



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N SPESIALE RAADSVERGADERING IN DIE MUNISIPALE
RAADSAAL, BREDASDORP GEHOU OM 09:00 OP DONDERDAG
30 MAART 2023**

**MINUTES OF A SPECIAL COUNCIL MEETING HELD ON THURSDAY,
30 MARCH 2023 AT 09:00 AT THE MUNICIPAL COUNCIL CHAMBERS,
BREDASDORP**

RAADSLEDE / COUNCILLORS

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

AMPTENARE / OFFICIALS

Mnr	E Phillips	Munisipale Bestuurder / Municipal Manager
Mnr	H Van Biljon	Direkteur: Finansies- en IT Dienste
Mnr	H Kröhn	Direkteur: Infrastruktuurdienste
Mnr	M Moelich	wnd. Direkteur: Bestuursdienste
Mnr	B Swart / Z Baca	Interne Oudit
Me	T Stone	Afdelingshoof: Strategiese Dienste
Me	S Nel	Stadsbeplanner
Me	N Mhlati-Musewe	Divisional Head: HR and OD

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1. **OPENING**

Die Voorsitter heet die teenwoordiges welkom en Raadslid Eksteen open die vergadering met gebed.

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

Geen.

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

- 3.1 Raadslede word herinner aan die verklaring van hul belange tydens besprekingspunte.
- 3.2 Die Voorsitter meld dat die nuutste plaaslike regeringswette by me Zieff beskikbaar is.
- 3.3 Die Wyksraadslede word versoek om na die vergadering agter te bly vir 'n vergadering met mnr Paul Valentine.
- 3.4 Mnr Blackie Swart, interne Ouditeur tree af na 11 jaar diens. Hy word bedank vir sy insette en getroue diens. Hy word ook voorspoed toegewens met sy aftrede.

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

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

REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER

PURPOSE OF REPORT

To present a proposal to amend the Integrated Development Plan (IDP) for 2022/23 - 2026/27 to the Council for approval.

BACKGROUND

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

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

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

LEGAL FRAMEWORK

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

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

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

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

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

ANNEXURES

The memorandum setting out the reasons for the proposal is attached as **Annexure A**.

The draft integrated development plan amendments are attached as **Annexure B**

DISCUSSION

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

It must further be noted that the Municipality also reviewed their SDF, which is a core component of the IDP and that the draft SDF was considered by Council and has been made available for public comments. Following approval of the IDP amendments by the council. It will be advertised for public comments during April 2023 and submitted for final approval in May 2023. The SDF will also be submitted for final approval at the same time.

FINANCIAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

- (i) That the amendments to the Integrated Development Plan of the Cape Agulhas Municipality be approved in terms of Section 34 of the Local Government: Municipal Systems Act (Act 32 of 2000) read together with Regulation 3 of the Municipal Planning and Performance Management Regulations 2001.
- (ii) That the draft IDP amendments be submitted to Local Government, Provincial Treasury, National Treasury and the Overberg District Municipality; and
- (iii) That the draft IDP amendments be advertised for public comment in terms section 21 of the Municipal Systems Act (Act 32 of 2000).
- (iv) That the IDP amendments be submitted to the Council by the end of May 2023 for final approval.
- (v) That it be noted that the SDF forms a core component of the IDP and that the draft SDF approved by Council will also be submitted to Council for approval by the end of May 2023.

RESOLUTION 46/2023

- (i) That the amendments to the Integrated Development Plan of the Cape Agulhas Municipality be approved in terms of Section 34 of the Local Government: Municipal Systems Act (Act 32 of 2000) read together with Regulation 3 of the Municipal Planning and Performance Management Regulations 2001.
- (ii) That the draft IDP amendments be submitted to Local Government, Provincial Treasury, National Treasury and the Overberg District Municipality; and
- (iii) That the draft IDP amendments be advertised for public comment in terms section 21 of the Municipal Systems Act (Act 32 of 2000).
- (iv) That the IDP amendments be submitted to the Council by the end of May 2023 for final approval.
- (v) That it be noted that the SDF forms a core component of the IDP and that the draft SDF approved by Council will also be submitted to Council for approval by the end of May 2023.

4.2 DRAFT BUDGET FOR THE 2023/2024 MTREF FINANCIAL YEAR

THE DIRECTOR: FINANCE REPORTS AS FOLLOWS

PURPOSE OF REPORT

To submit the draft annual budget in respect of the **2023/24 and two outer financial years** for consideration and approval by Council as prescribed in the Municipal Finance Management Act (MFMA).

