



NOTULES VAN DIE / MINUTES OF THE

**SPESIALE RAADSVERGADERING VAN DIE CEDERBERG MUNISIPALITEIT SOOS
GEHOU OP**

01 AUGUSTUS / AUGUST 2017

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SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY, HELD ON

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**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY
HELD ON 01 AUGUST 2017 IN THE COUNCIL CHAMBER AT 2A VOORTREKKER
STREET, CLANWILLIAM.**

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PRESENT AND IN ATTENDANCE:

As per the attendance registers copied into the minutes after the final item:

ABSENT WITHOUT APOLOGY:

Geen / None

1. OPENING

Rules of Order for Internal Arrangement

PART 3: MEETINGS

4. Commencement of meetings of Council

- 4.1 The meeting must commence precisely at a time it is convened for.
- 4.2 The Speaker must assume the chair provided that a quorum is constituted.
- 4.3 The business of the meeting must be outlined at the onset.

5. Quorum

- 5.1 The presence of a majority of the members constitutes a quorum.
- 5.2 In the event that no quorum is present at the time at which the meeting was convened, the commencement of the meeting may be delayed for no longer than 30 minutes on the basis that no quorum exists.
 - 5.2.1 Should a quorum exist within this period, the Speaker must assume the chair immediately upon establishing that the quorum exists.
 - 5.2.2 Should no quorum continue to exist at the end of this period, the meeting must be adjourned by the Speaker to an alternate date, time and if applicable venue at his/her discretion., In this instance, the names of members present must be recorded.
- 5.3 In the event that there is no quorum and the Speaker is absent, the commencement of the meeting must be delayed for no more than 30 minutes and if there is no quorum at the end of this period, the meeting shall be cancelled. In this instance, the municipal manager must record the names of the members present.
- 5.4 A quorum is to be sustained during the course of proceedings of a meeting. Should there be a lack of quorum subsequent to the commencement of the meeting, the Speaker must suspend the proceedings until a quorum is again present, provided that if after 10 minutes there is still no quorum the speaker must adjourn the meeting.
- 5.5 In any instance when a meeting is adjourned as a result of the absence of a quorum, the time of such adjournment, as well as the names of the members present, must be recorded in the minutes.
- 5.6 Names of absentee members are to be recorded and provided by the Speaker to the committee established in terms of section 6 for the purposes of an investigation of a breach of these rules.

At 10h00 the Chairperson, Cllr. W Farmer called the meeting to order and welcomed all present. Mr. H Witbooi opened the meeting with a prayer.

1.1 Announcement of Councillors birthdays

2. ELECTION OF (ACTING) SPEAKER, IF NECESSARY
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N/A

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- 3. APPLICATION FOR LEAVE OF ABSENCE**
- 4. INTERVIEWS WITH OR PRESENTATIONS BY DEPUTANTS**
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**9.2.1 OMHEINING VAN GROND- PUBLIEKE OPENBARE RUIMTES (STEGIES)
AANGRENSEND TOT ERWE**

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9.5 CONSIDERATION OF NOTICES OF QUESTIONS

9.6 CONSIDERATION OF MOTIONS OF EXIGENCY

10. CLOSURE

3. APPLICATIONS FOR LEAVE OF ABSENCE

Rules of Order for Internal Arrangement

Part 3

7. Leave of absence

- 7.1 Leave of absence may be obtained from Municipal Council by a member who wishes to absent himself or herself from meetings. Should a member be prevented from obtaining leave of absence based on special circumstances, the Speaker has the discretion to on grant such leave.
- 7.2 A written application for leave of absence from a meeting of the Municipal Council or a Committee must be addressed to the Speaker by the Member applying for leave.
- 7.3 Written applications include emails sent to the Speaker.
- 7.4 In certain instances, the granting of applications for leave is deemed. These instance include:
 - 7.4.1 the Member is acting on behalf of the Municipal Council on other matters elsewhere based on instructions of Council or the Mayor.
 - 7.4.2 the Member is required to remove himself/herself from a meeting by the Municipal Council, Mayor or Committee in circumstances envisaged in item 3(b) of Schedule 1 to the Systems Act, or the member recuses him/herself.
- 7.5 The Speaker may also grant leave of absence to a member for the following reasons:
 - 7.5.1 illness or any other valid reasonable reason making it impossible for the member to attend;
 - 7.5.2 business, personal commitments, or personal circumstances of the member.
 - 7.5.3 The failure to deliver notice of a meeting or the delivery of notice less than 72 hours prior to commencement provided that this does not relate to an ordinary meeting of the Council or Committees or changes of addresses of members.
 - 7.5.4 The lack of informing the Municipal Manager of a revised address for the service of documentation at least 7 days before the relevant meeting;
 - 7.5.5 Where circumstances envisaged in item 3(b) of the Code of Conduct for Councillors in Schedule 1 to the Systems Act occur which prevent the Member from attendance;
 - 7.5.6 Other circumstances where the member is prevented from attending the meeting.

3.1 A blank Application for Leave of Absence form is enclosed

3.2 The Attendance Registers will be available at the meeting

Rules of Order for Internal Arrangement

Part 3

6. Attendance at meetings

- 6.1 An attendance register must be kept in relation to all meetings. Such register is to be signed by every member that attends the meeting/s.
- 6.2 Instances when a member may be absent from a meeting include the following:
 - 6.2.1 upon leave of absence being granted in terms of rule 7; and
 - 6.2.2 upon withdrawal on the basis of a legal requirement.

4. INTERVIEWS WITH OR PRESENTATIONS BY DEPUTATIONS

Rules of Order for Internal Arrangement

Part 6

6. Deputations

Should deputations seek an interview with council, the municipal manager must be provided with ten working days written notice of the intent of the deputation with details of the representations that are to be made as well as its source. The notice must be submitted to the Speaker by the Municipal Manager with recommendations and comments. The Speaker has the discretion to then grant the interview and instate conditions.

WAR ON LEAKS

Resolved

- a) That Council take note of the presentation.

5. CONFIRMATION OF MINUTES

Rules of Order for Internal Arrangement By-Law 2013 (Provincial Gazette 7118 dated 12 April 2013)

Part Four

1. Minutes

- 1.1 Minutes of the proceedings of meetings must be recorded in writing in a minute book;
- 1.2 Such minutes shall be compiled in printed form and be confirmed by the council at the following meeting of Municipal Council and signed by the speaker.
- 1.3 The minutes shall be deemed to have been read for the purpose of confirmation provided a copy thereof was sent to each member within a reasonable period prior to the following meeting.
- 1.4 Discussions or motions in relation to the accuracy of minutes shall be entertained. No further discussion or motions in relation to any other matters forming part of the minutes shall occur.
- 1.5 Minutes shall consist of recordings of all business discussed as well as the names of members that were in attendance, absent, and granted leave of absence.
- 1.6 Should any member have requested that their dissent, abstention or support be recorded during voting, these are to be recorded in the minutes.
- 1.7 Audio recordings of all meetings of Municipal Council must be kept for a period of three years for administrative purposes.

6. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER
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Geen / None

7. STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR

The Executive Mayor informs Council about the following matters:

PROGRESS IN IMPLEMENTING MSCOA:

Herewith please find a quick update of the Phoenix system implementation:

The municipality general Ledger has been updated within Phoenix system.

As soon as Collaborator are installed the municipality would be able to transact on the new votes and the General Ledger. Supply Chain will process orders and payments can be made. Training will commence from the week of the 7th of August 2017.

The Administration is currently busy with:

- The Vat Indicators on all the votes

- Sundry income, prepaid electricity and grants income to be recognised on the financial system.
- All Water and Electricity Meters were verified and will the administration do a test billing today.

1. ASSESSMENT OF THE CEDERBERG MUNICIPALITY 2017-2022 IDP:

The municipality addressed Provincial Governments' comments on their assessment of the 2017-2022 IDP and the response was sent to Minister Bredell on 28 July 2017.

An official in the Office of the Minister contacted the CFO on 31 July 2017 and a meeting will be scheduled between Cederberg Municipality and the Department of Local Government Environmental Affairs and Development Planning to address issues.

The municipality will not make any changes to the IDP and Budget prior to the meeting as it is in line with the cash flow realities of the Municipality.

