepas deur NERSA terwyl die aansoek vir Industrieel, Besigheid en ander gebruikers se tariewe onveranderd gelaat was. Die munisipaliteit het aansoek gedoen vir 'n gemiddelde tarief verhoging van 9,54% terwyl NERSA 'n gemiddelde tarief verhoging van 9,23% toegestaan het vergeleke met die vorige finansiële jaar se goedgekeurde tariewe vir elektrisiteit.

Die finansiële implikasie met betrekking tot die gewysigde tariewe sal 'n geraamde vermindering aan inkomste van R250 986,00 vir die Raad teweegbring ten opsigte van die 2016/17 begroting jaar. Die tekort aan inkomste sal deeglik gemonitor moet word vir regstelling gedurende die aansuiweringsbegroting in Desember 2016.

The Munisipale Bestuurder, in konsultasie met die Direkteur Finansies, beveel as volg aan:

BESTUURSAANBEVELING

- (i) Dat die Raad die goedgekeurde elektrisiteitstariewe van NERSA aanvaar vir implementering vanaf 1 Julie 2016 tot Junie 2017; en
- (ii) Dat die Raad verder goedkeuring verleen dat Bylaag "A" - Dienste Tariewe (2016/17), paragraaf 4.9 (Gelde vir die verskaffing van elektrisiteit) gewysig en in lyn gebring word met die tariewe soos goedgekeur deur NERSA.

BESLUIT 141/2016

- (i) Dat die bestuursaanbeveling as besluit van die Raad aanvaar word.
- (ii) Dat Provinsiale- en Nasionale Tesourie dienooreenkomstig ingelig word.

10.4.3 SPECIAL ADJUSTMENTS BUDGET IN RESPECT OF THE 2015/16 FINANCIAL YEAR**The Director: Finance reports as follows:**

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

1. Must adjust the revenue and expenditure estimates downwards if there is material under-collection of revenue during the current year;
2. May appropriate additional revenues that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmes already budgeted for;
3. May within a prescribed framework, authorize unforeseeable and unavoidable expenditure recommended by the mayor of the municipality; may authorize the utilization of projected savings in one vote towards spending under another vote;

4. May authorize the spending of funds that were unspent at the end of the past financial year where the under-spending could not reasonably have been foreseen at the time to include projected roll-overs when the annual budget for the current year was approved by the council;
5. May correct any errors in the annual budget; and
6. May provide for any other expenditure within a prescribed framework.

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

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

- **Adjustments budget for unforeseen and unavoidable expenditure:** It allows council to provide *ex post* authorization for unforeseen and unavoidable expenditure that was authorized by the Executive Mayor in terms of section 29 of the MFMA and which must be tabled in council at the “first available opportunity” or within 60 days after the expenditure was incurred.
- **Main adjustments budget:** In terms of regulation 23(6)(a) of the Municipal Budget and Reporting Regulations a council may authorize unauthorized expenditure in the adjustments budget occurred in the first half budget which may be tabled in council for approval at any time after the mid-year budget and performance assessment but not later than 28 February of the current year.
- **Special adjustments budget to authorize unauthorized expenditure:** In terms of regulation 23(6)(b) of the Municipal Budget and Reporting Regulations, council may authorize unauthorized expenditure in a special adjustments budget which only deals with unauthorized expenditure from the previous financial year such as:
 - Unauthorized expenditure that occurred in the first half of the previous financial year that was not included in the main adjustments budget;
 - Unauthorized expenditure that occurred in the second half of the previous financial year; and
 - Any unauthorized expenditure identified by the Auditor-General during the annual audit process.

In order to avoid any unauthorized expenditure as prescribed in terms of section 15 of the MFMA it is suggested that council considers the special adjustment budget based on allocations received from the Provincial Treasury to address “Revenue Enhancement”, the Department of Cooperative Governance, Human Settlements & Traditional Affairs allocation towards housing and other unforeseeable expenditure incurred and / or approved after finalization of the mid-year financial and performance assessment when the main adjustments budget was approved by council during January 2016. The second adjustment budget is attached as **Annexure “A”** for council’s consideration and approval.

