



NOTULES VAN DIE / MINUTES OF THE

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

26 FEBRUARIE / FEBRUARY 2021

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**VIRTUAL SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY, HELD
ON**

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**MINUTES OF THE VIRTUAL SPECIAL COUNCIL MEETING OF THE CEDERBERG
MUNICIPALITY HELD ON 16 MARCH 2021.**

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PRESENT AND IN ATTENDANCE:

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

- Cllr. P Strauss
- Cllr. N Qunta
- Cllr. L Scheepers
- Cllr. F Kamfer
- Cllr. M Heins
- Cllr. E Majikijela
- Cllr. W Farmer
- Cllr. R Pretorius
- Cllr. R Witbooi
- Cllr. J Meyer
- Cllr. F Sokuyeka

- Mr. H Slimmert
- Mr. A Titus
- Mr. J Kotze
- Mr. B Blaauw
- Mr. N Mercur
- Mr. A Mlata
- Mr. R Meyers
- Miss J Cloete

ABSENT WITHOUT APOLOGY:

- Geen / None

1. OPENING

- At 17h00, Cllr. P Strauss welcomed all present and opened the meeting with a prayer.

02. ELECTION OF (ACTING) SPEAKER, IF NECESSARY

- N/A

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.

- Geen / None

04. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

- Geen / None

05. STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR

- Geen / None

06. 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.

6.1 Items submitted by Officials of Council

26 FEBRUARY 2021

AMENDMENTS TO INCOME, OPERATIONAL AND CAPITAL EXPENDITURE PROJECTIONS - ADJUSTMENT BUDGET 2020/2021 FEBRUARY 2021
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RB6.1.1/26-02-2021

26 FEBRUARY 2021

REPORT FROM ACTING CHIEF FINANCIAL OFFICER

PURPOSE OF THE ITEM / DOEL VAN DIE ITEM

To submit an Adjustment budget for 2020/2021 financial year for approval by Council, after the needy assessment.

AGTERGROND / BACKGROUND

In terms of Chapter 4, Section 28 of the MFMA;

- (1) A municipality may revise an approved annual budget through an adjustment budget.
- (2) An adjustment budget-
 - (a) must adjust the revenue and expenditure estimates downwards if there is material under-collection of revenue during the current year;
 - (b) may appropriate additional revenues that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmes already budgeted for;
 - (c) may, within a prescribed framework, authorise unforeseeable and unavoidable expenditure recommended by the mayor of the municipality;
 - (d) may authorise the utilisation of projected savings in one vote towards spending under another vote;

- (e) may authorise the spending of funds that were unspent at the end of the past financial year where the under-spending could not reasonably have been foreseen at the time to include projected roll-overs when the annual budget for the current year was approved by the council;
 - (f) may correct any errors in the annual budget; and
 - (g) May provide for any other expenditure within a prescribed framework.
- (3) An adjustment budget must be in a prescribed form.
 - (4) Only the mayor may table an adjustment budget in the municipal council, but an adjustment budget in terms of subsection (2)(b) to (g) may only be tabled within any prescribed limitations as to timing of frequency.
 - (5) When an adjustment budget is tabled, it must be accompanied by –
 - (a) an explanation how the adjustment budget affects the annual budget;
 - (b) a motivation of any material changes to the annual budget;
 - (c) an explanation of the impact of any increased spending on the annual budget and the annual budgets for the next two financial years; and
 - (d) Any other supporting documentation that may be prescribed.
 - (6) Municipal tax and tariffs may not be increased during a financial year excepts when required in terms of a financial recovery plan.
 - (7) Sections 22(b), 23(3) and 24(3) apply in respect of an adjustment budget , and in such application a reference in those sections to an annual budget must be read as a reference to an adjustments budget.