BACKGROUND

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

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

BUDGET PREPARATION PROCESS

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

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

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

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

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

Method for input into the adopted draft budget will be communicated in order for Council to consider all submissions received during this process. The Mayor must be given an opportunity to respond to the recommendations, make revisions and amend the tabled budget if so required. After the Mayor has responded to the recommendations and made amendments to the draft budget, the full council must meet to consider the budget for approval not later than **31 May 2023**.

BUDGET CONTENT AND FORMAT

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

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

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

Municipal Circulars 122 and 123 further provides guidance (inclusive of all previous budget related circulars issued by National Treasury) to municipalities and municipal entities for the preparation of their **2023/24** budgets, medium term revenue and expenditure framework (MTREF) as informed by the **Budget Review 2023** and the **2023 Division of Revenue Act**. According to the mentioned circular, municipalities must prepare their budgets in the context of the current global economic crisis and the slow-down in the domestic economy.

The draft annual budget shall be ***distributed separately*** for Council's consideration.

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

MANAGEMENT RECOMMENDATION

1. Council resolves that the draft budget of the municipality for the financial year 2023/24 as per Budget Related Resolutions of the budget document and indicative for the projected outer years 2024/25 and 2025/26 be approved and adopted as set out in Annual Budget Tables in respect of the following schedules:
 - 1.1 Executive summary of revenue & expenditure - **Table A1**;
 - 1.2 Budgeted Financial Performance (Revenue and Expenditure by standard Classification) - **Table A2**;
 - 1.3 Budgeted Financial Performance (revenue and expenditure by municipal vote) A - **Table A3**;
 - 1.4 Budgeted Financial Performance (revenue and expenditure) - **Table A4**;
 - 1.5 Budgeted Capital Expenditure by vote, standard classification and funding - **Table A5**;
 - 1.6 Budgeted Financial Position - **Table A6**;
 - 1.7 Budgeted Cash Flows - **Table A7**;
 - 1.8 Cash backed reserves/accumulated surplus reconciliation - **Table A8**;
 - 1.9 Asset Management - **Table A9**;
 - 1.10 Basic service delivery measurement - **Table A10**
2. Council approves and adopts the draft tariffs listing for services as per Appendix A with effect 1 July 2023.
3. Council takes note that the draft tariff in respect of the Electricity increase is still subject to final approval by NERSA, and that after Nersa issue the document the tariff will be updated based on the outcome letter.
4. Council approves and adopts the draft Service Delivery and Budget Implementation plan (SDBIP) in respect of the 2023/24 budget year per Appendix B.

5. The Council of Cape Agulhas Municipality, acting in terms of section 75A of the Local Government: Municipal Systems Act (Act 32 of 2000) approves and adopts with effect from 1 July 2023 the following policies:
 - (i) The Borrowing, funds and reserve policy as per Annexure C1.
 - (ii) The Budget and veriment policy as per Annexure C2.
 - (iii) The Cost containment policy as per Annexure C3.
 - (iv) The Cash and Investment policy as per Annexure C4.
 - (v) The Cost containment policy as per Annexure C5.
 - (vi) The funding and reserves policy as per Annexure C6.
 - (vii) The Policy relating to the Long-term financial plan as per Annexure C7.
 - (viii) The Policy related to the Management and Disposal of the assets as per Annexure.
 - (ix) The policy relating to the dealing with infrastructure investment and capital projects as per Annexure.
6. Council notes that the Executive Mayor will have an oversight role over the budget process before it is again submitted for final approval.

RESOLUTION 47/2023

1. Council resolves that the draft budget of the municipality for the financial year 2023/24 as per Budget Related Resolutions of the budget document and indicative for the projected outer years 2024/25 and 2025/26 be approved and adopted as set out in Annual Budget Tables in respect of the following schedules:
 - 1.1 Executive summary of revenue & expenditure - **Table A1**;
 - 1.2 Budgeted Financial Performance (Revenue and Expenditure by standard Classification) - **Table A2**;
 - 1.3 Budgeted Financial Performance (revenue and expenditure by municipal vote) A - **Table A3**;
 - 1.4 Budgeted Financial Performance (revenue and expenditure) - **Table A4**;
 - 1.5 Budgeted Capital Expenditure by vote, standard classification and funding - **Table A5**;
 - 1.6 Budgeted Financial Position - **Table A6**;
 - 1.7 Budgeted Cash Flows - **Table A7**;
 - 1.8 Cash backed reserves/accumulated surplus reconciliation - **Table A8**;
 - 1.9 Asset Management - **Table A9**;
 - 1.10 Basic service delivery measurement - **Table A10**
2. Council approves and adopts the draft tariffs listing for services as per Appendix A with effect 1 July 2023.
3. Council takes note that the draft tariff in respect of the Electricity increase is still subject to final approval by NERSA, and that after NERSA issue the document the tariff will be updated based on the outcome letter.
4. Council approves and adopts the draft Service Delivery and Budget Implementation plan (SDBIP) in respect of the 2023/24 budget year per Appendix B.
5. The Council of Cape Agulhas Municipality, acting in terms of section 75A of the Local Government: Municipal Systems Act (Act 32 of 2000) approves and adopts with effect from 1 July 2023 the following policies:
 - (i) The Borrowing, funds and reserve policy as per Annexure C1.
 - (ii) The Budget and veriment policy as per Annexure C2.
 - (iii) The Cost containment policy as per Annexure C3.
 - (iv) The Cash and Investment policy as per Annexure C4.
 - (v) The Cost containment policy as per Annexure C5.
 - (vi) The funding and reserves policy as per Annexure C6.
 - (vii) The Policy relating to the Long-term financial plan as per Annexure C7.
 - (viii) The Policy related to the Management and Disposal of the assets as per Annexure.
 - (ix) The policy relating to the dealing with infrastructure investment and capital projects as per Annexure.
6. Council notes that the Executive Mayor will have an oversight role over the budget process before it is again submitted for final approval.

4.3 OVERSIGHT REPORT ON THE ANNUAL REPORT FOR 2021/22**REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER: STRATEGIC PLANNING AND ADMINISTRATION DIVISION****PURPOSE OF REPORT**

To present the Oversight Report on the 2021/22 draft Annual Report to the Municipal Council in terms of Section 129 of the Local Government Municipal Finance Management Act, Act 56 of 2003.

BACKGROUND

The 2021/22 draft Annual Report constitutes a report on the Municipality's performance for the period 1 July 2021 to 30 June 2022, and was tabled to Council on 31 January 2023, where it was resolved as follows:

"RESOLUTION 2/2023

- (i) That Council adopts the 2021/22 draft Annual Report as tabled by the Mayor in terms of Section 127(2) of the MFMA.
- (ii) That the 2021/22 draft Annual Report be made public and submitted to the relevant organs of state in terms of Section 127 of the MFMA.
- (iii) That the 2021/22 draft Annual Report be referred to the MPAC to perform the oversight process and compile the Oversight Report."

DISCUSSION

The draft Annual Report was made available for public comment from 3 February to 3 March 2023. It was advertised in the press and placed on the municipal website. It was also submitted to the Provincial Department of Local Government, Provincial Treasury, Auditor General and Cape Agulhas Audit Committee. Comments are as follows:

STAKEHOLDER	COMMENTS
Public	One late submission that refers to the 2020/21 Annual Report and which is identical to the previous year's submission which was disregarded as it is not relevant to the correctness of the Annual Report.
Provincial Department of Local Government	None
Provincial Treasury	<p>"3 Black Economic Empowerment <i>B-BBEE Compliance section has been included under Chapter 2, Section 2.4.10 (Supply Chain Management). The only information provided is a summary of B-BBEE spending for the financial year (table 78). If the required information as per the B-BBEE Act is available, it should be included in the Final Annual Report. The B-BBEE Commission has also done an explanatory notice (02 of 2021) on detail of what should be included which could assist in the formulation of the required information"</i></p> <p>Response: The Municipality does not have the information available in the format required. It is quite a costly exercise to do so as outside expertise is required. Provision will be made on the budget for this so that it can be reported on in the next financial year.</p> <p>2.2 Format and content of the Annual Report as per MFMA Circular 63 <i>"The full list of Annexures as per MFMA Circular 63 has not been included. The Municipality can consult the Annual Report Template for a full list of the Annexures that should be appended to the Annual Report"</i></p> <p>Response: The annexure list comprises 20 annexures, and includes annexures for interalia</p> <ul style="list-style-type: none"> ○ Appendix A: Councillors; Committee Allocation and Council Attendance ○ Appendix B: Committee and Committee Purpose ○ Appendix C: Third Tier Administrative structure ○ Appendix D: Functions of Municipality/Entity

	As we are a small Municipality the information required for each annexure is not extensive and our practice is to include it in the main body of the annual report instead of a separate annexure, to enhance the ease of reading what is already a very complex report. All information that is required is incorporated in the Annual Report.
Auditor General	None
Cape Agulhas Audit Committee (AC)	"The audit committee values and notes the input from Provincial Treasury and AGSA and are satisfied with the correctness and completeness of the annual report."

MPAC are appointed in terms of section 79 of the Municipal Structures Act, 1998 and one of their functions is to prepare Oversight Reports on the Annual Report. MPAC comprises the following members.

NAME	DESIGNATION
Ald D Jantjies	Chairperson
Ald J Nieuwoudt	Member
Cllr R Louw	Member

A special MPAC meeting was convened on 15 March 2023 to review the draft 2021/22 Annual Report and to compile the oversight report. The Chairperson confirmed that following the review of the 2021/22 draft annual report he and his committee are satisfied with the information presented and can adequately perform the oversight function as per Section 129 of the MFMA. They recommended that the 2021/22 Annual Report be approved without reservations.

The Oversight Report and minutes of the special MPAC meeting are attached on **page 1 to 11**.

LEGAL IMPLICATIONS

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

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

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

Local Government Municipal Systems Act, Act 32 of 2000:

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

FINANCIAL IMPLICATIONS

None.

PERSONNEL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

- (i) That Council, after having fully considered the draft 2021/22 Annual Report of Cape Agulhas Municipality resolves:
 - 1. That the Council adopts the 2021/22 Oversight Report and approve the 2021/22 Annual Report without reservations in terms of Section 129 (1)(a) of the Local Government Municipal Finance Management Act, Act 56 of 2003.
 - 2. That the accounting officer submit copies of the minutes of this Council Meeting to the Auditor-General, the relevant Provincial Treasury and the Provincial Department responsible for Local Government in the Province.
- (ii) That the accounting officer make the Oversight Report public in accordance with section 21A of the Municipal Systems Act.

RESOLUTION 48/2023

- (i) That Council adopts the 2021/22 Oversight Report and approve the 2021/22 Annual Report without reservations in terms of Section 129 (1)(a) of the Local Government Municipal Finance Management Act, Act 56 of 2003.
- (ii) That the accounting officer submit copies of the minutes of this Council Meeting to the Auditor-General, the relevant Provincial Treasury and the Provincial Department responsible for Local Government in the Province.
- (ii) That the accounting officer make the Oversight Report public in accordance with section 21A of the Municipal Systems Act.

4.4 **ANNUAL REPORT ON SECTION 50 OF THE DISASTER MANAGEMENT ACT**

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

To present the annual report to Council for approval to comply with section 50 of the Disaster Management Act, 57 of 2002 which read as follows:

Section 50 of the Disaster Management Act requires that -

- (1) *A report must be submitted annually to the Municipal Council regarding the Disaster Management Centre, on*
 - a) *Its activities during the year*
 - b) *The results of the Centre's monitoring of prevention and mitigation initiatives*
 - c) *Disasters that occurred during the year in the Municipal area*
 - d) *The classification, magnitude, and severity of these disasters*
 - e) *The effects they had*
 - f) *Problems that were experienced -*
 - (i) *In dealing with these disasters, and*
 - (ii) *Generally, in implementing this Act, the national disaster management framework of the province concerned and the disaster management framework of its municipality.*
 - g) *The way in which these problems were addressed and any recommendations the Centre wishes to make in this regard.*

- h) Progress with the preparation and regular updating in terms of sections 52 and 53 of disaster management plans and strategies by municipal organs of state involved in disaster management in the municipal area, and
- (2)(a) A Municipal Disaster Management Centre must, while its report is submitted to the municipal council in terms of subsection (1) submit a copy of the report to the National Centre and the Disaster Management Centre of the province concerned.

LEGAL FRAMEWORK

Disaster Management Act, 57 of 2002

THE REPORT

Fire problems

The activities occurring during the year was as follows:

- A total of nineteen household experience fires during February 2022 and February 2023.
- A total of 15 field fires occurred during the same period in different towns within Cape Agulhas area.

