



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N SPESIALE RAADSVERGADERING IN DIE MUNISIPALE
RAADSAAL, BREDASDORP GEHOU OM 10:00 OP
DONDERDAG 28 MAART 2024**

**MINUTES OF A SPECIAL COUNCIL MEETING HELD ON
THURSDAY, 28 MARCH 2024 AT 10:00 AT THE MUNICIPAL COUNCIL
CHAMBERS, BREDASDORP**

RAADSLEDE / COUNCILLORS

Rdl J August-Marthinus
Rdl K Donald
Rdl A Eksteen
Rdh D Jantjies
Rdl R Louw
Rdh J Nieuwoudt (wnd. Speaker)
Rdl R Ross (Onder-Burgemeester)
Rdh P Swart (Burgemeester)

AMPTENARE / OFFICIALS

Mnr E Phillips Munisipale Bestuurder / Municipal Manager
Me L Smith Bestuurder: Menslike Ekonomiese Ontwikkeling
Mnr P Valentine Bestuurder: Admin Ondersteuning
Mnr Z Baca Internal Audit
Mnr S Stanley Budget and Treasury
Me T Stone Afdelingshoof: Strategiese Dienste
Me L Valentine IDP (**tot 10h50**)
Me S Nel Stadsbeplanner
Me A Jonker Snr Admin Beampste: Komiteedienste

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1. **VERWELKOMING / WELCOME**

Die Voorsitter heet die teenwoordiges welkom, met 'n spesiale woord van welkom aan een van die lede van die Parlement, mnr Nicholas Myburgh.

Raadsheer Jantjies deel die vergadering mee van een van die munisipaliteit se eerste Raadslede van 1995, me Delphine Hendricks wat oorlede is en dat haar begrafnis later die dag sal plaasvind. 'n Minuut stilte word gehandhaaf.

2. **OPENING MET GEBED / OPENING WITH PRAYER**

Raadslid Louw open die vergadering met gebed.

3. **KWORUM/AANSOEKE OM VERLOF TOT AFWESIGHEID / QUORUM/APPLICATIONS FOR LEAVE**

Mnr	D Burger	(Speaker)
Me	M Matthysen	(Raadslid)
Mnr	R Mokotwana	(Raadslid)
Mnr	H Kröhn	(Direkteur: Infrastruktuurdienste)
Mnr	H Van Biljon	(Direkteur: Finansiële Dienste)

Die Munisipale Bestuurder deel die vergadering mee dat dit vandag mnr Van Biljon se laaste Raadsvergadering en werksdag by Kaap Agulhas Munisipaliteit is. Hy word bedank vir sy getroue en lojale diens en sterkte toegewens vir die toekoms.

Die waarnemende Speaker, Raadsheer Nieuwoudt, Raadsheer Jantjies, die Burgemeester asook Raadslid Donald bedank mnr Van Biljon vir sy jarelange toegewyde diens asook skoon oudits. Hy word baie sterkte toegewens.

Mnr Van Biljon bedank die Raad vir die geleentheid om by Kaap Agulhas te kon werk asook almal in die finansiële afdeling.

4. **AANVAARDING VAN AGENDA / ACCEPTANCE OF AGENDA**

Na die byvoeging van 'n addisionele item (sale of municipal property), word die Agenda aanvaar.

5. **VERKLARING VAN BELANGE / DECLARATION OF INTERESTS**

Die Burgemeester meld dat, alhoewel hy nie betrokke is by die samestelling van die Dissiplinêre Komitee met betrekking tot dissiplinêre aangeleenthede teen Raadslede nie, hy homself sal verskoon tydens die bespreking van die aangeleentheid.

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

Raadsheer Burger word in sy afwesigheid geluk gewens met sy verjaarsdag van 26 Maart.

Raadslede en amptenare word 'n geseënde Paasfees toegewens.

7. **TERUGVOERING VANAF RAADSLIDE OOR VERGADERINGS BYGEWOON**

7.1 **Die volgende terugvoer is vanaf die Speaker ontvang met betrekking tot die Wykskomitee Verfrissingskursus, Saterdag 16 Maart 2024, Thusong Sentrum**

'n Wykskomitee verfrissingskursus is beplan, aangelê en aangebied op versoek van raadslede, gefasiliteer deur 'n span van vyf personeel onder leiding van Direkteur Craig Mitchell van Wes Kaap Provinsie. Die fokus was op publieke deelname bevordering maar het ook wye bespreking oor praktiese struikelblokke en persepsies ontlok en kon professionele opklaring gegee word.

Aandag en bespreking is ook gewy aan die rol van 'n wyksraadslid asook die rol van 'n wykskomiteelid. Baie beskrywende videos is vertoon en afskrifte is aan KAM personeel belowe asook alle inligtingstukke. Wyksraadslide kan dit op versoek bekom en by wykskomitee vergaderings vertoon of uitdeel.

Tekortkoming is uitgewys, gelys en sal aandag kry ter regstelling bv die opstel en tydige instuur van operasionele planne. Bevestiging dat KAM die beloofde "Know your ward committee" pamflette binne enkele dae sal ontvang. 'n Spontane bespreking oor opstel van notules en die roete en stappe om versugting onder die Raad en personeel se aandag te kry, is bespreek.