Municipal Budget and Reporting Regulations further provides that:

A. Timeframes for tabling of adjustment budgets

- **An adjustment budget referred to in Chapter 4, section 28(2)(b), (d) and (f) of the Act may be tabled in Municipal Council at any time after the mid-year budget and performance assessment has been tabled in the council, but not later than 28 February of the current year;**
- Only one adjustment budget referred to in sub regulation (1) may be tabled in the municipal council during a financial year, except when the

additional revenues contemplated in Chapter 4, section 28(2)(b) of the Act are allocations to a Municipality in a National or Provincial adjustment budget, in which case sub regulation (3) applies. If a National or Provincial adjustment budget allocates or transfer additional revenue to a Municipality, the Mayor of the Municipality must, at the next available meeting, but within 60 days of the approval of the relevant National or Provincial adjustment budget, table an adjustment budget referred to in Chapter 4, section (28(2) (b) of the Act in the Municipal council to appropriate these additional.

- The roll-overs relate to, relate only to own funding. MFMA circular 72 para 6.6 dictates the process for Grant Funding roll-overs.
- “Municipalities may not rollover unspent conditional grant spending in terms of Chapter 4, section 28(2)(e) of the MFMA (read together with regulation 23(5) of the Municipal Budget and Reporting Regulations) because they are national / provincial funds. The applicable rollover process is then given effect through the municipal adjustment budget in January / February each year for all the cash / transfers that had already been transferred to the bank accounts of municipalities prior to the end of the financial year. In this regard refer to MFMA Budget Circular No. 51 for more information.
- Chapter 3, Section 21 of the 2013 Division of Revenue Act requires that any conditional grants which are not spent at the end of the municipal financial year must revert to the National Revenue Fund, unless the receiving officer proves to the satisfaction of National Treasury that the unspent allocation is committed to identifiable projects, in which case the funds may be rolled over.”

FINANCIAL IMPLICATIONS / FINANSIËLE IMPLIKASIES

Contained in the attached B-Schedules.

RELEVANT LEGISLATION / RELEVANTE WETGEWING

- The MFMA, Chapter 4, Section 28
- Municipal Budget and Reporting Regulations

COMMENTS: MUNICIPAL MANAGER

The item is supported.

COMMENTS: ACTING DIRECTOR CORPORATE AND COMMUNITY SERVICES

The item is supported.

COMMENTS: ACTING CHIEF FINANCIAL OFFICER

The item is supported.

COMMENTS: ACTING DIRECTOR TECHNICAL SERVICES

The item is supported.

COMMENTS: MANAGER LEGAL SERVICES

The item is supported.

RECOMMENDATION

It is recommended that:

1. Council approves the Adjustment Budget for 2020/21 financial year, amendments to income, operational and capital expenditure projections as set out in the following:
 - Municipal Budget tables B1 – B10
 - Municipal Budget Supporting Documentation SB1 – SB19
2. Council notes that the Service Delivery Budget Implementation Plan has been amended to be in line with these adjustments and is submitted as a separate item in this meeting.

APPENDIX/AANHANGSELS/ ISIHLOMELO

Part 1 – Adjustment Budget

Adjustment Budget Tables (Annexure A)

The adjustment budget tables are contained in this report. The adjustment budget tables contain the following:

1. Table B1 Adjustment Budget Summary
2. Table B2 Adjust Budget Financial Performance (standard classification)
3. Table B3 Adjustment Budget Financial Performance (revenue and expenditure by municipal vote)
4. Table B4 Adjustment Budget Financial Performance (revenue and expenditure)
5. Table B5 Adjustment Capital Expenditure Budget by vote and funding
6. Table B6 Adjustment Budget Financial Position
7. Table B7 Adjustment Budget Cash Flow
8. Table B8 Cash backed reserves / accumulated surplus reconciliation
9. Table B9 Asset Management
10. Table B10 Basic Service Delivery Measurement

Part 2 – Supporting Documentation (Annexure B)

The budget supporting documentation is contained in this report.

- This information is contained in supporting documents SB1 to SB19.

Other supporting Documents

Annexure C is the quality certificate.