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

MANAGEMENT RECOMMENDATION

- (i) Council considers the approval of the special adjustment budget as per recommended resolution tabled.
- (ii) Council resolves that the special adjustment budget of Cape Agulhas Municipality for the financial year 2015/2016, and indicative for the projected outer years 2016/2017 and 2017/2018 be approved as set out in the following schedules:
1. Adjustment Budget Summary - Table B1;
 2. Budgeted Financial Performance (Revenue and Expenditure by standard Classification) -Table B2;
 3. Budgeted Financial Performance (Revenue and Expenditure by standard Classification) - B - Table B2;
 4. Budgeted Financial Performance (revenue and expenditure by municipal vote) Table B3;
 5. Budgeted Financial Performance (revenue and expenditure by municipal vote) - B -Table B3;
 6. Budgeted Financial Performance (revenue and expenditure) - Table B4;
 7. Budgeted Capital Expenditure by vote and funding - Table B5;
 8. Budgeted Financial Position - Table B6;
 9. Budgeted Cash Flows Table B7;
 10. Cash backed reserves/accumulated surplus reconciliation - Table B8;
 11. Asset Management - Table B9; and
 12. Basic service delivery measurement table B10
- (iii) Council resolves that the other related SA supporting documentation to the approved budget be updated according to the adjustments made.
- (iv) Council resolves that a hard and electronic copy of the complete special adjustment budget be submitted to National- and Provincial Treasury respectively for information.

RESOLUTION 142/2016

That the management recommendation be accepted as resolution of Council.

10.4.4 **RECOVERING OF AND / OR WRITING OFF UNAUTHORISED, IRREGULAR OR FRUITLESS AND WASTEFUL EXPENDITURE FOR 2015/16 FINANCIAL YEARS (DFS)**

PURPOSE OF REPORT

For council to investigate any unauthorized, irregular or fruitless and wasteful expenditure that have been incurred for the period July 2015 to June 2016 for approval and / or to be written off.

BACKGROUND

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

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

- Any political office-bearer or official deliberately or negligently committed, made or authorized an irregular expenditure; or
- Any political office-bearer or official deliberately or negligently made or authorized a fruitless and wasteful expenditure.

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

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

As part of the financial year end process a number of unauthorized, irregular, fruitless and wasteful expenditure have been identified for further investigation by council / MPAC in order to either recover or certify as irrecoverable and write off as prescribed in terms of the above mentioned legislation and in terms of the municipality's approved policy in this regard. Attached as **Annexure A** the register in respect unauthorized, irregular, fruitless and wasteful expenditure for the period July 2015 to June 2016 for Council's investigation and / or verification.

Most of the unauthorized, irregular, fruitless and wasteful expenditure refers to capital expenditure incorrectly classified as operating expenditure, proper supply chain management procedures not followed, interest on late payment and payment of services for which the municipality does receive any economic benefit.

The issues identified should be investigated to identify the exact reason for non-compliance in order to address the deficiency in future. Furthermore it is recommended to arrange an awareness workshop to capacitate non-financial managers / officials involved in the procurement processes, re-emphasise the budget & virement policy content as well as the approved policy for unauthorized, irregular, fruitless and wasteful expenditure.

LEGAL IMPLICATION

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

FINANCIAL IMPLICATION

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

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

MANAGEMENT RECOMMENDATION

- (i) Council considers the report on unauthorized, irregular, fruitless and wasteful expenditure for the period from July 2015 to June 2016 as per Annexure "A" for recovery or certification as irrecoverable and written off.
- (ii) Council promptly informs the MEC for local government and Auditor-General in writing of the unauthorized, irregular, fruitless and wasteful expenditure incurred by the municipality for the periods under review inclusive of the council resolution on the outcome of finding.

RESOLUTION 143/2016

That the matter be referred to MPAC.