2. FLEET:

The following table indicates the new vehicles awarded per department:

Naam van Bestuurder	Naam van mede bestuurder	Departement	Dorp	Registrasie Nommer	Barcode	Amount
Melikaya Myoli	Eric Kilana	Water (654)	Elandsbaai	CAR 8674	17931	191 391.11
Mark Cloete	Arno Rooi	Traffic (411)	Clanwilliam	CAR 3972	17541	191 391.11
Nicky Jafta	Edwin Hendriks	Water (654)	Clanwilliam	CAR 9321	17963	256 123.39
Robert Koopman	Andrew Kotze	Roads (641)	Clanwilliam	CAR 13824	17964	256 123.39
Mark Titus	Frank Titus	Stormwater (642)	Citrusdal	CAR 10287	17924	256 123.39
Willem Fortuin	Jan Muller	Water (654)	Citrusdal	CAR 12137	17985	256 123.39
Councillors		Council (111)	Clanwilliam	CAR 15617	17839	453 096.00
Petrus Stevens	Barend Primo	Water (654)	Graafwater	CAR 15657	17974	256 123.39
Petrus Filander	John Olifant	Water (654)	Lambertsbaai	CAR 18548	17972	256 123.39
Bino Farmer	Daniël Kriel	CDS (Resort)	Lambertsbaai	CAR18549	17955	256 123.39
Sana Tsolo	Xolani Fana	Parks & Gardens (684)	Clanwilliam	CAR 6267 P	17934	490 140.48
Herold Botha	Jappie Collins	Parks & Gardens (684)	Citrusdal	CAR 6266 P	17976	490 140.48
Barend Primo	Petrus Stevens	Refuse Removal (674)	Graafwater	CAR 6268 P	17998	490 140.48
John Roberts	Samuel Nel	Parks & Gardens (684)	Lambertsbaai	CAR 6269 P	17982	490 140.48
Deon Hein		Corporate (511)	Clanwilliam	CAR 7806	17987	178 350.58
Luzeen Heyns	Winston Koeries	Traffic (411)	Clanwilliam	CAR 6464	17806	178 350.58

4 946 005.03

Officials are requested to submit their log sheets on a weekly basis in order for the fleet department to monitor the fuel consumptions and usage trends.

3. CEDAR MILL MALL:

Die agreement for the Development of Cedar Mill Mall was concluded on 21 June 2017 and the total capital infrastructure investments amounts to R 10.5 million

This include:

Bulk Upgrades required for Development-Funded by Developer: R 4.2 million

Additional bulk upgrades required by Municipality: R 5.1million

Capital Contribution Payable to the Municipality: R 1.2 million

The Municipality is also busy with its Revenue Enhancement process and long term sustainability plan. The administration are dedicated to complete this process by December 2017.

Finally we must focus more on completion of our bulk infrastructure projects .Currently R 37 million are on our ABSA Call Account and R 5 million on a Fixed Deposit with Nedbank.

RESOLVED THAT:

- a) The Administration be mandated to compile a detailed report pertaining to the Capital Contributions received and outstanding in the Cederberg Area; and
- b) That such a report be provided on 14 August 2017 at a scheduled meeting which will be attended by all Councillors, the relevant officials and Exco Members.

Proposed: Cllr. J Meyer

Seconded: Cllr. J Barnard

<p>8. REPORT BY THE EXECUTIVE MAYOR ON DECISIONS TAKEN BY THE EXECUTIVE MAYOR, THE EXECUTIVE MAYOR TOGETHER WITH THE DEPUTY EXECUTIVE MAYOR AND THE EXECUTIVE MAYOR TOGETHER WITH THE MAYORAL COMMITTEE</p>
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Rules of Order for Internal Arrangement

Part 5

9. REPORTS OF THE MAYOR

- 9.2 Debate must be allowed by the Speaker in accordance with the rules relating to debate contained herein. Decisions made by the Mayor by way of delegated authority and those made by the Mayor and Mayoral Committee may be debated upon should consent be granted by the Mayor to the Speaker. A member shall request in writing such debate at least 24 (twenty four) hours prior to the meeting. Such request must be issued to the Speaker. The business of meetings of the Council will appear in the following order on the agenda.

The Executive Mayoral Committee resolved on 08 December 2015 as follows:

1. The Executive Mayor reports to the municipal council on all decisions taken by the Executive Mayor (excluding Special Council Meetings).
2. The reports of the Executive Mayor shall be for information and nothing by council and no debate, question, motions, points for information, clarity or points of order on the report shall be allowed save where motions or questions are raised in compliance with the provisions of the Council's Rules of Order.

N/A

9. MATTERS FOR CONSIDERATION

Rules of Order for Internal Arrangement

Part Four:

2. DECISIONS AND VOTING

- 2.1 In the event that the Speaker enquires from the attendees at a meeting if they are in agreement with recommendation/s and there is no opposition by any member present, recommendations are adopted.
- 2.2 The Speaker must put every apposed motion to the vote by calling upon the members to indicate by a raising of hands unless otherwise prescribed by law, whether they are in favour of or against such motion. The result of the vote must thereafter be declared by the Speaker.
- 2.3 The number of members voting in favour of or against an item, is to be recorded in the minutes. Members may abstain from voting without leaving the meeting and may request that his/her abstention be recorded in the minutes of that meeting. Consequently, subsequent to the speaker's declaration of the result, a member may demand that his or her opposition or support of a decision be recorded in the minutes and the Municipal Manager must accordingly arrange for the same.
- 2.4 All decisions must be taken by a supporting vote of the majority of the members present at any meeting of the Council.
- 2.5 The Municipal Council must reconsider a decision taken if the majority of members lodge a request in writing with the Municipal Manager. This shall apply unless such reconsideration adversely affects existing rights. Motions for the reconsideration of decision must be submitted in terms of Rule 5 of the Rules of Order.
- 2.6 Notwithstanding the provision of this Rule, the Council may at any time following a recommendation by the Mayor, rescind or amend any resolution passed by it.

Part 5

4. Councillor to address chair

A member who speaks at a meeting must address the chair.

Part 5

16. Order of priority

- 16.1 The Speaker must ensure that there is maintenance of order. To this end, the Speaker may, if he / she deems it necessary, at any time in a meeting direct an officer to remove or cause the removal of any person, excluding a member, from the Council Chamber. The Speaker may also direct that the public gallery be vacated.
- 16.2 The removal of any person or persons who refuse to carry out any reasonable instruction given by the Speaker or obstructs the carrying out of such instruction may be ordered by the Speaker.

Part 5

3. Precedence of the Speaker

Silence must be observed by all present in meeting when the Speaker addresses meetings in order for the Speaker to be heard without interruption. Whenever the speaker addresses the meeting, all members must be silent so that the speaker may be heard without any interruption. Council must be addressed by members through the Speaker.

13. Relevance

Speeches by members must address the subject or matter under discussion or to an explanation or to a point of order. In this regard, no discussion shall be tolerated in relation to the anticipation of any matter on the agenda or in respect of any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of inquiry, whether instituted in terms of legislation or not, is pending, provided that such matter may be considered with the permission of Council.

Part 5

5. Right to speak

A member is provided with an opportunity to speak with the permission of the Speaker only once for no longer than 5 (five) minutes on a matter before the meeting unless authorised by the Chairperson.

A member is entitled to speak once on any recommendation, motion or proposal, provided that the Mayor or Member may reply to conclude a debate and shall restrict himself/herself to answering previous speakers rather than the introduction of new matters.

Prior to the consideration of any item contained in the report of the mayor in reply to a specific question or during discussion of the same, the Speaker shall permit the Mayor, MMC or Chairperson of the Committee in terms of section 79 and 80 of the Local Government Municipal Structures Act 117 of 1998 who made the proposal in terms of rule 9 or rule 14 of part 5 of these Rules to make an explanatory statement.

6. Length of speeches

- 6.1 A member may (unless authorised otherwise by the Speaker) only speak once to-
 - 6.1.1 the matter and any amendments to that matter that is before the council;
 - 6.1.2 any motion before the council;
 - 6.1.3 to a matter or an amendment proposed or to be proposed by himself or herself;
 - 6.1.4 a point of order or a question of privilege, unless authorised by the speaker or as provided for in terms of these rules.
- 6.2 No new matters may be introduced by a mover that speaks to a motion and replies to previous speakers in a debate. The right of reply shall not extend to the mover of an amendment which, having been carried, has become substantive motion.

9.1 Items submitted by Officials of Council

9.1.1 DRAFT IDP/PMS/BUDGET PROCESS PLAN & TIMESCHEDULE 2017/2018

Ref: 15/5/1 X 5/1/1

Director Corporate & Strategic Services: A McCallum

Compiled: O Fransman

PURPOSE

To table the Draft IDP/PMS/Budget Process Plan & Time Schedule for the period 2017-2018 to Council for consideration, this outlines the scheduled consultation sessions and intergovernmental platforms.

BACKGROUND/LEGISLATION

The Municipal Systems Act 32 of 2000; Chapter 5, Section 28

Each municipal council, within a prescribed period after the start of its elected term, must adopt a process set out in writing to guide the planning, drafting, adoption and review of its Integrated Development Plan.