Annexure D is the Adjustment Budget Report

RESOLVED:

that:

1. Council approves the Adjustment Budget for 2020/21 financial year, amendments to income, operational and capital expenditure projections as set out in the following:
 - Municipal Budget tables B1 – B10
 - Municipal Budget Supporting Documentation SB1 – SB19
2. Council notes that the Service Delivery Budget Implementation Plan has been amended to be in line with these adjustments and is submitted as a separate item in this meeting.

Proposed: Cllr. L Scheepers

Seconded: Cllr. R Pretorius

26 FEBRUARY 2021

ITEM: ADJUSTMENT/ REVIEW OF THE TOP LAYER SERVICE
DELIVERY BUSGET IMPLEMENTATION PLAN (SDBIP) 2020/2021

RB6.1.2/26-02-2021

26 FEBRUARIE/ FEBRUARY 2021

REPORT FROM MANAGER: ACTING MANAGER STRATEGIC SERVICES

PURPOSE OF THE REPORT/DOEL VAN VERSLAG

To obtain approval from Council for the adjusted/revised Service Delivery Budget Implementation Plan (SDBIP) 2020/2021.

BACKGROUND

A recommendation to council has been made during the tabling of the mid-year performance report; that an Adjustment Budget should be compiled by the Municipal Manager and Executive Mayor before the end of February. Furthermore, according to the Municipal Systems Act No.32 of 2000, Section 40, a municipality must establish mechanisms to monitor and review its performance management system. It is with this that the adjustment/review SDBIP 2020/2021 is tabled to Council for approval.

FINANCIAL IMPLICATIONS / FINANSIËLE IMPLIKASIES

- Adjustment Budget

RELEVANT LEGISLATION / RELEVANTE WETGEWING

- Municipal Systems Act No.32 of 2000, Section 40.

COMMENTS: MUNICIPAL MANAGER

COMMENTS: ACTING DIRECTOR CORPORATE AND COMMUNITY SERVICES

COMMENTS: ACTING CHIEF FINANCIAL OFFICER

COMMENTS: ACTING DIRECTOR TECHNICAL SERVICES

COMMENTS: MANAGER LEGAL SERVICES

EXECUTIVE SUMMARY

The Service Delivery Budget Implementation Plan KPI's can only be adjusted after the mid-year assessment and/or after the adjustment budget has been approved. KPI's should be adjusted to be aligned with the adjustment estimate (incl. Capital projects) and the reason for the adjustment in the indicator / target should be submitted in a report to council. The KPI's can only be changed on the system after council approval has been obtained.

RECOMMENDATION

That in respect of the:

ADJUSTMENT/REVIEW OF THE TOP LAYER SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN (SDBIP) 2020/2021

As discussed by Council at the Council meeting held on 25 February 2021:

- a) That council approve the Adjusted/Reviewed Top Layer Service Delivery Budget Implementation Plan (SDBIP) 2020/2021;
- b) That the proposed changes be made on the Web based performance system; and
- c) That Performance Agreements of the Municipal Manager and managers directly accountable to the municipal manager be amended accordingly.

APPENDIX

RESOLVED:

- a) That council approve the Adjusted/Reviewed Top Layer Service Delivery Budget Implementation Plan (SDBIP) 2020/2021;
- b) That the proposed changes be made on the Web based performance system; and
- c) That Performance Agreements of the Municipal Manager and managers directly accountable to the municipal manager be amended accordingly.

Proposed: Cllr. L Scheepers

Seconded: Cllr. E Majikijela

26 February 2021

CONSTITUTION OF COUNCIL COMMITTEES

RB6.1.3/26-02-2021

26 FEBRUARY 2021.

REPORT FROM EXECUTIVE MAYOR

PURPOSE OF THE ITEM / DOEL VAN DIE ITEM

To inform Council of the Executive Mayor restructuring the Council Committees for Council rectification and approval.

APPLICABLE LEGISLATION

Chapter 4 Part 5: Other committees of municipal councils

Section 79 (1) of the Municipal Structures Act No. 117 of 1998 and regulations

79. Establishment.---(1) A municipal council may---

- a) establish one or more committees necessary for the effective and efficient performance of any of its functions of the exercise of any of its powers;
- a) appoint the members of such a committee from among its members; and
- b) dissolve a committee at any time.

In terms of section 80 (1) and (2) of the Local Government: Municipal Structures Act, No. 117 of 1998, If a municipal council has an executive committee or executive mayor, it may appoint in terms of section 79, committees of councillors to assist the executive committee or executive mayor. Such committees may not in number exceed the number of members of the executive committee or mayoral committee

In terms of Regulation 4(5) (e) of the Municipal regulations on financial misconduct procedures and Criminal proceedings, a political office-bearer is disqualified from membership of a disciplinary board.

Section 1 of the Municipal Finance Management Act defines a political office-bearer in relation to a municipality as the speaker, executive mayor, deputy executive mayor, mayor, deputy mayor or a member of the executive or mayoral committee of a municipality elected, designated or appointed in terms of a specific provision of the Municipal Structures Act; or a councillor referred to in section 57 (1) of this Act.

CONCLUSION

For the current audit the municipality has already received two audit findings with regard to non-compliance with the above legislations. The number of members in a committee has already been addressed to Council, Item Number 6.2.1., Reference Number 3/3/2/1 in the Council Meeting held in September 2020. This item tabled today seeks to rectify the Disciplinary Board Committee as well as the Chairperson of Municipal Public Accounts Committee and the Chairperson of Community Services Portfolio Committee since Cllr. Kamfer replaced Cllr. Majikijela. Cllr Kamfer can therefore not be the Chairper of MPAC.

RECOMMENDATION

It is recommended that:

- a) Councillor be appointed as Chairperson of the Municipal Public Accounts Committee.
- b) That it be noted Cllr. Kamfer has replaced Cllr. Majikijela as Chairperson of Community Services Portfolio Committee.
- c) That the following people are appointed as members of the Disciplinary Board Committee:
 1.
 2.
 3.
 4. Co-opted External Legal Advisor
- d) That it be noted that all other committees remains the same.

APPENDIX/AANHANGSELS/ ISIHLOMELO

1. COMAF 04 of 2020 - Portfolio Committees
2. COMAF 13 of 2020 - Consequence Management

RESOLVED:

- a) Councillor E Majikijela be appointed as Chairperson of the Municipal Public Accounts Committee.
- b) That it be noted Cllr. Kamfer has replaced Cllr.Majikijela as Chairperson of Community Services Portfolio Committee.
- c) That the appointment as of the Disciplinary Board Committee for Councillors be handled at the next Council Meeting:
- d) That it be noted that all other committees remains the same with the following changes made and approved in Annexure A:

Annexure A

CHAIRPERSONS

Support Services	Cllr. N Qunta
Community Services	Cllr. F Kamfer
Technical Services	Cllr. M Heins

SUPPORT SERVICES PORTFOLIO COMMITTEE

- Cllr. N Qunta (Chairperson)
- Cllr. M Heins (Secundi)
- Cllr. R Witbooi

COMMUNITY SERVICES PORTFOLIO COMMITTEE

- Cllr. F Kamfer (Chairperson)
- Cllr. E Majikijela (Secundi)
- Cllr. J Meyer

TECHNICAL SERVICES PORTFOLIO COMMITTEE

- Cllr. M Heins (Chairperson)
- Cllr. L Scheepers (Secundi)
- Cllr. R Pretorius

MPAC (MUNICIPAL PUBLIC ACCOUNTS COMMITTEE)