Een van die uitkomstes was dat Wes-Kaap Provinsie 'n verslagskryfkursus aan KAM wykskomitee sal aanbied op versoek. Dit word tans deur ons publieke deelname personeel ondersoek en 'n geskikte vir 'n opleidingsessie datum sal bepaal word.

'n Vrae- en antwoordsessie is na afloop van die formele aanbieding gehou en kon lede eerstehands onduidelikhede opklaar en/of bevestig. Die Speaker gaan die wykskom notules in die toekoms by ontvangs ontleed en bespreking of terugvoering en opklaring eis tydens komende raadsvergaderings.

Addisionele insette

1. Me Lindy Valentine het 'n bondige oorsig voorgehou van die komende GOP en begrotingsproses en die belang van deelname uitgewys.
2. Mnr Gurswin Prins het weer eens die "Collab Citizens App" in detail verduidelik. Die belang en waarde is positief ontvang alhoewel weinig lede dit reeds afgelaai het en suksesvol gebruik.
3. Mnre Igsaan Adams en Ricardo Summers is kans gegun om die rol van die OVK in die komende verkiesing te konstateer. Die nuwe en ingewikkelde drie stembriewe en prosedure is deeglik uitgewys en bespreek.

Die kursus is bygewoon deur drie wyksraadslide en sewentien wykskomiteeledes.

- 7.2 Raadslid Louw bedank die Raadslidondersteuning afdeling met die suksesvolle wykskomitee opleiding wat plaasgevind het.
- 7.3 Die Burgemeester meld dat hy die uitkomstes van die SALGA werksgroepe wat hy bygewoon het, na Raadslide gestuur het.
- 7.4 Raadsheer Nieuwoudt meld dat hy 'n Gesondheidsvergadering van SALGA bygewoon het en dat hy die Notule sal deurgee sodra dit ontvang word.

BESLUIT 39/2024

Die Raad neem kennis van bogenoemde terugvoer vanaf Raadslide oor vergaderings bygewoon.

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

8.1 **DRAFT AMENDMENTS TO THE 2022/23 - 2026/27 INTEGRATED DEVELOPMENT PLAN (IDP) FOR THE 2024/25 FINANCIAL YEAR**

REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER

PURPOSE OF REPORT

To present a proposal to amend the 2022/23 - 2026/27 Integrated Development Plan (IDP) for 2024/25 financial year 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. 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).

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

1. The memorandum setting out the reasons for the proposal is attached as **Annexure A** on **page 1 to 5**.
2. The draft Integrated Development Plan amendments are separately attached to this Agenda as **Annexure B**.

DISCUSSION

The Draft IDP Review with Amendments for 2024/25 does not constitute a new IDP but must be read in conjunction with the 2022/23 - 2026/27 five-year Integrated Development Plan. Changes to core components of the IDP (SDF and Disaster Management Plan) constituted this amendment. These two components were reviewed and will be tabled to Council on 28 March 2024.

Following approval of the Draft IDP, it will be made available for public comment and submitted to the Department of Local Government for assessment. Comments and inputs obtained will be incorporated into the final IDP Review with Amendments which will be presented to Council in May 2024.

FINANCIAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

- (i) That the draft IDP review and proposed amendments for 2024/25 be noted.
- (ii) That the draft IDP review and proposed amendments for 2024/25 be submitted to Local Government, Provincial Treasury, National Treasury and the Overberg District Municipality.
- (iii) That the draft IDP review and proposed amendments be advertised for public comment in terms of section 21 of the Municipal Systems Act (Act 32 of 2000) in order for Council to approve the final IDP review with amendments in May 2024.
- (iv) That it be noted that the SDF and Disaster Management Plan forms core components of the IDP and that it will also be submitted to Council for final approval by the end of May 2024.

RESOLUTION 40/2024

- (i) That the draft IDP review and proposed amendments for 2024/25 be noted.
- (ii) That the draft IDP review and proposed amendments for 2024/25 be submitted to Local Government, Provincial Treasury, National Treasury and the Overberg District Municipality.
- (iii) That the draft IDP review and proposed amendments be advertised for public comment in terms of section 21 of the Municipal Systems Act (Act 32 of 2000) in order for Council to approve the final IDP review with amendments in May 2024.
- (iv) That it be noted that the SDF and Disaster Management Plan forms core components of the IDP and that it will also be submitted to Council for final approval by the end of May 2024.

(Proposer: Cllr Donald / Seconder: Cllr Eksteen)

8.2 **MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK (MSDF): (4th DRAFT) AS A CORE COMPONENT OF THE IDP**

PURPOSE OF REPORT

For Council to approve the 4th draft Municipal Spatial Development Framework as core component of the IDP.

BACKGROUND

According to Section 3 of the 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.
- (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.

PROCESS 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.
- (n) After consideration of the comments received from the public and the Provincial Minister, the 3rd draft of the MSDF, could not be finalized in time to be approved with our IDP during May 2023.
- (o) The third draft was presented to the PSC and Councillors on the 18th of October 2023. Further amendments were made and received on Friday, 2nd of November 2023.
- (p) The 3rd draft SDF was approved by Council on the 13th of November 2023 for *publication thereof* for public comment until the 29th of February 2024.
- (q) The 3rd draft of the municipal spatial development framework, was submitted to the Provincial minister for comment in terms of section 13 of the Land Use Planning Act.