10.4.5 MPAC REPORT: FRUITLESS AND WASTEFUL EXPENDITURE**PURPOSE OF REPORT**

To report to Council the outcome of the MPAC's investigation on fruitless and wasteful expenditure amounting to R18 567,00 which was referred to MPAC through Council Resolution 302/2015.

BACKGROUND

During December 2015 the CFO presented to Council all cases of unauthorised, irregular and fruitless and wasteful expenditure for 2014/15 to Council. These were the final amounts after the Auditor-General concluded its audit on that financial year. The matter of fruitless and wasteful expenditure amounting to R18 567,00 was referred to the MPAC per Council Resolution 302/2015 for investigation to determine whether there were any cases of neglect and where the expenditure should be recovered from the applicable official. This was, in turn, referred to the internal audit function for investigation.

The internal audit function concluded its audit and presented their finding and supporting documentation to the MPAC at a meeting on 13 June 2016. During this meeting the detail of the individual cases were discussed and deliberated. After discussions the MPAC made their conclusions and recommendations as set out in the attached minutes of the aforementioned meeting (see page 210).

STAFF IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

Writing-off of fruitless and wasteful expenditure of R18 567,00.

LEGISLATIVE IMPLICATIONS

Section 32 Municipal Finance Management Act, 2003, (Act no. 56 of 2003)

MPAC RECOMMENDATION

- (i) That the MPAC report be accepted.
- (ii) That the fruitless and wasteful expenditure of R18 567,00 be written off.

- (iii) That a suitable and comprehensive SOP be developed regarding the process to be followed with interviews.
- (iv) That the current policy on fruitless and wasteful expenditure be workshopped with Council and all managers to ensure understanding of such expenditure and the implications thereof.

RESOLUTION 144/2016

That the management recommendation be accepted as resolution of Council.

10.4.6 **JAARLIKSE BATEOPNAME: 2015/2016 BOEKJAAR (DFD)**

DOEL VAN VERSLAG

Om oorweging te skenk vir die afskrywing van roerende bates ,wat nie opgespoor kon word tydens jaarlikse bateopname, asook items wat nie meer voldoen aan die minimum vlak van dienslewering.

AGTERGROND

Gedurende die boekjaar 2015/2016 was daar items gevind wat nie aan die minimum vlak van dienslewering vereistes voldoen nie en as uitgedien verklaar is. Verskeie bate is ook nie tydens die bateopname gevind nie.

Aangeheg as bylae op bladsy 212 tot 216 is die lys van roerende bates wat afgeskryf moet word:

Bylaag A	: Uitgediende voorraad - 2015/2016 boekjaar
Bylaag B	: Bates nie gevind tydens opname - 2015/2016 boekjaar
Bylaag C	: Gedupliseerde Bate as gevolg van bates wat oor gemerk was
Bylaag D	: Huur masjiene waarvan die kontrakte geeindig het - 2015/2016 boekjaar

WETLIKE IMPLIKASIE

Ingevolge Wet 56 van 2003 (MFMA), Artikel 14

FINANSIËLE IMPLIKASIE

Aangehegte lys van items ter waarde van R9 629,58 wat `n persentasie van 0.0063% teenoor die totale bates is, kon nie gevind word nie.

BESTUURSANBEVELING

Dat alle roerende bates (soos op die aangehegte lyste) afgeskryf moet word.

BESLUIT 145/2016

Dat die bestuursaanbeveling as besluit van die Raad aanvaar word.

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

11.1 **ALBERT MYBURGH SENIOR SEKONDÊRE SKOOL: HUUR VAN BP VISSER SAAL VIR SEPTEMBER EKSAMEN: MATRIEKS 2016**

DOEL VAN VERSLAG

Albert Myburgh Senior Sekondêre Skool versoek finansiële steun met die huur van die VGK saal vir die September eksamen vir hul matrieks (skrywe aangeheg op bladsy 217).