- Cllr. E Majikijela (Chairperson)
- Cllr. F Sokuyeka

LOCAL LABOUR FORUM

- Cllr. L Scheepers (Chairperson)
- Cllr. M Heins

SALGA PORTFOLIO

1. COMMUNITY DEVELOPMENT AND SOCIAL COHESION
 - a. **-Cllr. F Kamfer**
 - b. **Secundi: Cllr. J Meyer**

2. ECONOMIC EMPOWERMENT & EMPLOYMENT CREATION
 - a. **-Cllr. M Heins**
 - b. **Secundi: Cllr. W Farmer**

3. ENVIRONMENTAL PLANNING & CLIMATE RESILIENCE
 - a. **-Cllr. L Scheepers**
 - b. **Secundi: Cllr. F Sokuyeka**

4. HUMAN SETTLEMENTS & MUNICIPAL PLANNING
 - a. **-Cllr. N Qunta**
 - b. **Secundi: Cllr. J Meyer**

5. PUBLIC TRANSPORT AND ROADS
 - a. **-Cllr. P Strauss**
 - b. **Secundi: Cllr. R Pretorius**

6. WATER, SANITATION AND WASTE MANAGEMENT
 - a. **-Cllr. E Majikijela**
 - b. **Secundi: Cllr. F Sokuyeka**

7. CAPACITY BUILDING & INSTITUTIONAL RESILIENCE

- a. -Cllr. P Strauss**
- b. Secundi: R Witbooi**

8. MUNICIPAL FINANCE AND FISCAL POLICY

- a. -Cllr. N Qunta**
- b. Secundi: R Witbooi**

9. MUNICIPAL INNOVATIONS & INFORMATION TECHNOLOGY

- a. -Cllr. M Heins**
- b. Secundi: Cllr. J Meyer**

10. WOMENS COMMISSION

- a. -Cllr. L Scheepers**
- b. Secundi: Cllr. R Witbooi**

Proposed: Cllr. F Kamfer

Seconded: Cllr. L Scheepers

26 FEBRUARY 2021

<p>TABLING OF FINAL DRAFT COST CONTAINMENT POLICY</p>

RB6.1.4/26-02-2021

26 FEBRUARY 2021.

REPORT FROM ACTING CHIEF FINANCIAL OFFICER

PURPOSE OF THE ITEM / DOEL VAN DIE ITEM

To submit to Council for consideration and approval of the cost containment policy in terms of the Municipal Cost Containment Regulation.

AGTERGROND / BACKGROUND

The cost containment draft policy is drafted to give effect to regulation 4 of the Cost Containment Regulations gazetted by National Treasury on 7 June 2019 in Gazette Number 42514 in terms of section 168(1) of the Local Government Municipal Finance Management Act, 2003 (Act no 56 of 2003)(MFMA).

The objective of the draft policy and regulations is to ensure that resources of the municipality and or municipal entity are used effectively, efficiently and economically by implementing cost containment measures as envisaged in sections 62(1)(a), 78(1)(b), 95(a) and 105(1)(b) of the MFMA.

FINANCIAL IMPLICATIONS / FINANSIËLE IMPLIKASIES

The final draft policy must be used as a basis to align all policies that has financial implications.

RELEVANT LEGISLATION / RELEVANTE WETGEWING

- Sections 62(1) (a), 78(1)(b), 95(a) and 105(1)(b) of the MFMA.

- Regulation 4 of the Cost Containment Regulations gazetted by National Treasury on 7 June 2019 in Gazette Number 42514 in terms of section 168(1) of the Local Government Municipal Finance Management Act, 2003 (Act no 56 of 2003)(MFMA).
- MFMA Circular No 98

COMMENTS: MUNICIPAL MANAGER

The item is supported.

COMMENTS: ACTING DIRECTOR CORPORATE AND COMMUNITY SERVICES

The item is supported.

COMMENTS: ACTING CHIEF FINANCIAL OFFICER

The cost containment policy is required in terms of the regulations. Each municipality must develop, adopt and approve a cost containment policy. This approval was supposed to have been developed and approved by 31 July 2019 in terms of the regulations.

COMMENTS: ACTING DIRECTOR TECHNICAL SERVICES

The item is supported.

COMMENTS: MANAGER LEGAL SERVICES

The item is supported.

DISCUSSION

This final draft policy and associated regulations apply to all officials and political office bearers in the municipality and or municipal entity. Due to the mandatory tone in the regulations many of the paragraphs contained in the regulations have been duplicated as is as non-compliance may lead to financial misconduct as envisaged in regulation 14 and paragraph 11 of this policy.

CONCLUSION

The item is submitted in order to comply with the requirements from National Treasury. After the draft policy was tabled in Council it was referred for a policy workshop which was held during February 2021.

RECOMMENDATION

It is recommended that:

1. That the Final Draft Cost Containment Policy in terms of the Municipal Cost Containment Regulation, be approved;
2. That the Final Draft Policy be implemented effectively 01 March 2021.
3. That all other policies of the Municipality with financial implication be aligned to this cost containment policy.

APPENDIX/AANHANGSELS/ ISIHLOMELO

1. Final Draft policy on cost containment.

RESOLVED

that:

1. That the Final Draft Cost Containment Policy in terms of the Municipal Cost Containment Regulation, be approved;
2. That the Final Draft Policy be implemented effectively 01 March 2021.
3. That all other policies of the Municipality with financial implication be aligned to this cost containment policy.

Proposed: Cllr. L Scheepers

Seconded: Cllr. R Pretorius

26 FEBRUARY 2021

SIU INVOICES FOR THE ONGOING INVESTIGATIONS
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RB6.1.5/26-02-2021

26 FEBRUARY 2021.

REPORT FROM ACTING CHIEF FINANCIAL OFFICER

PURPOSE OF THE ITEM / DOEL VAN DIE ITEM

To submit to Council for consideration and decision making on the invoices received from the SIU with regards to the current ongoing investigation.

AGTERGROND / BACKGROUND

Cederberg Municipality, like many other municipalities who are under investigation by the SIU has received an invoice from the SIU.

APPLICABLE LEGISLATION

In terms of Section 5(1)(b) of the SIU Act, read with proclamation, the SIU may charge and recover:

- a) fees and expenses relating to the investigation of the allegations authorised by the proclamation;
- b) Legal costs relating to the institution and conducting of civil proceedings based on the outcome of the investigation authorised by the Proclamation; and
- c) Interest on all arrear amounts, calculated at the rate prescribed in terms of section 1(2) of the Prescribed Rate of Interest Act, 1975 (Act No. 55 of 1975).

FINANCIAL IMPLICATIONS / FINANSIËLE IMPLIKASIES

Total invoices amounts to R 1 279 576.71. This is not the final amount as the investigation is ongoing.

RELEVANT LEGISLATION / RELEVANTE WETGEWING

- Section 5(1)(b) of the SIU Act
- Section 5(1A)(a) of the SIU Act

COMMENTS: MUNICIPAL MANAGER

The item is supported.

COMMENTS: ACTING DIRECTOR CORPORATE AND COMMUNITY SERVICES

The item is supported.

COMMENTS: ACTING CHIEF FINANCIAL OFFICER

The item is supported.

COMMENTS: ACTING DIRECTOR TECHNICAL SERVICES

The item is supported.

COMMENTS: MANAGER LEGAL SERVICES

The item is supported.

CONCLUSION

Cederberg Municipality has not made provision for such costs on investigations. Payment of this invoice will be unauthorised expenditure as it was not provided for in the Budget and this will contrary to the MFMA. In any event Cederberg Municipality is in financial distress.

In terms of Section (1A)(a) of the SIU Act, if the Cederberg Local Municipality is unable to pay the fees, expenses or legal costs or any part thereof, charged or to be recovered in terms of section 5(1)(b) of the SIU Act, for a specific financial year or

any part thereof, the Cederberg Local Municipality may apply to the National Treasury to be exempted from the payment of such fees, expenses or legal costs or any part thereof.

RECOMMENDATION

It is recommended that:

1. Council takes note of the invoices received from the SIU.
2. Council delegates the CFO to inform the SIU that Cederberg Municipality cannot afford and have not budgeted for this amount, and therefor unable to pay these invoices.
3. Council delegates the CFO to apply to National Treasury that Cederberg Municipality be exempted from payment of such fees, expenses or legal costs or any part therefor.

APPENDIX/AANHANGSELS/ ISIHLOMELO

- Annexure B: SIU Project Team and Cost.

RESOLVED:

1. Council takes note of the invoices received from the SIU.
2. Council delegates the CFO to inform the SIU that Cederberg Municipality cannot afford and have not budgeted for this amount, and therefor unable to pay these invoices.
3. Council delegates the CFO to apply to National Treasury that Cederberg Municipality be exempted from payment of such fees, expenses or legal costs or any part therefor.

26 FEBRUARY 2021

ITEM: MID-YEAR PERFORMANCE REVIEW REPORT OF MUNICIPAL
MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE
MUNICIPAL MANAGER 2020/2021

RB6.1.6/26-02-2021

26 FEBRUARIE/ FEBRUARY 2021

REPORT FROM MANAGER: ACTING MANAGER STRATEGIC SERVICES

PURPOSE OF THE REPORT/DOEL VAN VERSLAG

To inform Council on the mid-year performance review of the Municipal Manager and Managers directly accountable to the Municipal Manager.

BACKGROUND

In terms of Section 57 of the Municipal Systems Act a person to be appointed as a municipal manager or manager directly accountable to the municipal manager may only be appointed in that position in terms of an employment contract and a separate performance agreement. The performance agreements must be formally reviewed twice per annum. The performance agreements establish the performance relationship between the employer and the employee. The agreement requires that the performance of the employee needs to be evaluated at least twice per annum. The evaluations reported on focused on the mid-year performance of the senior management for the 2020/21 financial year. It focuses on the actual work delivered for the first semester (July to December) of the financial year ending 30 June 2021.

FINANCIAL IMPLICATIONS / FINANSIËLE IMPLIKASIES

TCOE bonus for the Municipal Manager and managers directly accountable to the municipal manager for year ending 30 June 2021

RELEVANT LEGISLATION / RELEVANTE WETGEWING

- Chapter 7 of the Local Government: Municipal Systems Act 32 of 2000
- Local Government: Municipal Performance Regulations for Municipal Managers and Managers directly accountable to the Municipal Manager, Notice 805 of 2006

- o Local Government: Municipal Finance Management Act 56 of 2003

COMMENTS: MUNICIPAL MANAGER

Cederberg Municipality has been under severe financial pressure which led to the submission of a Financial Enhancement plan to Council for the improvement and betterment of the financial situation to improve and sustain service delivery. As Municipal Manager it has been extremely difficult to execute projects under financial constraints. On top of this Covid-19 in itself and regulations restricted our workforce in providing services to our communities. With this background, as the Municipal Manager, I had to take reasonable steps ensure a safe and healthy working environment for all as well as to ensure that our communities are safe during a state of disaster. I also want to reiterate to Council that during this time I as Municipal Manager have managed Cederberg Municipality out of these difficult times with only managers acting as directors. It is therefore evident that despite the performance as evaluated for the mid-year that the administration has outshined our circumstances and were able to keep our heads above water.

COMMENTS: ACTING DIRECTOR CORPORATE AND COMMUNITY SERVICES

Item supported

COMMENTS: ACTING CHIEF FINANCIAL OFFICER

Item supported

COMMENTS: ACTING DIRECTOR TECHNICAL SERVICES

Item supported

COMMENTS: MANAGER LEGAL SERVICES

Item supported

EXECUTIVE SUMMARY

The municipal manager has been evaluated on the 11 February 2021 by the Mayor for the first half of the 2020/2021 financial year. It is required by legislation that the municipality must be assessed for the first half of the year followed by a performance assessment of the municipal Manager and managers directly accountable to the municipal manager in terms of their performance agreements. The municipal manager was assessed and has achieved an overall 66.1% score.

RECOMMENDATION

It is recommended that:

1. That Council takes note of the outcomes of the Mid-Year Performance Review Report Of Municipal Manager and Managers Directly Accountable To The Municipal Manager 2020/2021
2. Copies of the mid-year performance evaluations 2020/21 be sent to MEC Local Government, Provincial Treasury, National Treasury and Department of Local Government.

APPENDIX

1. Outcomes of the Mid-Year Performance Review Report Of Municipal Manager and Managers Directly Accountable To The Municipal Manager 2020/2021

RESOLVED:

that:

1. That Council takes note of the outcomes of the Mid-Year Performance Review Report Of Municipal Manager and Managers Directly Accountable To The Municipal Manager 2020/2021
2. Copies of the mid-year performance evaluations 2020/21 be sent to MEC Local Government, Provincial Treasury, National Treasury and Department of Local Government.

RB6.1.7

26 FEBRUARY 2021

<p>REPORT TO COUNCIL: OPPORTUNITIES FOR THE ALIENATION OF MUNICIPAL PROPERTIES</p>

Reference: 7/2/5/2/2

Acting Director: Corporate Services: A Titus

Report compiled by: N Mercur

PURPOSE

The purpose of this report is to obtain an in principle decision from Council for the disposal of municipal owned land identified for GAP housing opportunities and economic development purposes.

BACKGROUND

The IDP of Cederberg Municipality identified and prioritised economic development and GAP housing as a priority and access to land for the middle-income groups. It has become imperative to address their plight for housing and land. By making the identified land available for these purposes this will afford the targeted income group an opportunity to become owners of land and houses.

Cederberg Municipality has pieces of residential land available at its disposal, some serviced and others not. The challenge remains the slow pace of housing delivery due to Cederberg housing allocation and the absence or slow implementation of housing programmes for those in the middle income category. It is Cederberg Municipality's intention to contribute to the alleviation of this issue by availing pieces of land at its disposal through supply chain management processes.

This should also entail a process to determine the market values of the plots available. Bulk services exist for most of the identified plots, but service connections to these plots need to be installed. A cost estimate for the installation of services should be done to determine the reserve price of the plots to be sold.

FINANCIAL IMPLICATIONS

The alienation of the properties will have financial implications in respect of the expenditure on bulk services and other town planning processes. However, the potential for the municipality to earn revenue from the alienation will be enormous, and will contribute to the financial viability of the municipality.

PERSONNEL IMPLICATIONS

None at this stage. The town planning department will be intimately involved in all the processes relating to alienation of properties.

COMMENTS FROM THE MUNICIPAL MANAGER:

Supported.

COMMENTS FROM THE DIRECTOR: CORPORATE AND COMMUNITY SERVICES

The report is supported.

COMMENTS FROM THE DIRECTOR: TECHNICAL SERVICES

The report and recommendations are supported.

COMMENTS FROM THE CFO

The report is supported. Council must note that there are already resolutions pertaining to certain properties. This report and recommendations will confirm that previous resolutions in this regard have been noted.

RECOMMENDATION

It is recommended that in respect of the **Report to Council on Alienation of Various Properties in Cederberg**, discussed by the Council at the Council Meeting held on 26 February 2021:

That:

- a) Council approve, in principle, the disposal of municipal land for GAP housing and economic development opportunities within the parameters of the Supply Chain Management Policy and other related legislative requirements.
- b) Cost estimates for the installation of services be done by a suitably qualified engineer.

- c) The administration be mandated to commence with the disposal and/or appropriate process or alternative mechanisms and submit progress reports to Council as implementation progresses.

(This document should be read with Annexure A)

RESOLVED:

- a) Council approve, in principle, the disposal of municipal land for GAP housing and economic development opportunities within the parameters of the Supply Chain Management Policy and other related legislative requirements.
- b) Cost estimates for the installation of services be done by a suitably qualified engineer.
- c) The administration be mandated to commence with the disposal and/or appropriate process or alternative mechanisms and submit progress reports to Council as implementation progresses.
- d) That it be noted that 1st home owners or –buyers, pertaining employees, be considered as well.

Proposed:Cllr. F Kamfer

Seconded: Cllr. N Qunta

6.3 Urgent matters submitted by the Municipal Manager

- Geen / None

6.3 Matters for notification

- Geen / None

6.4 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

7. CLOSURE

- Meeting adjourned 10h33.

VOORSITTER / CHAIRPERSON

DATUM / DATE