During February 2022 until February 2023 more formal houses and buildings had fires, the rest is structure fires that was mostly experienced in the Informal Settlement areas Struisbaai North (Ou Kamp), Napier Informal area and Bredasdorp (Zwelitsha / Polla Park). All households suffered the loss of their structures, household items, food, and clothing due to fires.

All affected households were assisted through the Cape Agulhas Municipalities Disaster Management function with social assistance in the form of food, clothing and blankets. The R value of the assistance may not exceed R1000.00. Every household of the informal structures that were destroyed in the fires was provided with structure material as a starter kit to assist them to rebuild their structure again.

Table 1: Structures and House Fires

DATE	TOWN	NUMBER AFFECTED	TYPE OF HOUSE
24 MAART 2022	NAPIER	7	HOUSE
16 MAART 2022	NAPIER	2	HOUSE
15 MEI 2022	NAPIER	11	WONING
22 MEI 2022	NAPIER	2	STRUCTURE
22 DECEMBER 2022	NAPIER	4	HOUSE
28 NOVEMBER 2022	NAPIER	4	HOUSE
02 FEBRUARY 2023	NAPIER	11	STRUCTURE
01 MEI 2022	STRUISBAAI	2	STRUCTURE
14 MEI 2022	STRUISBAAI	5	WONING
18 MEI 2022	STRUISBAAI	4	WONING
15 JUNIE 2022	STRUISBAAI	2	STRUCTURE
14 JULIE 2022	STRUISBAAI	2	STRUCTURE
04 MEI 2022	BREDASDORP	12	STRUCTURE
22 MEI 2022	BREDASDORP	5	WONING
07 NOVEMBER 2022	BREDASDORP	2	STRUCTURE
14 NOVEMBER 2022	BREDASDORP	2	STRUCTURE
17 DECEMBER 2022	BREDASDORP	2 DECEASED	WIEGEL & WAGGEL
08 FEBRUARY 2023	BREDASDORP	BUSINESS	MOZARTS
01 MEI 2022	ARNISTON	BUSINESS	SEA COTTAGE
06 MEI 2022	ARNISTON	BUSINESS	SEA COTTAGE
TOTAL		71	

Table 2: Field Fires

FIELD FIRES IN CAPE AGULHAS MUNICIPAL AREA		
NUMBER	DATE	PLACE
1	08/12/2022	BREDASDORP
2	12/01/2023	BREDASDORP
3	10/01/2023	BREDASDORP
4	01/02/2023	BREDASDORP
5	07/02/2023	BREDASDORP
6	30/01/2023	BREDASDORP
7	29/01/2023	BREDASDORP
8	02/02/2023	BREDASDORP
9	25/02/2023	BREDASDORP
10	18-20/02/2023	BREDASDORP
1	05/02/2022	NAPIER
2	15/11/2022	NAPIER
3	25/02/2022	NAPIER
4	08/02/2022	NAPIER
5	07/02/2022	NAPIER
6	09/02/2022	NAPIER
7	07/02/2022	NAPIER
8	28/02/2022	NAPIER
1	10/02/2022	STRUISBAAI
2	11/09/2022	STRUISBAAI
3	13/11/2022	STRUISBAAI
4	22/11/2022	STRUISBAAI
22		TOTAL

Rain /Flooding problems

The Cape Agulhas municipal area experience heavy rain fall on the 05th March 2023 which affected only three (3) households in Gonnabos Street and Rand Street in Bredasdorp.

During rainy days the municipality receive numerous requests for gum plus sail to cover the roofs of their structures. 208 Sails were issued.

Humanitarian Relief

Alternative accommodation for three (3) working days was provided to relieve the affected families while repairing, drying or clean their homes is continuing. Humanitarian relief in the form of food, blankets, clothing, and other needs is provided by the Human Development Department to assist during these incidents.

MANAGEMENT RECOMMENDATION

That the annual report of 2023 as presented on Section 50 of the Disaster Management Act, 57 of 2002 be approved.

RESOLUTION 49/2023

That the annual report of 2023 as presented on Section 50 of the Disaster Management Act, 57 of 2002 be approved.

4.5 **CAPE AGULHAS MUNICIPALITY: REVIEW OF DISASTER MANAGEMENT PLAN 2023****REPORT BY THE MANAGER: PROTECTION SERVICES****PURPOSE OF REPORT**

To present Council with the reviewed Disaster Management Plan for its municipal area.