AGTERGROND

Albert Myburgh Senior Sekondêre Skool is tans besig met reparasies aan hul skoolsaal en moet 'n alternatiewe saal gehuur word vir die matrieks om in eksamen te skryf. Hulle wil graag die VGK saal vir hierdie doel gebruik.

Die Kerk het 'n kwotasie gelewer teen 'n bedrag van R400,00 per dag - totaal R6 800,00 (kwotasie aangeheg op bladsy 218).

FINANSIËLE IMPLIKASIE

Totaal van R6 800,00.

BESTUURSAANBEVELING

Vir oorweging deur die Raad.

BESLUIT 146/2016

Dat die gratis beskikbaarstelling van die Nelson Mandela Saal eers met die skool bespreek word alvorens die Raad 'n besluit oor die betaling van die fooie vir die VGK saal neem.

11.2 **VERSLAG VAN DIE DIREKTEUR: FINANSIËLE DIENSTE VIR MEI 2016 / REPORT FROM THE DIRECTOR: FINANCIAL SERVICES FOR MAY 2016**

Verslag aangeheg op bladsy 219 tot 262. / *Report attached on page 219 to 262.*

BESTUURSAANBEVELING / MANAGEMENT RECOMMENDATION

Dat die maandverslag van die Direkteur: Finansiële Dienste vir Mei 2016 aanvaar word. / *That the monthly report of the Director: Financial Services for May 2016 be accepted.*

BESLUIT BK84/2016: 21 JUNIE 2016

- (i) Dat die Bestuursaanbeveling as besluit van die Burgemeesterskomitee aanvaar word.
- (ii) Dat, in terme van artikel 52(d) van die MFMA, die maandverslag van die Direkteur: Finansiële Dienste vir Mei 2016 na die Raad verwys word.

BESLUIT 147/2016

Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.

12. **ADDISIONELE ITEMS DEUR DIE RAAD HANTEER**12.1 **AMENDMENT OF THE CAPE AGULHAS LIQUOR TRADING HOURS BY-LAW (17/R) (ALL WARDS)****PURPOSE OF REPORT**

For Council to consider the amendment of the current Liquor Trading By Law of the Cape Agulhas Municipality (see annexure on page 3 to 7).

BACKGROUND

On 14 December 2012 the Liquor Trading By Law was gazetted in the Western Cape Provincial Gazette. The following amendments were approved and included in the By Law and gazetted on the following dates respectively:

4 September 2015:

“Trading Hours: No Sales on Religious holidays (Good Friday and Christmas).”

9 October 2015:

“Amendment of Schedule 3 of the Cape Agulhas Municipality Liquor Trading Hours By-Laws 14 December 2012:

- 1. Schedules 3(2) and (3) of the Cape Agulhas Municipality Liquor Trading Hours By-Laws 14 December 2012 are hereby amended by the substitution for the trading hours of the following trading hours (consumption off the licensed premises):*

“08:00 - 20:00 Monday to Saturday”

“Addition to Schedule 3 of the Cape Agulhas Municipality Liquor Trading Hours By-Laws 14 December 2012:

- 2. Schedule 3(4) to be added to the Cape Agulhas Municipality Liquor Trading Hours By-Laws 14 December 2012:*

“No consumption off the licensed premises on Sundays.”

SECTION	CURRENT	PROPOSED AMENDMENTS
3(4)	<i>“No consumption off the licensed premises on Sundays.”</i>	Off consumption should take place on Sundays.

SUMMARY OF COMMENTS FROM COUNCILLORS**Councillor D Burger**

“Trading on Sundays should take place. It affects the tourism and also the established wine boutiques in our area, that depends on tourists that visits our area on a regular basis.”

Alderman J Nieuwoudt

“Geen veranderinge aan bestaande wet op ure nie.”

Alderman D Jantjies

“Die amptelike ure vir drankhandel moet bestaande bly en geen verkope moet plaasvind op Sondae nie.”

MANAGEMENT RECOMMENDATION

- (i) That Council upholds the current By-Law on Liquor Trading hours for the Cape Agulhas area.
- (ii) That no amendments be made.

RESOLUTION 148/2016

That the By-Law be referred back for further investigation with specific reference to the trading hours on Sundays of tourism related businesses.

12.2 **PROPOSED DEVELOPMENT: REMAINDER OF ERF 1148, BREDASDORP (RETIREMENT VILLAGE)**

PURPOSE OF REPORT

For Council to consider the proposed layout and architectural guidelines and layout.

The document consists of the following:

- Proposed sale agreement
- Location of the property
- Proposed Layout
- Architectural guidelines
- Valuation Certificate

BACKGROUND

On 26 April 2016, Council took the following decision (65/2016):

- “(i) That Council, in principle, approves the development.*
- “(ii) That a formal request (including lay-out and architecture) be submitted to Council for consideration.”*

On 17 June 2016, Council received the relevant documents (attached as annexure op page 8).

MANAGEMENT RECOMMENDATION

- (i) That Council approves the proposed development layout and all relevant documents.
- (ii) That a formal Town Planning application be submitted to Council for consideration and public notice.
- (iii) That a environmental assessment need to be followed, should it be necessary.

RESOLUTION 149/2016

- (i) That Council approves the proposed development layout and all relevant documents.
- (ii) That two independent valuers be appointed to obtain a fair market value of the land.
- (iii) That the new market values be reported to Council for further consideration.

12.3 **REVISION OF THE DISASTER MANAGEMENT PLAN**

REPORT BY THE MANAGER: PROTECTION SERVICES**PURPOSE OF THE REPORT**

To present the revised Disaster Management Plan to Council for approval.

BACKGROUND

The revised Disaster Management Plan is attached as a separate document. It is envisaged that a new plan will be developed concurrently with the new IDP.

LEGAL FRAMEWORK

Disaster Management Act, 57 of 2002.

MANAGEMENT RECOMMENDATION

That the revised Disaster Management Plan be approved.

RESOLUTION 150/2016

That the management recommendation be accepted as resolution of Council.

12.4 **“MEMORANDUM OF UNDERSTANDING” VIR IMPLEMENTERING IN CRDP (5/22/1 - DTD) (WYK 5)****DOEL VAN VERSLAG**

Om die “Memorandum of Understanding” vir die konstruksie van DRDP projekte goed te keur, naamlik: (1) Kassiesbaai loopaaie-projek - fase 2 en (2) Voorsiening van bemarkingsinfrastruktuur, stoorruimte en vriesfasiliteite te Struisbaai en Waenhuiskrans.

AGTERGROND

Kaap Agulhas Munisipaliteit het bevestiging van die toekenning van fondse vanaf Departement Landelike Ontwikkeling ontvang vir: (1) Konstruksie van loopaaie te Kassiesbaai - fase 2, ten bedrae van R5 000 000,00 en (2) Voorsiening van bemarkingsinfrastruktuur, stoorruimte en vriesfasiliteite te Struisbaai en Waenhuiskrans ten bedrae van R5 000 000,00 as deel van hul landelike infrastruktuur ontwikkelingsprojekte in wyk 5.

’n Voorwaarde vir die toekenning van fondse is dat die Raad ’n raadgewende ingenieur aanstel wat vir toesighouding en kwaliteitskontrole op die projek verantwoordelik sal wees. Die Raad sal verantwoordelik wees om die raadgewende ingenieur se fooi te betaal.

Die voorlopige planne vir fase 2 is reeds tydens fase 1 gedoen, omdat dit deel vorm van die hele Kassiesbaai-area se meesterbeplanning (stormwater en interseksie invoegings).

Sien aangehegte “Memorandum of Understanding” op bladsy 4 tot 9.

FINANSIËLE IMPLIKASIES

R597 668,66 - Professionele kostes. Besparing van professionele kostes weens die voorlopige ontwerpe wat reeds afgehandel is gedurende fase 1. Daar is hiervoor voorsiening gemaak in die 2016/17 begroting.