The municipality must through appropriate mechanisms, processes and procedures established in terms of Chapter 4, consult the community before adopting the process.

A municipality must give notice to the local community of the process it intends to follow.

Section 29 of the Municipal Systems Act states that (1) the process to be followed by a municipality to draft its integrated development plan, including its consideration and adoption of the draft plan, must –

- Be in accordance with a predetermined programme specifying time-frames for the different steps;
- The Municipal Finance Management Act No. 56 of 2003 states that (1) the Mayor of a municipality must – (b) at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for-
 - (i) the preparation, tabling and approval of the annual budget

FINANCIAL IMPLICATIONS

None

COMMENTS OF SECTION 57 MANAGERS

Municipal Manager:	Support Recommendation
Director Corporate Services:	Support Recommendation
Director Community Services:	Support Recommendation
Director Financial Services:	Support Recommendation
Director Technical Services:	Support Recommendation

RECOMMENDATION

That in respect of the

DRAFT IDP/PMS/BUDGET PROCESS PLAN & TIMESCHEDULE 2017/2018

discuss by Council at the Special Council Meeting held on 01 August 2017:

- a) That Council considers and approve the Draft IDP/PMS/BUDGET Process Plan & Time Schedule for the period 2017-2018.
- b) That the Draft Process Plan & Time Schedule be advertise for public comments and submit Final plan to Council again for final approval by end of August 2017.

RESOLVED

That in respect of the

DRAFT IDP/PMS/BUDGET PROCESS PLAN & TIMESCHEDULE 2017/2018

discuss by Council at the Special Council Meeting held on 01 August 2017:

- a) That Council considers and approve the Draft IDP/PMS/BUDGET Process Plan & Time Schedule for the period 2017-2018.
- b) That the Draft Process Plan & Time Schedule be advertise for public comments and submit Final plan to Council again for final approval by end of August 2017.

Proposed: Cllr. R Pretorius

Seconded: Cllr. J Meyer

**9.1.2 FINAL TOP LAYER SERVICE DELIVERY & BUDGET IMPLEMENTATION PLAN
(01 JULY 2017 – 30 JUNE 2018)**

Ref.: 15/5/1/1

Acting Municipal Manager: PL Volschenk

Compiled: O Fransman

PURPOSE

Submission of the Final top layer service delivery and budget implementation plan as part of the obligation arising from section 53 of the Local Government: Municipal Finance Management Act, 2003 (MFMA).

APPLICABLE LEGISLATION:

No. 56 of 2003: Local Government: Municipal Finance Management Act, 2003.

PERSONNEL IMPLICATIONS

None

FINANCIAL IMPLICATIONS

As stated in the report.

COMMENTS WITH SECTION 57 MANAGERS

Acting Municipal Manager:	Support Recommendation
Director Corporate Services	Support Recommendation
Director Community Services:	Support Recommendation
Director Financial Services:	Support Recommendation
Director Technical Services:	Support Recommendation

RECOMMENDATION

That in respect of the

**FINAL TOP LAYER SERVICE DELIVERY & BUDGET IMPLEMENTATION PLAN (01
JULY 2017 – 30 JUNE 2018)**

discuss by Council at the Special Council Meeting held on 01 August 2017:

- a) That Council takes note of the Final Top Layer Service Delivery Budget Implementation for the financial year 2017/2018.

RESOLVED

That in respect of the

**FINAL TOP LAYER SERVICE DELIVERY & BUDGET IMPLEMENTATION PLAN (01
JULY 2017 – 30 JUNE 2018)**

discuss by Council at the Special Council Meeting held on 01 August 2017:

- a) That Council takes note of the Final Top Layer Service Delivery Budget Implementation for the financial year 2017/2018.

9.1.3 QUARTERLY BUDGET AND SUPPLY CHAIN MANAGEMENT REPORTS

Ref.: 8/1/B

Chief Financial Officer: ER Alfred

PURPOSE

Submission of the Budget and Supply Chain Management Reports of the 4th Quarter for the 2016/2017 Financial Year.

BACKGROUND

In terms of Section 52 of the Local Government Municipal Finance Management Act, 2003 (MFMA):

The mayor of a municipality—

- (a) must provide general political guidance over the fiscal and financial affairs of the municipality;
- (b) in providing such general political guidance, may monitor and, to the extent provided in this Act, oversee the exercise of responsibilities assigned in terms of this Act to the accounting officer and the chief financial officer, but may not interfere in the exercise of those responsibilities;
- (c) must take all reasonable steps to ensure that the municipality performs its constitutional and statutory functions within the limits of the municipality's approved budget;
- (d) must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality; and
- (e) must exercise the other powers and perform the other duties assigned to the mayor in terms of this Act or delegated by the council to the mayor.

In terms of Section 71 of the Local Government Municipal Finance Management Act, 2003 (MFMA):

- (1) The accounting officer of a municipality must by no later than 10 working days after the end of each month submit to the mayor of the municipality and the relevant provincial treasury a statement in the prescribed format on the state of the municipality's budget reflecting the following particulars for that month and for the financial year up to the end of that month:
 - (a) Actual revenue, per revenue source;

- (b) Actual borrowings;
 - (c) Actual expenditure, per vote;
 - (d) Actual capital expenditure, per vote;
 - (e) The amount of any allocations received;
 - (f) Actual expenditure on those allocations, excluding expenditure on—
 - (i) Its share of the local government equitable share; and
 - (ii) Allocations exempted by the annual Division of Revenue Act from compliance with this paragraph; and
 - (g) When necessary, an explanation of—
 - (i) Any material variances from the municipality's projected revenue by source, and from the municipality's expenditure projections per vote;
 - (ii) Any material variances from the service delivery and budget implementation plan; and
 - (iii) Any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the municipality's approved budget.
- (2) The statement must include—
- (a) A projection of the relevant municipality's revenue and expenditure for the rest of the financial year, and any revisions from initial projections; and
 - (b) The prescribed information relating to the state of the budget of each municipal entity as provided to the municipality in terms of section 87(10).
- (3) The amounts reflected in the statement must in each case be compared with the corresponding amounts budgeted for in the municipality's approved budget.
- (4) The statement to the provincial treasury must be in the format of a signed document and in electronic format.
- (5) The accounting officer of a municipality which has received an allocation referred to in subsection (1)(e) during any particular month must, by no later than 10 working days after the end of that month, submit that part of the statement reflecting the particulars referred to in subsection (1)(e) and (f) to the national or provincial organ of state or municipality which transferred the allocation.
- (6) The provincial treasury must by no later than 22 working days after the end of each month submit to the National Treasury a consolidated statement in the prescribed format on the state of the municipalities' budgets, per municipality and per municipal entity.
- (7) The provincial treasury must, within 30 days after the end of each quarter, make public as may be prescribed, a consolidated statement in the prescribed format on the state of municipalities' budgets per municipality and per municipal entity. The MEC for finance

must submit such consolidated statement to the provincial legislature no later than 45 days after the end of each quarter.

According to the Municipal Supply Chain Management Regulations (2005), paragraph 6(3) – Oversight role of council of municipality or board of directors of the municipal entity:

“The accounting officer must within 10 days of the end of each quarter, submit a report on the implementation of the supply chain management policy to the mayor of the municipality or the board of directors of the municipal entity, as the case may be.”

FINANCIAL IMPLICATION

None

APPLICABLE LEGISLATION / COUNCIL POLICY

Section 52 and Section 71 of the Local Government Municipal Finance Management Act, 2003.

Municipal Supply Chain Management Regulations (2005).

Comment of Directorates / Departments concerned:

Municipal Manager:	Noted
Director: Corporate and Strategic Services:	Noted
Director: Financial Services:	Noted
Director: Engineering and Planning Services:	Noted
Director: Community Development Services:	Noted

RECOMMENDATION

That in respect of:

QUARTERLY BUDGET AND SUPPLY CHAIN MANAGEMENT REPORTS

discussed by Council at the Special Council meeting held on 01 August 2017:

- a) Council takes cognisance and approve the:
 - 1. Quarterly Budget Statement,
 - 2. Virements Report and
 - 3. Supply Chain Management Report for the months of April 2017 – June 2017.

RESOLVED

That in respect of:

QUARTERLY BUDGET AND SUPPLY CHAIN MANAGEMENT REPORTS

discussed by Council at the Special Council meeting held on 01 August 2017:

a) Council takes cognisance and approve the:

1. Quarterly Budget Statement,
2. Virements Report and
3. Supply Chain Management Report for the months of April 2017 – June 2017.

Proposed: Cllr. B Zass

Seconded: Cllr. R Witbooi

Counter Proposal: Cllr. M Nel (That sufficient time be given to work through reports in the agenda as Agendas was only distributed the day before Council Meeting)

Seconded: Cllr. J White

FOR	AGAINST	ABSTAIN
5 Cllr. W Farmer (Speaker) Cllr. J Meyer Cllr. B Zass Cllr. R Pretorius Cllr. R Witbooi	5 Cllr. M Nel Cllr. N Qunta Cllr. E Majikejela Cllr. L Scheepers Cllr. J White	

9.1.4 PROCESSING LIQUOR LICENCE APPLICATIONS

Ref.:1/2/1/37

Director Corporate and Strategic Services: A.McCallum

Compiled: H Slimmert

PURPOSE

Council to take cognisance of processing of liquor licences.

BACKGROUND

LIQUOR LICENCE PROCESS AND YOUR MUNICIPALITY:

Liquor was legislated by Act 27/89 and now Act 4/2008. In terms of the Act 4/2008

- The Need for the application to be advertised.
- DLO must send a copy to Municipality (he must ALSO advise neighbours)
- Ward councillor CBO's and Ward committee
- Council makes a recommendation to Liquor Authority.

TYPES OF LIQUOR LICENCES THAT ARE APPLIED FOR AND MUST BE COMMENTED ON BY MUNICIPALITIES

- *Micro-manufacturing for on and off consumption* — a licence for the micro-manufacture (small scale manufacturing) and sale of liquor for consumption (drinking) both on and off the premises where the liquor is sold.
- *Consumption on* — a licence for the sale of liquor for consumption (drinking) on the premises where the liquor is sold. E.g. a restaurant or bar
- *Consumption off* — a licence for the sale of liquor for consumption (drinking) off the premises where liquor is sold. E.g. a bottle store
- *Consumption on and off* — in exceptional circumstances, a licence for the sale of liquor consumed (drank) both on and off the premises.

LATEST (amended) LIQUOR REGULATIONS NOW REQUIRE MUNICIPAL COMMENT

- *Temporary Liquor Licence* — A liquor licence that is issued for a short period of time if the applicant meets the criteria.
- *Event Liquor Licence* — A liquor licence that is issued for an event. According to the Western Cape Liquor Act 4 of 2008,
- *Removal of a Liquor Licence* i.e. the application to move a licence from one address to another.

PROCESS

- Applicant lodges application at the local Designated Liquor Officer and at the Western Cape Liquor Authority
- DLO MUST lodge the application with the municipality with 10 days

- Municipality may advertise to neighbours etc. Cape Town made a decision that they will send out to CBO' etc.
- Comments to be obtained from WARD Councillor
- Community Police Forum
- Rate Payer bodies, Neighbourhood watch etc.

Comments by Municipalities

- If a by law regarding Trading Days and Hours exist
- What are the hours for this type of application
- Comments from Safety/Security Directorate
- Traffic Services
- Health Department – business Licence
- Town Planning
- Fire Department – on fire safety and occupancy certificate
- List of CBO's informed of the application
- Obtain and attach copies of all the comments received and submit to WCLA

THE WARD COUNCILLOR

- **Singularly the most important person in the process** for a liquor licence application.
- His/her comment is a must – Liquor Licence Tribunal puts a lot of credence on what ward councillor says
- Should elaborate on section 34 of the Act , proximity to institutions public interest ANY information that may assist the Tribunal to come to a decision.
- A brief resume can be provided with references to drug/alcohol abuse, impact on the community in the area and the ward in general.
- Try to submit supporting evidence from clinics etc.

As per a new Liquor Application comment required in 28 days from Municipality. Once ALL comments have been received in the regulated time period Delegated official/department compiles a report to council for a recommendation to be made.

Council resolves to either support the application or not support the application – elaborate if not supported.

- Can recommend shorter hours
- Support with conditions – noise – complaints on behavior ect.

Delegated official/department submits the council resolution with all the comments received to WCLA.

FINANCIAL IMPLICATION

The Municipality will be responsible for the advertising and information process

LEGISLATIVE FRAMEWORK

Western Cape Liquor Act (Act 4 of 2008)

RECOMMENDATION

That in respect of the

PROCESSING LIQUOR LICENCE APPLICATIONS

discuss by Council at the Special Council Meeting held on 01 August 2017:

1. Council take cognisance of processing of liquor licences

RESOLVED

That in respect of the

PROCESSING LIQUOR LICENCE APPLICATIONS

discuss by Council at the Special Council Meeting held on 01 August 2017:

1. Council take cognisance of processing of liquor licences; and
2. That the Liquor Licence By-Law be distributed to all Councillors.

9.1.5 KHAYELITSHA PROGRESS REPORT

Ref.: 17/5/4/3

**Director Community Development Services: R Bent
Compiled: P Jantjies**

BACKGROUND

An Agreement was entered into by and between The Western Cape Government via its Department of Human Settlements and Cederberg Municipality in respect of Clanwilliam Remainder of erf 279 Housing Project. The Planning and Feasibility Studies consist of 900 sites in terms of the Guidelines of the Integrated Residential Development Programme (IRDP). This Agreement was signed by the Developer, Cederberg Municipality, on the 17th of November 2016.

The project initiation application was submitted to Department of Human Settlements on 10 October 2016. Resolution for the Planning and Feasibility Studies were taken on 15 November 2016. Asla Devco was appointed to do the Planning for the relocation of Khayelitsha Informal Settlement to the Golf Course. An amount of R3 400 803,00 based on the 2014/15 subsidy quantum was approved for the project. Tranche 1.1 payment to the amount of R981 477,00 was made available to pay the Implementing Agent for work done.

CK Rumboll was appointed by the Department Human Settlements to do a survey. Unfortunately, we cannot make further progress until we have the data survey done to establish the numbers, demographics, etc of the housing need in Clanwilliam to enable us to package a proper plan of action to deal with various needs categories. The main priority now is to finalise the data survey.

In general, present access to basic services is totally inadequate in Khayelitsha, although the Municipality has provided some chemical toilets, standpipes and refuse skips. The settlement is in a location that is not suitable for permanent development. It is very close to the Clanwilliam Sewage Treatment Works and is located on a very hard, rocky hill which makes the installation of underground services prohibitively expensive.

Our law enforcement unit has moved a number of structures that were located adjacent to Ou Kaapse Road, and to date this strip is staying relatively clean. It is unfortunately very difficult to police the erection of "infill" structures at the eastern side of Ou Kaapse Road, as there are no roads. The municipality, in the interim, is still providing chemical toilets, but unfortunately this is still not sufficient. Mr Rumboll in the meantime has completed the survey and the results has been submitted to the Municipality.

COMMENTS

The project initiation application was submitted to Department of Human Settlements on 10 October 2016. Resolution for the Planning and Feasibility Studies were taken on 15 November 2016. Asla Devco was appointed to do the Planning for the relocation of Khayelitsha Informal Settlement to the Golf Course. An amount of R3 400 803,00 based on the 2014/15 subsidy quantum was approved for the project. Tranche 1.1 payment to the amount of R981 477,00 was made available to pay the Implementing Agent for work done.

FINANCIAL IMPLICATION

R3 400 803.00 was allocated to Cederberg Municipality for the Clanwilliam remainder of Erf 279 Housing Project.

First Tranche payment : R981 477.00.

Balance still to claim : R2 419 326.00.

LEGAL IMPLICATION

MFMA regulation.



CLANWILLIAM INFORMAL SETTLEMENTS REPORT

RUMBOLL AND ASSOCIATES

1. Household: Particulars

1.1 General

According to research conducted by CK Rumboll & Partners an estimate of **2070** surveys were completed. Analysis of the abovementioned data illustrated that **1 333** people were not present during the conduction of the survey. Thus **730** surveys were completed with willing participants.

These surveys were conducted in Clanwilliam, in the township of Old and New Khayalitsha.

1.2 Gender and Age distribution

The gender and age distribution in the Old and New Khayalitsha differ rapidly. According to information provided by the participants most of the residents fall between the ages of 21-40. As seen by the diagram below:

1.3 Reasons for not completing the questionnaire

In conclusion to our research, statistics illustrate that the reason most residents did not co-operate is mostly based on the fact that they are not present at their homes.

2. Household: Structure

2.1 Type of dwelling

The most prevalent type of dwelling is an informal shack.

2.2 Ownership

Most of the participants who were spoken to were classified as the owners of the property. Others pay rent and only a few live rent free.

2.3 Use of the structure

Most common use for structures is residential whereas there are a few churches and spaza shops.

3. Household: Settlement

3.1 Settlement pattern

3.1.1 Years that the head of household had been living at the present address

The majority of people have been living at the present address for more than ten years with a 40% increase in the last five years.

3.1.2 If less than 5 years, where did head of household live previously

13.5% of the participants lived elsewhere in South Africa whereas 10.6% resided elsewhere in the town.

3.2 Main reason why head of household moved to this settlement

For the majority of participants (90.2%) the most important reason for moving to this settlement was employment opportunities.

4. Household: Socio-economic Profile

4.1 Employment

4.1.1 Employment status

From all the participants who were spoken to, 55.6% are employed and 41.3% unemployed. It should be noted that an additional 2.6% are self-employed.

4.1.2 People living in the dwelling that would like to work but are presently without a job

The majority of participants (74.1%) indicated two or less than two people would like to work but are presently without a job while 4.4% were indicated for more than two persons.

4.2 Income

4.2.1 Sources of income

From the 55.6% of participants that are employed, the main sources of income are salaries and wages.

4.2.2 Household's (head of household) income before deductions

Most participants are either unemployed or their income falls in the bracket of less than R3500 per month.

4.3 Education

4.3.1 Children attending school

Less than 17.6 % have more than 1 child attending school. Of the children attending school 11.3% attend school locally. Less than 6.2% are not attending school.

4.4 Healthcare

4.4.1 First choice of medical care

The majority of participants prefer a Community Clinic outside their settlement when seeking medical attention.

4.4.2 Special needs

From the few responses, 18 participants indicated that they have difficulty seeing while two or less participants have difficulty hearing, walking and with self-care.

5. Provision of services

5.1 Electricity

5.1.1 How the structure is supplied with electricity

From the 59% of participants that is supplied with electricity, prepaid electricity is the main source.

5.2 Sewerage

5.2.1 Main type of toilet that the household uses

The main type of toilet that households use is divided by chemical toilets (44.2%) and full flush toilets (42.1%).

5.2.2 Access to the above described toilet

The majority of toilets are accessible through communal use.

5.3 Water

5.3.1 How the structure is supplied with water

Half of the households are supplied with water through a communal tap and 31.1% receives water from a tap in the yard.

5.4 Household's main needs

Access to toilets has been identified as the most important need followed by access to formal housing and waste collection.

6. Housing need

6.1 Registration on the municipal waiting list

Less than 20% of participants are registered on the municipal waiting list.

6.2 Subsidy for housing

98% of the participants have not received a subsidy for housing.

6.3 Owned property

6.4 Almost all of the participants have never owned property.

6.5 People older than 18 years with dependants that can qualify as a household

832 Dependants that can qualify as a household were identified.

Khayelitsha Action Plan as at 2 June 2017

Action	Stakeholders	Timeframes	Responsible official(s)
Meeting with Jan Oosthuizen re inputs from private sector, organised agriculture, homeowners association			
Invite Red Ants Security and Relocation Services to conduct investigation and indicate availability to assist	Red Ants, Community Services dept	7 days	Nigel Mercuur
Secure funding from municipality and external stakeholders where possible	CFO, MM, director Community Services, Crystal Waters Homeowners Association	14 days	Nigel Mercuur, Reginald Bent
Obtain Khayelitsha Survey Report from Rumboll & Associates	Municipality, Rumboll,	7 days	Shirley-Ann Mouton
Recommit to Informal Settlement Management Plan	Municipality housing unit, traffic services, SAPD	14 days	Pieter Jantjies
Schedule meeting with Human Settlements MEC's office to update and communicate MEC on latest developments (including findings of Rumboll Report	MM, director, MEC	14 days	Reginald Bent
Arrange meeting with Department of Home Affairs Immigration Unit	Dept Home Affairs, SAPD (Vredendal), municipality	14 days	Pieter Jantjies
Reactivate daily monitoring schedule	Law enforcement, traffic	Immediately	Paolo Titus
Initiate sale of land adjacent to Ou Kaapse Road for GAP housing purposes	Planning dept, GAP unit, council	1 month	Shirley-Ann Mouton

SUMMARY OF CONFLICT IN KHAYELITSHA

BACKGROUND

The Khayelitsha Informal Settlement has been marred by social conflict since 2005. The situation has escalated in recent times culminating in violence and social unrest amongst the Sesotho tribes. This tipping point was reached during 16-25 June 2017 when both legal and illegal Sesotho residents were displaced due to violence in the settlement. The violence resulted in the death of some people and injuries to many other innocent people.

This has prompted the municipality to intervene and took control over the escalating situation by conducting a survey on 27 June 2017 to ascertain how many shacks are currently

unoccupied. The survey indicates that 104 shacks were unoccupied. This provides the perfect opportunity to have those shacks breakdown and remove the material before illegal squatters try to gain control over the situation.

COMMENTS

Total shacks demolished = 114
Cost to demolish = R1750,00
Total cost for the operation = R199 500,00

PERSONAL IMPLICATION

Law enforcement
Housing
SAPD
Brainwave Projects

FINANCIAL IMPLICATION

R199 500,00

COMMENTS FROM SECTION 57 MANAGERS

ACTING DIRECTOR COMM. DEV SERVICES : MR REGINALD BENT

RECOMMENDATION

**That in respect of the
KHAYELITSHA PROGRESS REPORT
discussed by Council at the Special Council Meeting held on 01 August 2017:**

- a) That Council takes cognisance of the Khayelitsha Progress Report.

RESOLVED

That in respect of the

KHAYELITSHA PROGRESS REPORT

discussed by Council at the Special Council Meeting held on 01 August 2017:

- a) That Council takes cognisance of the Khayelitsha Progress Report tabled.

That the following ruling of Speaker must be adhered too:

- b) That the report again be tabled at the next Council Meeting which must then obtain the following detail emanating from the Khayelitsha Report which was tabled on 01 August 2017:
- i. All contractual relations between Cederberg Municipality and ASLA;
 - ii. Who was the individual (s) who awarded ASLA the Khayelitsha Moving Project on behalf of Cederberg Municipality; and
 - iii. That the Contract, awarding ASLA the Khayelitsha Moving Project, be brought to Council.

9.1.6 DEVIATION FROM AND RATIFICATION OF MINOR BREACHES OF, PROCUREMENT PROCESSES

Ref.: 8/1/B

Chief Financial Officer: E Alfred

BACKGROUND

(1) The accounting officer may-

- (a) dispense with the official procurement processes and to procure any required goods or services through any convenient process in terms of Section 36 of the SCM Regulations.

Discussion:

In terms of Government Notice no 27636 dated 30 May 2005 the Supply Chain Management Regulations states the following to section 36:

(1) A supply chain management policy may allow the accounting officer-

- (a) To dispense with the official procurement processes established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only-
 - (i) in an emergency;
 - (ii) If such goods or services are produced or available from a single provider only;
 - (iii) For the acquisition of special works of art or historical objects where specifications are difficult to compile;
 - (iv) Acquisition of animals for zoos; or
 - (v) In any other exceptional case where it is impractical or impossible to follow the official procurement processes; and
- (b) To ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.

(2) The accounting officer must record the reasons for any deviations in terms of subregulation (1)(a) and (b) and report them to the next meeting of the council, or board of directors in the case of a municipal entity, and include as a note to the annual financial statements.

- (3) Subregulation (2) does not apply to the procurement of goods and services contemplated in regulation 11(2).

APPLICABLE LEGISLATION

The Municipal Supply Chain Management Regulations (2005).

FINANCIAL IMPLICATION

The attached transaction amounts was processed for the month of June 2017, and are therefore tabled in terms of Sec .36 (2) of SCM policy before Council for information.

Comment of Directorates / Departments concerned:

Acting Municipal Manager:	Noted
Director: Corporate and Strategic Services:	Noted
Director: Financial Services:	Noted
Director: Engineering and Planning Services:	Noted
Director: Community Development Services:	Noted

RECOMMENDATION:

That in respect of:

DEVIATION FROM AND RATIFICATION OF MINOR BREACHES OF, PROCUREMENT PROCESSES

discussed by Council at the Special Council meeting held on 01 August 2017:

1. Council, in terms of section 36 of the Supply Chain Management Regulations, takes cognisance and approve the transactions for the month of June 2017.

RESOLVED

That in respect of:

DEVIATION FROM AND RATIFICATION OF MINOR BREACHES OF, PROCUREMENT PROCESSES

discussed by Council at the Special Council meeting held on 01 August 2017:

1. Council, in terms of section 36 of the Supply Chain Management Regulations, takes cognisance and approve the transactions for the month of June 2017.

Proposed: Cllr. J Meyer

Seconded: Cllr. R Pretorius

discuss by Council at the Special Council Meeting held on 01 August 2017:

- 1) That Council approves and implements the following policies:
 - a) Cederberg Placement Policy;
 - b) Recruitment and Selection Policy.

RESOLVED

That in respect of the

APPROVAL OF POLICIES: PLACEMENT POLICY AND RECRUITMENT & SELECTION POLICY

discuss by Council at the Special Council Meeting held on 01 August 2017:

- 1) That Council approves the following policies:
 - a) Cederberg Placement Policy;
 - b) Recruitment and Selection Policy;
- 2) That the Placement Policy and the Recruitment and Selection Policy be workshopped with all Councillors and Exco Members on 04 August 2017; and
- 3) That implementation of the policies only be adhered to after Council endorses the implementation of these Policies.

Proposed: Cllr. J Meyer

Seconded: Cllr. R Pretorius

Counter Proposal: Cllr. J White

That approval for the implementation of Policies also be obtained from Council at this stage.

9.1.8 WAR ON LEAKS PROGRAM IN ALL TOWNS OF CEDERBERG MUNICIPALITY

Ref.: 17/23/3

Director Infrastructure & Technical Services: P Majeni

Compiled: B Schippers

AIM/ DOEL

To inform Council of the War on Leaks Programme initiated by the DWS to build capacity within Cederberg Municipality.

BACKGROUND/ AGTERGROND

Department of Water and Sanitation started a programme on War on Leaks with 168 water trainees in Cederberg Municipality. The project is funded by Rand Water and the training is conducted by Khula Nonke Training and Development and is a 5year project started in 2015 and will be completed during 2020. The implementation of the programme comprises of three phases, namely:

- Phase 1 which comprises the intake of 3000 trainees in 2015,
- Phase 2 which comprises the intake of 7000 trainees in 2016, and
- Phase 3 which comprises the intake of 5000 trainees in 2017.

It is envisage that the WOL trainees will during the 3 year period per phase be based in the Municipality where their services will be required.

This commitment is entered into freely and with the understanding that it is with the intention to enable the War on Leaks trainees experiential learning within the municipality. This project is only in nature, but it will provide the necessary pool of skills that the country requires towards economic transformation. The success of this project is dependent on the placement of these trainees in a workplace environment as they need to complete both theoretical and workplace components to qualify as Apprenticeship Artisan upon completing their trade tests.

PERSONNEL IMPLICATIONS /PERSONEEL IMPLIKASIE

Revenue Enhancement Team, Technical Foremen, Water Team leaders and Regional Managers

LEGAL IMPLICATION / REGSIMPLIKASIE

Cederberg Municipality signed a declaration that the Cederberg Municipality would not be held responsible for any damages or incurrences of students.

FINANCIAL IMPLICATIONS / FINANSIELE IMPLIKASIE

Rand Water is liable for all costs with regards to health and safety equipment for all students.

KONSULTASIE MET ANDER PARTYE/CONSULTATION WITH OTHER PARTIES.

Department of Water and Sanitation.

RECOMMENDATION / AANBEVELING

That in respect of the

WAR ON LEAKS PROGRAM IN ALL TOWNS OF CEDERBERG MUNICIPALITY

discussed by Council at the Special Council Meeting held on 01 August 2017:

- a) That Council take note of the Capacity Building planning and initiatives and support the project.

RESOLVED

That in respect of the

WAR ON LEAKS PROGRAM IN ALL TOWNS OF CEDERBERG MUNICIPALITY

discussed by Council at the Special Council Meeting held on 01 August 2017:

- a) That Council take note of the Capacity Building planning and initiatives and support the project.

Proposed: Cllr. B Zass

Seconded: Cllr. R Pretorius

9.1.9 GOEDKEURING VAN WERWING EN KEURING TEN OPSIGTE VAN VULLING VAN VAKATURE: MUNISIPALE BESTUURDER

Verw: (4/3/3)

Uitvoerende Burgemeester: J Barnard

DOEL / AIM

1. Om goedkeuring te verkry vir die vulling van die vakante posisie van Munisipale Bestuurder;
2. Om 'n paneel aan te stel wat die werwingsproses sal hanteer;

AGTERGROND / BACKGROUND

Die posisie van Munisipale Bestuurder posisie word vakant op 31 Julie 2017, en moet adverteer word ten einde gemelde vakature te vul. Ingevolge artikel 54 (a) van die Wet op Plaaslike Regering: Munisipale Stelselswet, 32 van 2000; moet die Raad 'n Munisipale Bestuurder aanstel as hoof van die administrasie. 'n Persoon wat aangestel word in die posisie van Munisipale Bestuurder moet aan sekere wetlike vereistes voldoen.

PROSES VAN WERWING EN KEURING: VULLING VAN VAKATURE VAN MUNISIPALE BESTUURDER

Wanneer die posise van 'n Senior Bestuurder vakant word, moet kennis geneem word van die prosesse en vereistes soos uiteengesit in die aangehegde dokument "Local Government Regulations on the appointment and conditions of employment of senior Managers", hoofstuk 2, regulasie 5 en hoofstuk 3:

- Die Uitvoerende Burgemeester (in geval van die Munisipale bestuurder) sodra sodanige posise vakant word, goedkeuring bekom van die Raad vir vulling van sodanige vakature
- Sodanige posisie gevul word deur 'n proses van publieke advertensie in 'n Nasionale koerant.
- Die vakature moet binne 14 dae van goedkeuring daarvan, adverteer word (Sien regulasie 10)
- Die posise moet vir 'n minimum tydperk van 14 dae vanaf die datum van plasing van die advertensie oop wees vir aansoeke. Die maksimum advertensie periode mag nie 30 dae oorskry nie.

FINANSIËLE IMPLIKASIE / FINANCIAL IMPLICATION :

Kwotasies moet ingewin word vir die plasing van 'n advertensie en vir 'n konsultant om die psigometrie toetse en werwingsproses te hanteer.

PERSONEEL IMPLIKASIE / PERSONNEL IMPLICATION :

Die Waarnemende Munisipale Bestuurder sal verantwoordelik wees vir die aanstellingsproses.

REGSIMPLIKASIE / LEGISLATIVE IMPLICATION :

- Volgens die Munisipale Stelselwet Wysigingswet, artikel 54A, berus die bevoegdheid by die Raad om die aanstelling van munisipale Bestuurder te doen.
- Die proses word gedoen ingevolge die "Local Government: Municipal Systems Act 32 of 2000" asook die "regulations pertaining to the appointment and conditions of employment of senior managers." Sien aangeheg as Aangangsel B **'Extract from legislation'**

The Council may appoint a panel of between 3 and 5 members and which panel must make recommendations regarding the appointment of a suitable candidate to fill the vacancy, and such panel is composed in terms of regulation 12 (3) which reads as follows: -

- "(3) The selection panel for the appointment of a municipal manager must consist of at least three (3) and not more than five (5) members, constituted as follows:*
- (a) the mayor, who will be the chairperson, or his or her delegate;*
 - (b) a councillor designated by the municipal council; 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 area of the advertised post"*

In terms of regulation 15 (2), the abovementioned panel must remain the same for the duration of the entire recruitment process.

AANBEVELING / RECOMMENDATION:

- A. Dat die Raad toestemming verleen om die Munisipale bestuurder vakature:
 - a) te vul, en
 - b) te adverteer soos deur die Wet voorgeskryf;
- B. Dat die Raad kennis neem van die aangehegde regulasies, Aangangsel "B" "Local Government: Regulations on appointment and Conditions of Employment of Senior Managers";

- C. 'n komitee/paneel deur die Raad saamgestel word met 'n minimum van drie (3) en maksimum van vyf (5) lede, in terme van regulasie 12, om die werwingsproses te hanteer;
- D. Die MEC vir Plaaslike Regering ingelig word van die aanstelling soos voorgeskryf;
- E. Dat die dienste van 'n konsultant verkry word om die Raad te assisteer met die werwing en keuringsproses.

Aanhangsel "B": Extract from legislation:

LOCAL GOVERNMENT: REGULATIONS ON APPOINTMENT AND CONDITIONS OF EMPLOYMENT OF SENIOR MANAGERS

Government Notice 21 in Government Gazette 37245, dated 17 January 2014. Commencement date: 17 January 2014.

10. Advertising of vacant posts

- (1) The municipal manager must, within 14 days of receipt of the approval referred to in regulation 7, ensure that the vacant post is advertised.
- (2) A vacant senior manager post must be advertised in a newspaper circulating nationally and in the province where the municipality is located.
- (3) An advertisement for a vacant senior manager post must specify the –
 - (a) job title;
 - (b) term of appointment;
 - (c) place to be stationed;
 - (d) annual total remuneration package;
 - (e) competency requirements of the post, including minimum qualifications and experience required;
 - (f) core functions;
 - (g) need for signing of an employment contract, a performance agreement and disclosure of financial interest;
 - (h) the need to undergo security vetting;
 - (i) contact person;
 - (j) address where applications must be sent or delivered; and
 - (k) closing date which must be a minimum of 14 days from the date the advertisement appears in the newspaper and not more than 30 days after such date.
- (4) A municipality may utilise a recruitment agency to identify candidates for posts: Provided that the advertising, recruitment and selection procedures comply with these regulations.
- (5) The mayor, in the case of a municipal manager, or the municipal manager, in the case of a manager directly accountable to the municipal manager, must provide monthly reports to the executive committee regarding progress on the filling of the vacant senior manager post.

11. Application for vacant post

- (1) An application for the vacant post of a senior manager must be submitted on an official application form, attached as Annexure C, accompanied by a detailed curriculum vitae.
- (2) Notwithstanding subregulation (1), a municipality that has on-line application procedures in place may use an on-line application form: Provided that the on-line application form substantially corresponds to the application form in Annexure C, and complies with these regulations.
- (3) An application not made on the official form, as contemplated in subregulations (1) or (2) must not be considered.
- (4) An applicant for a senior manager post must disclose –
 - (a) his or her academic qualifications, proven experience and competencies;
 - (b) his or her contactable references;
 - (c) registration with a relevant professional body;

- (d) full details of any dismissal for misconduct; and
- (e) any disciplinary actions, whether pending or finalised, instituted against such applicant in his or her current or previous employment.
- (5) Any misrepresentation or failure to disclose information contemplated in subregulation (3) and (4) is a breach of the Code of Conduct for Municipal Staff as provided for in Schedule 2 to the Act and shall be dealt with in terms of the Disciplinary Regulations.
- (6) The municipality must compile and maintain a record of all applications received, which must contain –
 - (a) the applicants' biographical details and contact information;
 - (b) the details of the post for which the applicants were applying;
 - (c) the applicants' qualifications; and
 - (d) any other requirements outlined in the application form.

12. Selection panel

- (1) A municipal council must appoint a selection panel to make recommendations for the appointment of candidates to vacant senior manager posts.
- (2) In deciding who to appoint to a selection panel, the following considerations must inform the decision:
 - (a) the nature of the post;
 - (b) the gender balance of the panel; and
 - (c) the skills, expertise, experience and availability of the persons to be involved.
- (3) The selection panel for the appointment of a municipal manager must consist of at least three and not more than five members, constituted as follows:
 - (a) the mayor, who will be the chairperson, or his or her delegate;
 - (b) a councillor designated by the municipal council; 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 area of the advertised post.
- (4) 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:
 - (a) the municipal manager, who will be the chairperson;
 - (b) a member of the mayoral committee or 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 area of the advertised post.
- (5) A panel member must disclose any interest or relationship with shortlisted candidates during the shortlisting process.
- (6) A panel member contemplated in subregulations (3) and (4) must recuse himself or herself from the selection panel if –
 - (a) his or her spouse, partner, close family member or close friend has been shortlisted for the post;
 - (b) the panel member has some form of indebtedness to a short-listed candidate or vice versa; or
 - (c) he or she has any other conflict of interest.
- (7) A panel member and staff member must sign a declaration of confidentiality as set out in Annexure D to these regulations, to avert the disclosure of information to unauthorised persons.
- (8) A staff member may provide secretarial or advisory services during the selection process, but may not form part of the selection panel.

13. Compiling shortlist of applicants

- (1) A mayor, in the case of the municipal manager, or the municipal manager, in the case of the manager directly accountable to the municipal manager, in consultation with the selection panel, must compile –
 - (a) a list of all applicants who applied for an advertised post; and
 - (b) a shortlist consisting of all applications received for a specific post, evaluated against the relevant competency requirements, as set out in Annexures A and B to these regulations.
- (2) The shortlisting must be finalised within 30 days of the closing date of the advertisement.
- (3) The municipality must keep a record of all the applicants who applied for vacant posts.

- (4) The municipal manager must ensure that the information contained in the applications is kept confidential and stored in a secure site on the municipality's premises.
- (5) The lists contemplated in subregulation (1) must be submitted, together with the shortlisted applications, to the selection panel before the interviews.

14. Screening of candidates

- (1) Screening of the shortlisted candidates must take place within 21 days of the finalisation of the shortlisting by –
 - (a) conducting the necessary reference checks;
 - (b) contacting a candidate's current or previous employer;
 - (c) determining the validity of a candidate's qualifications; and
 - (d) verifying whether a candidate has been dismissed previously for misconduct or poor performance by another employer.
- (2) A written report on the outcome of the screening process must be compiled by the mayor, in the case of the municipal manager, or the municipal manager, in the case of the manager directly accountable to the municipal manager, before the interviews take place.

15. Interviews

- (1) The selection panel must conduct interviews within 21 days of screening the candidates.
- (2) The selection panel for a specific post must remain the same throughout the screening and interviewing process.
- (3) The selection panel must keep records of every panel member's individual assessment of the interviewed candidates.
- (4) The determination of candidates to be recommended for appointment must be considered by way of consensus between the members of the selection panel.
- (5) If consensus cannot be reached, a dissenting member may record his or her concerns in the minutes, whereafter the issue may be voted upon, with each member of the selection panel entitled to one vote.
- (6) The selection panel must recommend the second and third suitable candidates to minimise delays that may arise in the filling of the post if the first choice candidate declines or does not accept the offer of employment.

16. Selection

- (1) The candidates recommended for appointment to the post of a senior manager must undergo a competency assessment.
- (2) The competency assessment tools must –
 - (a) be capable of being applied fairly; and
 - (b) not be biased against any person or group of persons.
- (3) A municipality must provide in its medium term budget, funding for purposes of competency assessment and testing.
- (4) Notwithstanding subregulation (3) and upon good cause shown, a municipality encountering cash flow problems may apply to the Local Government Sector Education and Training Authority to make use of the discretionary grants to fund the competency assessment for purposes of filling a vacant senior manager post.
- (5) The selection panel must submit a report and recommendation on the selection process to the municipal council on the suitability of candidates who comply with the relevant competency requirements of the post as set out in Annexures A and B, in order of preference.

17. Resolution of municipal council on appointment of senior managers and reporting

- (1) Before making a decision on an appointment, a municipal council must satisfy itself that –
 - (a) the candidate meets the relevant competency requirements for the post, as set out in Annexures A and B to these regulations;

- (b) screening of the candidates has been conducted in terms of regulation 14; and
- (c) the candidate does not appear on the record of staff members dismissed for misconduct as set out in Schedule 2 to these regulations.
- (2) A municipal council must, subject to subregulation (1), take a decision on the appointment of a suitable candidate.
- (3) A municipal council must –
 - (a) inform all interviewed candidates, including applicants who were unsuccessful, of the outcome of the interview; and
 - (b) within 14 days of the decision referred to in subregulation (2), submit a written report to the MEC for local government regarding the appointment process and outcome.
- (4) The report contemplated in subregulation (3)(b) must contain –
 - (a) details of the advertisement, including date of issue and the name of newspapers in which the advert was published, and proof of the advertisement or a copy thereof;
 - (b) a list of all applicants;
 - (c) a report contemplated in regulation 14(2) on the screening process and the outcome thereof;
 - (d) the municipal council's resolution approving the selection panel and the shortlisted candidates;
 - (e) competency assessment results;
 - (f) the minutes of the shortlisting meeting;
 - (g) the minutes of interviews, including scoring;
 - (h) the recommendations of the selection panel submitted to the municipal council;
 - (i) the details of executive committee members and recommendations, if the selection panel comprised of all members of the executive committee;
 - (j) the recommendation of the executive committee or executive mayor to the municipal council, if any;
 - (k) the municipal council resolution approving the appointment of the successful candidate;
 - (l) the application form, curriculum vitae, proof of qualifications and other supporting documentation of the successful candidate;
- (m) a written confirmation by the successful candidate that he or she does not hold political office as contemplated in section 56A of the Act, as at the date of appointment;
- (n) the letter of appointment, outlining the term of contract, remuneration and conditions of employment of the senior manager; and
- (o) any other information relevant to the appointment.

BESLUIT

Dat ten opsigte van die

GOEDKEURING VAN WERWING EN KEURING TEN OPSIGTE VAN

VULLING VAN VAKATURE: MUNISIPALE BESTUURDER

Bespreek deur die Raad by die Spesiale Raadsvergadering van 01 Augustus 2017:

- A. Dat die Raad toestemming verleen om die Munisipale bestuurder vakature:
 - 1) te vul, en
 - 2) te adverteer soos deur die Wet voorgeskryf;
- B. Dat die Raad kennis neem van die aangehegde regulasies, Aanhangsel "B" "Local Government: Regulations on appointment and Conditions of Employment of Senior Managers";

- C. 'n komitee/paneel deur die Raad saamgestel word met 'n minimum van drie (3) en maksimum van vyf (5) lede, in terme van regulasie 12, om die werwingsproses te hanteer;
- D. Die MEC vir Plaaslike Regering ingelig word van die aanstelling soos voorgeskryf;
- E. Dat die dienste van 'n konsultant verkry word om die Raad te assisteer met die werwing en keuringsproses.

Voorstel: Rdl. J Meyer

Sekondant: Rdl. R Pretorius

9.1.10 OH DAM CEDERBERG FESTIVAL REVISED RESOLUTION

Ref.: 17/6/4/2

Director Community Development Services: R Bent

Compiled: N Mercuur

PURPOSE

The purpose of this report is to propose an addition to the resolution by the Council (BK8.1.2/14-03-2017) in respect of the Oh Dam Cederberg Festival.

BACKGROUND

The Oh Dam Cederberg Festival took place on 27 April to 2 May 2017 in Clanwilliam at the Dam Resort. It was a very successful event, which was well attended by people from across the region.

The resolution taken by Council (BK8.1.2/14-03-2017) was as follows:

That:

- 1. The Council takes cognisance of the report.*
- 2. The Council supports the Oh Dam Festival to be held from 27 April 2017 to 2 May 2017.*
- 3. Given the financial realities of Cederberg Municipality, the following can be offered:*
 - a. Use of the Clanwilliam Dam Resort camping site and 5 chalets at no cost;*
 - b. A financial contribution of R150,000 towards hosting of the Oh Dam Festival;*
 - c. The event organisers will be responsible for expenses relating to the event, including event-specific security, paramedics, ambulance services, fire services, ambulance services, standby generators, hosting of MEC's and media;*
 - d. The municipality will be responsible for the cleanliness of the resort and providing adequate ablutions;*
 - e. The municipality will ensure that there are sufficient toilets, including temporary toilets that may be required;*
- 4. All the legal requirements in respect of event safety plans, liability insurance and other compliance issues are adhered to and paid for by the event organisers;*
- 5. The relevant LED unit and disaster management unit/traffic must be involved in planning processes relating to the successful hosting of the event.*
- 6. The administration be mandated to sign the Memorandum of Understanding with the event organisers.*

In their original application to Council, the event organisers requested Council to consider a 5 year agreement, which will enable the organisers to build up the event over a period so that it can grow into a big event and potentially one of the major events on the municipality's annual events calendar. A 5 year agreement will also place the organisers in a better position to engage potential sponsors to become involved in the event.

FINANCIAL IMPLICATIONS

Camissa's original request to the municipality was for an amount of R500,000 in 2017 (year 1), which will be reduced to R50,000 by year 5. However, given the municipality's financial position an amount of R150,000 was offered.

Comments from Municipal Manager:

Supported

Comments from CFO:

Comments from the Director: Community Services:

RECOMMENDATION

That in respect of the

OH DAM CEDERBERG FESTIVAL REVISED RESOLUTION

discussed by Council at the Special Council Meeting held on 01 August 2017:

That:

1. The Council takes cognisance of the report.
2. The following additions be made to resolution BK8.1.2/14-03-2017:
 - (i) That a 5 year agreement be entered into with Camissa Solutions in respect of the Oh Dam Cederberg Festival;
 - (ii) The CFO must ensure that financial provision be made in the municipality's budget in respect of the Oh Dam Cederberg Festival

RESOLVED

That in respect of the

OH DAM CEDERBERG FESTIVAL REVISED RESOLUTION

discussed by Council at the Special Council Meeting held on 01 August 2017:

That:

1. The Council takes cognisance of the report.
2. The following additions be made to resolution BK8.1.2/14-03-2017:
 - i. That a 5 year agreement be entered into with Camissa Solutions in respect of the Oh Dam Cederberg Festival;
 - ii. The CFO must ensure that financial provision be made in the municipality's budget in respect of the Oh Dam Cederberg Festival.
3. That a "Social Contribution" clause be obtained in the agreement to the benefit of Cederberg Communities.

Proposed: Cllr. J Meyer

Seconded: Cllr. R Pretorius

9.2 Urgent matters submitted by the Municipal Manager

9.2.1 OMHEINING VAN GROND- PUBLIEKE OPENBARE RUIMTES (STEGIES) AANGRENSEND TOT ERWE

Verw.:17/2/1/1

Direkteur Korporatiewe en Strategiese Dienste: A.McCallum

Saamgestel: H.Slimmert

DOEL

Die doel van hierdie item is om 'n in beginsel besluit van die raad te verkry rondom die omheining van publieke openbare ruimtes (stegies).

AGTERGROND

Die Raad verkry deurentyd versoeke vanaf die gemeenskap vir die omheining van publieke openbare ruimtes (stegies). Hierdie stegies word gebruik deur persone wat hulle skuldig maak aan kriminele aktiwiteite en bedreig die veiligheid van gemeenskapslede.

Die aansoek moet nie die vervreemdingsproses volg nie gegewe die koste implikasie vir die plaaslike gemeenskap.

Die toestemming vir die omheining sal die gemeenskap help om sosiale euwels te bekamp.

Die stegie bly steeds die eiendom van die Raad.

FINANSIELE DIENSTE KOMMENTAAR:

Die raad die redelike markwaarde van die bate, asook die ekonomiese en gemeenskapswaarde wat ontvang kan word in ruil vir die bate in aanmerking neem.

TEGNIIESE DIENSTE KOMMENTAAR:

Die terrein moet besoek word en aan die hand van liggingskaarte sal aanbevelings vir die omheining van die publieke penbare ruimtes (stegies) aangrensend tot die geaffekteerde erwe gedoen word.

AANBEVELINGS

Dat ten opsigte van die

**OMHEINING VAN GROND- PUBLIEKE OPENBARE RUIMTES (STEGIES)
AANGRENSEND TOT ERWE**

Bespreek deur Raad by die Spesiale Raadsvergadering van 01 Augustus 2017:

Dat:

1. Die raad kennis neem van die item;
2. Die aanbeveling onderhewig is aan die volgende voorwaardes:
 - Die geaffekteerde inwoners toegelaat word om die publieke openbare ruimte (stegies) aangrensend tot hul erwe op hulle eie onkoste te omhein
 - Die omheinde openbare ruimte die eiendom van die munisipaliteit bly
 - Geen aanbouings/ontwikkeling op bogemelde openbare ruimte mag plaasvind nie

BESLUIT

Dat ten opsigte van die

OMHEINING VAN GROND- PUBLIEKE OPENBARE RUIMTES (STEGIES) AANGRENSEND TOT ERWE

Bespreek deur Raad by die Spesiale Raadsvergadering van 01 Augustus 2017:

Dat:

3. Die raad kennis neem van die item;
4. Die aanbeveling onderhewig is aan die volgende voorwaardes:
 - Die geaffekteerde inwoners toegelaat word om die publieke openbare ruimte (stegies) aangrensend tot hul erwe op hulle eie onkoste te omhein
 - Die omheinde openbare ruimte die eiendom van die munisipaliteit bly
 - Geen aanbouings/ontwikkeling op bogemelde openbare ruimte mag plaasvind nie

Voorstel: Rdl. B Zass

Sekondant: Rdl. R Witbooi

9.3 Matters for notification

Geen / None

9.4 Consideration of notices of motion

Rules of Order for internal Arrangement Part 4

4. Notice of motion

- (1) Unless contained otherwise in these Rules, written notice of intent by a member to introduce a motion must be provided accompanied with a motivation, signature of mover and member seconding the motion as well as the date. Such notice must be delivered to the Municipal Manager at least six working days prior to the date of the meeting on which it is intended to be introduced. It shall incorporate a motivation, signature and date. The speaker may not accept any motion other than motion/s of exigency or motion/s of course unless notice has been provided.

Geen / None

9.5 Consideration of notices of questions

Rules of Order for internal Arrangement Part 4

3. Notice of question

Unless contained otherwise in these Rules, written notice must be provided of intention by a member to introduce a question. Such notice shall be effected at least six working days before the date of the meeting on which it is intended to be introduced. It shall incorporate a motivation, signature and date.

1) Cllr. White requested that an investigation be launched pertaining to the land issue (Nature Reserve Garden); and

2.) That Mr. Mercuur brings the call for proposal back to Council for further discussions pertaining to LED opportunities.

9.6 Consideration of motions of exigency

Rules of Order for internal Arrangement Part 4

8. Motion of exigency

- 8.1 A motion of exigency exists when the attention of Municipal Council is directed to any matter not appearing on the agenda for which no notice was provided. The subject of the matter is briefly stated as well as reference to the fact that the motion to which attention has been directed be considered a matter of exigency.

- 8.2 The attention to the matter is drawn by a member. The matter is brought under the consideration of council by way of motion or question only of the motion is seconded and carried by a majority of the members present.

Geen / None

10. CLOSURE

- Meeting adjourned at 13h55.

VOORSITTER / CHAIRPERSON

DATUM / DATE