OUTSTANDING ACTIONS

- 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.**
- 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.
- 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.**

SUMMARY OF PROCESS WITH TIME FRAMES

Approval of 4th Draft SDF by Council	Approval of 4th Draft SDF with IDP	28 March 2024
Project Steering Committee with Councillors	Presentation by Consultant	End April - first week May 2024
Approval by Council	Approval of final SD with IDP	By 31 May 2024
Give notice of decision within 14 days of adoption in media and Provincial Gazette		By Mid-June 2024

FINANCIAL IMPLICATIONS

ASIKA Consulting Pty (Ltd) was appointed for R784 116,00
(100% paid)

ANNEXURES

Annexure A: Comments and response report: January/February 2024 (*separately attached*).

Annexure B: Cape Agulhas Municipality Spatial Development Framework (*separately distributed*)

MANAGEMENT RECOMMENDATION

That Council approves the 4th draft Spatial Development Framework as core component of the IDP.

RESOLUTION 41/2024

That Council approves the 4th draft Spatial Development Framework as core component of the IDP.

(Proposer: Cllr Eksteen / Seconder: Cllr Ross)

8.3 **REVIEW: DISASTER MANAGEMENT PLAN AS A CORE COMPONENT OF THE IDP**

PURPOSE OF REPORT

For Council to approve the reviewed Disaster Management Plan as a core component of the IDP (*attached as a separate document to this Agenda*).

BACKGROUND

The Disaster Management Plan (DMP) is due for annual review. The DMP aims to establish a framework for the implementation of the provisions of the Disaster Management Act (Act 57 of 2002) as well as the related provisions of the Municipal Systems Act, 2000 (Act 32 of 2000).

It facilitates multi-agency and multi-jurisdictional coordination of emergency operations in alignment with the Overberg District, and Provincial Disaster Management Plans.

LINKAGE TO THE INTEGRATED DEVELOPMENT PLAN

Section 26(g) of the Municipal Systems Act, Act 32 of 2000 sets out the core components of the Integrated Development Plan, which included the Disaster Management Plan. The amendment of the Disaster Management Plan necessitates an amendment to the IDP, which is addressed in a separate item.

The DMP also aims to:

1. Formulate planned responses to normal, emergency, and extraordinary emergency situations, associated with natural disasters, technological incidents as well as national security emergencies affecting the Municipality.
2. Provide a framework to regulate the provision of essential services during an emergency.
3. Set out the procedures to be followed and in which responses to emergencies will be coordinated.
4. Define the duties and responsibilities of specific departments and agencies in emergency situations.
5. Reduce the vulnerability of disaster-prone areas, communities, and households and to promote sustainable development, management, and conservation of natural resources.

A workshop was conducted on 22 February 2024 with internal stakeholders where inputs were gathered. These comments were included in the DMP.

LEGAL AND POLICY IMPLICATIONS

1. Disaster Management Act (Act 57 of 2002)
2. Municipal Systems Act, 2000 (Act 32 of 2000).

FINANCIAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That Council approves the reviewed Disaster Management Plan for the Cape Agulhas Municipality, as a core component of the IDP.

RESOLUTION 42/2024

That Council approves the reviewed Disaster Management Plan for the Cape Agulhas Municipality, as a core component of the IDP.

(Proposer: Ald Swart / Seconder: Clr Donald)

8.4 **DRAFT BUDGET FOR THE 2024/25 MTREF FINANCIAL YEAR**

The Director: Finance reports as follows:

PURPOSE OF REPORT

To submit the draft Annual Budget in respect of the 2024/25 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; and
 - (iii) Any national or provincial organ of state, as may be prescribed.

BUDGET PREPARATION PROCESS

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

1. **Planning:** Schedule key dates, establish consultation forums, review previous processes.
2. **Strategizing:** Review IDP, set service delivery goals and objectives for next three years, consult on tariffs, indigent, credit control, free basic service, etc. policies and consider local, provincial and national issues, previous year's performance and current economic trends, etc.

3. **Preparing:** Prepare budget, revenue and expenditure projections, draft budget policies, consult and consider local, provincial and national priorities.
4. **Tabling:** Table draft budget, IDP and budget related policies before Council, consult and consider formal local, provincial and national inputs or responses.
5. **Approving:** Council approves budget and related policies.
6. **Finalizing:** Publish and approve Service Delivery and Budget Implementation Plan (SDBIP) and annual performance agreements and indicators.

The above steps must be incorporated into one process with reference to the IDP and Budget. These processes could be finalized before submission of the 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 126 and 128 further provides guidance (inclusive of all previous budget related circulars issued by National Treasury) to municipalities and municipal entities for the preparation of their **2024/25** budgets, medium term revenue and expenditure framework (MTREF) as informed by the **Budget Review 2024** and the **2024 Division of Revenue Act**. According to the mentioned circular, municipalities must prepare their budgets in the context of the current global economic crisis and the slow-down in the domestic economy. The draft Annual Budget 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 2024/25 as per Budget Related Resolutions of the budget document and indicative for the projected outer years 2025/26 and 2026/27 be tabled 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 **SA1** to **SA38**.
2. Council approves and adopts the draft tariffs listing for services as per **Annexure A** with effect 1 July 2024.
 3. Council takes note that the draft tariffs 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 considers the Service Delivery and Budget Implementation plan (SDBIP) in respect of the 2024/25 budget year per **Annexure 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 2024** the following **draft** policies (**Annexure C**):
 - (i) Borrowing, funds and reserve policy.
 - (ii) Cash and Investment policy.
 - (iii) Funding and reserves policy.
 - (iv) Policy relating to the Long-term financial planning.
 - (v) Policy related to the Management and Disposal of the assets.
 - (vi) Policy relating to the dealing with Infrastructure investment and capital projects.
 - (vii) Policy relating to the budget Implementation and Management.
 - (viii) Supply chain management policy.
 - (ix) Indigent policy.
 - (x) Credit control and debt collection policy .
 - (xi) Electricity tariffs.
 - (xii) Property rates tariffs.
 - (xiii) Refuse Removal and Solid waste tariffs.
 - (xiv) Water tariffs.
 6. Council approves the Procurement Plan for the **2024/25** financial year as per **Annexure D**.
 7. Council approves the CAM Service Charter for the financial year for the period ending 30 June 2025 as per **Annexure E**.
 8. Council takes note of the draft mSCOA Roadmap as required in terms of the mSCOA regulations and guidelines issued by National Treasury (**Annexure F**).
 9. Council takes note of the draft Fixed Asset Register as required (**Annexure G**).
 10. Council notes that the Executive Mayor will have an oversight role over the budget process before it is again submitted for final approval.

RESOLUTION 43/2024

1. Council resolves that the tabled budget of the municipality for the financial year 2024/25 as per Budget Related Resolutions of the budget document and indicative for the projected outer years 2025/26 and 2026/27 be tabled 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 **SA1 to SA38**.
2. Council approves and adopts the draft tariffs listing for services as per **Annexure A** with effect 1 July 2024.
 3. Council takes note that the draft tariffs 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 considers the Service Delivery and Budget Implementation plan (SDBIP) in respect of the 2024/25 budget year per **Annexure 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 2024** the following **draft** policies (**Annexure C**):
 - (i) Borrowing, funds and reserve policy.
 - (ii) Cash and Investment policy.
 - (iii) Funding and reserves policy.
 - (iv) Policy relating to the Long-term financial planning.
 - (v) Policy related to the Management and Disposal of the assets.
 - (vi) Policy relating to the dealing with Infrastructure investment and capital projects.
 - (vii) Policy relating to the budget Implementation and Management.
 - (viii) Supply chain management policy.
 - (ix) Indigent policy.
 - (x) Credit control and debt collection policy .
 - (xi) Electricity tariffs.
 - (xii) Property rates tariffs.
 - (xiii) Refuse Removal and Solid waste tariffs.
 - (xiv) Water tariffs.
 6. Council approves the Procurement Plan for the **2024/25** financial year as per **Annexure D**.
 7. Council approves the CAM Service Charter for the financial year for the period ending 30 June 2025 as per **Annexure E**.
 8. Council takes note of the draft mSCOA Roadmap as required in terms of the mSCOA regulations and guidelines issued by National Treasury (**Annexure F**).
 9. Council takes note of the draft Fixed Asset Register as required (**Annexure G**).
 10. Council notes that the Executive Mayor will have an oversight role over the budget process before it is again submitted for final approval.
 11. That the draft budget be advertised for public comment and submitted to Council for final approval by the end of May 2024.

(Proposer: Clr Donald / Seconder: Clr Ross)

8.5 **AMENDMENT OF THE STANDING RULES AND PROCEDURES WITH REGARD TO DISCIPLINARY MATTERS AGAINST COUNCIL MEMBERS**

REPORT FROM: OFFICE OF THE MUNICIPAL MANAGER

PURPOSE OF REPORT

To request Council to consider amending the Standing rules and procedures with regard to disciplinary matters against council members, following the receipt of SALGA's input thereon.

BACKGROUND

A report on the amendment of the Standing Rules and Procedures with regard to Disciplinary Matters against Council Members was submitted to Council on 6 March 2024. It was resolved as follows:

"RESOLUTION 12/2024

That the Division Head: Strategic Services take the matter up with SALGA regarding the amendment of the standing rules and procedure with regard to disciplinary matters against Council members and submit an item to Council after their guidance."

DISCUSSION

The Council approved the Standing rules and procedures with regard to disciplinary matters against council members on 31 August 2022 per Council Resolution: RB 214/2022. Following a review of the rules it was determined that some amendment is necessary to ensure that disciplinary procedures against councillors are fair and in accordance with the rules of natural justice. This is enshrined in Section 34 of the Bill of Rights which gives an individual the right to have a dispute that can be resolved by the application of law decided in a fair hearing before an independent and impartial tribunal or forum.