BESTUURSAANBEVELING

Dat die Raad die “Memorandum of Understanding” goedkeur vir: (1) Kassiesbaai loopaaie - fase 2 en (2) Voorsiening van bemarkingsinfrastruktuur, stoorruimte en vriesfasiliteite te Struisbaai en Waenhuiskrans.

BESLUIT 151/2016

Dat die bestuursaanbeveling as besluit van die Raad aanvaar word.

12.5 DRAFT PROCESS PLAN FOR THE DRAFTING OF THE 2017-2022 INTEGRATED DEVELOPMENT AND BUDGET PLAN

REPORT BY THE MANAGER STRATEGIC SERVICES

PURPOSE OR REPORT

To present a draft Process Plan to guide the planning, drafting, adoption and review of its Integrated Development and Budget Plan (IDP) for 2017-2022.

LEGAL FRAMEWORK

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

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

Section 28 requires:

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

Section 29(1) states that the process must -

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

DISCUSSION

The Draft Process Plan is attached on page 10 to 42. The final Process Plan must be made public and be approved by Council by the end of August. The challenge is that the Municipal Election is on 3 August 2016 and it is unlikely that the Council will be formally constituted before mid- August. Municipalities in the Province are generally following the route of presenting a draft Process Plan to the current Council for adoption so that it can be made public. The final Process Plan will then be submitted to the new Council to consider any public input received and approval.

The draft Process Plan has been developed in cognizance of the inter-relatedness of the Municipal Budgeting and Performance Management Processes and as far as possible addresses the integration of these process. An additional process that will have to be integrated into the final plan is the Spatial Development Framework revision.

MANAGEMENT RECOMMENDATION

- (i) That the draft Process Plan in respect of the compilation of the 2017 - 2022 IDP for Cape Agulhas Municipality be approved in terms of Section 28 of the Municipal Systems Act (Act 32 of 2000).
- (ii) That inputs and comments of the local community on the draft Process Plan be obtained.
- (iii) That the draft Process Plan be submitted to the Council for final approval in August 2016. That the integration of the SDF revision process in terms of the Spatial Planning and Land Use Management Act (Act 16 of 2013) be included in the final Process Plan.
- (iv) That Council note and approve that the process plan includes the Budget Preparation Process.

RESOLUTION 152/2016

That the management recommendation be accepted as resolution of Council.

12.6 COMMUNICATION STRATEGY REVISION**REPORT BY THE MANAGER STRATEGIC SERVICES****PURPOSE OF REPORT**

The purpose of this report is to present a revised Communication Strategy to Council for approval.

LEGAL FRAMEWORK

The following legislation applies broadly to the Communication Strategy:

1. The Constitution of South Africa
2. Municipal Systems Act, 32 of 2000
3. Intergovernmental Relations Framework Act, 13 of 2005
4. Promotion of Access to Information Act (PAIA), 2 of 2000

DISCUSSION

The Communication Strategy is attached on page 43 to 58. This is not a new strategy but a revision of the strategy approved in 2013. One of the key improvements made to the strategy is the inclusion of an implementation plan which is intended to guide the short term activities of the Communication Section. Importantly it also addressed the integration and alignment of the various policies that impact on communication.

MANAGEMENT RECOMMENDATION

That the revised Communication Strategy be approved.

RESOLUTION 153/2016

That the management recommendation be accepted as resolution of Council.

12.7 TRAFFIC FINES MORE THAN 18 MONTHS TO BE CONSIDERED AS IRRECOVERABLE**PURPOSE OF REPORT**

For Council to consider principle approval to annually review traffic fines outstanding for more than 18 months to be written off in line with the Office of the Public Prosecutions in the Western Cape instruction.

BACKGROUND

In terms of IGRAP 1 traffic fines revenue is recognized when the offence occurs. Currently the municipality applies an impairment ratio for traffic fines which is in line with the average payment ratio at 32,77%.

The Office of the Director of Public Prosecutions in the Western Cape issued an instruction whereby all traffic fines have to be removed / written off from the system if 18 months have passed since the date of the offence and a summons has either not yet been served or served but the case was not enrolled. A copy of the letter dated 5 November 2015 is attached as annexure.

It is therefore important that traffic fines issued be dealt with in accordance with the mention instruction - "General Minute 8/2005" as referred in the letter of the Director of Public Prosecutions.

Based on the information provided it is therefore suggested that traffic fines outstanding for more than 18 months in principle be regarded as irrecoverable and written off. An annual assessment will be conducted to determine the irrecoverable traffic fines to be written off as well as the accounting policy should be amended accordingly.

It is further important to note that internal processes and procedures be updated by the Head Protection Services in order to adhere to the set timeframes and avoid unnecessary loss of revenue due to non-compliance.

LEGAL IMPLICATION

Non-compliance to the instruction of the Director of Public Prosecutions in the Western Cape.

FINANCIAL IMPLICATION

To be determined after an assessment done after 30 June each financial year.

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

MANAGEMENT RECOMMENDATION

- (i) Council in principle approves that traffic fines outstanding for more than 18 months be regarded as irrecoverable and been written off in terms of the instruction issued by the Office of the Director of Public Prosecutions in the Western Cape; and
- (ii) That an annual assessment be done after 30 June each financial year to determine the value of traffic fines identified as irrecoverable in terms of the amended accounting policy accordingly.

RESOLUTION 154/2016

- (i) That the management recommendation be accepted as resolution of Council.
- (ii) That Cape Agulhas Traffic Department specifically focus on improving the timely processing of traffic fines to avoid them being cancelled for the above reason.

12.8 PAYMENT OF BRIDGED FINANCE COST: ASLA (DTS)**PURPOSE OF REPORT**

For Council to consider the payment of Claims no. 9, 10 and 12 to ASLA for work done.

BACKGROUND

In 2010 ASLA constructed the Ou Meule stormwater canal and retention pond in Zwelitsha from MIG funded finance. The MIG funds were insufficient and ASLA completed the project in order for the housing development to continue. (See attached letter from ASLA).

After completion, four claims were outstanding, namely Claim no. 9, Claim no. 10, Claim no. 11 and Claim no. 12 (see attached claims from ASLA). Claim no. 11 was paid out in October 2012 from MIG funds. (See attached remittance advice.)

The intention was to pay Claim no.9 of R688 337.44 (Final Progress Payment), Claim no. 10 of R464 413.35 (Retention Release Funds) and Claim no. 12 of R99 678.75 (Professional Fees on stormwater) from the VAT part of the MIG funds. Municipalities may take 14% VAT from their MIG allocation to use for their own benefit.

Due to the rolling out of our MIG projects over the past years, these corrections were not possible to make.

The request is that Council pay the outstanding Claims no. 9, 10 and 12 from savings incurred in the 2015/16 budget.

Savings as follows:

VOTE NUMBER	DESCRIPTION	AVAILABLE FUNDS
545720011	Electrical Panels	R100 000.00
545720021	Alum (Change to liquid)	R120 500.00
545748011	Sewer Truck	R 69 552.50
545748021	Jetcleaner	R 66 902.70
545788011	Rotating Broom	R 80 853.75
545780091	Struisbaai North Stormwater	R250 000.00
	TOTAL	R687 808.95

The balance of R564 620.59 will be accommodated from savings incurred in Consultancy Fees as well as Bulk Water and Electricity Services.

FINANCIAL IMPLICATIONS

R 1 252 429.54 (VAT inclusive)

MANAGEMENT RECOMMENDATION

That Council approve the payment of Claims no. 9, 10 and 12 to ASLA from savings incurred in the 2015/16 budget.

RESOLUTION 155/2016

That the management recommendation be accepted as resolution of Council.

12.9 **PROGRESS REPORT: TASK IMPLEMENTATION (HR)**

PURPOSE OF REPORT

To report to council regarding the 2016/2017 TASK outcomes progress report with regards to the implementation of the macro and microstructure.

BACKGROUND

The November 2015 council item no 306/2015 approved the implementation of TASK. Since the implementations there has been appeals to the Provincial and Regional Committee to review/evaluate TASK results. All appeal results were delivered and attached the latest organogram with approved results thus far, as at 28/06/2016.

Two positions have been scrapped, Client Services Co-Ordinator, Struisbaai and Project Co-Ordinator, Community Services.

IMPLEMENTATION

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

LEGISLATION

1. Clause 66 (1) of the Local Government: Municipal Systems Act 32 of 2000 provides that the Municipal Manager established within the limits of the policy framework by the Council and subject to applicable law , to develop a staff organizational structure for the municipality and it must be submitted to the Council for approval.
2. SALGA TASK Policy.

FINANCIAL IMPLICATIONS

Sufficient provision within the budget 2015/2016 to implement the Task salary scales.

MANAGEMENT RECOMMENDATION

- (i) That council notes that the TASK evaluation for Cape Agulhas Municipality have been implemented.
- (ii) That council notes that sufficient provision has been made in the current budget for the implementation of TASK.

RESOLUTION 156/2016

- (i) That Council notes the management recommendations regarding the progress with the implementation of TASK.
- (ii) That the Municipal Manager is given permission to implement those TASK outcomes that necessitates a change in the staff establishment.
- (iv) That the organogram as annexed not be considered by Council and be referred back.

17. **ONAFGEHANDELDE RAADSBESLUIT**

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
70/2015	Market Analysis: Retirement Village, Bredasdorp	Ontwikkelingsvoorstelle vir die gedeelte weer gevra word.	<i>Konsep na Munisipale Bestuurder en R Sefoor.</i>	BSSB
105/2015	Vervreemding: Erf 5221, Bredasdorp (Waxa)	Terug verwys word vir moontlike ontwikkelingsvoorstelle.	<i>Vervreemding was geadverteer, maar geen ontwikkelingsvoorstelle is ontvang nie. 'n Opvolg verslag sal aan die Raad voorgelê word.</i>	Eiendoms-administrasie
74/2016	Hersiening van Huiswinkelbeleid	Dat die bespreking van die beleid tydens 'n werkwinkel voor die volgende komitee vergaderings sal plaasvind.		BSSB
76/2016	Vervreemding (koop): Erf 3344, Bredasdorp	Dat genoemde erf op publieke tender geplaas word.		LDC
77/2016	Vervreemding (koop): Erf 3139, Bredasdorp	Dat genoemde erf op publieke tender geplaas word.		LDC
90/2016	Ouditeur-Generaal navraag insake erwe 563 en 937, Napier	(i) Dat Erf 563, Napier so spoedig as moontlik deur die raad se oordragprokureurs aan KAM oorgedra word. (ii) Dat, sodra Erf 563, Napier in KAM se naam registreer is, dit per openbare tender vervreemd word. (iii) Dat alle uitstaande skuld ten bedrae van R35 256,83 op rekening 200 000 011 073 in die naam van N en S M Noor afgeskryf word. (iv) Dat Erf 937, Napier se uitstaande gelde so spoedig as moontlik deur die raad se Masakane proses gevorder word (binne 90 dae). (v) Indien alle uitstaande fooie nie binne 90 dae gevorder is nie, erf 937 per openbare tender vervreemd sal word om deel van die koste te delg. (vi) Dat die verskil in uitstaande fooie (balans min verkoopprijs) afgeskryf word.		DFD

BESTUURSAANBEVELING

Dat die Raad kennis neem van die onafgehandelde Raadsbesluite.

BESLUIT 157/2016

Dat die Bestuursaanbeveling as besluit van die Raad aanvaar word.

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

BEKRAGTIG op hierdie

dag van

2016

SPEAKER

DATUM: