



KAAP AGULHAS MUNISIPALITEIT
CAPE AGULHAS MUNICIPALITY
U MASIPALA WASECAPE AGULHAS

**NOTULE VAN 'N ALGEMENE RAADSVERGADERING GEHOU OM 10:00 OP DINSDAG
6 DESEMBER 2016 IN DIE MUNISIPALE RAADSAAL TE BREDASDORP**

**MINUTES OF A GENERAL COUNCIL MEETING HELD ON TUESDAY, 6 DECEMBER 2016
AT 10:00 IN THE MUNICIPAL COUNCIL CHAMBERS, BREDASDORP**

RAADSLEDE / COUNCILLORS

MNR	R J BAKER	
MNR	G D BURGER	
MNR	D J EUROPA	
MNR	D JANTJIES	
ME	E C MARTHINUS	
MNR	J G A NIEUWOUDT	(Speaker)
ME	M OCTOBER	
ME	E L SAULS	
MNR	P J SWART	(Burgemeester)
ME	Z TONISI	(Onder-Burgemeester)

AMPTENARE / OFFICIALS

Mnr D O'Neill	Munisipale Bestuurder
Mnr S Ngwevu	Direkteur: Korporatiewe Dienste
Mnr H Van Biljon	Direkteur: Finansiële Dienste
Mnr K Mrali	Direkteur: Gemeenskapsdienste
Mnr B Swart	Interne Ouditeur
Mnr S Cooper	Bestuurder: Elektrotegniese Dienste
Mnr B Hayward	Bestuurder: Stads- en Streeksbeplanning
Mnr G M Moelich	Bestuurder: Admin Ondersteuning
Me N Mhlali-Musewe	Bestuurder: Menslike Hulpbronne

1. OPENING

Die Speaker heet die teenwoordiges welkom en mnr Hayward open die vergadering met gebed.

'n Staande mosie van roubeklag word aangeneem met die afsterwe van mnr Paulus Marthinus.

2. AANSOEKE OM VERLOF TOT AFWESIGHEID / APPLICATIONS FOR LEAVE

Raadslid C J Jacobs

3. **ONDERHOUDE MET AFGEVAARDIGDES EN/OF ANDER BESOEKE**

Geen.

4. **NOTULES VAN VORIGE VERGADERINGS VOORGELê VIR BEKRAGTING**

4.1 **NOTULE VAN ALGEMENE RAADSVERGADERING GEHOU OP:**

25 Oktober 2016

BESLUIT 226/2016

Die Notule word as korrek en volledig bekragtig.

5. **NOTULES VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE VERGADERINGS OOR
BESLUIE DEUR HOM GENEEM SAAM MET DIE BURGEMEESTERSKOMITEE**

5.1 **NOTULE VAN UBK VERGADERING GEHOU OP:**

18 Oktober 2016

BESLUIT 227/2016

Die Raad neem kennis van bogenoemde UBK Notule.

6. **NOTULES VAN KOMITEE VERGADERINGS VOORGELê VIR KENNISNAME**

6.1 **WYKSKOMITEE VERGADERINGS GEHOU OP:**

- WYK 1 : 28 September 2016 en 13 Oktober 2016
- WYK 2 : 29 September 2016 en 18 Oktober 2016
- WYK 3 : 3 Oktober 2016 en 18 Oktober 2016
- WYK 4 : 4 Oktober 2016 en 24 Oktober 2016
- WYK 5 : 29 September 2016 en 26 Oktober 2016
- WYK 6 : 6 Oktober 2016 en 26 Oktober 2016

BESLUIT 228/2016

Die Raad neem kennis van bogenoemde Wykskomitee Notules.

7. **SAKE VOORTSPRUITEND UIT NOTULES**

Geen.

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

8.1 **BRIEWE VAN DANK / VIR KENNISNAME**

Geen.

8.2 **FUNKSIES VIR DIE MAAND**

Die Burgemeester meld dat vergaderings met besighede en jeug aksies goed afgeloop het.

8.3 **AANWYS VAN AFGEVAARDIGDES**

Geen.

8.4 DRINGENDE SAKKE DEUR DIE SPEAKER VOORGELê

Die Speaker versoek Raadslede om tydens reses altyd telefonies beskikbaar te wees.

9. VERKLARINGS EN/OF MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER

- 9.1 Die Burgemeester spreek sy dank uit teenoor Raadslede, die Munisipale Bestuurder en amptenare vir hulle harde werk gedurende 2016.
- 9.2 Uitdagings en verwagtings vir 2017 sal gedurende 17 en 18 Januarie 2017 met Direkteure en die Munisipale Bestuurder bespreek word.
- 9.3 Dat die Raad gedurende die feesseisoen steeds 'n baie hoë vlak van dienslewering daar sal stel.
- 9.4 Dat Raadslede gedurende die reses tyd moet nadink oor die wykskomitee stelsel en maniere om die genoemde stelsel meer optimaal te benut.

10. ITEMS NA DIE RAAD VERWYS VIR OORWEGING**Bladsy****10.1 MUNISIPALE BESTUURDER / MUNICIPAL MANAGER**

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| 10.1.1 | Direkteurswaarneming | 4 - 5 |
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| 10.1.3 | Performance Reviews: Municipal Manager and Senior Managers | 8 - 10 |

10.2 KORPORATIEWE DIENSTE / CORPORATE SERVICES

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| 10.2.6 | Parkering: Erf 264, Struisbaai | 14 - 17 |
| 10.2.7 | Council's further directions: Vishuis Heritage Centre, Arniston | 17 - 24 |
| 10.2.8 | Voorlegging: Gewysigde Veiligheids- en Gesondheids-Ouditverslag | 24 - 25 |

10.3 TEGNIËSE DIENSTE / TECHNICAL SERVICES

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| 10.3.1 | Waterbeperkings: Struisbaai, L'Agulhas en Suiderstrand | 25 - 26 |
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10.4 FINANSIËLE DIENSTE / FINANCIAL SERVICES

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| 10.4.1 | Oudit Aksieplan 2015/16 (OPCAR) | 27 - 28 |
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11. ITEMS DEUR DIE UITVOERENDE BURGEMEESTER / -BURGEMEESTERSKOMITEE NA DIE RAAD VERWYS VIR OORWEGING

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| 11.1 | Oordrag: Suiderstrand Pad | 29 |
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Bladsy**12. AANVULLENDE ITEMS DEUR DIE RAAD HANTEER**

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| 12.1 | Draft report on the Council's Strategic Planning Session | 30 |
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13. DRINGENDE SAKE DEUR DIE MUNISIPALE BESTUURDER

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| 13.1 | Bredasdorp Voeding- en Ontwikkelingsentrum | 32 |
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14. OORWEGING VAN KENNISGEWING VAN MOSIES

Geen.

15. OORWEGING VAN KENNISGEWING VAN VRAE

Geen.

16. OORWEGING VAN DRINGENDE MOSIES

Geen.

17. VERSLAG DEUR MUNISIPALE BESTUURDER OOR DIE UITVOERING VAN RAADSBSLUIE
Lys van onafgehandelde Raadsbesluite verskyn op **bladsy 33**.**18. SLUITING**

Die vergadering verdaag om 11:53

10. ITEMS NA DIE RAAD VERWYS VIR OORWEGING**10.1 MUNISIPALE BESTUURDER / MUNICIPAL MANAGER****10.1.1 DIREKTEURSWAARNEMING (MB)****DOEL VAN VERSLAG**

Om Raadsbesluit 235/2013 geneem tydens die Raadsvergadering van 25 September 2013, te wysig.

AGTERGROND

Tydens 'n Raadsvergadering gehou op 25 September 2013 is die volgende besluit geneem:

"VERKLARINGS EN MEDEDELINGS DEUR DIE SPEAKER

- 5.5 *In die afwesigheid van die Munisipale Bestuurder en Direkteure, word daar besluit om die volgende waarnemers in genoemde poste aan te stel:*

BESLUIT 235/2013

- (i) **Munisipale Bestuurder** (mnr O'Neill) dat **Mnr Ngwevu** sal waarneem.
- (ii) **Direkteur Korporatiewe Dienste** (mnr Ngwevu) dat **me Nombasa** sal waarneem.
- (iii) **Direkteur Finansiële Dienste** (mnr Schlebusch) dat **mnr Jamneck** sal waarneem.
- (iv) **Direkteur Gemeenskapsdienste** (mnr Mrali) dat **mnr Briers** sal waarneem.
- (v) **Direkteur Siviele Dienste** (mnr Kotze) dat **mnr Daniels** sal waarneem.
- (vi) **Ast. Direkteur Elektries** (mnr Everson) dat **mnr Groenewald** sal waarneem.
- (vii) Dat, indien nie een van die genoemde persone beskikbaar is nie, die magte gedelegeer word na die Uitvoerende Burgemeesterskomitee om iemand aan te wys."

Van die Direkteure is egter nie meer werksaam by KAM nie.

BESTUURSAANBEVELING

- (i) In die afwesigheid van die Munisipale Bestuurder en Direkteure, dat daar besluit word om die volgende waarnemers in genoemde poste aan te stel:

	PERSONE WAT SAL WAARNEEM
Munisipale Bestuurder	Direkteur: Finansiële Dienste
Direkteur Finansies	Een van die Finansiële Bestuurders op diskresie van die DFD.
Direkteur: Korporatiewe Dienste	Een van die Korporatiewe Dienste Bestuurders op diskresie van die DKD.
Direkteur: Gemeenskapsdienste	Een van die Gemeenskapsdienste Bestuurders op diskresie van die DGD.
Direkteur: Tegniese Dienste	Een van die Tegniese Dienste Bestuurders op diskresie van die DTD.

- (ii) Dat, indien nie een van die genoemde persone beskikbaar is nie, die magte gedelegeer word na die Uitvoerende Burgemeesterskomitee om iemand aan te wys.

BESLUIT 229/2016

- (i) Dat die bestuursaanbeveling as besluit van die Raad aanvaar word.
- (ii) Dat die persoon wat waarneem, aan alle wetlike kwalifikasies moet voldoen.

10.1.2 **2015/16 DRAFT ANNUAL REPORT SUBMITTED IN TERMS OF SECTION 127 OF THE MUNICIPAL FINANCE MANAGEMENT ACT (ACT 56 OF 2003)**

REPORT BY THE MANAGER STRATEGIC SERVICES**INTRODUCTION**

The purpose of this report is to present the Draft Annual Report for the 2015/16 financial year in terms of section 127 of the Municipal Finance Management Act, Act 56 of 2003). (The Draft Annual Report **will be distributed separately**).

The following documents are submitted for consideration by Council:

- The Draft Annual Report for 2015/16;
- The final consolidated Annual Financial Statements for 2015/16 as signed-off by the Auditor-General;
- The final consolidated Audit Report from the Auditor-General;
- The Audit and Performance Committee report for 2015/16.

The most important documents of the Municipality are the Integrated Development Plan (IDP), Budget, and Annual Report. The IDP and Budget are planning documents that focus on the year ahead; the IDP identifies the objectives, strategies and projects that the Municipality will achieve and implement in the year as well as the key performance indicators against which its performance can be measured, while the budget sets out how these strategies and projects will be funded. The Annual Report is retrospective and focuses on the year's actual performance as measured against the key performance indicators set out in the IDP. The Annual Report also indicates the manner in which the IDP was implemented and how the budget was spent during the year under review.

LEGAL FRAMEWORK

The submission of the Annual Report is regulated by the Municipal Systems Act, Act 32 of 2000 and the Municipal Finance Management Act, Act 56 of 2003. The following table provides an overview of the main provisions:

MUNICIPAL SYSTEMS ACT NO. 32 OF 2000	
Section 46: Annual performance reports	<ol style="list-style-type: none"> 1) <i>A municipality must prepare for each financial year a performance report reflecting -</i> <ol style="list-style-type: none"> (a) <i>the performance of the municipality and of each external service provider during that financial year;</i> (b) <i>a comparison of the performances referred to in paragraph (a) with targets set for and performances in the previous financial year; and</i> (c) <i>measures taken to improve performance.</i> 2) <i>An annual performance report must form part of the municipality's annual report in terms of Chapter 12 of the Municipal Finance Management Act.</i>
MUNICIPAL FINANCE MANAGEMENT ACT NO 56 OF 2003	
Section 121: Preparation and adoption of annual reports	<ol style="list-style-type: none"> 1) <i>Every municipality and every municipal entity must for each financial year prepare an annual report in accordance with this Chapter. The council of a municipality must within nine months after the end of a financial year deal with the annual report of the municipality and of any municipal entity under the municipality's sole or shared control in accordance with section 129.</i> 2) <i>The purpose of an annual report is-</i> <ol style="list-style-type: none"> (a) <i>to provide a record of the activities of the municipality or municipal entity during the financial year to which the report relates;</i> (b) <i>to provide a report on performance against the budget of the municipality or municipal entity for that financial year; and</i> (c) <i>to promote accountability to the local community for the decisions made throughout the year by the municipality or municipal entity.</i> 3) <i>The annual report of a municipality must include-</i> <ol style="list-style-type: none"> (a) <i>the annual financial statements of the municipality, and in addition, if section 122 (2) applies, consolidated annual financial statements, as submitted to the Auditor-General for audit in terms of section 126 (1);</i> (b) <i>the Auditor-General's audit report in terms of section 126 (3) on those financial statements;</i> (c) <i>the annual performance report of the municipality prepared by the municipality in terms of section 46 of the Municipal Systems Act;</i> (d) <i>the Auditor-General's audit report in terms of section 45 (b) of the Municipal Systems Act;</i> (e) <i>an assessment by the municipality's accounting officer of any arrears on municipal taxes and service charges;</i>

	<ul style="list-style-type: none"> (f) <i>an assessment by the municipality's accounting officer of the municipality's performance against the measurable performance objectives referred to in section 17 (3) (b) for revenue collection from each revenue source and for each vote in the municipality's approved budget for the relevant financial year;</i> (g) <i>particulars of any corrective action taken or to be taken in response to issues raised in the audit reports referred to in paragraphs (b) and (d);</i> (h) <i>any explanations that may be necessary to clarify issues in connection with the financial statements;</i> (i) <i>any information as determined by the municipality;</i> (j) <i>any recommendations of the municipality's audit committee; and</i> (k) <i>any other information as may be prescribed.</i>
Section 127: Submission and tabling of annual reports	<ul style="list-style-type: none"> 1) <i>The accounting officer of a municipal entity must, within six months after the end of a financial year, or on such earlier date as may be agreed between the entity and its parent municipality, submit the entity's annual report for that financial year to the municipal manager of the entity's parent municipality.</i> 2) <i>The Mayor must within seven months (by end January) of the financial year, table in the municipal council the annual report of the municipality.</i> 3) <i>If the mayor, for whatever reason, is unable to table in council the annual report of the municipality, or the annual report of any municipal entity under the municipality's sole or shared control, within seven months after the end of the financial year to which the report relates, the mayor must:</i> <ul style="list-style-type: none"> a) <i>Promptly submit to the council a written explanation referred to in section 133(1)(a) setting out the reasons for the delay, together with any components of the annual report listed in section 121(3) or (4) that are ready; and</i> b) <i>Submit to council the outstanding annual report or the outstanding components of the annual report as soon as may be possible.</i> (4) <i>The Auditor-General may submit the financial statements and audit report -</i> <ul style="list-style-type: none"> (a) <i>of a municipality directly to the municipal council, the National Treasury, the relevant provincial treasury, the MEC responsible for local government in the province and any prescribed organ of state, if the mayor fails to comply with subsection (2) or (3); or</i> (b) <i>of a municipal entity directly to the parent municipality, the National Treasury, the relevant provincial treasury, the MEC responsible for local government in the province and any prescribed organ of state, if the accounting officer of the entity fails to comply with subsection (1).</i> 5) <i>Immediately after an annual report is tabled in the council in terms of subsection (2), the accounting officer of the municipality must -</i> <ul style="list-style-type: none"> (a) <i>in accordance with section 21A of the Municipal Systems Act -</i> <ul style="list-style-type: none"> (i) <i>make public the annual report; and</i> (ii) <i>invite the local community to submit representations in connection with the annual report; and</i>

	<i>(b) submit the annual report to the Auditor-General, the relevant provincial treasury and the provincial department responsible for local government in the Province.</i>
Section 129: Oversight reports on annual reports	<i>1) The council of a municipality must consider the annual report of the municipality and of any municipal entity under the municipality's sole or shared control, and by no later than two months from the date on which the annual report was tabled in the council in terms of section 127 adopt an oversight report....</i>
Section 130 Council meetings open to the public and certain officials	<i>1) The meetings of a municipal council at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken, must be open to the public and any organs of state, and a reasonable time must be allowed -</i> <i>a) for the discussion of any written submissions received from the local community or organs of state on the annual report; and</i> <i>b) for members of the local community or any organs of state to address the council.</i> <i>2) Representatives of the Auditor-General are entitled to attend, and to speak at, any council meeting referred to in subsection (1).</i> <i>3) This section, with the necessary modifications as the context may require, is also applicable if only components of the annual report were tabled in terms of section 127 (3).</i>

DISCUSSION

The 2015/16 Draft Annual Report will be made public and submitted to the relevant organs of state following its adoption. The report will also be referred to the MPAC to perform the oversight process which shall include the consideration of any representations received from the public and organs of state and the compilation of the oversight report.

MANAGEMENT RECOMMENDATION

- (i) That the Council adopt the 2015/16 Draft Annual Report as tabled by the Mayor in terms of Section 127(2) of the MFMA.
- (ii) That the 2015/16 Draft Annual Report be made public and submitted to the relevant organs of state in terms of Section 127 of the MFMA.
- (iii) That the 2015/16 Draft Annual Report be referred to the MPAC to perform the oversight process and compile the Oversight Report.

RESOLUTION 230/2016

That the management recommendation be accepted as resolution of Council.

10.1.3 PERFORMANCE REVIEWS 2015/16: MUNICIPAL MANAGER AND SENIOR MANAGERS

REPORT BY THE MUNICIPAL MANAGER

PURPOSE OF REPORT

The purpose of this report is to submit the performance reviews of the Municipal Manager and Senior Managers to Council.

BACKGROUND

The Municipal Manager and senior managers reporting directly to the Municipal Manager are required to conclude an annual performance agreement for each financial year in terms of Section 57 (1) (b) of the Local Government: Municipal Systems Act.

PERFORMANCE EVALUATION PROCESS

The performance reviews for the full year were done on 7 October 2016 and were done by a panel which was constituted as follows:

1. Councillor P. Swart – Executive Mayor for the Municipal Manager and the Director: Financial Services
2. Councillor Z. Tonisi - Mayco member for Community Services, Corporate Services and the Municipal Manager
3. Councillor M. October - Mayco member for Technical Services
4. Mr D. O'Neill - Municipal Manager
5. Mr C. Africa - Municipal Manager of Swellendam
6. Mr C. Pieterse- Audit Committee Chairperson
7. Ms J. Jacobs- Member of a Ward Committee

The panel conducted the year-end review of the performance of the following managers:

1. Municipal Manager
2. Director: Corporate Services
3. Director: Community Services
4. Director: Financial Services
5. Director: Technical Services

The officials were given an opportunity to make a presentation to the panel and scoring was done in terms of evidence provided. The following information was considered during the evaluation:

1. The Performance Agreements;
2. The presentation of the official, and
3. The SDBIP reports.

The supporting evidence was audited by the Internal Auditor.

EVALUATION OUTCOMES

The evaluation outcomes were as follows:

Name	%
Municipal Manager	74%
Director: Corporate Services	66%
Director: Community Services	67%
Director: Financial Services	69%
Director: Technical Services	66.9%

These outcomes were communicated to the employees and agreed upon at the same meeting and can be seen as a realistic reflection of the level of performance at the municipality.

BONUSES PAYABLE

The evaluation was done in terms of the requirements stipulated in the Local Government Municipal Performance Regulations for Municipal Managers and Managers directly accountable to Municipal Managers (2006) and the performance contracts.

Sub regulation 8 states that -

“a performance bonus, based on affordability, may be paid to the employee, after -

- 1) *the annual report for the financial year under review has been tabled and adopted by the municipal council;*
- 2) *an evaluation of performance in accordance with the provisions of regulation 23; and*
- 3) *approval of such evaluation by the municipal council as a reward for outstanding performance."*

The Draft Annual Report for 2015/16 is tabled at the same council meeting as this report and its adoption is a pre-requisite to the payment of bonuses.

Bonuses are payable in terms of clause 11.3 of the performance agreements which stipulate that bonuses should be calculated as follows:

Name	%assessment	Bonus % Payable
Municipal Manager	74%	14%
Director: Corporate Services	66%	11%
Director: Community Services	67%	11%
Director: Financial Services	69%	11%
Director: Technical Services	66.9%	11%

The full performance reviews report is attached as Annexure on **page 1 to 4**.

FINANCIAL IMPLICATIONS

Sufficient funds have been allocated in the current budget for the payment of these bonuses.

MANAGEMENT RECOMMENDATION

It is recommended that:

- (i) Council takes note the content of the 2015/16 performance reviews report.
- (ii) Council approves the payment of performance bonuses to the affected employees as per the outcome of the performance reviews subject to the condition that the 2015/16 draft Annual Report is adopted by Council.

RESOLUTION 231/2016

That the management recommendation be accepted as resolution of Council.

10.2 KORPORATIEWE DIENSTE / CORPORATE SERVICES

10.2.1 JAARBEPLANNER: 2017 (BAO)

DOEL VAN DIE VERSLAG

Om die Raad se jaarbeplanner vir vergaderings vir 2017 te oorweeg.

AGTERGROND

Die jaarbeplanner van die Raad word jaarliks deur Komiteedienste opgestel om die beplanning van vergaderings te koördineer.

'n Voorlopige beplanner is na rolspelers gesirkuleer en nadat insette in berekening gebring is, word die volledige dokument aan die Raad voorgelê vir oorweging.

FINANSIële IMPLIKASIE

Geen.

ANDER ROLSPELERS GENADER

Alle Raadslede, Munisipale Bestuurder, Direkteure en Departementshoofde.

BESTUURSAANBEVELING

- (i) Dat die aangehegte skedule as beleidsraamwerk van die Raad aanvaar word.
- (ii) Dat die skedules op strategiese plekke binne die Raad se lokale vertoon sal word.

BESLUIT 232/2016

Dat die bestuursaanbeveling as besluit van die Raad aanvaar word.

10.2.2 **VERSOEK: WYSIGING VAN RAADSBESLUIT 212/2016 (SLUIT VAN KANTORE BINNE KERSSEISOEN)**

DOEL VAN VERSLAG

Om oorweging te skenk vir die wysiging van Raadsbesluit 212/2016 gedateer 25 Oktober 2016.

AGTERGROND

Tydens die Raadsvergadering gehou op 25 Oktober 2016 is die volgende besluit geneem:

"BESLUIT 212/2016

- (i) *Dat alle kantore van Kaap Agulhas Munisipaliteit vanaf 27 Desember 2016 tot 3 Januarie 2017 gesluit sal wees, uitsluitend Struisbaai kantoor.*
- (ii) *Dat vooraf kennisgewings by dienspunte geplaas word om die publiek dien-ooreenkomstig in te lig.*
- (iii) *Dat alle buitendienste soos geskeduleerd sal voortgaan.*
- (iv) *Dat telefoniese navrae steeds deur die bystandspersoneel hanteer sal word.*
- (v) *Dat 'n rampbestuursplan beskikbaar sal wees om binne 2 uur te kan rapporteer. Alle Direkteure in samewerking met die Munisipale Bestuurder sal deel uitmaak van die span."*

Tydens 'n plaaslike Arbeidsforum vergadering gehou op 17 November 2016 het die komitee versoek dat personeel steeds verlof sal neem vir **twee** van die genoemde dae.

BESTUURAANBEVELING

- (i) Dat die Raad oorweging skenk vir die wysiging van Raadsbesluit 212/2016 deur die volgende byvoeging: "Dat personeel steeds verlof sal neem vir **twee** van die genoemde dae."
- (ii) Dat die Raad die oorblywende **twee** dae as erkenning aan die personeel toestaan.

BESLUIT 233/2016

Dat die bestuursaanbeveling as besluit van die Raad aanvaar word.

10.2.3 **SKOONMAAK VAN OORGROEIDE-/VUIL ERWE**

DOEL VAN VERSLAG

Om oorweging te skenk aan die effektiewe uitvoering van die munisipale verordeninge betreffende die skoonmaak van oorgroeide-/vuil erwe.

AGTERGROND

Die Raad het 'n verordening aanvaar rondom die regulering van oorgroeide erwe wat deur KAM se Wetstoepassingseenheid hanteer word (No. 6303 - Provinsiale Staatskoerant 3 Oktober 2005). Sien ook "Prosedure vir Hantering van Skoonmaak van Erwe op **bladsy 5**.

Talle klagtes word egter steeds ontvang van vuil en oorgroeide erwe. Na gesprekke met die verantwoordelike amptenare het dit aan die lig gekom dat sommige van die vermeende oortreders die wetstoepassingsproses ondermyn deurdat hulle, nadat kennisgewings op hul bedien was om binne veertien dae die betrokke erwe skoon te maak, die munisipale kantore nader en onderneem om self die betrokke erf skoon te maak. Nodeloos om te sê, gee diesulkes in sommige gevalle nie uitvoering aan hul onderneming nie. Dit veroorsaak dikwels dat die prosesse dan weer van nuuts af begin moet word. Ook blyk dit uit die gesprekke dat slegs een wetstoepassingsbeampte huidiglik verantwoordelik is vir die deurvoer van die Standaard Prosedure en dat dit 'n groot rol speel in die agterstande.

FINANSIËLE IMPLIKASIE

Geen noemenswaardige finansiële implikasies vir die Raad nie, maar wel 'n moontlike werkskeppingsgeleentheid aan klein kontrakteurs.

AANBEVELING: KORPORATIEWE DIENSTE KOMITEE

- (i) Dat die Komitee 'n skoon en veilige omgewing en dus ook die effektiewe uitvoering van Verordeninge in hierdie verband ondersteun.
- (ii) Dat die kwessie verder na die Raad verwys word.

BESTUURSAANBEVELING

- (i) Dat daar streng uitvoering gegee moet word aan die Verordeninge wat oorgroeide/vuil erwe van KAM en privaat eienaars reguleer.
- (ii) Dat meer wetstoepassingsbeamptes toegewys moet word om moontlike oorgroeide/vuil erwe te identifiseer.
- (iii) Dat kennisgewings sonder versuim op vermeende oortreders bedien word.
- (iv) Dat 'n verslag oor die uitvoering van hierdie proses om 'n skoon en veilige omgewing te verseker, maandeliks deur die Verkeer- en Beskermingsdienste Afdeling d.m.v die Gemeenskapsdienste-komitee aan die Raad vir oorweging beskikbaar gestel word.
- (v) Dat die verslag sal aandui hoeveel oorgroeide-/vuil erwe vir die voorafgaande maand ge-identifiseer was, watter beampte/s die oorgroeide-/vuil erwe identifiseer het, en watter prosesse gevolg was om die betrokke oortreders aanspreeklik te hou.

BESLUIT 234/2016

- (i) Dat die bestuursaanbeveling as besluit van die Raad aanvaar word.
- (ii) Dat voornemende kontrakteurs op die voorsieningskanaal databasis geregistreer moet word en daarna kan opdragte vir die skoonmaak van oorgroeide-/vuil erwe op 'n rotasie basis plaasvind.

10.2.4 **HEROORWEGING VAN HUURGELD (ERF 856, STRUISBAAI): ZUSO KHANYO CO-OPERATIVE LIMITED (LDC/DKD) (COLLAB: 155028)**

DOEL VAN VERSLAG

Om oorweging te skenk om die huurbedrag van Zuso Khanyo Co-operative Limited te verminder (liggingsplan aangeheg op **bladsy 6**).

AGTERGROND

'n Gedeelte van erf 856, Struisbaai, ongeveer 2 hektaar word verhuur aan Zuso Khanyo Co-operative Limited. 'n Huurooreenkoms, soos aangeheg op **bladsy 7 tot 11** was gesluit met die huurder vanaf 1 Junie 2016 tot en met 31 Mei 2026 (9 jaar en 11 maande).

'n Versoek, soos aangeheg op **bladsy 12** is nou van die huurder ontvang om die huurbedrag te verminder, aangesien die groep nog nie aktief op die grond is nie asook die feit dat daar geen dienste op die gedeelte grond is nie.

FINANSIële IMPLIKASIE

Huidige huurbedrag beloop R5 000,00 per jaar.

LAND DISPOSAL KOMITEE BESLUIT: LD 99/2016

Dat die aangeleentheid na die Raad verwys word vir oorweging.

BESTUURSAANBEVELING

- (i) Dat die huurgeld onveranderd bly.
- (ii) Dat die Raad die aangeleentheid oorweeg.
- (iii) Dat, indien die huurvoorwaardes gewysig word, 'n publieke deelname proses gevolg word.

AANBEVELING: KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: CORPORATE SERVICES COMMITTEE

- (i) Die Komitee ondersteun die aansoek.
- (ii) Dat die aangeleentheid na die Raad verwys word vir oorweging.

BESLUIT 235/2016

Dat 'n volledige verslag rakende die status van die projek opgestel word wat die toekomstige volhoubaarheid daarvan insluit vir oorweging deur die Raad by 'n volgende Raadsvergadering.

10.2.5 **HEROORWEGING VAN HUURGELD (ERF 1343, BREDASDORP): ISIVUNO AGRICULTURAL CO-OPERATIVE LIMITED (LDC/DKD) (COLLAB: 155342)**

DOEL VAN VERSLAG / PURPOSE OF REPORT

Om oorweging te skenk om die huurbedrag van Isivuno Agricultural Co-operative Limited te verminder (liggingsplan aangeheg op **bladsy 13**).

AGTERGROND / BACKGROUND

'n Gedeelte van Erf 1343 Bredasdorp, ongeveer 2.5ha word verhuur aan Isivuno Agricultural Co-operative Limited. 'n Huurooreenkoms, soos aangeheg op **bladsy 14 tot 18** was gesluit met die huurder vanaf 1 November 2015 tot en met 30 September 2025 (9 jaar en 11 maande).

'n Versoek, soos aangeheg op **bladsy 19** is nou van die huurder ontvang om die huurbedrag te verminder aangesien hulle lede almal werkloos en een 'n plaaswerker is. Indien die huur onveranderd bly, is die huurgeld betaalbaar nie bekostigbaar nie.

FINANSIËLE IMPLIKASIE

Huidige huurbedrag beloop R300,00 per maand.

LAND DISPOSAL KOMITEE BESLUIT: LD 93/2016

Dat die aangeleentheid na die Raad verwys word vir oorweging.

BESTUURSAANBEVELING

- (i) Dat die huurgeld onveranderd bly.
- (ii) Dat die Raad die aangeleentheid oorweeg.
- (iii) Dat, indien die huurvoorwaardes gewysig word, 'n publieke deelname proses gevolg word.

AANBEVELING: KORPORATIEWE DIENSTE KOMITEE / RECOMMENDATION: CORPORATE SERVICES COMMITTEE

- (i) Die Komitee ondersteun die aansoek.
- (ii) Dat die aangeleentheid na die Raad verwys word vir oorweging.

BESLUIT 236/2016

Dat 'n volledige verslag rakende die status van die projek opgestel word wat die toekomstige volhoubaarheid daarvan insluit vir oorweging deur die Raad by 'n volgende Raadsvergadering.

10.2.6 PARKERING: ERF 264, STRUISBAAI (S264 - BSSB) (WYK 5)**DOEL VAN VERSLAG**

Om oorweging te skenk aan die versoek van die eienaars van 55Knots, Struisbaai.

AGTERGROND

1. Op 29 Augustus 2016 is die volgende elektroniese pos aan die eienaars van erf 264, Struisbaai gestuur:

"Na aanleiding van u versoek aan ons Munisipale Bestuurder, Mnr Dean O'Neill sal 'n okkupasie sertifikaat oorweeg word indien u teen Woensdagmiddag, 31 Augustus 2016, 15h00 op-terrein bewys kan lewer dat die volgende in plek is:

- (i) *Parkering soos per terrein plan 1: July 2016 (ontvang vanaf Mnre WRAP Consultancy op 22 Augustus 2016).*
 - (ii) *Randsteen op die erfgrens (aan Hoofweg se kant) wat 20cm uitsteek ten einde te verseker dat daar slegs een in- en uitgang op-perseel is tot bevrediging van die Bestuurder: Strate en Stormwater – ook voor Erwe 265 en 263 Struisbaai.*
 - (iii) *Alle nodige sertifikate ingedien is tot bevrediging van die Boubesheerbeampte."*
2. Op 1 September 2016 word die volgende elektroniese pos aan die eienaars van erf 264, Struisbaai (55 Knots) gestuur:
- "Hiermee word u versoek om die houtpaaltjies te vervang met permanente randstene; alvorens 'n tydelike okkupasie sertifikaat oorweeg kan word – en ook nadat Mnr Daniels tevrede is met die uitleg en in-en uitgange."*
3. 'n Okkupasie Sertifikaat is op 28 September 2016 uitgereik:

CERTIFICATE OF OCCUPANCY

IN TERMS OF SECTION 14(1) OF THE NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT, 103 OF 1977, AS AMENDED

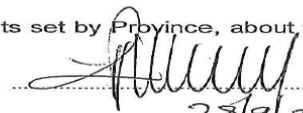
OWNER	:	PIETMAN BOTMA FAMILIETRUST
ADDRESS	:	HOOFWEG, STRUISBAAI
PLOT NO	:	264
DESCRIPTION	:	ALTERATIONS & ADDITIONS

Building work has/have been completed in accordance with the Plan No S54/15, and may now be occupied / used.

Condition: That the parking requirements set by Province, about the 15 parkings on site will always be met.

BUILDING CONTROL OFFICER :

DATE :


28/9/2016

VERSOEK

1. Op 8 November 2016 ontvang die Stadsbeplanningsafdeling die volgende versoek:

"Hiermee wil ek graag net die versoek rig aan die raad en KAM vir oorweging. Ons het al julle voorwardes nagekom om sodoende ons okkupasie sertifikaat te kry. Julle het toe besluit om hout pale voor ons gebou te plant om te verhoed dat die besoekers op die sypaaitjie parkeer en direk van die straat af kan parkeer.

Ek wil graag weet of die randsteen wat ek moes instaleer verwyder kan word aangesien dit geen doel meer het nie, en die randsteen het al n paar voertuie beskadig waaroor mense baie ongelukkig is. Ek sal ook graag die oog-seer pale wat julle geplant het later wil verwyder en dit met ordentlike beton of net met bome wil vervang.

Ons sal dit waardeer as ons versoek oorweeg kan word, aangesien dit ook met die opeenhoping van motors in die hoofweg sal help."

2. Die volgende kommentaar is ontvang ten opsigte van bogenoemde versoek:

2.1 Munisipale Bestuurder

Nee ek stem nie saam met haar versoek om die randstene te verwyder nie. Die feit dat hul kliente se voertuie beskadig was, is juis omdat hulle oor die randstene ry om in die hoofpad te kom en dan dus nie van die erfingang gebruik maak nie. Ek weet ook nie of provinsiale paaie bome in die padreserwe op die hoofpad gaan toelaat nie.

Ek glo nog steeds hulle moet aansoek doen om hul parkeerarea tot teen die bestaande voetpaadjie te skuif, d.w.s dat die gebied tussen hul erfgrens en die voetpaadjierandsteen ingesluit kan word in hul parkeerarea met 'n regop randsteen teen die voetpaadjie om seker te maak dat hul klante slegs die een ingang na die parkeerarea kan gebruik.

Ek glo egter ons sal 'n raadsbesluit hiervoor nodig het en hulle sal seker 'n oorskrydingstarief moet betaal.

2.2 **Raadslid Derick Burger**

Dean, ek stem met jou verduideliking en voorstel saam.

2.3 **Boubeheer**

My dept steun ook nie die voorstel nie, die paaltjies is juis daar geplaas omdat die besoekers nie gehoor gegee het aan die voorwaardes nie. Ek dink nie ons moet dit enigsins oorweeg om die gedeelte tot teen die voetpaadjie aan hulle teverhuur nie. Die ingang tot die perseel is 6m soos by alle ingange vereis word, en dis nie net hier waar daar opeenhoping is as daar baie verkeer is as afgedraai wil word nie dit gebeur oral. Die randsteen was deel van die goedkeurings voorwaardes, dan moet hulle dit dalk net wit verf dat die besoekers dit duidelik kan sien en nie daarteen vasry nie.

2.4 **Burgemeester Paul Swart**

Ek sal graag verkies dat ons hom toelaat om die randsteen te verwyder. Geen voertuig kan op die sypad parkeer nie agv die pale wat die raad daar geplant het. Raadslid Dirk Jantjies het 'n baie negatiewe opmerking in die raad gemaak wat nou nog in my agterkop vassteek.

Ek is oop vir toerisme besigheid Bertus en ek sal graag wil ervaar dat ons alles moontlik doen om ons besigheids mense te ondersteun in hulle planne om gesonde besighede te bedryf.

Ek vind dit ook baie snaaks en dit is vir my baie opvallend dat voor 55 Knots twee geen parker borde opgerig is en nie voor baie ander besighede nie. Ek sien geen oortreding dat sy kliente in die pad parkeer nie. Inteendeel sal ek graag wil sien dat ons die hoofweg stelselmatig omskep in 'n lekker kuier pad met 'n paar speedwalle wat dringend aangebring moet word.

Raadslid Burger het ook genoem dat hy vir mev Saptou gevra het om die borde weer te verwyder.

3. **Op 17 September word die volgende e-pos ontvang van die eienaars van erf 264, Struisbaai:**

"Baie dankie vir die terugvoer. Ons wil baie graag 'n ry struik of bome plant in die plek van die paaltjies. Dit sal dig opmekaar geplant word om 'n heining te vorm. Die randsteen dien regtig geen doel, maar het al 'n paar motots van kliënte beskadig."

BESTUURSAANBEVELING

Dat die Raad die volgende besluit neem:

- (i) Die randstone nie verwyder word nie.
- (ii) Die eienaar van erf 264, Struisbaai in kennis gestel word dat sou hulle die parkeerarea wil vergroot tot by die voetpaadjie (in Hoofweg), die nodige grondgebruiksaansoek ingedien moet word vir oorweging.
- (iii) Speedwalle aangebring word op die Raad se onkoste met die Distrikspadingenieur se toestemming.

BESLUIT 237/2016

Dat die randstene wel verwyder word, op voorwaarde dat -

- (i) Die eienaar van erf 264, Struisbaai in kennis gestel word dat sou hulle die parkeerarea wil vergroot tot by die voetpaadjie (in Hoofweg), die nodige grondgebruiksaansoek ingedien moet word vir oorweging.
- (ii) 'n Vergunningssooreenkoms vir die vergroting van die parkeerarea met die eienaar gesluit word.

10.2.7 **COUNCIL'S FURTHER DIRECTIONS: REZONING, SUBDIVISION CONSOLIDATION AND LETTING OF PROPERTY IN RESPECT OF THE VISHUIS HERITAGE CENTRE IN KASSIESBAAI, ARNISTON (W416 - MTRP) (WARD 5)**

PURPOSE OF REPORT

In order to seek Council's further directions and support for the Municipal Manager to implement and advance Council's decision dated 23 February 2016.

BACKGROUND

On 23 February 2016 Council took the following resolution (19/2016):

"Council resolved to APPROVE the following:

1. *Any resolution of the Council inconsistent with the following approvals is rescinded.*
2. *The subdivision of Erf 416 into the Remainder Erf 416, Arniston and Portion A: $\pm 44\text{m}^2$ (with proposed new erf number Erf 768, Arniston) is approved.*
3. *The subdivision of the Remainder of Farm 260 Arniston Downs Bredasdorp RD into the Remainder of the Remainder of Farm 260 Arniston Downs Bredasdorp RD and Portion B $\pm 339\text{m}^2$ (with proposed new erf number Erf 767, Arniston) is approved.*
4. *After subdivision, the consolidation of Portion A and Portion B to form a new erf of $\pm 383\text{m}^2$ (with proposed new erf number Erf 769 Arniston) is approved.*
5. *The provision of alternative parking for the heritage centre in accordance with either parking Alternative A or Alternative B described in the supplementary parking report ARN/1210 by Town and Country is approved.*
6. *The above subdivisions and rezoning are approved subject to the conditions set out in Annexure R.*
7. *The annexed Special Zone Site Development Plan in respect of erf 769 is approved.*
8. *It is determined that Portion B be regarded as a 'non-viable parcel of land' in terms of Part 10.1.8 of the Land Disposal Policy dated 23 February 2012.*
9. *In-principle approval is given to grant the Union the right to use erf 769 in accordance with the annexed lease which must be signed on behalf of CAM and the Union.*
10. *It is recorded that the above approvals do not remove the need for the Union and / or CAM to obtain all other approvals required by law before commencing with the contemplated uses and activities.*

(Raadsheer Marthinus nie teenwoordig tydens bespreking van die aangeleentheid nie.)"

OBJECTIONS TO COUNCIL'S DECISION

On 22 March 2016, after taking the above decision, Council received the following letter of objection from Messrs Frances, Thompson and Aspden, attorneys acting on the instructions of mr Robert Haarburger and others:

**RE: PROPOSED COMMUNITY DEVELOPMENT CENTRE: WAENHUISKRANS / ARNISTON
(DIE VISHUIS)**

1. The minute of the meeting of 23 February 2016 [Besluit 19/2016], at which certain decisions pertaining to the Vishuis were taken, refers.
2. Our clients, the Arniston Hotel Property (Pty) Ltd, Arniston Seaside Cottages (Pty) Ltd, the Haarburger Trust and Robert Ivan Haarburger, who are all ratepayers based in Arniston/Waenhuiskrans, are aggrieved by the decisions which were taken which they intend to challenge by way of High Court proceedings in which an order shall be sought reviewing and setting aside certain of the decisions contained in the said minute.
3. It will take our clients some time to prepare their papers for the aforesaid High Court application, and we have been instructed to request you to desist from taking any further steps to implement the said decisions until such time as the litigation which our clients intend to institute has been finally determined.
4. The decisions which were taken on 23 February 2016 and which will form the subject matter of the High Court application are briefly but not exhaustively dealt with hereunder:
 - 4.1. Portion B cannot be regarded as a 'non-viable parcel of land' for the purposes of Part 10.1.8 of the Land Disposal Policy dated 23 February 2012. In this regard we point out that the said Portion B has an area of approximately $\pm 339\text{m}^2$ and is situated in close proximity to the sea. As long ago as 25 April 2013 Portion B was valued at R 1,5 million. This document served before your committee and was attached to the Report as Annexure "K" (page 151). With respect, CAM could not have had regard to this valuation at the time when it took the decisions contained in the minute of the meeting. This was a highly relevant fact which ought to have been taken into account but which was ignored alternatively accorded insufficient weight. The effect of the decision is to deprive the local authority of this valuable piece of land, without any compensation having been paid to it. This is an extravagant step taken by a local authority which is teetering on the verge of insolvency. The said property could be sold for R 1,5M. The writer's clients, who are the major ratepayers situated in Arniston, are prepared to pay the aforesaid sum for the said property, which they hereby offer to do.

- 4.2. The transaction is nothing but a disguised sale. True, it is dressed in sheep's clothing because the primary document purports to be an agreement of lease. The term of the lease is, however, extraordinarily long, namely 20 years with an option to renew for a further 20; furthermore, the lease contains a right of pre-emption. This is clearly no sheep, but a wolf. CAM did not take the true nature of the transaction into account, which is a further reason for reviewing and setting the decision aside.
- 4.3. The compensation CAM shall receive for the lease will be insufficient to cover the expenditure to which it will be put, and which our clients, as the ratepayers, will have to subsidise. You will recall in this regard that the rental CAM will be receiving will amount to R 1.00 per month. The obligations which CAM proposes to undertake include maintaining the outside of the building, and replacing the roof if and when necessary. This will certainly happen during the next 40 years, and the rental would not even cover the cost of the petrol for the contractor required to paint the outside of the building. CAM has, in reality, donated the use of the land to the lessee.
- 4.4. It should be noted in this regard that the Waenhuiskrans/Arniston Community Development Trust ("the Trust") has been afforded the right of pre-emption, and it is as clear as mud that the intention is for the Trust to take over the running of the "heritage centre" and the eventual ownership thereof. This is simply unacceptable, and does not accord with section 14 (2) of the Local Government: Municipal Finance Management Act 56 of 2003.
- 4.5. The zoning which is contemplated is wholly inappropriate, and discordant with the provisions of CAM's integrated zoning scheme. The objective of a special zone *is to provide for circumstances where special or unique factors justify the creation of specific development rules for a specific site or sites without justifying the creation of a new zone in these Regulations. In addition it provides an opportunity to introduce collaboration between the Municipality and the owner/developer in the development process. It allows for unforeseen or special circumstances where it is not possible to accommodate the use or activity in an existing use zone, and it allows for innovative design, architectural styles, building forms and site layout.* These considerations are simply not applicable to the Vishuis which is ostensibly going to be used as a Heritage Centre, but it is an open secret that the intention is in fact to establish a restaurant there. This is an abuse of the legislation. There is no reason why the heritage centre should not be accommodated in the zoning applicable to museums (Civil and Social), if the intention is in fact to establish a heritage centre. Our client intends to challenge the intended zoning.
- 4.6. It should be noted that the environmental authorisation/permission was sought on an entirely different basis, and no mention was made of a restaurant at that time.
- 4.7. Furthermore, Kassiesbaai is a SAHRA Grade 1 heritage site and it falls within the jurisdiction of SAHRA and not Heritage Western Cape. The renewal of the permit attached to the Report as Annexure "E" is accordingly inadequate as it has been issued by the incorrect instance.
5. It should be noted that CAM is in effect deciding to subsidise a restaurant situated in a prime location, which will deprive the existing restaurants conducted in Kassiesbaai of their custom. The subsidised rental and maintenance will provide the new Vishuis restaurant with a significant competitive advantage over the other restaurants in the area – to the detriment of the ratepayers who are endeavouring to conduct businesses there and who will not be provided with similar advantages. This is a fundamentally unfair and discriminatory allocation of public resources for the purposes of benefiting those persons who will ultimately be in control of the Vishuis namely the Trust which has been given the pre-emptive right.

6. What is most disappointing is the fact that the lease has not been put out to tender, and no attempt has been made to ensure that the municipality secures a market related return for the property which it owns. Indeed, no consideration appears to have been given to the fact that the property in question is urgently required for the provision of essential municipal services, such as a fire brigade and a police station. There is a spate of crime in Arniston, and the police have to travel from Bredasdorp for the purposes of conducting patrols. There is an urgent need for visible policing, and a police station ought to be built in the position where the well-heeled and rich inhabitants of Arniston intend to establish their subsidised restaurant.
7. We accordingly request you to provide us with an undertaking that you will not take any steps in order to implement the decisions which have been taken without having first provided our client with written notice of your intention to do so, without having first afforded our client an opportunity to obtain an interim interdict pending the finalisation of the proposed review proceedings.
8. We accordingly require the undertaking referred to above within 14 days of receipt of this letter i.e. the 13th of April 2016.

COUNCIL'S ATTEMPT TO AVOID POSSIBLE LITIGATION AND MEDIATE THE DISPUTE

On the advice of Council's attorneys, attempts were made to avoid the threat of litigation by the objectors, which implied both expenses and delays. These included a proposal to mediate the issues in dispute that could be mediated (not all the issues raised by the objectors were suitable for resolution through mediation). The hope was that if certain key issues could be settled by compromise agreement, for example the fear of business completion raised by the objectors, that would be sufficient to avoid litigation about the remainder.

However it was clear that mediation could only succeed if it enjoyed the genuine support of all relevant parties including Council itself, the objectors, the Waenhuiskrantz Visserunie and the Waenhuiskrantz/Arniston Community Development Trust. For that reason Council's attorneys approached all interested parties to measure the support for the proposal to mediate and received positive indications from the objectors.

On the same basis the attorneys prepared the following letter on Council's behalf to The Chairman, Waenhuiskrantz Fishermans' Union and The Chairman, Waenhuiskrantz/Arniston Community Development Trust:

"Dear Sirs,

VISHUIS HERITAGE CENTRE

We represent the Cape Agulhas Municipality in connection with the Vishuis Heritage Centre project in Kassiesbaai, Arniston.

We hope you will agree that our client's interests are aligned with yours to ensure the completion, implementation and success of this important project. You are all project partners with the same interests and your on-going support, participation and cooperation is indispensable.

However, you are evidently aware of the relentless objections and complaints about the project from Mr Haarburger and certain other interest groups and, regardless of the merits, our client feels compelled to respond to them meaningfully in the interests of safeguarding the project and protecting it from prejudice.

For your information we include a letter from Mr Haarburger's attorneys, Messrs. Francis Thompson & Aspden dated 22 March 2016. The letter contains a summary of his objections and complaints and includes a threat to approach the court to review and set aside our client's decision of 23 February 2016, in terms of which it approved the actions necessary to proceed with and implement the Vishuis project. In that event, even though the merits may favour our client, the project will be significantly delayed and prejudiced, and that may be all that its detractors, unfortunately, aim to achieve.

Whilst the opportunity exists, our client prefers to avoid litigation with Mr Haarburger's interest group for the reason outlined above, and with that in mind supports the proposal that the issues in dispute be submitted to mediation as far as may be practically possible.

Mr Haarburger seems to agree with this idea too, but no purpose will be served unless all interested parties, not least yourselves, are willing to engage in mediation in good faith, and in that respect we invite and request your full participation in the proposed mediation.

We hope you will appreciate that this approach is intended to serve your interests as much as our client because it is intended to preserve and further the progress of the Vishuis project to completion and success.

We request no more from you at this time than to agree in principle to participate in the mediation, in which event we will consult and appraise you or your legal advisors fully of the details in order that you may prepare properly to engage.

*Sincerely,
BBP LAW INC
per David Polovin*

VISSERSUNIE AND TRUST's RESPONSE

On 13 September 2016 Council's attorneys and Council received the following reply:

"Dear Mr Polovin

Vishuis: Proposed mediation

We write on behalf of the Waenhuiskrans/Arniston Community Development Trust and the Wagenhuiskrans Visserunie. We have consulted with various stakeholders regarding the proposed mediation, as well as our lawyers.

First, we confirm all stakeholders wish to assist the Cape Agulhas Municipality to ensure the completion and success of Vishuis. We agree with your assessment that Mr Haarburger is really only interested in protecting his business against the threat of business competition, which he thinks Vishuis represents. His threatened litigation will delay implementation of the project and we agree with you that this, unfortunately, may be all that he aims to achieve.

Project objective and viability

Amongst others, Vishuis is intended to be a visitor's centre for the town and a heritage centre to archive the archaeology and ongoing history of a community and a settlement that is in important respects iconic in South Africa.

An important function of the Vishuis would be to promote economic activity in the historic fishing village and we have a fairly comprehensive plan to ensure that it achieves this objective. Vishuis is located in the buffer zone, which previously separated the two built environments and communities in Arniston. Only about 10% of visitors to the Waenhuiskrans Nature Reserve and the Cave visit the historic fishing village. Vishuis will play an important role in reversing this trend and will serve as a bridge between formerly segregated communities.

From a financial viability perspective, we note for interest that visitor and heritage centres are typically financially supported by local government. However, in this project the intention is for Vishuis to be self-sustaining. It will be more viable as a project and will fulfil its function to promote economic activity in the community better if light meals and refreshments are served.

Council approval and mediation

The Cape Agulhas municipal council approved the actions necessary to implement the Vishuis project on 23 February 2016. This included approval of a facility on the site where light snacks and drinks can be offered to the public. Council made this decision after considering Mr Haarburger's objections. These are the same objections he still raises today.

As we understand it, the municipal manager is statutorily responsible and accountable for carrying out the decisions of council.

In this regard, aside from the land use planning approvals which must be implemented, council gave in-principle approval to "grant the Union the right to use erf 769 in accordance with the annexed lease which must be signed on behalf of CAM and the Union". This constitutes an approval subject to conditions as contemplated by regulation 40 of the MFMA Asset Transfer Regulations. Thus, the terms of the lease which served before council (including provisions on rental, duration, use etc) constitute the council-approved conditions upon which the approval was granted. We note that these very lease provisions are the proposed subject matter of the mediation process. These conditions cannot be reviewed or set-aside in a mediation process as the effect would be to change the council decision. The mediator lacks the power to do so.

In the circumstances, we regret that we see no purpose in the proposed mediation and are not willing to participate. Proceeding to mediation in these circumstances would be fruitless and a waste of our and the municipality's time, money and resources. Mr Haarburger had the opportunity to raise all his objections and complaints to the project in the public participation process. This he has done. Council, an elected deliberative body, has duly considered these objections and complaints and has approved the project nonetheless. Council's decision cannot now be second-guessed, nor can Mr Haarburger be afforded greater rights than other members of the public to air his grievances and attempt to dictate the scope of the project, merely because he has threatened to go to court.

It is the municipal manager's duty to implement council's decisions. This includes implementing all land use planning approvals and signing the lease. The project was approved in February and it is now September. This is, with respect, an unreasonable delay and prejudices our, the stakeholders' and the community's rights and expectations with regard to the project. We expect the municipal manager to act expeditiously in implementing the council decision, failing which we will, reluctantly, have no choice but to approach the High Court to enforce our rights.

We welcome the opportunity to meet with you and your client as soon as possible to discuss these matters and to progress the project without further delay.

*Kind regards,
André Marthinus and Hannes van Zyl
On behalf of the Vissersunie and the Trust"*

GUIDANCE IN WAY FORWARD RE VISSERSUNIE AND TRUST

On 13 September 2016, Council's attorneys, BBP Law Inc sent the following e-mail to Advocate Ron Paschke:

"We have had a reply to our letter to the Trust & the Union. They decline to participate in the proposed mediation and their reasons include a stated intention to rely on the rights accrued in terms of CAM's 23 Feb 2016 decision, with an added dimension and threat to enforce such rights if need be.

I believe we have correctly and in our client's best interests explored the prospects of compromise and settlement but not succeeded, and now we ought to advise them to implement the above decision and inform the objector that we are doing so.

I look forward to your further comments and advice."

Mr Dean O'Neill responded as follows on the same day:

"At this juncture I have no choice but to take the matter back to council and receive my instructions from them."

This is now where the matter stands and, in light of the above developments, the Municipal Manager wishes to consult Council and receive its further directions and support.

COUNCIL DECISION ON 29 SEPTEMBER 2016: 198/2016

Dat, na die vergadering van die Vissersunie met KAM se regsverteenwoordigers, die item weer aan die Raad voorgeleë word.

(Rdh Marthinus en Rdl Europa nie teenwoordig tydens bespreking van die aangeleentheid nie.)

MATTERS ARISING FROM MINUTES OF 29 SEPTEMBER 2016

At Council meeting on 31 October 2016 the following matter arose:

Raadsdame Marthinus lig die Raad in dat die Vissersunie 'n nuwe komitee aangewys het en dat haar man nie meer voorsitter van die Unie is nie. Volgens haar sal sy dan in die toekoms nie die Raadsaal verlaat wanneer verwante sake bespreek word nie. Sy verneem waarom die item nie in hierdie agenda opgeneem is nie.

Die Munisipale Bestuurder meld dat die Vissersunie steeds in onderhandelings met die Raad se prokureurs is en sodra 'n verslag vanaf die prokureurs ontvang word, sal 'n volledige item weer aan die Raad voorgeleë word.

LEGAL ADVICE

On 15 November 2016 Council received the following legal advice from David Polovin:

"Bertus,

I think CAM must proceed to execute the lease with the Union. I am looking at the draft which says at the foot "Last saved 3 November 2014 12:08".

I think you can simply amend clause 12.2.4 to read as follows -

"The serving of refreshments including hot and cold beverages and snack foods (i.e. a portion of food, smaller than a regular meal, generally eaten between meals) shall be permitted, excluding alcoholic beverages and regular meals."

You should point out the amendment to the Union and explain the reason for it, which is to prevent unfair competition to the existing establishments nearby.

*Regards,
David N Polovin"*

MANAGEMENT RECOMMENDATION

That Council approves the following:

Amendment of Clause 12.2.4 of the attached Lease Agreement (see **page 20 to 29**) to read as follows:

"The serving of refreshments including hot and cold beverages and snack foods (i.e. a portion of food, smaller than a regular meal, generally eaten between meals) shall be permitted, excluding alcoholic beverages and regular meals."

(Raadslid Europa nie teenwoordig tydens bespreking van die aangeleentheid nie.)

RESOLUTION 238/2016

That Council approves the following:

Amendment of Clause 12.2.4 of the attached Lease Agreement to read as follows:

"The serving of refreshments including hot and cold beverages and snack foods (i.e. a portion of food, smaller than a regular meal, generally eaten between meals) shall be permitted, excluding regular meals."

10.2.8 VOORLEGGING VAN GEWYSIGDE EKSTERNE VEILIGHEIDS- EN GESONDHEIDS- AUDITVERSLAG VAN MEI 2015

DOEL VAN VERSLAG

Om die gewysigde eksterne Veiligheids- en Gesondheids-Ouditverslag van Mei 2015 aan die Raad voor te lê.

AGTERGROND

In Mei 2016 is Safety Net gekontrakteur om 'n Veiligheidsoudit vir Kaap Agulhas Munisipaliteit te doen. Die doel van die verslag was om te bepaal of die aspekte wat uitgewys was in die 2015 verslag volledig en korrek afgehandel is en ook om nuwe aangeleenthede en tekortkominge uit te wys.

Die verslag was aan die Raad voorgelê in Junie 2015, maar sekere gebreke in die verslag is deur die amptenare uitgewys. Daar is besluit dat 'n vergadering met die kontrakteur belê word en sekere ongelukkigheid met die kontrakteur is toe opgeklaar.

Die gewysigde verslag word nou weer aan die Raad voorgelê, soos aangeheg op **bladsy 30 tot 95**.

RAADSBELEID

Beroepsgesondheid- en Veiligheidsbeleid

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIES

Om sekere aspekte in die verslag te implimenteer sal koste aangegaan moet word. Die koste impak is onbekend en sal elke Direkteur in sy begroting voorsiening moet maak vir die regstellings.

BESTUURSAANBEVELING

- (i) Dat die Raad kennis neem van die gewysigde Veiligheidsoudit van Mei 2015 wat gedoen was.
- (ii) Dat die Direkteure verantwoordelikheid neem vir die implementering van die verslag in hul onderskeie departemente.
- (iii) Dat die Veiligheids- en Gesondheids-Ouditverslag deur die Veiligheidskomitee gemonitor word en verslagdoening by die Veiligheidskomitee vergaderings deur onderskeie departemente gedoen word.

BESLUIT 239/2016

Dat die bestuursaanbeveling as besluit van die Raad aanvaar word.

10.3 TEGNIËSE DIENSTE / TECHNICAL SERVICES**10.3.1 WATERBEPERKINGS VIR STRUISBAAI, L'AGULHAS & SUIDERSTRAND (16/1/1 - DTD) (WYK 5) / WATER RESTRICTIONS FOR STRUISBAAI, L'AGULHAS & SUIDERSTRAND (16/1/1 - DTS) (WARD 5)****DOEL VAN VERSLAG / PURPOSE OF REPORT**

Ten einde waterbeperkings in te stel vir Struisbaai, L'Agulhas en Suiderstrand om wateraanvraag te beperk gedurende die vakansieseisoen. / *To impose water restrictions in Struisbaai, L'Agulhas and Suiderstrand in order to limit water demand during the holiday season.*

AGTERGROND / BACKGROUND

Weens die groot wateraanvraag en om waterbesparing aan te moedig tydens die vakansieseisoen word die instel van waterbeperkings vir Struisbaai, L'Agulhas en Suiderstrand vanaf 9 Desember 2016 tot 13 Januarie 2017 aanbeveel.

Die Raad se goedkeuring vir die instel van die beperkings, soos per onderstaande kennisgewing, word versoek:

Kennis geskied hiermee dat in terme van Afdeling 184 van die Munisipale Ordonnansie 20 van 1974, asook Standaard Water Verordening Artikel 46, die Uitvoerende Burgemeester waterbeperkings instel vanaf 9 Desember 2016 tot en met 13 Januarie 2017 weens die hoë wateraanvraag gedurende die vakansieseisoen.

Die volgende beperkings is van toepassing:

- (i) Die besproeiing van tuine en grasperke mag daaglik slegs tussen 07:00 en 08:00 vm plaasvind.
- (ii) Geen motor opritte of geplaveide areas mag afgespuit word nie.

Enige persoon wat die waterbeperkings oortree is aan 'n misdryf skuldig en kan met R500,00 per oortreding beboet word.

FINANSIËLE IMPLIKASIES / FINANCIAL IMPLICATIONS

Geen noemenswaardige implikasies.

PERSONEEL IMPLIKASIES / PERSONNEL IMPLICATIONS

Polisiëring moet deur wetstoepassers gedoen word.

BESTUURSAANBEVELING

Dat gemelde waterbeperkings ingestel word vanaf 9 Desember 2016 tot 13 Januarie 2017.

BESLUIT 240/2016

- (i) Dat gemelde waterbeperkings vir Struisbaai, L'Agulhas en Suiderstrand ingestel word vanaf 9 Desember 2016 tot 13 Januarie 2017.
- (ii) Dat die Munisipale Bestuurder gemandateer word om, indien nodig beperkings uit te brei na ander gebiede binne die munisipale regsgebied.

10.3.2 **AANPASSING/AANSUIWERING VAN 2016/17 BEDRYSBEGROTING: BESTUURS-
LISENSIES EN PERMITTE (DTD) / AMENDMENT/ADJUSTMENT TO 2016/17
MAINTENANCE BUDGET: DRIVERS LICENCES AND PERMITS (DTS)**

DOEL VAN VERSLAG / PURPOSE OF REPORT

Aanpassing/aansuiwering van 2016/17 Bedryfsbegroting vir Bestuurslisensies en Permitte (Posnommer 1 45 76 1 2610 00 00). / *Amendment/adjustment to 2016/17 Maintenance Budget for Drivers Licences and Permits (Vote number 1 45 76 1 2610 00 00).*

AGTERGROND / BACKGROUND

Alle vragmotorbestuurders en spanleiers in diens van KAM moet oor 'n Professionele Bestuurspermit (PDP) beskik ten einde personeel te mag vervoer en is onontbeerlik vir dienslewering. 'n PDP moet tweejaarliks hernu word.

Die vragmotorbestuurders en spanleiers is self verantwoordelik om die permit te hernu en die bewyse voor te lê waarna die Raad die personeel daarvoor vergoed. Die bedrag per hernuwing beloop ongeveer R600,00.

Daar is 14 persone in die Tegnieese Dienste Departement wat nog hul PDP's moet hernu tot einde Junie 2017 (sien aangehegte lys op **bladsy 96 en 97**).

Tydens die 2016/17 begroting is die bedrag van R10 000,00 aangevra op grond vorige spanderings, maar slegs R3500.00 is in die begroting hiervoor toegeken. Die begroting is nou vol spandeer en 'n beraamde bedrag van R8400.00 word benodig tot einde van die finansiële jaar.

Die Raad se goedkeuring vir die oorplasing van R8 500,00 vanaf die onderstaande Begrotingsposnommers na 1 45 76 1 2610 00 00 word versoek:

1 45 70 1 0800 00 00	Maintenance: Buildings	R3 000,00
1 45 70 1 0920 00 00	Maintenance: Furniture & Fittings	R1 000,00
1 45 70 1 0990 00 00	Maintenance: Plant & Machinery	R1 600,00
1 45 70 1 2570 00 00	Conferences & Seminars	R3 000,00

FINANSIËLE IMPLIKASIES / FINANCIAL IMPLICATIONS

Geen.

BESTUURSAANBEVELING / MANAGEMENT RECOMMENDATION

Dat die Raad die aanpassing in die begroting goedkeur. / *That Council approves the budget amendment.*

BESLUIT 241/2016

Dat die bestuursaanbeveling as besluit van die Raad aanvaar word.

10.4 **FINANSIËLE DIENSTE / FINANCIAL SERVICES**

10.4.1 **ODIT AKSIEPLAN 2015/16 (OPCAR)**

DOEL VAN VERSLAG

Om die nuwe OPCAR ten opsigte van die Ouditeur-Generaal se ouditbevindinge vir die 2015/16 oudit aan die Raad voor te lê vir oorweging en goedkeuring.

AGTERGROND

Na aanleiding van die Ouditeur-Generaal se oudit van die 2015/16 finansiële jaar is daar sekere leemtes uitgewys wat aangespreek moet word. Hierdie bevindinge is in die Ouditeur-Generaal se finale bestuursbrief opgeneem en word nou saamgevat in die munisipaliteit se oudit bevindinge aksieplan (OPCAR). Hierdie plan, soos aangeheg op **bladsy 98 tot 107** bevat 'n kort opsomming van die kruks van die bevinding, die oorsaak van die bevinding en die voorgestelde regstellende stappe om die foute op te los.

Daar is intussen ook vordering gemaak met sekere aksies en word ook op die plan aangedui. Hierdie vordering word ook aan die Oudit- en Prestasieoudit Komitee voorgelê en word ook op 'n gereelde grondslag met die Ouditeur-Generaal bespreek. Die vordering met die plan word verder op 'n kwartaallikse grondslag aan die Wes-Kaapse Provinsiale Tesourie voorgelê.

PERSONEEL IMPLIKASIES

Geen.

FINANSIËLE IMPLIKASIES

Geen.

WETLIKE IMPLIKASIES

Nakoming van toepaslike wetgewing wat deur die bevindinge geraak word.

BESTUURSAANBEVELING

Dat die Raad die 2015/16 aksieplan oorweeg en goedkeur.

BESLUIT 242/2016

Dat die bestuursaanbeveling as besluit van die Raad aanvaar word.

10.4.2 RECOVERING OF AND/OR WRITING OFF IRREGULAR EXPENDITURE FOR 2015/16 FINANCIAL YEAR (DFS)**PURPOSE OF REPORT**

The purpose of this report is for council to investigate the irregular expenditure identified by the Auditor-General during the 2015/16 financial year audit for approval and / or to be written off.

BACKGROUND

In terms of section 32(1) of the MFMA any political office-bearer or official of a municipality is liable for unauthorized expenditure if -

1. An office-bearer knowingly or after having been advised by the accounting officer that the expenditure is likely to result in unauthorized expenditure, instructed an official of the municipality to incur the expenditure;
2. The accounting officer deliberately or negligently incurred unauthorized expenditure, subject to subsection (3) whereby the accounting officer has informed the Council in writing that the expenditure is likely to be unauthorized, irregular or fruitless and wasteful expenditure;
3. Any political office-bearer or official deliberately or negligently committed, made or authorized an irregular expenditure; or
4. Any political office-bearer or official deliberately or negligently made or authorized a fruitless and wasteful expenditure.

Furthermore section 32(2) of the MFMA prescribes that a municipality must recover unauthorized, irregular or fruitless and wasteful expenditure from the person liable for that expenditure unless the expenditure -

- (a) in the case of unauthorized expenditure, is-
 - (i) authorized in an adjustment budget; or
 - (ii) certified by the municipal council, after investigation by a council committee, as irrecoverable and written off by the council; and
- (b) in the case of irregular or fruitless and wasteful expenditure, is, after investigation by a council committee, certified by the council as irrecoverable and written off by the council.

Irregular expenditure to the value of R47146.80 was identified by the Auditor General due to non-compliance in terms of section 9(1) of the Preferential Procurement Policy Framework Act, 2000 whereby the supplier's percentage of local content did not meet the minimum threshold requirement. Internal control measures within the Supply Chain Management Unit have been updated to ensure future compliance with the mentioned piece of legislation. The identified irregular expenditure is therefore submitted for further investigation by council / MPAC in order to either recover or certify as irrecoverable and write off as prescribed in terms of section 32(2) of the MFMA and the municipality's approved policy in this regard.

Attached as ***Annexure A on page 108 to 110*** the amended register in respect unauthorized, irregular, fruitless and wasteful expenditure for the period July 2015 to June 2016 for Council's investigation and / or verification.

LEGAL IMPLICATION

Non-compliance if not adhere to the prescripts as stipulated per above mentioned legislation.

FINANCIAL IMPLICATION

In terms of the prescribed legislation a Council must recover any unauthorized, irregular or fruitless and wasteful expenditure deliberately or negligently incurred by a political office-bearer or official of the municipality for which he / she will be held liable after a thorough investigation been completed.

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

MANAGEMENT RECOMMENDATION

- (i) Council considers the irregular expenditure identified by the Auditor General to the value of R47,146.80 (Amended register - *Annexure "A"*) for recovery or certification as irrecoverable and written off.
- (ii) Council promptly informs the MEC for local government and Auditor-General in writing of the unauthorized, irregular, fruitless and wasteful expenditure incurred by the municipality for the periods under review inclusive of the council resolution on the outcome of finding.

RESOLUTION 243/2016

That the management recommendation be accepted as resolution of Council.

11. ITEMS DEUR DIE UITVOERENDE BURGEMEESTERSKOMITEE NA DIE RAAD VERWYS VIR OORWEGING

11.1 OORDRAG: SUIDERSTRAND PAD

Na gesprekvoering met Provinsie bestaan die moontlikheid om Suiderstrand se pad na Provinsie oor te dra vir opgradering en instandhouding.

Die UBK het op 30 November 2016 die volgende besluit geneem:

"Dat beginsel-goedkeuring vir die oordrag van die Suiderstrand pad na Provinsie gegee word en aan die Raad voorgelê word vir oorweging."

BESLUIT 244/2016

- (i) Dat beginsel-goedkeuring vir die oordrag van die Suiderstrand pad na Provinsie gegee word.
- (ii) Dat die Munisipale Bestuurder getaak word om die nodige prosesse van oordrag in werking te stel.
- (iii) Dat die Munisipale Bestuurder dringend 'n vergadering belê tussen die munisipaliteit, SANParke en die provinsiale departement van Paaie en Openbare Werke om die opgradering van die pad te bespreek.

12. AANVULLENDE ITEMS DEUR DIE RAAD HANTEER**12.1 DRAFT REPORT ON THE COUNCIL'S STRATEGIC PLANNING SESSION****REPORT BY THE MANAGER STRATEGIC SERVICES****PURPOSE OF REPORT**

To present the draft report on the Councils Strategic Planning session for cognizance and formal approval of the new vision, mission and values.

BACKGROUND

The new IDP / Budget Process Plan was approved by Council in August 2016. A fundamental component thereof was a Council Strategic Planning Session.

The Municipality held its strategic planning session from 9 to 11 November 2016 at the Dunes, Arniston. Dr G Davids of the University of the Western Cape was appointed to facilitate the session and draft a report thereon. Dr Davids has compiled a first draft of the report on the session which will be refined, expanded upon and used as a basis of the new IDP. The first draft of the report is attached on **page 4 to 42**.

The draft report contains inter alia the new vision, mission and values of the Municipality which were unanimously agreed upon during the session. It is recommended that these be formally approved in order that we can begin to use them for all corporate communications.

MANAGEMENT RECOMMENDATION

- (i) That Council take cognisance of the content of the first draft of the report on the Council Strategic Planning Session held from 9-11 November 2016 at The Dunes, Arniston, and that it will be refined and expanded upon so that it can be utilised as a basis for the IDP.
- (ii) That the new vision, mission and values as contained in the report be approved.

RESOLUTION 245/2016

That the management recommendation be accepted as resolution of Council.

12.2 OORWEGING VAN AANSOEKE OM DONASIES (5/18/1)**DOEL VAN VERSLAG**

Om die aansoeke om donasies wat in terme van die Donasiebeleid ontvang is te oorweeg.

AGTERGROND

Aansoeke om donasies in terme van die Raad se Donasiebeleid is soos per aangehegte skedule op **bladsy 43 tot 45** gedoen (volledige aansoeke is beskikbaar by Komiteedienste).

Die voorwaardes en terme waaraan die aansoeker moet voldoen is as volg (genoemde voorwaardes en termes het as kennisgewing gedien waarmee voornemende aansoekers uitgenooi was om aansoek te doen vir die donasies):

- (i) Alle donasies sal onderhewig wees aan die bepalinge soos uiteengesit in Artikel 67 van die Munisipale Finansiële Bestuurswet (MFMA), Wet 56 van 2003;
- (ii) Die Raad bewillig jaarliks, binne sy finansiële vermoë, 'n globale bedrag vir die toekenning van donasies;
- (iii) Skriftelik gemotiveerde aansoeke vir donasies wat voldoen aan die voorskrifte soos bepaal in artikel 67 van die MFMA, moet jaarliks voor einde September van die betrokke boekjaar ingedien word;

- (iv) Alle aansoeke ontvang tot en met einde September van elke betrokke boekjaar, sal gelyktydig oorweeg word vir organisasies wie se doelstellings en aktiwiteite versoenbaar is met daardie magte wat aan die munisipaliteit verleen is;
- (v) Donasies sal binne die begrote bedrag en volgens die Raad se uitsluitlike diskresie, slegs aan nie-winsgewende organisasies/instellings (welsyns-, diens-, liefdadigheidsorganisasies en opvoedkundige instellings) gemaak word;
- (vi) Donasies sal slegs toegeken word aan organisasies/instellings wat binne die regsgebied van Munisipaliteit Kaap Agulhas opereer;
- (vii) Slegs monitêre donasies sal toegeken word ter wille van deursigtigheid en om te verhoed dat nie-finansiële donasies ongelyke behandeling tot gevolg het.
- (viii) 'n Afskrif van u organisasie se jongste finansiële jaarstate moet die Aansoek vergesel.

FINANSIËLE IMPLIKASIES

R120 000,00 is begroot vir die 2016/2017 boekjaar. Daar is 34 instansies wat in terme van die Raad se Donasiebeleid kwalifiseer en wat elk dus R3 500,00 kan ontvang.

BESTUURSAANBEVELING

Dat die Raad die volgende aansoeke oorweeg:

- | | | | | |
|-----|--|---|-----------------------------|-----------------|
| 1. | Kindersorg | : | Liefdesnessie Dienssentrum | |
| 2. | Kindersorg | : | Suiderster Bejaarde Klub | |
| 3. | Kindersorg | : | Bredasdorp | |
| 4. | Kindersorg | : | Nompumelelo | |
| 5. | Kindersorg | : | Lesedi Educare | |
| 6. | Kindersorg | : | Struisies Day Care | |
| 7. | Kindersorg | : | Kaap Agulhas Tuisversorging | |
| 8. | Kindersorg | : | Nuwerus Nasorg | |
| 9. | ACVV | | | |
| 10. | ACVV | : | Ons Huis | |
| 11. | ACVV | : | Suideroord | |
| 12. | ACVV | : | Dienssentrum | |
| 13. | ACVV | : | Strandloperjie Dienssentrum | |
| 14. | Bredasdorp Gesondheid en Welsynskomitee | | | |
| 15. | Huis Klippedrift | | | |
| 16. | Babbel en Krabbel Kleuterskool | | | |
| 17. | Lions Klub Bredasdorp | | | |
| 18. | Hoërskool Bredasdorp Joshua Groep | | | |
| 19. | Bredasdorp krieketklub | | | |
| 20. | Geluksoord Dienssentrum Elim | | | |
| 21. | Otto du Plessis Hospitaal | | | |
| 22. | Kaap Agulhas Noodspens | | | |
| 23. | Kaap Agulhas Gesondheid en Welsyn | | | |
| 24. | Bredasdorp Voeding en Ontwikkeling Sentrum | | | |
| 25. | Sea Hawks Rugbyklub | | | |
| 26. | Napier Gesondheid en Welsyn Forum | | | |
| 27. | Elim Beursfonds | | | |
| 28. | Education Connection | | | |
| 29. | Blue Crane Ability Sport Club | | | |
| 30. | The Umtshayelo Foundation | | | |
| 31. | Kindersorg Napier:Kammaland Speelskool | | | (Laat ingedien) |
| 32. | Kindersorg Napier:Klub Emmanuel | | | (Laat ingedien) |
| 33. | Kindersorg Napier | | | (Laat ingedien) |
| 34. | Wieggen en Waggen | | | (Laat ingedien) |

BESLUIT 246/2016

Dat al 34 bogenoemde instansies elkeen 'n bedrag van R3 500,00 sal ontvang.

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

BREDASDORP VOEDING- EN ONTWIKKELINGSENTRUM

- 13.1 Nadat die Munisipale Bestuurder verslag gedoen het oor 'n skrywe wat onlangs ontvang is, word die volgende besluit geneem:

BESLUIT 247/2016

- (i) Dat erf 4443, geleë op die hoek van Tolbos- en Baatjesstraat, Bredasdorp aan genoemde organisasie beskikbaar gestel word vir die daarstelling van 'n sokkombuis.
- (ii) Dat die dienste aansluiting deur die Raad gedoen sal word.
- (iii) Dat goedkeuring gegee word vir die oprigting van 'n struktuur, onderworpe aan die goedkeuring van volledige bouplanne.
- (iv) Dat die nodige huurooreenkoms deur Korporatiewe Dienste opgestel word.

17. **ONAFGEHANDELDE RAADSBESLUIT**

Besluit Nr	Onderwerp	Verkorte Besluit	Vordering	Verantwoordelike persoon
70/2015	Market Analysis: Retirement Village, Bredasdorp	Ontwikkelingsvoorstelle vir die gedeelte weer gevra word.	<i>Konsep na Munisipale Bestuurder en R Sefoor.</i>	BSSB
74/2016	Hersiening van Huiswinkelbeleid	Dat die bespreking van die beleid tydens 'n werkwinkel voor die volgende komitee vergaderings sal plaasvind.	<i>Sien agenda item 9.2.3.</i>	BSSB
76/2016	Vervreemding (koop): Erf 3344, Bredasdorp	Dat genoemde erf op publieke tender geplaas word.	<i>Advertensie was geplaas - Tenderaar het erf 3139 gekies nadat hy vir beide getender het. Die Raad moet nou besluit wat van erf 3344 gaan word en of dit weer op tender geplaas moet word.</i>	LDC
90/2016	Ouditeur-Generaal navraag insake erwe 563 en 937, Napier	(i) Dat Erf 563, Napier so spoedig as moontlik deur die raad se oordragprokureurs aan KAM oorgedra word. (ii) Dat, sodra Erf 563, Napier in KAM se naam registreer is, dit per openbare tender vervreemd word. (iii) Dat alle uitstaande skuld ten bedrae van R35 256,83 op rekening 200 000 011 073 in die naam van N en S M Noor afgeskryf word. (iv) Dat Erf 937, Napier se uitstaande gelde so spoedig as moontlik deur die raad se Masakane proses gevorder word (binne 90 dae). (v) Indien alle uitstaande fooie nie binne 90 dae gevorder is nie, erf 937 per openbare tender vervreemd sal word om deel van die koste te delg. (vi) Dat die verskil in uitstaande fooie (balans min verkoopprijs) afgeskryf word.	<i>In proses van afhandeling.</i>	DFD
197/2016	Proposed development: Remainder of erf 1148, Bredasdorp (Retirement Village)	(i) Council consider the new valuations. (ii) Applicant be informed that a formal Town Planning application be submitted to Council. (iii) Environmental assessment be for the applicant's account. (iv) Portion of Erf 1148, Bredasdorp is not required for the provision of the minimum level of basic services. (v) That Council grants in-principle approval for the transfer of a portion of Erf 1148, Bredasdorp. (vi) Council determine a reserve price of R1 540 000,00 (ex. VAT) (vii) All legal requirements are met.	<i>In proses van afhandeling. Besware het reeds gesluit en volledige verslag sal gedurende Jan/Feb aan die Raad voorgelê word.</i>	BSSB