BACKGROUND

In order for the Municipality to comply with legislative requirements by reviewing and updating its Disaster Management Plan on an annual basis to prevent and mitigate the occurrence or re-occurrence of disasters. The amendment to Section 53 of the principal Act is amended and taken up into the Disaster Management Plan of the municipality. The municipality will regularly review an update its plan. No updates were made since the last review in 2022 (***see plan attached as separate document***). A full review of the CAM Disaster Management Plan will start during April 2023 and will be circulated for comments before going to Council during 2024.

DISCUSSION

Cape Agulhas Municipality must update the DMP on a yearly basis and need to work in collaboration with the Overberg District Municipality and supported by the Western Cape Provincial Disaster Management Centre (WCDMC). The last review of the CAM DMP was done and approved in 2022.

LEGAL FRAMEWORK

Section 53 of Disaster Management Act, 57 of 2002

FINANCIAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That the Disaster Management Plan for 2023 be approved.

RESOLUTION 50/2023

That the Disaster Management Plan for 2023 be approved.

4.6 **PROCESS FOR APPOINTMENT OF SENIOR MANAGER - DIRECTOR: MANAGEMENT SERVICES**

PURPOSE OF REPORT

To obtain approval from Council for the advertisement of the Director: Management Services position and the establishment of a selection panel (see implementation/process plan attached on ***page 12 to 13***).

BACKGROUND

The Senior Manager position of Director: Management Services became vacant after the resignation of the current incumbent mr Hendrik Krohn has accepted the position of Director: Infrastructure Services.

According to Section 56 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 directly accountable to the Municipal Manager under these circumstances, for the period as prescribed. According to section 56(3) of the systems Act, the Municipal Council must advertise a vacant post nationally and select from the pool of candidates a suitable person who complies with the prescribed requirements as contained in the Act and the Regulations.

Municipal Systems Act, Section 57 regulates employment contracts for municipal managers and managers directly accountable to municipal managers. Council to note that the Local Government: Municipal Systems Amendment Act, 2022 came into effect on 17 August 2022, and that sub section 7 was inserted that states "*The contract of employment of a manager directly accountable to the municipal manager **must** be on a permanent basis.*" In the past municipalities had the option to appoint a manager reporting to the municipal manager permanently or on a fixed term contract, but this is no longer optional.

The Local Government: Regulations on the Appointment and Conditions of Employment of Senior Managers, 2014, regulates the procedures for the appointment of senior managers in local government. In terms of Regulation 12, a municipal council must appoint a selection panel to make recommendations for the appointment of candidates to the vacant Senior Manager post. In deciding who to appoint to a selection panel, the nature of the post, gender balance of the panel, expertise, experience, and availability of the persons to be involved must be considered.

The selection panel for the appointment of a manager directly accountable to a Municipal Manager must consist of at least three and not more than five members, constituted as follows:

1. The Municipal Manager, who will be the Chairperson.
2. A member of the mayoral committee or a councillor who is the portfolio head of the relevant portfolio; and
3. At least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the advertised post.

LEGAL REQUIREMENTS

1. Local Government: Municipal Systems Act, 32 of 2000 as amended.
2. Local Government: Regulations on the Appointment and Conditions of Employment of Senior Managers, 2014.
3. Regulations on Appointment and Conditions of employment of Senior Managers GNR 21, GG 37245 dated 17 January 2014.

FINANCIAL IMPLICATIONS

The financial Implications for the advertising phase would be that of the appointment of a recruitment service provider and the cost of advertising in the national newspapers. A conservative estimation of the costs for this phase would depend on the Supply Chain Management Process to avail sufficient budget in the 2022/23 financial year.

MANAGEMENT RECOMMENDATION

- (i) That Council takes note that Mr Hendrik Krohn has assumed the position of Director: Infrastructure Services with effect from 01 March 2023.
- (ii) That Council approves the filling of the vacant post of Director: Management Services, in line with the applicable legislation.
- (iii) That the position of Director: Management Services be advertised according to the upper limits as prescribed by the Regulations on Appointment and Conditions of employment of Senior Managers dated 17 January 2014.
- (iv) That Council appoints a Selection Panel as follows:
 - a. Municipal Manager - who will be the Chairperson.
 - b. A member of the mayoral committee or a councillor who is the portfolio head of the relevant portfolio; and
 - c. At least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the advertised post.
 - d. Municipal Councillors to be invited as observers.
- (v) That both unions, SAMWU and IMATU be invited to nominate one member to serve as observers.
- (vi) That approval be granted that the services of a recruitment agency be utilised for the recruitment and selection process in compliance with applicable legislation.
- (vii) That Council notes that the position is a permanent position as required by the Municipal Systems Amendment Act.

RESOLUTION 51/2023

- (i) That Council takes note that Mr Hendrik Krohn has assumed the position of Director: Infrastructure Services with effect from 01 March 2023.

- (ii) That Council approves the filling of the vacant post of Director: Management Services, in line with the applicable legislation.
- (iii) That the position of Director: Management Services be advertised according to the upper limits as prescribed by the Regulations on Appointment and Conditions of employment of Senior Managers dated 17 January 2014.
- (iv) That Council appoints a Selection Panel as follows:
 - e. Municipal Manager - who will be the Chairperson.
 - f. A member of the mayoral committee or a councillor who is the portfolio head of the relevant portfolio; and
 - g. At least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the advertised post.
 - h. Municipal Councillors to be invited as observers (ANC - Clr August-Marthinus; Diens-leweringsparty - Clr Matthysen).
- (v) That both unions, SAMWU and IMATU be invited to nominate one member to serve as observers.
- (vi) That approval be granted that the services of a recruitment agency be utilised for the recruitment and selection process in compliance with applicable legislation.
- (vii) That Council notes that the position is a permanent position as required by the Municipal Systems Amendment Act.

4.7 **EXTERNAL AUDIT ACTION PLAN FOR THE AUDITOR GENERAL AUDIT OF THE 2021/22 FINANCIAL YEAR (OPCAR): MONTHLY PROGRESS REPORT AS AT 31 MARCH 2023**

PURPOSE OF REPORT

Consideration of the progress made with the implementation of the approved 2021/22 Auditor General Findings Action Plan (OPCAR) as at 31 March 2023.

BACKGROUND

The Auditor General's audit of the municipality's activities for the 2021/22 financial year revealed some shortcomings that needs to be addressed. These shortcomings has been taken up in the 2021/22 OPCAR where specific corrective measures has been determined for implementation (see **page 14 to 19**). The progress made with the implementation of the plan is submitted to Council and the Western Cape Treasury on a monthly basis as well as quarterly to the Cape Agulhas Audit Committee for review.

STAFF IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

LEGAL IMPLICATIONS

None.

MANAGEMENT RECOMMENDATION

That the Council consider and accept the progress report on the 2021/22 OPCAR action plan as at 31 March 2023.

RESOLUTION 52/2023

That Council accepts the progress report on the 2021/22 OPCAR action plan as at 31 March 2023.

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

Geen.

6. **OORWEGING VAN KENNISGEWING VAN MOSIES**

'n Verslag na die ondersoek van die mosie teen Raadslid Swart is deur die Speaker ontvang en versprei na alle Raadslede. Raadslid Swart se repliek is ook ontvang en aan Raadslede versprei.

BESLUIT 53/2023

- (i) Dat die Raad kennis neem van die voorgelegde verslae en goedkeur vir voorlegging aan die aangewese dissiplinêre komitee.
- (ii) Dat die Speaker, ingevolge paragraaf 3.4(b) (i) en (ii) van die "Standing Rules and Procedures with Regard to Disciplinary Matters Against Council Members" gedateer 31 Augustus 2022, 'n dissiplinêre komitee aanwys, wat sal bestaan uit:
- 2 x onafhanklike DA Raadslede
 - 1 x onafhanklike Diensleweringparty Raadslid
 - 1 x onafhanklike ANC Raadslid
 - 1 x onafhanklike Vryheidsfront Plus Raadslid
 - 'n Onpartydige inisieërder
 - 'n Onpartydige Voorsittende Beampte
- (iii) Dat die Munisipale Bestuurder 'n inisieërder en Voorsittende Beampte so gou doenlik aanstel.

7. **OORWEGING VAN KENNISGEWING VAN VRAE**

Geen.

8. **SLUITING**

Die vergadering verdaag om 11h20.

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

BEKRAGTIG op hierdie

dag van

2023

SPEAKER

DATUM: