



NOTULES VAN DIE / MINUTES OF THE

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

30 AUGUSTUS / AUGUST 2016

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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 30 AUGUST 2016 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

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|-------------------|
| 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 14h00 the Chairperson, Cllr. W Farmer called the meeting to order and welcomed all present. Cllr. B Zass opened the meeting with a prayer.

1.1 Announcement of Councillors birthdays

Cllr. J Barnard : 10 August 2016
Cllr. W Farmer : 14 August 2016

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| 2. ELECTION OF (ACTING) SPEAKER, IF NECESSARY |
|--|

N/A

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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

- Cllr. D Smith
- Mr. E Alfred (Chief Financial Officer)
- Mr. A Titus (Acting Director Community Development Services)

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.

Geen / None

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 there 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.

Geen / None

6. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

Geen / None

7. STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR

Geen / None

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

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.

Geen / None

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 FINAL IDP/PMS/BUDGET PROCESS PLAN 2017/2022

Ref: 15/5/1 & 5/1/1

Acting Director Corporate and Strategic Services: J France

Compiled: O. Fransman

PURPOSE

To table the Final IDP/PMS/Budget Process Plan for the period 2017-2022 to Council for adoption, and the time schedule for 2016/17, this outlines the scheduled consultation sessions and intergovernmental platforms.

BACKGROUND

The Municipal Systems Act 32 of 2000; Chapter 5, Section 28 (1), a municipal Council must;

(1) Adopt a process which set out in writing the planning, formulation, adoption and revision of the Integrated Development Plan.

(2) This Procedure must:

- Include a programme setting out the timeframes for the various planning phases;
- Determine and describe sufficient mechanisms, processes and procedures for consultation of and participation by local communities, government bodies and other role-players in the formulation of the IDP;
- Identify planning and planning requirements, which in terms of national and provincial legislation, are binding on the municipality concerned.

FINANCIAL IMPLICATIONS

None

LEGAL FRAMEWORK

-Section 25, 28 & 29 of the MSA

-Section 21 (1) of the MFMA

COMMENTS OF SECTION 57 MANAGERS

| | |
|------------------------------|------------------------|
| Acting Municipal Manager: | Support Recommendation |
| Director Community Services: | Support Recommendation |
| Director Financial Services: | Support Recommendation |
| Director Technical Services: | Support Recommendation |

RECOMMENDATION

That in respect of the

FINAL IDP/PMS/BUDGET PROCESS 2017 – 2022

Discussed by Council at Special Council Meeting held on 30 August 2016:

1. That Council considers and approve the FINAL IDP/PMS/BUDGET Process Plan for the period 2017/2022; and
2. That the FINAL IDP/PMS/Budget Process Plan be made available to the public.

RESOLVED

That in respect of the

FINAL IDP/PMS/BUDGET PROCESS 2017 – 2022

Discussed by Council at Special Council Meeting held on 30 August 2016:

1. That Council considers and approve the FINAL IDP/PMS/BUDGET Process Plan for the period 2017/2022; and
2. That the FINAL IDP/PMS/Budget Process Plan be made available to the public.

Proposed: Cllr. R Pretorius

Seconded: Cllr. B Zass

9.1.2 ANNUAL PERFORMANCE REPORT 2015/2016

Ref.: 4/8/1

Acting Director Corporate and Strategic Services: J France

Compiled: O Fransman

PURPOSE

To submit the Annual Performance Report for 2015/2016 to Council for approval.

BACKGROUND

The Annual Performance Report are table to council as prescribed in the MSA 2000, section 46. The Annual Performance Report indicate the performance of the municipality for the year under review (2015/2016 financial year)

APPLICABLE LEGISLATION

Section 46 of the MSA requires that the municipality must, at least once during a year, measure and review its performance against the KPIs and performance targets contained in its Performance Management System and prepare an annual performance report. These measurements will indicate in what areas the municipality performed satisfactorily and where improvements are required.

PERSONNEL IMPLICATION

None

FINANCIAL IMPLICATION

None

COMMENTS WITH SECTION 57 MANAGERS

| | |
|------------------------------|------------------------|
| Acting Municipal Manager: | Support Recommendation |
| Director Community Services: | Support Recommendation |
| Director Financial Services: | Support Recommendation |
| Director Technical Services: | Support Recommendation |

RECOMMENDATION

That in respect of the

ANNUAL PERFORMANCE REPORT 2015/2016

discussed by Council at the Special Council Meeting held on 30 August 2016:

- a) That the 2015/2016 Annual Performance Report of Cederberg Municipality be approved.
- b) That the report be submitted to the Auditor General.

RESOLVED

That in respect of the

ANNUAL PERFORMANCE REPORT 2015/2016

discussed by Council at the Special Council Meeting held on 30 August 2016:

- a) That the 2015/2016 Annual Performance Report of Cederberg Municipality be approved.
- b) That the report be submitted to the Auditor General.

Proposed: Cllr. J Meyer

Seconded: Cllr. R Pretorius

9.1.3 THE AUDIT COMMITTEE'S ANNUAL REPORT WITH RECOMMENDATIONS TO COUNCIL

Ref.: 3/2/2/3

Acting Municipal Manager: J France
Compiled: Joylyon Goeieman

PURPOSE

In terms of legislation and the Charter of the Audit Committee, the committee must at least on an annual basis report to Council, with the aim to advise regarding internal controls, risk related issues and the committee's function.

BACKGROUND

Attached as appendix A, the Annual Report of the Audit Committee for the 2015/ 2016 financial year. It contains the findings of Internal Audit and the recommendations as approved by the Committee.

FINANCIAL IMPLICATIONS

None.

LEGISLATIVE IMPLICATIONS

Compliance with the MFMA, act 56 of 2003 and the Charter of the Audit Committee.

PERSONNEL IMPLICATIONS

None.

RECOMMENDATION

That in respect of the

THE AUDIT COMMITTEE'S ANNUAL REPORT WITH RECOMMENDATIONS TO COUNCIL

discussed by Council at Special Council Meeting held on 30 August 2016:

- a) That Council take note of the report of the Internal Audit Committee;
- b) That the recommendations be implemented by the respective Heads of Departments;
- c) That the Internal Auditor monitor and report to the Municipal Manager regarding progress of implementation of recommendations.

RESOLVED

That in respect of the

THE AUDIT COMMITTEE'S ANNUAL REPORT WITH RECOMMENDATIONS TO COUNCIL

discussed by Council at Special Council Meeting held on 30 August 2016:

- a) That Council take note of the report of the Internal Audit Committee;
- b) That the recommendations be implemented by the respective Heads of Departments;
- c) That the Internal Auditor monitor and report to the Municipal Manager regarding progress of implementation of recommendations.

**9.1.4 TOP LAYER SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN (SDBIP)
FOR THE FOURTH QUARTER (01 APRIL – 30 JUNE 2016)**

Ref: 15/5/1/1

Acting Director Corporate and Strategic Services: J. France

Compiled: O Fransman

PURPOSE

Herewith to inform Council about the fourth quarter performance report (Top Layer SDBIP: April - June 2016) as part of the obligation arising from section 52 of the Local Government: Municipal Finance Management Act, 2003 (MFMA).

APPLICABLE LEGISLATION

- Section 52 of the Local Government: Municipal Finance Management Act, 2003.

PERSONNEL IMPLICATIONS:

NONE

FINANCIAL IMPLICATIONS

NONE

COMMENTS WITH SECTION 57 MANAGERS

| | |
|------------------------------|------------------------|
| Acting Municipal Manager: | Support Recommendation |
| Director Community Services: | Support Recommendation |
| Director Financial Services: | Support Recommendation |
| Director Technical Services: | Support Recommendation |

RECOMMENDATION

That in respect of the

**TOP LAYER SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN FOR THE 4TH
QUARTER (01 APRIL 2016 – 30 JUNE 2016)**

discussed by Council at Special Council Meeting held on 30 August 2016:

- a) That Council take cognisance of the content of the SDBIP report for the fourth quarter.

RESOLVED

That in respect of the

**TOP LAYER SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN FOR THE 4TH
QUARTER (01 APRIL 2016 – 30 JUNE 2016)**

discussed by Council at Special Council Meeting held on 30 August 2016:

- a) That Council take cognisance of the content of the SDBIP report for the fourth quarter.

9.1.5 RESTATED SCHEDULE A 2016-2017: CEDERBERG MUNICIPALITY

Ref.: 5/1/1/1

Chief Financial Officer: ER Alfred

PURPOSE

The purpose of this report is for Council to consider and approve the 2015-2016 adjustment figures in the A Schedule 2016/2017 (Annual Budget and supporting documentation)

BACKGROUND

The Schedule A (Annual Budget and Supporting documentation of a Municipality) was prepared in terms of the Local Government: Municipal Finance Management Act, (Act 56 of 2003), Municipal Budget and reporting regulations, Government Gazette 32141, 17 April 2009.

The attached Schedule A (Annual Budget and Supporting documentation) are herewith submitted to Council for consideration and approval. It should be emphasized that the restatement has no impact on the 2016-2017 Budget.

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 the:

RESTATED SCHEDULE A 2016-2017: CEDERBERG MUNICIPALITY

discussed by Council at the Special Council Meeting held on 30 August 2016:

1. Council approves the restated Schedule A 2016-2017 (Annual Budget and Supporting documentation)

RESOLVED

That in respect of the:

RESTATED SCHEDULE A 2016-2017: CEDERBERG MUNICIPALITY

discussed by Council at the Special Council Meeting held on 30 August 2016:

1. Council approves the restated Schedule A 2016-2017 (Annual Budget and Supporting documentation)

Proposed: Cllr. B Zass

Seconded: Cllr. R Pretorius

9.1.6 QUARTERLY BUDGET AND SUPPLY CHAIN MANAGEMENT REPORTS

Ref.: 5/1/1/1

Chief Financial Officer: ER Alfred

PURPOSE

Submission of the Budget and SCM Reports of the 4th Quarter for the 2015/2016 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 IMPLICATIONS

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: | Recommendation Supported |
| Director: Corporate and Strategic Services: | Recommendation Supported |
| Director: Financial Services: | Recommendation Supported |
| Director: Engineering and Planning Services: | Recommendation Supported |
| Director: Community Development Services: | Recommendation Supported |

RECOMMENDATION

That in respect of:

QUARTERLY BUDGET AND SCM REPORTS

discussed by Council at the Special Council Meeting held on 30 August 2016:

- a) Council takes cognisance and approve the:
 - (i) Quarterly Budget Statement,
 - (ii) Virements Report and
 - (iii) Supply Chain Management Report for the month of April 2016 - June 2016.

RESOLVED

That in respect of:

QUARTERLY BUDGET AND SCM REPORTS

discussed by Council at the Special Council Meeting held on 30 August 2016:

- a) Council takes cognisance and approve the:
 - (iv) Quarterly Budget Statement,
 - (v) Virements Report and
 - (vi) Supply Chain Management Report for the month of April 2016 - June 2016.

Proposed: Cllr. B Zass

Seconded: Cllr. J Meyer

9.1.7 UN-AUDITED FINANCIAL STATEMENTS: CEDERBERG MUNICIPALITY

Ref.: 5/1/3

Chief Financial Officer: ER Alfred

PURPOSE

The purpose of this report is for Council to consider and approve the Un–Audited Financial Statements for the period ending 30 June 2016.

BACKGROUND

(1) The accounting officer of a municipality-

- (a) must prepare the annual financial statements of the municipality and, within two months after the end of the financial year to which those statements relate, submit the statements to the Auditor-General for auditing; and
- (b) must in addition, in the case of a municipality referred to in section 122(2), prepare consolidated annual financial statements in terms of that section, and within three months after the end of the financial year to which those statements relate, submit the statements to the Auditor-General for auditing.

(2) The accounting officer of a municipal entity must prepare the annual financial statements of the entity and, within two months after the end of the financial year which those statements relate, submit the statements to-

- (a) the parent municipality of the entity; and
- (b) the Auditor-General for auditing

Comment of Directorates / Departments concerned:

| | |
|--|--------------------------|
| Municipal Manager: | Recommendation Supported |
| Director: Corporate and Strategic Services: | Recommendation Supported |
| Director: Financial Services: | Recommendation Supported |
| Director: Engineering and Planning Services: | Recommendation Supported |
| Director: Community Development Services: | Recommendation Supported |

RECOMMENDATION

That in respect of the:

UN-AUDITED FINANCIAL STATEMENTS: CEDERBERG MUNICIPALITY

discussed by Council at the Special Council Meeting held on 30 August 2016:

1. That Council considers and approves the un-audited financial statements for the period ending 30 June 2016.
- .
2. Furthermore it is recommended that Council considers and approves the following assets in "Annexure A" to be written off. The assets could not be found or are not in working conditions and some are stolen with police case numbers.

RESOLVED

That in respect of the:

UN-AUDITED FINANCIAL STATEMENTS: CEDERBERG MUNICIPALITY

discussed by Council at the Special Council Meeting held on 30 August 2016:

1. That Council considers and approves the un-audited financial statements for the period ending 30 June 2016.
- .
2. Furthermore it is recommended that Council considers and approves the following assets in "Annexure A" to be written off. The assets could not be found or are not in working conditions and some are stolen with police case numbers.

Proposed: Cllr. J Meyer

Seconded: Cllr. R Witbooi

9.1.8 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 IMPLICATIONS

The attached transaction amounts was processed for the month of June 2016, and are therefore tabled in terms of Sec .36 (2) of SCM policy before Council for information.

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

DEVIATION FROM AND RATIFICATION OF MINOR BREACHES OF, PROCUREMENT PROCESSES

discussed by Council at the Special Council Meeting held on 30 August 2016:

1. Council, in terms of section 36 of the Supply Chain Management Regulations, takes cognisance and approve the transactions for the month of June 2016.

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 30 August 2016:

1. Council, in terms of section 36 of the Supply Chain Management Regulations, takes cognisance and approve the transactions for the month of June 2016.
2. That the Municipal Public Accounts should investigate the Western Cape Van rental matter and revert back to council.

Proposed: Cllr. R Pretorius

Seconded: Cllr. B Zass

9.1.9 PROGRESS REPORT: MSCOA IMPLEMENTATION

Ref.:3/2/2/71

Chief Financial Officer: ER Alfred

PURPOSE

Municipalities, together with their municipal entities, are urged to prepare a detailed report on the implementation of *m*SCOA for tabling at the first meeting of the newly elected council.

Municipalities and their municipal entities are advised, as a minimum, to address the following:

(As part of the *m*SCOA implementation below is a draft report for tabling to the new Council on *m*SCOA implementation.)

Attached as Annexure A is an updated report detailing progress regarding MSCOA implementation, due diligence assessment of systems and action plan with reference to Circular 80.

Councillors and all relevant managers to take note of National Treasury MSCOA Circulars 1 – 6. (Detail available with the Project Champion, Mr Nico Smit, Manager Treasury.)

BACKGROUND

The Minister of Finance promulgated Government Gazette No. 37577, Municipal Regulations on Standard Chart of Accounts (*m*SCOA), on 22 April 2014.

The objective of this Regulation is to provide a national standard for uniform recording and classification of municipal budget and financial information at a transaction level by providing a standard chart of accounts:

- Aligned to budget formats and accounting standards; and
- Enable uniform information sets across the whole of government to better inform national policy coordination and reporting, benchmarking and performance measurement.

In accordance with this regulation, all municipalities and related municipal entities are required to be mSCOA compliant on/ or before 01 July 2017.

Section 62(1) read in conjunction with Section 63(2)(a) of the Municipal Financial Management Act, 2003, tasks the Municipal Manager(MM), with managing the financial administration of the municipality as well as with maintaining a management, accounting and information system that accounts for the assets and liabilities.

PROGRESS IN IMPLEMENTING MSCOA

ATTACHED PLEASE FIND PROGRESS REPORT UP TO AUGUST 2016.

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 the

PROGRESS REPORT: MSCOA IMPLEMENTATION

discussed by Council at the Special Council Meeting held on 30 August 2016:

1. Council to take cognisance of the progress report and study the relevant MSCOA Circulars of National Treasury.

RESOLVED

That in respect of the

PROGRESS REPORT: MSCOA IMPLEMENTATION

discussed by Council at the Special Council Meeting held on 30 August 2016:

1. That Council takes cognisance of the progress report and study the relevant MSCOA Circulars of National Treasury.

9.1.10 CONSTITUTION OF COUNCIL COMMITTEES

Ref.: 3/3/2/1

Executive Mayor: Cllr. J Barnard

PURPOSE

That the Executive Mayor. In terms of Section 79 (1) of the Municipal Structures Act No. 117 of 1998 and Regulations, recommends the Restructuring of Council Committees, as shown in Annexure A, to Council for approval.

APPLICABLE LEGISLATION

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 or the exercise of any of its powers;
- b) Appoint the members of such a committee from among its members; and
- c) Dissolve a committee at any time.

RECOMMENDATION

That in respect of the

CONSTITUTION OF COUNCIL COMMITTEES

discussed by Council at the Special Council Meeting held on 30 August 2016:

- a) That Council approved the constitution of Council Committees; and
- b) That the committees commence its functions with immediate effect as tabled, Annexure A

RESOLVED

That in respect of the

CONSTITUTION OF COUNCIL COMMITTEES

discussed by Council at the Special Council Meeting held on 30 August 2016:

- a) That Council approved the constitution of Council Committees; and
- b) That the committees commence its functions with immediate effect as tabled, Annexure A

ANNEXURE A

| PORTFOLIO COMMITTEE | CHAIRPERSON |
|---------------------------------------|-------------------------|
| Corporate and Strategic Services | Cllr. Jan Meyer |
| Community Development Services | Cllr. Benjamin Zass |
| Infrastructure and Technical Services | Cllr. Raymond Pretorius |
| Financial Services | Cllr. Jimmy Barnard |

CORPORATE AND STRATEGIC SERVICES PORTFOLIO COMMITTEE

- Cllr. J Meyer (Chairperson)
- Cllr. R Witbooi
- Cllr. E Majikejela

COMMUNITY DEVELOPMENT SERVICES PORTFOLIO COMMITTEE

- Cllr. B Zass (Chairperson)
- Cllr. M Nel
- Cllr. Raymond Pretorius

FINANCIAL SERVICES PORTFOLIO COMMITTEE

- Cllr. J Barnard (Chairperson)
- Cllr. R Witbooi
- Cllr. N Qunta

INFRASTRUCTURE AND TECHNICAL SERVICES PORTFOLIO COMMITTEE

- Cllr. R Pretorius (Chairperson)
- Cllr. B Zass
- Cllr. D Smith

MPAC (MUNICIPAL PUBLIC ACCOUNTS COMMITTEE)

- Cllr. J Meyer (Chairperson)
- Cllr. F Sokuyeka
- Cllr. E Majikejela

LOCAL LABOUR FORUM

- Cllr. R Witbooi (Chairperson)
- Cllr. R Pretorius (Secondi)

DISCIPLINARY COMMITTEE

- Cllr. B Zass (Chairperson)
- Cllr. J Meyer
- Co-opted External Legal Advisor

SALGA PORTFOLIO

- | | |
|--|--------------------------|
| ✓ ECONOMIC DEVELOPMENT WORKING GROUP: | Cllr. R Pretorius |
| ✓ MUNICIPAL FINANCE AND ADMINISTRATION WORKING GROUP: | Cllr. J Barnard |
| ✓ SOCIAL DEVELOPMENT HEALTH AND SAFETY WORKING GROUP: | Cllr. B Zass |
| ✓ MUNICIPAL SERVICES WORKING GROUP: | Cllr. W.J Farmer |
| ✓ HUMAN RESOURCES DEVELOPMENT WORKING GROUP: | Cllr. R Witbooi |
| ✓ GOVERNANCE, INTER-GOVERNMENTAL RELATIONS AND INTERNATIONAL RELATIONS WORKING GROUP: | Cllr. J Meyer |

Proposed: Cllr. B Zass

Seconded: Cllr. R Witbooi

9.2 Urgent matters submitted by the Municipal Manager

-Geen / None

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.

Geen / None

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 if the motion is seconded and carried by a majority of the members present.

Geen / None

| |
|--------------------|
| 10. CLOSURE |
|--------------------|

- The meeting adjourned at 14h30.

VOORSITTER / CHAIRPERSON

DATUM / DATE