Clause 3.4 is particularly problematic and reads as follows:

The Council may -

- a) investigate any alleged contravention of any provision of the Code and make a finding; or*
- b) appoint a Special Committee (hereinafter referred to as the Committee) -*
 - i. to investigate and make a finding regarding any alleged contravention of the Code; and*
 - ii. to make appropriate recommendations to Council.*

It is inferred from this that the Special Committee should be populated with Councillors who are appointed by Council as no authorisation exists to appoint outsiders, except for clause 7 which allows for the appointment of an outside expert as a member only in certain circumstances.

The appointment of a special committee comprising internal members is quite challenging at small municipality where the nature of the organization is such that there will almost always be some form of bias. Bias in this context refers to a situation where a tribunal member's impartiality or neutrality is compromised due to their personal interests, relationships, or preconceived notions.

Bias can be actual or perceived. Actual bias can undermine the fairness and integrity of the tribunal proceedings, as it may lead to decisions that are not based solely on the evidence and relevant legal principles and can undermine the fairness and integrity of the tribunal proceedings, as it may lead to decisions that are not based solely on the evidence and relevant legal principles.

Perceived bias can occur when a reasonable observer would perceive that a tribunal member may not be able to make an impartial decision due to their actions, statements, or associations. Even if there is no actual bias, the appearance of bias can still undermine confidence in the tribunal's decisions.

In view of this, it is proposed that consideration be given to amending the rules as follows:

Clause 3.4 (b) and (c)

- (b) *appoint a Special Committee (hereinafter referred to as the Committee) – comprising an independent suitably qualified and experienced person as the presiding officer (Chairperson), with an assessor having special technical knowledge or skill, if Council deems this necessary, with such other persons, if any, as Council may be deem appropriate to conduct a disciplinary hearing.*
- (i) *to investigate and make a finding regarding any alleged contravention of the Code; and*
- (c) *Council may delegate the authority to select and appoint the presiding officer and/or the assessor to the Speaker or any other councillor or councillors.*

Clause 3.3.1, 5 and 8

Establish consistency in the naming of the Committee as a Special Committee (Special Committee and Disciplinary Committee were used interchangeably).

The amended rules are attached as annexure on **page 6 to 12**.

COMMENTS BY SALGA

The proposed amendment was submitted to SALGA and their comment is below. To be noted that SALGA are of the view that the amendments are in line.

Enquiries: David Jansen
Tel: 084 737 4444
E-mail: djansen@salga.org.za
Date: 15 March 2024



Physical:
2 Heerengracht Street
Hertzog Boulevard
CAPE TOWN
Postal: PO Box 185, CAPE
TOWN 8000

Cape Agulhas Municipality
PO Box 51
Bredasdorp
7280

Dear Municipal Manager

REQUEST FOR ADVICE ON THE AMENDMENT OF THE MUNICIPALITIES STANDING RULES AND PROCEDURE WITH REGARD TO DISCIPLINARY MATTERS AGAINST COUNCIL MEMBERS

The following Act, Government Notice and COGTA Regulation has applicability and must be read in the context of the advice seek:

1. Act No. 3 of 2021: Local Government: Municipal Structures Amendment Act, 2021.
2. Government Notice NO. 3538 of 14 June 2023, Local Government Municipal Structures Act, 1998 (Act NO. 117 of 1998). Code of Conduct for Councillor Regulations, signed by the Minister of Cooperative Governance and Traditional Affairs on 08 June 2023.
3. COGTA Circular NO. 9 of 2023: Implementation of Code of Conduct for Councillors Regulations 2023, signed by the Director – General on 15 June 2023.

The above provide for the Code of Conduct for Councillors whereby Section 37 of the principal Act has been amended with addition of Schedule 7 to Act 117 of 1998. Item 15 of the Code further provides that if "the speaker of a municipal council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached", the speaker must authorise an investigation, as well as report the outcome of the investigation to the MEC concerned. Breaches of the Code must therefore be investigated in terms of Items 15 and 16 of the Code.

Furthermore, municipalities should ensure that said Act has commenced when it adopts these rules; alternatively, references to the Systems Act, Structures Act, and Code should be amended where necessary.

It is our view therefore that the proposed amendments to the municipality's Standing Rules and Procedures with regard to Disciplinary Matters against Council members, is in line with the context as provided above.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Khalil Mullaie', is written over a light blue horizontal line.

KHALIL MULLAGIE
PROVINCIAL DIRECTOR OF OPERATIONS

LEGAL IMPLICATIONS

1. Constitution
2. Municipal Structures Act

FINANCIAL IMPLICATIONS

Additional expenditure will be incurred where an external person is appointed as a chairperson / assessor.

PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That Council approves the amendments to Clauses 3.3.1, 3.4(b) and (c), 5 and 8 of the Standing Rules and Procedures with regard to disciplinary matters against Council Members as per the report.

(Raadsheer Swart nie teenwoordig tydens bespreking van die aangeleentheid nie.)

Raadsheer Jantjies versoek 'n 5 minute kookus. Na die kookus word die volgende besluit geneem:

RESOLUTION 44/2024

That Council approves the amendments to Clauses 3.3.1, 3.4(b) and (c), 5 and 8 of the Standing Rules and Procedures with regard to disciplinary matters against Council Members as per the report.

(Proposer: Ald Jantjies / Seconder: Clr Ross)

8.6 **APPOINTMENT OF ACTING DIRECTOR: FINANCIAL SERVICES (CHIEF FINANCIAL OFFICER)**

PURPOSE OF REPORT

To obtain approval from Council for the appointment of Mr Shaun Stanley, Manager: Budget and Treasury Office (BTO) to act in the vacant position of Director Financial Services (Chief Financial Officer (CFO)).

BACKGROUND

The Senior Manager position of Director: Financial Services (Chief Financial Officer) became vacant after the resignation of Mr Hannes Van Biljon, which was accepted by Council per Resolution 271/2023. His last day of work is 31 March 2024. In terms of Section 56(1)(ii)(c) of the Municipal Systems Act, a municipal council, after consultation with the municipal manager must appoint a manager directly accountable to the municipal manager or acting manager for a period as prescribed, which period shall not exceed 3 months.

The recruitment process is currently at interview level and a recommendation on a suitable candidate will be made to Council on 28 March 2024. There is a likelihood that if an external candidate is appointed, he or she will need to serve notice and will not be able to commence immediately. It is therefore necessary that Council appoint an acting manager. Mr Shaun Stanley, Manager BTO fulfils all the requirements to act in the vacant position.

LEGAL REQUIREMENTS

Local Government: Municipal Systems Act, 32 of 2000 as amended (Section 56(1)(ii)(c))

FINANCIAL IMPLICATIONS

There is adequate budget due to the vacancy.

MANAGEMENT RECOMMENDATION

- (i) That Mr Shaun Stanley, Manager BTO be appointed to act in the vacant position of Director: Financial Services (CFO) in terms of Section 56(1)(ii)(c) of the Municipal Systems Act.
- (ii) That the appointment take effect from 1 April 2024 for a maximum period of 3 months, but that said arrangement be terminated on the date that the new appointee commences duty.

RESOLUTION 45/2024

- (i) That Mr Shaun Stanley, Manager BTO be appointed to act in the vacant position of Director: Financial Services (CFO) in terms of Section 56(1)(ii)(c) of the Municipal Systems Act.
- (ii) That the appointment take effect from 1 April 2024 for a maximum period of 3 months, but that said arrangement be terminated on the date that the new appointee commences duty.

(Proposer: Clr Donald / Seconder: Clr Eksteen)

9. **ADDISIONELE ITEM DEUR DIE RAAD HANTEER / ADDITIONAL ITEM DISCUSSED BY COUNCIL**

9.1 **SALE OF MUNICIPAL PROPERTY 2023/24 AND 2024/25**

REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER: DIVISION HEAD STRATEGIC PLANNING AND ADMINISTRATION

PURPOSE OF REPORT

To request Council to approve the market valuations as the reserve prices of the properties earmarked for sale in the 2023/24 financial year.

BACKGROUND

An amount of R10 000 000 was put forward as income from property sales on the adjusted 2023/24 budget. Properties earmarked for sale should be disposed of through a public process. The two processes that can be considered are auction and open tender. A combination could also be considered whereby some properties are identified for sale on auction and others on tender.

Auction

The advantages of an auction are:

- Higher prices can be achieved as was proven with the last auction which contributes to our income.
- An auction is an easier platform for government officials who are our target market .
- A buyer has a measure of control over the outcome.

The disadvantages of an auction are:

- It is difficult to attach conditions such as first time buyer / one property per person .
- The bidding process can push properties out of the financial range of some of the buyers, especially those entering the property market.
- The community were very dissatisfied with the last auction and may not have much confidence in the process.

Tender

The advantages of a tender are:

- It is possible to attach conditions such as first time buyer / one property per person etc.
- The prices for the buyer are generally lower.
- Tenders can include the call for development proposals.

The disadvantages of a tender are:

- Income is generally much lower, with most bidders tendering the reserve price or just above.
- Government / municipal officials are precluded from participating. This is a significant portion of our target market for residential erven.
- A buyer has no control over the outcome.

A list of properties was submitted to Council for principle approval on 12 December 2023, where it was resolved as follows:

RESOLUTION 257/2023

- (i) *That Council approves the list of properties to be disposed of so that valuations can be obtained to determine the reserve prices which must be market related.*
- (ii) *That the proposed sale of the following erven contained in the list be subject to cancellation:*
 - a. *Erf 937, Napier*
 - b. *Erf 4178, Bredasdorp*
 - c. *Erf 3602, Bredasdorp*
 - d. *Erf 3625, Bredasdorp*
 - e. *Erf 3617, Bredasdorp*
 - f. *Erf 3616, Bredasdorp*
- (iii) *That the list be amended as follows:*
 - 1. *The Napier small holdings be removed from the list.*
 - 2. *That all residential erven be put on auction.*
 - 3. *That all business/industrial erven, with the exception of erf 4194, Struisbaai be put on tender.*
 - 4. *That Erf 4194, Struisbaai be put on auction.*

Council Resolution 16/2024 added Erf 479 Arniston to the list:

- (i) *Dat die verkoop van Erf 479, Waenhuiskrans, ongeveer 214m² in grootte, aan mnr en mev Davids vir residensiële gebruik, nie goedgekeur word nie.*
- (ii) *Dat die verkoop van Erf 479, Waenhuiskrans eerder op openbare tender geplaas word, met voorwaardes dat voorkeur gegee sal word aan plaaslike inwoners van Kaap Agulhas Munisipaliteit, asook aan eerste huiskopers.*
- (iii) *Dat 'n markwaardasie verkry word om as 'n reserweprys te dien, sodat die koopprys nie minder as die markwaarde van die eiendom is nie.*

DISCUSSION

Valuations have been obtained in accordance with paragraph 1 of the above resolution and are indicated on the table below under the column Price / Reserve Price (Vat Excluded).

The following updates are provided on the properties that were subject to cancellation:

- a. Erf 937, Napier which was purchased in February 2023 on Auction – The purchaser made arrangements to pay off the balance in 3 months and has made payment.
- b. Erf 4178, Bredasdorp – Sale cancelled.
- c. Erf 3602, 3625, 3617 and 3616 Bredasdorp (Kalkoentjie Singel) – These properties were all bought on tender in 2019/20 (Covid Year). Due to various circumstances the buyers never paid the balance of the purchase price.

Notice was given to all purchasers that we intend to cancel. We subsequently received communications that they would like to proceed with the sales but would like an opportunity to pay off the balance. Council can choose to proceed with cancellation or alternatively allow purchasers a grace period to pay off. A period of 3 months is proposed, and if purchasers do not pay in full and commence transfer within that time the sales be cancelled and the properties sold in the 2024/25 financial year.

During the budget discussion held on 27 March 2024, it was suggested that not all properties should be sold now and that the business and industrial erven be deferred to next financial year. This is a good proposal as the list is the last of our serviced properties and it would be good to retain some for next financial year, it is however suggested that some of the business and industrial properties be sold now as there have been requests for them and that some of the residential properties such as Kalkoentjie Singel) be kept over for the next financial year. This will provide a more even spread of opportunity.

The table below provides a summary of the properties that are proposed for sale in 2023/24 and 2024/25.

**NOTULE: SPESIALE RAADSVERGADERING / SPECIAL COUNCIL MEETING
28 MAART / MARCH 2024**

Erf number	Town	Address	Zoning	Size	Municipal Valuation	Price / Reserve Price (Vat Excluded)	Mode of sale R257/2023	Detail	Conditions	Year
5543	Bredasdorp	Albertina Sisulu Street	Business	1243 m ²	120 000	495 000	Tender	New (Next to Lesedi Square)	None	2024/25
5221	Bredasdorp	Sophia de Bruynstr	Business	1 091m ²	110 00	430 000	Tender	Reserve price not reached at February 2022 auction	None	2024/25
6448 (B)	Bredasdorp	Mill Park	Local business	165m ²	Unknown	75000	Tender	New	Subject to local business zoning conditions	2023/24
6448 (C)	Bredasdorp	Mill Park	Local business	165m ²	Unknown	75000	Tender	New	Subject to local business zoning conditions	2023/24
6448 (D)	Bredasdorp	Mill Park	Local business	165m ²	Unknown	75000	Tender	New	Subject to local business zoning conditions	2024/25
6448 (E)	Bredasdorp	Mill Park	Local business	165m ²	Unknown	75000	Tender	New	Subject to local business zoning conditions	2024/25
6448 (F)	Bredasdorp	Mill Park	Local business	165m ²	Unknown	75000	Tender	New	Subject to local business zoning conditions	2024/25
Consolidated 6690 and 6691	Bredasdorp	Mill Park	Civic and social	2104m ²	Unknown	735 000	Tender	New	Will need to include playpark	2023/24
4194	Struisbaai	Un named	Industrial	970m ²	Unknown	920 000	Auction	Reserve price of R1000000 not reached at February 2022 auction	None	2023/24
5783 (A)	Bredasdorp	Ou Meule Street	Industrial	3236m ²	Unknown	2265000	Tender	New	Light Industrial use only	2023/24
5783 (B)	Bredasdorp	Ou Meule Street	Industrial	3236m ²	Unknown	2265000	Tender	New	Light Industrial use only	2023/24
5783 (C)	Bredasdorp	Ou Meule Street	Industrial	3236m ²	Unknown	2265000	Tender	New	Light Industrial use only	2024/25
5783 (D)	Bredasdorp	Ou Meule Street	Industrial	3236m ²	Unknown	2265000	Tender	New	Light Industrial use only	2024/25
3619	Bredasdorp	Kalkoentjie singel	Single residential	643m ²	90 000	334 000	Auction	Cancelation from February 2023 Auction	None	2023/24
4179	Bredasdorp	Rose Avenue	Single residential	599m ²	90 000	270 000	Auction	Cancelation from February 2023 Auction	None	2023/24
4185	Bredasdorp	Rose Avenue	Single residential	599m ²	90 000	270 000	Auction	Cancelation from February 2023 Auction	None	2023/24
4190	Bredasdorp	Rose Avenue	Single residential	599m ²	90 000	270 000	Auction	Cancelation from February 2023 Auction	None	2023/24

**NOTULE: SPESIALE RAADSVERGADERING / SPECIAL COUNCIL MEETING
28 MAART / MARCH 2024**

Erf number	Town	Address	Zoning	Size	Municipal Valuation	Price / Reserve Price (Vat Excluded)	Mode of sale R257/2023	Detail	Conditions	Year
4184	Bredasdorp	Rose Avenue	Single residential	599m ²	90 000	270 000	Auction	Cancelation from February 2023 Auction	None	2023/24
4186	Bredasdorp	Rose Avenue	Single residential	599m ²	90 000	270 000	Auction	Cancelation from February 2023 Auction	None	2023/24
4178	Bredasdorp	Rose Avenue	Single residential	599m ²	90 000	270 000	Auction	Cancelation from February 2023 Auction	None	2023/24
3602	Bredasdorp	Kalkoentjie singel	Single residential	750m ²	100 000	390 000	Auction	Possible cancellation - Sold on 19/20 auction but never paid - notice given.	None	2024/25
3625	Bredasdorp	Kalkoentjie singel	Single residential	750m ²	100 000	390 000	Auction	Possible cancellation - Sold on 19/20 auction but never paid - notice given	None	2024/25
3617	Bredasdorp	Kalkoentjie singel	Single residential	643m ²	90 000	334 000	Auction	Possible cancellation - Sold on 19/20 auction but never paid - notice given	None	2024/25
3616	Bredasdorp	Kalkoentjie singel	Single residential	673m ²	94 000	350 000	Auction	Possible cancellation - Sold on 19/20 auction but never paid - notice given	None	2024/25
1576	Bredasdorp	Disa Street	Single residential	717m ²	270 000	458 000	Auction	Reserve price not reached at February 2022 auction	None	2023/24
94	Napier	Jan van der Bylstraat 14	Single residential	2 823m ²	560 000	1 355 000	Auction	Reserve price not reached at February 2022 auction	None	2024/25
479	Waenhuiskrans	Kampstraat 34	Single residential	214m ²	18 000	85000	Tender	Resolution 16 / 2024	First time buyer's resident in Cape Agulhas	2023/24
TOTAL						17 331 000				
2023/24						8 832 000				
2024/25						8 499 000				

****Light industry** is defined as a property used or intended to be used as a bakery, laundry, dry-cleaning works, light engineering works and small repairs work, provided that the Municipality shall determine whether or not any such use as applied for shall be classified as light industrial at the time that an application is made for development, building alterations or extensions.

LEGAL IMPLICATIONS

Legislation

1. Local Government Municipal Finance Management Act, Act 56 of 2003 (MFMA) (Section 14)
2. Municipal Asset Transfer Regulations 2008 (GN R878 in GG 31346) (MATR)
3. Municipal Supply Chain Regulations 2005 (GN 868 in GG 27636) (SCM)
4. Local Government Municipal Systems Act, Act 32 of 2000 as amended (MSA)

Policy

Cape Agulhas Supply Chain Management Policy (SCM Policy)

FINANCIAL IMPLICATIONS

The proposed sales will generate income for the Municipality. Based on the reserve prices, the estimated income for the two years is as follows:

TOTAL	17 331 000
2023/24	8 832 000
2024/25	8 499 000

To be noted that the income is only an estimate and could vary up or down.

PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

- (i) That it be confirmed that the list of properties contained in Paragraph 3 are not required for the provision of municipal services in terms of section 14 of the MFMA.
- (ii) That approval be granted that the listed properties be sold via public process in the manner as indicated on the list in the financial year as indicated.
- (iii) That the reserve prices and where applicable conditions of sale be approved.
- (iv) That the Municipal Manager be authorised to conclude all deeds of sale.
- (v) That the purchasers of Erven 3602, 3625, 3617 and 3616 Bredasdorp (Kalkoentjie Singel) be given a grace period of 3 months to pay off their properties and if they do not pay in full and commence transfer within that time the sales be cancelled and the properties sold in the 2024/25 financial year.

RESOLUTION 45A/2024

- (i) That it be confirmed that the list of properties contained in Paragraph 3 are not required for the provision of municipal services in terms of section 14 of the MFMA.
- (ii) That approval be granted that the listed properties be sold via public process in the manner as indicated on the list in the financial year as indicated.
- (iii) That the reserve prices and where applicable conditions of sale be approved.
- (iv) That the Municipal Manager be authorised to conclude all deeds of sale.
- (v) That the purchasers of Erven 3602, 3625, 3617 and 3616 Bredasdorp (Kalkoentjie Singel) be given a grace period of 3 months to pay off their properties and if they do not pay in full and commence transfer within that time the sales be cancelled and the properties sold in the 2024/25 financial year.

(Proposer: Ald Swart / Seconder: Clr Ross)

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

Geen.

11. **OORWEGING VAN KENNISGEWING VAN MOSIES**

Geen.

12. **OORWEGING VAN KENNISGEWING VAN VRAE**

Geen.

13. **SLUITING**

Die vergadering verdaag om 12h00.

HIERNA GAAN DIE RAAD IN KOMITEE OM SAKE VAN VERTROULIKE AARD TE BESPREEK.

BEKRAGTIG op hierdie

dag van

2024

SPEAKER

DATUM: