
KOUGA
local municipality
Good Governance through Service Excellence
ORDINARY COUNCIL MEETING
AGENDA
Date : 10 December 2021
Time : 10:00
Venue : Virtual Meeting

KOUGA MUNICIPALITY (EC108)	UMASIPALA I-KOUGA (EC108)	MUNISIPALITEIT KOUGA (OK108)
NOTICE CONVENING A MEETING	**ISAZISO NGENTLANGANISO**	**KENNISGEWING VAN VERGADERING**
NOTICE IS HEREBY GIVEN in terms of the amended Directions on Municipal Operations and Governance, in terms of Section 27(2) of the Disaster Management Act, 2002, that a virtual Ordinary Council Meeting will be held on	**OKU KUKWAZISA** malunga neZikhokelo eziLungisiweyo ekuSebenzeni koMasipala kunye noLawulo ngokweMigaqo yeCandelo lama 27(2) loMthetho woLawulo lweNtlekele ka 2002, ukuba kubanjwe intlanganiso ebonakalayo yesigqeba Ye khansile	**KENNIS GESKIED HIERMEE** ingevolge die gewysigde Aanwysings Vir Munisipale Bedrywighede En Bestuur, Ingevolge Artikel 27 (2) van die Wet op Rampbestuur, 2002, dat 'n virtuele raadsvergadering gehou sal word op
DATE: 10 December 2021	**UMHLA: 30 EyoMnga 2021**	**DATUM: 10 Desember 2021**
TIME: 10:00	**IXESHA: 10:00**	**TYD: 10:00**
B.WILLIAMS **SPEAKER**	**B.WILLIAMS** **USOMLOMO**	**B.WILLIAMS** **SPEAKER**

Councillors are required to comply with the Standing Rules and Orders of Council and all its Committees By-law as promulgated in the Provincial Gazette on 22 October 2018 No.4134 and applicable to this meeting of Council. Any person who willfully contravenes any provision of these rules shall be guilty of an offence and which contravention shall be dealt with in accordance with the disciplinary procedures for Councillors.

A G E N D A

1. **NOTICE OF MEETING**
2. **OPENING AND WELCOME**
3. **ABSENT WITH LEAVE**
4. **ABSENT WITHOUT LEAVE**
5. **PRESENTATIONS**
6. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**
7. **STATEMENTS OR COMMUNICATIONS BY THE SPEAKER**
8. **STATEMENTS OR COMMUNICATIONS BY THE EXECUTIVE MAYOR**
9. **REPORT BACK: SARAH BAARTMAN DISTRICT MUNICIPALITY REPRESENTATIVE**

None

10. **REPORT BACK: INTERGOVERNMENTAL RELATIONS FORUM (IGR)**

None

11. **REPORT BACK: MUNIMEC**

None

12. **DECLARATION OF INTEREST**

13. **STATUTORY MATTERS**

14. **CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING**

14.1 Minutes of the Special Council Meeting held on 30 September 2021

Pages: 7 - 36

14.2 Minutes of the Inaugural Council Meeting held on 17 November 2021

Pages: 37 - 49

15. **MATTERS DEALT WITH IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR**

(The reports by the Executive Mayor, in terms of the provisions of Section 63 of the Local Government Municipal Systems Act, 32 of 2000, on matters dealt with by the Executive Mayor in terms of delegated authority as detailed in the Minutes to be noted).

16. **REPORT BY THE OFFICE OF THE MUNICIPAL MANAGER**

21/12/MM1 Council Resolutions for 30 September 2021, 14 October, 28 October and 17 November 2021

Pages: 52 - 74

21/12/MM2 Report on Delegations Register

Pages: 75 - 293

21/12/MM3 2021/22 Service Delivery and Budget Implementation Plan: Progress up to the Quarter Ending 30 September 2021

Pages: 294 - 372

21/12/MM4 Handover Report: Executive Mayor

Pages: 373 - 379

21/12/MM5 Handover Report to the Newly Elected Council

Pages: 380 - 381

21/12/MM6 Handover Report: Speaker

Pages: 382 - 387

21/12/MM7 Appointment of Kouga Audit Committee Chair and Extension of Members Terms

Pages: 388 - 389

21/12/MM8 Report on Vetting: Private Project Funding Agreement Proposal – IDIS Consulting & Development

Pages: 390 - 450

21/12/MM9 Report on Exercise of Delegated Authority by the Executive Mayor

Pages: 451 - 456

21/12/MM10 Virtual Meetings

Pages: 457 - 467

17. **REPORTS BY THE EXECUTIVE MAYOR**

17.1 **REPORTS BY THE PORTFOLIO CHAIPERSON: FINANCE**

21/12/F1 Amendments to the 2021/22 Approved Capital Budget and Approval of Unspent Funds as at 30 June 2021 (Municipal Infrastructure Grant-Capital Projects)

Pages: 469 - 473

21/12/F2 Determination of Date Valuation 2023-2027 General Valuation Roll

Pages: 474 - 475

17.2 **REPORTS BY THE PORTFOLIO CHAIRPERSON: CORPORATE SERVICES**

21/12/CORP1 Council Recess: Delegated Authority: Executive Mayor

Pages: 477 - 478

21/12/CORP2 Structuring of the Municipal Council: Appointment of Members to Section 79 and 80 Committees

Pages: 479 - 498

17.3 **REPORTS BY THE CHAIRPERSON: COMMUNITY SERVICES**

21/12/CS1 Report On The Festive Season Readiness Program: Directorate Community Services

Pages: 500 - 529

17.4 **REPORTS BY THE CHAIRPERSON: PLANNING, DEVELOPMENT & TOURISM**

21/12/PDT1 Partnership Agreement between Kouga Local Tourism Organisation and KLM to Co-Host the 2021 Festive Season Events under theme "Summer Of Lights"

Pages: 531 - 542

21/12/PDT2 Re-prioritisation of Eskom Funding Allocation for the Installation of Electrical Connections in the Gamtoos Valley Municipal Area

Pages: 543 - 545

21/12/PDT3 Extension of period from 1st January 2022 to 30 June 2022: Waiving of Penalties Imposed on Building Plan Submissions for Unauthorised Building Work in terms of the National Building Regulations and Standards Act (103 Of 1977)

Pages: 546 - 548

18. **CLOSURE**

Distribution list:
Executive Mayor
Deputy Executive Mayor
Speaker
All Councillors
Municipal Manager
All Directors
Relevant Managers
Committee Services

CONFIRMATION OF PREVIOUS COUNCIL MINUTES

MINUTES OF A VIRTUAL ORDINARY COUNCIL MEETING OF KOUGA MUNICIPALITY HELD ON THURSDAY, 30 SEPTEMBER 2021 AT 10:01

PRESENT: Councillors	H Bornman	(Speaker)
	H Hendricks	(Executive Mayor)
	B Williams	
	F Campher	
	D Benson	
	B Rheeder	
	F Baxter	
	B Dhludhlu	
	L Vorster	
	R Jantjies	
	T Jantjes	
	W Gertenbach	
	C August	
	M Biko	
	M van Niekerk	
	W Coenraad	
	J Alexander	
	M Dayimani	
	S Makasi	
	P Oliphant	
	J Mayoni	
	P Nkwalase	
	C Matroos	
	R Dennis	
	A Mabukane	
Officials & Municipal Manager	C du Plessis	(Municipal Manager)
	K Moodley	(Director: Corporate Services)
	E Delport	(Acting Director: Infrastructure & Eng)
	F Mabusela	(Director: PDT)
	N Machelesi	(Director: Community Services)
	R Lorgat	(CFO)
	D De Jager	(HR Manager & Acting: Deputy MM)
	S Daniels	(Manager: Revenue)
	T Madatt	(Manager: Electrical Services)
	E Oosthuizen	(Manager: Technical Services)
	M Goduka	(Manager: ICT)
	L Opperman	(Manager: Legal Services)
	N Zode	(Acting Senior Committee Officer)
	M Julius	(Committee Clerk)

1. **NOTICE OF MEETING**

The Speaker read the notice convening the meeting and advised that in terms of the amended Directions on Municipal Operations and Governance and in terms of Section 27(2) of the Disaster Management Act, 2002, that a virtual Ordinary Council Meeting will be held using the zoom platform.

Presentation

Mr Jimmy Headbush, Managing Director: Endaweni Media—accompanied by Mr Al Zoya, Stakeholder Relations Executive: Endaweni Media—presented on the proposition of a Professional Golfers Association (PGA) event being hosted in Kouga. Endaweni Media had been appointed by the PGA SA as the tournament promoter and organiser. The PGA was one of the most iconic and prestigious golf events in the country. There were multiple partners for the event such as the Sunshine Tour, Eastern Cape Parks and Tourism and Super Sport. There was a buy-in from provincial and district government. He hoped that there would be from local government as well.

The tournament would have a direct socio-economic impact for Kouga. Over 100 jobs would be created for that week and the venue would need to hire additional people as well. Certain services would be procured from Kouga businesses and suppliers. Over 3000 visitors were expected. The media exposure was a big draw card and the Municipality would receive coverage. It was estimated that the Municipality would derive an envisaged investment in excess off R10 million from funds spent during the week of the event as well as during the time leading up to the event.

The request was that the Municipality contribute towards the success of the event with a R 275 000 contribution. Covid-19 compliance was of high importance and was being taken into consideration. He hoped that the Municipality would come onboard and support the event.

The Speaker thanked Endaweni Media for the presentation.

2. **OPENING AND WELCOME**

The Speaker greeted those present.

3. **ABSENT WITH LEAVE**

Cllr E Februarie

Cllr M Peters

4. **ABSENT WITHOUT LEAVE**

Cllr S Jujwana

Cllr V Vumazonke

5. **ACKNOWLEDGEMENTS, CONDOLENCES & CONGRATULATIONS**

Cllr Dayimani congratulated all Councillors who had made it to their party lists for the upcoming elections and wished them well.

Cllr Dhludhlu congratulated the Mayor on his Aldermanship as well as Mr Joseph "Henni" Britz. The fact that Kouga had two Alderman was an honour. He extended his congratulations to other recipients as well.

Cllr Benson wished all the Councillors well for the next term and future. He acknowledged the work done over the past five years as well as the relationships formed.

6. **STATEMENTS OR COMMUNICATION BY THE SPEAKER**

The Speaker gave thanks to all the Councillors for their contributions and ensuring that there was a productive Council. It had been a privilege for him to serve during the five year term especially the last two and a half years. It was also a privilege to be the Speaker. He cherished the relationships that were built over the term despite political differences.

He thanked the Executive Mayor for his guidance and the role he played in ensuring the achievements of the municipality during the term. He thanked the Municipal Manager and Directors for their efforts as well.

He closed with a meaningful quote and hoped it would encourage all those present. The battle to ensure the betterment of the Country, towns and Municipality had to continue.

"It is not the critic who counts; not the man who points out how the strong man stumbles, or where the doer of deeds could have done them better. The credit belongs to the man who is actually in the arena, whose face is marred by dust and sweat and blood; who strives valiantly; who errs, who comes short again and again, because there is no effort without error and shortcoming; but who does actually strive to do the deeds; who knows great enthusiasms, the great devotions; who spends himself in a worthy cause; who at the best knows in the end the triumph of high achievement, and who at the worst, if he fails, at least fails while daring greatly, so that his place shall never be with those cold and timid souls who neither know victory nor defeat."— Theodore Roosevelt

7. **STATEMENTS OR COMMUNICATION BY THE EXECUTIVE MAYOR**

The Executive Mayor greeted all those present. It had been an absolute privilege to be a servant of the people of Kouga. He thanked the administration and further thanked Council for entrusting him with the executive responsibility as well as protecting and overseeing the expenditure of the public purse.

He thanked the Speaker, who had taken charge of the legislative arm of Council and stepped up to the challenge. He further thanked the Speaker for ensuring that the dignity of the seat of government remained intact and that the business of Council was not compromised.

He thanked his Mayoral Committee for their support and extended his appreciation for their service. Without the Mayoral Committee his tenure as the Executive Mayor would not have been easy. He gave thanks for the support he received when he suffered from ill health.

He thanked all Councillors for the robust interactions which were thought provoking as well as learning curves.

To the Municipal Manager and Directors, he quoted H Jackson Brown Jr.
" When you can't change the direction of the wind — adjust your sails". This is what had been done and their value could not be understated. He wished them a long and prosperous career at Kouga.

He thanked his office staff for their support and he expressed his appreciation and deep love for his staff.

Looking back over the last five years, the improvement in the Municipality from 2016 – to date had been visible and tangible. He always kept his reporting to the public and stakeholders evidence based, therefore he could not claim what he could not prove. Through fire, drought and Covid-19 the Municipality had been kept afloat and sailing forward.

It was said that when one took over something it had to be left better than when it was found. As a governing party it had left Kouga better than it had found it.

8. **REPORT BACK: SARAH BAARTMAN DISTRICT MUNICIPALITY REPRESENTATIVE**

None

9. **REPORT BACK: INTERGOVERNMENTAL RELATIONS FORUM (IGR)**

None

10. **REPORT BACK: MUNIMEC**

None

11. **DECLARATION OF INTEREST**

None

12. **STATUTORY MATTERS**

None

13. **MINUTES OF PREVIOUS MAYORAL COMMITTEE MEETING FOR NOTING**

14. **CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS**

14.1 **MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON 30 JULY 2021**

Cllr Vorster asked that the attendance recorded in the minutes be reviewed and amended to ensure accuracy.

Cllr Gertenbach on page 48, asked if there had been a visit to the street mentioned.

The Speaker responded that he had visited the street but had not been to visit with Cllr Oliphant yet.

Cllr Oliphant stated that he and the Speaker were both equally correct as the work done was not for the entire street but from the entrance to the Methodist church.

Resolved (30 September 2021)

1. That the minutes of the Ordinary Council meeting held on 30 July 2021 be accepted.

Proposed: W Gertenbach Seconded: D Benson

14.2 **MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 31 AUGUST 2021**

Resolved (30 September 2021)

1. That the minutes of the Special Council meeting held on 31 August 2021 be accepted.

Proposed: C August Seconded: M Van Niekerk

14.3 **MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON 6 SEPTEMBER 2021**

Cllr Vorster asked that the attendance recorded in the minutes be reviewed and amended to ensure accuracy.

The Speaker clarified regarding page 65, that he had previously asked the "Absent Without Leave" section to be removed as indicated in the minutes. He had since discussed the matter with the Director: Corporate Services and it was determined that the section remain for record purposes.

Resolved (30 September 2021)

1. That the minutes of the Special Council meeting held on 6 September 2021 be accepted.

Proposed: L Vorster Seconded: B Williams

15. **MATTERS DEALT WITH IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR**

(The reports by the Executive Mayor, in terms of the provisions of Section 63 of the Local Government Municipal Systems Act, 32 of 2000, on matters dealt with by the Executive Mayor in terms of delegated authority as detailed in the Minutes to be noted).

16. **REPORTS OF COMMITTEES OF COUNCIL**

16.1 **KOUGA AUDIT COMMITTEE**

21/09/KACC1 MINUTES OF THE KOUGA AUDIT COMMITTEE

Resolved (30 September 2021)

1. That the minutes of the Kouga Audit Committee be noted.

17. **REPORT BY THE OFFICE OF THE MUNICIPAL MANAGER**

21/09/MM1 COUNCIL RESOLUTIONS FOR 30 JULY 2021, 31 AUGUST 2021 AND 6 SEPTEMBER 2021

The Speaker asked for clarity on the items that the ANC caucus wanted to speak on.

Cllr Dayimani responded that only the four Councillors indicated on the list would speak on the listed items.

Cllr Gertenbach enquired on the status of a letter which had to be written requesting permission to buy electricity from private suppliers mentioned on page 85.

The Municipal Manager stated that he could not recall if a letter had been submitted to the Minister but letters had been sent to the Department regarding the matter. One matter outstanding regarding the electrification, was the determination of the final limit. It had to be determined if the Municipality had to abide to the 10 megawatt limit which applied to private companies or not.

The Manager: Electrical Services stated that the draft letter had been authorised by the Municipal Manager and sent to National Treasury for comment on the draft. Based on its commentary the letter would be sent to the Minister for approval.

The generation capacity was open for 100 megawatt and as a Municipality, Kouga fell within this range. It had applied for 40 megawatt per energy sector.
It was a hybrid application which covered wind, solar and biomass etc. Once received from National Treasury the letter would be sent to the Minister.

The Speaker welcomed the exciting prospect.

Resolved (30 September 2021)

1. That the updated Action Sheets reflecting resolutions of previous Council meetings, be noted.

2. That it be noted that all resolutions are referred to Top Management meetings for discussion whereafter outstanding reports are submitted to their respective Portfolio Committee meetings.

3. That Directorates complete the Action sheets comprehensively, indicating the official responsible for actioning the recommendation, the due date, status of completion and tasks performed.

21/09/MM2 **REPORT ON THE PROGRESS OF THE WARD DEVELOPMENT FUND AS AT 10 JUNE 2021**

Cllr Dennis enquired whether there would be a report on the funds redirected towards drought relief.

The Municipal Manager stated that the WDF expenditure was included in the report and that the projects were progressing. The expenditure would be indicated for the drought.

Cllr Oliphant stated that funds had been diverted to the drought and therefore had to reflect correctly as drought relief funds and not WDF funds in reporting.

The Speaker stated that there had to be a report on how the funds redirected to security and drought relief were spent.

Resolved (30 September 2021)

1. That Council note this report.

21/09/MM3 **APPOINTMENT OF KOUGA AUDIT COMMITTEE CHAIR AND ADDITIONAL MEMBER TO SERVE ON THE AUDIT COMMITTEE**

The item was unanimously approved.

Resolved (30 September 2021)

1. That Michelle Wait be appointed as Chair and Greg Billson be appointed as a member of the Kouga Audit Committee for a period of 2 years (ending 30 June 2023).

2. That the Remuneration and Disbursements of the Kouga Audit Committee Members be in accordance with the rates regulated by latest Treasury Regulation plus the payment of the additional travel claims (if any).

21/09/MM4 **COUNCIL RECESS: DELEGATED AUTHORITY: EXECUTIVE MAYOR**

Cllr Dennis enquired on the closing of ward offices as he had heard rumours about ward office closures. He requested clarity on the matter.

The Speaker responded that as it was the end of the term there were certain inventory management processes that had to be completed.

There would be official communication regarding the closing of ward offices shortly.

Ward offices would begin to close within the next two weeks. Preparations for the incoming Councillors would also begin especially regarding offices affected by the demarcation.

Cllr Oliphant asked if a Special Council meeting could be convened for an urgent matter. He asked that the Mayor use the delegated powers wisely.

The Speaker responded that if there was an urgent need a Special Council meeting would be convened.

The recommendations were unanimously approved, however the matter was put up for discussion a second time as there were new developments which stemmed from a SALGA meeting earlier that day.

The Director: Corporate Services stated that it had been indicated at a SALGA meeting that morning that the term of office for the existing Councillors ended on the day that the IEC announced the election results. The term of office for the new Councillors began on the day of announcement as well.

Previously the impression had been that the term of office ended the day before the election, however it had been clarified that the existing Councillors would continue until the IEC declared the results. Therefore, the recommendations had to be amended and recommendation 3.4 and 3.5 had to be removed.

Cllr Dennis enquired if this meant that current Councillors remained Councillors until election results were announced by the IEC.

Cllr Oliphant stated that since the current Councillors remained Councillors until the announcement of the results there was no reason for the closure of ward offices.

The Speaker stated that whether the offices were closed or not did not mean Councillors could not function. The closure of ward offices was necessary as certain administrative procedures and inventory processes had to be followed at the end of the term.

Cllr Dennis stated that Councillors needed offices to carry out their work and asked that the details of what would transpire be submitted in writing.

The Speaker stated that the information would be sent in writing by the following week.

Cllr Dennis stated that a unilateral decision had been made regarding the closure of offices.

The Speaker responded that it was a case of administrative processes which had to be followed but welcomed the input of the ANC on the matter.

Cllr Oliphant welcomed engagement on the item.

Cllr Oliphant proposed that recommendations 3.4 and 3.5 be removed and was seconded by Cllr R Jantjies.

Cllr Oliphant asked if the Speaker would be able to respond to the correspondence he had sent since it would be recess.

The Speaker was inaudible.

The Speaker stated that it was the last Council meeting for the term. He paid tribute to the Council members: Cllr E Van Lingen, Cllr T Meleni and Cllr N Botha, who had passed on. There had been 10 changes to the composition of the Council but it had made great progress since then. He thanked the Councillors for their input.

Resolved (30 September 2021)

1. That it be noted that the Council will be in recess from the 1st of October 2021 until the end of term of the current Council.

2. That the Executive Mayor be granted delegated authority to deal with all Council affairs during the recess from the 1st of October 2021 until the end of term of the current Council, subject to the following undermentioned conditions:

   a) The Exercise of delegated authority shall exclude the passing of a by-law; approval of the budget; the imposition of rates and other taxes levies and duties; the raising of loans, the amendment of tariffs, the approval or amendment of the IDP;

   b) That the parameters of the Procurement Policy be complied with.

3. That all matters dealt with by the Executive Mayor, which would conventionally have required a resolution of Council, be submitted to Council in report format for information or review at the first Ordinary Council meeting after the formation of the new Council.

Proposed: P Oliphant Seconded: R Jantjies

18. **REPORTS BY THE EXECUTIVE MAYOR**

18.1 **REPORTS BY THE CHAIRPERSON: FINANCE**

21/09/F3 **TABLING OF A LIST OF ALL EXEMPTIONS, REBATES AND REDUCTIONS AS REQUIRED BY SUBSECTION 15(3) OF THE MUNICIPAL PROPERTY RATES ACT**

Cllr Williams introduced the item which detailed the rebates granted by Council in the previous financial year.

The amount totaled at R17.4 million which was remarkable considering the drought and Covid-19. This indicated how pro-poor and caring the DA government was.

Cllr Dennis stated that the exemption of private towns had been discussed earlier in the year, which was a pro-rich approach of the DA lead Municipality.

Cllr Williams raised a point of order. He stated that the exemptions granted to private towns had been explained at the Finance Portfolio Committee meeting. Private towns provided their own services such as refuse removal and maintained their own water infrastructure and sewerage therefore the reduction was fair to ratepayers.

Cllr Dennis stated that private towns received exemptions which was the application of typical DA pro-rich policies.

The Speaker stated that there was a discount for private towns as the Municipality did not collect refuse as well as the provision of other services.

Cllr Dayimani raised a point of order. He stated that Cllr Williams had raised a point of explanation not a point of order. The Speaker should have not allowed this as it was a response to Cllr Dennis not a point of order. Points of orders had to be differentiated from points of explanations.

The Speaker noted Cllr Dayimani and indicated that due to Cllr William's point of explanation he had allowed Cllr Dennis to speak twice.

Cllr Oliphant stated that as much as the item tabled was appreciated the majority of the beneficiaries were affluent. This would be rectified by the new government in November 2021.

Cllr Rheeder raised a point of order. He stated that relevance had to be considered as policy was not being discussed but a report.

The Speaker stated that the point of order was valid.

Cllr Dennis stated that he wanted to raise an issue.

The Speaker responded that he had granted Cllr Dennis a chance to speak on the item already. He asked that the Council meeting remain cordial and that party politics not be discussed.

Cllr Dennis asked if it was procedurally correct for another Councillor to comment in the background as Councillor August had done when Councillor Oliphant was on the floor.

The Speaker stated that it was procedurally incorrect but he had not heard. He extended his previous comments to all Councillors.

Resolved (30 September 2021)

1. That Council notes the list of exemptions, rebates and reductions granted by the Municipality during the 2020/2021 financial year.

18.2 **REPORTS BY THE CHAIRPERSON: CORPORATE SERVICES**

21/09/CORP7 OHS RISK ASSESSMENT

Cllr Jantjes introduced the item.

Cllr Dennis stated that the table on page 423 is unclear and asked if there had been inspections done on the Pellsrus Caravan Park.

The Speaker responded that there would not be a report on the electrical issues at the caravan park if inspections had not been done.

Cllr Dennis enquired what the outcome of the inspection had been and who had done it.

The Speaker indicated that the findings and remedial action required were indicated in the item.

Cllr Dennis asked if the remedial action had been completed.

Cllr Jantjes stated that feedback was required from lead departments but the Senior Occupational Health and Safety (OHS) Officer had compiled the report under leadership of Mr De Jager.

The Manager HR/Acting Deputy Municipal Manager responded that the risk assessment had been completed. Assessments were completed quarterly therefore there would be a follow up inspection in October 2021. Departments had until the end of September to address the risks.

Cllr Dennis asked what risks had been identified.

The Speaker clarified that the risks were detailed in the item.

Cllr Oliphant stated that risk assessments had to be done for all Municipal buildings and asked if there was a report on the Cultural Centre after the fire. Had there been an assessment on the damage caused by the fire? Was the building insured and if so, had the process for claiming from the insurer begun?

The Speaker welcomed the questions. As the information was not included in the current report and the Fire Chief was not present, he requested a report on the matter. The report had to be tabled at the next upcoming meeting.

He requested that the report be submitted as soon as possible by the Director: Community Services and that information on the damage and insurance, be included.

Cllr Dhludhlu stated that the cultural centre was not relevant and that the query was against rule 32.1 which indicated that it was not relevant to ask questions about another item whilst another item was currently discussed.

Cllr Oliphant had the right to request the information in writing.

Cllr Oliphant raised a point of order and stated that his questions regarding the cultural centre were relevant.

The Speaker stated that he welcomed Cllr Oliphant's questions but it was not relevant to the item hence he had requested that a report on the matter be prepared.

Cllr Dhludhlu continued that the recommendations indicated that the relevant department had been given until that day to comply. It would be unfair to expect an outcome when it was the day of the due date.

Cllr Dennis asked that the safety and security risk of residents around the caravan park be included as there had been multiple burglaries. He had seen a letter written to Public Works regarding the Aston Bay caravan park which highlighted the risk factors to the surrounding communities. All communities had to be treated equally.

The Manager HR/Acting Deputy Municipal Manager stated that there had been a reduction in high risk areas, as there were 57 high risk areas in 2019 but currently only 13 high risks areas remained. In response to Cllr Dennis he stated that the risk assessment done by OHS was internal. The risk he had enquired about was not relevant to this risk assessment as it was a matter of public safety. Public safety fell within the scope of the Community Services department.

The Speaker asked that Councillor Benson note the concerns raised by Councillor Dennis.

Resolved (30 September 2021)

1. That the number of non-compliance issues be noted with concern.

2. That respective departments be given until 30 September 2021 to rectify all non-compliances.

18.3 **REPORTS BY THE CHAIRPERSON: INFRASTRUCTURE & ENGINEERING**

21/09/I&E1 **RE: PROGRESS ON GRANT FUNDING (MIG, WSIG & EPWP) AS AT END JUNE 2021**

Cllr Gertenbach introduced the item.

Cllr Gertenbach stated that 82% of the Municipality's grant funding had been spent in the previous financial year. The upgrade of Sea Vista and Hankey food markets had challenges and for both cases the projects began, but came to a halt. There was a table that detailed the expenditure.

Resolved (30 September 2021)

1. That the progress report be accepted.

21/09/I&E3 **RE: ELECTRICAL MAINTENANCE REPORT FOR THE MONTH OF JUNE 2021**

Cllr Gertenbach introduced the item and indicated that all the attachments had not been included but the information was available in the Portfolio Committee Agenda. The electrification budget was spent in its totality for the past financial year.

Cllr Gertenbach stated that an amnesty period had been granted for the reporting of faulty prepaid electrical meters. The response was very poor as almost no faulty meters were reported. He asked that a recommendation be added which indicated that the amnesty period be extended to the end of November 2021.

Alderman Rheeder supported and seconded the recommendation.

Cllr Jantjies welcomed and supported the request but wanted to know how communities had been informed.

The Speaker asked that a recommendation be included which indicated that it be advertised on various platforms to raise awareness in communities. Both recommendations were unanimously approved.

Resolved (30 September 2021)

1. That the electrical maintenance Report for the month of June 2021 be noted.

2. That the amnesty period for reporting faulty prepaid electricity meters be extended to the end of November 2021.

3. That the amnesty period deadline be advertised on various platforms to raise awareness in communities.

Proposed: W Gertenbach Seconded: B Rheeder

21/09/I&E11 **REQUEST FOR INCREASE OF MIG FUNDING (BUDGET MAINTENANCE): UPGRADE OF HANKEY SANITATION PROJECT**

Cllr Gertenbach introduced the item. The original budget for the three phases of the project was R47 million but the contractors application exceed the amount budgeted.

There was a request for COGTA to increase MIG funding for the Hankey Sanitation Project by R14 million for the next financial year, as all three phases could not be completed without the additional funds. If received, it would not affect future allocations for grant funding.

Cllr Oliphant asked when the project would come to completion and when the final phase would begin. He appreciated the project as it would benefit the residents of Hankey.

The Manager: Technical Services stated that it was a multi-year project. Phase one had been implemented in 2021 as a 24 month contract but a contractor had to be appointed for phase two and three. The project would run for another two financial years depending on funding. The contractor for phase two or three could not be appointed as the Municipality was fully committed for the current financial year.

The item was unanimously approved.

There was a comfort break from 11:33 – 11:44.

Resolved (30 September 2021)

1. That the Council support and approve the application to the Department of Cooperative Government and Traditional Affairs for the increase in total project funding for the MIG project: Upgrade of the sewage infrastructure in Hankey with an additional amount of R14, 978, 560.00 (VAT included).

18.4 **REPORTS BY THE CHAIRPERSON: COMMUNITY SERVICES**

21/09/CS8 **UPDATE REPORT ON CAPE ST FRANCIS DUNE MAINTENANCE MANAGEMENT PLAN**

Cllr Benson introduced the item.

Resolved (30 September 2021)

1. That the report be noted and supported by Council.

2. That a final report be submitted after public comments and consultations with other Directorates.

3. That the Dune Maintenance and Management Plan be submitted to DEDEAT for approval.

21/09/CS9 **UPDATE ST FRANCIS BAY MAIN BEACH REVETMENT**

Cllr Benson introduced the item.

Resolved (30 September 2021)

1. That the updated report on St Francis Bay Revetment be noted.

21/09/CS10 **KEEPING KOUGA CLEAN CAMPAIGN**

Cllr Benson introduced the item and added that it was very important that communities be encouraged to join the campaign.

Cllr Oliphant asked that there be a programme schedule for clean ups so that communities could be informed.

The Speaker requested that Cllr Benson follow up on the request as it would assist communities.

Cllr Benson welcomed Cllr Oliphant's suggestion.

21/09/CS11 **KOUGA MUNICIPALITY LANDFILL COMPLIANCE AND PROVISIONS**

Cllr Benson introduced the item.

Resolved (30 September 2021)

1. That the report and Annexure on the Landfill Compliance and Provisions be noted.

2. That budget provision be considered in the 2022/23 budget for landfill management, maintenance and rehabilitation.

21/09/CS12 **STANDARD OPERATING PROCEDURE AND INDEMNITY FORM SPORT AND RECREATION AND CARAVAN PARK FACILITIES**

Cllr Benson introduced the item.

Cllr Dennis asked who owned the Papiesfontein land.

The Speaker responded that it was owned by multiple departments as well as private individuals.

Cllr Dennis enquired whether all those owners had to be included for stakeholder engagement when envisioning a caravan park.

The Speaker clarified that the item being discussed was an SOP for recreation and caravan park facilities.

Resolved (30 September 2021)

1. That the Standard Operating Procedures (SOP) and Indemnity form for the Sport and Recreation and Caravan Park facilities be adopted and approved.

21/09/CS19 **SEA VISTA CHILDREN CYCLING FACILITY**

Cllr Benson introduced the item.

Cllr Oliphant stated that there were no items relating to the Traffic Department in the agenda. He asked if a report could be provided to Council on why Mr Rean Nel had personal security. At whose expense was this being done and who had provided the authorisation for such? It was ratepayer funds paying for the service.

The Speaker asked the Municipal Manager to provide clarity to the Councillor privately after the meeting. The feedback could be shared with the ANC caucus thereafter. The reports for the traffic department were submitted to the Portfolio Committee meeting.

The Speaker stated that some of the items tabled were noted but did not necessarily have to be submitted to Council.

Resolved (30 September 2021)

1. That Council note the report.

18.5 **REPORTS BY THE CHAIRPERSON: PLANNING AND DEVELOPMENT**

21/09/PD3 **LAND AND PROPERTY: PROGRESS REPORT: QUARTER 4 - 25 MAY 2021 TO 20 JULY 2021**

Alderman Rheeder introduced the item. There had been huge progress over the last three months.

Cllr Dennis on the status report for item **21/01/PD1** regarding erf 533 mentioned on page 495, asked in which newspapers the notice was advertised.

The Director: PDT stated that in the case of in-principle approvals, advertisement was done on the Municipal website as well as in the Kouga Express newspaper. She needed to confirm if there had been advertisement on other platforms.

Cllr Dennis asked how the policy on advertising guided the matter. What was the circulation of the Kouga Express?

The Speaker stated that advertising requirements as well as required periods for advertisements varied for different projects.

Cllr Williams stated that the distribution for the Kouga Express was 20 000 per week.

Cllr Oliphant questioned why the Municipality exclusively used the Kouga Express. There had to be a report on the public participation process and its inputs. Structures were being demolished at the Ben Marias Caravan Park site. Did this mean the site was sold before public participation had been concluded? A report on the matter was required.

The Speaker noted Cllr Oliphants concerns and stated that Council had made a decision in January but an update on the new lessee had to be provided.

Cllr Oliphant requested a full report on the public participation process which included objections as the Council resolution was that the property be sold following public participation processes.

Resolved (30 September 2021)

1. That the content in the Land and Properties progress report be noted.

21/09/PD6 **TERMS OF REFERENCE: MUNICIPAL STREET NAMING COMMITTEE**

Alderman Rheeder introduced the item and stated that the Terms of Reference for street naming was a first for Kouga. He tabled the item for approval.

Cllr Oliphant welcomed the item and stated that there were multiple names that had to change and the ANC would make a formal submission when the committee was functional. He hoped the item was in line with the regulations and national norms.

Cllr Dennis stated that the community was the driver of the item. The street names listed were provided without community consultation.

The Speaker stated that the Terms of Reference were being discussed and not the following item.

The item was unanimously approved.

Resolved (30 September 2021)

1. That the Terms of Reference for the Municipal Street Naming Committee be accepted.

2. The Committee shall consist of six (6) nominated members from relevant departments as follows:

- Portfolio Councillor (Planning and Development)
- Director: Planning Development & Tourism
- Department: Land & Property Administration
- Public Participation Co-Ordinator

- Director: Infrastructure & Engineering
- Department: Town Planning

3. That the Portfolio Councillor: Planning and Development be appointment as the chairperson of the Municipal Street Naming Committee.

4. That it be noted that monitoring will be undertaken on a quarterly basis by the Municipal Street Naming Committee and will provide the Council with a report on all street naming & numbering matters and process followed.

21/09/PD7 **ALLOCATION OF STREET NAMES AND AREA NAMES: VARIOUS GOVERNMENT SUBSIDIZED HOUSING PROJECT: KRUISFONTEIN, HUMANSDORP**

Alderman Rheeder introduced the item which was for in principle approval. The item fell within the regulations and national norms as it would be advertised for public input and ward committee proposals had been considered.

The Speaker asked if the final item would be tabled to Council after public participation had taken place?

Alderman Rheeder stated that the Speaker was correct.

Cllr Oliphant asked who Alderman Rheeder was bench marking against.

The Speaker questioned the relevance of Cllr Oliphant's statement.

Cllr Benson raised a point of order and asked that Councillors remain silent while the Speaker spoke.

Cllr Campher stated that the incorrect spelling of the street named: "Varing" indicated on page 524 had to be corrected.

The Speaker asked that the street name be corrected.

Resolved (30 September 2021)

1. That Council **grant in-principle approval** for the proposed street and area names as contemplated in the layout maps for the Maak 'n Las, Sewende Laan, Jeugkamp, and Kruisfontein 391government subsidized housing projects.

2. That Council grant authorization to the Accounting Officer to advertise the proposed street and area names herein, for public participation.

3. That budgetary provisions by the relevant Directorates for the erection of the street names be discussed at the next Maycom Exco Management meeting for budgeting purposes.

4. That it be noted that all vertical street names need to be included on the street maps and that the Acting Manager: Land & Property and Public Participation Co-Ordinator are in the process of liaising with the Ward Committee as the proposed street names are to be submitted by the respective Ward Committees.

5. That it be noted that street names and area names are not to be the same when submitted by the respective Ward Committees to avoid misunderstandings in the case of emergencies.

21/09/PD8 **ALLOCATION OF STREET NAMES AND AREA NAMES: GOVERNMENT SUBSIDIZED HOUSING PROJECT: WARD 2: PELLSRUS 220**

Alderman Rheeder introduced the item. He stated that the proposed street names were too long for a street signage therefore the street names had to be shortened to surnames.

Cllr Dennis questioned why some longer street names were allowed whilst others were not. He further questioned why the use of both a name and surname was not applicable in less affluent areas but names such as Nell van der Poll were used elsewhere.

Cllr Dhludhlu raised a point of order. He stated that street names which used names and surnames were often abbreviated such as AD Keet.

The Speaker stated it was not a point of order. He explained that some names listed had 17 characters and that whether a name could be used was based on the number of characters that could be put on a name plate.

Cllr Oliphant raised a point of order and asked how many points of order Cllr Dhludhlu was entitled to raise.

The Speaker noted the concern and added that Cllr Dhludhlu would not be allowed to raise further points of order.

Cllr Dennis stated that Cllr Dhludhlu would disrupt the meeting if he continued.

The Speaker asked that the Councillor ask questions regarding the item to avoid the meeting regressing.

Cllr Dennis questioned why a public participation process was required when there had been community participation.

Alderman Rheeder stated that he would provide feedback.

Cllr August questioned the difference between her interjection and other shouting that had happened. She apologised for her earlier interjection.

Cllr Dhludhlu stated that he took strong offence to the earlier insinuations by Cllr Oliphant and Cllr Dennis. He asked that both Councillors withdraw their comments and apologise according to rule 36.2 and failure to do so result in their removal from the meeting.

The Speaker stated that there had been remarks which attacked Cllr Dhludhlu's character and asked that the remarks be withdrawn.

Cllr Oliphant asked that Cllr Dhludhlu quote the statement which was made against him.

The Speaker asked that Cllr Dennis withdraw his statement.

Cllr Dennis asked what he had specifically said which had to be withdrawn.

The Speaker stated that remarks regarding colonialism had been made. He warned Cllr Oliphant that he would receive a spot fine if he continued speaking out of turn.

Cllr Jantjies asked that Councillor Dennis withdraw the statement made about Cllr Dhludhlu regarding colonialism.

Cllr Dayimani stated that he could not support the unfair withdrawal of statements. There had to be an explanation of what had been said. Why was the use of the term colonial offensive and disturbing? He requested that the Speaker maintain impartiality.

The Speaker asked that Cllr Dennis withdraw his statement as Cllr Dhludhlu had taken offence.

Cllr Dennis stated that he had never stated the words uttered by Cllr Jantjies.

The Speaker stated that it was clear that Cllr Dennis did not want to withdraw.

Cllr Oliphant suggested that the Speaker adjourn the meeting so that the recording could be checked to determine what had been said.

The Speaker stated that this would be done after the meeting.

Alderman Rheeder stated that regarding Cllr Dennis's earlier question, the Terms of Reference and relevant committee had only been approved that day therefore any previous advert was not an official advert. Perhaps the ward committee had previously advertised but this would be the first time that the names tabled to Council would be advertised.

On the length of street names, he stated that the manufacturers of the street name boards could not accommodate names with too many characters.

Cllr Dennis suggested that the submission of proposals by the public had to be accompanied by addresses to confirm that individuals were residents.

The Speaker stated that advert had to indicate that the submissions must include the individual's name and area where they resided.

Resolved (30 September 2021)

1. That Council **grant in-principle approval** for the proposed street names as contemplated in the layout map for the Pellsrus 220 government subsidized housing projects.

2. That Council grant authorization to the Accounting Officer to advertise the proposed street and area names herein, for public participation.

3. That budgetary provisions by the relevant Directorates for the erection of the street names be discussed at the next Management meeting for budgeting purposes.

4. That it be noted that street names and area names are not to be the same when submitted by the Ward Committee to avoid misunderstanding in the case of emergencies.

5. That the street names be shortened in the report.

21/09/PD9 **APPLICATION FOR RIGHTS TO USE: KOUGA CULTURAL CENTRE: BOPHELO IMPILO DEVELOPMENT CENTRE**

Alderman Rheeder introduced the item.

It was driven by the Kouga Windfarm Trust Fund. The request for right to use was to repair the damaged Cultural Centre.

Cllr Dennis asked if Bophelo Impilo was a local SMME.
Cllr Oliphant stated that the reason for the creation of the cultural centre had to be remembered and others who used the building had to be considered as well. Further research on Bophelo Impilo was necessary. He required further clarity on the nature and functions of Bophelo Impilo before the ANC could take a stance.

The Executive Mayor stated that he fully supported the project and stated that the restoration and development of the Centre was a great prospect. He thanked Kouga Windfarm for its interest in the project.

He was in high level talks with the Education Department regarding moving the East Cape Midlands College to Kouga Municipality but this had not been finalised yet. The project was a government to government project and not a political project. He fully supported the proposal and could not wait to see the improvement to the Cultural Centre.

The Speaker asked the Mayor to clarify if Bophelo Impilo was part of the Windfarm.

The Executive Mayor clarified that the entity was an implementing agent of Kouga Windfarm's trust. Bophelo Impilo had previously done a presentation to the Planning and Development Portfolio Committee.

Alderman Rheeder stated that the Kouga Windfarm had established a trust fund. The trust fund had requested to upgrade the Cultural Centre and then appointed its own contractor to do the work on its behalf. The project would not go through the Kouga supply chain as it was an offer from the trust fund to do the work. It needed the approval for rights of use to do the necessary work. If the annexures had been consulted this would have been clear.

Cllr Dennis stated that Alderman Rheeder had indicated that the project would be between the Windfarm and the Municipality but the item indicated that the relationship would be with Bophelo Impilo hence he wanted to know who it was.

Cllr Oliphant stated that the ANC was not against the project but required further background information to support it. It was incorrect to say that the item had not been consulted.

The Speaker stated that who the entity was had been detailed and it was clear in the annexures.

Cllr Dhludhlu stated that the Councillor had made an earlier statement which implied research had been done already. The Councillors had to read items in full.

Resolved (30 September 2021)

1.1 That Council **grant approval** for right to use the Kouga Cultural Centre located on erf 3291 Humansdorp to Bophelo Impilo Development Centre to restore and develop the facility into a Craft Centre.

1.2 That the applicant be responsible for all land use application and associated costs, should there be any required.

1.3 That Council grant authorization to the Accounting Officer to enter into Right-to-Use Lease agreement with Bophelo Impilo Development Centre respect of the property contemplated herein, for the restoration and development of a Craft Centre.

1.4 That a clause be added to the lease agreement that details the time frame for development to commence within six (6) months of signing the lease agreement.

21/09/PD10 **RELOCATION OF THE UNLAWFUL DWELLERS OF THE ASTON BAY CARAVAN PARK**

Alderman Rheeder introduced the item. It had to be noted that Public Works had requested that Kouga identify suitable sites for the relocation of unlawful dwellers. The item had been tabled to the Mayoral Committee and three different options were presented. He asked that a recommendation 6.5 be added which stated that option two of three options be accepted as the best option and that land be availed.

A recommendation 6.6 had to be added as well which indicated that the Municipal Manager be allowed to negotiate with Public Works on costs of relocation. As it was indicated that the Municipality had to identify suitable municipal land but not pay for costs. Cllr August seconded the additional proposed recommendations.

Cllr Dennis enquired if there were timeframes for implementation that had to be considered.

Alderman Rheeder stated that timeframes could not be set yet as the Municipal Manager had to consult Public Works regarding relocation costs. The three proposed erven were Municipal erven but were not serviced therefore the cost had to be discussed with Public Works. The installation of water, and electricity as well as plot division would be required.

The item was unanimously approved.

Resolved (30 September 2021)

1. That the report on identification of suitable land for the relocation of the Aston Bay Caravan Park unlawful dwellers be noted.

2. That the dwellers of the homeless shelter in the Pellsrus Caravan Park and the unlawful dwellers of Tokyo Sexwale Sports Stadium, be considered for relocation to one of the three sites.

3. That the cost for resettlement to each of the three sites be confirmed.

4. That Council determines the most suitable land option for alternative accommodation in order to enable the Provincial Department of Human Settlements to expedite the application process for emergency housing units.

5. That option two of the three proposed sites be accepted as the most suitable land option and that the land be availed.

6. That the Municipal Manager be allowed to negotiate with the Department of Public Works on the relocation costs.

Proposed: B Rheeder Seconded: C August

21/09/PD11 **APPLICATION FOR RIGHT TO USE: VARIOUS MUNICIPAL PROPERTIES FOR UPGRADES AND NEW BUILDINGS: BOPHELO IMPILO DEVELOPMENT CENTRE**

Alderman Rheeder introduced the item which was the application for right to use for various municipal properties. Bophelo Impilo would execute the work on the Kouga Windfarm Trust's behalf.

The recommendations mentioned more than one erf which were clearly indicated on the maps mentioned. One of the erfs mentioned was where the upgrade of the swimming pool would be completed.

Cllr Dhludlhu stated that it was a welcomed upgrade to facilities. If the swimming pool was restored, it would be the only public pool in Kouga. He commended all those involved. He trusted that Bophelo Impilo would have a plan in place to ensure that projects did not deteriorate once completed.

Cllr Dennis stated that the intended projects were appealing but he was not sure who Bophelo Impilo was.

The Speaker responded that it had been made clear who Bophelo Impilo was when the previous item was discussed.

Cllr Oliphant welcomed the projects but stated that he wished projects could be directed to Gamtoos Valley area as well. He proposed that once it is established who the Bophelo Impilo is , they be engaged on the possibility of further projects in the Gamtoos Valley area.

The Executive Mayor proposed that the organisational profile of Bophelo Impilo be circulated to Councillors or tabled at the next Council meeting. The Kouga Windfarm had engaged directly with the Municipality as a government and not through Ward

Councillors. He thanked Kouga Windfarms for initiating the project through the seat of government.

Cllr Jantjies asked for Cllr Oliphant's forgiveness as he had thought the Councillor was aware of who Bophelo Impilo was.

Cllr Oliphant accepted the apology.

Resolved (30 September 2021)

1. That Council **grants approval** for the rights to use the following municipal assets, namely a portion of Erf *353* Humansdorp, a portion of portion 72 of the Erf 746 Sea Vista, a portion of Erf 1269 Humansdorp and a portion of erf 2 Kruisfontein to Bophelo Impilo Development Centre for upgrading and development projects.

2. That Council confirm that the following municipal owned erven, namely Erf 1325 and 2586 located in Humansdorp, Erf 2911 Kruisfontein, Erf 2551, a portion of 2759 and Erf 3493 located in Sea Vista as well as a portion of Erf 15, Erf 506, 617 and 620 located in Oyster Bay are not needed to provide the minimum level of basic municipal services.

3. That the applicant be responsible for all land use application and associated costs, should there be any required.

4. That Council grant authorization to the Accounting Officer to enter into Right-to-Use Lease agreements with Bophelo Impilo Development Centre in respect of the properties contemplated herein for the specific use as follows:

- portion of Erf *353,* Humansdorp *(public pool area as per area FA and EF in Annexure c)*
- portion of portion 72 of the Erf No. 746 Sea Vista *(Taxi Rank, Multi-purpose Centre and Recycling)*
- portion of erf 1269, Humansdorp *(Multi-purpose Court for Tennis, Netball and Basketball)*
- portion of erf 2, Kruisfontein *(Multi-purpose Centre)*

5. That a clause be added to the lease agreements that details the time frames for development to commence within six (6) months of signing the lease.

21/09/PD12 **APPOINTMENT OF HOUSING DEVELOPMENT AGENCY(HDA) VIA AN IMPLEMENTATION PROTOCOL/AGREEMENT BETWEEN KOUGA MUNICIPALITY AND THE HDA**

Alderman Rheeder introduced the item.

The Speaker welcomed the prospect.

Cllr Oliphant stated that the matter had to be expedited, as it would improve the lives of the poor, and not used for political gain.

Cllr Dhludhlu stated that he was pleased with the project and thanked all those involved. He thanked the administration led by the DA for getting the project back on track.

Cllr Oliphant raised a point of order and asked that Cllr Dhludhlu refrain from making political references.

The Speaker asked that Cllr Dhludhlu refrain from making politically charged statements.

The item was unanimously approved.

Resolved (30 September 2021)

1. That approval be granted by Council in terms of Section 110 of the Municipal Finance Management Act No. 56 of 2003 for appointment of the Housing Development Agency (HDA) via an Implementation Protocol to plan and implement integrated human settlements in the Kouga municipal area.
2. That all planned human settlements pipeline projects be included in the Implementation Protocol between the Kouga Municipality and the HDA.
3. That the Municipal Manager be granted Power of Attorney to sign the Implementing Protocol on behalf of the Municipality.

21/09/PD13 **APPROVAL AND ADOPTION OF FINAL JEFFERYS BAY LOCAL SDF(PRECINCT PLAN)**

Alderman Rheeder introduced the item. The precinct plan had been workshopped.

The Speaker was excited about the plan.

Cllr Dhludhlu commended the development.

Resolved (30 September 2021)

1. That Council approves and adopts the final Draft Jeffreys Bay Central Business District Local Spatial Development Framework.

2. That the adopted Jeffreys Bay Central Business District Local Spatial Development Framework be published on the Municipal Website, Kouga Express, as well as Provincial Gazette in accordance with SPLUMA requirements.

3. That a copy of the adopted Jeffreys Bay Central Business District Local Spatial Development Framework be submitted to the Member of the Executive Council (MEC) in accordance with Section 8 of the Spatial Planning & Land Use Management By-law: Kouga Municipality, 2016.

21/09/PD14 **REPORT ON AUDIT OF LEASE AGREEMENTS FOR CRECHES AND REPORT FOR ALIENATION AND DISPOSAL OF CRECHES TO REGISTERED SOCIAL CARE USERS**

Alderman Rheeder withdrew the item as more research was required and a policy document had to be drafted as well.

Item withdrawn

21/09/PD15 **DRAFT HUMANSDORP PRECINCT PLAN FOR PUBLIC PARTICIPATION**

Alderman Rheeder introduced the item. The draft plan was attached and inputs were welcomed.

Resolved (30 September 2021)

1. That the Council takes note of the progress made on the Humansdorp CBD Precinct Plan.

2. That the Council further grants permission for the Planning & Development department to proceed and publish the draft for public participation (in terms of Section 20(3)(a) to (c) of the Spatial Planning and Land Use Management Act, Act 16 of 2013.

21/09/PD16 **IN PRINCIPLE APPROVAL: DISPOSAL & ALIENATION OF ERVEN 887, 1259 & 2496 SEA VISTA**

Alderman Rheeder introduced the item and stated that all three erven were public open spaces. There had been a request in the ward committee that the properties be sold to raise funds for sewer projects. It had to be noted that the erf numbers for St Francis were indicated as Sea Vista, therefore the land was not in the informal settlement but was around the canals in St Francis Bay.

He proposed that an additional recommendation be added which indicated that the revenue generated from the sale be ringfenced for waterborne sewerage systems.

Cllr August seconded the recommendation and she further commended the work that had been done.

The item was unanimously approved.

Resolved (30 September 2021)

1. That Council grant in- principle approval for the disposal of erf 2496, erf 1259 & erf 887 (POS) situated in Sea Vista through an open bidding process.

2. That Council authorizes the Planning & Development Department to embark on a process to close and rezone the above public open spaces to Residential.

3. That Council grant authorization to the Accounting Officer to advertise the intended disposal of the immovable property for public property in terms s of Reg. 5(3)(a) of MATR.

4. That in terms of s14 of the MFMA, Council confirms that the land is not needed to provide the minimum level of basic municipal services prior to transfer.

5. That a fair market value be obtained for Council to consider in line with Section 14(2) of the Municipal Finance Management Act.

6. That the revenue generated from the sale be ringfenced for waterborne sewerage systems.

Proposed: B Rheeder Seconded: C August

21/09/PD17 **LONG TERM CONSENT USE AGREEMENT ON ERF 223, PATENSIE – PATENSIE PIGGERY FARMING GROUP**

Alderman Rheeder introduced the item which was a request for the Group's lease to be extended to 15 years. He proposed that a recommendation 6.4 be added which indicated that Council request that the pigs be housed in proper holdings as within the legislations. Cllr Dhludhlu seconded the recommendation.

The item was unanimously approved.

Resolved (30 September 2021)

1. That Council **grant approval** to enter into a long-term right use agreement for a period not exceeding 15 years with Patensie Piggery Farming Group in respect of erf 223, Patensie.

2. That in terms of s14 of the MFMA, Council resolves that the land is not needed to provide the minimum level of basic municipal services .

3. That Council grant authorization to the Accounting Officer to enter into a long-term consent use agreement with the Patensie Piggery Farming Group for a period not exceeding 15 years.

4. That Council request that the pigs be housed in proper holdings as within the legislations.

Proposed: B Rheeder Seconded: B Dhludhlu

18.6 **REPORTS BY THE CHAIRPERSON: LOCAL ECONOMIC DEVELOPMENT & TOURISM**

21/09/LED&T2 **GRANT IN AID ALLOCATIONS FOR FINANCIAL YEAR 2021/2022**

The Executive Mayor stated that Bohphelo Impilo's organisational profile had been forwarded on the Kouga Councillors' group. There was an amendment required for the item regarding delegation during the Recess. He asked that the item be discussed before moving to the Confidential Agenda.

Cllr F Baxter introduced the item. There were 22 applications and only four were approved. She requested that Council withdraw the item.

Cllr Williams seconded the withdrawal of the item and stated that the list was incomplete as he knew of at least two other applications which were not included. He was perturbed at how the decisions regarding grants were made.

Cllr Oliphant asked if Cllr Williams had a personal interest in the item.

Cllr Williams raised a point of order and stated that he had no involvement with applications which were erroneously omitted by the administration.

The Speaker stated that he had asked Councillors to declare any personal interests earlier in the meeting.

Resolved (30 September 2021)

1. That the item be withdrawn.

Proposed: F Baxter Seconded: B Williams

21/09/LED&T3 **SPONSORSHIP REQUEST: 3 YEAR TERM- PROFESSIONAL GOLFERS ASSOCIATION (PGA) TOURNAMENT IN KOUGA, LINKS GOLFING ESTATE**

Cllr Baxter introduced the item which had a financial implication of R275 000.

Cllr Dennis stated that he had missed the presentation but trusted that the investment would yield results.

There were sports codes in which Kouga youth participated which did not receive funding.

Cllr Dhludhlu welcomed the sponsorship request and fully supported the PGA event which was great for Kouga.

The recommendations were unanimously approved.

The Speaker requested that there be a break from 13:21 to 13.35.

The Executive Mayor requested a caucus which included the Manager: Legal Services and Acting Deputy Municipal Manager.

Resolved (30 September 2021)

1. That Council approves the 3-year sponsorship of R275 000.00 (excl. vat) to the PGA Championship, subject to it being hosted in Kouga LM area in the next 3 years (2021 – 2023).

2. That Council authorizes the Accounting Officer to conclude a Sponsorship Agreement / SLA with the PGA in respect of sponsorship stated in 1. above.

19. **CLOSURE**

The Speaker thanked all present for their valuable input and moved onto the confidential section of the agenda.

The meeting closed at 14:13.

_____ _____

H BORNMAN **DATE**
SPEAKER

MINUTES OF AN INAUGURAL COUNCIL MEETING OF KOUGA MUNICIPALITY HELD ON WEDNESDAY, 17 NOVEMBER 2021 AT 11:01

PRESENT: Councillors	B Williams	(Speaker)
	Ald H Hendricks	(Executive Mayor)
	H Bornman	(Deputy Executive Mayor)
	D Benson	
	B Dhludhlu	
	T Jantjes	
	W Gertenbach	
	H Murray	
	R Foley	
	F Haystek	
	C August	
	M Biko	
	M van Niekerk	
	J Alexander	
	L Maree	
	S Ruth	
	M Dayimani	
	P Oliphant	
	M Yali	
	V Gunuza	
	K Ndzelani	
	N Ntshota	
	M Mbandana	
	F Pietersen	
	N Ntengwane	
	V Zana	
	E Mbuqu	
	L Nkilishane	
	W van der Linde	
	M Valgee	
Officials & Municipal Manager	C du Plessis	(Municipal Manager)
	K Moodley	(Director: Corporate Services)
	E Delport	(Acting Director: Infrastructure & Eng)
	F Mabusela	(Director: PDT)
	N Machelesi	(Director: Community Services)
	R Lorgat	(CFO)
	D De Jager	(HR Manager & Acting: Deputy MM)
	M Rossouw	(Manager: Admin & Auxiliary Services)
	F Jamal	(Manager : Internal Audit)
	I Fakier	(Internal Auditor)
	L Opperman	(Manager: Legal Services)
	N Zode	(Acting Senior Committee Officer)
	M Julius	(Committee Clerk)
IEC Delegation		
	Pumelelo Dyas	
	Yonelisa Msimang	
	Nobahle Mali	
	Khayakazi Magudumana	

1. **NOTICE OF MEETING**

The Municipal Manager read the notice of the meeting.

2. **OPENING AND WELCOME AND EXPLANATION OF PROCEEDINGS**

The Municipal Manager opened the meeting and explained the proceedings. He welcomed the newly elected Councillors and guests. The event was being live streamed to members of the public on YouTube and Oasis FM.

3. **PRAYER**

Pastor Margaret Jantjies provided a short thought-provoking sermon and opened with a prayer.

4. **NATIONAL ANTHEM**

5. **21/11/MM1 INAUGURATION – OATH AND SOLEMN AFFIRMATION BY MEMBERS OF COUNCIL**

The Municipal Manager introduced the item and informed Councillors that they could either take an Oath or a Solemn Affirmation. The Oath could be taken individually if required but otherwise it would be done collectively.

The Oath was taken by all Councillors except for Cllr R Foley, Cllr D Benson, Cllr H Bornman, Cllr C August and Cllr M Mbandana who took the Solemn Affirmation.

Resolved (17 November 2021)

1. That all Councillors (in alphabetical order per surname) take either the applicable Oath or the Solemn Affirmation of faithfulness to the Republic and obedience to the Constitution and other laws as administered by the Municipal Manager.

6. **SIGNING OF THE ATTENDANCE REGISTER AND LEAVE OF ABSENCE**

The attendance register was circulated amongst Councillors. There were no absentees.

7. **MATTERS FOR DISCUSSION**

OFFICE OF THE MUNICIPAL MANAGER

7.1 **INTRODUCTION OF COUNCILLORS AND OFFICIALS**

Councillors were introduced by the Municipal Manager whilst their pictures were projected to the public. He apologised to those whose pictures had not been projected due to a technical glitch.

The various Directors and the Chief Financial Officer(CFO) were introduced as well. He thanked all the staff for their assistance during the meeting.

7.2 **21/11/MM2** **DECLARATION OF INTEREST OF COUNCILLORS**

The Municipal Manager introduced the item and highlighted that the form had to be submitted to his office by the 17th of January 2022.

Resolved (17 November 2021)

1. That the report regarding the Declaration of Interest by Councillors, be noted;

2. That all Councillors submit the duly completed Declaration of Interest form to the office of the Municipal Manager before 17 January 2022.

7.3 **21/11/MM3** **ELECTION OF A SPEAKER OF COUNCIL**

The Municipal Manager requested nominations for the Speaker of Council.

Cllr Bornman nominated Cllr Williams as Speaker of Council. Cllr B Dhludhlu seconded the nomination, and it was accepted by Cllr Williams.

The Municipal Manager asked if there were any additional nominations.

Cllr V Zana stated that the ANC caucus was abstaining from the election of the Speaker, and it had to be noted that they would not vote.

The Municipal Manager stated that as there were no other nominations, the position of the Speaker was uncontested. He congratulated Cllr Williams and called on him to take the Chair as Speaker.

Resolved (17 November 2021)

1. That the Municipal Council elects Cllr B Williams as the Speaker of the Kouga Municipal Council, having followed the procedure set out in Schedule 3 of the Local Government: Municipal Structures Act, 1998.

7.4 **TAKING OF THE CHAIR AND STATEMENT/COMMUNICATION BY THE SPEAKER**

Cllr Williams welcomed those present to the swearing in of the 5th Council of Kouga Municipality. The Council meeting took place at a time when the lowest voter turnout had been experienced in democratic South Africa. It was pleasing to note that in Kouga the voter turnout was over 50% which meant that one out of every two eligible voters had gone to vote. He thanked all the Councillors present and

others who had worked hard to get voters to polling stations and thereby ensuring that democracy was at work in the country and Kouga Municipality.

There was hard work ahead to ensure that the residents of Kouga felt that it was worthwhile to vote and participate in democratic processes within the Municipality. Public participation fell under the Office of the Speaker and attention would be given to ensuring that inclusive Ward Committees were elected in every ward and that Committees would be capacitated to play their role as the link between communities and local government.

Councillor training was just as important and there would be a meeting the following day where the process of electing Ward Committees would be detailed to Ward Councillors. Ward office keys would be handed over as well.

There would be internal Councillor induction training on the tentative date of 30 November 2021. Various topics would be discussed at the training such as the delegations of authority, roles and structures, declaration of interest, tools of trades and upper limits. The South African Local Government Association (SALGA) would be conducting training for Councillors as well. He urged Councillors to take advantage of available training.

He asked Councillors to read the Code of Conduct and Standing Rules of Order to familiarise themselves with what was expected from Councillors for the upcoming five years. He detailed the role of Council some of which was to pass by-laws, approve budgets and impose rates and other taxes.

There were several serious challenges facing the Municipality at present with the ongoing drought being a crisis. This crisis created a need for funds to be diverted to other projects to ensure that taps did not run dry in Kouga. The fourth wave of Covid-19 virus was predicted for the next couple of months. He encouraged people to stay alert, safe and residents had to be encouraged to get vaccinated to minimize the impact on lives and Kouga's economy.

He quoted President JF Kennedy who had said: "Ask not what your country can do for you, ask what you can do for your country."
He paraphrased the quote and said people had to ask themselves "Ask not what your Municipality can do for you, ask what you can do for your Municipality."

7.5 **21/11/MM4** **ELECTION OF AN EXECUTIVE MAYOR OF COUNCIL**

The Speaker asked if there were nominations for the Executive Mayor of Council

Cllr W Gertenbach nominated Ald H Hendricks as the Executive Mayor and was seconded by Cllr C August. Ald Hendricks accepted the nomination.

The Speaker asked if there were any additional nominations.

Cllr Zana stated that it had to be noted that the ANC abstained from the item.

The Speaker noted this and congratulated the Executive Mayor for his unopposed election.

The Executive Mayor donned the mayoral robe and chain with the assistance of the Speaker.

Resolved (17 November 2021)

1. That the Municipal Council herewith note that Kouga Municipal Council chose to have an Executive Mayor in terms of Section 55 of the Local Government: Municipal Structures Act, 1998;

2. That the Municipal Council elects Ald H Hendricks as the

   Executive Mayor of Kouga Municipality, having followed the procedure set out in schedule 3 of the Local Government: Municipality Structures Act,1998.

7.6 **Statement/Communication by the Executive Mayor**

The Executive Mayor congratulated the Speaker on taking the seat of the legislature, whom it would be a pleasure to serve with. He would be announcing his Mayoral Committee for the next five years. He congratulated all Councillors that had been sworn in and elected. He wanted to be able to look each Councillor in the face and say he respected them.

He believed that there would be a productive and robust Council. He congratulated all parties that had won seats and welcomed the Patriotic Alliance(PA), Economic Freedom Fighters(EFF) and the Freedom Front Plus(FFP). He was looking forward to productive engagements for the benefit of Kouga's people over the next five years. He hoped all Councillors would serve with honour.

He welcomed the Municipal Manager and his directors, all municipal staff present and Members of Parliament- he welcomed Mr John Steenhuizen- and all members of the Provincial Legislatures that had joined. He acknowledged and thanked Ms V Camelio-Benjamin, Member of the Provincial Legislature. He recognised all political parties present, sector departments, parastatals, partners and business community and all stakeholders. He recognised Dr David Lin, Director General: Taipei Liaison Office in Cape Town, who had joined with his team. He was looking forward to working together with the Office over the next five years. He recognised the members of the media and his family and friends. He welcomed all distinguished guests.

He paid tribute to ex-Councillor Eliza van Lingen, who had started the journey in 2016 but was sadly unable to complete the term. He hoped that what the governing party had done would make her proud.

It was a new chapter for Kouga and the new had to be embraced. The Municipality was not only trying to be better than before as it was a completely new chapter. The Municipality wanted to grow not only in service delivery but in its entirety. News24's *Out of Order Index* had deemed the Municipality the best Municipality in the Eastern Cape, but this was not enough.

He quoted Jim Ron: "If you want more, you have to become more". For things to change you have to change, for things to get better you have to get better, for things to improve you have to improve, if you grow everything grows with you." This formed the basis of the next five-year term in Kouga. If the Municipality wanted more it had to become more. This would be an important concept which he would be unpacking at the Strategic Planning session where Senior Management and the Mayoral Committee-and later all Councillors- where planning for the next five years would be done.

His priorities were simple- there were ten.

1. **Sustainable Water Security**

   The prevailing drought was concerning, and water consumption would likely triple in December. As much as the Municipality had been searching, only 50% of consumption had been found but the rest were in dams which were empty. He was concerned about December and tourism's impact on water usage as well as how this would affect the situation in January. Drastic changes were required to survive December if the rain did not come. The Plan was to ensure sustainability for the future. A comprehensive plan for this would be created. This would be his biggest priority over the next five years.

2. **Consistent and Reliable Energy**

   The Municipality needed to ensure it had sustainable energy. Kouga had learned from best practices elsewhere, but it wanted to become more. It had six windfarms, with an additional three on the way. If it was not for the Covid-19 pandemic Kouga would have already had the first bioeconomy zone in the Country. This would have been unique as green energy and other energy mixes were also brought into consumption.
   The Municipality was planning its own 10-megawatt solar farm and *Hive Energy* was proposing a solar farm that would be between 10 and 100 megawatts as well. The Municipality's consumption requirement was 35 megawatts therefore there would be over enough energy. The plan for the next five years was to become the renewable energy hub of the Country. There was a possibility that Kouga currently had the cheapest electricity in the Eastern Cape as it did not add a markup to the National Energy Regulator of South Africa (NERSA) tariffs, but it wanted more. The Municipality would be considering Renewable energy and purchasing directly from Independent Power Producers (IPPs), but it would also become self-generating. These were the plans for the next 2-3 years.

3. **Infrastructure Backlog**

   A major backlog had been inherited in 2016. There were major backlogs for roads, sanitation and water, as well as electricity. The cake had to grow as there was only so much money especially if the neglect and decay had been left for so long-the backlog ran deep. It took a while to turn this around, but the Municipality was engaging investors. There were sufficient plans to deal with backlogs, hopefully with the term.

4. **Tourism and Tourism Revival**

   Post Covid-19 the economy had to recover, and the biggest sector was tourism. There were plans for reviving the tourism sector over the next two to three years.

There were exciting projects such as the Pro Golfers Association(PGA) tournament, Two Rivers Marathon, a heritage route in Loerie/Thornhill and Bikers festival amongst many others.

5. **Public Safety**

Kouga had to be safe. Crime thrived when the Municipality was unorganized. He had begun the process of becoming organized against crime in 2020 as the first Public Safety Summit was launched. Public safety cameras were being rolled-out and an operational centre would be up and running within the next 12 months. The Municipality would ensure that it kept its people safe.

6. **Investment for Growth**

Investment for growth was based on the premise of decent jobs for decent livings. This was not an easy feat as the Municipality was not an employer therefore the cake had to be grown through external investment. There were local investors, but others had to be invited as well and Foreign Direct Investment was the way to go.

7. **Small Town Economy**

Small Town Economy was linked to Smart City Development.

8. **Smart city development**

Small Town Economy and Smart City Development were two objectives which he wished to grow simultaneously. This would be addressed at the strategic planning session. The vision was to grow small towns from the inside out. This would be unpacked at the strategic planning meeting. There was already a draft twinning agreement with a city in Taiwan. Towns like Humansdorp and Jeffreys Bay could be considered for Smart City Development. High speed fibre was being rolled out across the Municipality including rural and farm areas and this was only the beginning of developing a Smart City model.

9. **Keep Kouga Clean**

He believed residents had to live in a decent, clean Municipality which they could walk around in with a sense of pride. Kouga was not as clean in informal and low-cost housing areas- this had to be addressed. He would focus on cleaning up the entire Municipality including these areas.

10. **Sustain and develop the system of good governance**

Good governance was based on providing a capable state, accountability and abiding by the rule of law. To strengthen the rule of law the Municipality would be considering its by-laws and a Municipal Court would be established. It would sustain its vision of good governance through service excellence and zero tolerance for corruption

These were the Mayor's priorities over the next five years. The Executive Mayor was excited about the next chapter. He reiterated that If you want more you have to become more.

ANNOUNCEMENT OF THE MAYORAL COMMITTEE

The Executive Mayor announced the Mayoral Committee, which had carefully chosen considering competence and experience. A thorough process for the selection of the Mayoral Committee was followed-which included vetting as well as input from DA's provincial and federal structures.

He announced the Mayoral Committee as follows:

Portfolio Head: Planning, Development and Tourism

Cllr H Bornman

Portfolio Head: Community Services

Cllr D Benson

Portfolio Head: Corporate Services

Cllr T Jantjes

Portfolio Head: Finance

Cllr W Gertenbach

Portfolio Head: Infrastructure & Engineering

Cllr L Maree

Portfolio Head: Monitoring and Evaluation

Cllr S Ruth

The Executive Mayor stated that these Portfolio Heads would be part the team that would lead the executive over the next five years. The Mayoral Committee would sign performance agreements and plans thus would be held accountable.

The Speaker thanked the Mayor and wished Mayoral Committee well.

7.7 **21/11/MM5** **ELECTION OF A DEPUTY EXECUTIVE MAYOR**

The Speaker asked for nominations for the Deputy Executive Mayor.

Cllr Alexander nominated Cllr H Bornman as the Deputy Mayor and was seconded by Cllr T Jantjes. The nomination was accepted by Cllr Bornman.

Cllr Zana maintained that the ANC caucus would abstain.

The Speaker congratulated the Deputy Executive Mayor.

The Deputy Executive Mayor was robed by the Mayor.

The Executive Mayor requested that the recommendation be amended to include "pending approval of the Eastern Cape MEC of COGTA". Cllr Benson seconded the recommendation.

Resolved (17 November 2021)

1. That the Municipal Council elects Cllr H Bornman as the Deputy Executive Mayor of the Kouga Municipal Council, having followed the procedure set out in Schedule 3 of the Local Government: Municipal Structures Act, 1998 pending the approval of the Eastern Cape MEC for COGTA.

   Proposed: H Hendricks Seconded: D Benson

7.8 **21/11/MM6** **APPOINTMENT OF FULL TIME COUNCILLORS**

The Speaker introduced the item, and the report was noted.

Cllr Oliphant asked that the next meeting of Council be a contact session instead of a virtual meeting.

The Speaker responded that this would be discussed going forward.

Resolved (17 November 2021)

1. That the report regarding the appointment of full-time Councillors, be noted;

2. That the following political office bearers be designated as full-time Councillors in terms of Notice 2073 of 2002: Policy Framework for the designation of Full time Councillors:

   - Speaker
   - Executive Mayor
   - Deputy Executive Mayor
   - Members of the Mayoral Committee as appointed by the Executive Mayor

7.9 **21/11/MM7** **ELECTION OF WHIP**

The Speaker asked for nominations for the Whip.

Cllr L Maree nominated Cllr D Benson as Whip and was seconded by Cllr R Foley. Cllr Benson accepted the nomination.

The Speaker asked if there were any other nominations.

Cllr Zana maintained that the ANC caucus was abstaining.

The Speaker congratulated Cllr Benson who had been nominated unopposed.

The Executive Mayor called for a 5 -10 minute caucus break at 11:15 on behalf of the DA.

The meeting reconvened at 11:37

Resolved (17 November 2021)

1. That the Municipal Council elects Cllr D Benson as the Whip of the Kouga Municipal Council, having followed the procedure set out in Schedule 3 of the Local Government: Municipal Structures Act, 1998.

7.10 **21/11/MM8** **ELECTION AND APPOINTMENT OF REPRESENTATIVES TO SARAH BAARTMAN DISTRICT MUNICIPALITY**

The Speaker introduced the item and handed over to the Municipal Manager.

The Municipal Manager indicated that the election of four representatives to the District Municipality would be administered by the Independent Electoral Commission (IEC) and explained the procedure that would follow.

There was a prescribed form on which parties had to nominate their candidates on a list. Up to 8 candidates could be nominated on the list but only four would be elected as representatives. He had handed out two nomination forms and asked if other Councillors required a form. Once the lists had been received, he would verify that the candidates had accepted the nominations. Once this had been completed, he would hand over to the IEC officials to prepare the ballot papers and thereafter Councillors would be called to vote for a list of their choice. Once the voting was complete, the IEC would count the votes and provide the results of the election, which he would then announce.

The Municipal Manager stated that he had received two nomination lists which had been seconded. He would not read the lists as it would be indicated during the voting process.

Cllr Zana raised a point of transparency and asked that the Municipal Manager read names on the lists.

The Municipal Manager detailed that there were two lists. There were 30 Councillors divided by 4 positions which meant that there was a quota of 7.5 which rounded off to 8. Therefore, the quota for the number of votes a Councillor needed to become a representative was 8 votes. If there were brackets left in the end, these would be played off against one another with the highest brackets getting the win if there was no full quota.

He read the lists as follows:

List 1 submitted by Ald Hendricks(DA)

1. H Hendricks
2. C Bornman
3. M van der Linde
4. B Williams

List 2 submitted by Cllr Zana(ANC)

1. V Gunuza
2. M Valgee

The lists were given to the IEC to prepare the ballot papers, once it was ready, procedure as detailed earlier would continue.

Cllr Hattingh proposed that Council continue with the remaining items while the IEC was preparing for the election.

The Speaker welcomed the proposal.

The proceedings returned to the election once all other items on the agenda had been dealt with.

The Municipal Manager asked Councillors to commence with voting.

Cllr L Nkilishane stated that it had to be noted that the EFF would not vote for anyone.

The IEC official showed Council the empty ballot boxes and requested two party agents to observe the processes. Cllr Benson and Cllr M Yali were selected as observers.

The IEC administered the vote and thereafter the Municipal Manager read the results as follows:

The DA list had received 18 votes with 2 seats allocated and ANC list had received 11 votes with 2 seats allocated as well. The following four Councillors would represent the Municipality: Ald Hendricks, Cllr Bornman, Cllr V Gunuza and Cllr Valgee.

Resolved (17 November 2021)

1. That the following members:

   Ald H Hendricks;
   Cllr H Bornman ;
   Cllr V Gunuza ; and
   Cllr M Valgee;

Are duly elected, in terms of Schedule 2 of the Local Government: Municipal Structures Act, 1998 to directly represent Kouga Municipality in the Sarah Baartman District Municipality;

2. That it be noted that the designated official of the Independent Electoral Commission (IEC) conducted the election process mentioned above.

7.11 **21/11/MM9** **PORTFOLIO (SECT 80) COMMITTEES**

The Speaker introduced the item and said that nominations for Portfolio Committee membership had to be submitted.

Resolved (17 November 2021)

1. That Council note the envisaged Portfolio Committee's in terms of Section 80 of the Act.

2. That respective political parties consider their members to the following envisaged portfolio committees and submit names to the next meeting of Council:

2.1 Finance Portfolio Committee
2.2 Community Services Portfolio Committee
2.3 Corporate Services Portfolio Committee
2.4 Infrastructure & Engineering Portfolio Committee
2.5 Planning, Development & Tourism Portfolio Committee
2.6 Monitoring and Evaluation Portfolio Committee

7.12 **21/11/MM10** **CODE OF CONDUCT FOR COUNCILLORS**

The Speaker introduced the item, and it was noted.

Resolved (17 November 2021)

1. That the Code of Conduct for Councillors enacted as Schedule 7 of the Local Government: Municipal Structures Amendment Act 23 of 2021, as attached as Annexure A to the report, be noted;

2. That Councillors be taken through the Code Conduct at the Councillor Induction Training.

7.13 **21/11/MM11** **STANDING RULES AND ORDERS FOR THE MEETINGS OF COUNCIL AND ALL ITS COMMITTEES**

The Speaker introduced the item.

Cllr Benson proposed that a recommendation 4.3 be included which indicated that Councillors be taken through the Rules of Order at the Induction Training. He was seconded by Cllr Dhludhlu.

Resolved (17 November 2021)

1. That the Standing Rules of Order be noted.

2. That Councillors familiarise themselves with the Standing Rules of Order.

3. That Councillors be taken through the Standing Rules of Order at the Councillor Induction Training.

Proposed: D Benson Seconded: B Dhludhlu

7.14 **21/11/MM12** **SCHEDULE OF MEETINGS**

The Speaker introduced the item.

He stated that the Councillor meeting for the following day was not only for Ward Councillors but all new Councillors as well. It was important that all new Councillors joined as laptops would be handed out and basic training would be provided.

Resolved (17 November 2021)

1. That the schedule of meetings for December 2021 to June 2022 be noted.

2. That should the newly elected Executive Mayor and/or Speaker, wish to reconsider the approved dates, an item be submitted to Council for review.

8. **CLOSURE**

The Speaker thanked all present for their valuable input. The formal proceedings were concluded, and inaugural celebrations commenced.

The meeting closed at 13.30

_____ _____

B WILLIAMS **DATE**
SPEAKER

MATTERS DEALT WITH IN TERMS OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR

REPORTS BY THE OFFICE OF THE MUNICIPAL MANAGER

KOUGA MUNICIPALITY (EC108)

ORDINARY COUNCIL MEETING

OFFICE OF THE MUNICIPAL MANAGER

DATE: 10 DECEMBER 2021 **ITEM NO: 21/12/MM1**

COUNCIL RESOLUTIONS FOR 30 SEPTEMBER 2021, 14 OCTOBER, 28 OCTOBER AND 17 NOVEMBER 2021

1. Introduction

The purpose of this item is to provide a report back on progress of Council Resolutions.

2. Background

The Action Sheets reflect outstanding Council resolutions for all Directorates.

3. Recommendation

3.1 That the updated Action Sheets reflecting resolutions of previous Council meetings and resolutions approved during the period of the Executive Mayor's Delegated Authority, be noted.

3.2 That it be noted that all resolutions are referred to Top Management meetings for discussion whereafter outstanding reports are submitted to their respective Portfolio Committee meetings.

3.3 That Directorates complete the Action sheets comprehensively, indicating the official responsible for actioning the recommendation, the due date, status of completion and tasks performed.

Item prepared by: The Acting Director: Corporate Services

Item endorsed by: The Chief Financial Officer

Item endorsed by: The Acting Director: Infrastructure & Engineering

Item endorsed by: The Acting Director: Community Services

Item endorsed by: The Acting Director: PDT

Item approved by: The Municipal Manager

OFFICE OF THE MUNICIPAL MANAGER - ACTION SHEET - COUNCIL

MEETING DATE	ITEM NO	ITEM DESCRIPTION	RESOLUTION	ACTION TAKEN	RESPONSIBLE OFFICIAL	CURRENT STATUS COMPLETED NOT COMPLETE IN PROGRESS ON GOING NO ACTION REQUIRED
30-Jul-19	19/07/MM4	RESCISSION OF A COUNCIL RESOLUTION – 17/8/F23 OF A COUNCIL MEETING HELD ON 31 AUGUST 2017	That Erf 873, Jeffreys Bay, in extent of 82,908ha be subdivided and rezoned for sporting facilities and that the remainder of Portion Erf 873, Jeffreys Bay, be rezoned for future development.	Due to budget contraints the service provider could not be appointed - sufficient provision has been made on the adjustment budget and the process will now commence.	Planning & Development	
			That a long-term lease agreement for the remainder of Erf 873, Jeffreys Bay, be considered after the subdivision, rezoning and public participation processes have been finalised.	LAC made an award for the lease of the Jeffreys Bay Golf Klub to the Jeffreys Bay Golf Klub. A proposed contract was forwarded to the Golfklub for their input and signature. Item for final approval to serve at the next Special Council meeting.	Planning & Development	
12-Dec-19	19/12/MM6	PURCHASE OF PORTION 77: FARM KLAARFONTEIN: THORNHILL	The Municipal Manager be empowered to: (a)Re-negotiate with Tony Ward Family Trust for the purchasing of portion 77 of 449 Klaarfontein. (b)Re-negotiate the selling price of portion 77 of 449 Klaarfontein which is not to be more the R130 000 and to be in line with the value as determined by DDP Valuers. (c)Initiate and authorise all procedures including legal and land surveyor requirements that may be required to ensure the finalisation of the entire process to secure the land on which the elevated water tower is currently situated.	Offer to purchase has been signed. The Conveyancer attending to the transfer has been appointed. Transfer in progress. The Conveyancers are awaiting the Surveyor General Certificate in order to finalise the sale. The Town Planning Department was tasked with this.	Manager: Legal Services	
30-Jan-20	20/01/MM1	COUNCIL RESOLUTIONS FOR 12 DECEMBER 2019	That the management/custodianship initiatives of all Kouga Sports fields in respective Wards be considered with public participation process to be followed **(refer to item 19/10/CS13 – Custodianship: Kruisfontein Sports Field).**	Draft Agreement submitted to Manager Parks & Community Amenities in December 2019.	Director: Community Services	
			That the relevant Directorate submit a status report on the development proposal on portion of erf 499: Humansdorp **(19/12/PD6)** be submitted to the next Council meeting.	Council subsequently approved the development of the Biomass Harvesting and Processing on Erf 499 - 20/07/CS7	Director: PD&T and Director: Community Services	
26-Feb-21	21/02/MM9	APPROVAL OF TERMS OF REFERENCE FOR THE KOUGA MUNICIPALITY FINANCIAL MISCONDUCT DISCIPLINARY BOARD	That reporting procedures for persons to report allegations of financial misconduct and financial offences on a confidential basis, be established.	The review of the current whisteblowing policy is under discussion, which review will incorporate the reporting procedure.	Manager: Legal Services	
			That the reporting procedures be made public in accordance with Section 21(1)(a) and (b) of the Municipal Systems Act.	The review of the current whisteblowing policy is under discussion, which review will incorporate the reporting procedure.	Manager: Legal Services	
	21/02/MM10	PRIVATE PROJECT FUNDING AGREEMENT PROPOSAL: IDIS CONSULTING & DEVELOPMENT	That Council authorises the Accounting Officer to engage IDIS (International Diverse Innovation Solutions (PTY) LTD) and report back to Council.	A subsequent meeting were held with IDIS representatives where identified concerns were raised. A legal opinion has been obtained and the matter referred to National Treasury and SARS for comment.No feedback received from NT.	Municipal Manager	
			That Council authorises the Accounting Officer to embark on a full vetting process into (International Diverse Innovation Solutions (PTY) LTD) as well as the funding model proposed, which process will include discussions with National Treasury.	Small committees have been established tasked with duties for actioning. See comments above.	Municipal Manager	

31-Mar-21	21/03/MM1	KOUGA MUNICIPALITY: 2nd DRAFT ANNUAL REPORT (2019/2020)	That the Municipal Public Accounts Committee conduct the required oversight on the 2nd Draft 2019/20 Annual Report and submit an Oversight Report to Council as required in terms of the provisions of Section 129 of the Local Government Municipal Finance Management Act, 56 of 2003.	First submission of the Annual Report after adoption by Council was done, MPAC in process of completing oversight report. In progress.	PMS Manager	
	21/03/MM3	SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: 2019/20 FINANCIAL YEAR: AMENDMENT OF SDBIP TARGETS FOLLOWING THE MID-YEAR PERFORMANCE ASSESSMENT	That the Municipal Manager affects the required changes to the performance plans to ensure that the performance plans are aligned to the SDBIP targets for the 2019/20 year.	Performance Plans completed and Adendum to the Performance Plans was submitted to the Office of the MM and Directors were requested to sign the Addendum. In progress.	MM PMS Manager	
31-May-21	21/05/MM1	COUNCIL RESOLUTIONS FOR 26 FEBRUARY 2021, 31 MARCH 2021 AND 28 APRIL 2021	That it be noted that the Action Sheets are referred to Top Management meetings for discussion and progress reports are to be submitted to their respective Portfolio Committee meetings.		All Directors	
	21/05/MM5	REPORT ON THE PROGRESS OF THE WARD DEVELOPMENT FUND AS AT 31 MARCH 2021	That Capital Funding for the 2021/2022 Financial year will be availed for Camera Systems in all 15 Wards.	Tender in process to procure cameras	CFO WDF Officer Manager in the office of the Mayor	
			That Operational Funding for the 2021/2022 Financial year be availed for drought expenditure.	Emergency Drough funding plan in progress for the 2021/2022 Financial Year. Procurement of water tanks and installations in progress. Tanks and water stations installed in Hankey/Patensie area	CFO WDF Officer Manager in the office of the Mayor	
	21/05/MM6	PUBLIC PARTICIPATION REPORT: THIRD QUARTER 2020/2021	That Ward Councillors will be requested to submit notice of planned meeting schedules two weeks prior loud hailing request	All request for planned meeting / awareness loudhailing are scheduled through the Speakers Office & therefore requires PPU to plan accordingly. It is therefore necessary that such events/request are submitted at least two weeks beforehand, unless such events are imminent emergencies (Disaster / Unplanned Service Delivery Interruptions / etc.) Memorandum send to all Ward Offices and Councillors and ongoing process throughout the year.	WDF Officer Manager: Office of the Mayor Public Participation Coorodinator	
			That PPU identified the need to consolidate action sheets and submit to various portfolio meetings on a quarterly basis for resolution/action.	Cllrs requested to have the matters on Service Delivery request (i.e. Street Names / Speedhumps /Overgrown Plots / etc.) filter through to the portfolio committees, hence the quarterly reports on submitted action sheets and or resolutions. This exercise could not be completed due the variables in reporting from ward committees. PPU will standardise reporting template and consolidate report for quarters 3 & 4 of FY 2020/21. Report template standardised and provided to all Ward Offices for completion. First consolidated reports will be submitted to Portfolio Committees at the end of Quarter 1 (FY2021/22). NYC - Action Sheets were submitted to the Corporate Services Portfolio Committee through the Call Centre report.	WDF Officer Manager in the office of the Mayor Public Participation Coordinator	
			That a Process Flow SOP on policy formulation to be developed by 30 April 2021and presented to Senior Management to incorporate terms of reference for the establishment of Public Participation Communications Committee.	The SOP was not completed by 30 April 2021 and could therefore not be presented to Senior Management. The 1st draft on procedure & format of Policies is done & requires inputs from Speaker before completing the formal SOP. Stiil awaiting draft SOP from Service Provider. TBC by 16 July 2021, NB: The SOP will incorporate the Intergrated Communication Strategy to be developed by MMO. SOP not completed to date. No further interaction from Speaker's Office on policy formulation was received. NB: Appointed SP is cuurently on compassionate leave & Ill-health!NYC - Initial meeting with Brian Singh was held and a project plan submitted to the DMM. The project plan meeting to be convened with the DMM, Director Corporate Services, Municipal Manager, Office of the Executive Mayor, Speaker and PPU in November	WDF Officer Manager in the office of the Mayor Public Participation Coordinator	

	21/05/MM9	2019/20 ANNUAL REPORT: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE OVERSIGHT REPORT	That Portfolio Committee Chairperson ensure that SDBIP implementation Performance Reports for the relevant Directorate is submitted to the Portfolio Committee for consideration.		Internal Audit MM	
			That the Internal Audit Unit on a quarterly basis report to the Municipal Public Accounts Committee on the submission of supporting performance evidence in respect of all Directorates.	Must be done quarterly	Internal Audit PMS Manager	
			That it be noted with concern that no attention was given to the Council priority of the conversion of bucket sanitation to more acceptable sanitation system and that an action plan for such conversions be submitted to Council without further delay.	Report not yet compiled	Director: I&E	
			That a report on community acceptance of the containerized sanitation for informal settlements be submitted.		Director: PDT	
			That measures be implemented to ensure that all consumers are billed for service received from Kouga Municipality.		CFO	
			That measures be implemented to reduce water losses to more acceptable levels.	drought mitigation task team established to implement water loss strategy	Director: I&E	
			That measures be implemented to reduce electricity losses to more acceptable levels.	Revenue manager & Electricity Manager monitor losses	Director: I&E	
	21/05/MM11	REVIEW OF THE DRAFT INTEGRATED DEVELOPMENT PLAN (IDP) FOR 2021/21 (2017-2022 5 YEAR CYCLE)	That the progress on the action sheet be monitored and evaluated by the Mayoral Committee.	The action sheet was drafted and submitted to the COO for submisson to Top Management. Monitoring & Evaluation by Mayoral Committee.	Manager: Strategic Services	
30-Jul-21	21/07/MM1	COUNCIL RESOLUTIONS FOR 31 MAY 2021 AND 30 JUNE 2021	That Directorates complete the Action sheets comprehensively, indicating the official responsible for actioning the recommendation, the due date, status of completion and tasks performed.	In progress	All Directors	
	21/07/MM2	SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN: 2021/22 FINANCIAL YEAR	That the Municipal Manager oversees the submission of monthly departmental progress reports to the relevant Portfolio Committees on the implementation of the 2021/22 Service Delivery and Budget Implementation Plan.	In progress	MM	

30-Sep-21	21/09/MM1	**COUNCIL RESOLUTIONS FOR 30 JULY 2021, 31 AUGUST 2021 AND 6 SEPTEMBER 2021**	That Directorates complete the Action sheets comprehensively, indicating the official responsible for actioning the recommendation, the due date, status of completion and tasks performed.	In progress	All Directors	
	21/09/MM3	**APPOINTMENT OF KOUGA AUDIT COMMITTEE CHAIR AND ADDITIONAL MEMBER TO SERVE ON THE AUDIT COMMITTEE**	That Michelle Wait be appointed as Chair and Greg Billson be appointed as a member of the Kouga Audit Committee for a period of 2 years (ending 30 June 2023).	in progress	Manager Risk	
			That the Remuneration and Disbursements of the Kouga Audit Committee Members be in accordance with the rates regulated by latest Treasury Regulation plus the payment of the additional travel claims (if any).	in progress	Manager Risk	
	21/09/MM4	**COUNCIL RECESS: DELEGATED AUTHORITY: EXECUTIVE MAYOR**	That the Executive Mayor be granted delegated authority to deal with all Council affairs during the recess from the 1st of October 2021 until the end of term of the current Council, subject to the following undermentioned conditions: a)The Exercise of delegated authority shall exclude the passing of a by-law; approval of the budget; the imposition of rates and other taxes levies and duties; the raising of loans, the amendment of tariffs, the approval or amendment of the IDP; b)That the parameters of the Procurement Policy be complied with.	Matter complied with	Executive Mayor MM	
			That all matters dealt with by the Executive Mayor, which would conventionally have required a resolution of Council, be submitted to Council in report format for information or review at the first Ordinary Council meeting after the formation of the new Council.	Matter complied with	MM	
17-Nov-21	21/11/MM2	**DECLARATION OF INTEREST OF COUNCILLORS**	That all Councillors submit the duly completed Declaration of Interest form to the office of the Municipal Manager before 17 January 2022.	Matter in progress	Office of the Speaker	
	21/11/MM3	**ELECTION OF A SPEAKER OF COUNCIL**	That the Municipal Council elects Cllr B Williams as the Speaker of the Kouga Municipal Council, having followed the procedure set out in Schedule 3 of the Local Government: Municipal Structures Act, 1998.	Finalised	MM	
	21/11/MM4	**ELECTION OF AN EXECUTIVE MAYOR OF COUNCIL**	That the Municipal Council elects Ald H Hendricks as the Executive Mayor of Kouga Municipality, having followed the procedure set out in schedule 3 of the Local Government: Municipality Structures Act,1998.	Finalised	MM	
	21/11/MM5	**ELECTION OF A DEPUTY EXECUTIVE MAYOR**	That the Municipal Council elects Cllr H Bornman as the Deputy Executive Mayor of the Kouga Municipal Council, having followed the procedure set out in Schedule 3 of the Local Government: Municipal Structures Act, 1998 pending the approval of the Eastern Cape MEC for COGTA.	Finalised	MM	
	21/11/MM6	**APPOINTMENT OF FULL TIME COUNCILLORS**	That the following political office bearers be designated as full-time Councillors in terms of Notice 2073 of 2002: Policy Framework for the designation of Full time Councillors: Speaker Executive Mayor Deputy Executive Mayor Members of the Mayoral Committee as appointed by the Executive Mayor	Finalised	MM	

	21/11/MM7	**ELECTION OF WHIP**	That the Municipal Council elects Cllr D Benson as the Whip of the Kouga Municipal Council, having followed the procedure set out in Schedule 3 of the Local Government: Municipal Structures Act, 1998.	Finalised	MM	
	21/11/MM8	**ELECTION AND APPOINTMENT OF REPRESENTATIVES TO SARAH BAARTMAN DISTRICT MUNICIPALITY**	That the following members: Ald H Hendricks.; Cllr H Bornman ; Cllr V Gunuza ; and Cllr M Valgee; Are duly elected, in terms of Schedule 2 of the Local Government: Municipal Structures Act, 1998 to directly represent Kouga Municipality in the Sarah Baartman District Municipality; 	Finalised	MM	
	21/11/MM9	**PORTFOLIO (SECT 80) COMMITTEES**	That respective political parties consider their members to the following envisaged portfolio committees and submit names to the next meeting of Council: 2.1 Finance Portfolio Committee 2.2 Community Services Portfolio Committee 2.3 Corporate Services Portfolio Committee 2.4 Infrastructure & Engineering Portfolio Committee 2.5 Planning, Development & Tourism Portfolio Committee 2.6 Monitoring and Evaluation Portfolio Committee	Awaiting next Council meeting.	All Councillors	
	21/11/MM10	**CODE OF CONDUCT FOR COUNCILLORS**	That Councillors be taken through the Code of Conduct at the Councillor Induction Training;	Induction arranged 30 November 2021.	Office of the Speaker	
	21/11/MM11	**STANDING RULES AND ORDERS FOR THE MEETINGS OF COUNCIL AND ALL ITS COMMITTEES**	That Councillors be taken through the Standing Rules of Order at the Councillor induction Training.	Induction arranged 30 November 2021.	Office of the Speaker	
	21/11/MM12	**SCHEDULE OF MEETINGS**	That should the newly elected Executive Mayor and/or Speaker, wish to reconsider the approved dates, an item be submitted to Council for review.	Matter in progress.	Office of the Speaker/Mayor	

CORPORATE SERVICES: ACTION SHEET COUNCIL

MEETING DATE	ITEM NO	ITEM DESCRIPTION	RESOLUTION	ACTION TAKEN	RESPONSIBLE OFFICIAL	CURRENT STATUS COMPLETED NOT COMPLETE IN PROGRESS ON GOING NO ACTION REQUIRED
26-Feb-21	**21/02/CORP5**	**OHS RISK ASSESSMENT**	That all outstanding High-Risk areas be prioritized for immediate remedial action.	User depts are attending to risks and have the end of September to attend to such.	Director:I&E Director: Community Services	
30-Jul-21	**21/07/CORP3**	**MONTHLY REPORT FOR THE CORPORATE SERVICES DIRECTORATE: ADMINISTRATION SECTION AS AT END APRIL 2021**	That printing at Ward Offices be exercised with caution.	Printing at Ward Offices is being monitored.	Manager: Admin	
30-Sep-21	**21/09/CORP7**	**OHS RISK ASSESSMENT**	That respective departments be given until 30 September 2021 to rectify all non-compliances.	User Depts had until 30 Sept to rectify.	All depts; OHS	

INFRASTRUCTURE & ENGINEERING: ACTION SHEET - COUNCIL

MEETING DATE	ITEM NO	ITEM DESCRIPTION	RESOLUTION	ACTION TAKEN	RESPONSIBLE OFFICIAL	CURRENT STATUS COMPLETED NOT COMPLETE IN PROGRESS ON GOING NO ACTION REQUIRED
28-Aug-20	20/08/I&E3	DAY TO DAY OPERATIONS OF THE FLEET SECTION DURING THE PERIOD OF MAY 2020 AND JUNE 2020	That the refurbishment & procurement of all municipal new and hired vehicles be done through fleet section.	Workshop staff and outside service providers.	Acting fleet manager	
26-Feb-21	21/02/I&E5	KOUGA MUNICIPALITY ELECTRICITY: RENEWABLE ENERGY GENRATION APPLICATION TO THE MINISTER OF MINERAL & ENERGY RESOURCES	That the request to the Minister of Minerals & Energy to grant Kouga Municipality permission, to procure its own Renewable energy plant through a request for proposals on the needs for the organisation be approved.	Ongoing Meetings between Kouga &SALGA	Manager: Electrical	
31-Mar-21	21/03/I&E1	APPLICATION FOR DONATION TO THE GAMTOOS IRRIGATION BOARD	That the Municipal Manager be authorised to enter into a written Memorandum of Agreement with Gamtoos Irrigation Board in respect of the donation so approved.			
30-Jul-21	21/07/I&E10	REPORT: AMNESTY TO CONSUMERS WITH ELECTRICITY METERS NOT SEALED, FAULTY OR REMOVED BY THE MUNICIPALITY	That all consumers found to be guilty of the above be asked to purchase the prepaid meter only.			
			That this process will only be granted for the month of September, and all consumers guilty of 1. be registered in that month through an amnesty form. Now extended with another month until the end of October 2021.			
			That the revenue generated from the sale of the prepaid meters be ring-fenced and allocated to the procurement of additional prepaid meters.	In progress		
			That this project be handled by the task team that will be established for the execution thereof.	In progress		
30-Sep-21	21/09/I&E3	RE: ELECTRICAL MAINTENANCE REPORT FOR THE MONTH OF JUNE 2021	That the amnesty period for reporting faulty prepaid electricity meters be extended to the end of November 2021. the recommendation was until end October 2021.			
			That the amnesty period deadline be advertised on various platforms to raise awareness in communities.			
	21/09/I&E11	REQUEST FOR INCREASE OF MIG FUNDING (BUDGET MAINTENANCE): UPGRADE OF HANKEY SANITATION PROJECT	That the Council support and approve the application to the Department of Cooperative Government and Traditional Affairs for the increase in total project funding for the MIG project: Upgrade of the sewage infrastructure in Hankey with an additional amount of R14, 978, 560.00 (VAT included).			

COMMUNITY SERVICES: ACTION SHEET - COUNCIL

MEETING DATE	ITEM NO	ITEM DESCRIPTION	RESOLUTION	ACTION TAKEN	RESPONSIBLE OFFICIAL	CURRENT STATUS COMPLETED NOT COMPLETE IN PROGRESS ON GOING NO ACTION REQUIRED
29-Aug-19	**19/08/CS13**	**APPLICATION FOR THE MANAGEMENT OF THE ASTON BAY COMMUNITY HALL BY THE ASTON BAY RATEPAYERS ASSOCIATION**	That the granting of control and management of Aston Bay Community Hall to the Aston Bay Ratepayers Association be supported in principle.	Inspection was done on repairs and maintenance that needs to be done with ABR on 9 July 2021. The facility will need a new roof, ceilings, walls repaired and painted new tiles etc. to be refurbished. Proposals to refurbished been sourced, awaiting for the Engineers report.	Director: Community Services	
30-Oct-19	**19/10/CS13**	**CUSTODIANSHIP: KRUISFONTEIN SPORTS FIELD**	That Council grants custodianship to the Kruisfontein United Rugby Club, an Eastern Cape Premier League competitor club, for the Kruisfontein Sports Field as a pilot project for a period of 9 years and 11 months.	The process of custodianship initiative was put on hold because a Sports Council must first be established which was established on the 21 August 2021,and whilst investigation/research was being conducted with sector departments, that process was not finalized due to COVID-19 Regulations. Public participation in consultation with Planning and Tourism.	Director: Community Services and Planning,and Tourism	
			That a Service Level Agreement be drawn up between the Municipality and the Kruisfontein United Rugby Club, to clarify the roles and responsibilities, including the conditions on which such custodianship is granted	Draft has been finalised and needs to be discussed with Rugby Club. Meeting which was scheduled to be held in August 2021 could not take place and feedback awaited from community	Director: Community Services Manager: Legal Services	
			That the custodianship initiative be communicated to Ward 4, 5 and 15 residents through a Public Participation Process.	The process was not finalized due to COVID-19 Regulations.	Director: Community Services Public Participation	
			That it be noted that a legally recognised Sporting Body is to be established in Kouga and that the Kruisfontein United Rugby Club be affiliated to such controlling Body.	The Kouga Sport Council was established on the 21 August 2021	Director: Community Services Public Participation, SPU	
	20/05/CS12	**FIRE RISK AND ENVIRONMENTAL NUISANCE REDUCTION - PLOT AND BUSH CLEARING**	That it be noted Aston Bay and Paradise plot clearing is scheduled for phase 2 and that a list of plots in both areas has been compiled but the programme has been put on hold due to the lockdown.	Plot and bush clearing is ongoing. New prority sites were identified and are currently being cleared.	Director: Community Services	
11-Dec-20	**20/12/CS6**	**PROGRESS REPORT ON KOUGA COMMUNITY GARDENS OF HOPE**	That the Committee note the report on Kouga Community Gardens of Hope.	Ongoing, quarterly reports to be submitted on progress. A nursery has also been established in Humansdorp to support the Gardens.	Dir Community Services	
	20/12/CS21	**CAPE ST FRANCIS BAY DUNE ENCROACHMENT**	That the report on Cape St Francis dune encroachment, be noted.	An application in terms of the NEMA has been submitted to DEDEAT.	Dir Community Services	

31-Mar-21	**21/03/CS1**	**POLICY FOR VACANT PROPERTY MANAGEMENT, CLEANING AND CLEARING**	That a list of notices sent out and those who acted on the notices be tabled at each portfolio committee meeting.	Done	Dir. Community Services	
31-May-21	**21/05/CS6**	**ST FRANCIS BAY REVETMENT**	That the 80 meter of the authorized area that was left unprotected be finalized in the 2021/22 financial year.	Only 67 meters of revetment will be constructed due to availability of funds and Kromme River Estuary dynamics. Phase 2 EIA authorised by DEDEAT.	Dir. Community Services	
30-Jul-21	**21/07/CS6**	**UPDATE REPORT ON OYSTER BAY DUNE REHABILITATION**	That the task team be given time to explore Mr. Brandstetter's option of purchasing Erf 386 before continuing with plans to register a servitude.	No purchase agreement reached. The municipality is re-investigating the option of servitude.	Dir. Community Services	
	21/07/CS7	**NOORSEKLOOF NATURE RESERVE MANAGEMENT PLAN**	That the draft plan be workshopped with all the Kouga Municipality directorates for inputs and advise.	Plan has been submitted to ECPTA agency.	Dir. Community Services	
	21/07/CS10	**PROVISION OF SERVICES BY MUNICIPALITY THROUGH EXTERNAL MECHANISMS – POUND SERVICES**	That the Council authorises the Municipal Manager to proceed with a public participation process as envisaged in section 78(3)(a).		MM	
31-Aug-21	**21/08/CS20**	**WASTE MANAGEMENT BY-LAW**	That the By-Law be advertised for 21 days on the Kouga Website for public participation, comments and inputs.	Noted.	Community Services	
30-Sep-21	**21/09/CS8**	**UPDATE REPORT ON CAPE ST FRANCIS DUNE MAINTENANCE MANAGEMENT PLAN**	That a final report be submitted after public comments and consultations with other Directorates.	The Consultants met with Infrastructure and engineering to look at coastal infrastructure		
			That the Dune Maintenance and Management Plan be submitted to DEDEAT for approval.	Noted.		
	21/09/CS10	**KEEPING KOUGA CLEAN CAMPAIGN**	That Communities be encouraged to participate and get involved in the programmes by cleaning up the neighbourhood.	Noted.		
	21/09/CS11	**KOUGA MUNICIPALITY LANDFILL COMPLIANCE AND PROVISIONS**	That budget provision be considered in the 2022/23 budget for landfill management, maintenance and rehabilitation.	Noted.		

14-Oct-21	**21/10/CS1**	**TEMPORARY ROAD CLOSURE DURING THE FESTIVE SEASON**	That the temporary road closures be approved as follows: a. Pepper Street from 31 December 2021 to 01 January 2022, 18h00 - 22h00 (Open to residents and Emergency vehicles only). b. Diaz Street be turned into a pedestrian only street in a North to South Direction from Supertubes to the Shell Museum from the 16 December 2021 to 12 January 2022. (Open to residents and Emergency vehicles only)	Done		
			Dune Road between Da Gama, Tornyn, and Dageraad streets be closed for traffic on 01 January 2022 from 05:00 until 19:00. (Open to residents and Emergency vehicles only).	Done		
			That the public notice be published to notify the public of the planned road closures.	Already published		

FINANCE - ACTION SHEET - COUNCIL

MEETING DATE	ITEM NO	ITEM DESCRIPTION	RESOLUTION	ACTION TAKEN	RESPONSIBLE OFFICIAL	CURRENT STATUS COMPLETED NOT COMPLETE IN PROGRESS ON GOING NO ACTION REQUIRED
26-Feb-21	21/02/F5	WRITE-OFF IN RESPECT OF IRRECOVERABLE ARREAR DEBTS – EQUITABLE SHARE	That future reports indicate the area well as the Ward for the Equitable Share-write-offs.	A report of this nature will need to be written within the Financial System. These requirements are being assessed.	CFO	
	21/02/F17	BUDGET & TREASURY: VIREMENTS REPORT FOR THE QUARTER ENDED 31 DECEMBER 2020	That the respective Directorates arrange a meeting with their Portfolio Councillor to engage on the virements requested by the Department.	Meetings will be held as and when Virements are prepared.	All Directors	
	21/02/F21	RE: LIST OF OBSOLETE EQUIPMENT (ASSETS) THAT WERE IDENTIFIED FOR AUCTION	That the Disposal of Obsolete Equipment (Assets) Policy be reviewed at the next Policy Workshop	Policy has been reviewed and will be submitted into the Agenda for the next Policy Workshop.	CFO	
31-Mar-21	21/03/F1	Draft Medium-Term Revenue and Expenditure Framework (MTREF) - Budget for 2021/22 to 2023/24 Financial Years	That the Acting Director: Infrastructure and Engineering reports on the outcomes of the implementation of a strategy by 7 May 2021 to the Office of the Municipal Manager, to reduce non-technical electricity losses.	Implementation Strategy being developed.	Acting Director: I&E	
			That the Acting Director: Infrastructure and Engineering reports on the outcomes of the implementation of a strategy by 7 May 2021 to the Office of the Municipal Manager, to reduce water losses.	Implementation Strategy being developed.	Acting Director: I&E	
			That the Director: Community Services reports on the outcomes of the implementation of a strategy by 7 May 2021 to the Office of the Municipal Manager, to collect outstanding traffic fines.	Implementation Strategy being developed.	Director: Community Services	
	21/03/F8	PROPOSED WATER AND SANITATION TARIFF INCREASES FOR 2021/22 FINANCIAL YEAR	That the sewerage tariffs be reinvestigated before the final budget.	Tariff meeting held and tariffs discussed. Detailed assessment of tariffs to be undertaken to develop more suitable tariff structure.	CFO	

PLANNING & DEVELOPMENT: ACTION SHEET - COUNCIL

MEETING DATE	ITEM NO	ITEM DESCRIPTION	RESOLUTION	ACTION TAKEN	RESPONSIBLE OFFICIAL	CURRENT STATUS COMPLETED NOT COMPLETE IN PROGRESS ON GOING NO ACTION REQUIRED
30-May-19	19/05/PD6	PUBLIC WORKS PROPERTIES TO BE TRANSFERRED TO KOUGA MUNICIPALITTY	That Council accepts the following erven from Public Works and that they are added to the asset register of Kouga Municipality: Farm 448 portion 15 — Uitenhage RD Pellsrus: 677; 678; 733; 751 ; 753; 794;812 826; 854; 862 Humansdorp: 1 968 Thornhill: 221 ; 237 333; 334; 342;362;376;751v; 762; 763; 775; 776; 777; 778; 779; 780; 781 ; 782; 783; 784; 785; 788; 789; 790; 791 ; 792; 805; 845; 846; 849; 850; 852; 855; 857; 859; 860; 861 ; 862; 863; 865; 866; 868; 870; 874; 875; 883; 884; 885; 886; 887; 888; 889; 891; 892; 894; 895; 897; 898; 896	Signed deed of donation was forwarded to the Dept Public Works. The Department of Public Works indicated that it still needed to be signed by their Head Office.Erf 560 Pellsrus and Erf 1325 Kwanomzamo - Deed of Donation signed by both parties.The Dept. Public Works is responsible for the transfer and associated costs. We have not received the signed deed of donations for the property donated to KLM by the Dept. Public Works. Follow-ups was done during June and July 2021 however the Department indicated that the documents will be signed as soon as the relevant official returns to office. A meeting with Public Works has been sheduled for January 2022 to discuss the transfer of Public Works properties to Kouga Municipality.	Manager: Legal Services	
			That Kouga Human Settlement Department proceed with the transfers of these erven to the owners of the properties as soon as registration to Kouga has been completed	In progress. Awaiting Transfer of properties by Public Works.		
30-Oct-19	19/10/PD3	SELLING OF 98 HIGH WATER TABLE HUMAN SETTLEMENT ERVEN – KRUISFONTEIN	That all proceeds from the sale of the 98 high water table erven be ringfenced for projects namely the upgrading of gravel roads to paved roads	When the sale is complete, this action will be implemented. The process to finalise the sale of 98 Wet Erven has commenced on 20 July 2021 with undersigned of addendums to the sale agreements. 15 completed sale agreements that was duly signed by purchasers and the Accounting Officer. The Department will be visiting prospective purchasers during the 2nd week of December 2021 to proceed with the completion of sale agreements.	CFO/ Dir: PDT	
	19/10/PDT5	TEMPORARY APPROVAL TO DERMACATE A SECTION OF PORTION 125 OF THE FARM ESTATE KLEIN ZEEKOEI RIVER NO.335 FOR NUTRITIONAL COMMUNITY VEGETABLE GARDEN IN PARTNERSHIP WITH VICTORY 4 ALL KING'S COLLEGE and JEFFERY'S BAY WINDFARM	That Council grants approval to demarcate a portion of land (1ha) on portion 125 of the Farm Estate Klein Zeekoei River No. 335: Ocean View for the purpose of a Nutritional vegetable garden as per proposal from King's College.	Departure process in progress. Applicant met with Technical Services and Planning departments regarding town planning application process. The Applicant has not met the condition.	Dir: PDT	
			That it be noted that this is not a permanent approval and does not rescind any previous Council Resolutions taken on this land parcel including Council resolutions (**13/07/IPD** and **19/02/PDT**).			
			That a Land Use Application be submitted to Town Planning Department for Temporary Departure of a period not exceeding 5 years.	Incomplete application has been received and we requested applicant to update the application according checklist.Until now the applicant did not do it and numerous reminders were sent to him. Instruction will be given to Legal Section during the week of 3 December to start with process to revoke	Dir: PDT / Legal Services	
29-May-20	20/05/PD2	REPORT ON THE PROGRESS AND STATUS OF THE SOCIAL HOUSING PARTNETSHIP FOR THE DEVELOPMENT OF A SOCIAL AND (FLISP) HOUSING PROJECT ON Erf 335, JEFFERYS BAY	That Development Contribution or Augmentation fees be waivered for the Social housing project.	The resolution will be implemented upon submission of Building plans for the development. No building plans submitted yet. Ongoing, project is still on planning phase.	Dir: PDT/ CFO/MM/ I&E	
			That the plans scrutiny and approval fees be dealt with on the same basis as BNG/RDP housing projects.	The resolution will be implemented upon submission of Building plans for the development. Ongoing, project is still on planning phase.	Dir: PDT / Manager P&D	
			That charges be levied for all appropriate utility charges.		Dir: PDT / CFO	
	20/05/PD3	DONATION AND TRANSFER OF KOUGA MUNICIPAL PROPERTIES FROM KOUGA MUNICIPALITY TO PUBLIC WORKS	That Erf 560 be rezoned in terms of SPLUMA from Residential 1 to Institutional in accordance to existing land use.	Anticipate to appoint service provider before 31 October 2021.		
			That the request for the donation and transfer of Erf 347, Patensie be held in abeyance pending further investigations on future needs for Municipal Services and applicable closure of POS process.	The matter to be further investigated.	Dir: PDT/ Mager: LPA/ Manager: P&D	
	20/05/PDT5	APPROVAL FOR THE COMMENCEMENT TO ESTABLISH "AESTHETICS AND HERITAGE BUILDING COMMITTEE" FOR THE ST FRANCIS BAY VILLAGE AND CANALS, SANTAREME, HARBOUR PRECINCT, CAPE ST FRANCIS, OYSTER BAY, SEA VISTA TOWN, ST FRANCIS BAY LIGHT INDUSTRIAL AREA IN THE KOUGA LOCAL MUNICIPALITY AREA	That Aesthetic Committees be established in all Wards, if required, to maintain uniform architecture design for specific areas be included in the Terms of Reference.	Draft "by-law" with legal section to finalised all legal requirements. Meeting with C W Malan to be held.Legal services has set up a date for finalisation of draft by-law . Last meeting was postpone due covid cases at C W Malan office. See last comments - with Legal Dept	Dir: PDT / Manager P&D/ Manager: Legal Services	

26-Jun-20	**20/06/PD4**	**DEVELOPMENT PROPOSAL: PRECINCT PLAN FOR Erf 8783: OCEAN VIEW, JEFFREYS BAY**	That the precinct plan and development proposal of Erf 8783 Ocean be subject to public participation.	The meeting to be held as soon as restrictions on gatherings is lifted. Public meetings are still prohibited.	Dir: PDT	
			That the registration of Erf 8783, Ocean View to Kouga Municipality be continued and concluded.	An item has been prepared for the next Council Meeting to request approval for the registration and transfer of unregistered municiapal land including, erf 8783.	Manager: Legal Services	
			That a land surveyor be appointed to finalize the subdivision of Erf 8783 on final approval of the precinct plan.	DONE	Dir: PDT	
11-Dec-20	**20/12/PD5**	**APPROVAL OF GRANT FUNDING FOR THE UPGRADING OF INFORMAL SETTLEMENTS**	That a report on the joint planning between Infrastructure and Human Settlements serve at the next Portfolio Committee.	An item will be prepared for discussion at next PC meeting. Meeting was held 09 September 2021.	Dir: PDT/ Manager: Human Settlements	
	20/12/PD8	**APPROVAL FOR THE COMMENCEMENT TO DRAFT "AESTHETICAL AND HERITAGE BUILDING BY-LAW" FOR THE ST FRANCIS BAY VILLAGE AND CANALS, SANTAREME, HARBOUR PRECINCT, CAPE ST FRANCIS, OYSTER BAY, SEA VISTA TOWN, ST FRANCIS BAY LIGHT INDUSTRIAL AREA IN THE KOUGA LOCAL MUNICIPALITY AREA IN TERMS OF SECTION 13 OF THE MSA,2000: OBJECTIONS RECEIVED**	That the Department: Planning & Development facilitate the process to address the "Objectors Objections" by convening a virtual meeting with the objectors as well as other Interested and affected parties.	Draft completed.Legal to check it .Published document for comments in March . See previous comments for 20/05/PDT5. Draft By-Law with attorneys.Had discussion with Attorneys to find an alternative way to promulgate said regulations. Attorneys to confirm way forward.Manager Legal to appoint a SP to assist with draft.	Manager: Legal Services / Acting Manager: LPA	
			That a date and venue be determined as to when such meeting will take place for a virtual hearing and that it be published in the local newspaper and on the website.			
			That all the objectors be notified timeously of the date and venue for the virtual hearing.			
	20/12/PD9	**APPLICATION FOR ENTRANCE AND ACCESS ROAD SERVITUDE: Erf 300 PATENSIE, RIKUS DU PREEZ FAMILIETRUST: (Erf 409, PATENSIE)**	That a land surveyor be appointed to attend and conclude the surveying processes and registration of the right of way (access road servitude) in favour of Erf 409, Patensie in the Office of the Surveyor General.	Completed. The servitude diagram was approved by the Surveyor-General and handed over by the service provider to Council.	Director: PDT/ Acting Manager: LPA	
28-Jan-20	**21/01/PD1**	**COUNCIL IN-PRINCIPLE APPROVAL & AUTHORIZATION FOR PUBLIC PARTICIPATION PROCESS ON UNSOLICITED BID: LONG TERM (30 YEAR) LEASE OF Erf 353, HUMANSDORP (OLD CARAVAN PARK) TO AFRI-CORP INTERNATIONAL PROPERTIES**	That Council authorizes the Accounting Officer to advertise the intended long-term lease to Afri-Corp International Developers, allowing for public to make comments, raise objections or submit counter bids within a period of 30 days from date of advertising.	Advertisement for public participation of intended long-term lease is completed. Meeting was held to discuss the comments received. It was recommended that a legal opinion be obtained with reference to the comment received from Provincial Treasury on possible re-advertisement for development proposals. Legal Section indicated on 6 July that the matter is receiving attention and a opinion will follow soon. Awaiting legal opinion in order to proceed with this application. In the process to advertise for Expression of Interest and is envisaged before 31 October 2021	Director:PDT/ Manager L&P/ Manager: Legal Service	

26-Feb-21		**LAND SWAP: A PORTION OF Erf 6650 IN FAVOUR OF Erf 6649, JEFFREYS BAY: MR. S. STANLEY**	That a 2.0m building line being observed along the western lateral boundary for possible future services.	Will be considered in swap agreement and during the implementation of thereof.	Director: PDT/ Acting Manager: LPA	
	21/02/PD12		That a 2.0m building line being observed along the eastern lateral boundary for access to the existing watermain passing through the Erf.	Will be considered in swap agreement and during the implementation of thereof.	Director: PDT/ ActingManager: LPA	
			That the sub-division and consolidation processes of the land be concluded.	Site visit done. Service providers has compiled the diagram and submitted same to Surveyor-General for approval. Awaiting approved diagram from Surveyor-General.		
	21/02/PD13	**DISPOSAL AND CLOSURE OF LONG STREET, BOKMAKIERIE STREET, PORTION OF BLOUBOK STREET AND PORTION OF HERON STREET – PUBLIC ROADS IN THE INDUSTRIAL AREA HUMANSDORP**	That the 100mm diameter water pipeline which transverses Erf 2078 and Bloubok Street be rerouted along Felix Street.	Final approval was obtained from Council on 31 May 2021. Approval letter was sent to the applicant. Conveyance Attorney have been appointed to proceed with the sale of the properties. Offer to Purchase has been duly signed by all parties and now	Manager: Legal Service Acting Manager: LPA	
			That a 6.0m servitude be observed along Bloubok Street to accommodate the 315mm diameter water pipeline in favor of Kouga Municipality	Will be considered in sale agreement and during the implementation of thereof.	Director: PDT/ Acting Manager: LPA	
			That the overhead electrical line that transverses Erf 2079 and along Bloubok Street be relocated to Erf 1 that is to the north-boundary of Erf 2079	Will be considered in sale agreement and during the implementation of thereof.		
			That the applicant be responsible for the cost associated with the closure of public roads and transfer of property.	Applicant responsible for road closure. The land surveyor has received instruction to proceed with closure of public roads.	Applicant	
	21/02/PD14	**ESTABLISHMENT OF AN AUTISM CENTRE - APPLICATION FOR RIGHT TO USE/MANAGE MUNICIPAL LAND: Erf 5812 JEFFREYS BAY**	That the approval of the right to use, control, manage the be subject to the said property being closed as a public place and rezoned to an appropriate zoning.	Final approval was obtained from Council on 31 August 2021. Quotations has been obtained to finalise the closure of public place.	Dir: PDT/ Manager L&P/Manager: P&D	
			That Council authorizes the accounting officer to enter into a long-term consent use lease of Erf 5812, Jeffreys Bay to Centre of Grace Foundation as a Non-Profit Organization to establish an Autism Centre.	Draft Agreement to be distributed.	Manager: Legal Services	
31-Mar-21	**21/03/PD1**	**TRANSFER OF RESIDENTIAL SITE: HISTORIC CONDITION OF SALE: ERF 1331 PELLSRUS: PIENAAR FAMILY**	That Council grant approval to the subdivision a of a standard size residential erf from the remainder of erf 1331, Pellsrus and transfer such erf in favour of the Pienaar Family.	Three quotations has been obtained. The three quotations obtained was above all above R30 000.00 hence requirement for 7 days notice. The 7-days notice is anticipated to be advertised before 15 December 2021.	Director: PDT/ Acting Manager: LPA	
			That Council grant approval for the closure of a public open space with regard to the subdivided erf contemplated in (a) and that transfer herein be dependent on the formal closure of the public open space.			
			That the Council be responsible for the cost associated with the closure of public open space and transfer of property.	Council responsible for cost.	Director: PDT / Acting Manager L&P	
	21/03/PD2	**REQUEST FOR LONG-TERM LEASE AGREEMENT: BETWEEN KOUGA MUNICIPALITY AND M&J ENTERPRISE: ERF 2094, HUMANSDORP**	That Council confirms that the land is not needed to **provide the minimum level of basic municipal services.**	Lease agreement has been concluded.	Director: PDT / Acting Manager L&P	
	21/03/PD3	**Application to Purchase a Portion of Erf 552 Sea Vista (Mr. M. Johansens)**	That Council rescinds the previous council resolution and grant in-principle approval to dispose a portion of erf 552, Sea Vista to Mr. Johansen.	In-principle approval was obtained however, we received three objections against application which is mainly based on environmental concerns. We have requested input from the Environmental Management Practitioner who has visited the site and awaiting comments. Follow-up was done with Environmental and it was indicated that the comments will be provided.	Director: PDT / Acting Manager L&P	
			That the applicant be responsible and carry the cost for the closure of public open space and subdivision of erf 552.	Will be considered in sale agreement.	Manager: Legal Services / Acting Manager L&P	
			That the newly created erf be transferred only once the formal closure has been concluded, and the conveyance cost be carried by the applicant.	Will be considered in sale agreement.	Manager: Legal Services / Acting Manager L&P	

31-May-21	**21/05/PD1**	**PROGRESS REPORT: ALIENATION OF 98 WET ERVEN: KRUISFONTEIN**	That Council grant authorization to the Accounting Officer to the conclude Option to Purchase agreements as the Grantor on behalf of the Municipality.	The Accounting Officer has counter signed the first batch of 15 sale agreements. The Department will be visiting prospective purchasers again during the week of 18 October 2021 to proceed with the completion of sale agreements.	Director:PDT/ Manager L&P/ Manager: Legal Service	
	21/05/PD8	**AUTHORIZATION OF THE DRAFT JEFFREYS BAY CENTRAL BUSINESS DISTRICT (CBD) PRECINCT PLAN FOR PUBLIC PARTICIPATION**	That the Council approves and grants authorisation for the Draft Jeffreys Bay CBD Precinct Plan, to be published for Public Participation in terms of Section 20(3)(a) to (c) of the Spatial Planning and Land Use Management Act, Act 16 of 2013.	Item went to council for extension off time to comment. Final Plan to be submitted to Council for adpotion in September 2021.Done	Director: PDT/ Manager:P&D	
	21/05/PD9	**APPLICATION: ALIENATION OF LAND AND PURCHASE OF VARIOUS PROPERTIES IN HANKEY: MGM TRUST (MR. DU PREEZ)**	That Council authorizes the Accounting Officer to enter into a sale agreement with MGM Trust, for the sale of the properties mentioned in 6.1 above at the fair market value of R1 770,00.00 (all inclusive).	The Accounting Officer to enter into a sale agreement with the applicant. A draft Sale Agreements has been finalised and to be forwarded to purchaser. Awaiting the signed Offer to Purchase from the applicant.	Director:PDT/ Manager L&P/ Manager: Legal Service	
			That the Applicant MGM Trust be responsible for payment of transfer, subdivisions and other Land Use related costs linked to this application.	Applicant responsible for land use applications and costs.	Applicant	
	21/05/PD10	**DISPOSAL AND CLOSURE OF LONG STREET, BOKMAKIERIE STREET, PORTION OF BLOUBOK STREET AND PORTION OF HERON STREET – PUBLIC ROADS IN THE INDUSTRIAL AREA HUMANSDORP**	That the process of closure of Long Street, a portion of Bloubok Street, Bokmakierie Street, and a portion of Heron Street be finalized.	Final approval was obtained from Council on 31 May 2021. Approval letter was sent to the applicant. Conveyance Attorney have been appointed to proceed with the sale of the properties. Offer to Purchase has been duly signed by all parties and now awaits conclusion of sale.	Applicant	
			That the applicant be responsible for the costs associated with the closure of public roads and transfer of property.	The applicant responsible for the costs for land use application and transfer cost. The land surveyor has received instruction to proceed with closure of public roads.	Applicant	
	21/05/PD11	**LAND SWAP: A PORTION OF ERF 6650 IN FAVOUR OF ERF 6649, JEFFREYS BAY: MR. S. STANLEY**	That Legal Services attend to the transfer and registration processes in implementing the resolution 8.1 above.	Site visit done. Service providers has compiled the diagram and submitted same to Surveyor-General for approval. Approval of Subdivision was received from Surveyor-General. Completed	Manager: Legal Service	
			That the Municipality be liable for all Transfer, subdivision and consolidation costs linked to this transaction.	This will be done once approved sg diagram is obtained. Transfer to be finalised.	Director:PDT/ Manager L&P	
	21/05/PD14	**AUTHORIZATION FOR CALL FOR NOMINATION OF EXTERNAL KOUGA MUNICIPAL PLANNING TRIBUNAL (MPT) MEMBERS (5 YEAR CONTRACT 2021-2026)**	Those four external members be appointed including 1 person either admitted as an attorney in terms of the Attorneys Act, 1979 (Act No. 53of 1979) or admitted as advocate of the Supreme Court in terms of the Admission of Advocates Act, 1964 (Act No. 74 of 1964).	On Appointment.		
			That the new members be remunerated in line with the current rate pertaining to non-official members of commissions and committees as determined by the Minister of Finance, in terms of Treasury Regulation 20.2.2.	In progress	MM/ Dir:PDT	
			That the standard conditions of services for external members of the municipal planning tribunal as adopted be applicable.	In progress	MM/ Dir:PDT	
			That in line with Section 37 (1) of SPLUMA, Council hereby confirms that term of office of new external members Municipal Planning Tribunal is 5 years and members may not serve for a continuous period of 10 years.	Done	Director:PDT/ Manager P&D	
			That the standard code of conduct for external members of the municipal planning tribunal as adopted by the Council be applicable.	Done	MM/ Dir:PDT	
			That the approved category of delegations as approved by Council be applicable.	Done	MM/ Dir:PDT	

	21/05/PD15	**APPLICATION TO PURCHASE: A PORTION OF PORTION 4 OF THE FARM ZWARTENBOSCH NO. 347: TEEN CHALLENGE SA**	That Council rescinds the resolution pertaining to the lease of a portion of portion 4 of the Farm Zwartenbosch No. 347 to Teen Challenge which reads as follows: - **13/05/FAME26 APPLICATION FOR LAND – PORTION OF FARM 347 PORTION 4 (ZWARTENBOSCH)** Resolved: (30 May 2013) i) That Teen Challenge SA-Western Cape be allowed to utilize the Portion of Farm 347, Portion 4 of the Farm Zwartenbosch for community projects for a period of nine (9) years and 11 (eleven) months, subject to the following conditions: a) That a formal Lease Agreement be entered into between Teen Challenge SA –Western Cape and the Council. b) That Teen Challenge SA – Western Cape be responsible for all cost (that may escalate) in respect of services and services connections fees as determined by the Council. c)That it be recorded that in terms of Section 14 of the Municipal Finance Management Act, the portion of Farm 347, Portion 4 of the Farm Zwartenbosch is not required for basic level of municipal service. d)That all legislative requirements and advertisement procedures be adhered to. e)That any comments and objections from the public be taken into careful consideration.	The process has been placed in abeyance as result of a letter of dispute against the disposal of a portion of portion 4 of the Farm 347 Humansdorp RD that was received from Teen Challenge SA Head Office. The applicant was informed and the Department will now discuss the matter with the Legal Section to decide on a way forward. The application will now be advertised in the local newspaper on 16 September for public participation. The initial objection letter received will be addressed as part of the public participation process. The application was advertised for public participation and this process will draw to a close on 16 October 2021. Public Participation completed, received one objection against application.	Director:PDT/ Manager L&P	
			That Council grant authorization to the Accounting Officer to advertise the intended disposal of the immovable property herein.	The application was advertised for public participation on 16 September 2021.	Director:PDT/ Manager L&P	
			That Council confirms that the land is not needed to provide the minimum level of basic municipal services.	S14 in progress and should be obtained by 10 December 2021	Director:PDT/ Manager L&P	
			That the subdivision and rezoning of the land be attended to and concluded.	Will be attended to should final approval be granted by Council.	Director:PDT/ Manager L&P	
			That Council consider the fair market related value of R770 000.00 that was obtained from a professional valuer for the portion of portion 4 of the Zwartenbosch No 347.	Will be considered in the sale agreement.	Director:PDT/ Manager L&P	
			That Council consider disposing the immovable property contemplated herein to Teen Challenge as a social care user at 25% of the fair market value.	Will be considered in the sale agreement.	Director:PDT/ Manager L&P	
			That if the land was to be sold by the applicant, it only be sold back to Council.	Will be considered in the sale agreement.	Director:PDT/ Manager L&P	
			That National Treasury be informed of the intention to dispose the land to the applicant.	Communication will be forwarded to National Treasury during the week of 3 December 2021.	Director:PDT/ Manager L&P	
30-Jun-21	**21/06/PD8**	**ESKOM FUNDING ALLOCATION FOR THE INSTALLATION OF ELECTRICAL CONNECTIONS IN THE GAMTOOS VALLEY MUNICIPAL AREA**	That the electrification of Tjolksville be resuscitated administratively and feedback be submitted to the next I&E Portfolio committee.	Multi-Disciplinary committee is in place and meets regularly.	Director: I&E	
			That a multi-disciplinary Human Settlements Committee be established under the leadership of the Municipal Manager to consider and strategize around matters of electrification of informal settlements, provision of services and amenities to such areas etc.	The next meeting will held in August 2021.Meeting was held last week Tuesday. Ongoing	Dir:PDT/ Manager:HS/ Manager: Electrical Services	
	21/07/PD9	**APPOINTMENT OF KOUGA MUNICIPALITY AS AN IMPLEMENTING AGENT FOR THE CONSTRUCTION OF INTERNAL SERVICES FOR THE HANKEY 990 HOUSING PROJECT**	That the CFO places the received grant funding in a dedicated interest-bearing account.			
			That the interest accumulated from the grant funding be ringfenced for future Human Settlements projects.			
			That monthly, quarterly and annual expenditure reports with supporting documentation be reported to Council and ECDHS; and	ongoing		

31-Aug-21	21/08/PD11	ESTABLISHMENT OF AN AUTISM CENTRE - APPLICATION FOR RIGHT TO USE/MANAGE MUNICIPAL LAND: ERF 5812 JEFFREYS BAY	That all the legislative processes contemplated herein commence and be concluded in line with Council resolution 21/02/PD14.	Final approval was obtained from Council on 31 August 2021. Qoutations has been obtained to finalise the closure of public place.	Director:PDT/ Manager L&P	
	21/08/PD12	DISPOSAL OF ERF 1382, SEA VISTA (ST FRANCIS BAY) THROUGH SALE TO EDG3 PROJECTS	That Council grant authorization the Accounting Officer to enter into a sale agreement with Edg3 Projects, for the sale of the municipal property contemplated herein, for the amount of R180 000.00.	Final approval was obtained from Council on 31 August 2021. Approval letter was given to the applicant. Sale of this property is in progress.	Director:PDT/ Manager L&P	
06-Sep-21	21/09/PD1	APPLICATION TO PURCHASE ERF 2896 - SEA VISTA – INDUSTRIAL AREA (NEXUS YACHTS)	That Council determine the market related valuation of the immovable property contemplated herein.	Appointment of service provider for market valuation is in progress.	Director:PDT/ Manager L&P	
			That the relevant department rezones and closes the public open space prior to disposal of erf 2896, Jeffery's Bay through an open tender process.	Service provider to be appointed if no objections received during public participation process. Public participation was completed and no objection received. Quotations has been received to finalise the closure of public place.	Director:PDT/ Manager L&P	
			That the newly created erf be transferred only once the formal closure, consolidation and rezoning has been concluded, and the conveyance cost be carried by the applicant.	Upon finalisation of bidding process	Director:PDT/ Manager L&P	
30-Sep-21	21/09/PD6	TERMS OF REFERENCE: MUNICIPAL STREET NAMING COMMITTEE	The Committee shall consist of six (6) nominated Members from relevant departments as follows: •Portfolio Councillor (Planning and Development) •Director: Planning Development & Tourism •Department: Land & Property Administration •Public Participation Co-Ordinator •Director: Infrastructure & Engineering •Department: Town Planning	Approval was granted by Council.	Director:PDT/ Manager L&P	
			That the Portfolio Councillor: Planning and Development be appointment as the chairperson of the Municipal Street Naming Committee.	Approval was granted by Council.	Director:PDT/ Manager L&P	
	21/09/PD7	ALLOCATION OF STREET NAMES AND AREA NAMES: VARIOUS GOVERNMENT SUBSIDIZED HOUSING PROJECT: KRUISFONTEIN, HUMANSDORP	That Council grant in-principle approval for the proposed street and area names as contemplated in the layout maps for the Maak 'n Las, Sewende Laan, Jeugkamp, and Kruisfontein 391 government subsidized housing projects.	In-principle approval was granted.	Director:PDT/ Manager L&P	
			That Council grant authorization to the Accounting Officer to advertise the proposed street and area names herein, for public participation.	Advert is anticipated to be placed on 9 December 2021.	Director:PDT/ Manager L&P	
			That budgetary provisions by the relevant Directorates for the erection of the street names be discussed at the next Mayco Exco Management meeting for budgeting purposes.	I&E directorate to make budgetary provision.	I&E	
	21/09/PD7	ALLOCATION OF STREET NAMES AND AREA NAMES: GOVERNMENT SUBSIDIZED HOUSING PROJECT: WARD 2: PELLSRUS 220	That Council grant in-principle approval for the proposed street names as contemplated in the layout map for the Pellsrus 220 government subsidized housing projects.	In-principle approval was granted.	Director:PDT/ Manager L&P	
			That Council grant authorization to the Accounting Officer to advertise the proposed street and area names herein, for public participation.	Advert is anticipated to be placed on 9 December 2021.	Director:PDT/ Manager L&P	
			That budgetary provisions by the relevant Directorates for the erection of the street names be discussed at the next Management meeting for budgeting purposes.	I&E directorate to make budgetary provision.	I&E	
			That it be noted that street names and area names are not to be the same when submitted by the Ward Committee to avoid misunderstandings in the case of emergencies.	This was addressed during submission of proposals.	Director:PDT/ Manager L&P	
			That the street names be shortened in the report.	Names were shortened.	Director:PDT/ Manager L&P	

	21/09/PD9	APPLICATION FOR RIGHTS TO USE: KOUGA CULTURAL CENTRE: BOPHELO IMPILO DEVELOPMENT CENTRE	That Council grant approval for right to use the Kouga Cultural Centre located on erf 3291 Humansdorp to Bophelo Impilo Development Centre to restore and develop the facility into a Craft Centre.	Approval was granted by Council.	Director:PDT/ Manager L&P	
			That the applicant be responsible for all land use application and associated costs, should there be any required.	This will depend on the development and the land rights required.	Applicant	
			That Council grant authorization to the Accounting Officer to enter into Right-to-Use Lease agreement with Bophelo Impilo Development Centre respect of the property contemplated herein, for the restoration and development of a Craft Centre.	Right-to-Use Agreement to be drafted by Legal Section.	Director:PDT/ Manager L&P/Legal	
			That a clause be added to the lease agreement that details the time frame for development to commence within six (6) months of signing the lease agreement.	This clause to be included in the lease agreement.	Director:PDT/ Manager L&P/Legal	
	21/09/PD10	RELOCATION OF THE UNLAWFUL DWELLERS OF THE ASTON BAY CARAVAN PARK	That the dwellers of the homeless shelter in the Pellsrus Caravan Park and the unlawful dwellers of Tokyo Sexwale Sports Stadium, be considered for relocation to one of the three sites.	The cost and suitability of each site was confirmed.	Director:PDT/ Manager L&P	
			That the cost for resettlement to each of the three sites be confirmed.	The cost for the three resettlement options was confirmed by I&E.	Director:PDT/ Manager L&P/I&E	
			That Council determines the most suitable land option for alternative accommodation in order to enable the Provincial Department of Human Settlement to expedite the application process for emergency housing units.	The three options was verified in terms of resettlement cost and suitability to allow Council to take a decision .	Director:PDT/ Manager L&P	
			That option two of the three proposed sites be accepted as the most suitable land option and that the land be availed.	This will be communicated with the Department of Public Works	Director:PDT/ Manager L&P	
			That the Municipal Manager be allowed to negotiate with the Department of Public Works on the relocation costs.	Office of the MM will engage the Dept of Public Works.	MM	
	21/09/PD11	APPLICATION FOR RIGHT TO USE: VARIOUS MUNICIPAL PROPERTIES FOR UPGRADES AND NEW BUILDINGS: BOPHELO IMPILO DEVELOPMENT CENTRE	That Council grants approval for the rights to use the following municipal assets, namely a portion of Erf 353 Humansdorp, a portion of portion 72 of the Erf 746 Sea Vista, a portion of Erf 1269 Humansdorp and a portion of erf 2 Kruisfontein to Bophelo Impilo Development Centre for upgrading and development projects.	Approval was granted by Council.	Director:PDT/ Manager L&P	
			That Council confirm that the following municipal owned erven, namely Erf 1325 and 2586 located in Humansdorp, Erf 2911 Kruisfontein, Erf 2551, a portion of 2759 and Erf 3493 located in Sea Vista as well as a portion of Erf 15, Erf 506, 617 and 620 located in Oyster Bay are not needed to provide the minimum level of basic municipal services.	S14's comments will requested from relevant departments during the week of 10 December 2021.	Director:PDT/ Manager L&P	
			That the applicant be responsible for all land use application and associated costs, should there be any required.	This will depend on the development and the land rights required.	Director:PDT/ Manager L&P	
			That Council grant authorization to the Accounting Officer to enter into Right-to-Use Lease agreements with Bophelo Impilo Development Centre in respect of the properties contemplated herein for the specific use as follows: portion of Erf 353, Humansdorp (public pool area as per area FA and EF in Annexure c) portion of portion 72 of the Erf No. 746 Sea Vista (Taxi Rank, Multi-purpose Centre and Recycling) portion of erf 1269, Humansdorp (Multi-purpose Court for Tennis, Netball and Basketball) portion of erf 2, Kruisfontein (Multi-purpose Centre)	Right-to-Use Agreement to be drafted by Legal Section.	Director:PDT/ Manager L&P	
			That a clause be added to the lease agreements that details the time frames for development to commence within six (6) months of signing the lease.	This clause to be included in the lease agreement.	Director:PDT/ Manager L&P/Legal	

	21/09/PD12	APPOINTMENT OF HOUSING DEVELOPMENT AGENCY(HDA) VIA AN IMPLEMENTATION PROTOCOL/AGREEMENT BETWEEN KOUGA MUNICIPALITY AND THE HAD	That approval be granted by Council in terms of Section 110 of the Municipal Finance Management Act No. 56 of 2003 for appointment of the Housing Development Agency (HDA) via an Implementation Protocol to plan and implement integrated human settlements in the Kouga municipal area.			
			That all planned human settlements pipeline projects be included in the Implementation Protocol between the Kouga Municipality and the HDA.	In Progress		
			That the Municipal Manager be granted Power of Attorney to sign the Implementing Protocol on behalf of the Municipality.	In Progress		
		APPROVAL AND ADOPTION OF FINAL JEFFERYS BAY LOCAL SDF(PRECINCT PLAN)	That Council approves and adopts the final Draft Jeffreys Bay Central Business District Local Spatial Development Framework.	Plan adopted by Council on the 30th Septmber 2021.		
			That the adopted Jeffreys Bay Central Business District Local Spatial Development Framework be published on the Municipal Website, Kouga Express, as well as Provincial Gazette in accordance with SPLUMA requirements	Done		
			That a copy of the adopted Jeffreys Bay Central Business District Local Spatial Development Framework be submitted to the Member of the Executive Council (MEC) in accordance with Section 8 of the Spatial Planning & Land Use Management By-law: Kouga Municipality,2016.	Done		
	21/09/PD15	DRAFT HUMANSDORP PRECINCT PLAN FOR PUBLIC PARTICIPATION	That the Council further grants permission for Planning & Development department to proceed and publicise the draft for public participation (in terms of Section 20(3)(a) to (c) of the Spatial Planning and Land Use Management Act, Act 16 of 2013.	PSC meeting was held on the 27th September 2021. Draft to be published		
	21/09/PD16	IN PRINCIPLE APPROVAL: DISPOSAL & ALIENATION OF ERVEN 887, 1259 & 2496 SEA VISTA	That Council grant in- principle approval for the disposal of erf 2496, erf 1259 & erf 887 (POS) situated in Sea Vista through an open bidding process.	In-principle approval was granted.	Director:PDT/ Manager L&P	
			That Council authorizes the Planning &Development Department to embark on a process to close and rezone the above public open spaces to Residential.	Service provider to be appointed if no objections received during public participation process.	Director:PDT/ Manager L&P	
			That Council grant authorization the Accounting Officer to advertise the intended disposal of the immovable property for public property in terms s of Reg. 5(3)(a) of MATR.	Advert for public participation was placed on 14 October 2021. Public participation completed, no objection was received against application.	Director:PDT/ Manager L&P	
			That in terms of s14 of the MFMA, Council confirms that the land is not needed to provide the minimum level of basic municipal services prior to Transfer.	Already received S14 confirmation on erven 887 and 1259, and will now circulate 2496 for S14 comment. Received S14 confirmation for erf 2496 and it was confirmed that the land will not be required for basic services.	Director:PDT/ Manager L&P	
			That a fair market value be obtained for Council to consider in line with Section 14(2) of the Municipal Finance Management Act.	Appointment of service provider for market valuation is in progress.	Director:PDT/ Manager L&P	
			That the revenue generated from the sale be ringfenced for waterborne sewerage systems.	This will done during the sale of properties.	Director:PDT/ Manager L&P	
	21/09/PD17	LONG TERM CONSENT USE AGREEMENT ON ERF 223, PATENSIE – PATENSIE PIGGERY FARMING GROUP	That Council grant approval to enter into a long-term right use agreement for a period not exceeding 15 years with Patensie Piggery Farming Group in respect of erf 223, Patensie.	Approval was granted by Council.	Director:PDT/ Manager L&P	
			That in terms of s14 of the MFMA, Council resolves that the land is not needed to provide the minimum level of basic municipal services .	Completed.	Director:PDT/ Manager L&P	
			That Council grant authorization to the Accounting Officer to enter into a long-term consent use agreement with the Patensie Piggery Farming Group for a period not exceeding 15 years.	Legal to draft lease agreement.	Legal	
			That Council request that the pigs be housed in proper holdings as within the legislations.	To be included in agreement as a condition.	Legal/Applicant	

14-Oct-21	**21/10/PD1**	**ERF 4587 & 4588 (KRUISFONTEIN) ERF 190 (PELLSRUS) ERF 8813 (OCEAN VIEW): VICTORY 4 ALL**	That in terms of Section 14 of the Municipal Finance Management Act, it is confirmed that, the following erven namely, Erf 4597 & 4588 - Kruisfontein, Erf 190 – Pellsrus and Erf 8813 - Ocean view is not required for the provision of future basic level of municipal service.	S14 confirmation was completed for these erven	Director:PDT/ Manager L&P	
			That the Finance department expedite the bad debt review process on the outstanding debt and advise the client by 30 October 2021.	Finance Section	Finance	
			That the Accounting Officer enter into a Deed of Donation and Offer to Purchase with the applicant in order to effect the disposal method stipulated in the standing Council resolution (17/12/F2) above.	Deed of donation and Offer to Purchase to be drafted by Legal Section	Legal	
	21/10/PD2	**APPOINTMENT OF THE MUNICIPAL PLANNING TRIBUNAL FOR 5 YEAR TERM (2021 - 2026)**	That the following applicants be appointed to the positions of External Kouga MPT Members: a. Mr Jan du Toit - Professional Land Surveyor b. Mr. Nicolaas H. Janse van Rensburg - Professional Engineer c. Mr. Kreason Naidoo - Professional Planner			
			That the Municipal Manager select Mr Nicolaas H. Janse van Rensburg as the Chairperson of Kouga MPT Committee.			
			That the Director: Planning Development & Tourism be appointed as Deputy Chairperson of the Committee.			
			That the internal members of the MPT are: a. Director: PDT b. Environmental Specialist c. CFO d. Director: I&E e. Manager: Legal Services			
			That the appointed MPT be members be published in the Provincial Gazzette in accordance with applicable Legislation.	notice published All finalised		
	21/10/PD3	**SALE OF 98 WET ERVEN**	That the proceeds from the Sale of 98 Wet erven be ring-fenced for roads upgrades and social infrastructure in the 98 wet erven area.	The proceeds will be ring-fenced as per Council resolution	Director:PDT/ Manager L&P	
	21/10/PD4	**APPROVAL FOR INTERNATIONAL TRAVEL FOR ICLD PROGRAMME**	That approval is granted for Ms. N. Machelesi (Director: Community Service); Mr. R Logart (CFO) and Ms. FF Mabusela Director: PDT and Mr. C Du Plessis (MM) to travel to Tanzania on 30 November – 05 December 2021 as part of the Swedish ICLD programme, of which the representatives were participants.			
			That the payment of S&T for this travel be approved and be calculated on the daily rate as per applicable SARS Subsistence Foreign Travel rates.			

28-Oct-21	**21/10/PD5**	**DISPOSAL AND TRANSFER OF PRE-94 MUNICIPAL HOUSES IN SEA VISTA**	That the pre-94 Municipal houses (16 in Sea Vista) as presented on Annexure "A" of the tabled report be disposed to those who meet the qualifying criteria and transferred to such occupants at no cost in accordance with the Housing Act and the Municipality's Disposal and Transfer of Immovable Assets Policy as follows: a. The houses must have been built pre-1994. b. The occupants must be first time homeowners and not have benefited from any government housing scheme prior. c. The occupants must be South African citizens.	Council has granted approval	Director:PDT/ Manager L&
			That the Municipality engages the ECDHS to cover the applicable transfer costs for pre-94 houses through the EDBS grant.	Meeting was held with ECDHS who confirmed that the transfer cost will through the EEDBS Grant	Director:PDT/ Manager L&
			That the Accounting Officer be authorised to enter into an Offer to Purchase Agreement with the occupants and appoint conveyancers to effect transfers.	Legal Section are in the process tol finalise the drafting of Offers to Purchase	Legal

LOCAL ECONOMIC DEVELOPMENT & TOURISM: ACTION SHEET - COUNCIL

MEETING DATE	ITEM NO	ITEM DESCRIPTION	RESOLUTION	ACTION TAKEN	RESPONSIBLE OFFICIAL	CURRENT STATUS COMPLETED NOT COMPLETE IN PROGRESS ON GOING NO ACTION REQUIRED
31-May-21	**21/05/LED&T5**	**APPROVAL FOR REDIRECTING PORTION OF WINTERFEST BUDGET TO THE SOUTH AFRICAN LONGBOARD CHAMPIONSHIP EVENT 2020/2021 FY**	That a post-event report be tabled to Council for information and endorsement.	DONE	Manager:LED & Tourism	
30-Sep-21	**21/09/LED&T3**	**SPONSORSHIP REQUEST: 3 YEAR TERM- PROFESSIONAL GOLFERS ASSOCIATION (PGA) TOURNAMENT IN KOUGA, LINKS GOLFING ESTATE**	That Council approves the 3-year sponsorship of R275 000.00 (excl. vat) to the PGA Championship, subject to it being hosted in Kouga LM area in the next 3 years (2021 – 2023).	DONE		
			That Council authorizes the Accounting Officer to conclude a Sponsorship Agreement / SLA with the PGA in respect of sponsorship stated in 1. above.	DONE		
14-Oct-21	**21/10/LED& T1**	**FUNDING PROPOSAL FOR SEWING PROJECT IN HUMANDORP THROUGH BIGM FUNDING**	That funding of R50 000 to Sakhe Family Care and Development Centre sewing project as part of BIGM programme be approved.	DONE		

KOUGA MUNICIPALITY (EC108)

ORDINARY COUNCIL MEETING

OFFICE OF THE MUNICIPAL MANAGER

DATE: 10 DECEMBER 2021 **ITEM NO: 21/12/MM2**

REPORT ON DELEGATIONS REGISTER

1. Introduction

As a result of the fact that a new Council has been elected, effect must be given to Section 59 (2)(f) of the Local Government Municipal Systems Act, 32 of 2000, as amended (the Act).

The purpose of this item is therefore to present the approved Delegations Register to Council for confirmation, whereafter a report will be submitted by the Municipal Manager to the Municipal Council, through the Executive Mayor, in line with Section 65 of the Act, which provides as follows:

65 Review of delegations

(1) Whenever it becomes necessary in terms of section 59 (2) (f) to review a municipality's delegations, the municipal manager must submit to the council-

(a) a report on the existing delegations issued in terms of section 59 by the council and other delegating authorities of the municipality; and

(b) recommendations on any changes to the existing delegations which the municipal manager may consider necessary.

(2) If the municipality has an executive committee or executive mayor, the municipal manager must submit the report and any recommendations to the municipal council through the executive committee or executive mayor.

2. Report

The Delegations Register was approved by Council under resolution 18/08/CORP6, in August 2018. (Delegations Register attached and marked as Annexure A)

3. Discussion

In order not to execute the functions and powers of the Municipality in a legislative void regarding administrative and operational issues, the Delegation Register adopted by the previous Municipal Council should be confirmed.
The Municipal Manager must, in due course, submit a report to the relevant Committees for ultimate recommendation to the Municipal Council to review the said delegations.

4. Legal Framework

In terms of section 59(2)(f) of the Act, such system of delegations **must** be reviewed when a new Council is elected.

Section 65 *supra* refers.

5. Recommendation

5.1 That the Delegation Register be confirmed and adopted;

5.2 That the Municipal Manager be instructed to submit a report to the Mayoral Committee with recommendations on any changes to the Delegation Register mentioned in 5.1 above;

5.3 That the Mayoral Committee submit recommendations thereon to the Municipal Council for resolution.

Item prepared by Manager: Legal Services

Item approved by the Acting Deputy Municipal Manager

KOUGA MUNICIPALITY (EC108)

SYSTEM OF DELEGATIONS

2018

SYSTEM OF DELEGATIONS

(1) DEFINITIONS AND INTERPRETATIONS

In this part, unless the context indicates otherwise:-

"Delegation" in relation to a duty, includes an instruction to perform or assist in performing the duty and **"delegate"** has a corresponding meaning;

"Delegating authority" shall have the meaning assigned thereto in the Municipal Systems Act No. 32 of 2000;

"Delegatee" refers to the person to whom a power or function has been delegated or who has been instructed to perform a defined function or duty;

"Executive authority" in relation to the Municipality, means the Municipality's executive authority envisaged in Section 156 of the Constitution, read with Section 11 of the Municipal Systems Act No. 32 of 2000;

"Speaker" means the Councillor elected as Speaker of the Council in terms of section 36 of the Municipal Structures Act No. 117 of 1998;

"Mayor" means the Councillor elected by the Council as Mayor in terms of section 55 (1) of the Municipal Structures Act No 117 of 1998;

"MEC" means the Member of the Executive Committee of the province responsible for local government;

"Municipal Council" or **"Council"** means Council of Kouga Municipality referred to in section 157(1) of the Constitution;

"Municipality" means the Kouga Municipality, a local municipality established in terms of section 12 of the Municipal Structures Act No. 117 of 1998;

"Political Office Bearer" means the Speaker of the Council;

"Political Structure" means the Council or any Committee of the Council;

"Portfolio Committee" means a Committee elected by the Council in terms of section 80 read with section 79 of the Municipal Structures Act No. 117 of 1998.

(2) STATUTORY FRAMEWORK

(2.1) The Constitution

(2.1.1) Section 160 (2) of the Constitution provides that a Municipal Council may not delegate the following powers and functions:

(a) the passing of by-laws;

(b) the approval of budgets;

(c) the imposition of rates and other taxes, levies and duties;

(d) the raising of loans.

(2.2) Municipal Systems Act No. 32 of 2000

(2.2.1) Section 11 (4): Decision to be in writing

A decision taken by a Municipal Council or any other political structure of the municipality must be in writing.

(2.2.2) "Section 59: Delegations

(1) A municipal Council must develop a system of delegation that will maximise administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with that system, may-

(a) delegate appropriate powers, excluding a power mentioned in section 160 (2) of the Constitution and the power to set tariffs, to decide to enter into a service delivery agreement in terms of section 76 (b) and to approve or amend the municipality's Integrated Development Plan, to any of the municipality's other political structures, political office bearers, Councillors, or staff members;

(b) instruct any such political structure, political office bearer, Councillor, or staff member to perform any of the municipality's duties; and

(c) withdraw any delegation or instruction.

(2) A delegation or instruction in terms of sub-section (1)-

(a) must not conflict with the Constitution, this Act or the Municipal Structures Act;

(b) must be in writing;

(c) is subject to any limitations, conditions and directions the municipal Council may impose;

(d) may include the power to sub-delegate a delegated power;

(e) does not divest the Council of the responsibility concerning the exercise of the power or the performance of the duty; and

(f) must be reviewed when a new Council is elected.

(3) The Municipal Council-

(a) in accordance with procedures in its rules and orders, may, or at the request in writing of at least one quarter of the Councillors, must, review any decision taken by such a political structure, political office bearer, Councillor or staff member in consequence of a delegation or instruction, and either confirm, vary or revoke the decision subject to any rights that may have accrued to a person; and

(b) may require its Executive Committee to review any decision taken by such a political structure, Political Office Bearer, Councillor or staff member in consequence of a delegation or instruction.

(4) Any delegation or sub-delegation to a staff member of a power conferred on a Municipal Manager must be approved by the Municipal Council in accordance with the system of delegation referred to in sub-section (1).

(2.2.3) Section 60: Certain delegations restricted to Municipal Manager

(2) The Council may only delegate to the Municipal Manager the power to make decisions on investments on behalf of the municipality within the municipality's investment policy contemplated in Section 13(2) of the Local Government: Municipal Finance Management Act No. 56 of 2003.

(2.2.4) Section 61: Referral of matters to delegating authorities for decision

A political structure, political office bearer, Councillor or staff member of a municipality to whom a delegating authority has delegated or sub-delegated a power to dispose of matters falling within the area of responsibility of that political structure, political office bearer, Councillor or staff member may, or must if instructed to do so by the relevant delegating authority, refer a matter before the political structure, political office bearer, Councillor or staff member to the relevant delegating authority for a decision.

(2.2.5) Section 62: Appeals

(1) A person whose rights are affected by a decision taken by a political structure, political office bearer, Councillor or staff member of a municipality in terms of a power or duty delegated or sub-delegated by a delegating authority to the political structure, political office bearer, Councillor or staff member, may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager with 21 days of the date of the notification of the decision.

(2) The Municipal Manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).

(3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

(4) When the appeal is against a decision taken by-

(a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;

(b) the Municipal Manager, the Council is the appeal authority; or

(c) a political structure or political office bearer, or a Councillor-

(i) the municipal Council is the appeal authority where the Council comprises less than 15 Councillors; or

(ii) a committee of Councillors who were not involved in the decision and appointed by the municipal Council for this purpose is the appeal authority where the Council comprises more than 14 Councillors.

(5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

(6) The provisions of this section do not detract from any appropriate appeal procedure provided for in any other applicable law.

(2.2.6) Section 63: Duty to report to delegating authorities

A political structure, political office bearer, Councillor or staff member of a municipality to whom a delegating authority has delegated or sub-delegated a power or duty, must report to the delegating authority as such intervals as the delegating authority may require, on decisions taken in terms of that delegated or sub-delegated power or duty since the last report

(2.2.7) Section 64: Withdrawal, amendment or lapsing of delegation or sub-delegation

The withdrawal, amendment or lapsing of a delegation or sub-delegation does not invalidate anything done as a consequence of a decision taken in terms of that delegation or sub-delegation.

(2.2.8) Section 65: Review of delegation

(1) Whenever it becomes necessary in terms of section 59(2)(f) of the Act to review a municipality's delegations, the Municipal Manager must submit to the Council –

(a) a report on the existing delegations issued in terms of section 59 by the Council and other delegating authorities of the municipality; and

(b) recommendations on any changes to the existing delegations which the Municipal Manager may consider necessary.

(2) If the municipality has a executive mayor, the Municipal Manager must submit the report and any recommendations to the municipal Council through the executive committee or executive mayor.

(2.3) Municipal Structures Act No. 117 of 1998

(2.3.1) Section 30 (5)

Before a municipal Council takes a decision on any of the following matters, it must first require the Mayor to submit to it a report and recommendation on the matter concerned:-

(a) any matter mentioned in section 160 (2) of the Constitution;

(b) the approval of an Integrated Development Plan for the municipality and any amendment to that plan; and

(c) the appointment and conditions of service of the Municipal Manager and a head of department of the Municipality.

(2.3.2) Section 60 – the Mayoral Committee

(1) If a municipal Council has more than nine members, its executive mayor -

(a) must appoint a mayoral committee from among the Councillors to assist the executive mayor;

(b) may delegate specific responsibilities to each member of the committee;

(c) may delegate any of the executive mayor's powers to the respective members; and

(d) may dismiss a member of the mayoral committee.

(2) The mayoral committee must consist of the deputy executive mayor (if any) and as many Councillors as may be necessary for effective and efficient government, provided that no more than 20 per cent of the Councillors or 10 Councillors, whichever is the least, are appointed.

(3) Those of the executive mayor's powers and functions as may be designated by the municipal Council, must be exercised and performed by the executive mayor together with the other members of the mayoral committee.

(2.4) Municipal Finance Management Act No. 56 of 2003

(2.4.1) Section 79

(1) The accounting officer of a Municipality:

(a) Must for the proper application of the Municipal Finance Management Act in the Municipality's administration develop an appropriate system of delegation that will both maximize administrative and operational efficiency and provide adequate checks and balances in the Municipality's financial administration;

(b) May, in accordance with that system, delegate any of the powers or duties assigned to an accounting officer in terms of his Act:

(i) To a member of the Municipality's top management referred to in section 72; and

(ii) To any other official of the Municipality.

(c) Must regularly review delegations in terms of paragraph (b) and, if necessary, amend or withdraw any of those delegations.

(2) A delegation in term of subsection (1):

(a) must be in writing;

(b) is subject to such limitations and conditions as the accounting officer may impose in a specific case;

(c) may either be to a specific individual or to the holder of a specific post in the Municipality;

(d) may, in case of a delegation to a member of the Municipality's top management in terms of subsection (1)(b)(I), authorise that member to sub-delegate the delegated power or duty to an official or the holder of a specific post in the member's area of responsibility; and

(e) does not divest the accounting officer of the responsibility concerning the exercise of the delegated duty.

(3) The accounting officer may confirm, vary or revoke any decision taken in consequence of a delegation or sub-delegation in terms of this section, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

(3) PRINCIPLES OF DELEGATION

The following principles underpin this system of delegation of power:

(1) All legislative and executive powers are vested in the Council notwithstanding the fact that the Council may delegate such executive powers as it is lawfully entitled to delegate to any political structure, political office bearer or staff member of the Municipality;

(2) In exercising delegated authority, Council's decision makers must do so in the spirit of utmost good faith and transparency;

(3) It is the duty of the delegating authority to ensure that clear and comprehensive policies are drafted subject to these policies being amended or substituted at any given time;

(4) All delegations must be aimed at empowering the relevant functionaries to perform their function effectively, taking into account the different levels of decision-making;

(5) The functions allocated to Council's executive as may be approved by Council from time to time, form the basis of the allocation of delegations of executive decision-making power;

(6) All delegations must enhance service delivery without compromising accountability;

(7) Delegations must not oblige the delegate to exercise delegated powers and must accordingly allow for the decision to be taken at the next higher level. Delegated powers do not absolve Council or the Municipality from the responsibility of exercising powers or performing duties;

(8) All delegations must provide for good governance and allow for adequate checks and balances to ensure responsible and accountable decision-making;

(9) In the event that any delegated power conflicts or transgresses legislation, by-laws and/or the procurement policy of the Municipality the delegated power will be deemed to have never existed.

(4) CONDITIONS OF DELEGATIONS

All decision-making powers delegated by the Delegating Authority are subject to the following conditions:

(a) Delegated powers conferred on political structures, political office bearers, Councillors and staff members are not conferred personally on incumbents. Anyone properly appointed in a position has the delegated powers conferred on that position;

(b) Delegations also apply to acting positions. Persons acting in these positions have the same-delegated powers as those serving in a permanent capacity;

(c) In executing any delegated power, the delegatee shall, under all circumstances, comply with all relevant legislation, agreements and policies;

(d) Delegations do not redefine Council's powers and functions;

(e) Council policies, whether existing or future, determine the parameters of any delegation and the delegating authority is bound to comply with such policies Non-compliance causes any decision so taken to be ultra vires;

(f) In executing delegated powers, no expenditure may be incurred unless the delegatee is satisfied that the Council has budgeted for the expenditure concerned and that the funds are still available on the relevant budget votes;

(g) Political office bearers, political structures and staff members are authorized to sub-delegate any of their delegated powers, duties and functions unless specifically prohibited from do so in terms of this system of delegation. Where a matter has been delegated to an individual Councillor, the matter cannot be delegated or sub-delegated to an official;

(h) Any sub-delegation of a power, duty or function authorized in terms of this system of delegations must be in writing, and may be given subject to limitations, conditions and directions by the person who grants the sub-delegation;

(i) It is not permissible for a sub-delegated power to be further sub-delegated;

(j) The conferring of a delegation or sub-delegation does not divest the delegating authority from exercising the responsibility concerning the exercise of the power or the performance of the duty concerned;

(k) A political structure, a political office bearer or a staff member to whom a power has been delegated may decline to exercise such power and refer it for decision to the Council, political structure, political office bearer or official which/who delegated such power, unless this system specifically provides otherwise;

(l) A political structure, political office bearer or Councillor of a municipality to whom a delegating authority has delegated a power, duty or function must report quarterly to the delegating authority on decisions taken in terms of that delegated power, duty or function;

(m) In exercising any power, duty or function in terms of this System of Delegation a political structure, political office bearer or official must comply with the provision of the Promotion of Administrative Justice Act No. 3 of 2000 and the regulations promulgated in terms thereof;

(n) In exercising any power, duty or function in terms of this System of Delegation a political structure, political office bearer or a staff member must comply with the provisions of Council's policies, By-laws and any law relating to the matter under consideration. It is the duty of such political structure,-office bearer or staff member to acquaint him/herself with such policies, by-laws or other legislation;

(o) The exercising of any power, duty or function includes the right to do anything reasonably necessary for or incidental to the effective performance of such power, duty or function;

(p) Council or any other delegating authority may at any time, subject to applicable law, and the accrual of any rights, order a delegated matter not to be proceeded with by the delegate and then deal with the matter it/him or herself;

(q) The delegatee may determine whether a report is needed to motivate a decision and whether the decision must be reduced to writing. If a report is required then it must indicate that all legal and financial requirements have been met;

(r) A delegation may set out special circumstances in which a delegate is prohibited from exercising their delegated power, for example if the delegate is recommending the rejection of the most financially beneficial tender offer;

(s) Any sub-delegation must be reduced to writing and recorded in the delegation register contained in Part B;

(t) Provision must be made for separation between the evaluation and recommendation stage of the decision-making process and the actual decision itself. This must happen in all cases where the decision-making process is reasonably capable of being divided as set out above.

The word "grant/approve" in the delegations set out below also means to "refuse", to "revoke",

to "vary" and/or "amend".

Should there be a duplication of a power, duty or function the power, duty or function conferred on the higher authority will take precedence.

(5) WITHDRAWAL, AMENDMENTS OR LAPSING OF DELEGATION OF SUB-DELEGATION IN TERMS OF SECTION 64 OF THE SYSTEMS ACT

The Council or any other delegating authority may at any time withdraw, qualify or amend a delegation made by it.

The withdrawal, amendment or lapsing of a delegation or sub-delegation, does not invalidate anything done as a consequence of a decision taken under that delegation or sub-delegation.

(6) REVIEW OF DELEGATIONS

Council must in accordance with the procedures of its Standing Rules and Orders, review any decision taken under delegated powers if so requested in writing by at least a quarter of the members of Council.

This system of delegations must be reviewed when a new Council is elected. The Municipal Manager must submit a report on the existing delegations issued by the Council and other delegating authorities of the Municipality and recommendations on any proposed changes thereto.

(7) REGISTER TO BE READ IN CONJUNCTION WITH POLICY ON ROLES AND RESPONSIBILITIES

This Register shall be read and be interpreted in conjunction with the Policy on Roles and Responsibilities adopted by the Council in terms of Section 53 of the Municipal Systems Act No. 32 of 2000.

CHAPTER 1 **Delegation of powers as defined in terms of applicable Acts**

1. Constitution of the Republic of South Africa 1996

Section	Conferred Powers	Delegated from	Delegated to	Conditions	Sub-delegation
6(3)(b)	Determination of a language policy	Council	None	Must receive and consider report and recommendations from the Executive Mayor and take into account the language preferences and usage in the municipal area	N
23(3)	Forming/joining an employer's organization	Council	None	Subject to receiving and considering a report of the Executive Mayor	N
25(2)	Expropriation of property and rights in, to or over property	Council	None	Together with the other members of the Mayoral Committee	N
25(3)	Determining the amount of compensation payable for expropriated property	Council	Executive Mayor	Together with the other members of the Mayoral Committee	N
43(c)	To make by-laws	Council	None	None	N
99	Concluding an agreement with a Cabinet member to receive a function or power assigned to the municipality	Council	Executive Mayor	Subject to the agreement having been approved by the Council	Y
126	Concluding an agreement with a member of the provincial executive council to receive a function or power assigned to the municipality	Council	Executive Mayor	Subject to the agreement having been approved by the Council	Y
139	Considering a directive issued by the provincial government pursuant to the municipality failing to fulfil an executive obligation in terms of legislation	Council	None	Subject to receiving and considering a report of the Executive Mayor	N
152	Deciding the actions that must be taken to achieve the objects of local government	Council	None	Subject to receiving and considering a report of the Executive Mayor	N

153	Deciding on the structure and management of the municipality's administration and budgeting and planning processes to give priority to the basic needs of the community and	Council	88 Municipal Manager	Subject to a policy framework determined by the Council after receiving and considering a report and recommendations from the Executive Mayor	N

Section	Conferred Powers	Delegated from	Delegated to	Conditions	Sub-delegation
	to promote the social and economic development of the community				
153	Deciding on the nature and scope of the municipality's participation in national and provincial development programmes	Council	Executive Mayor	Together with the other members of the Mayoral Committee	N
154(2)	Making representations regarding draft legislation affecting the status, institutions, powers or functions of local government	Council	None	Subject to receiving and considering a report from the Executive Mayor	N
156(1)	Deciding which of the local government matters assigned to the municipality must be performed	Council	None	Subject to receiving and considering a report from the Executive Mayor	N
156(4)	Concluding an agreement for the assignment of a matter to the municipality by the national or provincial government	Council	Executive Mayor	Subject to the agreement having been approved by the Council	Y
160(1)(b)	Electing a chairperson (speaker)	Council	None	None	N
160(1)(c)	Electing an executive and other committee	Council	None	In the case of a- ▲ section 79-committee, after receiving the report and recommendations of the Speaker ▲ section 80 and advisory committees in terms of section 17(4) of the Systems Act, subject to receiving and considering a report and recommendations from the	N

			89	Executive Mayor	
160(6)	Making bylaws that prescribe rules and orders	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N
160(7)	Deciding to close a meeting of the Council or those of its committees	Council	The councillor/ person presiding at the meeting	Considering the reasonableness of the motion having regard to the nature of the business being transacted	N
163	Deciding to become and remain a member of an organization representing municipalities	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N

Section	Conferred Powers	Delegated from	Delegated to	Conditions	Sub-delegation
195(4)	Deciding whether to appoint people on policy considerations	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N
217	Determining a procurement system that is fair, equitable, transparent, competitive and cost-effective when it contracts for goods or services	Council	Executive Mayor	Together with the other members of the Mayoral Committee	N
227(1)	Deciding on the allocation of the equitable share of revenue raised nationally accruing to the municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N

229(1)	Imposing rates on property and surcharges on fees for services provided by or on behalf of the municipality and other taxes, levies and duties appropriate to local government	Council	90 None	Subject to receiving and considering a report and recommendations from the Executive Mayor in the form of a draft annual budget or adjustments budget	N
229(4)	Deciding to share revenue raised by the municipality with municipalities that have fiscal power and functions in the municipality's area	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor in the form of a draft annual budget or adjustments budget	N
230	Deciding to raise loans for capital or current expenditure	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N

2. Local Government: Municipal Demarcation Act 1998 (Act No 20 of 1998)

Section	Conferred Powers	Delegated from	Delegated to	Conditions	Sub-delegate
21(4)	Submitting an objection regarding the determination or re-determination of the municipality's boundaries to the Demarcation Board	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N
26(3)	Considering a written invitation by the Demarcation Board to make representations regarding the intended demarcation of the municipality's boundaries	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N

3. Local Government: Municipal Structures Act 1998 (Act No 117 of 1998)

Section	Conferred Powers	Delegated from	Delegated to	Conditions	Sub-delegate
12(4)	Participating in any consultations regarding the establishment of a municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N
15	Reviewing and rationalising the bylaws and resolutions (including standing delegations) of any preceding municipalities that binds the municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N
16(3)	Participating in any consultation regarding an amendment to the notice establishing the municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N
18(4)	Designating councillors determined by the MEC for local government to be full-time councillors	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N
19(2)	Annual reviewing of the needs of the community	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor in terms of the municipality's integrated development plan or a proposed amendment thereto	N
19(2)	Annual reviewing of the municipality's priorities to meet those needs	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor in terms of the municipality's integrated development plan or a proposed amendment thereto	N
19(2)	Annual reviewing of the municipality's processes for involving the community	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N
19(2)	Annual reviewing of the municipality's organisational and delivery mechanisms for meeting the needs of the community	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N

19(2)	Annual reviewing of the municipality's overall performance in achieving the objects of local government set out in the Constitution	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N
19(3)	Developing mechanisms to consult the community and community organisations in performing its functions and exercising its powers	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N

Section	Conferred Powers	Delegated from	Delegated to	Condition	Sub-delegate
25(3)	Calling and setting a date or dates for a by-election	Municipal Manager	None		N
29(1)	Deciding when and where a council meets	Speaker	None		N
29(1)	Convening special council meetings at a place and time set out in a request received in terms of section 29(1) of the Structures Act	Speaker	None		N
29(2)	Determining the time, date and place of the first council meeting after a Council has been declared elected	Municipal Manager	None		N
30(4)	Casting a casting vote when there is an equality of votes	Councillor presiding at a meeting	None		N

30(5)	Submitting the report and recommendation of the Executive Mayor before the Council considers- ✦ any matter mentioned in section 160 (2) of the Constitution; [1] ✦ the approval of an integrated development plan and any amendment to that plan; and ✦ the appointment and conditions of service of the Municipal Manager and departmental heads of the municipality.	Executive Mayor	None	Subject to the report and recommendations having been prepared together with the other members of the mayoral committee. In the case of appointments and conditions of service of the Municipal Managers and Senior Managers, subject to the Local Government: Regulations on appointment and conditions of employment of Senior Managers read with Section 72 of the Municipal Systems Act, 200 (Act 32 of 2000)	N
33	Determining whether the establishment of a particular committee is necessary	Council	None	In the case of a- ▲ section 79-committee, subject to receiving the report and recommendations of the Speaker ▲ section 80 and advisory committees in terms of section 17(4) of the Systems Act, subject to receiving and considering a report and recommendations from the Executive Mayor	N
34	Deciding to dissolve the Council	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor, which report and recommendations	N

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
				must have been prepared together with the other members of the mayoral committee		
36(2)	Electing a Speaker to fill a vacancy in the position of speaker	Council	None	None	N	

40	Deciding to remove the Speaker from office	Council	None 94	Provided that notice of the motion to remove the speaker has been given to all councillors	N	
41	Electing an acting Speaker	Council	None	None	N	
54	Deciding to have an Executive Mayor	Council	None	Subject to receiving a report from the Municipal Manager	N	
55	Electing an Executive Mayor	Council	None	None	N	
56(1)	Receiving reports from committees of the Council and forwarding such reports together with a recommendation to the council when the matter cannot be disposed of by the Executive Mayor in terms of her/his delegated powers	Executive Mayor	None	None	N	
56(2)	Identifying the needs of the municipality	Executive Mayor	None	Together with the other members of the mayoral committee	N	
56(2)	Reviewing and evaluating the identified needs of the municipality in order of priority	Executive Mayor	None	Together with the other members of the mayoral committee	N	
56(2)	Recommending to the Council strategies, programmes and services to address priority needs through the integrated development plan and the estimates of revenue and expenditure, taking into account any applicable national and provincial development plans	Executive Mayor	None	Together with the other members of the mayoral committee	N	
56(2)	Recommending or determining the best way, including partnership and other approaches, to deliver the strategies, programmes and services that were recommended to the maximum benefit of the community	Executive Mayor	None	Together with the other members of the mayoral committee	N	

56(3)	Identifying and developing criteria in terms of which progress in the implementation of the strategies, programmes and services can be evaluated, including key performance indicators which are specific to the	Executive Mayor	95 None	Together with the other members of the mayoral committee	N	

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
	municipality and common to local government in general					
56(3)	Evaluating progress against the key performance indicators determined by the Council	Executive Mayor	None	Together with the other members of the mayoral committee	N	
56(3)	Reviewing the performance of the municipality in order to improve the economy, efficiency and effectiveness of the municipality; the efficiency of credit control and revenue and debt collection services and the implementation of the municipality's by-laws	Executive Mayor	None	Together with the other members of the mayoral committee	N	
56(3)	Monitoring the management of the municipality's administration in accordance with the directions of the Council	Executive Mayor	None	Together with the other members of the mayoral committee	N	
56(3)	Overseeing the provision of services to communities in a sustainable manner	Executive Mayor	None	Together with the other members of the mayoral committee	N	
56(3)	Annual reporting on the involvement of communities and community organisations in the affairs of the municipality	Executive Mayor	None	Together with the other members of the mayoral committee	N	
56(3)	Ensuring that regard is given to public views and report on the effect of consultation on the decisions of the Council	Executive Mayor	None	Together with the other members of the mayoral committee	N	

56(4)	Determining the ceremonial role, if any, to be performed by the Executive Mayor	Council	Council	None	N	
56(4)	Performing a ceremonial role as determined by the Council	Council	None	None	N	
56(5)	Reporting to the council on decisions taken by the Executive Mayor	Executive Mayor	None	None	Y	
58	Removing the Executive Mayor from office	Council	None	Providing that notice of the motion to remove the Executive Mayor from office has been given to all councillors	N	
60(1)	Appointing a mayoral committee from among the councillors to assist the Executive Mayor	Executive Mayor	None	None	N	
60(1)	Delegating of specific responsibilities to members of the mayoral committee	Executive Mayor	None	None	N	

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
60(1)	Dismissing members of the mayoral committee	Executive Mayor	None	None	N	
60(2)	Determining the size of the mayoral committee	Executive Mayor	None	None	N	
60(3)	Designating the powers and functions of the Executive Mayor that must be performed and exercised together with the other members of the mayoral committee	Council	Council	None	N	
79(1)(a)	Establishing committees	Council	None	Subject to receiving and considering a report and recommendations from the Speaker	N	
79(1)(b)	Appointing members of committees	Council	None	Subject to receiving and considering a report and recommendations from the Speaker	N	
79(1)(c)	Dissolving committees	Council	None	Subject to receiving and considering a report and recommendations from the Speaker	N	

79(2)(a)	Determining the functions of a committee	Council	None[97]	Subject to receiving and considering a report and recommendations from the Speaker	N	
79(2)(b)	Appointing the chairperson of a committee	Council	None	None	N	
79(2)(c)	Authorising a committee to co-opt advisory members who are not members of the Council and setting limits on such co-option	Council	None	Subject to receiving and considering a report and recommendations from the Speaker	N	
79(2)(d)	Removing a member of a committee	Council	None	None	N	
79(2)(e)	Determining a committee's procedures	Council	None	None	N	
80(1)	Appointing committees to assist the Executive Mayor	Council	None	Subject to receiving and considering a report and recommendations from the Speaker after consultation with the Executive Mayor	N	
80(3)(a)	Appointing the chairperson of a section 80 committee	Executive Mayor	None	None	N	
80(3)(d)	Varying or revoking decisions of a section 80 committee	Executive Mayor	None	None	N	
81(3)	Determining a procedure for consulting traditional leaders on any matter directly affecting the area of a traditional authority	Council	Executive Mayor	None	Y	
87(2)	Deciding whether to object to the temporary assignment of a functional competency of another municipality to the municipality	Council	Executive Mayor	Together with the full Executive Mayoral Committee	N	
Section	**Power conferred**	**Delegating authority**	**Delegated body**	**Conditions**	**Sub-delegate**	**Delegatee**
88(1)	Deciding on the nature and scope of the assistance to be provided to another municipality	Council	Executive Mayor	Together with the other members of the Mayoral Committee	N	
88(2)	Deciding to request another municipality for financial, technical and administrative assistance	Council	Executive Mayor	Together with the other members of the Mayoral Committee after consultation with the MM	N	

4. Local Government: Municipal Systems Act 2000 (Act No 32 of 2000)

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
4(2)(e)	Determining processes, mechanisms and procedures for consulting the local community about the level, quality, range and impact of municipal services provided by the municipality, either directly or through another service provider and the available options for service delivery	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
4(2)(c)	Determining processes, mechanisms and procedures for encouraging the involvement of the local community	Council	Executive Mayor	Together with the other members of the Mayoral Committee	N	
4(2)(d)	Determining processes, mechanisms and procedures for ensuring that municipal services are provided to the local community in a financially and environmentally sustainable manner	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
4(2)(h)	Determining processes, mechanisms and procedures for promoting gender equity in the exercise of the municipality's executive and legislative authority	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
4(2)(j)	Determining the contribution to be made by the municipality, together with other organs of state, to the progressive realisation of the fundamental rights contained in sections 24, 25, 26, 27 and 29 of the Constitution[5]	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	

5(1)(a)	Determining the processes, mechanisms and procedures for the local community to contribute to the decision-making processes of the municipality and submit written or oral recommendations, representations and complaints to the Council or to another political structure or	Council	99 Executive Mayor	Together with the other members of the Mayoral Committee	N	

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
	a political office bearer or the administration of the municipality[2]					
5(1)(b)	Determining the processes, mechanisms and procedures to provide to the local community prompt responses to their written or oral communications, including complaints, to the Council or to another political structure or a political office bearer or the administration of the municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
5(1)(c)	Determining the processes, mechanisms and procedures for informing the local community of decisions of the Council, or another political structure or any political office bearer of the municipality, affecting their rights, property and reasonable expectation	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
5(1)(d)	Determining the processes, mechanisms and procedures for regularly disclosing to the local community to regular disclosure of the state of affairs of the municipality, including its finances	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	

5(1)(e)	Determining the processes, mechanisms and procedures through which the local community may demand that the proceedings of the Council and those of its committees must be open to the public, conducted impartially and without prejudice and untainted by personal selfinterest	Council	100 None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
6(2)(a)	Determining the processes, mechanisms and procedures for the administration to be responsive to the needs of the local community	Municipal Manager	None	After consultation with the managers directly accountable to the Municipal Manager	N	
6(2)(b)	Determining the processes, mechanisms and procedures for facilitating a culture of public service and accountability amongst staff	Municipal Manager	None	After consultation with the managers directly accountable to the Municipal Manager	N	

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
6(2)(c)	Determining the processes, mechanisms and procedures for preventing corruption	Municipal Manager	None	After consultation with the managers directly accountable to the Municipal Manager	N	
6(2)(d)	Determining the processes, mechanisms and procedures for establishing clear relationships, and facilitating cooperation and communication, between it and the local community	Municipal Manager	None	After consultation with the managers directly accountable to the Municipal Manager	N	
6(2)(e)	Determining the processes, mechanisms and procedures for giving members of the local community full and accurate information about the level and standard of municipal services they are entitled to receive	Municipal Manager	None	After consultation with the managers directly accountable to the Municipal Manager	N	

6(2)(f)	Determining the processes, mechanisms and procedures for informing the local community how the municipality is managed, of the costs involved and the persons in charge	Municipal Manager	101 None	After consultation with the managers directly accountable to the Municipal Manager	N	
11(2)	Entering into a written agreement with another municipality to exercise executive authority in the area of that other municipality	Council	Executive Mayor	Subject to the agreement being approved by the Council	N	
13(a)	Determining a practical way to bring the contents of by-laws to the attention of the local community	Council	Municipal Manager	After consultation with the managers directly accountable to the Municipal Manager	N	
14(3)	Deciding whether to adopt a standard bylaw promulgated by the Minister for Provincial and Local Government or the MEC for local government, the extent of such adoption and any modifications and qualifications to such standard bylaw	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
15(1)	Compiling and maintaining in bound or loose-leaf form, and when feasible also in electronic format, a compilation of all the by-laws	Council	Municipal Manager	None	N	
15(3)	Determining a reasonable fee for a copy of or an extract from the municipal code of the municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
16(1)(a)	Determining the processes, mechanisms and procedures for encouraging, and creating conditions for, the local community to participate in the affairs of the municipality, including in the preparation, implementation and review of its integrated development plan, the establishment, implementation and review of its performance management system, the monitoring and review of its performance, including the outcomes and impact of such performance, the preparation of its budget and strategic decisions relating to the provision of municipal services	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
16(1)(b)	Determining the processes, mechanisms and procedures for contributing to building the capacity of the local community to enable it to participate in the affairs of the municipality and councillors and staff to foster community participation	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
16(1)(c)	Determining the annual allocation of funds in the budget, as may be appropriate for the purpose of implementing a culture of municipal governance that complements formal representative government with a system of participatory governance	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	

17(2)	Determining appropriate mechanisms, processes and procedures:		103			
17(2)(a)	to enable the local community for the receipt, processing and consideration of petitions and complaints lodged by members of the local community	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
17(2)(b)	for notification and public comment procedures, when appropriate	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
17(2)(c)	for public meetings and hearings by the Council and other political structures and	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
	political office bearers of the municipality, when appropriate					
17(2)(d)	for consultative sessions with locally recognised community organisations and traditional authorities	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
17(2)(e)	for report-back to the local community	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
17(4)	Establishing and appointing the members of one or more advisory committees consisting of persons who are not councillors to advise the Council on any matter within the Council's competence	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	

18(1)	Determining appropriate mechanisms, processes and procedures for communicating to its community information concerning the available mechanisms, processes and procedures to encourage and facilitate community participation, the matters with regard to which community participation is encouraged, the rights and duties of members of the local community and municipal governance, management and development	Council	104 Executive Mayor	Together with the other members of the Mayoral Committee	N	
19	Determining the manner in which the Municipal Manager must give notice to the public of the time, date and venue of every ordinary meeting of the Council and every special or urgent meeting of the Council, except when time constraints make this impossible	Council	Municipal Manager	None	Y	Director: Corporate Services
20(3)	Deciding to close a meeting of the mayoral committee	Mayoral committee	Executive Mayor	Taking into account the reasonableness of the motion having regard to the nature of the business being transacted	N	
20(4)(b)	Determining reasonable steps to regulate public access to, and public conduct at, meetings of the Council and its committees	Council	The councillor or person presiding at a meeting	After consultation with the Municipal Manager	N	

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
21(1)(b)	Determining newspapers circulating in the area as newspapers of record	Council	Executive Mayor	Together with the other members of the Mayoral Committee	N	

21(2)	Determining the official languages in which municipal notices must be published	Council	105 None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
21B(1)(a)	Deciding whether it is affordable for the municipality to establish its own official website	Council	Municipal Manager	None	N	
21B(3)	Regularly updating the municipality's website	Municipal Manager	Media Officer	Subject to the provisions of the approved policy	N	
25(1)	Adopting an integrated development plan for the municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
26(a)	Determining the Council's vision for the long-term development of the municipality with special emphasis on the municipality's most critical development and internal transformation needs to be incorporated in the IDP	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor in terms of the municipality's integrated development plan or a proposed amendment thereto	N	
26(c)	Determining the Council's development priorities and objectives for its elected term, including its local economic development aims and its internal transformation needs to be incorporated in the IDP	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor in terms of the municipality's integrated development plan or a proposed amendment thereto	N	
26(f)	Determining the Council's operational strategies to be incorporated in the IDP	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor in terms of the municipality's integrated development plan or a proposed amendment thereto	N	
28(1)	Adopting a written process to guide the planning, drafting, adoption and review of the integrated development plan	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	

28(2)	Determining appropriate mechanisms, processes and procedures for consulting the local community before adopting a process to guide the planning, drafting, adoption and review of the integrated development plan	Council	106 None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
30	Managing the drafting of the municipality's integrated development	Executive Mayor	None	Together with the other members of the mayoral committee	N	

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
	plan, assignment of responsibilities in this regard to the Municipal Manager and submitting the draft plan to the council for adoption					
32(1)(a)	Submitting the approved IDP to the MEC	Municipal Manager	None		N	
32(3)	Considering the MEC's request to reconsider the IDP or to follow the approved process/work plan	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
34	Annual reviewing and amending of the IDP	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
39	Managing the development of the municipality's performance management system, assignment of responsibilities in this regard to the Municipal Manager and submission of the proposed system to the municipal council for adoption.	Executive Mayor	None	Together with the other members of the mayoral committee	N	
40	Establishing mechanisms to monitor and review the municipality's performance management system	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	

42	Determining mechanisms, processes and procedures to involve the local community in the development, implementation and review of the municipality's performance management system, the setting of appropriate key performance indicators and performance targets for the municipality	Council	107 Executive Mayor	Together with the other members of the Mayoral Committee	N	
44	Determining the manner to make known, both internally and to the general public, the key performance indicators and performance targets the Council set for purposes of its performance management system	Council	Executive Mayor	Together with the other members of the Mayoral Committee	N	
46	Preparing the municipality's annual performance report	Council	Executive Mayor	Together with the other members of the mayoral committee	Y	
46(4)(a)	Determining a reasonable price for a copy of the municipality's annual performance report	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
53(1)	Defining the specific role and area of responsibility of each political structure and political office-bearer of the municipality and of the Municipal Manager	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
53(5)	Determining the relationships among the political structures and political office bearers and the Municipal Manager, and the manner in which they must interact	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
53(5)	Determining the appropriate lines of accountability and reporting for the political structures and political	Council	None	Subject to receiving and considering a report and	N	

	office bearers and the Municipal Manager		108	recommendations from the Executive Mayor		
53(5)	Determining the mechanisms, processes and procedures for minimizing cross referrals and unnecessary overlapping of responsibilities between the political structures and political office bearers and the Municipal Manager	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
53(5)	Determining the mechanisms, processes and procedures for resolving disputes between the political structures and political office-bearers and the Municipal Manager	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
53(5)	Determining the mechanisms, processes and procedures for interaction, between the political structures and political office-bearers and the Municipal Manager and other staff members of the municipality and councillors and the Municipal Manager and other staff members of the municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
54A	Appointing a Municipal Manager	Council	Council	Subject to the Local Government: Regulations on appointment and conditions of employment of Senior Managers read with Section 72 of the Municipal Systems Act, 200 (Act 32 of 2000)	N	
55	To consider, and take whatever action he/she may deem necessary in all legal actions, legal applications and arbitrations. To take all action necessary to conduct litigation and arbitration in the best interest of Council.	Council	Municipal Manager		**N**	

	In the circumstances in which, in his/her opinion, immediate action is required, to protect the interest of the Council or to enforce the regulations, tariffs or Town Planning Scheme of the Council by way of interdict, mandamus or other court order. To institute or intervene in any legal proceedings including criminal prosecutions or in any court of law.		109		

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
55(1)(a)	Forming and developing an economical, effective, efficient and accountable administration equipped to carry out the task of implementing the municipality's integrated development plan, operating in accordance with the municipality's performance management system and responsive to the needs of the local community to participate in the affairs of the municipality	Municipal Manager	None	Subject to the policy directions of the Council	N	
55(1)(b)	Managing the municipality's administration in accordance with legislation applicable to the municipality	Municipal Manager	None	Subject to the policy directions of the Council	N	
55(1)(c)	Implementing the municipality's integrated development plan, and monitoring progress with implementation of the plan	Municipal Manager	None	Subject to the policy directions of the Council	N	
55(1)(d)	Managing the provision of services to the local community in a sustainable and equitable manner	Municipal Manager	None	Subject to the policy directions of the Council	N	

55(1)(e)	Appointing staff other than those referred to in Section 56(a), subject to the Employment Equity Act, 1998	Municipal Manager	110 None	Subject to the policy directions of the Council	N	
55(1)(e)	Appointing staff, other than employees above TASK Grade level 12, including EPWP workers and temporary staff, subject to the Employment Equity Act, 1998	Municipal Manager	Director: Corporate Services	Subject to the policy directions of the Council	Y	Director: Corporate Services
55(1)(f)	Managing, effectively utilizing and training of staff	Municipal Manager	Director Corporate Services	Subject to the policy directions of the Council	Y	Manager Human Resources
55(1)(g)	Maintaining discipline of staff in respect of staff above Task Grade Level 12.	Municipal Manager	None	Subject to the policy directions of the Council, the Disciplinary Code and Procedure Collective agreement and the Labour Relations Act (66 of 1995)	N	
55(1)(g)	Maintaining discipline of staff in respect of staff below Task Grade Level 12.	Municipal Manager	Director Corporate Services	Subject to the policy directions of the Council, the Disciplinary Code and Procedure Collective agreement and the Labour Relations Act (66 of 1995)	N	
55(1)(h)	Promoting sound labour relations and compliance by the municipality with applicable labour legislation	Municipal Manager	None	Subject to the policy directions of the Council, South African Local Government Bargaining Council Collective Agreements and the Labour Relations Act (66 of 1995)	N	

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
55(1)(i)	Advising the political structures and political office bearers of the municipality	Municipal Manager	None	Subject to the policy directions of the Council	N	
55(1)(j)	Managing communications between the municipality's administration and its political	Municipal Manager	None	Subject to the policy directions of the Council	N	

	structures and political office bearers		111			
55(1)(k)	Carrying out the decisions of the political structures and political office- bearers of the municipality	Municipal Manager	None	Subject to the policy directions of the Council	N	
55(1)(l)	Administering and implementing of the municipality's by-laws and other legislation	Municipal Manager	None	Subject to the policy directions of the Council	N	
55(1)(n)	Facilitating participation by the local community in the affairs of the municipality	Municipal Manager	None	Subject to the policy directions of the Council	N	
55(1)(o)	Developing and maintaining a system whereby community satisfaction with municipal services is assessed	Municipal Manager	None	Subject to the policy directions of the Council	N	
55(1)(p)	Implementing national and provincial legislation applicable to the municipality	Municipal Manager	None	Subject to the policy directions of the Council	N	
56(a)	Determining the manner in which to consult the municipal manager regarding the appointment of managers directly accountable to the Municipal Manager	Council	None	Subject to the Local Government: Regulations on appointment and conditions of employment of Senior Managers read with Section 72 of the Municipal Systems Act, 200 (Act 32 of 2000)	N	
56(b)	Determining the relevant skills and expertise to perform the duties associated with a post of manager directly accountable to the Municipal Manager	Council	None	Subject to the Local Government: Regulations on appointment and conditions of employment of Senior Managers read with Section 72 of the Municipal Systems Act, 200 (Act 32 of 2000)	N	
57(1)	Approving the employment contract between the municipality and the Municipal Manager and a Manager directly accountable to the Municipal Manager	Council	None	Subject to the Local Government: Regulations on appointment and conditions of employment of Senior Managers read with Section 72 of the Municipal Systems Act, 200 (Act 32 of 2000)	N	

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
57(1)	Signing an employment contract with the Municipal Manager or a manager directly accountable to the Municipal Manager	Council	Executive Mayor	Subject to the contract being approved by the Council	N	
57(2)	Approving the first and annual performance agreement between the Municipality and the Municipal Manager	Council	Executive Mayor	None	N	
57(2)	Approving the first and annual performance agreement between the Municipal Manager and a Manager directly accountable to the Municipal Manager	Municipal Manager	None	None	N	
57(4B)	Conducting an evaluation of the performance of the Municipal Manager in respect of a financial year	Council	Executive Mayor		N	
	Conducting an evaluation of the performance of the managers directly accountable to the Municipal Manager in respect of a financial year	Municipal Manager	None		N	
	Consideration and approval of an evaluation of the performance of the Municipal Manager and managers directly accountable to the Municipal Manager	Council	Executive Mayor	Together with the other members of the Mayoral Committee	N	
57(6)(a)	Determining the term of employment of the Municipal Manager	Council	None	Subject to the Local Government: Regulations on appointment and conditions of employment of Senior Managers read with Section 72 of the Municipal Systems Act, 200 (Act 32 of 2000)	N	

57(6)(b)	Determining a provision for the cancellation of a contract of employment or performance agreement between the municipality and a Municipal Manager or manager directly accountable to a Municipal Manager for non-compliance with the employment contract or performance agreement	Council	113 None	Subject to the Disciplinary Regulations for Senior Managers, 2010	N	
57(7)	Deciding whether a manager directly accountable to the Municipal Manager must be appointed for a fixed term of employment	Council	None	Subject to the Local Government: Regulations on appointment and conditions of employment of Senior Managers read	N	

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
				with Section 72 of the Municipal Systems Act, 200 (Act 32 of 2000)		
57(7)	Determining the term of employment of a manager directly accountable to a Municipal Manager	Council	None	Subject to subject to the Local Government: Regulations on appointment and conditions of employment of Senior Managers read with Section 72 of the Municipal Systems Act, 200 (Act 32 of 2000)	N	
59(1)	Developing a system of delegation that will maximise administrative and operational efficiency and provide for adequate checks and balances	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
60(1)	Determining a policy framework for taking decisions to expropriate immovable property or rights in or to immovable property	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	

60(1)	Determining a policy framework for taking decisions regarding the determination or alteration of the remuneration, benefits or other conditions of service of the Municipal Manager or managers directly responsible to the Municipal Manager	Council	114 None	Subject to the Local Government: Regulations on appointment and conditions of employment of Senior Managers read with Section 72 of the Municipal Systems Act, 200 (Act 32 of 2000)	N	
62(4)(c)	Appointing an appeal authority consisting of a committee of councillors who were not involved in the decision, for considering appeals against a decision taken by a political structure, political office-bearer, councillor or staff member of the municipality in terms of a power delegated or sub-delegated that affects the rights of a person	Council	Speaker	None	N	
65(1)	Considering a report of the Municipal Manager regarding the review of the municipality's delegated powers	Council	None	None	N	
66(1)	Determining a policy framework for a staff establishment for the municipality, a job description for each post on the staff establishment, the remuneration and other conditions of service as may be determined in accordance with any applicable labour legislation attached to	Council	None		N	

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
	posts in the establishment and a process or mechanism to regularly evaluate the staff establishment and, if necessary, review the it and the remuneration and conditions of service					
66(1) (a)	Develop a staff establishment for the Municipality and submit the staff establishment to the Council for approval	Municipal Manager	None	Subject to the Local Government: Regulations on appointment and conditions of employment of Senior Managers read with Section 72 of the Municipal Systems Act, 200 (Act 32 of 2000)		
66(3)	Prevent the employment of any person unless the post is provided for in the staff establishment of the Municipality	Municipal Manager	Director: Corporate Services			
66 (4)	To declare any appointment made in contravention of section 66(3) null and void	Municipal Manager	None			
67(1)	Developing and adopting systems and procedures to ensure fair, efficient, effective and transparent personnel administration	Council	Municipal Manager	Subject to Labour Legislation and Collective Agreements	Y	Director: Corporate Services
68(2)	Determining the allocation provided for in the budget for the development and implementation of training programmes	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
71	Establishing mechanisms, procedures and processes for compliance with collective agreements concluded in the South African Local Government Bargaining Council	Council	Municipal Manager		Y	Director: Corporate Services: to be sub-delegated to the Manager Human Resources

74(1)	Adopting and implementing a tariff policy on the levying of fees for municipal services provided by the municipality itself or by way of service delivery agreements	Council	116 None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
75(1)	Adopting by-laws to give effect to the implementation and enforcement of the tariff policy	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
77	Reviewing current and determining appropriate mechanisms to provide municipal services	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
85(1)	Establishing a part of the municipality as an internal municipal service district to facilitate the provision of a municipal service in that part of the municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
86(1)	Developing and adopting a policy framework for the establishment, regulation and management of an internal municipal service district	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
86C (1)	Deciding whether to establish or participate or acquire an interest in a private company.	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
86G	Deciding to transfer ownership or otherwise dispose of a wholly owned private company or an interest in a private company	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
86H	Passing a by-law establishing a service utility	Council	None	Subject to receiving and considering a report and	N	

			117	recommendations from the Executive Mayor		
86K	Passing a by-law disestablishing a service utility	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
87	Deciding to establish, together with another municipality a multi-jurisdictional service utility to facilitate the provision of a municipal service in the relevant municipal areas or parts of those municipal areas	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
93D (1)	Designating, if the municipality is a parent municipality, a councillor or official, or both, as the municipality's representative(s) of the parent municipality	Council	None	None	N	
93D (2)	Calling or convening a meeting of the shareholders or board of directors of the municipal entity of which the municipality is a parent municipality in order for the board of directors to give account for actions taken by it	Executive Mayor	None	None	N	
93E	Determining the process for recruiting, selecting and appointing directors of the board of a municipal entity of which the municipality is a parent municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
93G	Deciding to recall and remove a director appointed by the municipality to the board of directors of a municipal entity	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	

95(a)	Establishing a customer management system	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	N	
95(b)	Establishing mechanisms for users of services and ratepayers to give feedback to the municipality or other service provider regarding the quality of the services and the performance of the service provider	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y	CFO: to sub-delegate to the Manager Income
95(c)	Stipulating the reasonable steps that must be taken to ensure that users of services are informed of the costs involved in service provision, the reasons for the payment of service fees, and the manner in which monies raised from the service are utilised	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y	CFO: to sub-delegate to the Manager Income
95(d)	Stipulating the reasonable steps that must be taken to ensure that the consumption by individual users of services is measured through accurate and verifiable metering systems where the consumption of services has to be measured	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y	CFO: to sub-delegate to the Manager Income
95(e)	Stipulating the steps that must be taken to ensure that persons liable for payments, receive regular and accurate accounts that indicate the basis for calculating the amounts due	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y	CFO: to sub-delegate to the Manager Income
95(f)	Establishing accessible mechanisms for persons to query or verify accounts and metered consumption, and appeal procedures which allow such persons to receive prompt redress for inaccurate accounts	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y	CFO: to sub-delegate to the Manager Income

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
95(g)	Establishing accessible mechanisms for dealing with complaints from persons, for promptly replying to complaints and corrective action	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y	Media Liaison Officer
95(h)	Establishing mechanisms to monitor the response time and efficiency in complying with complaints from persons, for promptly replying to complaints and corrective action	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y	Media Liaison Officer
95(i)	Determining the number and location of pay points and other mechanisms for settling accounts or for making prepayments for services	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y	CFO: to sub-delegate to the Manager Income
96(b)	Adopting, maintaining and implementing a credit control and debt collection policy which is consistent with the municipality's rates and tariff policies	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
98(1)	Adopting by-laws to give effect to the credit control and debt collection policy, its implementation and enforcement	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
99(c)	Determining the frequency during which the Executive Mayor must report to the Council on the implementation and enforcement of the municipality's credit control and debt collection policy and bylaws, the performance of the Municipal Manager in implementing the policy and by-laws and the evaluation or review of the policy and by-laws or the implementation of the policy and by-laws, in order to improve	Council	None	None	N	

	efficiency of its credit control and debt collection mechanisms, processes and procedures		120			
101	Issuing written authorization to an employee to access at all reasonable hours' premises in order to read, inspect, install or repair any meter or service connection for reticulation, or to disconnect, stop or restrict the provision of any service	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	Y	Director Infrastructure & Engineering

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
102(1)	Deciding to consolidate separate accounts of persons liable for payments to the municipality and to credit a payment by such a person against any account of that person	Council	Municipal Manager	After consultation with the Chief Financial Officer	Y	CFO
103(1)	Obtaining the consent of employees of other employers to deduct any payment of rates or other taxes, or fees for municipal services from the salaries and wages of such employees	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	N	
103(1)	Entering into agreement with the employers of other employees to deduct any payment of rates or other taxes, or fees for municipal services from the salaries and wages of such employees	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	N	

103(2)	Determining special incentives for employers to enter into agreements with the municipality to deduct any payment of rates or other taxes, or fees for municipal services from the salaries and wages of such employees	Council	121 None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
103(2)	Determining special incentives for employees of other employers to enter into agreements with the municipality to deduct any payment of rates or other taxes, or fees for municipal services from their salaries and wages	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
109(2)	Deciding to compromise or compound any action, claim or proceedings and submission to arbitration of any matter other than a matter involving a decision on its status, powers or duties or the validity of its actions or by-laws.	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	N	
110	Issuing a certificate, to be used in legal proceedings involving the municipality, that the municipality used the best known, or the only, or the most practicable and available methods in exercising any of its powers or performing any of its functions	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	N	

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
112	Obtaining the approval of the national prosecuting authority to enable an employee to institute criminal proceedings and conduct prosecutions in respect	Council	Municipal Manager	After consultation with the directors directly accountable to the Municipal Manager	N	

	of bylaws and other legislation applicable to the municipality		122			
117	Custody of all records and documents of the municipality	Municipal Manager	Director: Corporate Services	None	Y	Manager: Administration
118	Issuing of a rates clearance certificate	Council	CFO	None	Y	Manager Income
Schedule 1 Item (4)(1)	Considering applications submitted by councillors for leave of absence from meetings they are required to attend	Council	Speaker or Chairperson of the meeting concerned	None	N	
Schedule 1 Item (4)(1)	Imposing a fine as determined by the standing rules and orders on a councillor for not attending a meeting which that councillor is required to attend or failing to remain in attendance at such a meeting	Council	None	Subject to receiving and considering a report from the Speaker	N	
Schedule 1 Item (4)(3)	Adopting a uniform standing procedure for the imposition of a fine or the removal of a councillor	Council	None	Subject to receiving and considering a report from the Speaker	N	
Schedule 1 Item (5)(b)	Determining whether a councillor declared personal or private business interest in any matter before the Council or a committee is trivial or irrelevant	Council	The body at which the councillor concerned makes the declaration	Taking into account a policy framework determined by the Council	N	

Schedule 1 Item (6)(2)	Considering an application by a councillor to be a party to or beneficiary under a contract for the provision of goods or services to the municipality or the performance of any work otherwise than as a councillor for the municipality, or to obtain a financial interest in any business of the municipality or to appear on behalf of any other person before the Council or a committee for a fee or other consideration	Council	123 None	Subject to receiving and considering a report from the Speaker	N	

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
Schedule 1 Item (7)(4)	Determining which of the financial interests of councillors must be made public having regard to the need for confidentiality and the public interest for disclosure	Council	None	Subject to receiving and considering a report from the Speaker	N	
Schedule 1 Item (8)	Considering and refusing or consenting to an application of a full-time councillor to undertake other paid work	Council	None	Subject to receiving and considering a report from the Speaker	N	
Schedule 1 Item (10)	Granting permission to a councillor to disclose privileged or confidential information of the Council or committee to an unauthorized person	Council	None	Subject to receiving and considering a report from the Speaker	N	
Schedule 1 Item (11)	Mandating a councillor to interfere in the management or administration of any department or give an instruction to an employee	Council	None	Subject to receiving and considering a report from the Speaker	N	

Schedule 1 Item (13)	Authorising and/ or conducting an investigation into an alleged breach of the code of conduct for councillors	Speaker	124	None	N	
Schedule 1 Item (14) (1)	Investigating and making a finding on any alleged breach of a provision of the code of conduct for councillors or establishment of a special committee to investigate and make a finding on any alleged breach of the code and to make appropriate recommendations to the Council	Council	None	None	N	
Schedule 1 Item (14) (2)	Imposing a penalty on a councillor having been found guilty of a breach of the code of conduct for councillors	Council	None	None	N	
Schedule 1 Item (14) (3)	Making representations to the MEC regarding an appeal of a councillor that has been found guilty of a breach of the code of conduct form councillors	Council	Speaker	None	N	
Schedule 1 Item (15) (3)	Imposing a penalty on a traditional leader having been found guilty of a breach of the code of conduct for councillors	Council	None	None	N	
Schedule 2 Item (4)(2)(c)	To consider applications from employees (other than employees reporting directly to the Municipal Manager) for permission to perform remunerative work external to	Council	Municipal Manager	Subject to receiving a completed application from the applicant and a recommendation from the relevant line director.	N	

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
	the Municipality in line with the Municipal Policy.			All approvals granted will lapse annually. Applicants need to re-apply annually.		
Schedule 2 Item (4)(2)(c)	To consider applications from employees reporting directly to the Municipal Manager for permission to perform remunerative work external to the Municipality in line with the Municipal Policy.	Council	Executive Mayoral Committee	Subject to receiving a completed application from the applicant and a recommendation from the relevant line director. All approvals granted will lapse annually. Applicants need to re-apply annually.	N	

5. Remuneration of Public Office-Bearers Act 1998 (Act No 20 of 1998)

Section	Power conferred	Delegating authority	Delegated body	Conditions	Subdelegate	Delegatee
7(4)	Determining the salary, allowances and benefits payable to councillors	Council	None	None	N	

6. Promotion of Access to Information Act 2000 (Act No 2 of 2000)

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
17(1)	Designating such number of persons as deputy information officers as are necessary to render the municipality as accessible as reasonably possible for requesters of its records	Municipal Manager	None	After consultation with the directors directly accountable to the Municipal Manager	N	

7. Promotion of Administrative Justice Act 2000 (Act No 3 of 2000)

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
3(3)	Granting to a person whose rights or legitimate expectations may be materially affected by intended administrative action by the municipality, an opportunity to obtain assistance and, in serious or complex cases, legal representation, present and dispute information and arguments and appear in person.	Council	Executive Mayor	After consultation with the Speaker	N	
4(1)	Deciding, in cases where an administrative action materially and adversely affects the rights of the public, whether to hold a public inquiry or to follow a notice and comment procedure, or to hold a public enquiry and follow a procedure of notice and comment in order to give effect to the right to procedurally fair administrative action	Council	Speaker	After consultation with the Executive Mayor	N	

8. Promotion of Equality and Prevention of Unfair Discrimination Act 2000 (act No 4 of 2000)

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
26	Adopting appropriate equality plans, codes, regulatory mechanisms and other appropriate measures for the effective promotion of equality in the spheres of the municipality's operation, enforcing and monitoring the enforcement of the equality plans, codes and regulatory mechanisms developed by the municipality and making regular reports to the relevant monitoring authorities or institutions as may be provided in regulations, where appropriate.	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
28(3)	Determining mechanisms, processes and procedures to eliminate discrimination on the grounds of race, gender and disability and promote equality in respect of race, gender and disability.	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	

9. Water Services Act 1998 (Act No 107 of 1998)

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
3	Determining the processes, mechanisms, plans and programmes for realising the right of access to basic water supply and basic sanitation.	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor, which report must be prepared together with the other members of the mayoral committee	N	
4	Determining conditions for the provision of water services	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor, which report must be prepared together with the other members of the mayoral committee	N	
7	Granting permission to obtain water for industrial use from any source other than the distribution system of a water services provider nominated by the municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor, which report must be prepared together with the other members of the mayoral committee	N	
11(6)	Determining reasonable limits on the use of water	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor, which report must be prepared together with the other members of the mayoral committee	N	
19	Determining whether to perform the functions of a water services provider itself or to enter into a written contract with a water services provider or form a joint venture with another water services institution to provide water services	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor, which report must be prepared together with the other members of the mayoral committee	N	
21	Making bylaws which contain conditions for the provision of water services	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor, which report must be	N	

			129	prepared together with the other members of the mayoral committee		
22	Considering applications to operate as water services provider within the municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor, which report must be prepared together with the other members of the mayoral committee	N	

10. Housing Act 1997 (Act No 107 of 1997)

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
10	Deciding to apply for accreditation to administer national housing programmes	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor, which report must be prepared together with the other members of the mayoral committee		

11. Labour Relations Act 1995 (Act No 66 of 1995)

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
12(4)	Setting conditions as to time and place that are reasonable and necessary to safeguard life or property or to prevent the undue disruption of work when any office-bearer or official of a trade union enters the municipality's premises in order to recruit or communicate with members, or otherwise serve members' interests, to hold meetings with employees outside their working	Council	Municipal Manager	Subject to the Main Collective Agreement of the South African Local Government Bargaining Council	Y	Director Corporate Services: to sub-delegate to Manager Human Resources

	hours at the municipality's premises and to vote at the employer's premises in any election or ballot contemplated in that trade union's constitution.		130			

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
15(1)	Granting of leave to union representatives and office-bearers for union activities	Council	Municipal Manager	Subject to the Main Collective Agreement of the South African Local Government Bargaining Council	Y	Manager: Human Resources
16(2) and (3)	Deciding whether or not to disclose information to a union representative or union	Council	Municipal Manager	Subject to the relevant provisions in the Labour Relations Act (66 of 1995)	Y	Director: Corporate Services
23	Ensuring compliance with collective agreements	Council	Municipal Manager	None	N	Director: Corporate Services: sub-delegate to Manager Human Resources
69(2)	Considering an application by a trade union to picket inside the municipality's premises	Council	Municipal Manager	Subject to the Labour Relations Act (66 of 1995) or any collective agreement, if any	N	
72	Entering into a minimum service level agreement in respect of essential services provided by the municipality	Council	Municipal Manager	Subject to the provisions of the Main Collective Agreement of the South African Local Government Bargaining Council, and the Labour Relations Act (66 of 1995).	N	

76	Deciding to take into employment one or more replacement workers during a strike or similar action and determining their conditions of employment	Council	131 Municipal Manager	Subject to the Labour Relations Act (66 of 1995) or relevant collective agreement, if any, and after consultation with the managers directly accountable to the Municipal Manager	N	
142	Applying to the CCMA or SALGBC to subpoena a person to appear in proceedings before the CCMA or SALGBC	Council	Municipal Manager	Subject to the provisions of the Main Collective Agreement of the South African Local Government Bargaining Council.	N	
142A	Applying to the CCMA or SALGBC to make a settlement agreement an arbitration award	Council	Municipal Manager	Subject to the provisions of the Main Collective Agreement of the South African Local Government Bargaining Council.	N	
188A (1)	Seeking the consent of an employee accused of misconduct or poor work performance to consent to arbitration regarding the allegations	Council	Municipal Manager	Subject to the provisions of the Main Collective Agreement of the South African Local Government Bargaining Council.	N	
188A (1)	Applying to the SALGBC or the CCMA to arbitrate any allegation relating to an employee's conduct or capacity	Council	Municipal Manager	Subject to the Disciplinary Procedure and Code Collective Agreement and in the case of Senior Managers, the Disciplinary Regulations for Senior Managers, 2010	N	
189	Deciding whether to dismiss one or more employees based on the ipality's operational requirements	Council	Municipal Manager	Subject to the provisions of the Labour Relations Act (66 of 1995) and the South n Local Government Main Collective Agreement	N	
189A (3)	Requesting the CCMA to appoint a facilitator to facilitate consultation between the municipality and other consulting parties regarding the proposed dismissal of one or more employees based on the municipality's operational requirements	Council	Municipal Manager	Subject to the provisions of the Labour Relations Act (66 of 1995) and the South African Local Government Main Collective Agreement	N	
191	Appointing a person or body to represent the municipality in any proceedings before the SALGBC or the CCMA	Council	Municipal Manager	Subject to the provisions of the Labour Relations Act (66 of 1995) and the South African Local Government Main Collective Agreement	N	

Schedule 8 Item (8)(a)	Deciding whether to appoint a newly hired employee, other than a Senior Manager, on probation	Council	Municipal Manager	In consultation with the relevant Director of the line department where employee was hired.	N	
Schedule 8 Item (8)(d)	Determining the period of probation with reference to the nature of the job and the time it takes to determine the employee's suitability for continued employment	Council	Municipal Manager		Y	Director: Corporate Services: to sub-delegate to Manager Human Resources
Schedule 8 Item (8)(e)	Determining the basis and methodology of assessing the performance of an employee appointed on probation	Council	Municipal Manager		Y	Director: Corporate Services: to sub-delegate to Manager Human Resources
Schedule 8 Item (8)(e)	Determining the reasonable evaluation, instruction, training, guidance or counselling in order to allow an employee appointed on probation to render satisfactory service	Council	Municipal Manager	In consultation with relevant Director	Y	Director: Corporate Services: to sub-delegate to Manager Human Resources
Schedule 8 Item (8)(f)	Deciding to extend an employee's period of probation	Council	Municipal Manager	In consultation with the relevant Director of the line department where employee was hired.	N	

12. Basic Conditions of Employment Act 1997 (Act No 75 of 1997)

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
7	Regulating the working time of each employee in accordance with the provisions of any Act governing occupational health and safety, with due regard to the health and safety of employees and the Code of Good Practice on the Regulation of Working Time and with due regard to the family responsibilities of employees	Council	Municipal Manager	Subject to the South African Local Government Main Collective Agreement and the Collective Agreement on Conditions of Service for the Eastern Cape Division	N	
9(2)	Concluding an agreement to extend the working hours of an employee by up to 15 minutes in a day but not more than 60 minutes in a week to enable an employee whose duties include serving members of the public to continue performing those duties after the completion of ordinary hours of work	Council	Municipal Manager	Subject to the South African Local Government Main Collective Agreement and the Collective Agreement on Conditions of Service for the Eastern Cape Division	N	
10(1)(a)	Concluding an agreement with an employee requiring that employee to work overtime not exceeding 12 hours a day and a further agreement to extend such agreement	Council	Municipal Manager	Subject to the Collective Agreement on Conditions of Service for the Eastern Cape Division	Y	Director: Corporate Services: sub-delegate to Manager Human Resources
10(1)(b)	Ensuring that no employee works in excess of 10 hours' overtime per week.	Municipal Manager	Relevant Director	Subject to the Collective Agreement on Conditions of Service for the Eastern Cape Division	N	

10(3)	Determining, by way of agreement, whether an employee who works overtime will be paid in cash for such overtime work or time off in lieu of such pay	Municipal Manager	134 Relevant Director	Subject to the Collective Agreement on Conditions of Service for the Eastern Cape Division	N	
11(1)	Concluding an agreement in writing requiring or permitting an employee to work up to twelve hours in a day, inclusive of the meal intervals, without receiving overtime pay.	Municipal Manager	Relevant Director	Subject to the Collective Agreement on Conditions of Service for the Western Cape Division	N	
14(1)	Determining of meal intervals	Municipal Manager	Relevant Director	Subject to the South African Local Government Main Collective Agreement	N	

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
14(3)	Concluding an agreement in writing reducing the meal interval to not less than 30 minutes; and dispensing with a meal interval for an employee who works fewer than six hours on a day.	Municipal Manager I	Relevant Director	Subject to the South African Local Government Main Collective Agreement	N	
17(2)	Concluding an agreement requiring or permitting an employee to perform night work, provided that the employee is compensated by the payment of an allowance, which may be a shift allowance, or by a reduction of working hours and transportation is available between the employee's place of residence and the workplace at the commencement and conclusion of the employee's shift.	Municipal Manager	Relevant Director	Subject to the Collective Agreement on Conditions of Service for the Western Cape Division	N	

17(2)	Determining a night work allowance	Municipal Manager	None	Subject to the Collective Agreement on Conditions of Service for the Western Cape Division	N	
18(1)	Concluding an agreement requiring an employee to work on a public holiday	Municipal Manager	None	Subject to the South African Local Government Main Collective Agreement	N	
20(4)	Granting of annual leave not later than six months after the end of an employee's annual leave cycle	Municipal Manager	Director: Corporate Services	Subject to the Council's approved Leave Policy	N	
20(9)	Ensuring that an employee who has been granted leave does not work, or perform other remunerative work during such leave	Municipal Manager	None		N	
22(6)	Concluding an agreement to reduce an employee's pay during that employee's absence from work on sick leave	Municipal Manager		Subject to the Council's approved Leave Policy	N	
23(1)	Deciding whether an employee who has been absent from work for more than two consecutive days or on more than two occasions during an eight week period and, on request by the employer, does not produce a medical certificate stating that the employee was unable to work for the duration of the employee's absence on account of sickness or injury to not remunerate or convert such leave application to annual leave	Municipal Manager	Director: Corporate Services	Subject to the Council's approved Leave Policy and in consultation with the relevant director	Y	Manager Human Resources
25	Granting of maternity leave	Municipal Manager	Relevant Director	Subject to the Council's approved Leave Policy and the provisions of the Main Collective Agreement of the South African	N	

			136	Local Government Bargaining Council		
26(1)	Making arrangements to ensure that a pregnant employee or an employee who is nursing her child does not perform work that is hazardous to her health or the health of her child	Municipal Manager	Relevant Director		N	
26(2)	Making arrangements during an employee's pregnancy, and for a period of six months after the birth of her child for suitable, alternative employment on terms and conditions that are no less favourable than her ordinary terms and conditions of employment, if the employee is required to perform night work or her work poses a danger to her health or safety or that of her child and it is practicable for the employer to do so	Municipal Manager	Relevant Director		N	
27(1)	Granting of not more than 5 days' family responsibility leave to an employee during an annual leave cycle	Municipal Manager	Relevant Director	Subject to the Council's approved Leave Policy and the provisions of the Main Collective Agreement of the South African Local Government Bargaining	N	
27(5)	Deciding whether an employee who applied for or who has been granted family responsibility leave must submit reasonable proof of the event for which the leave was required	Municipal Manager	Relevant Director	Subject to the Council's approved Leave Policy	N	
29(1)	Supplying the written particulars of her/his employment to a newly appointed employee	Municipal Manager	Director: Corporate Services	Subject to the relevant collective agreement, if any	Y	Manager: Human Resources

29(2)	Amending the written particulars of employment issued to an employee when any such particular changes occur	Municipal Manager	Director: Corporate Services	All amendments below Task Grade 11 by Manager: Corporate Services. All amendments above Task Grade 11 by the Municipal Manager.	N	

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
				Subject to the Labour Relations Act (66 of 1995)		
29(3)	Explaining, in cases where an employee is not able to understand the written particulars of her/his employment to the employee the written particulars in a language and in a manner, that the employee understands.	Municipal Manager	Director: Corporate Services		Y	Manager: Human Resources
29(4)	Keeping the written particulars of an employee for a period of three years after the termination of employment	Municipal Manager	Director: Corporate Services		Y	Manager: Human Resources
30	Ensuring the display at the workplace where it can be read by employees a statement in the prescribed form of the employee's rights under Basic Conditions of Employment Act in the official languages which are spoken in the workplace.	Municipal Manager	Director: Corporate Services		Y	Manager: Human Resources
31(1)	Keeping of the following minimum records in respect of each employee: (a) The employee's name and occupation; (b) the time worked by each employee; (c) the remuneration paid to each employee;	Municipal Manager	Director: Corporate Services		Y	Manager: Human Resources

	(d) the date of birth of any employee; and (e) any other prescribed information.		138			
38(1)	Deciding whether to require an employee who has resigned or has been dismissed to work during the notice period or whether the notice period is waived	Municipal Manager	Director: Corporate Services	Below Task Grade 11 by Director: Corporate Services. Above Task Grade 11 by the Municipal Manager.	N	
41	Determining the severance pay payable to an employee dismissed due to the operational requirements of the municipality	Municipal Manager	None	Subject to the Main Collective Agreement of the South African Local Government Bargaining	N	
69(4)	Ensuring that a copy of a compliance order is displayed prominently at a place accessible to the affected employees at each workplace named in it	Municipal Manager l	Director: Corporate Services		Y	Manager: Human Resources
69(5)	Ensuring compliance with a compliance order within the time period stated in the order	Municipal Manager l	Relevant Director		N	
71	Deciding to object to a compliance order	Municipal Manager	None		N	
72	Deciding to appeal against a decision of the Director-General of Labour regarding an objection of the municipality to a compliance order	Municipal Manager	None		N	

14. Occupational Health and Safety Act 1993

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
7(1)	Ensuring compliance with a directive issued by notice in the Government Gazette, to prepare a written policy concerning the protection of the health and safety of employees at work and the arrangements for carrying out and reviewing that policy	Council	Municipal Manager		N	
7(3)	Ensuring that the municipality's health and safety policy is signed by the Municipal Manager and displayed in the workplace where employees normally report for service	Municipal Manager	Director: Corporate Services		Y	Manager: Human Resources
8(1)	Ensuring that, as far as is reasonably practicable, a working environment that is safe and without risk to the health of employees is provided and maintained.	Municipal Manager	Relevant Directors		N	
9(1)	Ensuring, as far as is reasonably practicable, that persons other than employees who may be directly affected by the municipality's activities are not thereby exposed to hazards to their health or safety	Municipal Manager	Relevant Directors		N	
10(1)	Ensuring that any article supplied for use at work is, as far as is reasonably practicable, safe and without risks to health when properly used and that it complies with all prescribed requirements	Municipal Manager	Relevant Directors		N	

10(2)	Ensuring that, during the erection or installation of any article for use at work on or in any premises of the municipality is, as far as is reasonably practicable, nothing about the manner in which it is erected or installed makes it unsafe or creates a risk to health when properly used	Municipal Manager	140 Relevant Directors		N	

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
16(1)	Ensuring that the duties of the municipality as contemplated in Occupational Health and Safety Act are properly discharged	Municipal Manager	None	None	N	
17(1)	Designating, in writing for a specified period, health and safety representatives for every workplace where more than 20 employees work, or for different sections thereof.	Municipal Manager	Director: Corporate Services		Y	Manager: Human Resources
17(2)	Consulting with recognised representatives of employees in good faith regarding the arrangements and procedures for the nomination or election, period of office and subsequent designation of health and safety representatives	Municipal Manager	Director: Corporate Services		Y	Manager: Human Resources
17(6)	Complying with a directive of a labour inspector with regard to the appointment of additional health and safety representatives at a workplace	Council	Municipal Manager		N	

18(3)	Providing such facilities, assistance and training as a health and safety representative may reasonably require and as have been agreed upon for the carrying out of her/his functions	Municipal Manager	Director: Corporate Services		Y	Manager: Human Resources
19(1)	Establishing a health and safety committee for every workplace where two or more health and safety representatives has been appointed	Municipal Manager	Director: Corporate Services		Y	Manager: Human Resources
19(1)	Consulting with the health and safety committee with a view to initiating, developing, promoting, maintaining and reviewing measures to ensure the health and safety of employees at work	Municipal Manager	Director: Corporate Services		Y	Manager: Human Resources
19(2)	Determining the number of members of a health and safety committee	Municipal Manager	Relevant Directors		N	
19(2)	Designating persons to represent the employer in a health and safety committee	Municipal Manager	Relevant Directors		N	
20(1)	Receiving and considering reports and recommendations of the health and safety committee	Municipal Manager	Relevant Directors		N	

15. Employment Equity Act 1998 (Act No 55 of 1998)

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
5	Taking steps to promote equal opportunity in the workplace by eliminating unfair discrimination in any employment policy or practice.	Council	Municipal Manager	Subject to the relevant collective agreement, if any	N	
7(1)	Deciding whether an employee or an applicant for employment must submit for medical testing	Council	Municipal Manager	Subject to the relevant collective agreement, if any	N	

8	Ensuring that any psychometric test or similar assessment has been scientifically shown to be valid and reliable, can be applied fairly to employees or applicants for employment and is not biased against any employee or applicant for employment or group	Council	142 Municipal Manager	Subject to the relevant collective agreement, if any	N	
13(1)	Implementing affirmative action measures (i.e. measures designed to ensure that suitably qualified people from designated groups have equal employment opportunities and are equitably represented in all occupational categories and levels in the workforce) for people from designated groups in order to achieve employment equity	Council	Municipal Manager	Subject to the relevant collective agreement, if any	N	
16	Taking reasonable steps to consult and attempt to reach agreement with a representative trade union representing members at the workplace on – a) conducting an analysis of the municipality's employment policies, practices, procedures and the working environment, in order to identify employment barriers which adversely affect people from designated groups and a profile of the workforce within each occupational category and level in order to determine the degree of under representation of people from designated groups in various occupational categories and levels in the workforce,	Council	Municipal Manager	Subject to the relevant collective agreement, if any	Y	Director Corporate Services

	b) preparing and implementing an employment equity plan which will achieve reasonable progress towards employment equity in the workforce, and c)an annual report regarding employment equity		143			

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
24	Assigning one or more senior managers to take responsibility for monitoring and implementing an employment equity plan and providing such manager(s) with the authority and means to perform their functions	Municipal Manager	Director: Corporate Services		N	
25(1)	Ensuring that a notice informing employees about the provisions of the Act is displayed at the workplace where it can be read by employees	Municipal Manager	Director: Corporate Services		Y	Manager: Human Resources
25(2)	Placing in prominent places that are accessible to all employees the most recent report submitted by the municipality to the Director-General of Labour and any compliance order, arbitration award or order of the labour court concerning the provisions of the Act in relation to the municipality	Municipal Manager	Director: Corporate Services		Y	Manager: Human Resources

27(1)	Submitting a statement to the Employment Conditions Commission on the remuneration and benefits received in each occupational category and level of that employer's workforce.	Municipal Manager	144 Director: Corporate Services		Y	Manager: Human Resources
36	Issuing a written undertaking to comply with the provisions of the Act when requested by a labour inspector	Council	Municipal Manager		N	
39	Objecting to a compliance order issued by a labour inspector in terms of section 38 of the Act	Council	Municipal Manager		N	
40	Appealing against a compliance order issued by the Director-General of Labour in terms of section 39 of the Act	Council	Municipal Manager		N	

16. Skills Development Act

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
10(1)	Prepare, adopt and amend a work place skills plan	Municipal Manager	Director: Corporate Services	Subject to the South African Local Government Bargaining Council Main Collective Agreement	Y	Manager: Human Resources
17	Entering in to a learnership agreement	Municipal Manager	Director: Corporate Services	Subject to the provisions of the Local Government Sector Education and Training Authority	Y	Manager: Human Resources

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

Section	Power/duty conferred	Delegating authority	Delegated body	Conditions	Sub delegate	Delegatee
7(1)	Deciding to open a bank account for the Municipality	Municipal Manager	CFO		N	
	Deciding at which bank/banks to open a bank account	Municipal Manager	CFO		N	
	Deciding to close a bank account	Municipal Manager	CFO		N	
7(2)	Determining into which bank account money collected or received by the Municipality must be deposited	Municipal Manager	CFO	See section 48(2)(d) of the MFMA	N	
8(1)	Designating a bank account of the Municipality as the Municipality's primary bank account	Municipal Manager	CFO			
8(3)	Determining the reasonable steps to be taken to ensure that the prescribed money received is paid into the Municipality's primary bank account	Municipal Manager	CFO			

8(4)	Entering into an agreement with other parent municipalities of a municipal entity of which the Municipality is a parent municipality, as to which Municipality's primary bank account to use for the purpose of receiving allocations from organs of state to the municipal entity concerned	Municipal Manager	146 CFO			
8(5)	Submission of the Municipality's primary bank account details, and any impending change thereof	Municipal Manager	CFO		N	
9(a)	Submission of the prescribed details regarding any new bank accounts opened for the Municipality	Municipal Manager	CFO		N	
9(b)	Submission of the details of the Municipality's bank accounts annually before the start of a financial year	Municipal Manager	CFO		N	
10(1)(a)	Administration of the Municipality's bank accounts	Municipal Manager	CFO		N	
10(2)	Enforcing compliance with sections 7, 8 and 11 of the MFMA	Municipal Manager	CFO		N	
11(1)	Authorizing staff to withdraw or authorize the withdrawal of money from the Municipality's bank account	Municipal Manager	None	1. Subject to the prescribed framework	N	
				2. If the Municipality has a primary bank account which is separate from its other bank accounts, only the Chief Financial Officer may be authorised to withdraw money or authorise the withdrawal of money from the		

			147	Municipality's primary bank account in terms of section 11(2) of the MFMA		
11(4)(a)	Preparation of a quarterly consolidated report of all withdrawals made in terms of section 11(1)(b) to (j) of the MFMA from the Municipality's bank accounts	Municipal Manager	CFO	A quarterly consolidated report of all withdrawals made from the Municipality's bank accounts must be tabled in the Council, and submitted to the provincial treasury and the Auditor-General within 30 days after the end of each quarter.		
	Tabling of a quarterly consolidated report of all withdrawals made in terms of section 11 (1)(b) to (j) of the MFMA from the Municipality's bank accounts in the Council	Municipal Manager	CFO			
11(4)(b)	Submission of quarterly consolidated report of all withdrawals made in terms of section 11 (1)(b) to (j) of the MFMA to the provincial treasury and the Auditor-General	Municipal Manager	CFO			
12(1)	Deciding to set-up a relief, charitable, trust or other fund of whatever description **(NOTE: The Act refers to political structure or office bearer of a municipality)**	Council	None	Must be in the name of the Municipality, and subject to obtaining the prior express approval of the Council and Municipal Manager being the accounting officer of such fund.		

Section	Power/duty conferred	Delegating authority	Delegated body	Conditions	Sub delegate	Delegatee
12(2)	Deciding to open a separate bank account in the name of the Municipality for the purpose of a relief, charitable, trust or other fund	~~Council~~ Municipal Manager	None		N	
12(4)	Issuing written authority to withdraw money without appropriation in terms of an approved budget from a bank account opened for the purpose of a relief, charitable, trust or other fund	Municipal Manager	None	Such authorization must be in accordance with decisions of the Council in this regard and only for the purposes for which, and subject to the conditions on which, the fund was established or the money in the fund was donated	N	
13(2)	Establishing an appropriate and effective cash management and investment **policy** for the Municipality	Council	None	NOTE: In terms of section 60(2) of the Municipal Systems Act 2000 the Council may only delegate to the Executive Mayor or the Chief Financial Officer the authority to make decisions to make investments on behalf of the Municipality	N	
14(2)	Deciding to transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset	Council		1. On condition that the asset concerned is not needed to provide the minimum level of basic municipal services and the Council considered the fair market value of the asset concerned 2. In accordance with the applicable transfer regulations		

14(2)(a) [refer to 14(4)]	Deciding, at a meeting open to the public and on reasonable grounds, that an asset of the Municipality is not needed to provide the minimum level of basic municipal services	Council	149 Municipal Manager	Subject to the Supply Chain Management Policy as approved by Council from time to time.	N	

Section	Power/duty conferred	Delegating authority	Delegated body	Conditions	Sub delegate	Delegatee
14(2)(b) [refer to 14(4)]	Considering the fair market value of an asset to be disposed of and the economic and community value to be received in exchange for an asset to be disposed of	Council	Municipal Manager	Subject to the Supply Chain Management Policy as approved by Council from time to time.	N	
14(4)	Determining the value of movable assets in respect of which the Municipal Manager may determine – (a) whether an asset to be disposed of is not needed to provide the minimum level of basic municipal services; and (b) determining the fair market value of such asset and the economic and community value to be received in exchange for the asset	Council	None			

16(1)	Approval of an annual budget	Council	150 None	NOTE: 1. In terms of section 160(2)(b), read with section 160(3)(b) of the Constitution a budget must be approved by a decision taken by the Council with a supporting vote of a majority of its members. 2. Approval of the budget must be considered on or before 1 June each year in terms of section 24(1) of the MFMA. 3. In terms of section 30(5) of the Local Government: Municipal Structures Act 1998 (Act No 117 of 1998) the Council may only after it received and considered the report and recommendations of the Executive Mayor regarding the annual budget, approve the budget	N	

Section	Power/duty conferred	Delegating authority	Delegated body	Conditions	Sub delegate	Delegatee
				4. See section 25(1) of the MFMA		
16(2)	Tabling the budget at a Council meeting	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor	The annual budget must be tabled at least 90 days before 1 July each year	N	

16(3)	Deciding whether money for capital expenditure for a period not exceeding three financial years may be appropriated in an annual budget	Council	151 Executive Mayor	1. A separate appropriation must be made for each of 2. financial year With the power to subdelegate the delegated power to a member of the mayoral committee and to impose conditions on such sub-delegation	N	
19(1)(b)	Approving a capital project, including its total cost	Council	Executive Mayor	1. Together with the other members of the mayoral committee and after receiving a report from the 2. Municipal Manager With the power to subdelegate the delegated power to a member of the mayoral committee and to impose conditions on such sub-delegation	N	
19(1)(d)	Considering the sources of funding of a capital project	Council	Executive Mayor	1. Together with the other members of the mayoral committee and after receiving a report from the 2. Municipal Manager With the power to sub-delegate the delegated power to a member of the mayoral committee and to impose conditions on such sub-delegation	N	
19(2)	Considering, in respect of a capital project, the projected cost covering all financial years until the project is operational and the future operational costs and	Council	None		N	

	revenue on the project, including municipal tax and tariff implications.		152			

Section	Power/duty conferred	Delegating authority	Delegated body	Conditions	Sub delegate	Delegatee
19(3)	Deciding to approve capital projects below the prescribed value individually or as part of a consolidated capital programme	Council	None			
21(1)(a)	Co-ordinating the processes of preparing the annual budget and reviewing the Municipality's integrated development plan and budget-related policies	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor			
21(1)(b)	Tabling in the Council a time schedule outlining key deadlines for the preparation, tabling and approval of the annual budget, the annual review of the integrated development plan and the Municipality's budget related policies, the tabling and adoption of any amendments to the integrated development plan and the budget-related policies and any consultative processes forming part of the processes	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor	At least 10 months before 1 July each year		
21(2)(b)	Deciding the reasonable steps to be taken to review the Municipality's integrated development plan	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor			

21(2)(d)	Determining the manner and timing of consultation of the local municipalities within the municipal area, the provincial treasury and such other organs of state as may be prescribed with regard to the Municipality's annual budget	Executive Mayor	153 The member of the mayoral committee determined by the Executive Mayor	Together with the other members of the mayoral committee and after receiving a report from the Municipal Manager		
21(2)(e)	Providing information relating to the budget that may be requested to the National Treasury and any other organ of state	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor	Subject to any limitations that may be prescribed in respect of organs of state other than the National Treasury		
22	Making the annual budget as tabled public, inviting the community to submit representations in connection therewith and submitting same to the	Municipal Manager	Chief Financial Officer	In accordance with Chapter of the Local Government: Municipal Systems Act 2000,		
	national and provincial treasuries and affected municipalities			After consultation with the Municipal Manager		
23(1)	Receiving and considering the views of the communities and organs of state received in connection with the budget	Council	Executive Mayor	Together with the other members of the mayoral committee and after receiving a report from the Municipal Manager With the power to sub-delegate the delegated power to a member of the mayoral committee and to impose conditions on such sub-delegation.		
23(2)	Deciding to give the Executive Mayor an opportunity to respond to any submissions received in connection with the budget from communities and organs of state	Council	Executive Mayor			
24(3)	Submission of the approved annual budget to the National	Municipal Manager	Chief Financial Officer			

	Treasury and the provincial treasury		154			
25(3)	Complying with section 55 of the MFMA if the Municipality has not approved an annual budget, including revenue-raising measures necessary to give effect to the budget, by 1 July of any year	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor	Immediately report the matter to the MEC responsible for local government		
26(4)	Obtaining the MEC responsible for finance's approval to withdraw funds from the Municipality's bank accounts, if a budget has not been approved on or before 1 July of each year.	Council	Municipal Manager			
27(1)	Determining the likelihood of the Municipality not being able to comply with the MFMA or other legislation relating to the tabling or approval of an annual budget or compulsory consultation processes	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor	After consultation with the Municipal Manager and the Chief Financial Officer		
	Informing the MEC responsible for finance of any impending noncompliance by the Municipality of any provisions of the MFMA or any other legislation pertaining to the tabling or approval of an annual budget or compulsory consultation processes	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor			
27(2)	Deciding to apply to the MEC responsible for finance to extend any time limit or deadline with regard to the preparation and approval of the annual budget	Executive Mayor	The member of the mayoral committee determined by the			

	Applying to the MEC responsible for finance to extend any time limit or deadline with regard to the preparation and approval of the annual budget		Executive Mayor			
27(3)	Informing the Council, the MEC responsible for finance and the National Treasury, in writing, of any actual non-compliance by the Municipality of a provision of Chapter 4 of the MFMA and any remedial or corrective measures the Municipality intends to implement to avoid a recurrence of such non-compliance	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor			
28(1)	Deciding to revise an approved budget by way of an adjustments budget	Council	None	After receiving a report from the Executive Mayor		
28(4)	Tabling an adjustments budget in the Council	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor			
29(1)	Deciding to authorize unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances	Executive Mayor	None	After consultation with the Portfolio Chairperson, Municipal Manager, and the Chief Financial Officer	N	
29(2)(c)	Reporting to the Council regarding the authorization of unforeseeable and unavoidable expenditure for which no provision was made in an approved budget in emergency or other exceptional circumstances	Executive Mayor	None	Such report must be made to the Council at the first Council meeting next ensuing after the authorization was given	N	

Section	Power/duty conferred	Delegating authority	Delegated body	Conditions	Sub delegate	Delegatee
31(c)	Issuing a certificate specifying that actual revenue for the financial year concerned is expected to exceed budgeted revenue and that sufficient funds are available for exceeding the amount appropriated for a specific capital programme without incurring further borrowing beyond the annual budget limit	Municipal Manager	Chief Financial Officer	Funds for the programme in question was appropriated for more than one financial year	N	
31(d)	Giving written approval for exceeding the amount appropriated in respect of a capital programme	Executive Mayor	None	After consultation with the Portfolio Chairperson, Municipal Manager, and the Chief Financial Officer	N	
31(e)	Submitting the certificate specifying that actual revenue for the financial year concerned is expected to exceed budgeted revenue and that sufficient funds are available for exceeding the amount appropriated for a specific capital programme without incurring further borrowing beyond the annual budget limit issued by the Municipal Manager and the Executive Mayor's approval for exceeding the amount appropriated in respect of a capital programme to the provincial treasury and the Auditor-General	Council	Chief Financial Officer		N	

32(2)	Deciding to recover unauthorized, irregular or fruitless and wasteful expenditure from the person liable for that expenditure	Council	157 None	Except, in the case of – 1. unauthorized expenditure, if the amount of the expenditure is authorized in an adjustments budget; or 2. is certified by the Council, after investigation by a Council committee, as irrecoverable and written off by the Council; and 3. 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	N	

Section	Power/duty conferred	Delegating authority	Delegated body	Conditions	Sub delegate	Delegatee
32(2)	Determining the amount of unauthorized, irregular or fruitless and wasteful expenditure to be recovered, written off or provided for in an adjustments budget	Council	Executive Mayor	After consultation with the Municipal Manager and the Chief Financial Officer		
32(2)	Identifying the identity of the person who is liable for unauthorised, irregular or fruitless and wasteful expenditure	Council	Executive Mayor	After consultation with the Municipal Manager and the Chief Financial Officer		
32(2)	Appointing a committee to investigate any suspected or reported unauthorised, irregular or fruitless and wasteful expenditure	Council	None			
32(3)	Deciding whether a decision taken by the Council or the Executive Mayor is likely to result, if it is implemented, in unauthorized, irregular or fruitless and wasteful expenditure	Municipal Manager	None	After consultation with the Chief Financial Officer		
	Instructing an authorized official not to implement a decision taken by the Council or the Executive Mayor that is likely to result, if it is implemented, in unauthorized, irregular or fruitless and wasteful expenditure	Municipal Manager	None			
	Informing the Council or the Executive Mayor that a decision taken by the Council or the Executive Mayor is likely to result, if it is implemented, in unauthorized, irregular or fruitless and wasteful expenditure	Municipal Manager	None			

32(4)	Deciding whether an expenditure incurred by the Municipality was unauthorized, irregular or fruitless and wasteful expenditure	Municipal Manager	159 None	After consultation with the Chief Financial Officer		

Section	Power/duty conferred	Delegating authority	Delegated body	Conditions	Sub delegate	Delegatee
	Determining the amount of any unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality	Municipal Manager	None	After consultation with the Chief Financial Officer		
	Identifying the person responsible, or suspected of being responsible, for unauthorised, irregular or fruitless and wasteful expenditure	Municipal Manager	None	After consultation with the Chief Financial Officer		
	Determining the steps to be taken to recover or rectify any unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality	Municipal Manager	None	After consultation with the Chief Financial Officer		
	Determining the steps to be taken to prevent the recurrence of unauthorised, irregular or fruitless and wasteful expenditure by the Municipality	Municipal Manager	None	After consultation with the Chief Financial Officer		
	Informing the Executive Mayor, the MEC for local government and the Auditor-General, in writing, of any unauthorized, irregular or fruitless and wasteful expenditure incurred by the Municipality, whether any person is responsible or under investigation for such unauthorized, irregular or fruitless and wasteful expenditure and the steps that have been taken to recover or rectify such	Municipal Manager	None			

	expenditure and to prevent a recurrence of such expenditure.		160			
32(6)	Determining whether an alleged irregular expenditure constitutes a criminal offence	Municipal Manager	None	After consultation with the Chief Financial Officer		
	Determining whether alleged theft and fraud occurred in the Municipality	Municipal Manager	None	After consultation with the Chief Financial Officer		
	Reporting alleged irregular expenditure that constitutes a criminal offence and alleged theft and	Municipal Manager	None	After consultation with the Chief Financial Officer		

	fraud which occurred in the Municipality to the SAPS					
32(7)	Determining whether an alleged irregular expenditure incurred by the Municipal Manager constitutes a criminal offence	Council	Executive Mayor	Together with the other members of the mayoral committee		
	Determining whether the Municipal Manager allegedly committed an act of theft and fraud	Council	Executive Mayor	Together with the other members of the mayoral committee		
	Reporting alleged irregular expenditure incurred by the Municipal Manager that constitutes a criminal offence and alleged theft and fraud perpetrated by the Municipal Manager to the SAPS	Council	Executive Mayor	With the power to sub-delegate the delegated power to a member of the mayoral committee and to impose conditions on such sub-delegation		

33(1)	Deciding to enter into a contract which will impose financial obligations on the municipality beyond a financial year	Council	161 None			
34(1)	Entering into an agreement with the national or provincial government to assist the Municipality to build its capacity for efficient, effective and transparent financial management	Council	None			
34(3)(a)	Considering the results of the provincial government's monitoring of the Municipality	Council	None			
34(3)(b)	Considering a notification of the provincial government of any emerging or impending financial problems in the Municipality	Council	None			
37(1)(a)	Determining the steps the Municipality must take to promote cooperative government with the national and provincial spheres of government and other municipalities in the Municipality's fiscal and financial relations	Council	None			

37(2)	Determining the projected amount of any allocation proposed to be transferred to another municipality during each of the next three financial years and notifying the receiving municipality thereof	Municipal Manager	CFO	Such notification must be given no later than 120 days before the start of the budget year.		
38(2)	Considering a notice received from the National Treasury of its intention to stop the transfer of funds to the Municipality	Council	None			

39(3)	Determining the deputation that will appear before a committee of Parliament considering the approval or renewal of a decision of the National Treasury to stop the transfer of funds to the Municipality	Council	162 None			
	Determining the case that will be presented to a committee of Parliament considering the approval or renewal of a decision of the National Treasury to stop the transfer of funds to the Municipality	Council	None			
44(1)	Deciding the reasonable steps to settle a dispute of a financial nature between the Municipality and another organ of state out of court	Council	None			
44(2)(a)	Reporting a dispute of a financial nature between the Municipality and another organ of state (excluding the National Treasury) to the National Treasury	Council	Municipal Manager			
44(2)(b)	Deciding whether to request the National Treasury to mediate or to appoint a mediator to mediate a dispute of a financial nature between the Municipality and another organ of state (excluding the National Treasury)	Council	Executive Mayor	Together with the other members of the mayoral committee		

45(1)	Deciding whether to incur short term debt	Council	163 None	1. In terms of section 160(2) of the Constitution the Council may not delegate the raising of loans 2. A decision to raise a loan must be taken by the Council with a supporting vote of a majority of its members in terms of section 160(3)(b) of the Constitution 3. In terms of section 30(5) of the Local Government: Municipal Structures Act 1998 (Act No 117 of 1998) the Council may only after it received and considered the report and recommendations of the Executive Mayor regarding a loan, approve the raising of a loan		
45(2)(a)	Approving any short-term debt agreement	Council	None		N	
45(2)(b)	Signing a debt agreement or other document which creates or acknowledges any short-term debt	Municipal Manager	CFO		N	

46(1)	Deciding whether to incur long term debt	Council	164 None	1. In terms of section 160(2) of the Constitution the Council may not delegate the raising of loans 2. A decision to raise a loan must be taken by the Council with a supporting vote of a majority of its members in terms of section 160(3)(b) of the Constitution 3. In terms of section 30(5) of the Local Government: Municipal Structures Act 1998 (Act No 117 of 1998) the Council may only after it received and considered the report and recommendations of the Executive Mayor regarding a loan, approve the raining of a loan	N	
46(2)(a)	Approving any long-term debt agreement	Council	None			
46(2)(b)	Signing a debt agreement or other document which creates or acknowledges any long-term debt	Municipal Manager	CFO		N	
48(1)	Deciding whether to provide security for any of the Municipality's debt obligations, debt obligations of a municipal entity under its sole control and contractual obligations of the Municipality undertaken in connection with capital expenditure by other persons on	Council	None			

	property, plant or equipment to be used by the Municipality or such other person		165			
48(2)	Deciding the form/nature of security to be provided for any of the Municipality's debt obligations, debt obligations of a municipal entity under its sole control and contractual obligations of the Municipality undertaken in connection with capital	Council	None			
	expenditure by other persons on property, plant or equipment to be used by the Municipality or such other person					
48(3)(a)	Deciding whether an asset or right that has been hypothecated in any manner as security is necessary for providing the minimum level of basic municipal services	Council	None			
48(3)(b)	Deciding, if an asset or right that has been hypothecated in any manner as security is necessary for providing the minimum level of basic municipal services, the manner in which the availability of the asset or right will be protected	Council	None			
50	Deciding to issue a guarantee for any commitment or debt of any organ of state, person or municipal entity under the sole or shared control of the Municipality	Council	None			

52(a)	Deciding the nature and extent of, and manner in which political guidance over the fiscal and financial affairs of the Municipality will be provided	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor	Together with the other members of the mayoral committee and after receiving a report from the Municipal Manager		
52(b)	Deciding the monitoring and oversight mechanisms to be applied to the exercise by the Municipal Manager and the Chief Financial Officer of their powers, functions and duties in terms of the MFMA	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor	Together with the other members of the mayoral committee and after receiving a report from the Municipal Manager		
52(c)	Deciding the reasonable steps to be taken to ensure that the Municipality performs its constitutional and statutory functions within the limits of the Municipality's approved budget	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor	Together with the other members of the mayoral committee and after receiving a report from the Municipal Manager		
52(d)	Submitting to the Council, within 30 days of the end of each quarter, a report on the implementation of the budget and the financial state of affairs of the Municipality	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor			

Section	Power/duty conferred	Delegating authority	Delegated body	Conditions	Sub delegate	Delegatee
53(1)(a)	Deciding the nature and extent of, and manner in which political guidance is to be given over the budget process and the priorities that must guide the preparation of a budget	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor	Together with the other members of the mayoral committee and after receiving a report from the Municipal Manager		
53(1)(b)	Deciding the steps to be taken to coordinate the annual revision of the integrated development plan and the preparation of the annual budget	Executive Mayor	The member of the mayoral committee determined by the			

			Executive Mayor 167			
	Determining how the integrated development plan is to be taken into account or revised for the purposes of the budget	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor	Together with the other members of the mayoral committee and after receiving a report from the Municipal Manager		
53(1)(c) (i)	Determining the reasonable steps to be taken to ensure that the Municipality approves its annual budget before the start of the budget year	Executive Mayor	Mayoral Committee	Together with the other members of the mayoral committee and after receiving a report from the Municipal Manager		
53(1)(c) (ii)	Determining the reasonable steps to be taken to ensure the Executive Mayor approves the Municipality's service delivery and budget implementation plan	Executive Mayor	Mayoral Committee	1. The Executive Mayor must approve the annual service delivery and budget implementation plan within 28 days after the approval of the budget 2. Together with the other members of the mayoral committee and after receiving a report from the Municipal Manager		
53(1)(c)(iii)	Determining the reasonable steps to be taken to ensure that the annual performance agreements for the Municipal Manager and all senior managers comply with the MFMA, are linked to the measurable performance objectives approved with the budget and to the service delivery and budget implementation plan and are concluded in accordance with section 57(2) of the Municipal Systems Act	Executive Mayor	Mayoral Committee	In terms of section 57(2)(a) of the Municipal Systems Act the annual performance agreements must be concluded on or before 30 July of each year		

53(2)	Reporting to the Council and the MEC responsible for finance any delay in the tabling of an annual budget, the approval of the service delivery and budget implementation plan or the signing of the annual performance agreements	Executive Mayor	168 The member of the mayoral committee determined by the Executive Mayor			
53(3)(a)	Ensuring that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, contained in the service delivery and budget implementation plan, are made public no later than 14 days after the approval of the service delivery and budget implementation plan	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor			
53(3)(b)	Ensuring that the performance agreements of the Municipal Manager, senior managers and any other categories of officials as may be prescribed, are made public no later than 14 days after the approval of the Municipality's service delivery and budget implementation plan	Executive Mayor	None			
	Submission of the annual performance agreements of the Municipal Manager, senior managers and any other categories of officials as may be prescribed, to the Council and the MEC responsible for local government	Executive Mayor	None			

54(1)(a)	Making arrangements for the receipt of a monthly statement on the state of the Municipality's budget and a mid-year corporate performance assessment report	Executive Mayor	169 The member of the mayoral committee determined by the Executive Mayor	1. A statement regarding the state of the municipality's budget must be submitted not later than 10 working days after the end of each month 2. The mid-year performance assessment report must be submitted not later than 25 January of each year 3. The mid-year corporate performance assessment report must be submitted to the Council not later than 31 January each year		

54(1)(b)	Determining the procedures, including reports required to check whether the Municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor	Together with the other members of the mayoral committee and after receiving a report from the Municipal Manager		
54(1)(c)	Determining whether it is necessary to make any revisions to the service delivery and budget implementation plan	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor	Revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the Council following approval of an adjustments budget		
	Determining the process of formulating revisions to the service delivery and budget implementation plan	Executive Mayor	The member of the Mayoral Committee determined by the Executive Mayor			

	Determining the instructions to be given to the Municipal Manager to ensure that the budget is implemented in accordance with the service delivery and budget implementation plan and that spending of funds and revenue collection proceed in accordance with the budget	Executive Mayor	170 The member of the mayoral committee determined by the Executive Mayor	If the Municipality faces any serious financial problems, the Executive Mayor must promptly respond to and initiate any remedial or corrective steps proposed by the Municipal Manager to deal with such problems, which may include steps to reduce spending when revenue is anticipated to be less than projected in the Municipality's approved budget, the tabling of an adjustments budget or steps in terms of Chapter 13 of the MFMA and alert the Council and the MEC for local government to those problems		
54(1)(d)	Determining the (proposed) remedial or corrective steps to deal with any serious financial problems facing the Municipality	Municipal Manager	CFO			
54(1)(e)	Considering whether the Municipality faces any financial problems including any emerging or impending financial problems	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor			

54(3)	Making public any revisions of the service delivery and budget implementation plan	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor			
55	Immediately report to the MEC for local government if the Municipality has not approved an annual budget by 1 July of any year or if the Municipality encounters a serious financial problem	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor			

56	Providing guidance to the Municipality to exercise its rights and powers over any municipal entity in which the Municipality has sole or shared control	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor	Together with the other members of the mayoral committee and after receiving a report from the Municipal Manager		
59(1)(a)	Deciding to delegate the powers and duties assigned to the Executive Mayor in terms of the MFMA	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor	1. Such power or duty may only be delegated to another member of the mayoral committee 2. A delegation by the Executive Mayor must be in writing 3. A delegation by the Executive Mayor does not divest him/her of the responsibility concerning the exercise of the delegated power or the performance of the delegated duty.		
59(2)	Determining the conditions and limitations of any delegation by the Executive Mayor	Executive Mayor	None			
59(3)	Deciding to confirm, vary or revoke any decision taken in consequence of a delegation by the Executive Mayor	Executive Mayor	None	No variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision		
60(b)(i)	Determining the nature, extent and manner of providing guidance and advice on compliance with the MFMA to the political structures, political office-bearers and officials of the Municipality and any municipal entity under the sole or shared control of the Municipality	Municipal Manager	None			

61(1)(b)	Deciding to disclose to the Council and the Executive Mayor all material facts which are available or reasonably discoverable, and which in any way might influence the decisions or actions of the Council or the Executive Mayor	Municipal Manager	172 None			
	Deciding the timing and manner of disclosing to the Council and the Executive Mayor all material facts which are available or reasonably discoverable, and which in any way might influence the decisions or actions of the Council or the Executive Mayor	Municipal Manager	None			
62(1)(a)	Deciding the reasonable steps to be taken to ensure that that the resources of the Municipality are used effectively, efficiently and economically	Municipal Manager	None			
62(1)(b)	Deciding the reasonable steps to be taken to ensure that that full and proper records of the Municipality's financial affairs are kept in accordance with any prescribed norms and standards	Municipal Manager	CFO			
62(1)(c)(i)	Deciding the reasonable steps to be taken to ensure that that the Municipality has and maintains effective, efficient and transparent systems of financial and risk management and internal control	Municipal Manager	CFO			
62(1)(c)(ii)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains effective, efficient and transparent systems of internal	Municipal Manager	CFO			

	audit operating in accordance with any prescribed norms and standards					
62(1)(d)	Deciding the reasonable steps to be taken to ensure that unauthorized, irregular or fruitless and wasteful expenditure and other losses are prevented	Municipal Manager	None			
62(1)(e)	Deciding the reasonable steps to be taken to ensure that disciplinary or, when appropriate, criminal proceedings are instituted against any official of the Municipality who has allegedly committed an act of financial misconduct or an offence in terms of Chapter 15 of the MFMA	Municipal Manager	None			
62(1)(f)(i)	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a tariff policy referred to in section 74 of the Municipal Systems Act	Municipal Manager	CFO		Y	Relevant Manager
62(1)(f)(ii)	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a rates policy as required in terms of section 3 of the Local Government: Municipal Property Rates Act, 2004 (Act No 6 of 2004)	Municipal Manager	CFO		Y	Relevant Manager
62(1)(f)(iii)	Deciding the reasonable steps to be taken to ensure that the Municipality has and implements a credit control and debt collection policy referred to in section 96(b) of the Municipal Systems Act	Municipal Manager	CFO		Y	Relevant Manager

62(1)(f)(iv)	Deciding the reasonable steps to be taken to ensure that that the Municipality has and implements a supply chain management policy in accordance with Chapter 11 of the MFMA	Municipal Manager	174 CFO		Y	Relevant Manager
63(2)(a)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system that accounts for the assets and liabilities of the Municipality	Municipal Manager	CFO		Y	Relevant Manager
63(2)(b)	Deciding the reasonable steps to be taken to ensure that the Municipality's assets and liabilities are valued in accordance with standards of generally recognised accounting practice	Municipal Manager	CFO		Y	Relevant Manager
63(2)(c)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control of assets and liabilities, including an asset and liabilities register, as may be prescribed	Municipal Manager	CFO		Y	Relevant Manager
64(2)(a)	Deciding the reasonable steps to be taken to ensure that the Municipality has effective revenue collection systems consistent with section 95 of the Municipal Systems Act and the Municipality's credit control and debt collection policy	Municipal Manager	CFO		Y	Relevant Manager
64(2)(b)	Deciding the reasonable steps to be taken to ensure that revenue due to the Municipality is calculated on a monthly basis	Municipal Manager	CFO		Y	Relevant Manager

64(2)(c)	Deciding the reasonable steps to be taken to ensure that accounts for regional services council levies and charges for municipal services are prepared on a monthly basis, or less often as may be prescribed where monthly accounts are uneconomical	Municipal Manager	175 CFO		Y	Relevant Manager
64(2)(d)	Deciding the reasonable steps to be taken to ensure that all money received is promptly deposited in accordance with the MFMA into the Municipality's primary and other bank accounts	Municipal Manager	CFO		Y	Relevant Manager
64(2)(e)	Deciding the reasonable steps to be taken to ensure that the Municipality	Municipal Manager	CFO		Y	Relevant Manager
	has and maintains a management, accounting and information system which recognises revenue when it is earned and accounts for debtors and for receipts of revenue					
64(2)(f)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control in respect of debtors and revenue	Municipal Manager	CFO	Subject to any prescripts in this regard	Y	Relevant Manager
64(2)(g)	Deciding the reasonable steps to be taken to ensure that the Municipality charges interest on arrears, except where the Council has granted exemptions in accordance with its budget-related policies and within a prescribed framework	Municipal Manager	CFO	Subject to any prescripts in this regard	Y	Relevant Manager

	Deciding to grant exemptions from charging interest on any arrears owing to the Municipality in accordance with the Municipality's budget-related policies	Council	176 None	Subject to any prescripts in this regard	N	
64(2)(h)	Deciding the reasonable steps to be taken to ensure that all revenue received by the Municipality, including revenue received by any collecting agent on its behalf, is reconciled at least on a weekly basis	Municipal Manager	CFO		Y	Relevant Manager
64(3)	Informing the National Treasury of any payments due by an organ of state to the Municipality in respect of municipal tax or for municipal services, if such payments are regularly in arrears for periods of more than 30 days.	Municipal Manager	CFO		Y	Relevant Manager
64(4)(a)	Deciding the reasonable steps to be taken to ensure that any funds collected by the Municipality on behalf of another organ of state is transferred to that organ of state at least on a weekly basis	Municipal Manager	CFO		Y	Relevant Manager

Section	Power/duty conferred	Delegating authority	Delegated body	Conditions	Sub delegate	Delegatee
64(4)(b)	Deciding the reasonable steps to be taken to ensure that funds collected by the Municipality on behalf of another organ of state are not used for purposes of the Municipality	Municipal Manager	Chief Financial Officer			

65(2)(a)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains an effective system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds	Municipal Manager	177 Chief Financial Officer			
65(2)(b)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a management, accounting and information system which recognises expenditure when it is incurred and that accounts for creditors of, and payments made by, the Municipality	Municipal Manager	Chief Financial Officer			
65(2)(c)	Deciding the reasonable steps to be taken to ensure that the Municipality has and maintains a system of internal control in respect of creditors and payments	Municipal Manager	Chief Financial Officer			
65(2)(d)	Deciding the reasonable steps to be taken to ensure that payments by the Municipality are made directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed and either electronically or by way of nontransferable cheques	Municipal Manager	Chief Financial Officer	Cash payments and payments by way of cash cheques may be made for exceptional reasons only and only up to a prescribed limit		
65(2)(e)	Deciding the reasonable steps to be taken to ensure that all money owing by the Municipality be paid within 30 days of receiving the relevant invoice or statement, unless prescribed otherwise for certain categories of expenditure	Municipal Manager	Chief Financial Officer			
65(2)(f)	Deciding the reasonable steps to be taken to ensure that the Municipality complies with its tax, levy, duty, pension, medical aid,	Municipal Manager	Chief Financial Officer			

	audit fees and other statutory commitments		178			

65(2)(g)	Deciding the reasonable steps to be taken to ensure that any dispute concerning payments due by the Municipality to another organ of state is disposed of in terms of legislation regulating disputes between organs of state	Municipal Manager	None			
65(2)(h)	Deciding the reasonable steps to be taken to ensure that the Municipality's available working capital is managed effectively and economically in terms of the prescribed cash management and investment framework	Municipal Manager	Chief Financial Officer			
65(2)(i)	Deciding the reasonable steps to be taken to ensure that the Municipality's supply chain management policy is implemented in a way that is fair, equitable, transparent, competitive and cost effective	Municipal Manager	Chief Financial Officer			
65(2)(j)	Deciding the reasonable steps to be taken to ensure that all financial accounts of the Municipality are closed at the end of each month and reconciled with its records	Municipal Manager	Chief Financial Officer			
66	Reporting to the Council on all expenditure incurred by the Municipality on staff salaries, wages, allowances and benefits, and in a manner, that discloses such expenditure per type of expenditure	Municipal Manager	Chief Financial Officer			

67(1)	Determining whether an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction, -	Municipal Manager	179 None			

	(a) has the capacity to comply with any agreement with the Municipality, (b) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement, (c) to report at least monthly to the Municipal Manager on actual expenditure against such transfer and to submit its audited financial statements for its financial year to the Municipal Manager promptly; (d) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and (e) has in respect of previous similar transfers complied with all the requirements of section 67(1) of the MFMA					

	Entering into an agreement with an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction	Municipal Manager	180 None			
67(2)	Obtaining the approval of the provincial treasury to transfer funds of the Municipality to an organisation or body outside any sphere of government otherwise than in compliance with a commercial or other business transaction if there has been a failure by an organisation or body to comply with the requirements of section 67(1) of the MFMA in respect of a previous transfer	Municipal Manager	None			

67(3)	Determining the appropriate mechanisms to ensure compliance by an organisation or body outside any sphere of government to whom funds of the Municipality was transferred otherwise than in compliance with a commercial or other business transaction with – (a) any agreement with the Municipality, (b) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement, (c) to report at least monthly to the Municipal Manager on actual expenditure against such transfer and to submit its audited financial statements for its financial year to the Municipal Manager promptly; (d) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and (e) has in respect of previous similar transfers complied with all the	Municipal Manager	CFO		Y	Relevant Manager

	requirements of section 67(1) of the MFMA		182			

Section	Power/duty conferred	Delegating authority	Delegated body	Conditions	Sub delegate	Delegatee
67(4)	Determining whether an organisation or body outside any sphere of government to whom funds of the Municipality stand to be transferred otherwise than in compliance with a commercial or other business transaction is an organisation or body serving the poor or used by government as an agency to serve the poor	Municipal Manager	None			
68(a)	Assisting the Executive Mayor in performing the budgetary steps assigned to the Executive Mayor	Municipal Manager	CFO		Y	Relevant Manager
68(b)	Determining the administrative support, resources and information required by the Executive Mayor to perform the budgetary steps assigned to the Executive Mayor	Municipal Manager	None			
	Making the administrative support, resources and information required by the Executive Mayor to perform the budgetary steps assigned to the Executive Mayor available to him/her	Municipal Manager	None			
69(1)(a)	Determining, in relation to implementing the Municipality's approved budget, the reasonable steps required to ensure that the spending of funds is in accordance with the budget and is reduced as necessary when revenue is anticipated to be less than projected in the budget or in the service delivery and budget implementation plan	Municipal Manager	CFO		N	

69(1)(b)	Determining, in relation to implementing the Municipality's approved budget, the reasonable steps required to ensure that revenue and expenditure are properly monitored	Municipal Manager	184 CFO		N	
69(2)	Determining whether it is necessary to prepare an adjustments budget	Municipal Manager	CFO		N	

69(2)	Preparing an adjustments budget and submitting it to the Executive Mayor for consideration and tabling in the Council	Municipal Manager	CFO		N	
69(3)(a)	Preparing and submitting, within 14 days after the approval of the Municipality's annual budget, a draft service delivery and budget implementation plan for the budget year	Municipal Manager	None			
69(3)(b)	Preparing and submitting, within 14 days after the approval of the Municipality's annual budget, drafts of the annual performance agreements as required in terms of section 57(I)(b) of the Municipal Systems Act for the Municipal Manager and all senior managers	Municipal Manager	None	An annual performance agreement must be concluded on or before 31 July of each year in terms of section 57(2)9a) of the Municipal Systems Act		
70(1)	Reporting in writing to the Council any impending shortfalls in budgeted revenue and overspending of the Municipality's budget and any steps taken to prevent or rectify such shortfalls or overspending	Municipal Manager	CFO			

70(2)	Informing the National Treasury that the Municipality's bank account or, if the Municipality has more than one bank account, the consolidated balance in those bank accounts, shows a net overdrawn position for a period exceeding a prescribed Period	Municipal Manager	185 CFO			
71(1)	Submitting to the Executive Mayor and the provincial treasury, within 10 working days after the end of each month, a statement in the prescribed format on the state of the municipality's budget	Municipal Manager	None	1. The statement must contain the information referred to in section 71(1), (2) and (3) of the MFMA 2. The statement submitted to the provincial treasury must be in the form of a signed and an electronic document		

71(5)	Submitting to the national or provincial organ of state or municipality which transferred an allocation during any particular month to the Municipality within 10 working days after the end of the month concerned a statement indicating the amount of any allocations received and actual expenditure on those allocations, excluding expenditure on its share of the local government equitable share and allocations exempted by the annual Division of Revenue Act from compliance with this requirement	Municipal Manager	None			
72(1)(a)	Performing an assessment of the Municipality's performance during the first half of each financial year	Municipal Manager	None			

72(1)(b)	Submitting the mid-year performance assessment report to the Executive Mayor, the National Treasury and the Provincial Treasury	Municipal Manager	186 None	On or before 25 January each year		
72(3)	Determining whether it is necessary to recommend that an adjustments budget be considered and that revised projections for revenue and expenditure is necessary	Municipal Manager	CFO			
73(a)	Informing the provincial treasury of any failure by the Council to adopt or implement a budget-related policy or a supply chain management policy	Municipal Manager	None			
73(b)	Informing the provincial treasury of any non-compliance by a political structure or political office-bearer of the Municipality with a budget-related policy or the supply chain management policy	Municipal Manager	None			
74(1)	Submitting to the National Treasury, the provincial treasury, the department for local government and the Auditor-General such information, returns, documents, explanations and motivations as may be prescribed or as may be required.	Municipal Manager	None			
74(2)	Reporting his/her inability to comply with any of the responsibilities in terms of the MFMA, together with reasons, to the Executive Mayor and the provincial treasury	Municipal Manager	None			

75(1)	Ensuring that the required documents are uploaded to, and available on, the Municipality's website within five days after its tabling in the Council or on the date on which it must be made public, whichever occurs first	Municipal Manager	187 CFO			
77(1)	Deciding to designate any officials other than those listed in section 77(1)(a) to (c) of the MFMA as "top management"	Municipal Manager	None			
79(1)(a)	Developing an appropriate system of delegation that will both maximise administrative and operational efficiency and provide adequate checks and balances in the Municipality's financial administration for the proper application of the MFMA	Municipal Manager	None			
79(1)(b)	Delegating to a member of the Municipality's top management or any other official of the Municipality any of the powers or duties assigned to an accounting officer in terms of the MFMA or any powers or duties reasonably necessary to assist the accounting officer in complying with a duty which requires the accounting officer to take reasonable or appropriate steps to ensure the achievement of the aims of a specific provision of the MFMA	Municipal Manager	None			
79(1)(c)	Regularly reviewing delegations issued to a member of the Municipality's top management or any other official of the Municipality and, if necessary,	Municipal Manager	None			

	amending or withdrawing any of those delegations		188			
79(2)	Reviewing and confirming, varying or revoking any decision taken in consequence of a delegation or sub delegation in terms of the MFMA	Municipal Manager	None	No variation or revocation of a decision taken under delegated powers may detract from any rights that may have accrued as a result of the decision		
80(1)(b)	Allocating officials of the Municipality to the Chief Financial Officer	Municipal Manager			Y	
81(1)(b)	Advising the Municipal Manager on the exercise of powers and duties assigned to her/him in terms of the MFMA	CFO			Y	

81(1)(c)	Assisting the Municipal Manager in administering the Municipality's bank accounts and in the preparation and implementation of the Municipality's budget	CFO	None		N	
81(1)(d)	Advising senior managers and other senior officials in the exercise of powers and duties assigned or delegated to them	CFO			Y	Relevant Manager
81(1)(e)	Perform budgeting, accounting, analysis, financial reporting, cash management, debt management, supply chain management, financial management, review and other duties as may in terms of section 79 be delegated by the accounting officer to the CFO	CFO			Y	

82	Deciding to sub-delegate any powers and duties to employees in the Budget and Treasury Office	CFO	189 None	A sub-delegation must be in writing, is subject to such limitations or conditions as the Chief Financial Officer may impose and does not divest the Chief Financial Officer of the responsibility concerning the delegated duty	N	
82(4)	Reviewing and confirming, varying or revoking any decision taken in consequence of a sub-delegation by the Chief Financial Officer	CFO	None			
83(2)	Determining the resources or opportunities to be made available for the training of officials to meet the prescribed financial management competency levels	Council	None			
84(1a)	Determining precisely the function or service that a municipal entity would perform on behalf of the Municipality when considering the establishment of, or participation in, a municipal entity	Council	None			
84(1)(b)	Making an assessment of the impact of the shifting of a function or service to a municipal entity on the Municipality's staff, assets and liabilities when considering the establishment of, or participation in, a municipal entity	Municipal Manager	None			

84(2)(a) (i) (aa)	Publishing an information statement regarding the Municipality's intention to establish and/or participate in a municipal entity	Municipal Manager	CFO		Y	Relevant Manager

84(2)(a)(i) (bb)	Inviting the local community, organised labour and other interested persons to submit comments or representations in respect of the Municipality's intention to establish and/or participate in a municipal entity	Municipal Manager	190 CFO		Y	Relevant Manager
84(2)(a)(ii)	Soliciting the views and recommendations of the National Treasury and the provincial treasury, the national and provincial departments responsible for local government and the MEC responsible for local government in respect of the Municipality's intention to establish and/or participate in a municipal entity	Municipal Manager	CFO		Y	Relevant Manager
84(2)(b)(i)	Considering an assessment of the impact of the shifting of a function or service to a municipal entity on the Municipality's staff, assets and liabilities when considering the establishment of, or participation in, a municipal entity	Council	None			
84(2)(b)(ii)	Considering the comments or representations received from the local community, organised labour and other interested persons in respect of the Municipality's intention to establish and/or participate in a municipal entity	Council	None			
84(2)(b)(iii)	Considering the views and recommendations of the National Treasury and the provincial treasury, the national and provincial departments responsible for local government and the MEC responsible for local government in respect of the	Council	None			

	Municipality's intention to establish and/or participate in a municipal entity		191			

86(1)	Receiving information from a municipal entity of which the Municipality is the parent municipality regarding the entity's bank account(s)	Council	CFO			
86(2)	Submitting the information received from a municipal entity of which the Municipality is the parent municipality regarding the entity's bank account(s) to the Auditor-General, the National Treasury and the provincial treasury	Municipal Manager	CFO			
87(1)	Receiving a proposed budget for a municipal entity of which the Municipality is the parent municipality for each financial year	Council	None			
87(2)	Considering the proposed budget of a municipal entity of which the Municipality is the parent municipality and assessing the entity's priorities and objectives	Council	None			
	Deciding to make recommendations on the proposed budget of a municipal entity of which the Municipality is the parent municipality	Council	None			
87(3)	Tabling the proposed budget of a municipal entity of which the Municipality is the parent municipality in the Council	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor	Together with the Municipality's budget for the relevant financial year		

87(5)(c)	Determining the limits, including any limits on tariffs, revenue, expenditure and borrowing, on the budget of a municipal entity of which the Municipality is the parent municipality	Council	192 None			
87(6)	Considering an application by the board of directors of a municipal entity of which the Municipality is the parent municipality to revise the budget of the municipal entity	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor			

87(9)	Tabling the budget or adjusted budget and any adjustments budget of a municipal entity of which the Municipality is the parent municipality at the next Council meeting	Executive Mayor	The member of the mayoral committee determined by the Executive Mayor			
87(11)	Receiving a monthly statement in the prescribed format on the state of the budget of a municipal entity of which the Municipality is the parent municipality	Municipal Manager	CFO			
88(b)(ii)	Receiving and considering a midyear performance assessment report of a municipal entity of which the Municipality is the parent municipality	Council	None			
89(a)	Determining the upper limits of the salary, allowances and other benefits of the chief executive officer and senior managers of a municipal entity of which the Municipality is the parent municipality	Council	None			

89(b)	Monitoring and ensuring that a municipal entity of which the Municipality is the parent municipality reports to the Council on all expenditure incurred by that municipal entity on directors and staff remuneration matters, and in a manner, that discloses such expenditure per type of expenditure	Council	193 CFO			
90(2)	Receiving an application from a municipal entity of which the Municipality is the parent municipality to transfer ownership or otherwise dispose of a capital asset other than an asset needed to provide the minimum level of basic municipal services	Municipal Manager	None			
	Considering an application from a municipal entity of which the Municipality is the parent municipality to transfer ownership or otherwise dispose of a capital asset other than	Council	None	The power must be exercised in a meeting which is open to the public at which the Council –		

Section	Power/duty conferred	Delegating authority	Delegated body	Conditions	Sub delegate	Delegatee
	an asset needed to provide the minimum level of basic municipal services			(a) must determine on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and (b) has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset		

90(4)	Deciding to delegate to the Municipal Manager the power to determine on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services and the fair market value of the asset and the economic and community value to be received in exchange for the asset in respect of movable capital assets of a municipal entity of which the Municipality is the parent municipality below a value determined by the Council	Council	194 None			
	Determining the value of movable capital assets of a municipal entity of which the Municipality is the parent municipality in respect of which the Municipal Manager may on reasonable grounds decide that the asset is not needed to provide the minimum level of basic municipal services and the fair market value of the asset and the economic and community value to be received in exchange for the asset	Council	None			
	Considering an application from a municipal entity of which the Municipality is the parent municipality to transfer ownership or otherwise dispose of a movable capital asset	Council	None			
	other than an asset needed to provide the minimum level of basic municipal services with a value below a valued determined by the Council					

97(3)	Receiving a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality regarding any payments due by an organ of state to the entity in respect of service charges, if such payments are regularly in arrears for periods of more than 30 days	Municipal Manager	195 None			
101(1)	Receiving a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality on any financial problems of the entity	Municipal Manager	None			
101(2)	Tabling a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality on any financial problems of the entity in the first Council meeting next ensuing	Municipal Manager	CFO			
102(1)	Receiving a report of the board of directors of a municipal entity of which the Municipality is the parent municipality any irregular expenditure or any fruitless and wasteful expenditure incurred by, or on behalf of, that municipal entity	Executive Mayor and Municipal Manager	None			
103	Receiving a report of the accounting officer of a municipal entity of which the Municipality is the parent municipality regarding any interference by a councilor outside that councilor's assigned duties, in the financial affairs of the municipal entity; or the responsibilities of the board of directors of the municipal entity	Speaker	None			

104(1)(b)	Deciding which information, returns, documents, explanations and motivations to require from the accounting officer of a municipal entity of which the Municipality is the parent municipality	Municipal Manager	None			
109	Deciding, when a municipal entity of which the Municipality is the parent municipality, experiences serious or persistent financial problems and the board of directors of the entity fails to act effectively – (a) the appropriate steps to be taken in terms of the Municipality's rights and powers over the entity concerned, including its rights and powers in terms of any relevant service delivery or other agreement; (b) impose a financial recovery plan, which meets the criteria set out in section 142 of the MFMA; or (c) liquidate and disestablish the entity.	Council	None			
111 (SCM)	Making and implementing a supply chain management policy for the Municipality	Council	None	Subject to the prescribed framework in terms of section 112(1) of the MFMA		
113(1)	Deciding whether to consider an unsolicited bid received outside the Municipality's normal bidding process	Council		Only in accordance with a prescribed framework		
114(1)	Submitting a report containing the reasons for deviating from a recommendation relating to a bid to the Auditor-General, the provincial treasury and the National Treasury if a tender other than the one recommended in	Municipal Manager	None			

	the normal course of implementing the supply chain management policy of the Municipality is approved		197			

	Receiving a report containing the reasons for deviating from such recommendation from the accounting officer of a municipal entity of which the Municipality is the parent municipality if a tender other than the one recommended in the normal course of implementing the supply chain management policy of the municipal entity is approved	Municipal Manager	None			
	Considering a report containing the reasons for deviating from such recommendation of the accounting officer of a municipal entity of which the Municipality is the parent municipality if a tender other than the one recommended in the normal course of implementing the supply chain management policy of the municipal entity is approved	Municipal Manager	None			
115(1)(a)	Implementing the Municipality's supply chain management policy	Municipal Manager	CFO	None	Y	Manager: SCM
115(1)(b)	Determining the reasonable steps that must be taken to ensure that proper mechanisms and separation of duties in the supply chain management system are in place to minimize the likelihood of fraud, corruption, favoritism and unfair and irregular practices	Municipal Manager	CFO		Y	Manager SCM

116(2)(a)	Determining the reasonable steps that must be taken to ensure that a contract or agreement procured through the supply chain management policy of the Municipality is properly enforced	Municipal Manager	198 The Director of the departmental, administering the contract		Y	Relevant Manager of the department administering the contract

Section	Power/duty conferred	Delegating authority	Delegated body	Conditions	Sub delegate	Delegatee
116(2)(b)	Monitoring the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis	Municipal Manager	The Director of the departmental, administering the contract		Y	Relevant Manager of the department administering the contract
116(2)(c)	Determining the capacity that needs to be established within the Municipality's administration to assist the Municipal Manager to enforce the provisions of a contract or agreement between the Municipality and a contractor and to monitor the performance of a contractor under a contract or an agreement with the Municipality on a monthly basis	Municipal Manager	Relevant Director	In consultation with the Manager Human Resources	N	
	Establishing the capacity in the Municipality's administration to assist the Municipal Manager to enforce the provisions of a contract or agreement between the Municipality and a contractor and to monitor the performance of a contractor under a contract or an	Municipal Manager	Relevant Directors	In consultation with the Manager Human Resources	N	

	agreement with the Municipality on a monthly basis		199			
116(2)(d)	Regularly report to the Council regarding the management of contracts and/or agreements and the performance of contractors.	Municipal Manager	Relevant Directors		N	
	Determining the frequency/regularity of reports to be submitted to the Council regarding the management of contracts and/or agreements and the performance of contractors.	Municipal Manager	CFO		N	
116(3)(a)	Tabling the reasons for the proposed amendment of a contract or agreement procured through the supply chain management policy of the Municipality in the Council	Municipal Manager	Relevant Directors	In terms of NT Circular 62 – Only for contracts with an amendment value of more than 20% for Construction and Infrastructure and 15% for normal goods and services, and in consultation with the Manager Supply Chain	N	
116(3)(b)	Giving the local community reasonable notice of the intention to amend a contract or agreement procured through the supply chain management policy of the Municipality and inviting the local community to submit representations to the Municipality	Municipal Manager		In terms of NT Circular 62 – Only for contracts with an amendment value of more than 20% for Construction and Infrastructure and 15% for normal goods and services.	N	

116(3)	Considering the reasons for the proposed amendment of a contract or agreement and any representation that may have been received regarding the proposed amendment of a contract or an agreement procured through the supply chain management policy of the Municipality and deciding whether to consent to the amendment of the contract or agreement	Council	200 None	In terms of NT Circular 62 – Only for contracts with an amendment value of more than 20% for Construction and Infrastructure and 15% for normal goods and services	Y	BAC – Amendment value Less than 20%
116(3)	Receiving an application from a municipal entity of which the Municipality is a parent municipality to amend a contract or agreement procured through the supply chain management policy of the municipal entity concerned	Municipal Manager	None			
116(3)(a)	Tabling the reasons for the proposed amendment of a contract or agreement procured through the supply chain management policy of a municipal entity of which the Municipality is a parent municipality in the Council	Municipal Manager	None			
116(3)(b)	Giving the local community reasonable notice of the intention to amend a contract or agreement procured through the supply chain management policy of a municipal entity of which the Municipality is a parent municipality and inviting the local community to submit representations to the Municipality	Municipal Manager	None			

116(3)	Considering the reasons for the proposed amendment of a contract or agreement and any representation that may have been received regarding the proposed amendment of a contract or an agreement procured through the supply chain management policy of a municipal entity of which the Municipality is a parent municipality and deciding whether to consent to the amendment of a contract or agreement	Council	201 None			

119(2)	Determining the resources or opportunities to be made available for the training of officials involved in the implementation of the supply chain management policy of the Municipality to meet the prescribed competency levels	Council	Municipal Manager		Y	CFO: to be sub-delegated to the Manager Supply Chain
120(1)	Deciding to enter into a public-private partnership agreement	Council	None			
120(1)(a)	Determining whether a proposed public-private partnership agreement will provide value for money to the municipality	Council	None			
120(1)(b)	Determining whether a proposed public-private partnership agreement will be affordable for the Municipality	Council	None			
120(1)(c)	Determining whether a proposed public-private partnership agreement will transfer appropriate technical, operational and financial risk to the private party	Council	None			

120(4)	Deciding to conduct a feasibility study before a public-private partnership is concluded	Council	202 None			
120(5)	Determining whether to apply for the national government's assistance in carrying out and assessing a feasibility study regarding a proposed public-private partnership	Council	Municipal Manager		N	
120(6)(a)	Submitting the report on the feasibility study together with all other relevant documents to the Council for a decision, in principle, on whether the municipality should continue with the proposed public-private partnership	Municipal Manager	CFO		N	

126(6)(b)	Making the particulars of the proposed public-private partnership, including the report on the feasibility study and inviting the local community and other interested persons to submit to the Municipality comments or representations in respect of the proposed public-private partnership at least 60 days prior to the meeting of the Council at which the matter is to be considered	Municipal Manager	Relevant Directors	In consultation with the Manager Administration	N	

126(6)(c)	Soliciting the views and recommendations of the National Treasury, the national department responsible for local government, the responsible national department if the proposed public-private partnership involves the provision of water, sanitation, electricity or any other service as may be prescribed and any other national or provincial organ of state as may be prescribed in respect of the proposed public-private partnership at least 60 days prior to the meeting of the Council at which the matter is to be considered	Municipal Manager	203 Relevant Directors		Y	Manager PMS
121(1)	Preparing an annual report for the Municipality	Council	Municipal Manager			
121(2)(e)	Performing an assessment of any arrears on municipal taxes and service charges for inclusion in the Municipality's annual report	Municipal Manager	CFO			
121(2)(f)	Performing an assessment of the Municipality's performance against the measurable performance objectives referred to in section 17(3)(b) of the MFMA for revenue collection from each revenue source and for each vote in the Municipality's approved budget for the relevant financial year for inclusion in the Municipality's annual report	Municipal Manager	None			
121(4)(f)	Determining any additional information to be contained in the annual report of a municipal entity of which the Municipality is a parent municipality	Council	None			

122(1)/ 126(1)(a)	Preparing annual financial statements which fairly presents the state of affairs of the Municipality, its performance against its budget, its management of revenue, expenditure, assets and liabilities, its business activities, its financial results, and its financial position as at the end of the financial year	Municipal Manager	204 CFO		Y	Relevant Manager
126(1)(a)	Submitting the annual financial statements of the Municipality to the Auditor-General on or before 31 August of each year	Municipal Manager	CFO		Y	Relevant Manager
122(1)/ 126(1)(b)	Preparing consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or over which it has effective control within the meaning of the Municipal Systems Act of a municipal entity which is a private company	Municipal Manager	CFO		Y	Relevant Manager
126(1)(b)	Submitting the consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or effective control (if it is a private company) to the Auditor General on or before 31September of each year	Municipal Manager	CFO		Y	Relevant Manager
126(2)(a)	Receiving the financial statements of municipal entity over which the Municipality has sole control or effective control (if it is a private company)	Council	Municipal Manager		N	

126(3)(b)	Receiving the audit report on the Municipality's annual financial statements and any consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or effective control (if it is a private company)	Municipal Manager	205 None			
126(4)	Receiving a report outlining the reasons for the delay from the Auditor-General if she/he is unable to complete an audit within three months after submission of the Municipality's annual financial statements and any consolidated annual financial statements of the Municipality and of a municipal entity over which the Municipality has sole control or effective control (if it is a private company)	Council	Municipal Manager			
127(1)	Receiving the annual report of a municipal entity of which the Municipality is a parent municipality	Municipal Manager	None			
127(2)	Tabling in the Council the Municipality's annual report and the annual report of any municipal entity under the Municipality's sole or shared control	Executive Mayor	The member of the Mayoral Committee determined by the Executive Mayor			
127(3)(a)	Submitting to the Council a written explanation setting out the reasons for any delay in tabling the Municipality's annual report and the annual report of any municipal entity under the Municipality's sole or shared control	Executive Mayor	None			

127(5)(a)	Publishing the annual report and inviting the local community to submit representations in connection with the annual report	Municipal Manager	206			

127(5)(b)	Submitting the annual report to the Auditor-General, the provincial treasury and the provincial department responsible for local government	Municipal Manager				
128	Monitoring whether the accounting officer of any municipal entity under the sole or shared control of the Municipality has complied with sections 121(1) and 126(2) of the MFMA, establish the reasons for any non-compliance and report any noncompliance, together with the reasons for such non-compliance, to the Council, the provincial treasury and the Auditor-General	Municipal Manager	None			
129(1)	Considering the annual report of the Municipality and of any municipal entity under the Municipality's sole or shared control	Council	None			
	Adopting an oversight report containing the Council's comments on the annual report(s)	Council	None			
129(2)(a)	Attending the meetings of the Council and its committees where the annual report is discussed and responding to questions concerning the report	Municipal Manager	None			

129(2)(b)	Submitting copies of the minutes of meetings of the Council and its committees where the annual report was discussed to the Auditor General, the provincial treasury and the provincial department responsible for local government	Municipal Manager	207 Director: Corporate Services		Y	Manager Administration
129(3)	Publishing the oversight report regarding the annual report	Municipal Manager	Director: Corporate Services		Y	Manager Administration
129(5)	Deciding whether to adopt guidelines issued by the National Treasury on the manner in which councils should consider annual reports and conduct public hearings and the functioning and composition of any public accounts or oversight committees established by a council to assist it to consider an annual report	Council	None			

130(1)	Determining the reasonable time period to be allowed during a council meeting at which an annual report is to be discussed or at which decisions concerning an annual report is to be taken for the discussion of any written submissions received from the local community or organs of state on the annual report and for members of the local community or any organs of state to address the Council	Speaker	None			
131(1)	Ensuring that the Municipality addresses all the issues raised in an audit report	Executive Mayor	None			

131(2) (a)	Submitting the Municipality's responses to the issues raised in an audit report to the MEC for local government	Municipal Manager	208 None			
132(2)	Submission of the Municipality's annual report and oversight report and the annual report and oversight report of a municipal entity under the Municipality's sole or shared control to the provincial legislature	Municipal Manager	None			
133(1) (a)	Tabling in the Council a written explanation setting out the reasons for the failure of the Municipal Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor-General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council	Executive Mayor	The member of the Mayoral Committee determined by the Executive Mayor		Y	CFO
133(1) (b)	Submitting information received from the Auditor-General regarding the failure to submit annual financial statements to the Council	Speaker	None			

133(c)(i)	Deciding whether to request the Speaker or another councillor to investigate the reasons for the failure of the Municipal Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor General or the Executive Mayor's failure to table the annual report of the	Council	None			

	Municipality or a municipal entity in the Council		209			
	Receiving the report of the appointed councillor regarding the failure of the Municipal Manager or of the accounting officer of a municipal entity under the Municipality's sole or shared control to submit annual financial statements to the Auditor General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council	Council	None			
133(c) (ii)	Determining the appropriate steps to be taken to ensure that the financial statements are submitted to the Auditor General or that the annual report, including the financial statements and the audit report on those statements, is tabled in the Council, as the case may be	Council	Municipal Manager			
133(c) (iii)	Deciding whether disciplinary steps should be taken against the Municipal Manager or other persons responsible for the failure of the Municipal Manager or of the accounting officer of a municipal entity under the Municipality's sole or	Council	1. In the case of the Municipal Manager, the Executive Mayor 2. In all other cases, the Municipal Manager		**N**	

	shared control to submit annual financial statements to the Auditor General or the Executive Mayor's failure to table the annual report of the Municipality or a municipal entity in the Council		210			
135(3)	Considering whether the Municipality is, or is likely to, encounter a serious financial problem in meeting its financial commitments	Council	None			
135(3) (a)	Determining the manner of seeking solutions to any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality	Council	None			
	Defining the solutions to be implemented to solve or avoid any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality	Council	None			
135(3) (b)	Informing the MEC responsible for local government and the MEC responsible for finance of any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality	Council	Municipal Manager		N	
135(3) (c)	Notifying organised local government of any serious financial problem in meeting its financial commitments experienced or anticipated by the Municipality	Council	Municipal Manager		N	
136(1) (a)	Consulting with the MEC for local government regarding a serious financial problem in the Municipality	Executive Mayor	None			

137(1) (d)	Participating in consultations with the MEC for local government regarding the Municipality's co-operation in resolving any financial problem, and if applicable, implementing the financial recovery plan	Executive Mayor	211 None			

137(2)	Receiving an assessment of the seriousness of the financial problem in the Municipality, the determination of the provincial executive whether the financial problem experienced by the Municipality, singly or in combination with other problems, is sufficiently serious or sustained that the Municipality would benefit from a financial recovery plan and the request to a suitably qualified person to prepare and submit a financial recovery plan for the Municipality	Council	None			
139(1) (b)	Participating in consultations with the MEC for local government regarding the Municipality's co-operation in implementing the recovery plan, including the approval of a budget and legislative measures giving effect to the recovery plan	Executive Mayor	None			
139(2)	Receiving a request made by the provincial executive to the Municipal Financial Recovery Service to determine the reasons for the crisis in the Municipality's financial affairs, to assess the Municipality's financial state and to prepare an appropriate recovery plan for the Municipality	Executive Mayor	None			

	Receiving a copy of the Municipal Financial Recovery Service's determination of the reasons for the crisis in the Municipality's financial affairs and assessment of the Municipality's financial state	Council	212 None			
141(3) (a) 144(2)	Participating in consultations with the person or body appointed to prepare a financial recovery plan or an amendment of such plan for the Municipality	Council	None			
141(3) (c) 144(2)	Commenting on a draft financial recovery plan or an amendment to such plan for the Municipality	Council	None			

143(3) (a)	Receiving an approved financial recovery plan for the Municipality	Council	None			
145(1) (a) 146(1) (a)	Implementing an approved financial recovery plan for the Municipality	Council	Municipal Manager		N	
145(1) (b)	Reporting monthly to the MEC for local government on the implementation of the approved financial recovery plan for the Municipality	Council	Municipal Manager		N	
146(1) (c)	Reporting monthly to the MEC responsible for finance on the implementation of a financial recovery plan for the Municipality resulting from a mandatory provincial Intervention	Municipal Manager	None			
147(1) (b)	Receiving progress reports and a final report on any intervention from the MEC for local government or the MEC responsible for finance	Council	None			

148(1) (b)(i)	Declaring the Municipality's willingness to fulfil the executive obligation in terms of legislation or the Constitution that gave rise to any discretionary intervention in the Municipality	Council	213 None			
148(3) (a)	Receiving a notification that an intervention in the Municipality has ended	Council	None			
152(1)	Deciding to apply to the High Court for an order to stay all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality if the Municipality is unable to meet its financial commitments	Council	None			
	Bringing an application to the High Court for an order to stay all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality if the municipality is unable to meet its financial commitments	Municipal Manager	None			

Section	Power/duty conferred	Delegating authority	Delegated body	Conditions	Sub delegate	Delegatee
152(2)	Giving notice of an application by the Municipality to the High Court for an order to stay all legal proceedings, including the execution of legal process, to persons claiming money from the Municipality if the Municipality is unable to meet its financial Commitments	Municipal Manager	None			

153(1)(a)	Deciding to apply to the High Court for an order to stay, for a period not exceeding 90 days at a time, all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality	Council	214 None			
	Bringing an application in the High Court for an order to stay, for a period not exceeding 90 days at a time, all legal proceedings, including the execution of legal process, by persons claiming money from the Municipality	Municipal Manager	None			
153(3)	Giving notice of an application in the High Court for an order to stay, for a period not exceeding 90 days at a time, all legal proceedings, including the execution of legal process, to persons claiming money from the Municipality	Municipal Manager	None			
153(1)(b)	Deciding to apply to the High Court for an order to suspend the Municipality's financial obligations to creditors, or any portion of those obligations, until the Municipality can meet those obligations	Council	None			
	Bringing an application in the High Court for an order to suspend the Municipality's financial obligations to creditors, or any portion of those	Municipal Manager	None			

	obligations, until the Municipality can meet those obligations					

153(3)	Giving notice of an application in the High Court for an order to suspend the Municipality's financial obligations to creditors, or any portion of those obligations, until the Municipality can meet those obligations	Municipal Manager	215 None			
153(1) (b)	Deciding to apply to the High Court for an order to terminate the Municipality's financial obligations to creditors, and to settle claims in accordance with a distribution scheme referred to in section 155 of the MFMA	Council	None			
	Bringing an application in the High Court for an order to terminate the Municipality's financial obligations to creditors, and to settle claims in accordance with a distribution scheme referred to in section 155 of the MFMA	Municipal Manager	None			
153(3)	Giving notice of an application in the High Court for an order to terminate the Municipality's financial obligations to creditors, and to settle claims in accordance with a distribution scheme referred to in section 155 of the MFMA	Municipal Manager	None			
165(1)	Deciding whether to establish an internal audit unit or to outsource the internal audit function	Council	None			
166(1) and (6)	Deciding whether to establish an internal audit committee for – (a) the Municipality only; or (b) the Municipality and the local municipalities within the district municipal area; or	Council	None			

	(c) the Municipality and any municipal entity under it sole control		216			

Section	Power/duty conferred	Delegating authority	Delegated body	Conditions	Sub delegate	Delegatee
166(2)	Receiving reports of the audit committee	Council, Any political office-bearer, Municipal Manager, or Senior Management staff	None			
166(2) (d)	Requesting the audit committee to investigate the financial affairs of the Municipality or a municipal entity of which the Municipality is a parent	Council	Executive Mayor Municipal Manager			
166(4)	Determining the number of members of the audit committee	Council	None			
	Determining the nature of the appropriate experience that persons should possess to be considered for appointment as a member of the audit committee	Council	None			
166(5)	Appointing the members of the audit committee of the Municipality and of a municipal entity of which the Municipality is a parent municipality	Council	None			

	Appointing from amongst the members of an audit committee who is not in the employ of the Municipality or municipal entity, a chairperson	Council	217 None			
167(2) (a)	Recovering any amount paid or given in cash or in kind to a to a person as a political office-bearer or as a member of a political structure of the Municipality otherwise than in accordance with the framework of the Public Office-Bearers Act, 1998 (Act No. 20 of 1998), including any bonus, bursary, loan, advance or other benefit	Municipal Manager	None			

168(3)	Considering any guidelines issued by the Minister of Finance in terms of section 168(1) of the MFMA	Council	None			
171(4) (a)	Investigating any allegations of financial misconduct against the Municipal Manager, the Chief Financial Officer, a senior manager or other official of the Municipality unless those allegations are frivolous, vexatious, speculative or obviously unfounded	Council	1. In the case of the MM, the 2. Executive Mayor In the case of a manager directly 3. accountable to the MM, the MM In all other cases, the departmental head			
	Deciding whether an allegation of financial misconduct against the Municipal Manager, the Chief Financial Officer, a senior manager or other official of the Municipality is frivolous, vexatious, speculative or obviously unfounded					

174(4) (b)	Deciding whether an investigation of an allegation of financial misconduct against the Municipal Manager, the Chief Financial Officer, a senior manager or other official of the Municipality revealed anything that warrants the institution of disciplinary proceedings	Council	1. In the case of the MM, the Executive Mayor 2. In the case of a manager directly accountable to the MM, the MM 3. all other cases, departmental head	Any disciplinary proceedings must be conducted in terms of the relevant collective agreement	N	
176(2)	Deciding to recover from a political office-bearer or official of the Municipality any loss or damage suffered by it because of the deliberate or negligent unlawful actions of that political office-bearer or official when performing a function of office	Council	1. In the case of a councillor, the Speaker 2. In the case of the MM, the Executive Mayor 3. In the case of a manager directly accountable to the MM, the MM 4. In all other cases, the departmental head		N	
178(2) (a)	Submitting to the National Treasury a list of all corporate entities in which the Municipality or a municipal entity under its sole or shared control has an interest	Council	Municipal Manager		N	
178(2) (b)	Submitting to the National Treasury a list of all public-private partnerships to which the Municipality is a party, with a	Council	Municipal Manager		N	

	value of more than R1million in total or per annum		219			
178(2) (c)	Submitting to the National Treasury a list of all other types of contracts of the Municipality for a period beyond 1 January 2007 and with a value of more than R1 million in total or per annum	Council	Municipal Manager		N	

CHAPTER 2
Delegation of powers defined in the Regulations made under Acts

1. Local Government: Municipal Planning and Performance Management Regulations, 2001

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegation	Delegatee
3(3)	Ensuring compliance with the municipality's rules and orders regarding an amendment to the integrated development plan	Council	Speaker	None	N	
3(4)(b)	Publishing a proposed amendment to the municipality's integrated development plan	Council	Municipal Manager		Y	Manager IDP
3(5)(a)	Consulting with the local municipalities within the municipal area about a proposed amendment of the integrated development plan	Council	Executive Mayor	Together with the other members of the mayoral committee	N	
3(5)	Determining the manner of consulting local municipalities with regard to a proposed amendment to the integrated development plan	Council	Executive Mayor	Together with the other members of the mayoral committee	N	
3(5)(b)	Considering the comment of local municipalities, if any, on any proposed amendment of the integrated development plan	Council	Executive Mayor	Together with the other members of the mayoral committee	N	
4(2)(b)	Making and submitting written representations regarding an objection to the proposed amendments to the municipality's integrated development plan suggested by the MEC	Council	Executive Mayor	Together with the other members of the mayoral committee	Y	
6(b)	Preparing action plans for the implementation of strategies identified by municipality	Council	Municipal Manager	After consultation with the managers directly accountable to the Municipal Manager	Y	

8	Adopting a performance management system	Council	221 None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
9(1)	Setting key performance indicators, including input indicators, output indicators and outcome indicators, in respect of each of the development priorities and objectives Contained in the integrated development plan	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	

9(2)	Determining the manner and frequency of the involvement of the community in setting key performance indicators	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
11	Annually reviewing the municipality's key performance indicators	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
12	Determining performance targets in respect of each key performance indicator	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
13(1)	Involving the community in developing and implementing mechanisms, systems and processes for the monitoring, measurement and review of performance	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
13(1)	Approving and implementing mechanisms, systems and processes for the monitoring, measurement and review of performance	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
14(1)(a)	Developing and implementing mechanisms, systems and processes for auditing the results of performance measurements as part of the municipality's internal auditing processes	Council	Municipal Manager	In consultation with Internal Audit	Y	

14(1)(c)	Auditing the performance measurements of the municipality and submitting quarterly reports to the Municipal Manager and the performance audit committee	Internal audit	222 None	None	N	
14(2)	Establishing a performance audit committee	Council	None	Subject to receiving and considering a report from the Speaker	N	
14(2)	Appointing the members of a performance audit committee	Council	None	Subject to receiving and considering a report from the Speaker	N	
14(2)(c)	Deciding whether to have a separate performance audit committee or a consolidated audit committee	Council	None	Subject to receiving and considering a report from the Speaker	N	
14(2)(d)	Designating a member of the performance audit committee as chairperson	Council	None	None	N	
14(2)(f)	Filling of any casual vacancy in the performance audit committee	Council	None	None	N	
14(2)(g)	Provision of secretariat services to the performance audit committee	Council	Municipal Manager		Y	Director Corporate Services: to sub-delegate to Manager Administration
14(2)(i)	Determination of the remuneration of members of the performance audit committee who are not councillors or employees of the municipality	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
14(3)(a)	Calling of ordinary meetings of the performance audit committee	Chairperson of the committee	None	None	N	
14(3)(a)	Determining the time, date and place of meetings of the performance audit committee	Chairperson of the committee	None	None	N	
14(3)(b)	Calling a special meeting of the performance audit committee	Chairperson of the committee	None	None	N	

14(3)(c)	Determining the procedures of the performance audit committee	Performance audit committee	223 None	Subject to receiving and considering a report from the municipal manager	N	
15(1)(a)	Deciding to establish an IDP Forum	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
15(1)(b)	Determining appropriate mechanisms, to invite the local community to identify persons to serve on the IDP forum	Council	None	Subject to receiving and considering a report and recommendations from the Executive Mayor	N	
15(1)(b)	Inviting the local community to identify persons to serve on the IDP forum, including representatives from ward committees, if any	Council	Municipal Manager	None	Y	Manager IDP
15(2)	Convening meetings of the IDP Forum	Council	Municipal Manager	None	Y	Manager IDP

2. LOCAL GOVERNMENT MUNICIPAL FINANCE MANAGEMENT ACT (56/2003): MUNICIPAL ASSET TRANSFER REGULATIONS

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
34(4)	Granting of rights to use, control or manage municipal capital assets	Council	Municipal Manager	Subject to the SCM Policy (The capital asset not exceeding the value of R2 million and the term of lease not longer than 3 years)	N	

CHAPTER 3

Delegation of powers defined in Collective Agreements

1. South African Local Government Bargaining Council: Constitution

Clause	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
12	Refer a dispute for Conciliation to the South African Local Government Bargaining Council	Municipal Manager	None	Subject to the dispute being within the jurisdiction of the SALGBC	N	
13	Refer a dispute for Arbitration to the South African Local Government Bargaining Council	Municipal Manager	None	Subject to the dispute being within the jurisdiction of the SALGBC	N	
19.2	Comply with a compliance order issued by the SALGBC within 10 days of receipt of such compliance order	Municipal Manager	None		N	
21	Request that a dispute regarding essential services be arbitrated	Municipal Manager	None	Subject to the services designated as essential services in terms of Government Gazette No. 18276 (12 September 1997)	N	
22	Apply for exemption from any Collective Agreement	Council	Municipal Manager	As determined by the exemption procedure in the Main Collective Agreement	N	

2. South African Local Government Bargaining Council: Main Collective Agreement (2015)

Clause	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegate	Delegatee
B 7.4	Determine the working hours and remuneration for part-time employees, including casual, seasonal and temporary employees	Municipal Manager	None	Subject or the Basic Conditions of Employment Act (75 of 1997) and the determination in Government Gazette No. 35310 regarding EPWP employees		

B 8.1.1	Grant 5 day workers 24 days leave and 6 day workers 27 days leave within a leave cycle	Municipal Manager	Relevant Directors	Subject to the Council's approved Leave Policy and As authorized by the Municipal Manager in conjunction with Directors	N	
B 8.1.3	Ensure that every 5-day worker takes a minimum of 16 days' leave, and a 6-day worker takes a minimum of 19 days leave per leave cycle	Municipal Manager	Relevant Directors			

B 8.1.7	Ensure that no employee has in excess of 48 days leave credit	Municipal Manager	Director: Corporate Services		Y	Manager: Human Resources
B 8.1.8	Pay an employee his leave entitlement upon termination of service	Municipal Manager	Director: Corporate Services	Subject to the Basic Conditions of Employment Act (75 of 1997)	Y	Manager: Human Resources
B 8.2.1	Grant employees 80 days' sick leave in a 3year cycle.	Municipal Manager	Director: Corporate Services		Y	Manager: Human Resources
B 8.2.3	Withholding remuneration for the days where an employee claims sick leave but fails to produce a sick leave certificate for the period should such period exceed two days or alternatively occurs on more than 2 occasions within an 8-week period should the employee have no annual leave credit balance	Municipal Manager	Relevant Directors		Y	Manager: Human Resources
B 8.3.1	Grant an employee 3 months paid maternity leave, irrespective of the number of confinements or adoptions after having completed at least 1 year service	Municipal Manager	Relevant Directors		Y	Manager: Human Resources
B 9.1.1.2	Make contributions to accredited medical schemes on behalf of employees	Municipal Manager	CFO		Y	Manager Expenditure
C 11.2.1	Allow reasonable access to the workplace to Office Bearers and Officials of IMATU and	Municipal Manager	Director Corporate Services		Y	Manager Human Resources

	SAMWU, provided prior permission is obtained					
C 11.3.1	Deduct subscriptions or levies from employees' salaries and wages and pay such levies or subscription to the respective Trade Unions	Municipal Manager	CFO		Y	Manager Expenditure
C 11.4.4.3	Upon receipt of notification of constituencies, arrange a meeting with the Trade Union within 15 days to reach agreement	Municipal Manager	Director Corporate Services		Y	Manager Human Resources
C 11.4.5.2	After receiving written notice of the venue, date and time, grant access and 3 hours during working time to Trade Unions to conduct shop steward elections	Municipal Manager	Director Corporate Services		Y	Manager Human Resources
C 11.4.7.1	Grant the Shop Stewards Committee 2 hours per month to conduct a Committee meeting	Municipal Manager	Director Corporate Services		Y	Manager Human Resources
C 11.4.7.4	Where possible, grant shop stewards office space and facilities to carry out their duties	Municipal Manager	Director Corporate Services		N	
C 11.4.7.5	Provide access to notice board for Trade Union notices	Municipal Manager	Director Corporate Services		Y	Manager Administration
C 11.4.8.1	Grant Trade Union Shop Stewards 15 days' special leave for trade union activities and training	Municipal Manager	Director Corporate Services		Y	Manager Human Resources
C 11.8.1.1	Establish a Local Labour Forum	Council	Municipal Manager		N	
C 11.8.1.3	Nominate Councillors and members of Management that will constitute the Employer Component of the Local Labour Forum	Council	Municipal Manager		N	
C 13	Deal with Grievances according to the Grievance Procedure	Municipal Manager	Relevant Directors		N	
C 14.1	Deduct from every employee and pay a Bargaining Council levy on each payday to the South African Local Government Bargaining Council	Municipal Manager	CFO		Y	Manager Expenditure

3.Disciplinary Regulations for Senior Managers (2010) (Government Gazette No. 34213)

Section	Power conferred	Delegating authority	Delegated body	Conditions	Sub-delegation	Sub delegate
5.1	Any allegation against a senior manager must be brought to the attention of the Municipal Council within 7 days of the receipt of the alleged misconduct	Executive Mayor/Municipal Manager if other Senior Manager	None	If required the Speaker must convene a special Council Meeting within 7 days.		
5 (3) (a)	If the Council finds there is reasonable cause, appoint (within 7 days) an independent investigator.	Council	None			
5 (3(b)	If there is no evidence to support the allegation/s the Council must within 7 days dismiss the allegations	Council				
5 (4)	Within 30 days of being appointed, submit a report with recommendations to the Mayor or Municipal Manager, as the case may be	Executive Mayor/Municipal Manager	None			
5 (5)	Within 7 days of receipt of the report table the report to the Council	Executive Mayor/Municipal Manager	None	If required the Speaker must convene a special Council Meeting within 7 days.		
5 (7)	The Council Resolution must authorize the Executive Mayor or the Municipal Manager, as the case may be to appoint an independent and external Presiding Officer and Officer to lead evidence	Executive Mayor/Municipal Manager	None			
6	Suspend a Senior Manager pending a Disciplinary Hearing	Council	None	Subject to Council considering the written representations by the Senior Manager		

CHAPTER 4
Incidental delegation of powers, being powers not explicitly conferred by Act

Power	Delegating authority	Delegated body	Conditions	Delegatee
Commencing with any legal process, whether civil or criminal, on behalf of the municipality	Council	Municipal Manager	After consultation with the Manager: Legal Services and Manager Human Resources (on Labour matters)	N
Defending or opposing any legal process, whether civil or criminal, against the municipality	Council	Municipal Manager	After consultation with the Manager: Legal Services and Manager Human Resources (on Labour matters)	N
Submitting or opposing an appeal to a higher court or other judicial tribunal in respect of a judgment handed down by a lower court or tribunal	Council	Municipal Manager	After consultation with the Manager: Legal Services	N
Obtaining the services of an attorney or advocate for official purposes	Council	Municipal Manager	After consultation with the Municipal Manager	Manager: Legal Services
Incurring expenses relating to obtaining the services of investigators to obtain evidence in cases of alleged irregular conduct or misconduct	Council	Municipal Manager	After consulting the Chief Financial Officer and the relevant Director	

Applying penalty clauses of contracts in the event of late delivery of goods and services to the municipality	230 Council	Departmental head concerned	After consulting the Municipal Manager and the Chief Financial Officer	
Granting of legal aid to employees of the municipality	Council	Municipal Manager	After consultation with the Director: Corporate Services	
Deciding the payment of an award not exceeding an amount determined from time to time by the council to a person, other than an employee, who willingly reported an incident that resulted in the conviction of an accused person by a court for an offence relating to damage to or theft of municipal property	Council	Municipal Manager	After consultation with the Chief Financial Officer	
Granting study loans and bursaries to employees of the municipality	Council	Municipal Manager	After consultation with the SDF and Training Committee of the LLF subject to there being adequate funds available	

Deciding on the replacement at the municipality's expense of an employee's tools which were damaged or broken whilst in the use of the municipality in cases where an employee is expected to provide her/his own tools	Council	Municipal Manager	1. Replacement tools must be of similar quality and identical nature than the tools which are replaced 2. After consultation with the relevant Director and the CFO	
Allocating official tele- and mobile phones to employees	Council	Municipal Manager	In terms of Council Policy	
Approving the attendance by employees of meetings, workshops, seminars, conferences and similar events at the municipality's cost and which will be conducted within the national territory of the Republic	Council	Municipal Manager	Subject to the necessary budget being available	Directors
Deciding on the use of the coat of arms of the municipality for commemorative and other purposes	Council	Municipal Manager	None	
Signing, authenticating and/or executing any document conferring freedom of the municipality or honorary residence to a person, pursuant to a council resolution	Council	Municipal Manager	Together with the Executive Mayor	
Signing, authenticating and/or executing documents relating to the transfer or acquisition of immovable property	Council	Municipal Manager		
Signing, authenticating and/or executing documents to commence with any legal process, whether criminal or civil, on behalf of the municipality and to defend or oppose any legal process against the municipality	Council	Municipal Manager		

Signing, authenticating and/or executing documents necessary to submit, oppose or defend any appeal to a higher court or other body in respect of judgement handed down by a lower court or body	232 Council	Municipal Manager	After consultation with the Manager: Legal Services and Manager Human Resources (on Labour matters)	
Signing, authenticating and/or executing any other document the signing, authentication or execution of which had not been delegated to another person.	Council	Municipal Manager	After consultation with the Manager: Legal Services and Manager Human Resources (on Labour matters)	

Signing, authenticating and/or executing contracts relating to the construction of buildings and civil works	Council	Municipal Manager		
Signing, authenticating and/or executing a declaration by a seller for the payment of transfer duties in connection with all property transactions, including declarations concerning buildings constructed with funds obtained from the state, including the national or provincial housing fund	Council	Municipal Manager		
Signing, authenticating and/or executing contracts for the acquisition and alienation of immovable property and rights in respect thereof	Council	Municipal Manager		
Signing, authenticating and/or executing contracts for the leasing of property by or to the municipality	Council	Municipal Manager		
Signing, authenticating and/or executing any and all documentation regarding the registration of immovable property in the municipality's name, irrespective of the manner in which such property was acquired	Council	Municipal Manager		
Signing, authenticating and/or executing contracts which may be necessary for the alienation of any rights of the municipality in immovable property owned by the municipality	Council	Municipal Manager		
Signing, authenticating and/or executing any and all documentation relating to the expropriation of immovable property by the municipality	Council	Municipal Manager		
Signing, authenticating and/or executing any and all documents relating to the registration in favour of the council or another party of servitudes and notarial deeds	Council	Municipal Manager		

Signing, authenticating and/or executing contracts for the handling and disposal of waste	Council	Municipal Manager		Director: Infrastructure and Engineering
Signing, authenticating and/or executing any and all documents relating to obtaining statutory required permits and licenses, including the establishment, extension and closing of landfill sites and cemeteries and the treatment and disposal of wastewater and industrial effluent	Council	Municipal Manager		
Signing, authenticating and/or executing contracts relating to the provision of water and electricity to the municipality whether in bulk or retail quantities	Council	Municipal Manager		Director: Infrastructure and Engineering
Signing, authenticating and/or executing contracts relating to the removal of night soil	Council	Municipal Manager		Director: Infrastructure and Engineering
Signing, authenticating and/or executing any and all documents relating to the registration, deregistration or changes to sectional title schemes	Council	Municipal Manager		
Granting permission to persons to examine the records of the municipality for research purposes	Council	Municipal Manager	After consultation with the relevant Director	
Considering and granting or refusing any application by third parties to use the facilities of the municipality	Council	Municipal Manager	Subject to the provisions of the applicable Policy	Director Community Services
Turning down applications for donations that are obviously contrary to the municipality's policy governing grants and donations	Council	Municipal Manager	After consultation with the Chief Financial Officer	

Granting of permission for the free use of municipal facilities for departmental purposes	Council	Municipal Manager		Relevant Director
Negotiating and entering into contracts for the provision of goods, services and the performance of work for a department concerned exceeding R 200 000 per contract or occasion, including- ✦ purchasing, leasing and maintaining equipment, machinery and installations which are required for a department concerned to achieve its objectives ✦ obtaining the services of a professional service provider (consultant) regarding a matter under a departmental head's control	Council	Municipal Manager	In consultation with the relevant departmental manager and provided the necessary funds are available	N

Negotiating and entering into contracts for the provision of goods, services and the performance of work for the department concerned not exceeding R 200 000 per contract or occasion, including- ▲ purchasing, leasing and maintaining equipment, machinery and installations which are required for the department concerned to achieve its objectives ▲ obtaining the services of a professional service provider (consultant) regarding a matter under a departmental head's control	234 Council	Municipal Manager	1.Provided the necessary funds are available. 2. SCM to play an oversight role. 3. Subject to the provisions of the SCM Policy.	Directors in respect of their Directorates. Directors may sub-delegate to Manager within their Directorate, which delegation may not exceed an amount of R30 000 (excluding deviations).
Awarding of contracts for the supply of goods, services or the performance of work to the municipality that will result in the approved budget being exceeded	Council	None	Subject to receiving and considering a report and recommendation s from the Executive Mayor which report has been prepared together with the other members of the mayoral committee	
Deciding to refund tender deposits in respect of any tender where the municipality is not contractually obliged to refund deposits	Council	Municipal Manager	After consultation with the CFO	Relevant Directors
Adjusting the tendered tariffs of professional service providers in accordance with the published tariffs in terms of legislation concerned	Council	Municipal Manager	After consultation with the departmental manager concerned	Relevant Directors
Creating temporary positions LESS THAN 3 MONTHS on the staff establishment to cope with a temporary increase in work	Council	Municipal Manager	After consultation with the Director: Corporate Services and the CFO	

Construction, demolition or extension of permanent municipal buildings	235 Council	None	Subject to receiving and considering a report and recommendation s from the Executive Mayor	
Considering the sub-division, consolidation or changing the legitimate use of land owned by the municipality	Council	None	Subject to receiving and considering a report from the Executive Mayor	
Considering the acquisition of land and other fixed property for the municipality	Council	None	Subject to receiving and considering a report and recommendation s from the Executive Mayor	
Considering reports of the audit committee and performance audit committee	Council	None		
Nominating, electing and appointing representatives of the municipality in public bodies	Council	None		
Appointing councillors to attend meetings, workshops, seminars, conferences and similar events at the municipality's cost and which will be conducted within the national territory of the Republic	Council	Executive Mayor	Subject to there being adequate funds available	
Appointing councillors and employees to attend meetings, workshops, seminars, conferences and similar events at the municipality's cost and which will be conducted outside the national territory of the Republic	Council	Executive Mayor	In consultation with the Speaker and subject to there being adequate funds available	
Considering departmental reports	Council	Portfolio Committees		
Deciding whether or not a report submitted to the council is for the council's information for consideration	Council	None		

Determining signatories on the municipality's bank account	236 Council	Municipal Manager	After consultation with the CFO	
Authorizing the opening and closing of bank accounts of the municipality	Council	Municipal Manager	After consultation with the CFO	
Appointment of professional service-providers including insurance brokers and management consultants, attorneys, conveyancers, notaries' public, surveyors, valuers, appraisers, engineers and town and regional planners	Municipal Manager		Subject to SCM Policy and receiving and considering a report and recommendations from the Municipal Manager and subject to delegated transaction values.	
Disposing of documents and other records in terms of relevant legislation regulation archives	Municipal Manager	Appointed Deputy Information Officer	In consultation with the relevant Director	
Enforcing national, provincial and local legislation, including the institution of criminal proceedings for the alleged contravention thereof	Council	Municipal Manager		
Instituting criminal or civil proceeding against any former employee who neglected or failed to return any property of the municipality which she/he may have had in her/his possession at the time of terminating her/his employment	Council	Municipal Manager	In consultation with Manager Legal Services	CFO: to sub -delegate to Manager Assets
Implementing and enforcing the municipality's debt collection and credit control policies, including the institution legal proceedings to recover monies owed to the municipality, the signing, execution and authentication of any documents in this regard and the appointment of attorneys and advocates to represent the municipality in such cases	Council	CFO		Manager: Income
Claiming from and making payments to professional firms and companies	Council	Municipal Manager		Relevant Director

Deducting any monies owed by an employee to the municipality from her/his pay in terms of the provisions of the Basic Conditions of Employment Act	Municipal Manager	Director Corporate Services	Y	Manager Human Resources
Instituting legal proceedings against any third party for damages to property of the municipality caused by such third party and for injuries sustained by an employee of the municipality whilst on duty as a result of the action or inaction of a third party	Council	Municipal Manager	After consultation with the Manager Legal Services and Manager Human Resources (in respect of Labour related matters)	
Considering of requests for making available address lists of consumers, rates and levy payers	Council	Municipal Manager		CFO: to sub-delegate to Manager Income
Submitting and finalising insurance claims	Council	Municipal Manager		CFO: to sub-delegate to Manager Assets

Enforcing penalty clauses for late delivery of goods and services or the completion of work	Council	Municipal Manager		Relevant Directors
Maintaining the municipality's financial registers relating to the leasing of property by or to the municipality	Municipal Manager	CFO		Manager: Assets
Granting permission for reimbursement of the relocation cost incurred by a newly appointed employee	Council	Municipal Manager		Director Corporate Services
Reviewing the schedule of uniforms and protective clothing	Municipal Manager	Director Corporate Services		Manager Human Resources
Determining which positions are locomotion allowance carrying positions	Council	Municipal Manager		Director Corporate Services

Dismissing an employee for poor work performance or due to ill-health or injury	Municipal Manager			N
Dismissing an employee for misconduct	Municipal Manager			N
Dismissing an employee for the operational requirements of the municipality	Municipal Manager			N
Leasing of municipal facilities, including halls, to third parties	Municipal Manager	Director Community Services		Relevant Manager
Deciding not to lease any facilities of the municipality to a third party if the risk involved is deemed to be too high	Municipal Manager	Director Community Services		Relevant Manager
Deciding to reduce the rent payable in respect of the leasing of the municipality's facilities in merituous cases	Municipal Manager	Director Community Services		Relevant Manager
Nominate site staff to supervise the excavation, demolition and construction of building and other infrastructure performed on behalf of the municipality by independent contractors	Municipal Manager	Director Infrastructure and Engineering		Relevant Manager

Granting permission to third parties to perform work on municipal property	Municipal Manager	Director Infrastructure and Engineering	Provided that such work will not prejudice the municipality's interests and that the municipality is indemnified in writing against any claims and damages which may result from such work	Relevant Manager
Providing temporary or ad hoc technical, administrative and management assistance, including training, to another municipality	Municipal Manager	Municipal Manager	After consultation with the Directors	
Granting power of attorney to any supplier of vehicles and other equipment that must be licensed to register such vehicle or equipment in the name of the municipality	Municipal Manager	CFO		N

Considering and approving or rejecting any building plan	Municipal Manager	Director Planning, Development & Tourism		Manager: Town Planning
Considering and granting or refusing any application regarding building lines and building over servitudes registered in favour of the municipality	Municipal Manager	Director Planning, Development & Tourism		N
Considering and granting or refusing applications for the erection of temporary and permanent advertisements	Municipal Manager	Director Planning, Development & Tourism		N
Considering applications for the waiving of the municipality's rights under any servitude registered in favour of any property	Municipal Manager	Director Planning, Development & Tourism	In consultation with the relevant Director	Manager Town Planning
Considering applications for the licensing of businesses	Municipal Manager	Director Community Services		N
Issuing notices regarding nuisances and unhygienic conditions on private properties	Municipal Manager	Director Community Services		Senior Environmental Health Practitioner
Authorizing the removal, pruning and planting of trees and other plants on property of the municipality	Municipal Manager	Director Community Services		Relevant Manager
Signing affidavits regarding building issues for obtaining an interdict or any other relief.	Municipal Manager	Director Planning, Development & Tourism	After consultation with the Director Planning, Development and Tourism	Manager: Town Planning
Signing affidavits regarding Housing matters for obtaining an interdict or any other relief.	Municipal Manager	Director Planning, Development & Tourism		N
Incidental changes to the organizational structure	Council		When there is no financial implication to the current budget	N
Approving Tourism events and Festivals applications	Municipal Manager	Director: Planning, Development and Tourism	After consideration of recommendations from the Events Committee	

CHAPTER 5
DELEGATION OF POWERS AND DUTIES – SUPPLY CHAIN MANAGEMENT
MUNICIPAL SUPPLY CHAIN MANAGEMENT REGULATIONS: NOTICE 868 OF 2005

Reg.No.	Powers conferred	Delegated from	Delegated	Sub-delegatee
3(1)(a)	Prepare and submit a draft supply chain management policy complying with regulation 2 to the council of the municipality for adoption	Municipal Manager	CFO	Manager: Supply Chain Management
3(1)(b)	Review at least annually the implementation of the policy	Municipal Manager	CFO	Manager: Supply Chain Management
3(1)(c)	Submit when considered necessary, proposals for the amendment of the policy to the council.	Municipal Manager	CFO	Manager: Supply Chain Management
3(2)(a)	Make use of any Treasury guidelines determining standard for municipal supply chain management policies, and submit to the council that guideline standard, or any modified version thereof, as a draft policy.	Municipal Manager	CFO	Manager Supply Chain Management
3(2)(b)	Ensure that a draft policy submitted to council that differs from the guideline standard complies with regulation 2.	Municipal Manager	CFO	Manager: Supply Chain Management
3(2)(c)	Report any deviation from the guideline standard to the National Treasury and relevant provincial treasury.	Municipal Manager	CFO	Manager: Supply Chain Management
3(4)	Must, in terms of section 62(1)(f)(iv) take all reasonable steps to ensure that the municipality has and implements a supply chain management policy as set out in Regulation 2.	Municipal Manager	CFO	Manager: Supply Chain Management

5(2)(a)	Make a final award above R10 million (VAT included)	Municipal Manager	After considering recommendations of Bid Adjudication Committee	N
5(2)(b)	Make a final award above R2 million (VAT included), but not exceeding R10 million (VAT included)	Municipal Manager	After considering recommendation from the Bid Adjudication Committee.	N
5(2)(c)	Make a final award not exceeding R2 million (VAT included)	Municipal Manager	After considering recommendation from the Bid Adjudication Committee.	N
6(1)	Maintain oversight over the implementation of the supply chain management policy.	Council	N	
6(2)(a)(i)	Submit a report to council within 30 days of the end of each financial year on the implementation of the supply chain management policy of the municipality.	Municipal Manager	Chief Financial Officer	Manager: Supply Chain Management
6(2)(a)(ii)	Submit to council a report from any municipal entity made in terms of this Regulation 6(2)(a)(ii) regarding implementation of the municipal entity's supply chain management policy.	Municipal Manager	CFO	Manager: Supply Chain Management
6(2)(a) (iii)	Immediately submit a report to council whenever there are serious and material problems in the implementation of the supply chain management policy, including such a report from any municipal entity as envisaged by this Regulation 6(2)(a)(iii).	Municipal Manager	CFO	Manager: Supply Chain Management
6(3)	Submit a report to the mayor of the municipality within ten days of each quarter on the implementation of the supply chain management policy.	Municipal Manager	CFO	Manager: Supply Chain Management

7(1)	Establish a supply chain management unit.	Municipal Manager	CFO	N
7(2)	Establish a joint supply chain management unit between the parent municipality and a municipal entity under its sole or shared control.	Municipal Manager	CFO	N
11(3)	Must make public the fact that the municipality procures goods or services contemplated in section 110(2) of the MFMA.	Municipal Manager	CFO	Manager: Supply Chain Management
12(2)(a)	Allow the Accounting Officer to lower, but not to increase, the different threshold values specified in sub-regulation (1).	Municipal Manager	CFO	Manager: Supply Chain Management
12(2)(b)	Direct that: (i) written quotations be obtained for any specific procurement of a transaction value lower than R2000; (ii) formal written price quotations be obtained for any specific procurement of a transaction value lower than R10 000; or	Municipal Manager	Relevant Directors Petty Cash: transaction value up to R2000 (incl. VAT) Written or verbal quotations: transaction value over R2 000 up to R10 000 (incl. VAT) Formal Written Price quotations: Transaction value over R10 000 up to R200 000 (incl. VAT)	The relevant Director from the leading department. Directors may sub-delegate to relevant manager, up to R30 000.
	(iii) a competitive bidding process be followed for any specific procurement of a transaction value lower than R200 000 and procurement of long term contracts	Municipal Manager	CFO	Manager: Supply Chain Management
14(1)(a)(i)	Keep a list of accredited prospective providers of goods and services that must be used for the procurement requirements of the municipality through written quotations and formal written price quotations.	Municipal Manager	CFO	Manager: Supply Chain Management

14(1)(a)(ii)	Invite prospective providers of goods or services at least once a year through newspapers commonly circulating locally, the website of the municipality and any other appropriate ways, to apply for evaluation and listing as accredited prospective providers.	Municipal Manager	CFO	Manager: Supply Chain Management
14(1)(b)	Specify the listing criteria for accredited prospective providers.	Municipal Manager	CFO	Manager: Supply Chain Management
14(1)(c)	Disallow the listing of any prospective provider whose name appears on the National Treasury's database as a person prohibited from doing business with the public sector.	Municipal Manager	CFO	Manager: Supply Chain Management
14(2)	Update the list of prospective providers at least quarterly to include any additional prospective providers and any new commodities or types of services.	Municipal Manager	CFO	Manager: Supply Chain Management
16(d)	Record the names of potential providers requested to provide written quotations with their quoted prices.	Municipal Manager	CFO	Manager: Supply Chain Management
17(1)(c)i	Record the reasons for not obtaining at least three formal written price quotations.	Municipal Manager	CFO	Manager: Supply Chain Management
17(1)(c)ii	Approve the recorded reasons for not obtaining at least three written price quotations.	Municipal Manager	CFO	N
17(1)(d)	Record the names of the potential formal written price quotation providers and their written quotations.	Municipal Manager	CFO	Manager: Supply Chain Management
17(2)	Report to the CFO within three days of the end of the month on any approvals given during that month by that the designated official referred to in sub-regulation (1)(c).	Municipal Manager	CFO	Manager: Supply Chain Management

18(b)	Must promote ongoing competition amongst providers, including by inviting providers to submit quotations on a rotation basis, when using the list of accredited prospective providers.	Municipal Manager	CFO	Snr SCM Practitioner
18(c)	Must take all reasonable steps to ensure that the procurement of goods and services through written quotations or formal written price quotations is not abused.	Municipal Manager	CFO	Snr SCM Practitioner
18(d)	Notify the Accounting Officer or CFO in writing on a monthly basis of all written quotations and formal written price quotations accepted by the official acting in terms of a sub-delegation.	Municipal Manager	CFO	Manager: Supply Chain Management
22(2)	Determine a closure date for submission of bids which is less than the 30 or 14 day requirement, but only if such shorter period can be justified on the grounds of urgency or emergency or any exceptional case where it is impractical or impossible to follow the official procurement process.	Municipal Manager	CFO	Manager: Supply Chain Management
23(c)	(i) record in a register all bids received in time; (ii) make the register available for public Inspection; (iii) publish the entries in the register and the bid Results on the website of the municipality	Municipal Manager	Manager: Supply Chain Management	Snr SCM Practitioner

24(1)	Negotiate the final terms of a contract with bidders identified through a competitive bidding process as preferred bidders, provided that such negotiation- (a) does not allow any preferred bidder a Second or unfair opportunity; (b) is not to the detriment of any other bidder; and (c) does not lead to a higher price than the bid submitted. Minutes of such negotiations must be kept.	Municipal Manager	Manager: Supply Chain Management	
26(b)	Appoint the member of the bid specification, evaluation and adjudication committees, taking into account section 117 of the MFMA.	Municipal Manager		
26(1)(c)	Appoint a neutral or independent observer to a bid specification, evaluation or adjudication committee for an attendance and oversight process when this is appropriate for ensuring fairness and promoting transparency.	Municipal Manager		N
26(3)	Apply the committee system to formal written price quotations.	Municipal Manager		N
31(1)	Request the State Information Technology Agency (SITA) to assist the municipality with the acquisition of IT related goods or services through a competitive bidding process.	Municipal Manager	CFO	Manager: ICT
31(2)	Enter into a written agreement to regulate the services rendered by, and the payments made to, SITA.	Municipal Manager	CFO	Not to be sub-delegated

31(3)	Notify SITA together with a motivation of the IT needs of the municipality if- (a) the transaction value of IT related goods or services required by the municipality in any financial year will exceed R50 million (VAT included); or (b) the transaction value of a contract to be Procured by the municipality whether for One or more years exceeds R50 million.	Municipal Manager	CFO	Manager: ICT
31(4)	Submit to the council, the National Treasury, the relevant provincial treasury and the Auditor General the SITA comments and the reasons for rejecting or not following such comments if the municipality disagrees with SITA's comments.	Municipal Manager	CFO	Manager: ICT

32(1)	To procure goods or services for the municipality under a contract secured by another organ of state, but only if- (a) the contract has been secured by that organ of state by means of a competitive bidding process applicable to that organ of state; (b) the municipality has no reason to believe that such contract was not validly procured; (c) there are demonstrable discounts or benefits for the municipality; and (d) that other organ of state and the provider have consented to such procurement in writing.	Municipal Manager	CFO	Bid Adjudication Committee
35(1)	Procure consulting services up to the value of R200 000 (VAT included) provided that any Treasury guidelines in respect of consulting services are taken into account when such procurements are made.	Municipal Manager	Directors	

35(1)	Procure consulting services above the value of R200 000 (VAT included) provided that any Treasury guidelines in respect of consulting services are taken into account when such procurements are made.	Municipal Manager	Directors	
35(4)	Ensure that copyright in any document produced, and the patent rights or ownership in any plant, machinery, thing, system or process designed or devised, by a consultant in the course of the consultancy service is vested in the municipality.	Municipal Manager	CFO	
36(1)(a)	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-	Municipal Manager		N
	(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 or zoos; or (v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes.			
36(1)(b)	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.	Municipal Manager		N

36(2)	Record the reasons for any deviations in terms of Regulations 36(1)(a) and (b); and Report them to the next meeting of the council and include as a note to the annual financial statements	Municipal Manager	CFO	Manager: Supply Chain Management
37(2)	Decide to consider an unsolicited bid but only if- (a) the product or service offered is a demonstrably or proven unique innovative concept; (b) the product or service will be exceptionally beneficial to, or have exceptional cost advantages for, the municipality; (c) the person who made the bid is the sole provider of the product or service; and (d) the reasons for not going through the normal bidding processes are found to be sound by the accounting officer.	Council		N

37(3)	Make public in accordance with section 21A of the Municipal Systems Act the decision to consider an unsolicited bid that complies with Regulation 37(2) together with- (a) reasons as to why the bid should not be open to other competitors; (b) an explanation of the potential benefits for the municipality were it to accept the unsolicited bid; and (c) an invitation to the public or other potential suppliers to submit their comments within 30 days of the notice.	Municipal Manager	CFO	Manager: Supply Chain Management
37(4)	Submit written comments received pursuant to Regulation 37(3), including any responses from the unsolicited bidder, to the National Treasury and the relevant provincial treasury for comment.	Municipal Manager	CFO	Manager: Supply Chain Management
37(5)	Consider the unsolicited bid.	Municipal Manager	Bid Adjudication Committee	N
37(5)	Award the unsolicited bid.	Municipal Manager	After considering the recommendations from the Bid Adjudication Committee	N
37(7)	Take into account when considering an unsolicited bid- (i) any comments submitted by the public; and (ii) any written comments and recommendations of the National Treasury or the relevant provincial treasury.	Municipal Manager	Bid Adjudication Committee	N

37 (8)	Submit to the Auditor General, the relevant provincial treasury and the National Treasury the reasons for rejecting or not following any recommendations of the National Treasury or provincial treasury in regard to the unsolicited bid.	Municipal Manager	CFO	N
38(1)(a)	Take all reasonable steps to prevent abuse of the supply chain management system.	Municipal Manager	CFO	Manager: Supply Chain Management
38(1)(b)	Investigate any allegations against an official or other role player of fraud, corruption, favouritism, unfair or irregular practices or failure to comply with the supply chain management policy, and when justified- (i) take appropriate steps against such official or other role player; or (ii) report any alleged criminal conduct to the South African Police Service.	Municipal Manager	CFO	
38(1)(c)	Check the National Treasury's database prior to awarding any contract to ensure that no recommended bidder, or any of its directors, is listed as a person prohibited from doing business with the public sector.	Municipal Manager	Bid Evaluation Committee	N
38(1)(d)	Reject any bid from a bidder- (i) if any municipal rates and taxes or municipal service charges owed by that bidder or any directors to the municipality are in arrears for more than three months; (ii) who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or any other organ of state after written notice was given to that bidder that performance was unsatisfactory.	Municipal Manager	Bid Evaluation Committee	N
38(1)(e)	Reject a recommendation for the award of a contract if the recommended bidder, or any	Municipal Manager	Bid Evaluation Committee	N

	of its directors, has committed a corrupt or fraudulent act in competing for the particular contract.	251		

38(1)(f)	Cancel a contract awarded to a person if- (i) the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract; or (ii) an official or other role player committed any corrupt or fraudulent act during the bidding process or the execution of the contract that benefited that person.	Municipal Manager		N
38(1)(g)	Reject the bid of any bidder if that bidder or any of its directors- (i) has abused the supply chain management system of the municipality or has committed any improper conduct in relation to such system; (ii) has been convicted for fraud or corruption During the last five years; (iii) has willfully neglected or reneged on or failed to comply with any government, municipal or other public sector contract during the past five years; or (iv) has been listed in the Register for Tender defaulters in terms of section 29 of the prevention and Combating of Corrupt Activities Act (no 12 of 2004).	Municipal Manager	Bid Evaluation Committee	N
38(2)	Inform the National Treasury and relevant provincial treasury in writing of any actions taken in terms of Regulation 38(1)(b)(ii), (e) or (f).	Municipal Manager	CFO	
43(2)	Check with SARS whether a person's tax matters are in order before making an award to such person	Municipal Manager	Bid Evaluation Committee	N

45	Disclose on the notes to the annual financial statements of the municipality particulars of any award of more than R2000 to a person who is a spouse, child or parent of a person in the service	Municipal Manager	CFO	N

	of the state, or has been in the service of the state in the previous twelve months, including- (a) the name of that person; (b) the capacity in which that person is in the service of the state; and (c) keep the amount of the award.			
46(3)(a)	Ensure that all declarations in terms of regulation (2)(d) and (e) are recorded in a register, which register must be kept by the Accounting Officer.	Municipal Manager		Director Corporate Services: to sub-delegate to Manager Human Resources.
46(3)(b)	Ensure that declarations by the accounting officer in terms of Regulation 46(2)(d) and (e) are made by the Accounting Officer	Executive Mayor		N
46(5)	Adopt the National Treasury's code of conduct for supply chain management practitioners and other role players involved in supply chain management.	Municipal Manager	CFO	Manager: Supply Chain Management
47(2)	Report any alleged contravention of Regulation 47(1) to the National Treasury for considering whether the offending person, and any representative or intermediary through which such person is alleged to have acted, should be listed in the National Treasury's database of persons prohibited from doing business with the public sector.	Municipal Manager	CFO	Manager: Supply Chain Management

48	Disclose to the National Treasury and the relevant provincial treasury any sponsorship promised, offered or granted to the municipality whether directly or through a representative or intermediary, by any person who is- (a) a provider or prospective provider of goods Services to the municipality; or (b) a recipient or prospective recipient of goods Disposed or to be disposed of by the Municipality.	Municipal Manager	CFO	Manager: Supply Chain Management
50(1)	Appoint an independent and impartial person to assist in the resolution of disputes and to deal with objection, complaints or queries as described more fully in Regulation 50(1) to perform his or her functions effectively.	Municipal Manager		N
50(3)	Responsible to assist the person appointed in terms of Regulation 50(1) to perform his or her functions effectively.	Municipal Manager	Manager Legal Services	N

DELEGATION OF POWERS AND DUTIES – NATIONAL BUILDING REGULATIONS AND BUILDING STANDARDS ACT 103 OF 1977

Reg. No.	Power conferred	Delegated body	Conditions	Sub-delegate	SUB-DELEGATED
6(1)(a)	A building control officer shall-make recommendations to the local authority in question, regarding any plans, specifications, documents and information submitted to such local authority in accordance with section 4(3);	Building control officer (Chief building officer)		N	
7(1)(a)	If a local authority, having considered a recommendation referred to in section 6(1)(a)- (a) is satisfied that the application in question complies with the requirements of this Act and any other applicable law, it shall grant its approval in respect thereof;	Council		Y	Director Planning, Development & Tourism: to sub-delegate to Manager Town Planner

SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 16 OF 2013

Section	Power conferred	Delegating Authority	Delegating body	Conditions	Sub-delegate	Delegatee
35(2)	Official authorised to consider and determine certain land use and land development applications.	Council	Director: Planning, Development and Tourism	Only the types of applications listed in category 2, as per Annexure A hereunder.		

35(3)	To consider and determine certain land use and land development applications.	255 Council	Municipal Planning Tribunal	Only the types of applications listed in category 1, as per Annexure A hereunder.		

ANNEXURE A

CATEGORY 1: APPLICATIONS CONSIDERED IN RELATION TO TRIBUNAL	
1.1	Amend, remove or adding of conditions with relation to an existing approval
1.2	Temporary deviation
1.3	Permanent deviation
1.4	Permission or approval in terms of, relaxation, of a restrictive title condition in cases where the limit refers to the use, subdivision, developmental rights o design criteria
1.5	Consent
1.6	Subdivision which created more than three ground units
1.7	Rezoning
1.8	Certification or amendment of a Homeowners Association's Constitution
1.9	Applications where the authorized official chose not to exercise his/her decision-making rights
1.10	Any other application for which provisions is made and is prescribed in terms of the By-law
1.11	Determination of an administrative fine
1.12	Restrictive title conditions alteration, removal or revoking
CATEGORY 2: APPLICATIONS CONSIDERED BY AUTHORISED OFFICIAL	
2.1	All applications in category 1.1 to 1.7 where no public comments were received and that is consistent with policies except in cases of deviations for applications for house shops, building line-, cover- and height encroachment where objections was received.
2.2	Phasing of subdivisions
2.3	Exemption of subdivision of approval in terms of the By-law
2.4	Exemption of the validity period of previous approval
2.5	Approval required in terms of the conditions of approval of an application
2.6	Amending of a zoning map error
2.7	Determination of zoning or non-conforming uses
2.8	Approval, modification or correction of a street name or number where applicable
2.9	Amendment or cancellation of approved pan of the subdivision or General Plan
2.10	Consolidation
2.11	Subdivisions where two and three ground units was created.

Section	Power conferred	Delegating Authority	Delegated body	Conditions	Sub-delegated	Delegatee
Outdoor Advertising and Signage By-Law						
3(2)	Receiving applications for approval, amendment and setting of conditions for approval for outdoor advertising and signage	Council	Municipal Manager		Y	Director Planning Development and Tourism: may be sub-delegated to a relevant Manager.
3(3)	Deciding whether to require an EIA, a Heritage Impact Assessment or a Traffic Impact Assessment	Council	Municipal Manager	Subject to the provisions of the applicable legislation.	Y	Director Planning Development and Tourism: may be sub-delegated to a relevant Manager.
3(5)	Deciding whether an advertising signage master plan is required.	Council	Municipal Manager		Y	Director Planning Development and Tourism: may be sub-delegated to a relevant Manager.
5(2)	Exemption from the sign types and areas of control	Council	Municipal Manager		Y	Director Planning Development and Tourism: may be sub-

			258			delegated to a relevant Manager.
8(1)	Approval of illuminated signs	Council	Municipal Manager		Y	Director Planning Development and Tourism: may be sub-delegated to a relevant Manager.
11(2)	Withdrawal of approvals	Council	Municipal Manager		Y	Director Planning Development and Tourism: may be sub-delegated to a relevant Manager.
11(5) & (6)	Providing written feedback on decisions to applicants and informing them of their rights to appeal	Council	Municipal Manager		Y	Director Planning Development and Tourism: may be sub-delegated to a relevant Manager.
19(1)	Serving of notices regarding signs erected in contravention of the by-law	Municipal Manager	Director Corporate Services	With the assistance of Law Enforcement	Y	Manager Town Planner
19(3) & (5)	Removal of infringing signs	Municipal Manager	Director Planning, Development & Tourism	With the assistance of Law Enforcement	Y	Manager Town Planning

23	Approval of applications for exemptions	Council	Municipal Manager		Y	Director Planning, Development and Tourism
Schedule 16(1)	Granting approval for the erection of signs on municipal property	Council	Municipal Manager	Director Planning, Development & Tourism	N	
Schedule 17	Approving the erection of signs for non-profit bodies	Council	Municipal Manager	Director Planning, Development and Tourism	Y	Director Planning Development and Tourism: may be sub-delegated to a relevant Manager.
Aerodrome By-Law						
General	Appointment of aerodrome manager or supervising official	Municipal Manager	Director Corporate Services	Restricted to appointments of officials below Task Grade Level 12	Y	
4	Entering into written agreements with any party regarding the use of an aerodrome	Council	Municipal Manager		N	
5	Determining the hours during which the aerodrome may be used	Council	Municipal Manager		Y	Director Community Services

7	Determining the tariffs for the use of an aerodrome	Council	Municipal Manager		Y	Director Community Services
14	Setting conditions for the use of hangers and buildings	Council	Municipal Manager		Y	Director Community Services
15	Considering applications for permission to trade at aerodromes	Council	Municipal Manager		Y	Director Community Services
Commonage By-Law						
4(1)	To authorize the closure of a camo for grazing purposes	Council	Municipal Manager		Y	Director Planning, Developme nt & Tourism
4(3)	To authorize the impoundment of an animal found in a camp which has been closed for grazing purposes	Municipal Manager	Director Community Services			Chief Safety & Security
5(1)	To issue exemptions in terms of the by-law provided the conditions referred to in section 13 thereof are in existence	Council	Municipal Manager		Y	Director Planning, Developme nt & Tourism

12(2)	To authorize such steps as may be necessary to rectify any contravention of the by-law and the claiming of costs incurred by the Municipality from the person responsible for such contravention	Council	Municipal Manager 261		Y	Director Planning, Development & Tourism
15	To enter into written agreement with any party regarding the use of the commonage or any part thereof					
7	To issue notices in terms of the by-law	Municipal Manager	Director Planning, Development and Tourism	In consultation with Law Enforcement	Y	
12	To issue such consent as may be necessary or envisaged in section 12 of the by-law	Council	Municipal Manager		Y	Director Planning, Development and Tourism
Roads and Traffic By-Law						
7(1)	By written notice, to order the owner or	Council	Municipal Manager		Y	Director Community Services

	occupier of property on which there is a tree or other growth which interferes with overhead wires or is a source of annoyance, damage, danger or inconvenience to persons using a street or public place, to prune or remove such tree or growth to the extent and within the period specified in such notice.		262			
16(2)	To authorize the recovery of the cost for repairs to a street or public place from the person who caused such damage due to the fact that he/she used or allowed a defective vehicle to drive on or use such street or	Municipal Manager	Director Community Services		Y	

	public place in such a way that the surface of the street or public place concerned was damaged, broken or destroyed.		263			
16(6)	To authorize an official of the Municipality, in the performance of his/her duties to apply, mark, paint, or draw lines, marks, words, signs or advertisements on the surface of a street or public place.	Municipal Manger	Director Community Services		Y	Chief Safety & Security
19	To grant permission to undertake work in any street or public place and also grant exemption from the conditions so imposed.	Municipal Manager	Director Community Services	Subject to any conditions which the Municipal Manager may impose	Y	Chief Safety & Security
21	To grant permission to a person to hold, organise,	Municipal Manager	Director Community Services	This does not apply in respect of weddings,	Y	

	initiate, control or actively participate in a procession or gathering in a street or public space, or dance or sing or play a musical instrument, or do anything which is likely to cause a gathering of persons or the disruption or obstruction of traffic in such a street or public place, or use any loudspeaker or other device for the reproduction or amplification of sound.		264	funeral processions and gatherings to demonstration as contemplated by the Regulation of the Gatherings Act, 205 of 1993. Subject to the recommendations from the Events Committee, where applicable .		
22	To grant persons permission to skate on roller skates or on a skate board or a similar device in or on a street or public place where skating	Municipal Manager	Director Community Services	Subject to any conditions determined by the Director	Y	Chief Safety & Security

	is prohibited by a sign.		265			
27	To give notice to the owner of premises to comply with section 27 of the by-law relative to the display of the street number allocated to such premises.	Municipal Manager	Director Community Services		Y	Chief Safety & Security
29	To grant any person permission to set up or use in any street or public place any circus, whirligig, roundabout or other show or device for amusement or recreation of the public.	Council	Municipal Manager	Subject to any other applicable legislation Taking into consideration any recommendations from the Event Committee, where applicable.	Y	Director Community Services
32	To serve a written notice on the owner of a premises or any offender to terminate a contravention of the by-law or to remove a structure, object material or substance, or	Municipal Manager	Director Community Services		Y	Chief Safety & Security

	to take such steps as the municipality may require to rectify any such contravention within the period stated in such notice.		266			
33	To close streets and public spaces	Council	Municipal Manager	Subject to Municipal Ordinance No 20 of 1974	Y	Director Planning, Development and Tourism
38	To permit encroachments on municipal property or the erection or maintenance of a veranda, balcony, sign, projecting sign or similar structure which projects in or over any street or public place.	Council	Municipal Manager	Subject to Municipal Ordinance No 20 of 1974	Y	Director Planning, Development and Tourism
Street Trading By-Law						
4(2)	To erect signs, to restrict trading areas, indicating that trading in a particular area is prohibited or	Council	Municipal Manager		Y	Director Community Services

	restricted and, in the event of a street trading being restricted, also boundaries of the area or stand for the restricted street trading, the hours when street trading is restricted or prohibited and the goods and services in respect of which trading is restricted or prohibited, as the case may be.		267			
6(1)(b)	To authorize an official of the municipality or a person who has been authorized to provide municipal services, to request a street trader to move his or her property so as to permit the official or other person concerned to carry out any work in	Municipal Manager	Director Community Services		Y	

	relation to a public road, public amenity or service.		268			
8	To authorize and official to carry out the duties referred to in this section 8 concerning the removal of impoundment of property found at a place where street trading is restricted or prohibited.	Municipal Manager	Director Community Services		Y	
Funeral Parlours Cemeteries and Crematoria By-Law						
5(1)	To authorize, in the interest of the public, the closure to the public of a cemetery or crematorium or part thereof for such periods as he may deem necessary.	Council	Municipal Manager		Y	Director Community Services
37(1)	To grant consent to a person to bring into a cemetery, erect, alter, paint, clean, renovate, decorate, remove or otherwise interfere with any	Council	Municipal Manager		Y	Director Community Services

	memorial work or cut any inscription thereon.		269			
39	To give notice for the removal of memorial work that has been erected in contravention of the provisions of the by-law.	Municipal Manager	Director Corporate Services		Y	Director Community Services
40	To serve a notice of compliance on the person who allows a memorial work erected in a public cemetery to fall into such a state of disrepair that it may cause danger or deface the cemetery.	Municipal Manager	Director Corporate Services		Y	Director Community Services
57	Subject to compliance with section 57, to grant permission for a person to establish a private cemetery on land in the municipality.	Council	Municipal Manager		Y	Director Community Services

57	To ensure that private cemeteries are only established in the municipality after the procedural requirements referred to in section 57 are complied with.	Municipal Manager	Director Community Services		Y	
61	To authorize the issue of a notice of compliance as envisaged in section 61.	Municipal Manager	Director Community Services			
Sporting Facilities By-Law						
4(5)	To appoint an employee to be present at a sporting activity that is not organized or controlled by the Municipality,	Municipal Manager	Director Corporate Services	Restricted to an appointment of Task Grade Level below 12. In consultation with the Director Community Services	Y	
5(1)	To determine by notice posted at or near the entrance to a sporting facility the hours during which it may be used by the public.	Council	Municipal Manager		Y	Director Community Services

5(2)	To instruct a person who has contravened a provision of the by-law to leave a sporting facility or premises immediately and, in the event of such person failing to observe the instruction so given, to remove or cause such person to be removed from the facility or premises concerned, as the case may be.		271			
5(3)	To determine the maximum capacity of a sporting facility.	Council	Municipal Manager	Subject to relevant legislation and regulations	Y	Director Community Services
5(3)	Once the maximum capacity of a sporting facility has been reached, to refuse further access thereto and to take such measures as be necessary to prevent further access thereto.	Municipal Manager	Director Community Services		Y	Chief Safety and Security
7(1)	To grant a person, subject to such conditions as he may determine, consent to sell, hawk,	Municipal Manager	Director Community Services		Y	

	advertise, offer for sale or purchase or exhibit any article for sale, lease or hire, distribute a pamphlet, book, handbill or other written or printed matter inside a sporting facility or in the immediate vicinity or the entrance thereto.		272			
9	To ensure that the provisions of section 9 which relate to the reservation and hiring of sporting facilities are complied with.	Municipal Manager	Director Community Services		Y	
Impoundment of animals						
4	To designate the nearest pound to which any person upon whose land an abandoned, lost or stray animal is found, may	Council	Municipal Manager		Y	Director Community Services

	deliver such animal.		273			
12	To receive from a pound master, within 14 days after the date of each pound sale, a copy of all entries in his or her pound register made since the date of the preceding submission and to preserve all such copies for inspection by any person desirous of seeing them.	Municipal Manager	Director Community Services		Y	Chief Safety and Security
17	To appoint a person or auctioneer to conduct pound sales.	Municipal Manager	Director Community Services		Y	
Solid Waste Disposal By-Law						
4	To authorize an employee or agent of the Municipality to be in charge of the disposal site,	Municipal Manager			N	
	To determine the capacity of the "waste bin"	Municipal Manager	Director Community Services		Y	

	or mobile container or alternatively plastic bags that must be made available to premises.		274			
5(1)	To ensure that only a person wishing to dump waste and who has paid the prescribed fees or who is in possession of a written permission issued by the Municipality which permits him or her to dump such waste at a disposal site and a person having obtained the written consent of the Municipality to recycle any materials or objects, enters a disposal site or is entitled to be on such site.	Municipal Manager	Director Community Services		Y	
6(3)	To ensure that any requirement imposed in	Municipal Manager	Director Community Services		Y	

	terms of the by-law is indicated to the public by means of an appropriate notice erected at the entrance of a disposal site and that any instruction issued by an official of the Municipality or a person acting on behalf of the Municipality in charge of access control at a dumping site, is strictly complied with.		275			
6(4)	To prohibit the dumping of toxic or offensive waste at a disposal site.	Municipal Manager	Director Corporate Services		y	
7(1)	To grant a person, subject to such conditions as he may determine, formal authority to remove or interfere with	Municipal Manager	Director Corporate Services		y	

	waste deposited at a disposal site.		276			
10(3)	To prescribe special waste bins for the reception and storage of such types of waste as may be specified and, by written notice served on the owner of premises, require such owner to provide at his or her own expense such number of special waste bins as may be specified in such notice.	Municipal Manager	Director Community Services			
11	In terms of section 11 and subject to compliance with the provisions of this section, to issue notices prescribing the location of waste bins.	Municipal Manager	Director Community Services		Y	
17	To issue approval to any person for the burning of waste.	Municipal Manager	Director Community Services		Y	

19	In terms of section 19, to grant exemptions from the provisions of the by-law.	Municipal Manager	Director Community Services		Y	
Community Fire Safety By-Law						
3(2)	Where no chief fire officer has been appointed in terms of the Fire Brigade Services Act, to be responsible for the administration and enforcement of the by-law.	Municipal Manager	Director Community Services		Y	
3(3)	Where no fire service has been established in the area of jurisdiction of the Municipality, to be responsible for the administration and	Municipal Manager	Director Community Services		Y	

	enforcement of the by-law.		278			
5	In the event of the Municipal Manager being the controlling authority: **1.** Whenever he regards it necessary or expedient to do so, to enter any premises at any reasonable time to ensure compliance with the by-law; **2.** To summarily abate any condition which is in violation of any provision of the by-law and which presents an immediate fire hazard or other threatening danger; **3.** To remedy any violation mentioned in subsection (2), by performing any permitted act as provided for in this section. To recover any costs of the above action from the person deemed by	Municipal Manager	Director Community Services		Y	

	him to be responsible for the existence of an aforesaid condition.		279			
6	In the event of the Municipal Manager being the controlling authority, to investigate the cause, origin and circumstances of any fire or other threat.	Municipal Manager	Director Community Services		Y	
7	In the event of the Municipal Manager being the controlling authority, to issue the notice referred to in section 7 concerning non-compliance with a provision of the by-law.	Municipal Manager	Director Community Services		Y	
8	In the event of the Municipal Manager being the controlling authority, to	Municipal Manager	Director Community Services		Y	

	refuse, suspend or revoke an approval or a certificate required by the by-law for a failure to meet the provisions thereof for the issuance of the approval or certificate or for non-compliance with the provisions of such approval or certificate.		280			
9	To ensure that all relevant records and documents are safely kept.	Municipal Manager	Director Community Services		Y	Chief Fire Officer
13	In the event of the Municipal Manager being the controlling authority, to abate a contravention of the National Building Regulations relating to fire and safety of buildings.	Municipal Manager	Director Community Services		Y	Chief Fire Officer

22	In the event of the Municipal Manager being the controlling authority, to apply the provisions of section 22 relating to fire alarms and fire hydrants.	Municipal Manager	Director Community Services		Y	Chief Fire Officer
23	In the event of the Municipal Manager being the controlling authority, to apply the provisions of section 23 relating to the prevention and control over overcrowding in places of public entertainment and assembly.	Municipal Manager	Director Community Services		Y	Chief Fire Officer
24	In the event of the Municipal Manager being the controlling authority and being of the opinion that a service is required to be in attendance	Municipal Manager	Director Community Services		Y	Chief Fire Officer

	during a function in a place used for entertainment or public assembly, to provide, in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.		282			
25	In the event of the Municipal Manager being the controlling authority, to implement the provisions of section 25 which relate to the formulation and evaluation of an emergency evacuation plan.	Municipal Manager	Director Community Services		Y	Chief Fire Officer

38 & 39	As envisaged in sections 38 and 39, to designate places at which fireworks may be discharged.	Municipal Manager	Director Community Services		Y	Chief Fire Officer
43	In the event of the Municipal Manager being the controlling authority, to refuse to issue a flammable substance certificate if the premises to which such certificate relates does not comply with the requirements of the National Building Regulations as well as additional requirements contained in the by-law and where the non-compliance of the premises can be remedied, to instruct the owner or	Municipal Manager	Director Community Services		Y	Chief Fire Officer

	person in charge thereof in writing to take all reasonable steps to render the premises safe prior to usage of the premises in accordance with section 41 (6) and the issuing of the certificate.		284			
	To perform such other duties and issue such other certificates or approvals as may be required or authorized in terms of the by-law.	Municipal Manager	Director Community Services		Y	Chief Fire Officer
Fences and Fencing By-Law						
4(1)	To grant consent for the erection of fences along boundaries of premises.	Council	Municipal Manager		Y	Director Planning, Development and Tourism
4(6)	To grant consent for the demolition of fences in circumstances where such	Council	Municipal Manager		Y	Director Planning, Development and Tourism

	consent is necessary.		285			
4(7)	To issue, in the interests of safety, an instruction to the owner or occupier of premises on which a fence needs to be erected or repaired.	Council	Municipal Manager		Y	Director Planning, Development and Tourism
	To appoint an official to administer the implementation and enforcement of the by-law.	Municipal Manager			N	
Public Amenities By-Law						
3	To determine the maximum number of persons or vehicles that may be in or at a public amenity at any time and also different classes of vehicles that may be in or at a public amenity at any time.	Council	Municipal Manager		Y	Director Community Services

4(1)	To determine the times, dates and conditions under which a public amenity may be opened to the public having due regard to section 6(1)(a).	Council	Municipal Manager		Y	Director Community Services
4(3)	To grant to any person or persons, during such hours and for such period as he may deem fit, the exclusive use of a public amenity for games, a public meeting, fete, show, other function or entertainment.	Council	Municipal Manager	Subject to recommendation from the Event Committee, where applicable.	Y	Director Community Services
4(4)	For reasons of maintenance, development, security, safety or public health to temporarily or permanently close a public amenity or a portion	Council	Municipal Manager		Y	Director Community Services

	thereof or suspend all or any activities thereon.		287			
7	To grant such consent as may be required for certain activities as contemplated in section 7 to be undertaken in or upon a public amenity.	Council	Municipal Manager		Y	Director Community Services
8	To enter into an agreement with any person in terms of which a public amenity or any part thereof may be used for other or similar purposes and subject to the conditions to be contained in such agreement.	Council	Municipal Manager			
	To issue such consents, approvals or permits as may be required to be issued in terms	Council	Municipal Manager		Y	Director Community Services

	of the by-law subject to compliance with any conditions which may be stipulated or such conditions as may be considered necessary to achieve the objects of the by-law.		288			
Storm Water Management By-Law						
4	To grant in terms of section 4, such consent as may be necessary in order to regularize what would otherwise be prohibited conduct in terms of the by-law.	Municipal Manager	Director Infrastructure and Engineering		Y	Manager Technical Services
6(1)	To issue, on reasonable grounds, an order as envisaged in section 6(1) (b) on an owner of property on which a private storm water system is located to keep such storm water system functioning effectively, including undertaking the refurbishment and reconstruction thereof.	Municipal Manager	Director Infrastructure and Engineering		Y	Manager Technical Services
	To authorize an official, at all reasonable times, to	Municipal Manager	Director Infrastructur		Y	

	enter upon any premises or any portion thereof with the aim of carrying out any inspection or test to determine the current status of a storm water system on such premises.		e and Engineering			
Electricity Supply By-Law						
4	To ensure that the provisions of the Municipality's Customer Care and Revenue Management By-laws apply to all matters relating to and incidental to - **a)** the application for and supply of municipal services; **b)** municipal service agreements; **c)** the payment and non-payment of a municipal accounts; and **d)** the limitation and termination of electricity services.	Municipal Manager	CFO	In consultation with the relevant Area Engineers	Y	Manager Income
6	In terms of section 6, to obtain and negotiate way leaves for the supply of electricity.	Municipal Manager	Director Infrastructure and Engineering		Y	Manager Electrical – may sub-delegate to the relevant Area Engineer
7(3)	Before commencing any work other than repairs or	Municipal Manager	Director Infrastructur		Y	Manager Electrical – may sub-delegate to

	maintenance on or in connection with any electricity supply main on immovable property not owned by the Municipality or under its control or management, to give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.		e and Engineering			the relevant Area Engineer
14	To take such special precautions as may be necessary to prevent tampering with any portion of the supply mains, service connection, service protective device, meter or metering equipment and to require a consumer to either supply and install the necessary protection or pay the costs involved where such protection is supplied by the Municipality.	Municipal Manager	Director Infrastructure and Engineering		Y	Manager Electrical – may sub-delegate to the relevant Area Engineer
15	To terminate at any time with notice or, under exceptional circumstances, without notice, a temporary supply of electricity in circumstance where it is found that such temporary supply	Municipal Manager	Director Infrastructure and Engineering		Y	Manager Electrical – may sub-delegate to the relevant Area Engineer

	interferes with the efficient and economical supply of electricity to other consumers.		291			
17(1)	At times of peak load, or in an emergency, or when it is necessary for any reason to reduce the load on the electricity supply system of the Municipality, without notice, to interrupt and, for such period as may be deemed necessary, to discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation.	Municipal Manager	Director Infrastructure and Engineering		Y	Manager Electrical – may sub-delegate to the relevant Area Engineer
	Generally to issue such notice, instruction or certificate as may be required to be issued in terms of the by-law subject, however, to compliance with any such conditions as may be prescribed.	Municipal Manager	Director Infrastructure and Engineering		Y	Manager Electrical – may sub-delegate to the relevant Area Engineer

Customer Care and Revenue Management By-Law 292						
2	To perform the duties and carry out the responsibilities referred to in section 3 of the by-law.	Municipal Manager	CFO	Subject to Policy Provisions	Y	Manager Income
3	Consider new Applications	Municipal Manager	CFO	Subject to Policy Provisions	Y	Manager Income
4	To enter into an Agreement for the supply of services under this By-Law	Municipal Manager	CFO	Subject to Policy Provisions	Y	Manager Income
7(1)	Make payment arrangements with arrear debtors	Municipal Manager	CFO	Subject to Policy Provisions	Y	Manager Income
9(1)	Restrict, disconnect or discontinue supply of services	Municipal Manager	CFO	Subject to Policy Provisions	Y	Manager Income
9(2)	Reconnect and restore full levels of supply	Municipal Manager	CFO	Subject to Policy Provisions	Y	Manager Income
10(1)(a)-(c)	Institute legal action, recover debt, refer debtor to third party debt collection agency	Municipal Manager	CFO	Subject to Policy Provisions	Y	Manager Income
11	To recover cost under this section 11.	Municipal Manager	CFO	Subject to Policy Provisions	Y	Manager Income
12	Approach the Courts for an order to attach a debtor's movable and/or immovable property to recover debt.	Municipal Manager	CFO	Subject to Policy Provisions	Y	Manager Income
13	Attach any rent due to cover outstanding rates.	Municipal Manager	CFO	Subject to Policy Provisions	Y	Manager Income
15(1)(a) – (c)	Consolidate debtors account	Municipal Manager	CFO	Subject to Policy Provisions	Y	Manager Income

			293			
Liquor Trading Hours By-laws						
4(1)	To submit an application for registration to the responsible ward committee.	Municipal Manager	Director Corporate Services		Y	Manager Administration
4(3)	To consider a report received from a ward committee.	MunicipaManager	Director Corporate Services		Y	Manager Administration
6(1)	Consider and application from a trader to sell liquor outside the prescribed hours.	Council	Municipal Manager			
	Grant, or refuse consent, or impose conditions or restrictions .	Council	Municipal Manager			
7	Establish liaison forums in the community	Council	Municipal Manager		Y	Director Corporate Services

KOUGA MUNICIPALITY (EC108)

ORDINARY COUNCIL MEETING

OFFICE OF THE MUNICIPAL MANAGER

DATE: 10 DECEMBER 2021 **ITEM NO: 21/12/MM3**

2021/22 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: PROGRESS UP TO THE QUARTER ENDING 30 SEPTEMBER 2021

1. Introduction

The implementation progress report on the 21/22 Service Delivery and Budget Implementation Plan, is herewith submitted to Council.

2. Comment

The Implementation Report is arranged per Directorate to allow ease of oversight per Directorate.

Green highlighting reflects targets achieved while orange highlighting reflects non-achievement of targets and/or where performance was not reported. Directorates have been made aware that all areas of under-performance must be discussed at the Portfolio Committee level, with the monthly submission of Departmental SDBIP implementation reports, to determine corrective actions towards ensuring the achievement of the annual targets.

It must be noted that with the Local Government Elections held on 1 November 2021, and the fact that the previous Council was in recess during October 2021, there was no other earlier opportunity to submit the performance report to Council.

3. Recommendation

3.1 That the Quarter 1 Operational and Institutional Performance Report on Progress made with the implementation of the 2021/22 Service Delivery and Budget Implementation Plan be noted.

Item prepared by Manager: PMS

Item approved for submission by Municipal Manager 

KOUGA
local municipality
Good Governance through Service Excellence

2021/22: QUARTER 1 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN: IMPLEMENTATION PERFORMANCE REPORT

INDEX

1.	Income Budgets	3
1.1	Revenue by Source	4
1.2	Revenue by Vote	4
1.3	Budgeted Revenue Graph	5
1.4	Source of Budgeted Income	6
2	Expenditure Budget	7
2.1	Operating Expenditure by Vote	7
2.2	Operating Expenditure by Type	8
2.3	Budgeted Expenditure Graph	9
3.	Office of the Municipal Manager	13
4.	Directorate Community Service	30
5.	Directorate Corporate Services	40
6.	Directorate Finance	48
7.	Director Infrastructure and Engineering	58
8.	Directorate Planning and Development	64

1 INCOME - BUDGETS

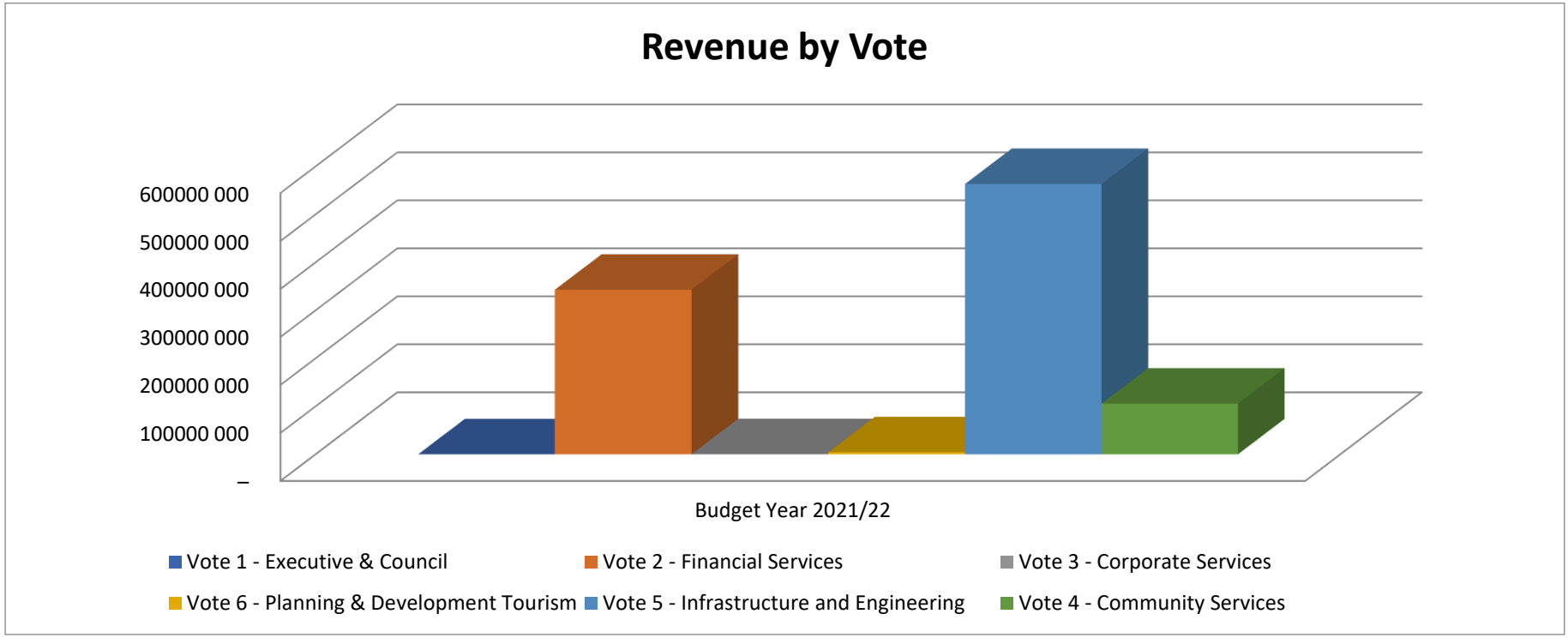
1.1. Revenue by Source

Description	Budget 2021/22		Quarter 1		Quarter 2		Quarter 3		Quarter 4		
	Adjusted Budget	YearTD actual	Budget	YearTD actual	Budget	YearTD actual	Budget	YearTD actual	Budget	YearTD actual	% of Budget
R thousands											
Revenue By Source											
Property rates	218 711	100 225	54 678	100 225	109 355		164 033		218 711		45.83%
Service charges - electricity revenue	334 173	86 917	83 543	86 917	167 086		250 630		334 173		26.01%
Service charges - water revenue	89 581	18 283	22 395	18 283	44 791		67 186		89 581		20.41%
Service charges - sanitation revenue	58 635	15 284	14 659	15 284	29 318		43 977		58 635		26.07%
Service charges - refuse revenue	55 744	15 531	13 936	15 531	27 872		41 808		55 744		27.86%
Rental of facilities and equipment	1 169	577	292	577	584		876		1 169		49.40%
Interest earned - external investments	5 780	725	1 445	725	2 890		4 335		5 780		12.54%
Interest earned - outstanding debtors	10 674	3 011	2 668	3 011	5 337		8 005		10 674		28.20%
Fines, penalties and forfeits	2 238	194	559	194	1 119		1 678		2 238		8.67%
Licences and permits	25 746	6 976	6 436	6 976	12 873		19 309		25 746		27.10%
Transfers and subsidies	153 324	61 074	38 331	61 074	76 662		114 993		153 324		39.83%
Other revenue	20 873	1 675	5 218	1 675	10 437		15 655		20 873		8.02%
Total Revenue (excluding capital transfers and contributions)	**976 647**	**310 471**	**244 162**	**310 471**	**488 323**	**–**	**732 485**	**–**	**976 647**	**–**	**31.79%**

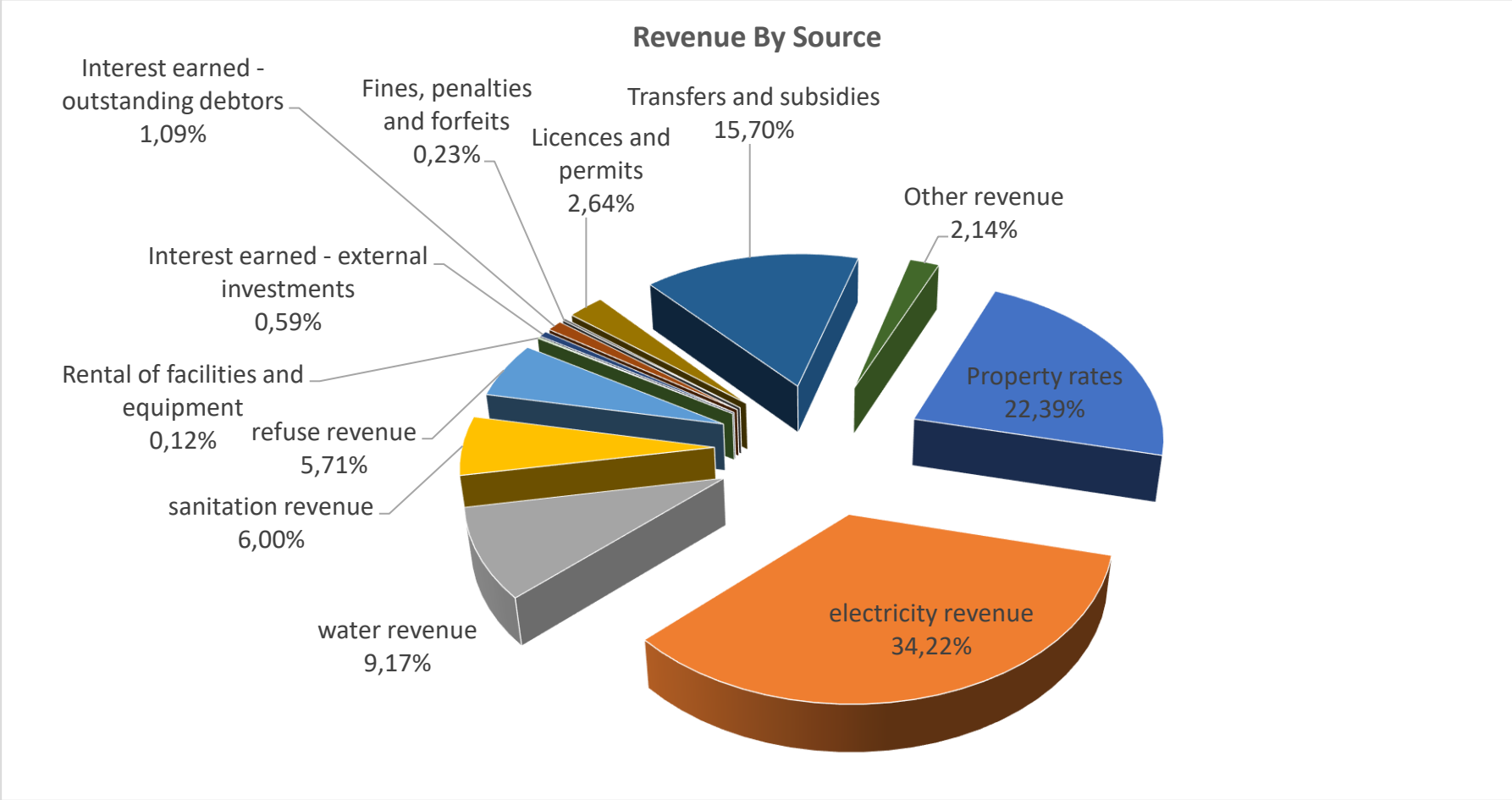
1.2. Revenue by Vote

Vote Description	Budget 2021/22		Quarter 1		Quarter 2		Quarter 3		Quarter 4		
	Adjusted Budget	YearTD actual	Budget	YearTD actual	Budget	YearTD actual	Budget	YearTD actual	Budget	YearTD actual	% of Budget
R thousands											
Revenue by Vote											
Vote 1 - EXECUTIVE COUNCIL	–	–		–							
Vote 2 - FINANCIAL SERVICES	343 009	161 520	85 752	161 520	171 504		257 257		343 009		47.09%
Vote 3 - CORPORATE SERVICES	319	48	80	48	160		239		319		15.08%
Vote 4 - COMMUNITY SERVICES	105 755	24 352	26 439	24 352	52 878		79 317		105 755		23.03%
Vote 5 - INFRASTRUCTURE AND ENGINEERING	563 415	126 712	140 854	126 712	281 707		422 561		563 415		22.49%
Vote 6 - PLANNING DEVELOPMENT AND TOURISM	4 404	1 133	1 101	1 133	2 202		3 303		4 404		25.73%
Total Revenue by Vote	**1 016 903**	**313 766**	**254 226**	**313 766**	**508 451**		**762 677**		**1 016 903**		**30.86%**

1.3. Budgeted Revenue Graph (illustration)



1.4. Source of Budgeted Income Graph (illustration)



2. EXPENDITURE - BUDGETS

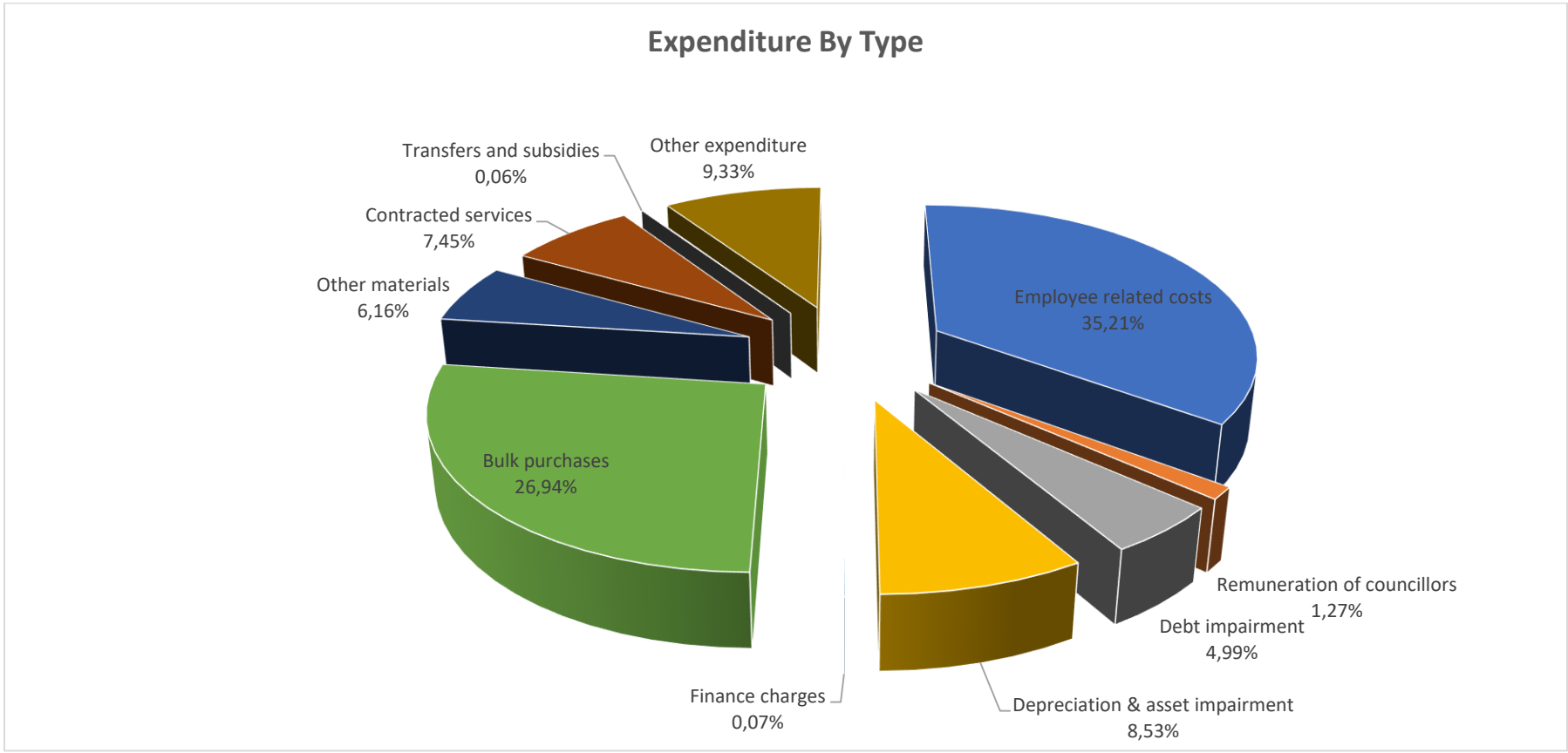
2.1 Operating Expenditure by Vote

Vote Description	Budget 2021/22		Quarter 1		Quarter 2		Quarter 3		Quarter 4		
	Budget	Actual YTD	Budget	Actual YTD	Budget	Actual YTD	Budget	Actual YTD	Budget	Actual YTD	% of Budget
R thousands											
Expenditure by Vote											
Vote 1 - EXECUTIVE COUNCIL	52 647	9 482	13 162	9 482	26 324		39 485		52 647		18.01%
Vote 2 - FINANCIAL SERVICES	107 877	16 843	26 969	16 843	53 939		80 908		107 877		15.61%
Vote 3 - CORPORATE SERVICES	57 087	8 312	14 272	8 312	28 544		42 815		57 087		18.47%
Vote 4 - COMMUNITY SERVICES	213 660	40 991	53 415	40 991	106 830		160 245		213 660		19.18%
Vote 5 - INFRASTRUCTURE AND ENGINEERING	611 165	161 144	152 791	161 144	305 583		458 374		611 165		25.86%
Vote 6 - PLANNING DEVELOPMENT AND TOURISM	33 880	4 365	8 470	4 365	16 940		25 410		33 880		12.85%
Total Expenditure by Vote	**1 076 316**	**241 136**	**269 079**	**241 136**	**538 158**		**807 237**		**1 076 316**		**22.40%**

2.2 Operating Expenditure by Type

Description	Budget 2021/22		Quarter 1		Quarter 2		Quarter 3		Quarter 4		
	Budget	Actual YTD	Budget	Actual YTD	Budget	Actual YTD	Budget	Actual YTD	Budget	Actual YTD	% of Budget
R thousands											
Expenditure By Type											
Employee related costs	378 677	73 553	94 669	73 553	189 339		284 008		378 677		19.41%
Remuneration of councillors	13 651	3 331	3 413	3 331	6 826		10 238		13 651		24.40%
Debt impairment	53 726	–	13 432	–	26 863		40 295		53 726		0.00%
Depreciation & asset impairment	91 830	17 054	22 958	17 054	45 915		68 873		91 830		18.57%
Finance charges	716	150	179	150	358		537		716		20.99%
Bulk purchases	290 000	95 874	72 500	95 874	145 000		217 500		290 000		33.06%
Other materials	66 261	6 236	16 565	6 236	33 131		49 696		66 261		9.41%
Contracted services	80 465	19 259	20 116	19 259	40 233		60 349		80 465		23.97%
Transfers and subsidies	650	–	163	–	325		488		650		0.00%
Other expenditure	100 339	25 679	25 085	25 679	50 170		75 254		100 339		25.64%
Total Expenditure	**1 076 316**	**241 136**	**269 079**	**241 136**	**538 158**		**807 236**		**1 076 315**		**22.40%**

2.3 Budgeted Expenditure Graph (illustrative)



DEPARTMENT	FUNDING	PROJECTS	PROJECT NR	Approved Adjusted Budget 2021/22	YTD Planned Spend	YTD Actuals
FIRE SERVICES	Distr	Fire Vehicle	FT911	1 600 000		-
PARKS AND OPEN SPACES	Internal	5X Trailes	101782	200 000		-
Envornmental Management Fee	Internal	Kouga Skip Bins	CP4_EMF	200 000		-
Protection Services	Internal	Machinery and Equipment (Security Cameras System)	PC_1004	1 200 000		-
LAW ENFORCEMENT	Internal	Machinery and Equipment (Generator)	1011113	230 000		-
Parks & Open Space	Internal	Machinery and Equipment	PC_1003	80 000		-
LAW ENFORCEMENT	Internal	Machinery and Equipment (Radio communication) -	1011115	150 000		-
LAW ENFORCEMENT	Internal	Roads Marking Machinery and Equipment	1011117	150 000		-
Sport & Recreation	Internal	Furniture and Equipment	CP_9	200 000		-
LAW ENFORCEMENT	Internal	Playdetactor (Machinery and Equipment)	1011111	200 000		-
LAW ENFORCEMENT	Internal	Machinery and Equipment (Quardbike)	1011114	150 000		-
Fire Services	Internal	Fencing Humansdorp Fire Station	CP1_FS	600 000		-
LAW ENFORCEMENT	Internal	Furniture and Equipment - Operations room	1011112	180 000		-
SPORT & RECREATION	Internal	Fencing Sport and Recreational Facilities	1011118	1 500 000		-
Fire Services	Internal	Vehicle	CP_23	565 000		-
Beach	Internal	Upgrading of Pellsrus, Kabeljous, Cape St Francis	PC_A001	100 000		-
LAW ENFORCEMENT	Internal	Computer Equipment - Operatons Room	1011116	80 000		-
ENVIRONMENTAL MANAGEMENT	Internal	Machinery and Equipment	PC_1002	100 000		25 944
CEMETERIES	Internal	Ablution Facilities New	1011104	570 000		-
Corporate Services	Internal	Computer Software and Applications	CP_60	237 000		-
Corporate Services	Internal	Fencing of municipal building	PC_1023	629 206		-
ADMINISTRATION SERVICES	Internal	Bio-metric System	CP_CPS1	800 000		-
Corporate Services	Internal	EDMS	PC_201	166 954		-
Corporate Services	Internal	Furniture and Equipment	CP_9	150 000		-
Skills Development	Internal	Computer Equipment	CP_4	33 343		-
Corporate Services	Internal	Computer Equipment	CP_4	100 000		-
ADMINISTRATION SERVICES	Internal	Furniture and Equipment	CP_9	30 000		-

DEPARTMENT	FUNDING	PROJECTS	PROJECT NR	Approved Adjusted Budget 2021/22	YTD Planned Spend	YTD Actuals
MAYOR	Internal	Furniture and Equipment - Municipal Court	0803217	100 000		-
Council	Internal	Furniture and Equipment	CP_9	100 000		23 808
Council	Internal	Computer Equipment	CP_4	120 000		-
MAYORAL COMMITTEE	Internal	Furniture and Equipment - Ward Councillors Offices	1011101	150 000		-
MAYORAL COMMITTEE	Internal	Computer Equipment	CP_4	130 000		-
MAYOR	Internal	Electronic and Computer Equipment	1011120	200 000		1 997
MAYOR	Internal	Vehicle	CP_23	1 200 000		-
MUNICIPAL MANAGER	Internal	Computer Equipment	CP_4	120 000		19 556
MAYOR	Internal	PA system/Data projector/Screens/Sound	1011102	70 000		-
WARD COUNCILLORS	Internal	Ward councilors Capital project	PC_65	750 000		-
WARD COUNCILLORS	Internal	Computer Equipment	CP_4	500 000		-
ASSET MANAGEMENT	Internal	Single Cap Bakkie for stock verification	101773	300 000		-
SCM	Internal	Machinery and Equipment	PC_1003	250 000		-
ASSET MANAGEMENT	Internal	Office Equipment	101771	7 000		-
ASSET MANAGEMENT	Internal	Office Equipment	101772	12 000		-
REVENUE	Internal	2 Single Cab Bakkie	0803219	600 000		451 382
EXPENDITURE	Internal	Big eye-line printer	101774	200 000		-
Finance: IT	Internal	Furniture and Equipment	CP_9	141 005		5 103
Finance: IT	Internal	Cibex Software	CP_075	600 000		-
Finance: IT	Internal	Computer Equipment	CP_4	914 244		-
Finance: IT	Internal	WIFI Solution	PC_017	100 000		46 141
Finance: IT	Internal	Network Upgrade	CP_2241	250 000		-

DEPARTMENT	FUNDING	PROJECTS	PROJECT NR	Approved Adjusted Budget 2021/22	YTD Planned Spend	YTD Actuals
Electricity	Internal	Saffery Substation	CP7_ELC	1 000 000		826 145
Water	Internal	Replace 250mm Water Main Canal Road St Francis Bay	CP7_WAT	163 000		-
Water	Internal	Repair Leaking Concrete Water Tower Paradise Beach	CP_4WAT	310 000		-
Water	Internal	Replace Main Waterline Sout Rivier Bridge Crossing	CP5_WAT	295 000		69 676
Water	Internal	Replace 250mm Water Main Mimosa Street Jbay	CP6_WAT	104 000		40 125
Sewerage	Internal	New bypass Sewer Rising Main and Pump Stations Jbay	CP5_SW	992 000		-
Sewerage	Internal	Upgrade Sewer Rising Mains Jbay (La Mer-4A-4B) Pre	CP4_SW	326 000		53 418
WATER	Internal	Connect 4 x drilled boreholes to treatment works	I&E002	11 356 000		-
WATER	Internal	Connect up 3 x boreholes Soetkloof Hankey	I&E001	2 875 000		-
Sewerage	Internal	Piped Reticulation - St Francis Bay	CP7_SEW	295 000		-
Water	Internal	Machinery & Equipment	CP_10SW	180 000		-
METERING & REVENUE	Internal	Bulk 66kv Overhead lines	CP66KV	2 147 319		176 222
Sewerage	MIG	Upgrade Sanitation System Old Hankey	PC_012	12 867 392		1 031 300
METERING & REVENUE	INEP	Ocean View Electrification	ELEC711	6 782 609		1 188 346
Sewerage	Internal	Upgrade Loerie sewer pump station	CP_2SW	147 000		-
Public Works	MIG	Upgrading of Gravel Roads in Humansdorp	PC_075	14 234 651		625 474
PROJECT MANAGEMENT UNIT (PMU)	Internal	Mini Fresh Food and Craft Markets in Jbay & Hankey	CP_369	400 000		-
Mig Administration Unit	MIG	Upgrading of Sports Facilities	CP_74	500 000		-
SEWERAGE	Internal	Construct emergency overflow pond Koraal Sewer	CP_3SW	100 000		-
Planning & Development	Internal	Computer Software and Applications	CP_60	220 000		50 400
Planning & Development	Internal	Furniture and equipment	CP_54	300 000		-
LOCAL ECONOMIC DEVELOPMENT		Computer Equipment	CP_4	83 898		-
Economic Development: Tourism	Internal	Restoration of Fisherman Grave Site	CP2_EDT	150 000		-
LAND & PROPERTY ADMINISTRATION	Internal	Furniture and equipment	CP_54	451 528		-
LAND & PROPERTY ADMINISTRATION	Internal	Computer Equipment	CP_4	100 000		-
LOCAL ECONOMIC DEVELOPMENT	Internal	Kouga Business Support Centre	CP1_EDB	600 000		-
				73 996 149	**-**	**4 635 036**

3. OFFICE OF THE MUNICIPAL MANAGER

KPA	**GOOD GOVERNANCE AND PUBLIC PARTICIPATION**													
Strategic Objective	SDO1: To ensure that the municipal services are administered in accordance with the objectives of local government as prescribed in Chapter 7 of the Constitution.													
Directorate	Office of the Municipal Manager													
Division	Performance Management													
Function	Performance Management													
SOD:1.1	**EXECUTIVE SUPPORT**: To provide office management service to the Municipal Manager													
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Performance	Number of Institutional performance reports submitted to Council	4	4		1/4	1/4	2/4		3/4		4/4			5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Submitted Draft 2020/21 Annual Performance Report to Council on 31 August 2021 Item no. 21/08/CMM2													
Q2														
Q3														
Q4														
KPA	GOOD GOVERNANCE AND PUBLIC PARTICIPATION													
Strategic Objective	SDO1: To ensure that the municipal services are administered in accordance with the objectives of local government as prescribed in Chapter 7 of the Constitution.													
Directorate	Office of the Municipal Manager													
Division	Internal Audit and Risk Management													

Function	Risk Management													
SOD:1.2	RISK MANAGEMENT AND INTERNAL AUDIT: To assess municipal risks and provide and independent appraisal of the adequacy and effectiveness of financial controls in the municipality													
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Risk Monitoring	Number of Risk Management Meetings Held	4	4		1/4	1/4	2/4		3/4		4/4			5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Risk meeting held with I&E on 08 July 2021 to populate risk register.													
Q2														
Q3														
Q4														
Risk Monitoring	Number of Audit Committee Meetings held	4	4		1/4	1/4	2/4		3/4		4/4			5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Kouga Audit Committee Meeting held on 25 August 2021													
Q2														
Q3														
Q4														
Risk Monitoring	Number of Institutional Risk Assessment Reviews completed by 30 June 2022	1	1		-	-	-		-		1			3

PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target set for quarter 1													
Q2														
Q3														
Q4														
Strategic Objective	SDO1: To ensure that the municipal services are administered in accordance with the objectives of local government as prescribed in Chapter 7 of the Constitution.													
Directorate	Office of the Municipal Manager													
Division	Integrated Development Planning													
Function	Integrated Development Planning													
SOD:1.3	INTEGRATED DEVELOPMENT PLANNING: To develop and coordinate a credible Integrated Development Plan that will address the developmental needs of the community.													
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Strategic Planning	Number of IDP Process Plans submitted to Council by 31 August 2021	1	1		1	1	-		-		-			3
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Draft IDP Process Plan submitted to Council on 31 August 2021 Item 21/08/MM11													
Q2														
Q3														
Q4														

Strategic Planning	Number of draft IDP's submitted to Council by 31 March 2022	1	1		-	-	-		1		-			3
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target set for quarter 1													
Q2														
Q3														
Q4														
Strategic Planning	Number of Final IDP's submitted to Council by 31 May 2022	1	1		-	-	-		-		1			5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target set for quarter 1													
Q2														
Q3														
Q4														
Strategic Planning	Number of Ward Public meetings to determine Ward Priorities	15	15	-	-	-	7/15		15/15		-			3
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target set for quarter 1 **(IDP Sessions will be used to complete this)**													
Q2														
Q3														
Q4														
Strategic Planning	Number of IDP Representative	3	2		-	-	1/2		2/2		-			3

	Forum Meetings held													
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target set for quarter 1													
Q2														
Q3														
Q4														
Strategic Planning	Number of Ward based planning sessions with Ward Committees.	1	1		-	-	1		-		-			3
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target set for quarter 1													
Q2														
Q3														
Q4														
Strategic Planning	Number of Strategic Planning Sessions to review IDP objectives	1	1		-	-	1		-		-			4
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target set for quarter 1													
Q2														
Q3														
Q4														

Strategic Planning	Number of approved IDP's uploaded to Web Site by 15 June 2022	1	1		-	-	-		-		1			3
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target set for quarter 1. 2021/22 IDP uploaded to website 2 June 2021													
Q2														
Q3														
Q4														
Strategic Objective	SDO1: To ensure that the municipal services are administered in accordance with the objectives of local government as prescribed in Chapter 7 of the Constitution.													
Directorate	Office of the Municipal Manager													
Division	Performance Management													
Function	Performance Management													
SOD:1.4	PERFORMANCE MANAGEMENT: To develop, maintain and monitor the institutional performance management system/SDBIP in the municipality.													
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Performance Planning	Number of SDBIP's submitted to the Mayor for approval within 14 days of adoption of the Annual Budget	1	1		-	-	-		-		1			5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target set for quarter 1. 2021/22 SDBIP approved by the Executive Mayor on 18 June 2021													

Q2														
Q3														
Q4														
Performance Planning	Number of approved SDBIP's submitted to Council by 31 July 2021	1	1		1	1	-		-		-			3
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	SDBIP submitted to Council on 30 July 2021. Item 21/07/MM2													
Q2														
Q3														
Q4														
Performance Planning	Number of SDBIP's uploaded to web within 10 days of adoption by Council	1			1	1								3
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	SDBIP Uploaded to Web-Site on 5 July 2021													
Q2														
Q3														
Q4														
Performance Planning	Number of SDBIP Implementation reports submitted to Council	4	4		1/4	1/4	2/4		3/4		4/4/			5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Annual Performance Report submitted to Council on 31 August 2021 (Final SDBIP implementation report for 2020/21). Report 1/4 submitted													

Q2														
Q3														
Q4														
Performance Planning	Number of signed performance agreements submitted to Council by 31 August 2021	6	6		6	5	-		-		-			3
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Item 21/08/MM12 Performance Agreements submitted to Council on 31 August 2021. New temporary appointed Director Infrastructure and Engineering in process of concluding performance agreement and such agreement shall be submitted when finalized.													
Q2														
Q3														
Q4														
Performance Planning	Number of Performance Agreements uploaded to Web Site within 10 days of approval	6	6		6	5	-		-		-			3
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Uploading only due after submission to Council on 31 August 2021. 5 Agreements loaded 31 August 20216. The Performance Agreement of the Acting Director Infrastructure shall be loaded once concluded.													
Q2														
Q3														
Q4														

Strategic Objective	SDO1: To ensure that the municipal services are administered in accordance with the objectives of local government as prescribed in Chapter 7 of the Constitution.													
Directorate	Office of the Municipal Manager													
Division	Medial and Communication													
Function	Communication													
SOD:1.5	MEDIA AND COMMUNICATION: To provide comprehensive communications and intergovernmental relation services.													
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Communication	Number of Kouga News publications prepared and circulated per annum	1	1		-	-	1-		-		1			3
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target set for quarter 1. Newspaper articles for Kouga up to 29 August = 61. Good Governance Booklet (Similar to Newsletter) August 2016 to June 2021 done during August 2021 for Gamtoos Valley, Good Governance Booklet for Jeffreys Bay August 2016 to June 2021 done June/July 2021. 2 Full-page advertorials twice per month to highlight service delivery highlights													
Q2														
Q3														
Q4														
Communications Policy and Strategy	Number of Communications Policy and Strategy approved by 30 June 2022	-	1		-	-	-		-		1			3
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target set for quarter 1													

Q2														
Q3														
Q4														
Municipal Web Site	Due date compliance with the Overhaul the functionality of the website to include payment portals for various functions like traffic fines	30 June 2022				-					30/6/22			5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target set for quarter 1													
Q2														
Q3														
Q4														
Strategic Objective	SDO1: To ensure that the municipal services are administered in accordance with the objectives of local government as prescribed in Chapter 7 of the Constitution.													
Directorate	Office of the Municipal Manager													
Division	Legal Services													
Function	Legal Services													
SOD:1.6	LEGAL SERVICES: To provide professional, effective and efficient legal support to Council and Administration, to protect the municipality's interests and mitigate legal risks													

Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Mitigate Legal Risks	Number of reports on legal risks	4	4		1/4	1/4	2/4		3/4		4/4			5

	submitted to Council													
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	First report prepared for Ordinary Council meeting scheduled for 30 September 2021.													
Q2														
Q3														
Q4														
Delegation Framework	Number of Delegation Frameworks reviewed by 30 June 2022	1	1		-	-	-		-		1			5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target set for quarter 1													
Q2														
Q3														
Q4														
Municipal Code	Audit and review By-Laws by 30 June 2022	30/6/21	306/22		-	-	-		-		30/6/22			3
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target set for quarter 1													
Q2														
Q3														
Q4														
Municipal Court	Number of Municipal	-	1		-	-	-		-		1/1			3

	Courts Established													
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target set for quarter 1													
Q2														
Q3														
Q4														
Strategic Objective	SDO1: To ensure that the municipal services are administered in accordance with the objectives of local government as prescribed in Chapter 7 of the Constitution													
Directorate	Office of the Municipal Manager													
Division	Special Programs													
Function	Special Programs													
SOD 1.7	SPECIAL PROGRAMS: To coordinate and manage all special programs to address special needs in society													
Focus Area	Key Performance Indicator	Baseline	Annual Target	Revised Target	2021.2022: Quarterly targets								Vote number and budget	Weight
					Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Social Development	Number of meetings of the Kouga Women's Forum	0	4		1/4	0	2/4		3/4		4/4/			2
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No comment provided													
Q2														
Q3														

Q4														
Social Development	Number of meetings of the Youth Forum	0	4		1/4		2/4		3/4		4/4			2
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	The is currently no youth forum the forum will be established on the 25 September 2021													
Q2														
Q3														
Q4														
Social Development	Number of meetings of the Vulnerable Groups Forum	0	4		1/4	0	2/4		3/4		4/4			2
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	The is currently no Vulnerable Groups forum. The forum will be established during September 2021													
Q2														
Q3														
Q4														
KPA	INSTITUTIONAL DEVELOPMENT AND TRANSFORMATION													
Strategic Objective	SDO5: Directorate Corporate Services													
Directorate	Corporate Services													
Division	Administration													
Function	Administrative Support													
SOD:5.2	HUMAN RESOURCE MANAGEMENT: To render human resources management and support services to the municipality that will sustain the optimal utilization of the municipality's human capital.													Weight
Focus Area		Baseline	2021/2022: Quarterly Targets											

	Key Performance Indicator		Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022		Vote number and budget	
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Organogram	Vacancy rate for approved budgeted posts	2.7%	2.7%		2.7%	1.8%	2.7%		2.7%		2.7%			25
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Vacancy rate 2.3% as at 31 July 2021 Vacancy rate 1.8% as at 30 August 2021 Vacancy rate 3.1% as at 31 September 2021													
Q2														
Q3														
Q4														
Organogram	% Staff costs compared to operational budget	35%	35%		35%	6.85%	35%		35%		35%			50
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	2,27% of operational budget at 31 July 2021 4,55% of operational budget at 31 August 2021 6,85% of operational budget at 30 September 2021													
Q2														
Q3														
Q4														
Employment Equity	Number of people from employment	2AM 2AF	None		3 AM 1 AF						2AM 2AF			25

	equity target groups employed in the three highest levels of management in accordance with the approved Employment Equity Plan by the end of June				1CF 1CM									

PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	1 African female, and 3 African males appointed as at 31 September 2021				1 coloured female appointed as at 31 September 2021 and 1 Coloured male appointed as at 31 September									
Q2														
Q3														
Q4														
KPA	FINANCIAL VIABILITY AND MANAGEMENT													
Strategic Objective	SDO6: Directorate Finance													
Directorate	Finance													
Division	Supply Chain Management													
Function	Supply Chain Management													
SOD:6.5	SUPPLY CHAIN MANAGEMENT (SCM): To manage supply chain management service to ensure proper systems, policies and procedures and control for demand, acquisition, logistics, assets and disposal management													
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 Dec 2019		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		

Budget spending	% Capital budget expenditure	90%	95%		10/95%	1.37%	45/95%		85/95%		95/95%			80
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	As at 31 July 2021 there was no capital budget expenditure. Note financial information only become available 10 days after month end. Reported figure up to end August 2021. Gigure to include September 2021 only available after 10 September 2021.													
Q2														
Q3														
Q4														
Budget spending	Number of meetings on the implementation of the procurement plan	-	6		1/6	6	2/6		4/6		6/6			20
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Procurement Plan implementation discussed at Top Management Meetings. 6 Top Management meetings held													
Q2														
Q3														
Q4														
KPA	LOCAL ECONOMIC DEVELOPMENT													
Strategic Objective	SDO3: LED Office of the Municipal Manager													
Directorate	Planning, Development and Tourism													
Division	LED and Tourism													
Function	Local Economic Development													
SOD:3.2	DEVELOPMENT (LED) AND TOURISM: To plan and develop a coherent and integrated framework for local economic development and tourism													
Focus Area		Baseline	2021/2022: Quarterly Targets											Weight

	Key Performance Indicator		Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022		Vote number and budget	
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
LED	% Budget expenditure for LED programs and projects	90%	90%		10/90%	4%	45/90%		80/90%		90/90%			50
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Target not Achieved. Less than 5% expenditure in Q1.													
Q2														
Q3														
Q4														
LED	Number of jobs created through PPP	-	20		-	98	-		10/20		20/20			50
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target in Q1. Jobs created through the Municipal funded (partnership / sponsorship agreements) – Long Surf Board Championships = 89 ; Museum = 9													
Q2														
Q3														
Q4														

4. DIRECTORATE COMMUNITY SERVICES

KPA	**INFRASTRUCTURE AND BASIC SERVICE DELIVERY**													
Strategic Objective	SDO4: Directorate Community Services													
Directorate	Community Services													
Division	Solid Waste Management													
Function	Waste Management													
SOD:4.1	**SOLID WASTE MANAGEMENT:** To coordinate all functions/powers regarding solid waste management assigned to the municipality													
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Solid Waste	Number of Solid Waste Management Plans reviewed by 30 June 2022	1	1		-		-		-		1			15
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Quarter 4 target													
Q2														
Q3														
Q4														
Strategic Objective	SDO4: Directorate Community Services													
Directorate	Community Services													
Division	Environmental Health Services													

Function	Environmental Health Management													
SOD:4.2	**ENVIRONMENTAL HEALTH:** To ensure that visitors and residents have a safe and healthy environment													
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Water quality control	Number of water samples submitted for bacteriological and chemical analysis	420 (Bact) 140 (Chem)			105/420 (Bact) 35/140 (Chem)	149 Bact 35 Chem	210/420 (Bact) 70/140 (Chem)		315/420 (Bact) 105/140 (Chem)		420/420 (Bact) 140/140 (Chem)			20
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	149 Bact 35 Chem													
Q2														
Q3														
Q4														
Health surveillance of premises	Number of premises subjected to Environmental Health inspections	740	850		200/850	442	425/850		625/850		850/850			20
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	442 premises inspected													
Q2														
Q3														
Q4														
KPA	**INFRASTRUCTURE AND BASIC SERVICE DELIVERY**													

Strategic Objective	SDO4: Directorate Community Services													
Directorate	Community Services													
Division	Safety and Security													
Function	Safety and security													
SOD:4.2	**SAFETY AND SECURITY:** Provide quality, sustainable municipal infrastructure to consistently maintaining and improving the needs of the people of Kouga.													
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Safety and Security	Number of roadblocks conducted to keep Kouga safe	20	20		5/20	10	10/20		15/20		20/20			5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	10 Road blocks conducted													
Q2														
Q3														
Q4														
Safety and Security	Number of Joint Operations conducted to keep Kouga Safe	24	24		4/24	23	8/24		12/24		24/24			5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	23 Joint Operations conducted													
Q2														
Q3														
Q4														

Safety and Security	Number of fines issued	3500	3500		875/3500	573	1750/3500		2625/3500		3500/3500			5

PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS

Q1	573 Fines issued
Q2	
Q3	
Q4	

Strategic Objective	SDO4: Directorate Community Services
Directorate	Community Services
Division	Protection Services
Function	Fire and Disaster Services
SOD:4.4	**FIRE AND DISASTER:** To provide effective and efficient fire and disaster management services

Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Disaster Management	Number of Disaster Advisory Forum Meetings held	0	4		1/4	1	2/4		3/4		4/4			10

PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS

Q1	1 x Advisory Forum Meeting held on the 29 September 2021

Q2														
Q3														
Q4														
Strategic Objective	SDO4: Directorate Community Services													
Directorate	Community Services													
Division	Environmental Management													
Function	Environmental Management													
SOD:4.	**ENVIRONMENTAL MANAGEMENT:** To provide effective and efficient safety and security services													
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Environmental Management	Number of CSF Dune Management and Maintenance Plans completed by 30 June 2022	0	1		-		-		-		1			10
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target set for Q1													
Q2														
Q3														
Q4														
Environmental Management	Number of Environmental Awareness	4	4		1/4	1	2/4		3/4		4/4			5

	Campaigns conducted													
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	1 x Environmental Awareness Campaign conducted													
Q2														
Q3														
Q4														
Environmental Management	Number of Environmental Management Forum meetings held	4	4		1/4	1	2/4		3/4		4/4			5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	1 x Environmental Management Forum meetings held													
Q2														
Q3														
Q4														

KPA	**FINANCIAL VIABILITY AND MANAGEMENT**
Strategic Objective	SDO6: Directorate Finance
Directorate	Finance
Division	Supply Chain Management
Function	Supply Chain Management
SOD:6.5	**SUPPLY CHAIN MANAGEMENT (SCM):** To manage supply chain management service to ensure proper systems, policies and procedures and control for demand, acquisition, logistics, assets and disposal management

Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets						Vote number	Weight
			Annual Target	Revised Target	Ending 30 September 2021	Ending 31 Dec 2019	Ending 31 March 2022	Ending 30 June 2022		

					Target	Actual	Target	Actual	Target	Actual	Target	Actual	and budget	
Budget spending	% Capital budget expenditure	90%	95%		10/95%	**0,32%**	45/95%		85/95%		95/95%			55
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	**0,32%** Capital budget expenditure													
Q2														
Q3														
Q4														

Strategic Objective	SDO6: Directorate Finance
Directorate	Finance
Division	Budget and Treasury
Function	Financial Reporting
SOD:6.1	**BUDGET AND REPORTING:** To manage and control the implementation of budget policies and procedures, statements and reporting processes to ensuire legislative compliance.

Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 Dec 2019		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Financial Management	% Reduction in staff overtime compared to previous year	10%	5%		1/5%	25,28%	2.5/5%		4/5%		5/5%			30
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	25,28% Reduction in staff overtime compared to previous year													
Q2														

Q3														
Q4														
Financial Management	% compliance with the 5-day turnaround target for the certification of invoices for payment and resubmission to finance calculated from date of receipt by the Directorate	100%	100%		100%	100%	100%		100%		100%			5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	100% compliance with the 5-day turnaround target for the certification of invoices for payment and resubmission to finance calculated from date of receipt by the Directorate achieved. All invoices submitted to Community Services are forwarded to Finance within 3 days of submission. Average 2 days													
Q2														
Q3														
Q4														
Financial Management	Due date compliance with the submission of Tariff Review proposals for the Directorate for consideration with the budget preparations	28/2/21	28/2/22		-		-		28/2/22		-			5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Quarter 2 target													

Q2	
Q3	
Q4	

Financial Management	Due date compliance with the submission of business plans for projects relevant to the Directorate to be considered for inclusion in the budget	28/2/21	28/2/22						28/2/22					5

PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS	
Q1	Quarter 3 target
Q2	
Q3	
Q4	

Project Number	**Project**	**Key Performance Indicator**	**Annual Targets**	**Revised Target**	**30 Sept 2021**		**31 Dec 2021**		**31 Mar 2022**		**30 June 20222**	
					Target	**Actual**	**Target**	**Actual**	**Target**	**Actual**	**Target**	**Actual**
OP 1	Advanced Road Safety Law Enforcement Solution (Speed Camera Contractor)	Date of submission	BSC submission 9 June 2021		9/6/21		1					
		Number of service providers appointed	1 Service Provider appointed by 31 October 2021									

PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS	
Q1	Speed Camera Specification submitted
Q2	
Q3	
Q4	

FT 911	Tractor with front blade and	Date of submission	BSC submission 20 Oct 2021		20/10/21				1			

Project Number	Project	Key Performance Indicator	Annual Targets	Revised Target	30 Sept 2021		31 Dec 2021		31 Mar 2022		30 June 20222	
					Target	Actual	Target	Actual	Target	Actual	Target	Actual
	bossiekapper (External funding)	Number of tractors procured	1 Tractor procured by 31 January 2022									
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS												
Q1	Q2 Target											
Q2												
Q3												
Q4												
1011104	Cemeteries: Mobile Ablution Facilities	Date of submission	BSC submission 1 Aug 2021		1/8/21	1/8/21			1			
		Number of ablution facilities procured	1 Mobile ablution facility procured by 31 January 2022									
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS												
Q1	Specification submitted on the 1 August 2021 7 day tender to be advertised											
Q2												
Q3												
Q4												
CP 9	Furniture and Equipment: Tables and Chairs	Date of submission	BSC submission 4 Jan 2022		4/1/22							
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS												
Q1	Quarter 3 target											
Q2												
Q3												
Q4												

5. DIRECTORATE CORPORATE SERVICES

KPA	INSTITUTIONAL DEVELOPMENT AND TRANSFORMATION													
Strategic Objective	SDO5: Directorate Corporate Services													
Directorate	Corporate Services													
Division	Human Resources													
Function	Human Resources													
SOD:5.1	**HUMAN RESOURCES: To render human resources management and support services to the municipality that will sustain the optimum utilization of the municipality's human capital**													
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Organizational Structure	Number of Organograms reviewed by 30 June 2022	1	1		-	1	-		-		1			10
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	▪ 1 Organogram reviewed as at 31 July 2021- Target achieved & Exceeded													
Q2														
Q3														
Q4														

Employment Equity	Number of Employment Equity Reports submitted to Dept Labour by 15 January 2022	1	1		-	-	1		-		-			10
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	▪ Not applicable for this Quarter													
Q2														
Q3														
Q4														
Skills Development	% expenditure of budget allocation for skills development	90%	95%		5/95%	35.31%	45/95%		70/95%		95/95%			50
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	▪ 0% expenditure as at 31 July 2021 ▪ 35,31% expenditure as at 30 August 2021 ▪ 35,31% expenditure as at 31 September 2021 – Target for Q1 achieved and exceeded.													
Q2														
Q3														
Q4														
Skills Development	Number of Workplace Skills Plans submitted to LGSETA by 30 April 2022	1	1		-	-	-		-		1			10
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														

Q1	▪ Not applicable for this Quarter													
Q2														
Q3														
Q4														
Occupational Health and Safety	Number of Workman's Compensation returns submitted by 31 May 2022		1			-					1			10
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	▪ Not applicable for this Quarter													
Q2														
Q3														
Q4														
Occupational Health and Safety	Number of OHS meetings held	4	4		1/4	2/4	2/4		3/4		4/4			10
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	▪ 1 meeting held on the 30th of July 2021 – Target achieved for Q1 ▪ 1 meeting held on the 30th of August 2021 ▪ Target achieved and exceeded for Q1 as at 30 September 2021													
Q2														
Q3														
Q4														
KPA	**FINANCIAL VIABILITY AND MANAGEMENT**													
Strategic Objective	SDO6: Directorate Finance													

Directorate	Finance													
Division	Budget and Treasury													
Function	Financial Reporting													
SOD:6.1	**BUDGET AND REPORTING: To manage and control the implementation of budget policies and procedures, statements and reporting processes to ensure legislative compliance.**													
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 Dec 2019		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Financial Management	% Reduction in staff overtime compared to previous year	10%	5%		1/5%	71%	2.5/5%		4/5%		5/5%			70
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	▪ July 2020 (R 33 252.97) vs July 2021 (R7,810.54): **76%** reduction in overtime ▪ August 2020 (R25 499.04) vs August 2021 (R3,234.32) - **-87%** reduction in overtime ▪ September 2020 (R14 941.55) vs September 2021 (R9 818.35) **-34%** reduction in overtime ▪ Summary for Quarter 1: **71% saving** i.e. Q1 2020 R73693,56 vs Q1 2021 R20863,21													
Q2														
Q3														
Q4														
Financial Management	% compliance with the 5-day turnaround target for the certification of invoices for payment and resubmission to finance calculated from	100%	95%		95%	100%	95%		95%		95%			15

	date of receipt by the Directorate													
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	▪ As at end July 2021, as per Invoice summary a total of 13 invoices recorded with 0 days turnaround ▪ As at end August 2021, as per Invoice summary a total of 5 invoices recorded with 0 days turnaround ▪ As at end September 2021, as per Invoice summary a total of 20 invoices recorded, with 13 invoices showing a 0-day turn around time, 5 invoices showing a 1-day turn around time and 2 invoices showing a 2-day turnaround time ▪ Summary for Q1: 38 invoices, 38 submitted to Finance – 100% achieved& exceeded													
Q2														
Q3														
Q4														
Financial Management	Due date compliance with the submission of business plans for projects relevant to the Directorate to be considered for inclusion in the budget					-			28 February 2022					15
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	▪ Not applicable for this Quarter													
Q2														
Q3														
Q4														

PROCUREMENT PLAN IMPLEMENTATION RELATED TARGETS

Project Number	Project	Key Performance Indicator	Annual Targets	Revised Target	30 Sept 2021		31 Dec 2021		31 Mar 2022		30 June 20222	
					Target	Actual	Target	Actual	Target	Actual	Target	Actual
	Building and maintenance: Supply of hardware items and materials (paint and Tiling)	% Expenditure	90% expenditure on building and maintenance		10/90%	3.6%	30/90%		60/90%		90/90%	
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS												
Q1	▪ As at 31 July 2021, Tender advert for the supply of hardware items and materials – Closing date of tender 10 August 2021. R&M expenditure spent thus far: R1 365.04/R1 605 883 – 0.085% ▪ As at end August 2021, Tender ad for the supply of hardware items and materials closed on 10 August 2021. Awaiting date for BEC sitting. R&M expenditure spent thus far: R15 578.00/R1 605 883 – 0.97% ▪ As at end Sept 2021, Tender awarded, awaiting cooling off period. R&M expenditure spent thus far: R57 958.04/R1 605 883 – 3.6%. Please note there is a shadow balance of R 496 467.70 – These are orders that are still in progress – awaiting work to be completed. 10% Expenditure target not met due to orders that still need to be paid (Work in progress)											
Q2												
Q3												
Q4												
	Supply delivery and installation of artificial grass	% Expenditure	90% expenditure		10/90%	-	30/90%		60/90%		90/90%	
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS												
Q1	▪ As at end July 2021 no response from Overstrand Municipality in terms of utilizing regulation 32 process. Assessment to be completed on location of installation of artificial grass and quotes to be obtained to complete installation. ▪ As at end August 2021 – Interaction with Service providers for quotes ▪ As at end Sept 2021, site visits completed for Sports Fields. Awaiting quotes from Service Providers. 10% expenditure could not be met due to unforeseen circumstances.											
Q2												
Q3												
Q4												
8003214 803219	Appoint service provider for advertising	Number of service providers appointed	1 Service provider appointed by 31 January 2022		-	-	-		1			
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS												
Q1	▪ Not applicable for this Quarter											
Q2												
Q3												

Project Number	Project	Key Performance Indicator	Annual Targets	Revised Target	30 Sept 2021		31 Dec 2021		31 Mar 2022		30 June 20222	
					Target	Actual	Target	Actual	Target	Actual	Target	Actual
Q4												
8003214 803219	Supply and delivery of promotional items	Number of service providers appointed	1 Service provider for promotional items appointed by 31 Aug 2021		1	1	-		-		-	
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS												
Q1	▪ As at 31 July 2021, tender advertised with notice no. 109/2021. Tender closed on the 05 July 2021. BAC to be held on 24 August 2021. ▪ As at 31 August 2021, Tender 109/2021 was approved at BAC on the 24 August 2021. Tender awarded. Target achieved ▪ As at 30 September 2021, Tender 109/2021 was approved at BAC on the 24 August 2021. Tender awarded. Target achieved & exceeded											
Q2												
Q3												
Q4												
8003214 803219	Appoint service provider for brand visibility (Advertising on street poles)	Number of service providers appointed	1 Service provider for advertising on street poles appointed by 4 October 2021		-	1	1		-		-	
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS												
Q1	▪ As at 31 July, tender advertised with notice no. 116/2021. Tender to close on 02 September 2021. ▪ As of 30 August 2021, BEC for tender 116/2021 to be held on the 09 September 2021 ▪ As at 30 September, Service provider appointed as at 15 September 2021 at BAC. Target achieved & exceeded.											
Q2												
Q3												
Q4												
8003214 803219	Appoint service provider for brand visibility (Digital outdoor advertising)	Number of service providers appointed	1 Service provider for digital outdoor advertising appointed by 18 October 2021		-	-	1					
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS												
Q1	▪ As at 31 July 2021, tender advertised with notice no. 157/2021. Tender to close on 13 September 2021. ▪ As at 30 August 2021, tender advertised with notice no. 157/2021. Tender to close on 13 September 2021. ▪ As at 30 September 2021, BEC held on 23 September 2021 and referred back for further bidder investigation.											

Project Number	Project	Key Performance Indicator	Annual Targets	Revised Target	30 Sept 2021		31 Dec 2021		31 Mar 2022		30 June 20222	
					Target	Actual	Target	Actual	Target	Actual	Target	Actual
Q2												
Q3												
Q4												
OP 1	Appoint Service Provider for MFMA program 31 December 202	Number of service providers appointed	1 Service Provider for MFMA program appointed 9 September 2021		1	1						
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS												
Q1	▪ Tender advertised and date of closure 30 July 2021 ▪ BEC held on 19, 24 and 26 August but committee couldn't complete evaluation as at 30 August 2021 ▪ BAC approved tender on the 15th of September 2021- Target achieved.											
Q2												
Q3												
Q4												
00000	Design new Municipal Office Building	Number of service providers appointed	Appoint 1 Service Provider for the design of new Municipal Officer by 31 October 2021		-	-	1					
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS												
Q1	▪ As at end July 2021 formalizing specifications. ▪ As at end August 2021, BSC meeting arranged for 3 September 2021. ▪ As at end September 2021, bid was advertised.											
Q2												
Q3												
Q4												

6. DIRECTORATE FINANCE

KPA	**FINANCIAL VIABILITY AND MANAGEMENT**												
Strategic Objective	SDO6: Directorate Finance												
Directorate	Finance												
Division	Budget and Treasury												
Function	Financial Reporting												
SOD:6.1	**BUDGET AND REPORTING:** To manage and control the implementation of budget policies and procedures, statements and reporting processes to ensuire legislative compliance.												
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 Dec 2019		Ending 31 March 2022		Ending 30 June 2022		
					Target	Actual	Target	Actual	Target	Actual	Target	Actual	
Financial Reporting	% compliance with financial reporting as per national treasury reporting calendar	100%	100%		100%	100%	100%		100%		100%		3
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	100% submission of all financial reports												
Q2													
Q3													
Q4													
Sound Financial Planning	Number of Financial Statements submitted to the Auditor General by 31 August 2021	1	1		1	1	-		-		-		5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	AFS Submitted to AG on 31 August 2021												

Q2													
Q3													
Q4													
Sound Financial Planning	Number of draft budgets submitted to Council by 31 March 2022	1	1		-	-	-		1		1		5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	Not applicable in this Quarter												
Q2													
Q3													
Q4													
Sound Financial Planning	Number of final budgets submitted to Council by 30 May 2022	1	1		-	-	-		-		1		5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	Not applicable in this Quarter												
Q2													
Q3													
Q4													
Sound Financial Planning	Number of adjustments budgets submitted to Council by 31 January 2022	1 (28/2)	1		-	1	-		1		-		5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	Adjustment Budget submitted to Council on 6 September 2021 (rollovers and Drought projects)												
Q2													
Q3													

Q4													
Sound Financial Planning	Number of Tariff Review proposals for the Directorate submitted by 28 February 2022	1	1		-	-	-		1				3
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	Not applicable in this Quarter												
Q2													
Q3													
Q4													
Sound Financial Planning	Number of business plans for projects relevant to the Directorate submitted by 28 February 2022 for budget considerations	1	1		-	-	-		1				3
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	Not applicable in this Quarter												
Q2													
Q3													
Q4													
Sound Financial Planning	Liquidity Ratio	1:1	0.2:1		0.2:1	0.91:1	0.2:1		0.2:1		0.2:1		5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	A liquidity ratio of 0.91:1 was achieved												
Q2													
Q3													

Q4													
Sound Financial Planning	Current Ratio	1.58:1	0.9:1		0.9:1	1.69:1	0.9:1		0.9:1		0.9:1		5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	A current ratio of 1.69:1 was achieved												
Q2													
Q3													
Q4													
Sound Financial Planning	Number of unqualified Audits from AG	1	1		-	-	1		-		-		5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	Not applicable in this Quarter												
Q2													
Q3													
Q4													
Sound Financial Planning	Number of reports submitted on the financial viability on the establishment of a Kouga Development Agency submitted by 30 September 2021	-	1		1	0	-		-		-		3
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	Report being prepared and will be completed in Q2												
Q2													
Q3													

Q4													
Cost Controls	% Reduction in staff overtime compared to previous year	10%	5%		1/5%	11.14%	2.5/5%		4/5%		5/5%		5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	A Reduction in Q1 in comparison to Q1 in 2020/21 is 11.14%												
Q2													
Q3													
Q4													
Strategic Objective	SDO6: Directorate Finance												
Directorate	Finance												
Division	Revenue												
Function	Revenue												
SOD:6.3	REVENUE: To implement and maintain revenue policies and credit control procedures to ensure sound revenue management practices and compliance												

Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 Dec 2019		Ending 31 March 2022		Ending 30 June 2022		
					Target	Actual	Target	Actual	Target	Actual	Target	Actual	
Revenue Enhancement	% revenue collection rate between revenue raised and revenue collected	92%	93%		93%	89%	93%		93%		93%		5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	89% collection was achieved in the Quarter. The reason for the lower than target collection is that the Annual Rates was levied in cases where consumers has not applied for monthly levying of their rates. The collection would therefore increase in the outer Quarters												
Q2													
Q3													

Q4													
Revenue Enhancement	Number of Phases of Revenue Completion Plan implemented by 30 June 2022	-	1		-	-	-		-		1		5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	Not applicable in this Quarter												
Q2													
Q3													
Q4													
Revenue Enhancement	Number of Bad Debt Committee meetings held	-	4		1/4	1	2/4		3/4		4/4/		4
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	1 Meeting was held on 7 July 2021												
Q2													
Q3													
Q4													
Indigent support	% of indigent residents as per the indigent register provided with access to free basic services	100%	100%		100%	100%	100%		100%		100%		3
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	100% achieved												
Q2													
Q3													
Q4													
Indigent support	Number of Indigent Support Registration Drives 31/3/22	1	1		-	-			-	1	-		3

PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	Not applicable in this Quarter												
Q2													
Q3													
Q4													
Strategic Objective	SDO6: Directorate Finance												
Directorate	Finance												
Division	Information Communication Technology												
Function	ICT Services												
SOD:6.4	ICT SERVICES: To plan, coordinate and render ICT services to the municipality to ensure efficient operations and support services in terms of the ICT strategy and policy												
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 Dec 2019		Ending 31 March 2022		Ending 30 June 2022		
					Target	Actual	Target	Actual	Target	Actual	Target	Actual	
ICT Systems	ICT steering com 1 meeting per quarter	4	4		1/4	2	2/4		3/4		4/4		5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	2 Meetings were held on 29 July 2021 and 29 September 2021												
Q2													
Q3													
Q4													
ICT Policies	Number of ICT Policies reviewed by 30 June 2022	1	1		-	1	-		-		1		5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													

Q1	1 Policy was reviewed and approved by Council on 31 August 2021.
Q2	
Q3	
Q4	
Strategic Objective	SDO6: Directorate Finance
Directorate	Finance
Division	Supply Chain Management
Function	Supply Chain Management
SOD:6.5	SUPPLY CHAIN MANAGEMENT (SCM): To manage supply chain management service to ensure proper systems, policies and procedures and control for demand, acquisition, logistics, assets and disposal management

Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 Dec 2019		Ending 31 March 2022		Ending 30 June 2022		
					Target	Actual	Target	Actual	Target	Actual	Target	Actual	
Budget spending	% of Creditors paid within 30 Days of invoice	100%	100%		100%	96%	100%		100%		100%		5

PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS

Q1	96% of creditors were paid within 30 days (4 creditors were paid late)
Q2	
Q3	
Q4	
SOD:6.6	DISPOSAL MANAGEMENT: To manage supply chain management service to ensure proper systems, policies and procedures and control for demand, acquisition, logistics, assets and disposal management

Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets	Weight

			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 Dec 2019		Ending 31 March 2022		Ending 30 June 2022		
					Target	Actual	Target	Actual	Target	Actual	Target	Actual	
Assets Management	Number of Asset registers completed by 20 August 2021	1	1		1	1	-		-		-		5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	Fixed Asset Register completed and balanced to ledger for AFS preparation. Afs was submitted on 31 August 2021												
Q2													
Q3													
Q4													
Assets Management	Number of Annual Auctions held by 28 February 2022	-	1		-	-	-		1				5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	Not applicable in this Quarter												
Q2													
Q3													
Q4													
Strategic Objective	SDO6: Directorate Finance												
Directorate	Finance												
Division	Budget and Treasury												
Function	Financial Reporting												
SOD:6.1	BUDGET AND REPORTING: To manage and control the implementation of budget policies and procedures, statements and reporting processes to ensuire legislative compliance.												

Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets	Weight

			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 Dec 2019		Ending 31 March 2022		Ending 30 June 2022		
					Target	Actual	Target	Actual	Target	Actual	Target	Actual	
Financial Management	% compliance with the 5-day turnaround target for the certification of invoices for payment and resubmission to finance calculated from date of receipt by the Directorate	100%	100%		100%	-	100%		100%		100%		5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	Unable to confirm the % compliance. Controls were put in place to provide % compliance and will be able to report from Q2 onwards												
Q2													
Q3													
Q4													

7. DIRECTORATE INFRASTRUCTURE AND ENGINEERING

KPA	**INFRASTRUCTURE AND BASIC SERVICE DELIVERY**													
Strategic Objective	SDO2: Directorate Infrastructure and Engineering Services													
Directorate	Infrastructure and Engineering Services													
Division	Water and Sanitation													
Function	Water													
SOD:2.1	**WATER AND SANITATION SERVICES:** To manage the rendering of water services and to provide bulk and potable water and sanitation services to the community													
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Infrastructure	% Reduction in water losses (Reduce losses to %)	51%	36%		36%	-	36%		36%		36%			15
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Water balance done annually													
Q2														
Q3														
Q4														
Strategic Objective	SDO2: Directorate Infrastructure and Engineering Services													
Directorate	Infrastructure and Engineering Services													
Division	Electricity distribution and supply													
Function	Electricity													

SOD:2.2	ELECTRICAL SERIVICES: To manage the provision and maintenance of electrical services													
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Electrical Services	% electricity losses (Reduce losses to %)	18%	12%		-	13,87%	16%		14%		12%			15
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	The losses has been reduced from 22,33% to 13,87% at the end of the 2020/21 financial year 30 June.													
Q2														
Q3														
Q4														
Electrical Services	% Capital Budget Expenditure on electrical projects (DOE)	95%	95%		5/95%	-	45/95%		85/95%		95/95%			20
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Contractor appointed 12 July 2021. Material procured no invoices paid as yet. VE Reticulation has been appointed on tender notice 85 of 2021.													
Q2														
Q3														
Q4														
Strategic Objective	SDO2: Directorate Infrastructure and Engineering Services													
Directorate	Infrastructure and Engineering Services													
Division	Roads and Storm Water													

Function	Roads and Storm Water													
SOD:2.3	ROADS AND STORM WATER SERVICES: To manage the construction, repair and maintenance of roads and storm water systems													
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Roads	% Capital expenditure for the construction of roads (MIG)	-	95%		5/95%	**4,5%**	45/95%		85/95%		95/95%		20190710991784 R14,234,651.00	15
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	**Contract commencement date = 18 August 2021** **MIG Budget upgrade gravel roads R14,234,651.00 Ex VAT** **Expenditure as at 30 September 2021 = R 646,212.03 Ex VAT (4,5%)**													
Q2	MIG Budget upgrade gravel roads R14,234,651.00 Ex Vat Expenditure as at 31 December 2021 = R 0.00 (0.0%)													
Q3	MIG Budget upgrade gravel roads R14,234,651.00 Ex VAT Expenditure as at 31 March 2022 = R 0.00 (0.0%)													
Q4	MIG Budget upgrade gravel roads R14,234,651.00 Ex VAT Expenditure as at 30 June 2022 = R 0.00 (0.0%)													
Strategic Objective	SDO2: Directorate Infrastructure and Engineering Services													
Directorate	Infrastructure and Engineering Services													
Division	Project Management													

Function	Project Management													
SOD:2.4	PROJECT MANAGEMENT: To manage the coordination and implementation of project management processes with regard to engineering projects (MIG, EPWP and other grant funded projects)													
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Municipal Infrastructure Grant	% MIG expenditure	95%	95%		5/95%	**6.85%**	45/95%		85/95%		95/95%			20
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	**Total MIG Allocation = R 29,271,343.00** **MIG Expenditure as at 30 September 2021 = R2,005,862.80 (6.85%)**													
Q2	Total MIG Allocation = R 29,271,343.00 MIG Expenditure as at 31 December 2021 = R0.00 (0.00%)													
Q3	Total MIG Allocation = R 29,271,343.00 MIG Expenditure as at 31 March 2022 = R0.00 (0.00%)													
Q4	Total MIG Allocation = R 29,271,343.00 MIG Expenditure as at 30 June 2022 = R0.00 (0.00%)													
Strategic Objective	SDO2: Directorate Infrastructure and Engineering Services													
Directorate	Infrastructure and Engineering Services													
Division	Fleet Management													
Function	Fleet Management													
Focus Area		Baseline			2021/2022: Quarterly Targets								Fleet	Weight

	Key Performance Indicator		Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Fleet Management	% Fleet operational (95%)	95%	95%		95%	-	95%		95%		95%			15
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Not reported													
Q2														
Q3														
Q4														
KPA	FINANCIAL VIABILITY AND MANAGEMENT													
Strategic Objective	SDO6: Directorate Finance													
Directorate	Finance													
Division	Supply Chain Management													
Function	Supply Chain Management													
SOD:6.5	SUPPLY CHAIN MANAGEMENT (SCM): To manage supply chain management service to ensure proper systems, policies and procedures and control for demand, acquisition, logistics, assets and disposal management													
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 Dec 2019		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Budget spending	% Capital budget expenditure	90%	95%		10/95%	5.00%	45/95%		85/95%		95/95%			20
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														

Q1	Original Capital Budget = R 45,229,652.00 Capital budget amended at Council Meeting 6 September 2021 Item 21/09/F1 Amended Capital Budget = R 55,074,971.00 Expenditure as at 30 September 2021 = R2,757,780.87 (5.00%)
Q2	
Q3	Amended Capital Budget = R Expenditure as at 31 December 2021 = R0.00 (0.00%)
Q4	Amended Capital Budget = R Expenditure as at 01 June 2022 = R0.00 (0.00%)
Strategic Objective	SDO6: Directorate Finance
Directorate	Finance
Division	Budget and Treasury
Function	Financial Reporting
SOD:6.1	BUDGET AND REPORTING: To manage and control the implementation of budget policies and procedures, statements and reporting processes to ensuire legislative compliance.

Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets								Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 Dec 2019		Ending 31 March 2022		Ending 30 June 2022	
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Financial Management	% Reduction in staff overtime compared to previous year	10%	5%		1/5%	-	2.5/5%		4/5%		5/5%			50

PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS

Q1	July 2021 = R695,701.68 Aug 2021 = R790,328.86

	Sept 2021 =													
Q2	Oct 2021 = Nov 2021 = Dec 2021 =													
Q3	Jan 2022 = Feb 2022 = March 2022 =													
Q4	April 2022 = May 2022 = June 2022 =													
Financial Management	% compliance with the 5-day turnaround target for the certification of invoices for payment and resubmission to finance calculated from date of receipt by the Directorate	100%	100%		100%	-	100%		100%		100%			10
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Not reported													
Q2														
Q3														
Q4														

Financial Management	Due date compliance with the submission of Tariff Review proposals for the Directorate for consideration with the budget preparations	28/2/21	28/2/22		-	-	-		28/2/22		-		10
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	Only done during Jan/Feb 2022												
Q2													
Q3													
Q4													
Financial Management	Due date compliance with the submission of business plans for projects relevant to the Directorate to be considered for inclusion in the budget					-							10
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	Only done during Jan/Feb 2022												
Q2													
Q3													
Q4													

PROCUREMENT PLAN IMPLEMENTATION PLAN TARGETS

Project Number	Project	Key Performance Indicator	Annual Targets	Revised Target	30 Sept 2021		31 Dec 2021		31 Mar 2022		30 June 20222	
					Target	Actual	Target	Actual	Target	Actual	Target	Actual
PC 012	Hankey Sanitation Upgrade Phase 3 (MIG)	Number of contractors appointed by 30 June 2022	1 contractors appointed by 30 June 2022		-						1	
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS												
Q1	Bid Evaluation Comm recommended that tender be cancelled and readvertised March 2022											
Q2												
Q3												
Q4												
PC 075	Upgrading of Gravel Roads (MIG)	Date of completion of Phase 1 of the project	Phase 1 Completion by 30 June 2022		-						30/6/22	
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS												
Q1	**Contract commencement date 18 August 2021 Phase 1**											
Q2												
Q3												
Q4												
PC 12	Hankey Sanitation Upgrade Phase 2 (MIG)	Number of contractors appointed	Appoint 1 contractor by 30 June 2022		-						1	
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS												
Q1	No target set for q1											
Q2												
Q3												
Q4												
OP 1	Hire of plant and machinery	Date of submission	BSC submission 26 Nov 2021			-	26/11/21					

PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS												
Q1	Existing plant hire tender expire 31/05/2022 No target set for Q1											
Q2												
Q3												
Q4												
CP 66KV	New Overhead line 66kV Melkhout to J Bay	Date of submission 19 July 2021 Date of completion of Phase 3 of the project	BSC submission 23 July 2021 Complete Phase 3 by 30/6/22		6/8/21						30/6/22	
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS												
Q1	Not reported											
Q2												
Q3												
Q4												
OP 1	Roster of consultants: professional service providers	Date of submission Date of completion of roster of consultants	BSC submission 15 Apr 2022 Roster of consultants completed by 30 June 2022.			-					30/6/22 15/4/22	
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS												
Q1	No target set for Q1											
Q2												
Q3												
Q4												

CP 74	Upgrading of sports facilities (MIG)	Date of submission	BSC submission 5 Aug 2021		5/8/21	1/10/21 BSC					1	
		Number of consultants appointed	Appoint 1 consultant by 30 June 2022									
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS												
Q1	Tender Spec and draft document for appointment of PSP submitted by email to SCM for BSC ON 01/10/2021											
Q2												
Q3												
Q4												
ELEC 711	Electrification and Bulk Infrastructure Kruisfontein (INEP)	Number of houses electrified	200 houses electrified by 30 June 2022								200 houses	
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS												
Q1	Contractor appointed 12 July 2021. Material procured no invoices paid as yet. VE Reticulation has been appointed on tender notice 85 of 2021. No target set for Q1											
Q2												
Q3												
Q4												
PC 003	Electrification and Bulk Infrastructure Jeffreys Bay (INEP) 2022/23 project	Date of submission	BSC submission April 2022		29/4/21	-					1	
		Number of contractors appointed	Appoint 1 contractor by 30 June 2022									
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS												
Q1	Not reported											
Q2												
Q3												
Q4												

8. DIRECTORATE PLANNING, DEVELOPMENT AND TOURISM

KPA	**INFRASTRUCTURE AND BASIC SERVICE DELIVERY**													
Strategic Objective	SDO3: Directorate Planning, Development and Tourism													
Directorate	Planning, Development and Tourism													
Division	Town Planning and Building Control													
Function	Building Control													
SOD:3.1	**TOWN PLANNING AND BUILDING CONTROL:** To manage the rendering of spatial and land use planning, surveying, valuations and building control services													
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Town Planning	% of land use applications finalized within 90 days of a compliant submission	100%	100%	Must number of applications Processed	100%	66%	100%		100%		100%			5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Target not achieved. 65 applications received: 43 valid applications . Non approvals . 15 Applications approved by MPT during Q1 from previous year.													
Q2														
Q3														
Q4														
Town Planning	Number of days for the approval of compliant	30	30		30	13 days	30		30		30			5

	building plans for structures less than 500M2													
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Target Exceeded. 13 days for final approval													
Q2														
Q3														
Q4														
Town Planning	Number of days for the approval of compliant building plans for structures bigger than 500M2	60	60		60	42 days	60		60		60			10
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Target exceeded. 42 days turnaround time reported.													
Q2														
Q3														
Q4														
Town Planning	Humansdorp Precinct Plan completed by 30 June 2022	-	30/6/22		-		-		-		30/6/22			10
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target for Q1. Project Steering Committee meeting held on 27 September 2021. Draft Report completed and tabled in Council for Public Participation.													

Q2														
Q3														
Q4														
Strategic Objective	SDO3: Directorate Planning, Development and Tourism													
Directorate	Planning, Development and Tourism													
Division	Human Settlements													
Function	Human settlements													
SOD:3.2	HUMAN SETTLEMENTS: To manage the funding administration of housing projects and administration of housing processes of housing applications provisioning to ensure proper service delivery to the community													
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Housing Administration	2 informal settlements formalized by 30 June 2022	-	2		-		1/2		-		2/2			10
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No Q1 target. Still awaiting finalization of the appointment of HDA.													
Q2														
Q3														
Q4														
Housing Administration	Number of informal settlement Audits		1								1			15

	completed by 30 June 2022													
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target for Q1													
Q2														
Q3														
Q4														
Housing Administration	Number of Human Settlements Plan by 30 June 2022	-	1		-		-		-		1			20
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No Target for Q1.													
Q2														
Q3														
Q4														
Land Administration	% Outstanding Resolutions on Land executed	80%	80%		20/80%		40/80%		60/80%		80/80%			5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Target achieved for Q1. Good progress shown on a number of outstanding resolutions. Concluded Lease of Erf 873 Jeffreys (Golf Club), Concluded Disposal of erven 2078, 2079, 2081, 2082, 3296 and 3297 Humansdorp (Woodlands), Concluded Lease of Erf 275 Humansdorp (Humansdorp Mark), 98 Wet Erven Kruisfontein (15 sale agreements concluded), Legal busy with Land Swop of Erven 668, 680, 681, 682 for portion of erf 17 Hankey (W&M Klein Boerdery), Erven 761 and 2077 Humansdorp Public Roads (Woodlands Dairy), Erf 554 Sea Vista (Public Participation)													
Q2														
Q3														

Q4														
Land Administration	% Completion of the disposal of erven 2078, 2079, 2081 ,2081, 3296 and 3297 HUMANSDORP	90%	100%		-		50/100%		80/100%		100/100%			5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Target Achieved. Complete Transfer of the properties finalized and purchase funds paid over to Municipality.													
Q2														
Q3														
Q4														
Land Administration	% Completion of the alienation of Erf 353 Humansdorp	90%	100%		-		50/100%		80/100%		100/100%			5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target for Q1.													
Q2														
Q3														
Q4														
Land Administration	Number of Land Audits completed by 30June 2022	-	1		-		-		-		1			5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target for Q1													
Q2														

Q3														
Q4														
Land Administration	Number of municipal owned residential properties disposed of by 30 June 2022	-	9		-		-		-		9			5
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target for Q1.													
Q2														
Q3														
Q4														
KPA	LOCAL ECONOMIC DEVELOPMENT													
Strategic Objective	SDO3: LED Office of the Municipal Manager													
Directorate	Planning, Development and Tourism													
Division	LED and Tourism													
Function	Local Economic Development													
SOD:3.2	DEVELOPMENT (LED) AND TOURISM: To plan and develop a coherent and integrated framework for local economic development and tourism													
Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets										Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 December 2021		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Local Economic Development	Number of LED Forum Meetings Held	4	4		1/4	1/4	2/4		3/4		4/4			

PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	LED forum meeting was held on 23 September 2021.													
Q2														
Q3														
Q4														
Local Economic Development	% Budget expenditure for LED programs and projects	90%	90%		10/90%	Less than 5%	45/90%		80/90%		90/90%			
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	Target not Achieved. Less than 5% expenditure in Q1.													
Q2														
Q3														
Q4														
Local Economic Development	Number of jobs created through PPP	-	20		-		-		10/20		20/20			
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target in Q1. Jobs created through the Municipal funded (partnership / sponsorship agreements) – Long Surf Board Championships = 89 ; Museum = 9													
Q2														
Q3														
Q4														
Local Economic Development	Number of LED training opportunities provided to	4	4		1/4	2	2/4		3/4		4/4			

	SMME's and entrepreneurs													

PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS	
Q1	The Informal Business Support Programme Workshop was held on 7 September 2021. The SMME'S Were also capacitated with covid 19 equipment by the Municipality through the BIGM programme. The Department rolled out a Tourism Ambassador Training on 28 -30 September 2021.
Q2	
Q3	
Q4	
KPA	FINANCIAL VIABILITY AND MANAGEMENT
Strategic Objective	SDO6: Directorate Finance
Directorate	Finance
Division	Budget and Treasury
Function	Financial Reporting
SOD:6.1	BUDGET AND REPORTING: To manage and control the implementation of budget policies and procedures, statements and reporting processes to ensuire legislative compliance.

Focus Area	Key Performance Indicator	Baseline	2021/2022: Quarterly Targets								Vote number and budget	Weight
			Annual Target	Revised Target	Ending 30 September 2021		Ending 31 Dec 2019		Ending 31 March 2022		Ending 30 June 2022			
					Target	Actual	Target	Actual	Target	Actual	Target	Actual		
Financial Management	% Reduction in staff overtime compared to previous year	10%	5%		1/5%	100%	2.5/5%		4/5%		5/5%			50

PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS	
Q1	Target exceeded. No overtime paid in this Quarter.

Q2													
Q3													
Q4													
Financial Management	Due date compliance with the submission of Tariff Review proposals for the Directorate for consideration with the budget preparations	28/2/21	28/2/22		-		-		28/2/22		-		15
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	No Target for Q1												
Q2													
Q3													
Q4													
Financial Management	% compliance with the 5-day turnaround target for the certification of invoices for payment and resubmission to finance calculated from date of receipt by the Directorate	100%	100%		100%	100%	100%		100%		100%		20
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS													
Q1	Target Achieved												

Q2														
Q3														
Q4														
Financial Management Financial Management	Due date compliance with the submission of business plans for projects relevant to the Directorate to be considered for inclusion in the budget	28/2/21	28/2/22						28/2/22					15
PERFORMANCE ACHIEVED/CORRECTIVE ACTIONS														
Q1	No target for Q1.													
Q2														
Q3														
Q4														

KOUGA MUNICIPALITY (EC 108)

ORDINARY COUNCIL MEETING

OFFICE OF THE MUNICIPAL MANAGER

DATE: 10 DECEMBER **ITEM NO: 21/12/MM4**

HANDOVER REPORT: EXECUTIVE MAYOR

1. Introduction

The purpose of this item is to submit a handover report from the previous Executive Mayor to the new Council.

2. Background

Attached is Handover report of the Executive Mayor, Alderman Horatio Hendricks, providing a brief report on what he achieved in his term as Executive Mayor during his previous term (2018-2021) as Executive Mayor.

3. Recommendation

3.1 That the handover report, as presented by the Executive Mayor, be noted.

Item prepared by: Acting Deputy Municipal Manager

KOUGA EXECUTIVE MAYOR
HAND-OVER REPORT 2021

The DA-led governance in Kouga turned around the fortunes of Kouga Municipality in less than three years since taking over in August 2016.

Paying off historical debts, bolstering the fleet from 4% operational to a proud 96%, cleaning up areas to restore a sense of pride and dignity, unlocking human settlement development that froze up since 2007, implementing an asset management strategy and making the municipality investment ready.

KEEP KOUGA SERVICED:

To date, more than 40 exploratory **boreholes** were drilled at five Kouga towns. Viable boreholes were connected at Jeffreys Bay (four boreholes with a yield of 2 900kl/day), Humansdorp (nine boreholes with a yield of 2 300kl/ day), St Francis Bay and Cape St Francis (five boreholes with a yield of 1 200kl/ day), and Hankey and Patensie (four boreholes with a yield of 1 415kl/day).

We have, furthermore, upgraded the **Jeffreys Bay Water Treatment Plant** at a cost of R35 million, while 201 rainwater tanks were installed in rural areas during the COVID-19 Alert Level 5 lockdown.

The cutting-edge **Kruisfontein Wastewater Treatment Works** was built at a cost of R85.6 million, while the **Sea Vista Wastewater Treatment Works** and the **Patensie Wastewater Treatment Works** were upgraded at a cost of R31 million and R14 million respectively.

The **KwaNomzamo Wastewater Treatment Works** is currently being upgraded at a cost of R7 million.

Over R45 million has been pumped into the **resealing of roads**, while more than R3.3 million was spent on the **tarring of gravel roads** – for the first time in more than a decade.

Since declaring war on potholes in 2019, more than **45 000 potholes** were fixed. Not to forget about the launch of the first 300m **eco-friendly road** in Africa, incorporating recycled plastic.

We are extremely proud that close to 1 800 households have received access to **electricity** at a cost of more than R31 million. More than 1 000 streetlights and floodlights have been retrofitted with **LED lights**.

Kouga's **fleet section** has been one of the biggest driving forces behind the municipality's service successes and subsequent progress. Since August 2016, they have overseen the procurement of 63 vehicles and have repaired and refurbished 137 vehicles.

Furthermore, to improve service delivery to all residents in the region, the municipality has awarded a three-year contract to four service providers for the supply of 17 various types of new vehicles. The contracts will see the lease of over 60 much-needed vehicles to augment the municipality's existing fleet.

KEEP KOUGA CLEAN:

More than **21 000 wheelie bins** have been distributed across the region, while lawnmowers, 38 brush-cutters, 12 grass blowers and two woodchippers have been added to the municipal fleet at a cost of over R500 000 to improve bush and tree clearing operations.

The launch of the **Coca-Maak Skoon** initiative, afforded residents the opportunity to get rid of any unwanted items and waste they have at home that could not be put out for standard refuse collection. This included building rubble, electronic waste, garden refuse and old furniture.

The municipality has partnered with various local businesses to clean up their "hood" and improve visitors' first impression of the region.

Illegal dump sites are regularly cleared by municipal work crews in conjunction with the Community Works Programme.

KEEP KOUGA SAFE:

Keeping Kouga safe through a collective approach – be it from disease, fire, accidents, or crime – has become increasingly important, and we therefore launched the first ever **Public Safety Summit** in September 2020.

This was followed by a successful community safety workshop in February this year. On the back of the workshop, we have now established an Integrated **Intelligent Operation Centre** in Humansdorp – to be officially launched before the end of October.

With the use of technology, including closed-circuit television (CCTV) cameras, the Centre will direct and orchestrate the community safety plan on a 24/7 basis.

To date we have installed 19 automatic number plate recognition (CCTV) **surveillance cameras** across the region, as well as 150 CCTV surveillance cameras.

Fifty more cameras will be installed in the near future, while an automatic number plate recognition camera will be mounted to one of our law enforcement vehicles.

Kouga Municipality has, furthermore, taken hands with key community role players to improve the overall safety of residents and tourists, as well as to improve the working conditions in the Jeffreys Bay Central Business District (CBD).

KEEP KOUGA SMART:

Kouga took a big step forward technologically when the **Link service delivery app** was introduced just more than three years ago.

The app, supported by the **Kouga Call Centre**, has proven to be an effective link between the municipality and communities.

In addition, the Call Centre is now fully equipped to handle account balance enquiries and to register ratepayers online.

Not only does the town offer top co-working hubs, but also boasts a major deployment of **fiber** with Metro-fiber, Telkom, Herotel and Vodacam all rolling out fiber, with other companies like Frogfoot in the planning phase.

Kouga has become one of the first municipalities in the Eastern Cape to launch a **virtual portal** for the submission of building plans. Building plans could continue despite COVID-19 lockdown restrictions. Over the past year alone, 325 building plans for Jeffreys Bay were approved and 36 for Humansdorp.

KEEP KOUGA GROWING:

We handed over brand-new keys to more than **600 new homeowners** in disadvantaged communities – a first in over a decade.

A total of **3 056 historic title deeds** were delivered to the rightful beneficiaries.

Kouga is set to boast **affordable social rental opportunities** in Jeffreys Bay. The target is to deliver at least 1 500 units over the next five years.

LOCAL ECONOMIC DEVELOPMENT:

Big investors have already started approaching Kouga, excited by the improvements they have seen in the region and are eager to play a role in growing our economy and opening up thousands of temporary and permanent job opportunities – set to turn Humansdorp into an industrial mecca.

With an initial investment of R50 million, South Africa's first **Bio-Economy Zone** is taking shape in Humansdorp.

The development will consist of a green desalination plant and a waste grey-water processing plant. It will also boast a biomass energy plant and a waste-to-water section, as well as a biochar energy plant. There will, furthermore, be a tyre recycling plant and a green agriculture project.

It is estimated that over 400 temporary and permanent job opportunities will be created.

Also in the pipeline, are **three additional wind farms** to be constructed by Nordex, as well as a hybrid energy factory by Khetiwe Energy. The plant will consist of solar energy, wind energy and biomass energy.

We cannot neglect to mention the R220 million **Homestead Views Security Estate** development in St Francis Bay and the R250 million **Fig Tree Estate** development in Jeffreys Bay.

Then there is the R60 million **Jeffreys Bay Private Hospital** that is nearing completion.

TOURISM:

The municipality has linked hands with key role-players to transform the region into the "Events Capital of South Africa".

Through tourism we can create millions in revenue injection into our local economy and provide impetus to create at least one job in every home in Kouga.

Events, that will attract tens of thousands of visitors – local, national, and international – will grow our local businesses and create employment and sustainable opportunities.

Kouga recently hosted the 86th **SA PGA Championship**, South Africa's second oldest professional golf tournament. This marked the first time St Francis Links hosted the flagship event of the PGA of South Africa. And it will host it for two more years.

Not only did the tournament stimulate the region's tourism sector, but it also received fantastic television coverage showcasing St Francis Links. But it did not end there. It also featured inserts throughout the coverage showing off St Francis Bay and surrounding areas – sharing the beauty of the entire region.

To name a few planned events, Jeffreys Bay was selected as the hosting town for the **2022 IRONMAN 70.3 World Championship**, which is the biggest IRONMAN 70.3 event, set to generate ample revenue, which will boost the economy of Kouga once again.

It is expected that the event will attract thousands of competitors and spectators, which will boost the economy in Jeffreys Bay, as well as in neighboring towns, especially in the hospitality sector.

The event will surely place Kouga on the map on a global scale and give international recognition for further future investments.

Add to that the popular **Jeffreys Bay WinterFest**, featuring the international Corona Open J'Bay Surfing Contest.

Two more international events include the annual **Trans Baviaans 24-hour MTB Marathon**, as well as the planned **42.2km Two Rivers Marathon** from the Kabeljous River in Jeffreys Bay to the Kromme River in St Francis Bay (a possible qualifying event for the Two Oceans Marathon).

Then there is the **Marina Mile** and the **SA Open Water Swim Champs** at Marina Martinique.

Add the myriad of **festivals** (Calamari Festival, Loerie Nartjie Festival, October Beerfest and Makiti), and the newly launched **Kouga Agritourism Route** where agriculture and tourism meet to provide tourists with an amazing educational experience. Kouga will flourish.

FINANCE:

The DA-led Kouga government inherited an indebted municipality in August 2016, collapsing under years of neglect and corruption. To make mattes worse, it was also the start of a prolonged drought.

Now, five years on, Kouga is a place of hope and progress, where the promise of "a better life for all" is real for residents. The difference between 2016 and 2021 is striking.

The municipality has paid off most of the debt inherited in 2016.

Despite the uncertainty brought about by COVID-19, prudent budgeting and the collection of revenue saw a collection rate of 94% in the previous financial year – which is also probably the best collection rate in the Eastern Cape.

Local business owners are prepared to engage with the municipality as we have ensured that creditors get paid within 30 days, something that has never happened under the previous governments in Kouga. This has ensured that Kouga plays a meaningful role in the economy by supporting local businesses.

Kouga Municipality received a clean audit on the finances during the 2020/21 financial year. Findings were made on performance management within the institution.

Unlike many other municipalities across the country, Kouga remains in a stable financial position and has been able to continue paying our creditors, including keeping the Eskom bill within 30 days, as well as paying our staff and offering COVID-19 relief packages to our residents.



Kouga Executive Mayor
Cllr Horatio Hendricks

KOUGA MUNICIPALITY (EC108)

ORDINARY COUNCIL MEETING

OFFICE OF THE MUNICIPAL MANAGER

DATE: 10 DECEMBER 2021 **ITEM NO. 21/12/MM5**

HANDOVER REPORT TO NEWLY ELECTED COUNCIL

1. Introduction

The purpose of this item is to submit a handover report to Council to assist Councillors with the current state of affairs, service delivery and capital program, and the state of the financial affairs.

2. Legislative Requirements

In accordance with of the Municipal Finance Management Act (MFMA) Circular 108, The Municipal Manager, working together with the CFO and senior managers, is encouraged to prepare a hand-over report that can be tabled at the first meeting of the newly elected council. This hand-over report aims to provide the new council important orientation information regarding the Municipality, the state of its finances, service delivery and capital programme, as well as key issues that need to be addressed.

3. Background

The following reports and summaries are submitted in line with Circular 108 for consideration by Council(refer to Annexure booklet separately attached) :

- An overview of the demographic and socio-economic characteristics of the Municipality; Annexure 1
- An overview of the organisational structure of the Municipality; Annexure 2
- An overview of key Municipal policies and By-laws that Councillors need to be aware of; Annexure 3
- An overview of issues that still need to be addressed in relation to the Municipality's turnaround strategy; An overview of the provision of basic services, including plans to address backlogs; A list of key processes requiring council input over the next six months, e.g. revision of the IDP, approval of specific policies etc. Annexure 4
- An overview of the Municipality's financial health; Annexure 5.1; 5.2; 5.3; 5.4
- The Municipality's 2019/20 audit outcome and its strategy to address audit issues; Annexure 6
- An overview of the state of the Municipality's assets, with particular reference to the asset management plan, and repairs and maintenance requirements; Annexure 7
- A list of the main infrastructure projects planned for the 2021/22 budget and MTREF; Annexure 8
- revised IDP, Annexure 9
- the adopted 2021/22 MTREF Budget, Annexure 10
- the Mid-year Budget and performance assessment report for 2020/21, Annexure 11,
- and the Draft Annual Report, Annexure 12

4. Recommendation

4.1 That the handover report be noted.

4.2 That the Municipal Manager submit the report to DCOG, Provincial and National Treasury.

Item prepared by Municipal Manager: Mr. C Du Plessis: 

KOUGA MUNICIPALITY (EC108)

ORDINARY COUNCIL MEETING

OFFICE OF THE MUNICIPAL MANAGER

DATE: 10 DECEMBER 2021 **ITEM NO: 21/12/MM6**

HANDOVER REPORT: SPEAKER

1. Introduction

The intention of this item is to present the handover report from the previous Speaker to the new Council.

2. Background

Attached is the Handover report of the former Speaker of Council, Cllr Hattingh Bornman, providing a brief report on what he achieved in his term as Speaker during his term (2018-2021).

3. Recommendation

3.1 That the handover report, as presented by the former Speaker, be noted.

Item prepared by: Acting Deputy Municipal Manager 

KOUGA SPEAKER
HAND-OVER REPORT 2016 - 2021

INTRODUCTION:

This report deals mainly with issues related to the office of the speaker. I had the privilege to serve council the last three years. It has been a joy and challenge to be part of a team that truly believes that Kouga Municipality can be the best in the country and are passionate about serving the residents of Kouga.

COUNCIL MEETINGS:

During the last five years council has moved to a new level of operations. A decision was taken to move to a paperless system and cut down on the cost of printing as well as lessening our carbon footprint and keeping with our narrative of "Keeping Kouga Green". PC's were procured and continuous training was given to all councillors. This was also a huge step in up-skilling councillors. While there were some initial hick-ups, all councillors accepted and adjusted to the new standard in council.

Overall council was very productive in making decisions to the benefit of all people in Kouga and moved forward with a great amount of discipline and order, achieving our goals and fulfilling our functions of a caring government.

Cooperation from political parties in council was good. I would like to thank all parties for the motivation to work together and see past each others disagreements to take council forward for the better.

Covid19 introduced a whole new way of operating in council and I am proud that Kouga was one of the first municipalities in the country to have a full ordinary council meeting online. Zoom meetings very quickly became the norm and it brought a new dynamic to council. While it was frustrating not to be able to meet face-to-face, it is an easy way to be able to connect from anywhere and council attendance also improved. A challenge in Kouga remain connectivity and data issues should be addressed early in the new term. Voting procedures should also be streamlined with all the necessary training that goes with it.

The other challenge that came with zoom was the difficulty to open council meetings to the public. We were however able to load recordings of meeting onto our website immediately after each council meeting. This should be addressed and live streaming options are already in place to make council even more accessible to residents.

POLICY DEVELOPMENT:

Regular reviewing and developing of new policies has been a constant over the last few years. The assistance of the various lead departments are crucial when policies are reviewed. Corporate service also played a key role in the scheduling and driving of the internal processes. I would suggest a more specific policy team and review system. I also suggest that the different directorates play a much larger role in the rollout of the policy development process.

PETITION MANAGEMENT:

Various petitions were received over the last five years. We did not have a dedicated petition management team as I found it much more effective to draw in the relevant departments when petitions were received. This made the process much smoother and quicker. There were also several petitions received by my office that falls within the scope of the provincial government. A good relationship with the MEC and Premier's office goes a long way in ensuring there is sufficient feedback.

SECTION 79 COMMITTEES:

RULES & ETHICS:

This committee was very capably chaired by Alderman Ben Rheeder. Various disciplinary matters were investigated by my office and subsequently referred to the R&E committee. It was dealt with professionally and speedily. The assistance of our Manager Legal services also needs to be mentioned as she played a huge role in the success of the committee and its procedures. I suggest that the process and timeframes from the decision of the committee until the time it is presented in Council improves.

MPAC:

The past term was a rollercoaster ride for the MPAC. Having various chairpersons and changing committee members made it difficult to manage the scope of work that they needed to get through. Despite these challenges they managed to perform all their functions ito doing the necessary over-site as prescribed by legislation.

WARD COMMITTEES:

Ward committees was established early in the term with the then Speaker Hendricks driving the process very well. All 15 ward committees were fully functioning and met every month. They were involved in the IDP processes and feedback from the committees were reported to council regularly. We were also one of the few municipalities in the EC that paid and even increased the stipend paid to members. Distances in wards that cover more than one town, made management and attendance difficult for ward committee members.

I am convinced that the new term and election of ward committees will run a lot smoother with the current Public participation unit. They played a key role in keeping all the relationships between the wards and municipality intact. Training of the new committees will be crucial and assist with the productivity of performing their functions. There are some new suggestions in terms of policy that I will suggest when the policy is reviewed. I believe will ease the way the ward committees function. They have a key role to play in the way that the municipality operate and have an inside track to influence decision making. This should not be taken lightly.

WARD DEVELOPMENT FUND:

The ward development fund was started early in the term to increase the involvement and cater for specific ward needs. This was mostly very successful with numerous projects rolled out across the municipality that are benefiting the different communities. Projects like street name signs, street lights, walk ways and playparks were erected in almost every ward. In the current financial year all funds have been directed towards safety and drought. A big improvement came when a dedicated admin person was appointed to handle the procurement processes of the WDF. I think the ward development fund will benefit

from more streamlined internal procurement processes. Here again some policy changes will assist in it being even more beneficial to the residents of the Kouga.

MORAL REGENERATION MOVEMENT:

MRM has so much potential to have a massive social impact on the people of Kouga. Driven by Rev. Tambo who is also the district chair of MRM, our schools and churches across Kouga were reached by the program. Challenges like, representation from communities across Kouga, budget, internal admin support, etc all hinder MRM from reaching the great potential it has. As municipality we should include this program in our narrative of Keep Kouga Caring.

LOCAL TRADITIONAL HOUSES:

In 2019 a need was identified that the local Khoisan community had to become more relevant in Kouga and council matters. With legislation also changing towards this it became clear that we need a formal structure. It was a great privilege for me to be part of the very first Khoisan council that was established with the three main houses all having a seat on the council. This was lead by Chief Michael Williams. Issues like land, traditional affairs, and service delivery were key elements this council was driving. Unfortunately Chief Williams passed away in 2020 and slowly the council started to fade.

I think this council can and should play a big part in the affairs of Kouga Municipality. I think clarity on certain smaller issues should be sought from outside Kouga and I also strongly suggest that the vacant traditional seat in Council be filled as soon as possible. This will lead to the municipality becoming an even more inclusive government.

COUNCILLOR WELLFARE:

During the last five years various Councillors were trained formally and informally and had opportunities to grow not only in their profession but also as a person. Programs through our in-house training team, SALGA and others were greatly beneficial and added to the involvement of councillors in council meetings as well. I urge councillors to grab every opportunity that comes in the new term and make use of it to benefit not only yourself and your family, but also the people you represent. Bigger emphasis should be given to councillor support programs in the new term and policies should be developed that speak to this.

It has been a privilege for me to be Speaker of council the last three years. My way of thinking about life, government and society was challenged and shaped in a great way. I valued building relationships with each councillor, regardless of the political party they represent.

May the new term be even more fruitful than the one before. May the new Speaker council remain focussed on doing what is right for Kouga and all its people and drive this municipality to become the best in the country.



Hattingh Bornman
Kouga Municipality Speaker
2018 - 2021

KOUGA MUNICIPALITY (EC108)

ORDINARY COUNCIL MEETING

OFFICE OF THE MUNICIPAL MANAGER

DATE: 10 DECEMBER 2021 **ITEM NO: 21/12/MM7**

APPOINTMENT OF KOUGA AUDIT COMMITTEE CHAIR AND EXTENSION OF MEMBERS TERMS

1. Introduction

The purpose of this item is to appoint the Kouga Audit Committee Chair and extend the existing members terms.

2. Background

In accordance with the provision of Section 166 of the Municipal Finance Management Act (No 56 of 2003), each municipality is required to constitute an Audit Committee that will serve as an independent advisory body which must advise the Municipal Council, the Accounting Officer and the management of the Municipality.

An advert was placed in the relevant media and we received 5 applications. These were screened and 3 was shortlisted considering the following:

- Qualifications
- Years of experience with accounting, risk and performance management
- Years of experience sitting on Audit Committees

Interviews were held on 02 September 2021 and the following candidates per the interview panel had been recommended :
Michelle Wait – Chair
Greg Billson – Member

At a council meeting dated 30 September 2021, Council approved the above appointments. Greg Billson accepted the appointment as a member of the Audit Committee however Michelle Wait has withdrawn her application as chair.

In light of Michelle Wait's decision to withdraw, we would like to appoint Greg Billson as Chair and extend the terms of the R Coetzer and Y Ngqele to 30 June 2022.

3. Legal Implications

None.

4. Financial Implications

Renumeration and Disbursements for attendance at the Audit Committees as per latest Treasury Regulations.

5. Recommendation

5.1 That Greg Billson be appointed as Chair of the Kouga Audit Committee for a period of 2 years (ending 30 June 2023) and the existing members (R Coetzer and Y Ngqele)contracts be extended to 30 June 2022.

5.2 That the Remuneration and Disbursements of the Kouga Audit Committee Members be in accordance with the rates regulated by latest Treasury Regulation plus the payment of the additional travel claims (if any).

Item prepared by Manager Risk and Internal Audit

Item approved by the Municipal Manager

KOUGA MUNICIPALITY (EC 108)

ORDINARY COUNCIL MEETING

OFFICE OF THE MUNICIPAL MANAGER

DATE: 10 DECEMBER 2021 **ITEM NO: 21/12/MM8**

REPORT ON VETTING: PRIVATE PROJECT FUNDING AGREEMENT PROPOSAL – IDIS CONSULTING & DEVELOPMENT

1. Introduction

The purpose of this item is to table before Council the outcome of the vetting conducted in respect of the private funding proposal received from IDIS Consulting & Development (International Diverse Innovation Solutions (PTY) LTD)– a private funding development programme.

2. Purpose

The purpose of this item is for Council to consider the outcome of the vetting conducted in respect of the private funding proposal and resolve on whether to proceed with further engagements with IDIS, or alternatively to decline the proposal submitted by IDIS.

On 26 February 2021 Council resolved as follows:

21/02/MM10 PRIVATE PROJECT FUNDING AGREEMENT PROPOSAL: IDIS CONSULTING & DEVELOPMENT

Resolved (26 February 2021)

1. That the Municipality intends to pursue a Project Funding Agreement with IDIS (International Diverse Innovation Solutions (PTY) LTD), be noted.

2. That Council authorises the Accounting Officer to engage IDIS (International Diverse Innovation Solutions (PTY) LTD) and report back to Council.

3. That Council authorises the Accounting Officer to embark on a full vetting process into (International Diverse Innovation Solutions (PTY) LTD) as well as the funding model proposed, which process will include discussions with National Treasury.

3. Steps followed

- Vetting process
- Further engagements with IDIS
- Engagement with National Treasury regarding the proposed implementation of the identified projects
- Accounting officer determines the value of the security that the Municipality can pledge
- Municipality and IDIS identify and agree on the projects to be included (projects to be funded by IDIS)

4. Outcome of vetting and engagement with IDIS

The municipality sourced the services of McWilliams & Elliot on the matter as their feedback is attached as Annexure A.

The municipality further engaged National Treasury on this matter and the response received from National Treasury is attached as Annexure B.

The greatest risk identified by the Municipality is the issuing of security required by IDIS. In the initial discussions it was submitted by IDIS that the municipality must agree on the value of the fixed assets which the municipality will pledge to maintain at the agreed threshold of value as per the latest audited financial statements – a security of value. This will then be utilised to unlock funding

It however became clear after further deliberations and from the content of the draft Funding Agreement (as discussions around that) that IDIS requires the municipality to offer the assets as security – in line with the Section 48 of the MFMA:

Security

48. (1) A municipality may, by resolution of its council, provide security for—

(a) any of its debt obligations;

(b) any debt obligations of a municipal entity under its sole control; or

(c) contractual obligations of the municipality undertaken in connection with capital expenditure by other persons on property, plant or equipment to be used by the municipality or such other person for the purpose of achieving the objects of local government in terms of section 152 of the Constitution.

(2) A municipality may in terms of subsection (1) provide any appropriate security, including by—

(a) giving a lien on, or pledging, mortgaging, ceding or otherwise hypothecating, an asset or right, or giving any other form of collateral;

(b) undertaking to effect payment directly from money or sources that may become available and to authorise the lender or investor direct access to such sources to ensure payment of the secured debt or the performance of the secured obligations, but this form of security may not affect compliance with section 8(2);

(c) undertaking to deposit funds with the lender, investor or third party as security;

(d) agreeing to specific payment mechanisms or procedures to ensure exclusive or dedicated payment to lenders or investors, including revenue intercepts, payments into dedicated accounts or other payment mechanisms or procedures;

(e) ceding as security any category of revenue or rights to future revenue;
(f) undertaking to have disputes resolved through mediation, arbitration or other dispute resolution mechanisms;
(g) undertaking to retain revenues or specific municipal tariffs or other charges, fees or funds at a particular level or at a level sufficient to meet its financial obligations;
(h) undertaking to make provision in its budgets for the payment of its financial obligations, including capital and interest;
(i) agreeing to restrictions on debt that the municipality may incur in future until the secured debt is settled or the secured obligations are met; and
(j) agreeing to such other arrangements as the municipality may consider necessary and prudent.

(3) A council resolution authorising the provision of security in terms of subsection (2)(a)—

(a) must determine whether the asset or right with respect to which the security is provided, is necessary for providing the minimum level of basic municipal services; and
(b) if so, must indicate the manner in which the availability of the asset or right for the provision of that minimum level of basic municipal services will be protected.

(4) If the resolution has determined that the asset or right is necessary for providing the minimum level of basic municipal services, neither the party to whom the municipal security is provided, nor any successor or assignee of such party, may, in the event of a default by the municipality, deal with the asset or right in a manner that would preclude or impede the continuation of that minimum level of basic municipal services.

(5) A determination in terms of subsection (3) that an asset or right is not necessary for providing the minimum level of basic municipal services is binding on the municipality until the secured debt has been paid in full or the secured obligations have been performed in full, as the case may be.

Notwithstanding the above provisions a risk has still been identified in that the issued security shall be transferable and assignable and held under the administrative hold of Imperial Investment Limited of Mauritius – meaning that the foreign investment company will utilise the municipal fixed assets as leverage to source funding.

The potential funding to be sourced would however be administered by IDIS to fund the agreed projects as identified. The municipality has no knowledge of exactly how much funding is to be sourced at any given time, has no control over the agreements entered to by the foreign investment company to source the funding and other than identifying the projects and entering into implementation agreements for each project, the municipality has no control over the spending of the funds so sourced by the foreign investment company. The draft Project Funding Agreement is attached as Annexure C.

The response received after highlighting certain concerns around the draft Project Funding Agreement was as follows (extract from email):

"3. Response to your comment that section 48 falls in Chapter 6 under the heading Debt and that the funding that will be unlocked by IDIS is not a loan or debt that must be repaid by the Municipality

a. Please note the definition of "Security" in Section 1(1) of the MFMA "Security" means any mechanism intended to secure the interest of a lender or investor, and include any of the mechanism mentioned in Section 48(2)
We submit that security to be provided by the Municipality meets the requirement of "any mechanism", and that IDIS qualifies as an investor that will assist the Municipality to achieve its Section 152 Constitutional

objectives on the basis contemplated in the PFA. The proposed security therefore meets the requirements of the MFMA under the heading of debt.

a. *Regardless of the fact that IDIS will fund, implement and transfer projects at no cost to the Municipality, (i.e. there is no loan to be repaid) and that the Municipality is not using or creating a debt instrument for this purpose, regard must be had to the fact that the Municipality undertakes to maintain an agreed threshold value of fixed assets on its asset register to unlock the aforementioned benefits through the IDIS funding instrument.*

   It is incumbent on the Municipality to protect its asset base for this purpose against claims by other parties that could result in the Municipality reneging on its undertaking to maintain an agreed threshold value of assets.
   We are therefore of the view that the Municipality needs to consider whether it must declare the value of assets that it ring-fences for the purposes of unlocking funding through the IDIS funding instrument on the basis contemplated in Regulation 10 (1) (s), (t) and (u) and Regulation 15(1)(b) and Regulation 16 (a) of the Municipal Regulations On Debt Disclosure, GoN R492, G. 29966."

In conclusion, it should be noted that in all the deliberations with IDIS and replies to comments on the draft Project Finance Agreement, IDIS could not provide the municipality with a level of comfort regarding the risk exposure of providing security as contemplated in Section 48 of the MFMA, and which section clearly relates to the provision of security for a debt created. It is strongly suggested that Council decline the Funding Proposal submitted by IDIS.

5. Recommendation

5.1 That Council resolves to decline the Funding Proposal received from International Diverse Innovation Solutions (PTY) LTD (IDIS).

Item prepared by Manager: Office of the Mayor

Item approved by the Municipal Manager 

Established 1853

McWilliams & Elliott Incorporated

ATTORNEYS NOTARIES AND CONVEYANCERS

KOUGA LOCAL MUNICIPALITY

VIA EMAIL :

Our Ref: Ed Murray/ab

Your Ref: Ms. Opperman

Date: 20 April 2021

Dear Ms. Opperman

RE: INTERNATIONAL DIVERSE INNOVATIVE SOLUTIONS (PTY) LIMITED

1. Your instructions pertaining to the above matter refer.

2. We have perused the documentation furnished to our offices (excluding the form of "Pledge" referred to by International Diverse Innovative Solutions (Pty) Limited IDIS which was not furnished to our offices) and we have a number of fundamental concerns regarding the proposal received by the Municipality from IDIS.

3. In essence, the proposal envisages IDIS sourcing foreign investment to fund projects identified by the Municipality and for IDIS to select and appoint service providers to undertake the projects in question with the projects to be undertaken by way of grant transfer, private public partnership agreements or equity agreements.

4. To the extent that the projects referred to in the documentation appear to be in respect of the provision of Municipal Services, the provision of Municipal Services through an external mechanism is also discussed hereunder.

THE MSA

COMPETITIVE BIDDING SELECTION OF EXTERNAL MECHANISM

5. Section 1 of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000) (the MSA) defines "Municipal Service" as meaning a service that a

T: 041 582 1250 • F: 041 373 0407 • E: ed@mcwilliams.co.za • www.mcwilliams.co.za

Directors: Ed Murray • Imraan Petersen • Garth Lotz

Professional Assistants: Marileze Marais • Kaya Ngubentombi • Mpho Qole

Candidate Attorneys: Donato Syce • Nicole Stander • Sebastiaan Marx

152 Cape Road, Mill Park, 6001 • PO Box 45, Port Elizabeth, 6000 • Docex 21, Port Elizabeth

McWilliams & Elliott Incorporated: Reg no. 1996/001950/21

Municipality in terms of its powers and functions provides or may provide to or for the benefit of the local community irrespective of whether:

5.1 such a service is provided, or to be provided by the Municipality through an internal mechanism contemplated in Section 76 or by engaging an external mechanism contemplated in Section 76; and

5.2 fees, charges or tariffs are levied in respect of such a service or not.

6. The general duties of a Municipality in relation to Municipal Services are reflected in Section 73(2) of the MSA and the provision of Municipal Services are regulated by Part 2 of Chapter 8 of the MSA.

6.1 In terms of Section 76 of the MSA, Municipal Services may be provided through an internal mechanism or an external mechanism by entering into a service delivery agreement with, *inter alia*, an entity or person legally competent to operate a business activity;

6.2 Section 77 of the MSA determines when a Municipality must review and decide on mechanisms to provide Municipal Services.

6.3 Section 78 of the MSA reflects the criterion process for deciding on mechanisms to provide Municipal Services and Section 78(3) reflects the obligations of a Municipality if a Municipality decides to explore the possibility of providing the municipal service through an external mechanism.

6.4 Section 80 of the MSA regulates the provision of services through service delivery agreements with external mechanisms and Section 80(1)(b) provides that if a Municipality decides to provide a Municipal Service through a service deilivery agreement with any institutional entity or any person, juristic or natural, not mentioned in Section 80(1)(a) or (aA) it must apply part 3 of chapter 8 of the MSA and regard is to be had to Section 80(2) of the MSA which reflects the requirements that need to be complied with by a Municipality prior to entering into a service delivery agreement with an external service provider.

7. Part 3 of Chapter 8 of the MSA regulates service delivery agreements involving competitive bidding and:

7.1 Section 83 of the MSA requires an external mechanism such as an entity referred to in Section 80(1)(b) to be selected by competitive bidding;

7.2 Section 84 of the MSA provides for the negotiation of the final terms and conditions of a service delivery agreement with the preferred service provider identified via the competitive bidding process.

<u>EQUITY OWNERSHIP IN COMPANIES</u>

8. To the extent that equity transactions are alluded to by IDIS, your attention is drawn to the provisions of Part 2 of Chapter 8A of the MSA:

8.1 In terms of Section 86(C)(2)(c), a Municipality may acquire or hold an interest in a private company in which an investor other than another Municipality or a National or Provincial organ of State has an interest, but only if effective control in the private company vests in that Municipality, another Municipality or that Municipality and another Municipality collectively;

8.2 To the extent that an equity transaction or transactions may be envisaged in relation to any project in due course, the aforesaid provisions would need to be borne in mind as will the provisions of Section 86(E) of the MSA which reflects conditions precedent for the establishing or acquiring interests in private companies to the extent that a Municipality may establish a private company or acquire an interest in such a company only:

8.2.1 for the purpose of utilising the company as a mechanism to assist it in the performance of any of its functions or powers referred to in Section 8 of the MSA;

8.2.2 if the Municipality can demonstrate that:

8.2.2.1 there is a need to perform that function or power in accordance with business practices in order to achieve the strategic objectives of the Municipality more effectively; and

8.2.2.2 that company would benefit the local community; and

8.2.3 if any other conditions that may be prescribed have been complied with.

8.3 Section 86E(2) of the MSA provides that if a Municipality establishes a private company or acquires an interest in such a company for the purpose of using that company as a mechanism to provide a Municipal Service, Chapter 8 applies.

9. Accordingly, and to the extent that the provision of the Municipal Services envisaged through an external mechanism may be contemplated in conjunction with a Municipality acquiring an equity interest in any appointed external mechanism entity, the above is to be borne in mind and, given the competitive bidding requirement referred to above, the proposed agreements as furnished to our offices cannot be concluded at this juncture.

THE MFMA

CAPITAL EXPENDITURE AND BUDGETARY IMPLICATIONS

10. The following provisions of the Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003) (the MFMA) are to be considered.

11. The MFMA applies to the Kouga Local Municipality in terms of Section 3(1)(a) of the MFMA.

12. To the extent that the envisaged agreements furnished to our offices contemplate the Municipality furnishing security in the form of a pledge that the Municipality will keep the value of identified fixed assets owned by it at or above an agreed valued level for a perioid of 5 years and to the extent that:

    12.1 the projects may be categorized as capital projects;

    12.2 the contracts may have future budgetary implications either by way of potential costs of maintaining such assets upon finalization of the projects, Section 19 and 33 of the MFMA would need to be borne in mind.

PLEDGE / SECURITY

13. From the documentation furnished to our offices, IDIS suggest that the Municipality will not be entering into any loan agreement in respect of the funds nor will the Municipality be expected to fund and implement the projects, and the obligation of the Municipality is not in respect of debt obligations but rather to retain a threshold level value of all its unencumbered fixed assets and not to sell such assets for a 5 year period.

    13.1 Section 48 of the MFMA regulates the provision by a Municipality of security for, *inter alia,* contractual obligations of a Municipality undertaken in connection with capital expenditure by other persons on property, plant or equipment to be used by the Municipality or such other person for the purposes of achieving the objects of Local Government in terms of Section 152 of the Constitution.

    13.2 Section 48(1) requires a Council Resolution for the provision of any such security;

    13.3 Section 48(2) of the MFMA reflects the mechanisms under which such security may be furnished;

    13.4 Whilst we have not had sight of the envisaged "Pledge", Section 48(3) of the MFMA would need to be considered should the form of the security "Pledge" fall within the ambit of Section 48(2)(a) of the MFMA.

UNSOLICITED BID

14. The Municipality is obliged to comply with, *inter alia*, Part 1 of Chapter 11 (Supply Chain Management) of the MFMA and its Supply Chain Management Policy adopted in terms of the aforesaid provisions.

    14.1 Whilst Section 113 of the MFMA regulates the consideration of unsolicited bids received outside the normal bidding process, Section 113(2) provides that the Municipality may only consider such bids in accordance with a prescribed framework, which framework is to be found in Regulation 37 of the Municipal Supply Chain Management Regulations and, in respect of the proposal under consideration, careful consideration would need to be given to whether the proposal complies with Regulation 37(2) of the said Regulations and Regulation 37(3) to 37(9) would need to be taken into account;

14.2 Should it not be determined that the proposal may be considered as an unsolicited bid in terms of Section 113 of the MFMA read with Regulation 37 of the Municipal Supply Chain Management Regulations, the proposal would need to be dealt with in the normal manner in terms of your Supply Chain Management Policy.

PUBLIC PRIVATE PARTNERSHIPS

15. To the extent that the proposal from IDIS envisages the potential of public private partnerships being concluded, we draw your attention to the onerous requirements contained in Section 120 of the MFMA read with the Municipal Public-Private Partnerships Regulations promulgated under the MFMA, which Section and Regulations cannot be pre-empted and would need to be complied with in all respects prior to any such public-private partnership agreements being concluded.

SUPPLY CHAIN MANAGEMENT

16. The Municipality is required to comply with its Supply Chain Management Policy and is required to have an implement in terms of Section 111 of the MFMA.

17. The documentation received from IDIS reflects that projects are to be rolled out by Private Sector parties to be appointed by IDIS and that IDIS will select and appoint service providers to perform the work in terms of several service level agreements.

18. By the very nature of the projects referred to, the Municipality will be acquiring goods and/or services and, as such, the Municipality cannot circumvent its obligations to comply with the provisions of the MFMA, the Supply Chain Management Regulations promulgated thereunder or the Municipality's Supply Chain Management Policy.

19. The documentation as framed at present would have the effect of thwarting the legislative requirements relating to Supply Chain Management and cannot be supported.

20. Whilst it is stated by IDIS that the model has been presented to various other Municipalities and National Treasury, we have not been provided with any documentation from National Treasury in terms of which the model has been approved nor will same, in our respectful opinion, be approved by National Treasury.

We advise accordingly and await such further instructions as you may have for our offices.

Yours faithfully,

McWilliams & Elliott Inc.

Ed Murray

national treasury
Department:
National Treasury
REPUBLIC OF SOUTH AFRICA

Private Bag x 115, Pretoria, 0001. Tel: 012 315 5850 Fax: 012 315 5230
Email: MFMA@treasury.gov.za

The Municipal Manager
Kouga Municipality
P. O Box 21
JEFFREYS BAY
6330

For attention: Mr C Du Plessis **Fax: (086) 521-4099**

Dear Sir

RE: KOUGA LOCAL MUNICIPALITY INTERNATIONAL DIVERSE INNOVATIVE SOLUTIONS (PTY) LIMITED

The letter received from McWilliams & Elliott Inc. acting on behalf of the municipality has reference.

We have noted the contents of the letter. The letter is in relation to an unsolicited bid received by the municipality from International Diverse Innovative Solutions (Pty) Limited with an offer to fund certain projects within the municipality which in turn requires a municipality to enter into what is termed a "Project Funding Agreement".

The purpose of the letter is to amongst other, enquire "whether National Treasury has approved the model".

Whilst there have been some engagements between International Diverse Innovative Solutions (Pty) Limited and the National Treasury. We advise that the National Treasury is not in a position to endorse any private company proposals. The MFMA provides for the role and responsibilities of the Accounting Officer and Chief Financial Officer, which must be adhered to with regards to financial management.

Hence municipalities must undertake all the necessary due diligence process including its legal vetting to ensure that any proposal or agreement is in line with all applicable legal prescripts.

We trust that you will be guided accordingly.

Yours sincerely
Signed by:Lindy Ann Bodewig
Signed at:2021-07-19 10:04:57 +02:00
Reason:Witnessing Lindy Ann Bodewig



Karen Maree
Acting Accountant-General
Date: 19/07/21

Cc: Chief Financial Officer
Cc: MFMA Coordinator: Eastern Cape Provincial Treasury

IDIS
INTERNATIONAL DIVERSE INNOVATIVE SOLUTIONS (PTY) Ltd

Ref: PFA/Local/District Municipality A

Date: 3 June 2021
Tel: +27 (0) 35 870 0812
Cell: +27 (0)79 259 8891
E-Mail: abcdef@municipalitya.org.za

The Municipal Manager
Mr A B CDEFG
The XX Local/District Municipality
Aa Street
Town
1234

Dear Mr A B CDEFG ,

Project Funding and Project Implementation agreement between IDIS and the Local/District Municipality A

1. PURPOSE

1.1. The purpose of this agreement is to:

1.1.1. Provide for the establishment of a binding Project Funding Agreement between International Diverse Innovative Solutions (Pty) Ltd (hereafter referred to as "IDIS") and the Local/District Municipality A (hereafter referred to as the "Municipality") to fund the projects listed in Annexure A;

1.1.2. Provide for the ring-fencing of a security to unlock funding for the implementation of the projects in Annexure A; and to

1.1.3. Provide for the establishment of a binding project implementation agreement between IDIS and the Municipality to implement the projects listed in Annexure A.

2. BACKGROUND

2.1. Whereas IDIS and Imperial Investment Limited have developed a "Private Development Funding Programme" (hereafter referred to as the "Funding Programme") for implementation in South Africa to unlock funds for social, economic and infrastructural development projects, for the

creation of new job opportunities, and to fund other projects and enterprises that will stimulate the economy;

2.2. And whereas Imperial Investment Limited has mandated IDIS as its Engineering, Procurement, Financing and Construction Agent (EPFC agent) to receive funding for agreed projects, to ensure the implementation and roll-out of projects and account to Imperial Investment Ltd;

2.3. And whereas the Municipality has approached IDIS to unlock funding for social, economic and infrastructural projects and investment to stimulate job creation and growth in its Municipal area;

2.4. And whereas under a Project Funding Agreement the Municipality will maintain an agreed minimum threshold value of its assets, without transferring such assets to anyone, as a security against which IDIS's Fiduciary Manager (Imperial Investment Limited) will unlock funding for the projects in Annexure A;

2.5. And whereas IDIS shall roll-out, operate and transfer completed funded Municipal projects in ownership to the Municipality on a basis agreed;

2.6. Therefore the Council of the Local/District Municipality resolved that the Municipal Manager may conclude a Project Funding Agreement with IDIS subject to the following conditions:

2.6.1. That the project funding agreement shall be implemented at no cost to the Municipality;

2.6.2. That unencumbered fixed assets of the Municipality of a value of R 2 billion (illustrative value subject to a decision of the council) shall be ring-fenced as a security for a period of 5 years and one day;

2.6.3. That ring-fenced assets shall remain in ownership of the Municipality during the 5 year period and during which period the Municipality shall continue to enjoy the uninterrupted and continued beneficial use of these assets, and the Municipality must continue to exercise all its competences and responsibilities in respect of these assets;

2.6.4. That IDIS shall fund and implement the projects included in Annexure A to this agreement and/or any other project agreed with the Municipal Manager in compliance with applicable laws; and

2.6.5. That IDIS and the Municipal Manager shall establish a joint Project Steering Committee to co-ordinate the prioritisation, implementation and execution of the projects in Annexure A.

2.7. And whereas the Private Development Funding Programme has been presented to National Leadership and the Treasury.

2.8. And whereas all the parties contemplated in the above paragraphs are desirous to solicit the flow of foreign direct investment to implement the projects listed in Annexure A, IDIS submits this Project Funding Agreement for the signature and execution by the Municipal Manager on the basis contemplated in paragraph 3 below.

3. PROJECT FUNDING AGREEMENT

3.1. The Municipal Manager executes this project funding agreement by its signature at the office of IDIS's lawyer and notary.

3.2. This project funding agreement provides as follows: -

3.2.1. That the Municipality approves and hereby issues a security of a value of two billion Rands (an illustrative amount subject to the decision of the Council) to Imperial Investment Limited of Mauritius (Registration number _____, with Address, Port Louis, Mauritius, in their capacity as the appointed Fiduciary Manager of International Diverse Innovative Solutions (Pty) Ltd ("IDIS"), for a period of five years and one day;

3.2.2. That the security is issued to Imperial Investment Limited to unlock funding to the value of ten billion Rands (R 10 Billion), which funding shall be paid to IDIS and IDIS shall allocate and use this funding for the implementation of the projects to a value of R 10 Billion included in Annexure A;

3.2.3. That the issued security shall be backed by ring-fenced unencumbered fixed assets of the Municipality of a value of R 2 Billion, which assets shall comprise a portion of all assets held by the Municipality and so reflected in the last financial statement of the Municipality, as audited by the Auditor General of the Republic of South Africa;

3.2.4. That the issued security shall be transferable and assignable and be held under the administrative hold of Imperial Investment Limited of Mauritius**;**

3.2.5. That the issued security shall be placed and be held in safekeeping in a rated Bank by Imperial Investment Limited for a period of five years and one day;

3.2.6. That there shall be *no transfer of ownership* in respect of any ring-fenced fixed asset of the Municipality to Imperial Investment Limited, and the Municipality shall continue to enjoy the continued and uninterrupted beneficial use of all its fixed assets, including the right to derive income from such assets;

3.2.7. That IDIS and Imperial Investment shall surrender and return the issued security in full, unencumbered and without any charge to the Municipality if either party substantially fails to provide funding for the implementation of the projects in Annexure A over the issuing term of 5 years and one day;

3.2.8. That this Project Funding Agreement shall supersede any previous agreement(s) entered into between IDIS and the Municipality.

3.3. The following conditions shall apply in respect of this Project Funding Agreement (PFA):

3.3.1. The PFA shall be implemented at no cost to the Municipality.

3.3.2. IDIS shall receive foreign direct investment from its Fiduciary Manager and IDIS shall allocate an amount of ten billion Rands (R 10 Billion) spread over a five-year term to fund and implement the projects in Annexure A.

3.3.3. IDIS shall provide and/or procure the Engineering, Procurement, Financing and Construction services and capacities required to assess, design, approve, procure and roll out the projects in Annexure A.

3.3.4. The implementation of the PFA shall be coordinated within a framework agreed to by IDIS and the Municipal Manager.

3.3.5. The projects in Annexure A will be processed, approved and implemented by the Municipality and IDIS as unsolicited bids, within the framework of applicable laws and on the following basis:

3.3.5.1. The projects in Annexure A must be executed either as Public-Private Partnerships; as BOOTT (Build, Own, Operate, Train and Transfer) agreements; or BOT agreements; or commercial agreements; or as direct Grant Transfers to the Municipality after project completion, in terms of applicable laws, or on a Private-Private basis.

3.3.5.2. Service level agreements must be concluded in respect of all funded Municipal projects before their commencement.

3.3.5.3. Projects shall provide for at least 30% local participation in project execution.

3.3.5.4. All Municipal projects approved by the Municipality for implementation on a Public Private partnership or grant basis must be transferred to the Municipality when completed or upon the fulfilment of the conditions of a relevant BOOTT or BOT or commercial agreement in terms of which the project was funded, rolled out and administered by IDIS or a service provider appointed by IDIS.

3.4. IDIS and the Municipality agree that this project funding agreement may be suspended or terminated by IDIS or on instruction by IDIS's Fiduciary manager or if political and administrative representatives and employees of the Municipality are implicated in: -

3.4.1. Wilful acts that prevent the implementation and execution of funded projects; or

3.4.2. acts of corruption, money laundering or terrorist activities,

and then IDIS and/or its Fiduciary member may recover losses incurred and the repayment of funds invested in a project, subject to review by a competent court or by referring the matter to arbitration.

3.5. If a project is abandoned or stopped for the reasons indicated in paragraph 3.4 or if IDIS or its Fiduciary Manager fail to provide funding on the basis agreed, the Municipality may request the release of the issued security and that it must be returned unencumbered and at no cost to the Municipality.

3.6. IDIS shall procure or implement measures to limit risk in respect of project funding and project execution.

3.7. This Project Funding Agreement is executed through its signature by the Municipal Manager at IDIS's notary lawyer.

3.8. A copy of the last financial statement of the Municipality reflecting the total asset value held by the Municipality and audited by the Auditor general of the Republic of South Africa shall be provided to IDIS together with this signed Project Funding Agreement.

3.9. By executing this agreement the Municipality further specifically agrees to the following: -

3.9.1. To protect the issued security by not further encumbering or allowing the total asset value of the Municipality to drop below the threshold value of two billion Rands (R 2 billion), without the prior and specific approval of IDIS and Imperial Investment Limited, over the period of issuance.

3.9.2. To conduct all communication with IDIS's Fiduciary Manager through IDIS.

3.9.3. That the Municipal Manager may:

3.9.3.1. Take all steps necessary to conclude a funding agreement with IDIS and any other party involved in the design and roll-out of the projects;

3.9.3.2. Approve, process and conclude commercial, BOOTT and Public-Private-Partnership agreements and Grant Transfer Agreements with IDIS necessary to implement the projects in Annexure A;

3.9.3.3. Take all reasonable steps to facilitate, accelerate and support the execution of this Project Funding Agreement; and to

3.9.3.4. Designate persons or parts of the Municipality to assist with the implementation of the agreement.

4. EPFC ROLE OF IDIS

4.1. By signing this agreement the Municipality specifically agrees to the following:

4.1.1. That IDIS will be the Engineering, Procurement, Financing and Construction Agent (EPFC Agent) responsible to implement the projects in Annexure A.

4.1.2. That IDIS in its capacity as the EPFC Agent shall receive and disburse the direct foreign investment unlocked by its Fiduciary Manager to fund the projects in Annexure A.

4.1.3. That IDIS as the EPFC agent shall be responsible to fully fund and ensure the roll-out of the projects included in Annexure A and/or any other project for which funding becomes available and accepted for funding and implementation by the Municipal Manager.

4.1.4. That IDIS in its capacity as EPFC agent, can appoint an entity as Project Manager and who will be responsible to discharge any of IDIS's EPFC responsibilities assigned to it, including the responsibility to:

4.1.4.1. Represent IDIS at the Municipal Level and with project owners, in matters pertaining to the EPFC functions of IDIS, in respect of the projects in Annexure A;

4.1.4.2. Assist project owners to co-ordinate and execute the development, execution and operation of the projects in Annexure A in compliance with best practise and industry standards;

4.1.4.3. Provide or procure the necessary technical and professional expertise, skills, technologies, systems and processes to ensure the optimal design, implementation, roll-out and operation of the projects in Annexure A;

4.1.4.4. Assist project owners to acquire the skills and capacities required to develop and roll-out projects;

4.1.4.5. Report progress with project planning, mobilisation and roll-out; and

4.1.4.6. Coordinate with all stakeholders, project owners and the Municipality.

4.2. The Municipal Manager can enter into and conclude a Project Implementation Agreement with IDIS substantially on the basis of the draft Project Implementation Agreement in Annexure B to this agreement.

4.3. The Municipal Manager shall take all reasonable steps to assist an independent project monitoring and quality assurance enterprise appointed by IDIS to perform independent reporting and monitoring.

5. FUNDING OFFER

5.1. After this project Funding Agreement has been signed by the Municipal Manager, IDIS shall request and conclude a funding agreement in the form of a Term Sheet with its Fiduciary Manager. The Term Sheet shall confirm the levels of funding that can be realised against the security provided over the term of five years and one day. IDIS shall accept and sign the term Sheet with its Fiduciary Manager to conclude a funding agreement. We will refer to the agreement that will arise as the "Local/District Municipality Project Funding Agreement".

5.2. Flow of funding for project implementation under the Local/District Municipality Project Funding Agreement will start approximately two months after a Term Sheet has been signed. Funding will be released based on budgets submitted to IDIS's Fiduciary manager, and will be paid in advance in monthly tranches over the term of the issued security. These budget allocations will be determined by the rate at which IDIS and the Municipality can bring the projects to implementation readiness, and the funding unlocked by IDIS's Fiduciary Manager.

5.3. If large projects exceed the term of 5 years for which a security was issued, the Municipal Manager can request for the issuing of securities for an agreed longer period.

5.4. The steps to be followed to move the process forward are more fully set out in paragraph 9 of this agreement.

6. BACKGROUND TO THE IDIS PRIVATE DEVELOPMENT FUNDING PROGRAMME

6.1. A Private Development Funding Programme (hereafter referred to as the "Funding Programme") has been developed by IDIS in cooperation with its Fiduciary Manager, Imperial Investment Ltd of Mauritius, specifically for roll-out in South Africa.

6.2. The Funding Programme is based on the ring-fencing of a security, comprising a portion of the value of the existing unencumbered assets of a Municipality that are accounted for and reflected in the Municipality's financial statements, to be used by IDIS's Fiduciary Manager to unlock funding for the projects in Annexure A. Our Fiduciary Manager will lodge the security provided to it with a rated banking institution where it will remain unencumbered in safekeeping for a period of five years and one day and it will thereafter proceed to mobilise international underwriters, private sector investors and donors to unlock funding for approved projects, provided that the ring-fenced security remains in place on the basis agreed and for the term agreed. This unlocked funding will then flow into South Africa as Foreign Direct Investment.

6.3. Projects that can be funded through the Funding Programme include "for–profit" projects (e.g. funding and establishment of new enterprises to create new jobs), community and "not-for-profit" sector projects and "government" projects intended to deliver social, economic and physical infrastructures, services and facilities to communities. A specific focus area of the Funding

Programme is the financing and roll-out of smart city infrastructures and systems and the delivery of new technologies.

6.4. The maintenance of the integrity of an issued security is paramount to comply with international banking rules. If an issued security is compromised in any manner, the flow of funding will stop with concomitant implications for the creditworthiness of South African institutions on international markets and for other organs of government in South Africa benefitting from the Funding Programme.

6.5. The "issuing" of a security does not imply the transfer of ownership of any assets to IDIS or to its Fiduciary Manager, nor does the Municipality lose any beneficial use of or the exercising of any right in respect of any asset that it owns. In addition, if IDIS or IDIS's Fiduciary Manager fails to perform in raising funds to implement projects, the Municipality will be entitled to have the issued security returned without any encumbrance or cost. There are no costs or risk associated with the issuing of an asset by the Municipality. Participation in the Funding Programme will in fact directly contribute to the increase of assets held by the Municipality and the delivery of new social, economic and infrastructural services and development opportunities and associated jobs to the community.

6.6. IDIS and/or the appointed Fiduciary Manager will be entitled to recover costs from the Municipality if the Municipality wilfully prevents the execution of this Project Funding Agreement, or if the Municipality or any of its political or administrative representatives engage in unlawful and corrupt activities, terrorism, money laundering that causes the abandonment or failure of funded projects.

6.7. IDIS disburses the direct foreign investment that it brings into the country through the performance of its EPFC functions. IDIS receives the foreign direct investment from its Fiduciary Manager in South Africa and is accountable and responsible for the implementation of funded projects of the Municipality and project owners. In the event that IDIS does not perform its funding function as agreed, the issued security will be released at no-cost and unencumbered to the Municipality.

6.8. The list of the specific projects that can be funded under the Private Development Funding Programme is included in Annexure A.

6.9. Projects can be implemented under the applicable legal frameworks of the MFMA[1] that applies to unsolicited bids. Depending on the specific project, the Municipality may enter into one or more of the following legal arrangements with IDIS and/or another project owner(s) in respect of the projects included in Annexure A:

6.9.1. Public Private Partnership (PPP) agreements for a period of 15 - 30 years; or

6.9.2. Specific PPP's like BOOTT and BOT agreements for a period of between 15 - 30 years; or

6.9.3. Grant transfers of projects on completion to the Municipality; or

6.9.4. Commercial agreements.

6.10. The Municipality and IDIS will enter into service level agreements in respect of each of the funded PPP or Grant Transfer projects before their commencement.

[1] Municipal Finance Management Act (MFMA), 2003, (Act 56 of 2003)

6.11. All the projects to be funded in Annexure A will be executed by private sector companies and service providers appointed and managed by IDIS or an IDIS appointed Project Manager, or by a project owner itself who possesses the necessary capacity to roll-out a project. These appointed companies and service providers will earn market related compensation for their work. Funding will provide for all facets of work to be completed, such as procurement, planning, compliance, implementation, and training and operational costs.

6.12. Implementation and execution of projects must comply with all applicable planning, labour, environmental, water and other laws relevant to a specific project and its roll-out.

6.13. Projects will generally target a minimum of 30% local employment and/or procurement or better, and will, where necessary, incorporate funding for local training and capacity building programs to reach this target.

6.14. The Funding Programme will fund all project procurement, design and implementation related expenditures and no new budgetary provision by the Municipality will be required. The Municipality will become responsible for budgeting and project related expenditures after PPP or BOOTT agreements have ended, or a completed project has been transferred and accepted under a Grant Transfer to the Municipality. Completed projects will become part of and enhance the value of the Municipality's asset base.

6.15. IDIS, as the recipient of the direct foreign investment coming into the Country, takes full responsibility to ensure the execution of funded projects in terms of best practise in the industry and accounting compliance, subject to oversight mechanisms required by the Fiduciary Manager to comply with financial compliance and reporting rules.

6.16. The roll-out period of projects and the duration of the funding cycles of the Funder are linked. Projects must be executed during the term of the issued security. In addition, the magnitude and scale of funding envisioned will require that the Municipality provide a dedicated platform and channel to prioritise decision making, rapidly perform technical oversight and approval functions and perform administrative processing of all funded for-profit and government projects under the Funding Programme on a priority basis. The Municipality will also be required to not unnecessarily withhold decisions that can delay execution of any part of a funded project.

7. NON-RECOURSE GRANT FUNDING

7.1. The Private Development Funding Programme unlocks Foreign Direct Investment (FDI) for the implementation of projects owned by private entities and by organs of government.

7.2. The funding that IDIS receives through its Fiduciary Manager must be regarded as humanitarian funding that converts to non-recourse grant funding, conditional on successful completion of funded projects. In the event that projects are abandoned, allocated funding will be considered to be loan funding that must be repaid by IDIS in its capacity as the recipient of the funding. IDIS will institute legal action to recover losses caused by fraud, corruption and maladministration.

7.3. The Funding Programme is intended to help in addressing ongoing financial and capacity constraints affecting Municipalities and other organs of government's ability to deliver social goods, services and infrastructures to communities by mobilising the capacity of the private sector to complete and deliver projects. The projects selected for grant funding (and as reflected in Annexure A) will:

7.3.1. Improve and enlarge the tax and income base of the city;

7.3.2. Modernise and equip the Municipality with new Smart City technologies to address existing service delivery problems and introduce new improved service delivery systems;

7.3.3. Address critical social, economic and infrastructural backlogs in the community;

7.3.4. Stimulate local economic activity, unlock local economic comparative advantages and create jobs;

7.3.5. Improve energy efficiencies, energy re-use and introduce clean energy technologies in the Municipality and the lowering of its carbon footprint;

7.3.6. Create new entrepreneurs and new enterprises; and

7.3.7. Stimulate local growth and development.

8. LEGAL BASIS FOR THE USE OF MUNICIPAL ASSETS TO UNLOCK FUNDING

8.1. Section 48 of the Municipal Finance Act regulates when and how a Municipality can use a security to unlock funding. This section provides as follows:-

"48. (1) A municipality may, by resolution of its council, provide security for—

(a) . . . . ;

(b) . . . .; or

(c) contractual obligations of the municipality undertaken in connection with capital expenditure by other persons on property, plant or equipment to be used by the municipality or such other person for the purpose of achieving the objects of local government in terms of section 152 of the Constitution.

(2) A municipality may in terms of subsection (1) provide <u>any appropriate security</u>, including by—

(a) giving a lien on, or pledging, mortgaging, ceding or otherwise hypothecating, an asset or right, <u>or giving any other form of collateral</u>;"

8.2. The purpose for which the security will be used is consistent with the objectives of local Government which a Municipality must strive to achieve. The Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) determines as follows: -

"Section 152: Objects of local government

(1) The objects of local government are-

(a) to provide democratic and accountable government for local communities;

(b) to ensure the provision of services to communities in a sustainable manner;

(c) to promote social and economic development;

(d) to promote a safe and healthy environment; and

(e) to encourage the involvement of communities and community organisations in the matters of local government.

(2) A municipality must strive, within its financial and administrative capacity, to achieve the objects set out in subsection (1)."

8.3. The purpose for which the security will be used is also consistent with the development duties of a Municipality. The Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996) assigns the following developmental duties to a Municipality: -

"Section 153: Developmental duties of municipalities

A municipality must-

(a) structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; and

(b) participate in national and provincial development programmes."

8.4. Based on the provisions in paragraphs 8.1 to 8.3 above, Municipalities are allowed to ring-fence assets to unlock funding for the purposes contemplated in this Project Funding Agreement.

8.5. The asset-base of the Municipality, as reflected in the last audited financial statement of the Municipality by the Auditor General of South Africa provides that a security of R 2 billion may be issued to IDIS and its Fiduciary Manager to unlock funding for projects.

8.6. The Fiduciary Manager will lodge the issued security with an internationally rated financial institution to obtain a Safe Keeping Receipt for the Security. The institution where the security will be lodged for Safe Keeping will be determined by Imperial Investment Ltd.

8.7. Whilst a security has been provided on the basis contemplated in this Project Funding Agreement, rights, duties, benefits and responsibilities of the issuer in respect of any asset remains unaffected and unaltered with the exception that the issuer may not cause the value of assets held by the Municipality to drop below a R 2 billion threshold level, without the prior approval of the Fiduciary Manager.

8.8. It is incumbent on the Municipality to maintain an asset value of not less than R 2 billion of the original threshold amount, over a 5 years plus one day term. This security can be re-issued for another term to continue with funding of large scale projects that cannot be completed within the initial five year period, if so agreed to by the Municipality, IDIS and Imperial Investment Ltd.

8.9. This agreement does not constitute a loan agreement between the Municipality and IDIS and the risk to fund and implement the projects identified in Annexure A solely lies with IDIS.

8.10. The agreement does *not* constitute the issuing of a Muni-bond by the Municipality in terms of the powers and provisions contemplated in Section 230A of the Constitution (1996) and Sections 46, 47, 48 and 49 of the MFMA (Act No 56 of 3003).

9. STEPS TO BE TAKEN TO ACTIVATE THE FUNDING PROGRAMME

The contracting and roll-out process will comprise the following general steps:

9.1. **Step 1:** Decision of the Accounting Officer of the Local/District Municipality:

The Municipal Manager in his capacity as Accounting Officer must resolve to execute this project funding agreement and specifically the implementation of the provisions of paragraphs 3.1 to 3.4 above of this agreement.

9.2. **Step 2:** Execution of this Project Funding Agreement:

This agreement must be signed by the Municipal Manager on the basis contemplated in paragraph 3.1 above at IDIS's attorney's office and be notarised. IDIS will immediately proceed to lodge and submit the notarised documents with IDIS's Fiduciary Manager.

9.3. **Step 3:** Fiduciary Manager issues funding offer:

After having lodged a notarized Funding Agreement with our Fiduciary Manager our Fiduciary Manager will submit the notarised documents that issued the security for safekeeping with a rated bank. Our Fiduciary Manager will shortly thereafter issue a Term Sheet to IDIS.

9.4. **Step 4**: IDIS accepts the funding offer and any conditions attached thereto:

IDIS signs the Term Sheet and a binding legal agreement arises to fund the projects in Annexure A.

9.5. **Step 5**: Establishment of a Project Steering Committee (PSC):

IDIS and the Municipal Manager establish a Project Steering Committee and agree its functions and responsibilities. The PSC shall be responsible:

9.5.1. To identify legal, technical and administrative matters affecting or delaying the roll-out of projects funded under the Funding Programme and to advise Council and/or the Municipal Manager or project owners on appropriate steps to resolve these matters.

9.5.2. To appoint task teams to investigate and address problem areas arising from the implementation of the Funding Programme and projects funded under the programme to recommend solutions that requires policy, legislative, technical or administrative intervention by the Municipality.

9.5.3. To manage relations with communities organised business and organised labour affecting the roll-out of the Funding Programme.

9.5.4. To establish processes to expedite the provision of all the necessary approvals, certificates, consents and determinations required for the implementation of the Funding Programme and funded projects and to monitor progress.

9.5.5. To identify and take all steps necessary to transfer and integrate completed projects into the planning and budgetary processes and onto the asset registers of the Municipality.

9.5.6. To report on the execution of the Funding Programme to the Mayoral Committee.

9.5.7. The Project Steering Committee shall comprise the following members:

Member	Who they represent
Municipality	1. The Municipal Manager or his/her representative representing the administration. 2. A Permanently assigned technical co-ordinator acting as the key contact point and resource person between the Municipality, Project Owners, IDIS and the Project Manager.
Imperial Investment	Imperial Investment or a Representative.
IDIS	Representing itself as the Engineering, Procurement, Finance and Construction (EPFC) agent for Imperial Investment.
New-DM representatives or equivalent	Representing various business chambers, community organisations and itself.
Councillors	Representing affected wards and/or affected portfolios. (Council must recommend one (1) Liaison officer that shall report to the Task team on its behalf).
Project Managers	Project Manager(s) appointed and nominated by IDIS
Local Stakeholders	e.g. a member of the Premiers office or an appointee of a Traditional Leaders Council nominated by IDS and/or the Municipal Manager

9.6. **Step 6**: Initiation of the flow of FDI to projects for implementation:

9.6.1. Imperial Investment Ltd will begin the process of securing the passage of funds through the various legal processes as required by National Treasury for Direct Foreign Investment;

9.6.2. IDIS will be the recipient of funding flows from Imperial Investment and will be legally responsible and accountable to fund and ensure the roll-out of the projects in Annexure A;

9.6.3. The Fiduciary Manager will provide funding to IDIS in monthly tranches. These tranches will be paid in advance and be based on budgets submitted by individual project owners and or project managers, in advance. IDIS will disburse the transferred funds to the different project managers, projects owners or project accounts on an ongoing basis until projects are fully funded and completed during the five year term of the issued security.

10. OTHER PROJECTS

10.1. The Municipality and IDIS may agree to identify additional projects for funding and implementation by IDIS from unallocated funds or if IDIS secures additional funding for projects in the Municipal area. The Municipal Manager may approve and determine the basis for the implementation of such unsolicited projects, including the legal basis for the implementation of these projects in terms of the framework contained in this agreement.

10.2. IDIS will, as part of its EPFC responsibility, engage with the Municipality to identify, develop and fund projects that can support job creation, economic stimulation and the delivery of social, economic and physical infrastructures. The Municipality agrees to support and assist with the mobilisation and execution of these projects and not to unnecessarily withhold approvals and the provision of the necessary services and infrastructures to implement such projects.

10.3. To facilitate the roll-out of projects IDIS shall:

10.3.1. Inform and consult with the Project Steering Committee on projects not included in Annexure A that can be funded to stimulate development, entrepreneurial activity and job creation in the Municipal area.

10.3.2. Identify local development opportunities in consultation with Community Based Organisations, organised business, the Local LED office of the Municipality, and NGO's.

10.3.3. Realise development opportunities by assisting entrepreneurs, enterprises, institutions and project owners by providing financial, technical and other support services and skill transfers to roll out projects and to drive projects to sustainability.

11. AGREEMENT TO PROCEED

By attaching his signature below the Municipal Manager confirms that the Local/District Municipality agrees to all the terms and provisions of this agreement and specifically to:

11.1. the issuing of a security of a value of R two billion Rands on the basis contemplated in paragraph 3, for a period of 5 years and one day, by execution of this agreement, to Imperial Investment Limited;

11.2. not to diminish or encumber the issued security during the issuing period or to reduce the assets owned by the Municipality below a threshold value of R 2 billion during the issuing term;

11.3. agree that IDIS will be the EPFC agent responsible to receive and disburse funding unlocked by Imperial Investment Limited to implement and roll-out the projects in Annexure A.

This document comprises the full and final agreement between the Local/District Municipality and IDIS,

and

this Project Funding Agreement is hereby signed and executed by the Municipal Manager of the Local/District Municipality in his official capacity and being duly authorised thereto -

_____

Mr Mr A B CDEFG

ID No: _____

Signed at Centurion, Pretoria, South Africa on the xx day of Month 2021

As Witness 1: _____

As Witness 2: _____

and

this Project Funding Agreement is hereby signed by Me B Vermeulen in her capacity of Chief Executive Officer of International Diverse Innovative Solutions (PTY) Ltd ("IDIS") and being duly authorized thereto -

_____

Me Benita Vermeulen
ID No: _____

Signed at Centurion, Pretoria, South Africa on the xx day of Month 2021

As Witness 1: _____

As Witness 2: _____

ANNEXURE A: AGREED PROJECT LIST

THIS DOCUMENT CONTAINS ILLUSTRATIVE EXAMPLES OF PROJECTS THAT CAN BE CONSIDERED FOR INCLUSION IN A PROJECT FUNDING AGREEMENT (PFA) BY A MUNICIPALITY:

a) Annexure A will form part of a PFA when it is signed.
b) Annexure A contains the list of projects that will be funded and rolled-out by IDIS up to the agreed funding level.
c) Category A projects must be less than 25% of the value of all projects included in Annexure A.
d) Funding for these projects will be available over a five year funding cycle and the target is to spend one fifth of the funding each year.
e) An IDIS/Municipality steering committee must prioritise and manage Annexure A projects roll-out for the purpose of achieving e) above.
f) The list that follows is illustrative and a Municipality is not limited to only consider projects included in this list.

CONTENTS:

CATEGORY A PROJECTS: UNFUNDED IDP PROJECTS Page 17

CATEGORY B PROJECTS: PROJECT MEANT TO ENHANCE MUNICIPAL REVENUE BY IMPROVING AND REPLACING EXISTING SYSTEMS AND SERVICES Page 20

CATEGORY C PROJECTS: PROJECTS MEANT TO REDUCE THE OPERATIONAL COSTS OF A MUNICIPALITY Page 21

CATEGORY D PROJECTS: PROJECTS MEANT TO CREATE FUTURE INCOME STREAMS FOR A MUNICIPALITY Page 23

CATEGORY E PROJECTS: PROJECTS MEANT TO CREATE NEW JOBS AND TO STIMULATE ECONOMIC GROWTH AND DEVELOPMENT Page 25

CATEGORY A PROJECTS: UNFUNDED IDP PROJECTS

Projects in Category A will mostly be unfunded critical and high priority projects that emerge from a Municipality's IDP planning process. Category A projects may not use more than 25 % of all unlocked funds and must not be used to replace items already provided for in existing budgets to "free-up" funding for other Municipal Projects. IDIS will mostly execute the following projects on a grant transfer basis.

No	Project Description	Timeframe	Legal Basis	Estimated Cost (R)	Project Origin
	Water and Sanitation Systems				
1	Sewer Pipe Replacement and New Installations	Short term	Grant Transfer[2]		WSDP[3]
2	Water Pipe Replacement and New Installations	Short term	Grant Transfer		WSDP
3	Dams, Reservoirs and Towers	Short term	Grant Transfer		WSDP
4	Sewer Pump Station Replacement	Short term	Grant Transfer		WSDP
5	Waste Water Treatment Works Refurbishment and New Installations	Short term	Grant Transfer		WSDP
6	Water Treatment Works Refurbishment and New Installations Refurbishment and New Installations	Short term	Grant Transfer		WSDP
7	Drilling and equipping of Boreholes	Short term	Grant Transfer		WSDP
8	Farm Settlement Water Supply	Short term	Grant Transfer		WSDP
9	Eradication of Sewage Spillage	Short term	Grant Transfer		WSDP
10	Water and Sanitation Master Plan	Short term	Grant Transfer		WSDP

[2] Grant Transfer = Means the fixing, replacement, refurbishment or upgrading of a critical facility, service or infrastructure that belongs to a Municipality, by a private service provider appointed and paid by IDIS, in terms of a service level agreement concluded with a Municipality. When the work is completed the facility, service or infrastructure is immediately returned to the Municipality. There is no loan or any other cost that must be repaid by the Municipality.

[3] Means Water Services Development Plan

	Electricity Systems				
11	Refurbishment of electric reticulation systems and New Installations	Short term	Grant Transfer		Electricity Master Plan
12	Upgrading of Infeed and Substations	Short term	Grant Transfer		Electricity Master Plan
13	Protection of Substation Doors and Prevention of Cable Theft	Short term	Grant Transfer		Electricity Master Plan
14	Installation of Solar Geysers	Short term	Grant Transfer		Electricity Master Plan
15	Electricity Master Plan	Short term	Grant Transfer		Responsible Technical Section
	Roads Systems				
16	Refurbishment of roads	Short term	Grant Transfer		Roads and Storm Water Master Plan
17	Construction of Critical Road Infrastructure	Short term	Grant Transfer		Roads and Storm Water Master Plan
18	Improvement of Storm Water Systems	Short term	Grant Transfer		Roads and Storm Water Master Plan
19	Improvement of Traffic Signs, Mini Circles, Traffic Signals and Road Markings	Short term	Grant Transfer		Roads and Storm Water Master Plan
20	Improvement of Parking, Loading Areas and Taxi Ranks	Short term	Grant Transfer		Roads and Storm Water Master Plan
21	Roads and Storm Water Master Plan	Short term	Grant Transfer		Roads and Storm Water Master Plan
22	Pavement Management System	Short term	Grant Transfer		Roads and Storm Water Master Plan
	Solid Waste Disposal				
23	Upgrading of Waste Disposal Sites	Short term	Grant Transfer		Waste Master Plan
24	Solid Waste Collection Vehicles	Short term	PPP		Waste Master Plan

	Buildings and Facilities				
25	Refurbishment of Municipal Offices	Short term	Grant Transfer		IDP
26	Refurbishment of Community Centres	Short term	Grant Transfer		IDP
27	Refurbishing of Sport Facilities	Short term	Grant Transfer		IDP
28	Fencing of Municipal Buildings and Parks	Short term	Grant Transfer		IDP
29	Refurbishing of Municipal Clinics	Short term	Grant Transfer		IDP
30	Refurbishing of Municipal Public markets	Short term	Grant Transfer		IDP
	Refurbishing of Municipal SMME facilities	Short term	Grant Transfer		IDP
	Refurbishment of Municipal LED facilities				
	Training and Capacity building				
31	Training and capacity building	Short term	Grant Transfer		IDP/LED/Technical

CATEGORY B PROJECTS: PROJECTS MEANT TO ENHANCE MUNICIPAL REVENUE BY IMPROVING AND/OR REPLACING EXISTING SYSTEMS AND SERVICES

These Projects will mostly be implemented on a Public-Private-Partnership or BOOTT basis by IDIS. IDIS will deploy best in class technologies to modernize existing systems, reduce operational costs and enhance revenue collection.

No	Project Description	Timeframe	Legal Basis	Estimated Cost (R)	Project Origin
	Smart Systems				
1	Smart Water metering systems	Long Term	PPP		IDIS
2	Smart Electricity metering system	Long Term	PPP		IDIS
3	Facilities management systems	Long Term	PPP		IDIS
4	Water demand and loss management systems	Long Term	PPP		IDIS
5	Electricity demand and loss management systems	Long Term	PPP		IDIS
	Training and capacity building				
6	Local training associated with funded projects	Medium/long term	PPP		Project Roll-out
7	Capacity building associated with funded projects	Medium/long Term	PPP		Project Roll-out
	LED				
8	Fresh Produce Markets	Medium/Long Term	PPP		LED/Various

CATEGORY C PROJECTS: PROJECTS MEANT TO REDUCE THE OPERATIONAL COSTS OF A MUNICIPALITY

These Projects will mostly be implemented on a Grant Transfer Basis or on a Public-Private-Partnership basis (As BOOTT or BOT agreements)

No	Project Description	Timeframe	Legal Basis	Estimated Cost (R)	Project Origin
	New SMART Street Lighting Projects				
1	Compilation of lighting masterplans	Short Term	Grant/PPP		Lighting Masterplan
2	Smart Solar Street Lighting systems	Long Term	Grant/PPP		Lighting Masterplan
3	High Mast Light Monitoring System	Long Term	Grant/PPP		Lighting Masterplan
4	Installation of Solar Geysers	Long Term	Grant/PPP		Electricity Master Plan
5	Energy Demand Management	Long Term	Grant/PPP		Electricity Master Plan
	New Smart Transport systems				
6	Electric bus systems	Long Term	PPP		IDP/IDIS
7	Electronic parking meters	Long Term	PPP		IDIS
8	Intelligent transport systems	Long Term	PPP		IDIS
9	Digital Signage	Long Term	PPP		IDIS

	Other Smart City Solutions				
10	New charging networks for electric vehicles	Long Term	PPP		**IDIS**
11	Wi-Fi and Fibre networks	Long Term	PPP		**IDIS**
12	Sensor Technologies	Long Term	PPP		**IDIS**
13	Data Technologies	Long Term	PPP		**IDIS**
14	Safety and Security Systems (e.g. integrated utility revenue and asset management protection services and systems)	Long Term	PPP		**IDIS**
15	Mobile and Application based solutions	Long Term	PPP		**IDIS**
16	Wireless technologies	Long Term	PPP		**IDIS**
17	Smart Environment	Long Term	PPP		**IDIS**
18	Technical Operational Centre	Long Term	PPP		**IDIS**
	Training and capacity building				
19	Local training associated with funded projects	Medium/long term	PPP		Project Roll-out
20	Capacity building associated with funded projects	Medium/long Term	PPP		Project Roll-out

CATEGORY D PROJECTS: PROJECTS MEANT TO CREATE FUTURE INCOME STREAMS FOR A MUNICIPALITY

These Projects will mostly be implemented on a Public-Private-Partnership basis (As BOOTT or BOT agreements)

No	Project Description	Timeframe	Legal Basis	Estimated Cost (R)	Project Origin
	New Clean Energy generation projects				
1	Compilation of Energy re-use strategy	Short Term	Grant Transfer		IDP/IDIS
2	New Solar Farms	Long Term	PPP agreement		IDP/IDIS
3	New Wind Farms	Long Term	PPP agreement		IDP/IDIS
4	New Hydro-storage facilities	Long Term	PPP agreement		IDP/IDIS
5	New Battery Storage facilities	Long Term	PPP agreement		IDP/IDIS
6	Other forms of energy generation and storage (e.g. clean fuels production, Kinetic energy storage, PBMR, etc.)	Long Term	PPP agreement		IDP/IDIS
	Waste to Energy Facilities				
7	Production of energy and fuels from municipal and other organic waste.	Long Term	PPP agreement		IDP/IDIS

	Transport and Logistics Facilities				
8	Port, Rail, Harbour, Air Intermodal Facilities and terminals	Long Term	PPP agreement		IDP/IDIS/Dev Agency/LED
9	Distribution Centres	Long Term	PPP agreement		IDP/IDIS/Dev Agency/LED
10	Dry-docks	Long Term	PPP agreement		IDP/IDIS/Dev Agency/LED
11	Rail Infrastructure	Long Term	PPP agreement		IDP/IDIS/Dev Agency/LED
12	Airports	Long Term	PPP agreement		IDP/IDIS/Dev Agency/LED
13	Toll Roads and systems	Long Term	PPP agreement		IDP/IDIS/Dev Agency/LED
	New Water Provision Infrastructures				
14	New Bulk Water Transport pipelines	Long Term	PPP agreement		IDP/IDIS/Dev Agency/LED
15	New Desalination facilities	Long Term	PPP agreement		IDP/IDIS/Dev Agency/LED
16	New Water Storage facilities	Long Term	PPP agreement		IDP/IDIS/Dev Agency/LED
	Training and capacity building				
17	Local training associated with projects	Medium/long term	PPP Agreement		Project Roll-out
18	Capacity building associated with projects	Medium/long Term	PPP Agreement		Project Roll-out

CATEGORY E PROJECTS: PROJECTS PRIMARILY MEANT TO CREATE NEW JOBS AND TO STIMULATE ECONOMIC GROWTH AND DEVELOPMENT

These projects will mostly be implemented on a private-private basis between IDIS and a project owner (Which project owner can include a private person, business entity, NGO, SOE or Development Agency or another business entity of a Municipality).

No	Project Description	Timeframe	Legal Basis	Estimated Cost (R)	Project Origin
	Manufacturing sector				
1	Industrial Parks	Long Term	Equity Agreement between IDIS/Private Business entity/Development Agency/SOE		Development Agency/ LED Strategy/Private enterprises
2	Small Business Hubs and Mentoring/Support	Long Term	Equity Agreement between IDIS/Private Business entity/Development Agency/SOE		Development Agency/ LED Strategy/Private enterprises
3	Manufacturing of Agricultural products, Clothing and Textiles, Wood and Paper Products, Food products, Printing and recorded media, Chemicals, Pharmaceuticals, Botanicals, Rubber, Plastics, Metals, IT, Electric equipment, Motor vehicles, Transport equipment Furniture, etc.	Long Term	Equity Agreement between IDIS/Private Business entity/Development Agency/SOE		Development Agency/ LED Strategy/Private enterprises
	Agriculture Forestry and Fisheries Sector				
4	Agro Industrial Parks and Agricultural Projects (e.g. Establishment of Agricultural Farm and Processing Facilities, Seedling Nursery, Poultry, Piggery)	Long Term	Equity Agreement between IDIS/Private Business entity/Development Agency/SOE		Development Agency/ LED Strategy/Private enterprises
5	Grain Storage	Long Term	Equity Agreement between IDIS/Private Business entity/Development Agency/SOE		Development Agency/ LED Strategy/Private enterprises
6	Hydroponic Farming Systems	Long Term	Equity Agreement between IDIS/Private Business entity/Development Agency/SOE		Development Agency/ LED Strategy/Private enterprises
7	Fodder Production Systems	Long Term	Equity Agreement between IDIS/Private Business entity/Development Agency/SOE		Development Agency/ LED Strategy/Private enterprises

	Transportation and storage				
8	Harbours, shipyards and bonded warehousing	Long Term	Equity Agreement between IDIS/Private Business entity/Development Agency/SOE		Development Agency/ LED Strategy/Private enterprises
	Accommodation and Food Services				
9	Accommodation, Food and beverage service activities	Long Term	Equity Agreement between IDIS/Private Business entity/Development Agency/SOE		Development Agency/ LED Strategy/Private enterprises
	Tourism sector				
10	Tourism projects (Including nature parks, eco-Tourism, dam-site developments, Hotels and lodges, cable-cars, Rock Climbing, etc) Heritage and Cultural tourism routes, tourism assets and information marketing.	Long Term	Equity Agreement between IDIS/Private Business entity/Development Agency/SOE		Development Agency/ LED Strategy/Private enterprises
	Mining and Quarrying Sector				
11	New Mining projects, Minerals beneficiation, cement Blending, new quarries, brick making.	Long Term	Equity Agreement between IDIS/Private Business entity/Development Agency/SOE		Development Agency/ LED Strategy/Private enterprises
	Construction Sector				
12	Mixed Use Developments, Housing, local and regional Shopping Centres, Offices and Service Centres, Replacement of asbestos roofs.	Long Term	Equity Agreement between IDIS/Private Business entity/Development Agency/SOE		Development Agency/ LED Strategy/Private enterprises
	Health sector				
13	Private Hospitals and clinics, Retirement centres, care centres	Long Term	Equity Agreement between IDIS/Private Business entity/Development Agency/SOE		Development Agency/ LED Strategy/Private enterprises
	Education				
14	New private schools and colleges, pre-primary schools, Student Accommodation	Long Term	Equity Agreement between IDIS/Private Business entity/Development Agency/SOE		Development Agency/ LED Strategy/Private enterprises
	Arts Entertainment and media				
15	Creative, arts and entertainment activities, Libraries, archives, museums and other cultural activities, Gambling and betting activities, Sports activities and amusement and recreation activities, sports facilities, Arts and Crafts markets.	Long Term	Equity Agreement between IDIS/Private Business entity/Development Agency/SOE		Development Agency/ LED Strategy/Private enterprises

	Information and Communication				
16	Publishing activities, Motion picture, video and television programme production, sound recording and music publishing activities, Programming and broadcasting activities, Telecommunications, Computer programming, consultancy and related activities, Information service activities	Long Term	Equity Agreement between IDIS/Private Business entity/Development Agency/SOE		Development Agency/ LED Strategy/Private enterprises
	Professional, scientific and technical activities				
17	Professional services providers, technical testing and analysis, Scientific research and development, Advertising and market research, Veterinary activities	Long Term	Equity Agreement between IDIS/Private Business entity/Development Agency/SOE		Development Agency/ LED Strategy/Private enterprises
	Training and capacity building				
18	Local training associated with projects	Medium/long term	PPP Agreement		Project Roll-out
19	Capacity building associated with projects	Medium/long Term	PPP Agreement		Project Roll-out
	LED				
20	Support for projects mobilised by Economic Development Agencies	Medium/Long Term	Equity Agreement between IDIS/Private Business entity/Development Agency/SOE		Development Agency/ LED Strategy/Private enterprises/beneficiaries
21	Business Process and Outsourcing (BPO) services (can include facilities, customer services, accounting and payroll functions, etc)	Long Term	Equity Agreement between IDIS/Private Business entity/Development Agency/SOE		Development Agency/ LED Strategy/Private enterprises/beneficiaries

Annexure B

Draft Project implementation agreement

DRAFT DOCUMENT

AGREEMENT FOR THE IMPLEMENTATION AND EXECUTION OF THE "MUNICIPALITY A" PROJECT FUNDING AGREMENT

entered into by and between

"MUNICIPALITY A"

(hereinafter referred to as the "Municipality")

and herein represented by

Mr. Mr A Jones in his capacity as the
Municipal Manager of the "Municipality A"

and being duly authorised thereto

and

INTERNATIONAL DIVERSE INNOVATIVE SOLUTIONS PROPRIETARY LIMITED

Registration number 2008/14283/07

herein represented by

Ms **BENITA VERMEULEN** in her capacity as **CEO**

and being duly authorised thereto
(hereinafter referred to as **"IDIS"**)

and

WHEREAS:

The “Municipality” has concluded a Project Funding Agreement with IDIS to unlock funding for projects;

AND WHEREAS

The “Municipality” has agreed with IDIS to fund and implement the projects listed and attached in Annexure A of the Project Funding Agreement;

AND WHEREAS

IDIS has secured access to Foreign Direct Investment Funding (FDI) through a Private Development Funding Programme (“Funding Programme”) to fund the projects in Annexure A;

AND WHEREAS

IDIS will be the recipient of the FDI unlocked through the Project Funding Agreement;

AND WHEREAS

It is a condition of the Funders that IDIS shall be the responsible Engineering, Procurement, Financial and Construction Agent (EPFC) to roll-out the projects in Annexure A under the Funding Programme;

AND WHEREAS

It is a condition of funding that IDIS shall accept all risk for the execution of the projects in Annexure A;

AND WHEREAS

IDIS must report compliance with the funding conditions;

AND WHEREAS

IDIS is willing to implement the projects within the framework of applicable laws and policies in accordance with applicable professional, technical, design and service level standards and best practise in the industry;

IDIS AND THE "MUNICIPALITY" THEREFORE AGREE AS FOLLOWS:

That IDIS, in its capacity as the Engineering, Procurement, Financing and Construction Agent shall be responsible to implement the projects contained in Annexure A with the funding that it receives from its Fiduciary Manager on a basis to be agreed and in terms of applicable laws;

and

That both parties will be bound by the following clauses and provisions that will guide and provide for the implementation and execution of the Project Funding Agreement:

INDEX OF HEADINGS

1.	INTERPRETATION	32
2.	DEFINITIONS	32
3.	TERMS OF AGREEMENT	33
4.	FUNDING	34
5.	PRIORITISATION OF PROJECTS	36
6.	RESPONSIBILITIES OF THE MUNICIPALITY	36
7.	RESPONSIBILITY OF THE EPFC AGENT/IDIS	37
8.	KEY ROLE PLAYERS	39
9.	APPROACH AND METHODOLOGY	42
10.	INSURANCES	44
11.	MEDIA LIAISON	45
12.	NO PARTNERSHIP	45
13.	BREACH	45
14.	ARBITRATION OF DISPUTES ARISING FROM THIS AGREEMENT	46
15.	TERMINATION OF AGREEMENT	47
16.	DOMICILIUM CITANDI ET EXECUTANDI	48
17.	LIMITATION ON CESSION	49
18.	AMENDMENT	49
19.	WAIVER	49
20.	FORCE MAJEURE	49
21.	COPYRIGHT	50
22.	SEVERABILITY	50

1. INTERPRETATION

1.1. The headings of the various clauses of this Agreement, and as contained in the Index of Headings are inserted for reference purposes only, and shall in no way govern or affect the construction of this Agreement.

1.2. This document shall be deemed to constitute the sole Agreement between the parties, with reference to its subject matter; and shall cancel and negate any prior verbal or written communications relating to such subject matter, whether expressed or implied, including any letters, memoranda, or minutes.

1.3. This Agreement including any annexures duly attached hereto shall be governed by and be construed and interpreted in accordance with the law of the Republic of South Africa.

1.4. Words importing persons shall include bodies corporate, and vice versa.

1.5. The singular shall include the plural, and vice versa, and reference to any gender shall include the other gender.

1.6. Any reference to a statutory provision shall include a reference to that provision as modified, amended, replaced, or re-enacted from time to time.

1.7. If any provision in a definition is a substantive provision, conferring rights, or imposing obligations on any party, effect shall be given to it as if it were a substantive clause in the body of the Agreement, notwithstanding that it is only contained in the definitions clause.

2. DEFINITIONS

In this Agreement, unless clearly inconsistent with or otherwise indicated by the context:

2.1. "**Area**" means the area of jurisdiction of "Municipality A" in the Republic of South Africa.

2.2. **"EPFC Agent"** means IDIS in its capacity as the Engineering, Procurement, Financial and Construction agent (Hereafter referred to as EPFC agent) responsible to fund and implement the projects in Appendix A.

2.3. "**Funding Programme**" means the Private Development Funding Programme (PDFP) developed by IDIS and Imperial Investment Limited to unlock funding for projects for Municipalities in South Africa, and in terms of which PDFP IDIS and the "Municipality A" has concluded a Project Funding Agreement (PFA) which will unlock funding over a

period of five years that will be provided to IDIS as the EPFC agent responsible to implement the projects agreed with the "Municipality A" and included in Annexure A.

2.4. **"Funding"** means the transfers of Foreign Direct Investment Funds by IDIS's Fiduciary Manager to IDIS, and its subsequent use by IDIS to implement the Project Funding Agreement.

2.5. **"FDI"** means Foreign Direct Investment.

2.6. "**IDIS**" means International Diverse Innovative Solutions (Pty) LTD.

2.7. **"Parties"** means "Municipality A" and IDIS who are the signatories of this agreement.

2.8. "**PMS**" means the Programme Management Software used during the implementation of the Programme by the EPFC Agent. The EPFC Agent may, at its sole discretion, amend the PMS from time to time.

2.9. "**Programme**" means IDIS's Funding Programme for the Municipality.

2.10. "**Projects**" means the projects included and contemplated in Annexure A.

2.11. **"Project Developer"** means a business or enterprise appointed to physically execute and develop a project or part thereof or to manage a project in terms of a PPP agreement.

2.12. "**Project Manager**" means a person or company appointed by IDIS with the technical skills and capacity to perform EPFC functions assigned to it by IDIS, to liaise and co-ordinate with local government and other agencies involved in project design and approval, do project management, coordinate at local level, and select, appoint, pay and manage contractors, perform quality control and oversight and report on progress.

2.13. **"Service Provider"** means a business or enterprise appointed to provide technical or expert advice, or equipment and technologies or to implement and administer a public-private partnership arrangement or who delivers other goods and services.

3. TERMS OF AGREEMENT

3.1. This Agreement shall be subject to and only come into force and effect when the following conditions have been satisfied:

3.1.1. "Municipality A" has signed a Project Funding Agreement with IDIS

3.1.2. IDIS has received and signed a term sheet provided to it by its Fiduciary Manager; and

3.1.3. Both Parties have duly signed this Agreement.

3.2. This Agreement shall continue for five years or unless extended by agreement between Municipality A and IDIS.

3.3. This Agreement can be amended in accordance with the provisions of clause 18.

3.3.1. The Parties acknowledge that all the projects included in Annexure A must be completed within a five year funding cycle and whilst a security is in place.

3.1.2 Parties hereby warrant doing all things necessary and using their best endeavours to ensure that the projects in Appendix A are implemented and completed within the five year funding cycle.

3.2 The parties acknowledge that the projects in Annexure A, or as amended by agreement between the Municipality and IDIS, will require Project Specific Contracts that will determine the service levels and deliverables for the specific project.

4. FUNDING

4.1. The Parties acknowledge that IDIS will receive funding from its Fiduciary Manager to disburse to projects that will meet the following overarching objectives and criteria:

4.1.1. Stimulate enterprise development,

4.1.2. Stimulate economic activity,

4.1.3. Stimulate infrastructure development,

4.1.4. Stimulate job creation,

4.1.5. Unlock new business opportunities; and

4.1.6. Directly transfer social and economic benefits to poor communities.

4.1.7. Improve income collection of the Municipality

4.1.8. Improve operational efficiency of the Administration

4.1.9. Training and capacitation of Municipal officials

4.2. The parties acknowledge that IDIS will assume full responsibility and accountability to disburse funds to approved projects to achieve the objectives in 4.1 above and to perform the Engineering, Procurement, Financial and Construction functions associated with projects by using and deploying best in class enterprises, service providers and project developers identified at the sole discretion of IDIS to provide the services required to roll out projects.

4.3. The Parties acknowledge that the legal frameworks to be used to execute projects, or to arrange for their continued operation on a contractual basis by service providers after

completion, or for their handover after completion, to be entered into by IDIS and the Municipality on a per project basis, can include the following:

4.3.1. Unsolicited bids on the basis provided for in applicable laws, or

4.3.2. Built, Operate and transfer (BOT) agreements, or

4.3.3. Built, own, operate, train and transfer (BOOTT) agreements; or

4.3.4. Other public-private partnership agreements, or

4.3.5. Grant transfers; or

4.3.6. Commercial agreements; or

4.3.7. Private-Private agreements

4.4. Notwithstanding anything to the contrary, and subject to consultation between the Municipality and IDIS, and subject to applicable laws and regulations, IDIS shall have sole discretion to determine the basis upon which a project shall be executed to meet the objectives in clause 4.1 above, using one or more of the frameworks contemplated in paragraphs 4.3.1 to 4.3.5 above, or any other such framework agreed to between IDIS and the Municipality.

4.5. The Parties hereby agree that the contractual term for any BOOTT or other public-private contract shall be for a minimum period of 15 (fifteen) years, unless IDIS and the Municipality concludes a different agreement at any stage of the life cycle of the project. Notwithstanding anything to the contrary the Municipality can negotiate the extension of any existing contract with an appointed service provider.

4.6. Project Developers appointed by IDIS or a Project Manager must provide a 10% of Project Value Performance Guarantee, or a Performance Surety issued by a reputable Insurance company, or a Parent Company Guarantee. The type of suretyship and the conditions when it can be called will be determined during formalisation of the specific Project Developer's appointment.

4.7. IDIS and/or a project Manager that perform EPFC functions, shall focus on local job creation and shall endeavour to ensure that 30 % of the grant funding be used to procure goods, services and labour in the "Municipality A" area.

4.8. The parties agree that IDIS can, to ensure the successful implementation of the "Municipality A" Funding Programme, appoint a Project Manager to oversee the management, co-ordination and implementation of the Funding Programme or parts thereof, and to conduct all liaising with the Municipality and to perform such functions assigned to them by IDIS.

4.9. "Municipality A" undertakes to assist and provide IDIS, or a Project Manager or service provider appointed by IDIS, by appointing or designating key resources and contact persons to facilitate and speed up decision making and to resolve administrative, legal and technical matters affecting the roll-out of the Funding Programme.

4.10. The parties hereby agree that, to the extent necessary and agreed to by the Municipality, that IDIS or the Project Manager or service provider or an official appointed by it, can be assigned to assist the Municipality to facilitate the resolution of administrative, legal and technical matters affecting the roll-out of the "Municipality A" Project Funding Agreement or where the Municipality experience capacity constraints.

5. PRIORITISATION OF PROJECTS

5.1. The parties acknowledge the long term nature of projects included in Appendix A and the need to prioritise these projects to ensure their completion within the 5 year funding cycle.

5.2. The Municipality shall prioritise and pro-actively prepare to provide IDIS or its agents with the necessary service level requirements, targeted beneficiaries, tariffs, construction and design requirement on a per project basis to the extent relevant for contracting purposes, on a priority basis determined by the expected duration of such projects, within two weeks after inception of the "Municipality A" Project Funding Agreement.

5.3. Factors influencing the prioritization of IDP and Priority / Special projects submitted by the "Municipality" or IDIS which will be taken into account will include:

5.3.1. Amount and frequency/rate of release of funding.

5.3.2. Prioritisation as per completed master and management plans.

5.3.3. Effectiveness and efficiency needs of the Project Developer

5.3.4. Client expectations, priorities and needs.

5.3.5. Minimisation of community impacts.

5.3.6. Service level specifications.

5.3.7. Project optimisation for increased project sustainability.

5.3.8. Contractually committed projects.

5.3.9. The degree of legal consents required or still outstanding.

6. RESPONSIBILITIES OF THE MUNICIPALITY

6.1. The Municipality shall establish a Project Steering Committee (hereafter referred to as the "PSC") to coordinate project implementation between the relevant departments of the Municipality and IDIS and/or an appointed Project Manager and Project Developer(s).

6.2. The PSC shall have the following responsibilities:

6.2.1. To manage and facilitate relations with communities organised business and organised labour.

6.2.2. To integrate unfunded and transferred projects into annual IDP and budgeting process of the Municipality.

6.2.3. To include completed, transferred and donated projects onto the asset register of the municipality.

6.2.4. To ensure early release and handover of sites to a Project Developer in accordance with the priority list and on request.

6.2.5. To assist the Project Developer to secure space required for site establishment.

6.2.6. To expedite provision of service connections required by a Project Developer.

6.2.7. To expedite provision of all the necessary approvals, certificates, consents and determinations required for the successful development and execution of the programme.

6.3. The Municipality shall nominate at least two senior officials/individuals as key resource or contact persons with the necessary skills, experience and mandate to represent and take decisions on behalf of the Municipality at the Project Steering Committee.

6.4. The Municipality shall exempt funded projects from the payment of engineering services contributions and the Client shall instead accept the provision of equivalent infrastructure upgrading as specified in the Engineering Services Agreement.

6.5. The Municipality agrees that any delay in project execution associated with the competence of the Municipality which results in a claim(s) from a Project Developer (i.e. The Developer) will be for the Municipality's account.

7. RESPONSIBILITY OF THE EPFC AGENT/IDIS

7.1. IDIS shall be responsible for the implementation of funded projects. As the EPFC Agent, IDIS can:

7.1.1. Appoint an independent Project Manager to *inter alia* provide the services listed in clause 8 below.

7.1.2. Jointly with Service Providers, Project Developers and the Project Manager open and operate a Project Office in the "Municipality A" area.

7.1.3. Establishing a Project Steering Committee within one month after commencement of the project activities if such a Committee has not already been established by the Municipality on the basis contemplated in clause 6.1 above.

7.1.4. Ensuring that proper and complete feasibility studies and design and planning work are performed in respect of any project or the projects in Annexure A.

7.1.5. Start with rolling out;

7.1.5.1. Agreed projects.

7.1.5.2. Prioritised Projects.

7.1.5.3. Special projects.

7.1.6. Provide Project and Management related assistance with:

7.1.6.1. Master plans and related plans.

7.1.6.2. Asset register.

7.1.6.3. Management systems.

7.1.6.4. Software.

7.1.6.5. Equipment.

7.1.7. Assume continued responsibility for Training & Capacity Building of Municipal Staff that is:

7.1.7.1. Project related.

7.1.7.2. Institution related.

7.1.8. Implementing of the following structures, legal forms, systems and standards:

7.1.8.1. Prescribed project management process,

7.1.8.2. Executed projects on a built and transfer (BT), or build, own, operate, train and transfer (BOOTT) basis, or another form of public-private partnership, or as a grant transfer.

7.1.8.3. Monitoring,

7.1.8.4. Auditing,

7.1.8.5. Reporting,

7.1.8.6. FIDIC and South African Contract Conditions

7.1.8.7. ISO 9001 Quality Programme

7.1.9. Ensuring the cooperation of Municipal officials, to successful roll-out and complete the “Municipality A” Project Funding Agreement.

7.1.10. Assuming continued responsibility for technical and managerial oversight.

7.1.11. Committed to following a fair process to appoint Local Service Providers in the jurisdiction area of the Client and to ensure that appointed Service Providers implement the Programme in accordance with applicable laws, best practise and industry standards in the particular domain.

7.1.12. Ensure the Sustainability of projects and downstream income

8. KEY ROLE PLAYERS

8.1. Roles and Responsibilities

Roles	Key Responsibilities
Municipality A Nominated Representatives	• Communicates **Municipal** requirements to the Project Steering Committee in order to determine required specifications. • To act as the main point of communication between the Project Steering Committee and the **Municipal** Management Team. • To analyse problematic situations and occurrences and provide solutions to ensure company survival and growth. • To build trust relations with other key partners and act as a point of contact for important stakeholders (example: Community Leaders). • To actively assist with the development of forward and backward linkages in and around the **Municipal** Area. • Obtains feedback from community leaders concerning satisfaction with the services provided. • Communicates any issues with the services provided to the Customer Relations Officer or the Project Manager. • Participate in site meetings facilitated by the Agent and report to the Municipality and Community delegates any issues requiring attention. • To constantly ensure that no member of Municipality frustrate or attempt to prevent the implementation and development of the agreed projects for whatsoever reason. • Document issues in writing and or as site instruction form.
Liaison Officer (Agent)	• Liaison with officials, politicians, community and business structures and NGO with respect to current and future projects. • Identifies project related needs, opportunities and constraints. • Support project roll out in conjunction with the Project Developer. • Disseminate information.
Project Manager	• Effective engagement with Risk & Compliance, Steering Committee and Internal audit to ensure that key aspect pertaining to Corporate Governance standards and rules are adhered to by business. • Ensure sufficient internal knowledge of all regulatory acts and compliance impacting on projects to ensure no breaches relating to any regulatory acts pertaining to projects. • Stay abreast of all Future Regulatory acts that will impact on projects and review and incorporate them timeously into the Project Governance to ensure relevance and adherence to all new impacting regulations. • Ongoing engagements with Project Steering Committee to ensure early identification of possible breaches to regulatory acts. • Research best practices for optimising project governance through available

	mediums i.e. Internet, FDI Providers, published white papers and case studies to ensure world class governance standards. • Ensure adherence to agreed Service Level Agreements (SLA's) in line with Corporate Governance rules & standards with relevant role players i.e. Municipal. • Ensure appropriate quality and control checks are communicated to internal partners i.e. (IDIS Project Management, Risk & compliance and Audit teams) to ensure effective reviewing of all Project Governance standards and rules. • Ensure all issues identified through reviews and audits are communicated to Management. • Assist and support business in closing the gaps identified through reviews and audits that may lead to regulatory breaches. • Provide insights and trends relating to project governance issues emanating from third party company initiatives to business. • Assist and support internal partners in understanding the project governance framework and assist in adherence to all rules and standards. • Undertake related research to ensure alignment with World class as well as local regulatory standards for managing project governance. • Ensure alignment between related policies and processes within internal partners by proactively informing them of possible impacts that may lead to regulatory breaches. • Develop and maintain effective relationships with key internal business partners that provide project management Services. • Build positive relationship with key stakeholders i.e. IDIS Project Management, Risk & Compliance and Audit teams. • Providing visibility of all risks, issues, dependencies and decisions pertaining to the project. • Ensuring that the project reports are accurate, in the correct format and on time in alignment with the Project Steering Committee pre-agreed reporting schedule. • Conducting ad-hoc project quality audits to ensure reporting integrity and adherence to project governance framework. • To manage the budgeting and estimating process for developments projects: – Understand the parameters and requirements of the Funds. – Keep abreast of market trends to ensure achieves optimum decision-making. – Ensure that role-players approve projects. • Project co-ordination and management of projects with contractors and professional teams: – Ensure that process flow structures are in place and is followed in accordance with project governance framework. – Assist with project management principles to ensure that projects are completed on time and within budgets. – Ensure that quality standards are set and that projects are completed accordingly.

	– To monitor the quality of services rendered by suppliers and to ensure that deliverables from service providers are met. – To ensure timeous response to complaints received. – Recommend authorization of expenditure where contractual obligations have been met in terms of agreed mandate. – Maintain good PR and communication with all stakeholders. – Prepare compile and distribute project documents Provide logistical support (arrangements for travel/ accommodation/ meetings). – Process invoices, orders and expenses. • Facilitate project feedback and monitoring process • Clarity and project administration • Attend Steering Committee meetings and assist with determination of project requirements. Assist the PM in the drafting and issuance of project proposals, RFP's, tenders, budgets, cash flows and preliminary schedules. • Prepare project organization and communication charts. • Chair site meetings and distribute minutes to all project team members. • Use project scheduling and control tools to monitor projects plans, work hours, budgets and expenditures to assist the PM in the general administration of the Project. • Effectively and accurately communicate relevant project information to the client and project team. • Ensure Clients' needs are met in a timely and cost-effective manner. • Administer field inspection reports from Consultants throughout the lifecycle of the project. • Draft and Issue Contracts, Letters of Intent, Purchase Orders, etc. • Maintain Contract Execution Tracking Log. • Assist the PM in the review of Contractor documentation and communication. • Track & manage contemplated change notices and change orders. • Prepare substantial completion certificates and ensure all required project close out documents are obtained
Programme Administrator / Software Consultant	• Design, build and execute programme management software of all aspects related to the programme based on the requirements of all stakeholders. • Arrange access to different levels of the software based on security clearance. • Provide a project governance administration service. • Manage document repository. • Communicate and track project controls and measures. • Attend meeting when required. • Design/ refine project templates.
Project Steering Committee	• Take responsibility for the project's feasibility, business plan and achievement of outcomes; • Ensure the project's scope aligns with the requirements of the stakeholder

	groups, and to represent stakeholder interests in project deliberations; • Provide those directly involved in the project with guidance on project business issues, especially issues which would compromise the success of the project; • Ensure effort and expenditure are appropriate to stakeholder expectations; • Assist in the evaluation of project risks, and project risk management approaches; • Keep the project scope under control as emergent issues force changes to be considered; • Reconcile differences in opinion and approach, and resolve disputes arising from them.

9. APPROACH AND METHODOLOGY

9.1. The Private Development Funding Programme is predicated on the establishment of a long-term partnership built on a platform of legitimacy and trust between the Municipality, IDIS, Service Providers Project Developers and beneficiary communities.

9.2. IDIS will procure the necessary technical, professional and administrative expertise, skills and capacity to run and administer the Funding Programme in a sustainable manner.

9.3. Due to the nature, size and scope of projects to be funded, IDIS will sub-contract a specialized Project Manager to professionally manage and audit projects on the ground in line with industry standards and current best practise.

9.4. IDIS's appointed Project Manager shall perform an audit of the *status quo* position in respect of the projects listed in Annexure A. The Municipality agrees to provide and grant the necessary access to records, data, consultants and officials for this purpose.

9.5. The *status quo* audit contemplated in clause 9.4 above can include the following Key Performance Areas (KPA's) and key Focus Areas (KFA's), in respect of the projects contained in Appendix A:

9.5.1. KPA 1 – Governance and Stakeholder Participation

KFA – Governance

KFA – Stakeholder Participation

KFA – Policies

KFA – Bylaws

KFA – Monitoring and Evaluation

9.5.2. KPA 2 – Physical Infrastructure and Energy Efficiency

KFA – Energy Efficiency

KFA – Water and Sanitation Infrastructure

KFA – Waste Infrastructure

KFA – City Entrances

KFA – Establishment of Nurseries

KFA – Public Facilities

9.5.3. KPA 3 – Services and Customer Care

KFA – Water and Sanitation

KFA – Electricity

KFA – Waste Management

KFA – Customer Relations

KFA – Public Transport

KFA – Branding and Website

KFA – Building Plans and Development

9.5.4. KPA 4 – Economic Growth and Development

KFA – Education and Skills

KFA - Investment Promotion

KFA – Economic Growth

KFA – Job Creation

KFA – Urban Renewal

KFA – Rural Development

KFA – Trade and Industry

9.5.5. KPA 5 – Safety and Environment

KFA – Energy Efficiency

KFA – Water and Sanitation Infrastructure

KFA – Waste Infrastructure

KFA – City Entrances

KFA – Establishment of Nurseries

KFA – Public Facilities

9.5.6. KPA 6 – Social and Community Development

KFA – Human Settlements

KFA – Cemeteries

9.5.7. KPA 7 – Institutional Transformation

KFA – Organisational Structure

KFA – Human Capital and Skills Development

KFA - Programme and Project Management

KFA – Performance Management

KFA – Systems and Technology

KFA – Processes and Procedures

KFA – Facilities

KFA – Equipment and Fleet Management

9.5.8. KPA 8 – Financial Sustainability

KFA – Revenue Enhancement

KFA – Cost Management Containment

KFA – Asset Management

KFA – Capital Expenditure

KFA – Funding

KFA – Cash Management

10. INSURANCES

10.1. The Project Manager to be appointed by IDIS shall ensure that insurances are provided within each project with respect to:

10.1.1. Workman's Compensation;

10.1.2. Contractors' Risk;

10.1.3. Public Liability; and

10.1.4. Professional Indemnity for Professional Services Providers.

10.2. The Project Developer to be appointed by IDIS is required to either provide the insurance cover for the projects as a whole, or to ensure that such cover is provided in each and every project undertaken.

10.3. The Project Developer to be appointed by IDIS shall ensure that the Municipality is indemnified from any claims, losses, proceeding, damages or liabilities, which may result from IDIS's actions, or failure to act.

11. MEDIA LIAISON

11.1. The Parties undertake not to issue media statements or release any kind of information in connection with the Funding Programme or of any project executed under the Programme or an appointment made under this programme for any purpose, without first consulting with and obtaining the consent of the other Party before issuing such a statement or issuing a release.

12. NO PARTNERSHIP

12.1. The relationship of the Parties in terms of this Agreement shall involve a close collaboration between two independent contracting parties, and as such shall not imply any partnership in the legal sense, nor shall it constitute either Party being the authorised representative of the other Party, particularly so with regard to IDIS's dealings with third parties involved in the management and implementation funded projects.

13. BREACH

13.1. In the event of:

13.1.1. Political or social unrest; or

13.1.2. Withholding of labour; or

13.1.3. A force majeure; or

13.1.4. The termination or suspension of funding by IDIS's Fiduciary Manager; or

13.1.5. Unlawful activities, bribery and solicitation; or

13.1.6. The unreasonable withholding of permissions or decisions requested from Government that are preventing a project from proceeding, after having been duly informed thereof,

and which event prevents IDIS from complying with its contractual obligations to Municipality and IDIS's subcontractors, suppliers or service providers, IDIS shall be entitled to suspend work on the further roll-out of the affected projects or affected parts thereof or the Project Funding Agreement as a whole, until the reasons for the suspension has been resolved and work can continue and be completed in the remaining timeframe of the five year funding cycle.

13.2. If an event contemplated in clause 13.1 above cannot be resolved, IDIS shall be entitled to stop further work and funding of affected projects and to redirect remaining funding to other projects.

13.3. If the Municipality is of the view that IDIS has unreasonable suspended work or parts thereof the matter/s in issue may be referred, at the request of either party, for determination by an arbitrator to be appointed in terms of this Agreement. Notwithstanding anything to the contrary contained in this Agreement, and by reason of the financial and social imperative underlying this Agreement, the arbitrator shall be entitled to make interim orders to ensure that work proceeds and that no material delays occur to the detriment of a community.

13.4. IDIS shall be entitled to refer a claim to recover costs incurred in respect of completed parts of a project that was stopped in terms of clause 13.2 that cannot be claimed from insurance, to an arbitrator to make a determination and an award of costs.

14. ARBITRATION OF DISPUTES ARISING FROM THIS AGREEMENT

14.1. Either Party shall be entitled within 10 (ten) days after failure by the parties to reach an agreement, to require, by giving written notice to the other, that the dispute be submitted to arbitration.

14.2. If the parties cannot agree on an arbitrator, the arbitrator shall be nominated by the President of the Law Society of South Africa, or its successors.

14.3. The party instituting these proceedings shall appoint the arbitrator and the arbitrator shall notify the parties beforehand of the remuneration required by him for his services.

14.4. Within 30 (thirty) days after receipt of the notice in Clause 14.3, each party shall submit to the arbitrator a full statement of its case, in which shall be set out all the evidence, sworn statements, facts, submissions and expert opinion, etc., supporting or proving such parties contention in regard to the matter in dispute and serve a copy thereof on the other party

14.5. Within 14 (fourteen) days of receipt of such copy of the other party's statement of case, either party may submit a further supplementary statement to the arbitrator and serve a copy thereof on the other party.

14.6. If requested by the arbitrator, the parties may submit and serve further statements within 14 (fourteen) days of the request.

14.7. The arbitrator shall then consider and decide the dispute on the papers before him, without any legal representation or appearance by the parties.

14.8. If the arbitrator considers that he cannot decide the matter on the papers before him, he may call for other evidence or for witnesses to testify at a place determined by him in the presence of the parties, who may also question such witnesses.

14.9. The arbitrator shall be entitled to make such award, including an award for specific performance, an interdict, and damages or otherwise as he, in his discretion, may deem fit and appropriate.

14.10. The arbitrator shall decide the dispute according to the law of South Africa.

14.11. The arbitrator shall at all times have regard for the intention of the parties and shall resolve the dispute in a summary manner.

14.12. Any award made by the arbitrator;

14.12.1. Shall be final and binding upon the parties;

14.12.2. Shall be carried into effect by the parties;

14.12.3. May only be made an order of court if the party concerned fails to heed the terms of the award; and

14.12.4. May include an order directing the unsuccessful party to pay the costs of the arbitration and the expenses incurred by the successful party.

14.13. This Clause shall survive the termination of the Agreement.

14.14. This Clause shall constitute each party's irrevocable consent to the arbitration proceedings, and no party shall be entitled to withdraw therefrom or to claim that such party is not bound by this Clause.

14.15. If a party fails to take part in these proceedings, such conduct shall constitute consent to an award being made against such party.

15. TERMINATION OF AGREEMENT

15.1. IDIS can terminate this Agreement if:

15.1.1. It becomes bankrupt or insolvent, goes into liquidation or business rescue, has a receiving or administration order made against it, compounds with its creditors, or carries on business under a receiver, trustee or manager for the benefit of its creditors; or

15.1.2. When funding available for the execution of projects stops.

15.1.3. When instructed to do so by its Fiduciary Manager.

15.2. Upon termination under clause 15:

15.2.1. A Project Manager or Project Developer shall cease all work, except for such work necessary to make the works safe, and have the election to either enforce its lien or vacate the Project site;

15.2.2. A Project Developer shall remove all its equipment, plant and material from the Project sites;

15.2.3. A Project Developer shall hand over the parts of the works to the Agent delivered by it up to the date of termination, for which the Project Developer has received payment in full;

15.3. The Project Developer shall, insofar as possible, deliver to IDIS or the Project Manager all documents prepared by the Project Developer in connection with the works as at the date of termination, for which the Project Developer has received payment in full.

16. DOMICILIUM CITANDI ET EXECUTANDI

16.1. The "Municipality A" chooses as its *domicilium citandi et executandi* for all purposes arising from this Agreement:

MUNICPAL OFFICES
C/o Nelson Mandela and Walter Sisulu Streets
PRETORIA

Fax:
Email: mm@MunicipalityA.gov.za

16.2. IDIS chooses as its *domicilium citandi et executandi* for all purposes arising from this Agreement;

Ormonde Street
Pretoria
0002
Cell: 000 123 4567
Email: Benita@idis.co.za

16.3. Either party may change its *domicilium citandi et executandi* by means of a written notice to the other party, provided that such domicilium shall be a physical address within the Republic of South Africa.

16.4. All notices contemplated under this Agreement shall be delivered by hand or sent by pre-paid registered post, in which event such notice shall be deemed to have been

received by the addressee 14 (fourteen) business days after the proven date of posting.

16.5. Notwithstanding anything to the contrary herein contained a written notice or communication actually received by a party shall be an adequate written notice or communication to it, notwithstanding that it was not sent to or delivered at its chosen domicilium, but no presumption of receipt shall arise if any method of communication besides those listed in this agreement is used.

17. LIMITATION ON CESSION

The rights and obligations of the Parties in terms of this Agreement shall be personal and not capable of being ceded, assigned or delegated by either of them to another person, save with the prior written consent of the other Party, who may refuse to consent.

18. AMENDMENT

No amendment or other variation, consensual cancellation or novation of this agreement, shall be effective unless it is in writing, is dated, expressly refers to this Agreement and is signed by a duly authorised representative of each Party hereto.

19. WAIVER

No latitude, extension of time or other indulgence which may be given or allowed by either party to the other in respect of the performance of any obligation hereunder shall under any circumstances be construed to be an implied consent by such party or operate as a waiver, or a novation of, or otherwise affect any such party rights in terms of or arising from this agreement, or stop such party from importing, at any time and without notice, strict and punctual compliance with each and every provision or term hereof.

20. FORCE MAJEURE

Neither party shall be liable to the other for any failure to perform its obligations under this agreement where such performance is rendered impossible by circumstances beyond its control, but nothing in this agreement shall limit the obligations of the Agent to use its endeavours to fulfil its obligations under this agreement. This includes any form of action normally associated with strikes Local Contractors, workers of local Contractors and Project Developer and actions of Members of the community and which action directly or indirectly negatively influence the scheduled roll out of any one or more of the projects in the Programme.

21. COPYRIGHT

The parties must ensure and will be held liable for any infringements of copyrights and other immaterial rights and hereby indemnifies each other against any such claims, now and in future.

22. SEVERABILITY

22.1. Any provision in this agreement, which is or may become illegal, invalid or unenforceable shall be treated as pro non-scripto and severed from the balance of the agreement without invalidating the remaining provisions of this agreement or affecting the validity of enforceability of such remaining conditions.

SIGNED at _____ on this the _____ day of _____2019

EXECUTED on behalf of the **Municipality A** by

its duly authorised representative:

.

.....

Signature of authorised person:

.....

Office held

.....

Name of authorised person

(block letters)

Date of Signature: _____

_____

Who warrants his authority hereto

Date: _____

EXECUTED on behalf of the **IDIS** by its duly
authorised representative:

.....
Signature of authorised person

.....
Office held

.....
Name of authorised person
(block letters)

Date: _____

_____
Who warrants his authority hereto

Date: _____

KOUGA MUNICIPALITY (EC 108)

ORDINARY COUNCIL MEETING

OFFICE OF THE MUNICIPAL MANAGER

DATE: 10 DECEMBER 2021 **ITEM NO: 21/12/MM9**

REPORT ON EXERCISE OF DELEGATED AUTHORITY BY THE EXECUTIVE MAYOR

1. Introduction

The purpose of this item is to report to the Municipal Council on the delegated powers exercised by the Executive Mayor from 1 October 2021 until the end of term of the previous Council.

2. Background

At an Ordinary Council meeting held on 30 September 2021, the Municipal Council resolved to grant the Executive Mayor delegated authority to deal with all Council affairs during recess from the 1st of October 2021 until the end of term of the previous Council. This resulted from the Local Government Elections which were held on the 1st of November 2021, to ensure that Councillors are able to focus on their political responsibilities.

The Council resolution read as follows:

21/09/MM4 **COUNCIL RECESS: DELEGATED AUTHORITY: EXECUTIVE MAYOR**

Resolved (30 September 2021)

1. That it be noted that the Council will be in recess from the 1st of October 2021 until the end of term of the current Council.

2. That the Executive Mayor be granted delegated authority to deal with all Council affairs during the recess from the 1st of October 2021 until the end of term of the current Council, subject to the following undermentioned conditions:

   a) The Exercise of delegated authority shall exclude the passing of a by-law; approval of the budget; the imposition of rates and other taxes levies and duties; the raising of loans, the amendment of tariffs, the approval or amendment of the IDP;

   b) That the parameters of the Procurement Policy be complied with.

3. That all matters dealt with by the Executive Mayor, which would conventionally have required a resolution of Council, be submitted to Council in report format for information or review at the first Ordinary Council meeting after the formation of the new Council.

Proposed: P Oliphant Seconded: R Jantjies

In terms of recommendation number 3 of the above resolution, "*That all matters dealt with by the Executive Mayor, which would conventionally have required a resolution of Council, be submitted to Council in report format for information or review at the first Ordinary Council meeting after the formation of the new Council*", attached hereto as **Annexure "A"**, please find the report on all resolutions taken by the Executive Mayor in terms of his delegated authority under Council Resolution 21/09/MM4.

3. Legislative provision

Section 63 of the Local Government Municipal Systems Act No.32 of 2000, as amended, provides that a political structure, political office bearer, Councillor or staff member of a municipality to whom a delegated authority was delegated or sub-delegated a power or duty, must report to the delegating authority at such intervals as the delegating authority require, on decisions taken in terms of the delegated or sub-delegated power, since the last report.

4. Recommendation

4.1 That the report by the Executive Mayor be accepted.

Item prepared by: The Acting Director: Corporate Services

Item approved by: Municipal Manager

RECORD OF DECISION OF EXECUTIVE MAYOR ON 14 OCTOBER 2021.

Record of decision of Council taken by the Executive Mayor on 14 October 2021, by his Delegated authority in terms of Council Resolution 21/09/MM4 during the Council recess period

21/10/PD1 ERF 4587 & 4588 (KRUISFONTEIN) ERF 190 (PELLSRUS) ERF 8813 (OCEAN VIEW): VICTORY 4ALL

Resolved (14 October 2021)

1. That in terms of Section 14 of the Municipal Finance Management Act, it is confirmed that, the following erven namely, Erf 4597 & 4588 - Kruisfontein, Erf 190 – Pellsrus and Erf 8813 - Ocean view is not required for the provision of future basic level of municipal service.

2. That the Finance department expedite the bad debt review process on the outstanding debt and advise the client by 30 October 2021.

3. That the Accounting Officer enter into a Deed of Donation and Offer to Purchase with the applicant in order to effect the disposal method stipulated in the standing Council resolution (17/12/F2) above.

21/10/PD2 APPOINTMENT OF THE MUNICIPAL PLANNING TRIBUNAL FOR 5 YEAR TERM (2021 -2026)

Resolved (14 October 2021)

1. That the following applicants be appointed to the positions of External Kouga MPT Members:

   a. Mr Jan du Toit - Professional Land Surveyor
   b. Mr. Nicolaas H. Janse van Rensburg - Professional Engineer
   c. Mr. Kreason Naidoo - Professional Planner

2. That the Municipal Manager select Mr Nicolaas H. Janse van Rensburg as the Chairperson of Kouga MPT Committee.

3. That the Director: Planning Development & Tourism be appointed as Deputy Chairperson of the Committee.

4. That the internal members of the MPT are:

a. Director: PDT
b. Environmental Specialist
c. CFO
d. Director: I&E
e. Manager: Legal Services

5. That the appointed MPT be members be published in the Provincial Gazzette in accordance with applicable Legislation.

21/10/PD3 SALE OF 98 WET ERVEN

Resolved (14 October 2021)

1. That the proceeds from the Sale of 98 Wet erven be ring-fenced for roads upgrades and social infrastructure in the 98 wet erven area.

21/10/PD4 APPROVAL FOR INTERNATIONAL TRAVEL FOR ICLD PROGRAMME

Resolved (14 October 2021)

1. That **approval is granted** for Ms. N. Machelesi (Director: Community Service); Mr. R Logart (CFO) and Ms. FF Mabusela Director: PDT and Mr. C Du Plessis (MM) to travel to Tanzania on 30 November – 05 December 2021 as part of the Swedish ICLD programme, of which the representatives were participants.

2. That the payment of S&T for this travel be approved and be calculated on the daily rate as per applicable SARS Subsistence Foreign Trave rates.

21/10/LED& T1 FUNDING PROPOSAL FOR SEWING PROJECT IN HUMANDORP THROUGH BIGM FUNDING.

Resolved (14 October 2021)

1. That funding of **R50 000** to Sakhe Family Care and Development Centre sewing project as part of BIGM programme be **approved.**

21/10/CS1 TEMPORARY ROAD CLOSURE DURING THE FESTIVE SEASON

Resolved (14 October 2021)

1. That the temporary road closures be approved as follows:

a. Pepper Street from 31 December 2021 to 01 January 2022, 18h00 - 22h00 (Open to residents and Emergency vehicles only).

b. Diaz Street be turned into a pedestrian only street in a North to South Direction from Supertubes to the Shell Museum from the 16 December 2021 to 12 January 2022. (Open to residents and Emergency vehicles only)

2. Dune Road between Da Gama, Tornyn, and Dageraad streets be closed for traffic on 01 January 2022 from 05:00 until 19:00. (Open to residents and Emergency vehicles only).

3. That the public notice be published to notify the public of the planned road closures.





H HENDRICKS
EXECUTIVE MAYOR

C DU PLESSIS
MUNICIPAL MANAGER

DATE:

_20 October 2021_____

DATE:

RECORD OF DECISION OF EXECUTIVE MAYOR ON 28 OCTOBER 2021

Record of decision of Council taken by the Executive Mayor on 28 October 2021, by his Delegated authority in terms of Council Resolution 21/09/MM4 during the Council recess period.

21/10/PD5 DISPOSAL AND TRANSFER OF PRE-94 MUNICIPAL HOUSES IN SEA VISTA

Resolved (28 October 2021)

1. That the pre-94 Municipal houses (16 in Sea Vista) as presented on Annexure "A" of the tabled report be disposed to those who meet the qualifying criteria and transferred to such occupants at no cost in accordance with the Housing Act and the Municipality's Disposal and Transfer of Immovable Assets Policy as follows:

    a. The houses must have been built pre-1994.
    b. The occupants must be first time homeowners and not have benefited from any government housing scheme prior.
    c. The occupants must be South African citizens.

2. That the Municipality engages the ECDHS to cover the applicable transfer costs for pre-94 houses through the EDBS grant.

3. That the Accounting Officer be authorised to enter into an Offer to Purchase Agreement with the occupants and appoint conveyancers to effect transfers.

_____	_____
H HENDRICKS	**C DU PLESSIS**
EXECUTIVE MAYOR	**MUNICIPAL MANAGER**
_____	_____
DATE:	**DATE:**

KOUGA MUNICIPALITY (EC 108)

ORDINARY COUNCIL MEETING

OFFICE OF THE MUNICIPAL MANAGER

DATE: 10 DECEMBER 2021 **ITEM NO: 21/12/MM10**

VIRTUAL MEETINGS

1. Introduction:

A statement by President Cyril Ramaphosa broadcasted on 28 November 2021, on the progress in the national effort to contain the Covid-19 Pandemic.

The following was noted:

a) The identification of a new variant of the coronavirus (known as the Omicron variant), having the highest mutations than any previous variant and how the Omicron coincides with a sudden rise in Covid-19 infections.
b) Extreme rise in infections in a short space of time
c) A possibility of a fourth wave within the next few weeks.
d) The country remains on a Coronavirus Alert Level 1 and that the National State of Disaster should remain in place.

2. Comment

In light of above and on the basis of the SALGA circular no. 18/2020, attached hereto as **Annexure A**, on the amendment of directions issued in terms of Section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002) and Rules of Virtual Meetings and Sittings, it is proposed that all Ordinary Council, Special Council and Portfolio Committee meetings continue being held virtually.

3. Recommendation

3.1 That Council considers and approves the continuation of virtual meetings for Ordinary Council, Special Council and Portfolio Committee meetings.

Item prepared by: The Acting Director: Corporate Services

Approved by: Municipal Manager

SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION
SALGA
Inspiring service delivery

CIRCULAR 18 / 2020

FROM : **CHIEF EXECUTIVE OFFICER**

TO : **EXECUTIVE MAYORS / MAYORS**
SPEAKERS
SALGA PROVINCIAL CHAIRPERSONS
SALGA NATIONAL EXECUTIVE COMMITTEE
CITY/MUNICIPAL MANAGERS

DATE : **11 MAY 2020**

GENERIC RULES FOR VIRTUAL MEETINGS OR SITTINGS

The Minister for Cooperative Governance and Traditional Affairs, Hon. Nkosazana Dlamini Zuma published the amended Directions on Municipal Operations and Governance, in terms of Section 27(2) of the Disaster Management Act, 2002, which takes effect from today, 7 May 2020. A copy of the amended directions are attached hereto as **Annexure "A"**.

In terms of the amended directions, all meetings of Council and Council Committees must be done using media platforms such as video and teleconferencing. In order to ensure uniformity and regulate the virtual meetings of Council and Committees of Council, and without having to amend the Rules and Orders of Municipal Councils, SALGA has developed generic Rules for Virtual Meetings or Sittings. Municipal Council are invited to consider, customise and adopt the Rules for Virtual Meetings and Sittings, which will be read and applied in conjunction with the Rules and Orders of Municipal Councils. A copy of the generic Rules for Virtual Meetings or Sittings are attached hereto marked **Annexure "B"**.

Our attention has also been drawn to some municipalities not having access to IT platforms for video conference. Following interactions with the State Information Technology Agency, the following solutions are currently available for immediate use:-

1. **CISCO Webex** – A collaboration tool that enables the hosting of video based meetings.
    - ***The following steps must be followed to access the System***

- ✓ *Register through the link https://cart.webex.com/sign-up-dg/*
- ✓ *Once you are on the sign up page enter email address and click Sign Up*
- ✓ *Wait for an email confirming registration which in generally quick but could take up to 24 hours due to sign-up volumes*
- ✓ *Once received simply follow the instructions.*

2. **Jitsi** – A SITA hosted open source collaboration tool that enables the hosting of video based meetings. This platform is unfortunately for smaller groups up to 30 connections.
   - ***The following steps must be followed to access the system***
     - ✓ *Download the user guide that will guide you to access and use the solution http://www.osis.gov.za/jitsi/jitsi-guide.php*

To support your endeavours, we will also make available our SALGA support expertise, including IT related support for virtual meetings, and any queries may be directed to **Mr Lance Joel at SALGA National Office per email ljoel@salga.org.za or cell: 0829083335.**

Yours faithfully,

_____

XOLILE GEORGE
CHIEF EXECUTIVE OFFICER



Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Vol. 659 7 May Mei 2020 No. 43291

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5843

9 771682 584003 43291



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

NO FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

Contents

No.		Gazette No.	Page No.
	GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS		
Co-operative Governance and Traditional Affairs, Department of/ Samewerkende Regering en Tradisionele Sake, Departement van			
510	Disaster Management Act (57/2002): Amendment of Directions issued in terms of Section 27 (2) of the Act.....	43291	3

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF CO-OPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS

NO. 510 **07 MAY 2020**

DISASTER MANAGEMENT ACT, 2002

AMENDMENT OF DIRECTIONS ISSUED IN TERMS OF SECTION 27(2) OF THE DISASTER MANAGEMENT ACT, 2002 (ACT NO. 57 OF 2002)

I, Dr Nkosazana Dlamini Zuma, the Minister of Cooperative Governance and Traditional Affairs, hereby, in terms of section 27(2) of the Disaster Management Act, 2002 (Act No. 57 of 2002), issue the directions in the schedule hereto, to address, prevent and combat the spread of COVID-19 in South Africa.

NC Zuma

DR NKOSAZANA DLAMINI ZUMA, MP
MINISTER OF COOPERATIVE GOVERNANCE AND TRADITIONAL AFFAIRS
DATE: 06 · 05 · 2020

SCHEDULE

Definitions

1. In these directions, "the Directions" means the directions published by Government Notice No. 399 of 25 March 2020, as amended by Government Notice No. 432 of 30 March 2020.

Amendment of the Directions

2. Direction 6.7 of the Directions is hereby amended, by the substitution with the following Direction:

"6.7. Municipal operations and governance

6.7.1 Municipalities and municipal entities are required to perform various legislated functions, including the adoption of integrated development plans (IDPs) and operations relating to municipal services and revenue collection.

6.7.2 When performing any essential municipal services, as permitted under Regulations published in Government Gazette No. 43258 of 29 April 2020, municipalities and municipal entities must ensure that there is strict adherence to all COVID-19 public health and containment prescripts, especially those relating to gatherings, physical distancing, health and safety.

6.7.3 All meetings of council, tribunals and entities, must be done using media platforms, such as teleconferencing and videoconferencing.

6.7.4 Furthermore, municipalities and municipal entities are directed to:

(a) Convene meetings of council and committees of council to consider:
   (i) any council-related business, including the adoption of IDPs; and
   (ii) matters relating to the provision of critical municipal services such as roads and storm water, electricity, municipal health services, municipal environmental services, and waste management services.

(b) Ensure that the communities are consulted using media platforms and alternative methods of consultation, instead of contact meetings, to provide comments on the draft IDP and Budget.
(c) Ensure that meetings of Development Tribunal and other structures performing similar quasi-judicial functions are held, only where necessary.
(d) Operate the following revenue generating services:
    (i) payment for licenses;
    (ii) issuing of licenses of vehicles, renewal of drivers' licenses and roadworthy certificates;
    (iii) municipal trading services, such as water and electricity, property rates, refuse removal, rental payments;
    (iv) issuing of clearance certificates; and
    (v) meter reading.
(e) Undertake emergency procurement within the framework of the Disaster Management Act, 2002, all applicable COVID-19 Regulations, and the National Treasury Instruction No. 05 of 2020/21.
(f) Report all procurement undertaken during the period of the national state of disaster to the first council meeting after the lapsing or the termination of the state of disaster."

3. Commencement date

These directions will come into effect on the date of publication.

RULES OF VIRTUAL MEETINGS AND SITTINGS

1. GENERAL

1.1 These rules are supplementary to and must be read in conjunction with the Rules of Order / Rules and Orders / Standing Orders for Council.

1.2 For the purposes of these Rules, “virtual meetings or sittings” mean meetings or sittings conducted by any form of technology.

1.3 These Rules shall remain in force for the period of the National State of Disaster and may be extended beyond this period by the Municipal Council.

1.4 These Rules shall be referred to as Rules of Virtual Meetings and Sittings.

2. APPLICATION OF THE RULES

2.1 These Rules apply to virtual –

(a) meetings or sittings of the Municipal Council; and

(b) meetings of the Committees of Council.

3. NOTICE AND DOCUMENTS

3.1 All meetings of Council or Committees of Council shall be in accordance with the Notice of Meetings as prescribed by the Rules of Order for Council.

3.2 All documents relating to Council and Committee meetings shall be distributed by any electronic means to which Councillors have access.

4. QUORUM

4.1 The quorum requirements for Council and Committee meetings shall be a majority of the Councillors, present at the meeting.

5. DECISIONS AND VOTING

5.1 The decision-making requirements for Council and Committee meetings shall be a majority of the Councillors to be present at the meeting before a vote may be taken on any matter.

5.2 Decisions shall be taken by a majority of the votes cast by the Councillors present in the meeting, in the case of an equal number of votes, the presiding councillor shall have a casting vote.

5.3 In a Council or Committee meeting councillors shall be entitled to cast their votes either electronically or by voice.

DRAFT

5.4 For the purposes of voting the Municipal or City Manager of the Council shall maintain a system that is capable of verifying the votes of delegates cast either electronically or by voice.

6. MINUTES AND RECORDS

6.1 The Municipal / City Manager must maintain the minutes and records of the proceedings.

6.2 The minutes referred to in 6.1 above shall constitute the records of that Council or Committee meeting.

6.3 The correctness of the minutes of the Council or Committee meeting must be considered at its next meeting, failing which, at the following meeting.

7. HOUSEKEEPING

7.1 During video meetings Councillors must:-

(a) make use of the video function;

(b) Mute the mic when not speaking;

(c) Use the chat to raise a hand to engage in the dialogue; and

(d) Wait for the chairperson of the meeting to be called upon to speak or unmute the mic.

8. POWERS, PRIVILEGES AND IMMUNITIES

8.1 Councillors have the same powers, privileges and immunities which they ordinarily enjoy in Council and Committee proceedings.

9. FACILITATION OF PUBLIC INVOLVEMENT

9.1 Subject to section 160(7) of the Constitution and the Rules of Orders, Council and /or Committees must facilitate public involvement on matters before it, by electronic means.

DRAFT

REPORTS BY THE PORTFOLIO CHAIRPERSON: FINANCE

KOUGA MUNICIPALITY (EC108)

ORDINARY COUNCIL MEETING

FINANCE

DATE: 10 DECEMBER 2021 **ITEM NO: 21/12/F1**

AMENDMENTS TO THE 2021/22 APPROVED CAPITAL BUDGET AND APPROVAL OF UNSPENT FUNDS AS AT 30 JUNE 2021 (MUNICIPAL INFRASTRUCTURE GRANT-CAPITAL PROJECTS)

1. Introduction

The purpose of this item is to seek approval for the amendments on the 2021/22 approved capital budget and approval of the 2020/21 unspent Municipal Infrastructure Grant (MIG) capital budget to be rolled over to the 2021/22 financial year.

The rollover was approved by National Treasury in terms of section 22(2) of the 2020 Division of Revenue Second Amendment Act, (Act No. 20 of 2020) for the municipality to retain an amount of R 5.9 million allocated to the municipality in the 2020/21 financial year through the DoRA. The approval letter dated 18 October 2021 is attached as "**Annexure A**".

2. Legislative Requirements

MFMA Section 28, states that a municipality may revise an approved annual budget through an adjustments budget.

In terms of Section 28(2) An adjustments budget-

(e) may authorize the spending of funds that were unspent at the end of the past financial year where the under-spending could not reasonably have been foreseen at the time to include projected roll-overs when the annual budget for the current year was approved by the Council.

3. Background

The following municipal infrastructure grant funded projects were unspent as at 30 June 2021. The municipality then applied to National Treasury for rollover of unspent conditional grants for the 2020/21 financial year on 31 August 2021.

UKEY NR	DEPARTMENT	FUNDING	PROJECTS	Allocation (Inc. VAT)	Expenditure (Incl. VAT)	Unspent as at 30 June 2021
20190710991734	Sewerage	MIG	Upgrade Sanitation System Old Hankey	14 262 660	11 831 207	2 431 453
20201002061450	Mig Administration Unit	MIG	Mini Fresh Food and Craft Markets in Jbay & Hankey	1 256 275	418 213	838 062
20200304025410	Mig Administration Unit	MIG	Upgrading of Sport Facilities (Sea Vista Sports Facility)	6 535 031	3 841 631	2 693 400
			Total	**22 053 966**	**16 091 051**	**5 962 915**

The reasons for the unspent conditional grant as at 30 June 2021, are the following:

- The project, Upgrade Sanitation System Old Hankey, was split into three phases, namely Phase 1, 2 and 3. Phase 1 and Phase 2, separate tender processes were followed, and for each tender there was a set of Functional Criteria that the prospective Tenderers had to comply with. Phase 1 and Phase 2, all the tenderers failed to meet the minimum criteria for the functionality assessment, and as such, these phases had to be re-advertised. Phase 1 was subsequently re-advertised, and a Contractor was appointed. Although a Contractor has been appointed, the entire process of re-advertisement, caused delays in the overall progress of the project, which affected the under expenditure of the conditional grant.

- In terms of the Mini Fresh Food and Craft Markets project in Hankey, the appointed Contractor is experiencing Cash flow constrains and that has delayed the progress of this project.

- The Upgrading/ Improvement of Sports Facility in Kouga (Upgrading of Sea Vista Sports Field), has been progressing very slowly as the appointed Contractor is also experiencing cash flow challenges. the completion of this project is overdue.

4. Financial Implication

As per recommendation.

5. Recommendation

5.3 That the Executive Mayor recommend that the Council, by resolution taken by the majority of its full number, and in terms of Section 30(2) of the Local Government: Municipal Structures Act No. 117 of 1998 (as amended), read in conjunction with Section 28 of the Local Government: Finance Management Act, Act No 56 of 2003, approves the following amendments to the 2021/22 Adjusted Capital Budget.

UKEY NR	DEPARTMENT	FUNDING	PROJECTS	Approved Budget 2021/22	NT Approved Rollover Amount	Adjusted Budget 2021/22
20190710991734	Sewerage	MIG	Upgrade Sanitation System Old Hankey	12 867 392	2 431 453	15 298 845
20201002061450	Mig Administration Unit	MIG	Mini Fresh Food and Craft Markets in Jbay & Hankey	-	838 062	838 062
20200304025410	Mig Administration Unit	MIG	Upgrading of Sea Vista Sports Facility	-	2 693 400	2 693 400
			Total	**12 867 392**	**5 962 915**	**18 830 307**

Item prepared by Manager: Budget & Treasury

Item approved by the CFO:

Endorsed by the Municipal Manager:

national treasury
Department:
National Treasury
REPUBLIC OF SOUTH AFRICA

ANNEXURE A

0/.

Private Bag X115, Pretoria, 0001,
Enquiries: Sello Mashaba Tel: (012) 315 5183 Fax: (012) 395 6553 email:
sello.mashaba@treasury.gov.za

Ref No: EC108/19

Mr C Du Plessis
The Municipal Manager
Kouga Municipality
P O Box 21
JEFFREYS BAY
6330

Dear Mr Du Plessis

APPLICATION FOR ROLL OVER OF UNSPENT CONDITIONAL GRANTS FOR THE 2020/21 FINANCIAL YEAR

Your letters dated 31 August 2021 refer.

Approval is hereby granted in terms of section 22(2) of the 2020 Division of Revenue Second Amendment Act, (Act No. 20 of 2020) (DoRSAA) to retain an amount of **R5.9 million** allocated to your municipality in the 2020/21 financial year through the DoRA. This approval is in respect of the Municipal Infrastructure Grant.

The National Treasury used the criteria set out in Circular No.108 of the Municipal Finance Management Act, 2003 (Act No.56 of 2003) as a guide to assess the roll over request by your municipality.

The approval amount of R5.9 million is for the following projects:

1. Mini Fresh Food and Craft Markets in Jeffreys Bay & Hankey (R838 thousand);
2. Upgrading/Improvement of Sport Facilities within Kouga Region (Upgrading of Sea Vista Sports Facility) (R2.7 million); and
3. Upgrade Sanitation System Old Hankey (R2.4 million)

The National Treasury advises your municipality to adjust your grant income projections according to section 28 of the Municipal Finance Management Act, (Act No. 56 of 2003) by passing a municipal adjustments budget. In this regard, please take note of the requirements of regulation 23(1) of the Municipal Budget and Reporting Regulations (Government gazette No. 32141 dated 17 April 2009) which provides for dates by which a Municipal Council should pass an adjustments budget.

All approved roll overs must be reported in a format approved by National Treasury. Further, municipalities must also report expenditure incurred on rolled over amounts monthly to the relevant Transferring Officer. Municipalities are also encouraged to also send a copy of the roll over reports to the respective provincial departments (provincial treasury and provincial local government department).

It must be noted that this process only covers the 2020 DoRA allocations.

Kind regards

pp

MALIJENG NGQALENI
DEPUTY DIRECTOR-GENERAL: INTERGOVERNMENTAL RELATIONS
Date: 18 October 2021

CC: Office of the Auditor-General

KOUGA MUNICIPALITY (EC108)

ORDINARY COUNCIL MEETING

FINANCE

DATE: 10 DECEMBER 2021 **ITEM NO: 21/12/F2**

DETERMINATION OF DATE OF VALUATION 2023-2027 GENERAL VALUATION ROLL

1. Introduction

To determine the date of valuation in respect of the 2023-2027 general valuation roll.

2. Background

In terms of the provision of the Municipal Property Rates Act, Act 6 of 2004 (MPRA) Section 31 with reference to the determination of the date of valuation is reflected hereunder:

31. Date of valuation –

(1) For the purpose of a general valuation, a municipality must determine a date that may not be more than 12 months before the start of the financial year in which the valuation roll is to be first implemented.

(2) The general valuation must reflect the market value of properties in accordance with
(a) market conditions which applied as at the date of valuation; and
(b) any other applicable provisions of this Act.

In terms of the relevant section council must determine the date of valuation and thus the need for the submission of the item to obtain a resolution to this effect.

In order to ensure that the valuation roll process remains valid, it is of essence that council determine the valuation date and it is proposed that the date be determined as 1 July 2022. The purpose of the date of valuation is to set a date on which market information will be used to determine the valuations of properties for inclusion in the municipal valuation roll.

It also needs to be pointed out that in terms of the provisions of Section 80(2) of the MPRA, the MEC cannot condone non-compliance with Section 31 being the determination of the date of valuation.

3. Comments by the Directorates

None.

4. Financial implications

Should the date of valuation not be determined as required by law, the total assessment rates revenue of the municipality could be at risk.

5. Legal implications

Should the date of valuation not be determined as required, the Municipality will not comply with Section 31 of the MPRA.

6. Other implications

None.

7. Recommendation

7.1 That the date of valuation, for the purpose of compiling the general valuation roll for the period 1 July 2023 to 30 June 2027 be determined as 1 July 2022.

Item prepared by the Manager: Revenue

Approved by the CFO:

Endorsed by the Municipal Manager:

REPORTS BY THE PORTFOLIO CHAIRPERSON: CORPORATE SERVICES

KOUGA MUNICIPALITY (EC 108)

ORDINARY COUNCIL MEETING

CORPORATE SERVICES

DATE: 10 DECEMBER 2021 **ITEM NO: 21/12/CORP1**

COUNCIL RECESS: DELEGATED AUTHORITY: EXECUTIVE MAYOR

1. Introduction

The coming Summer Holiday Season 2021/2022 includes a formal recess of the Council from 13 December 2021 to 14 January 2022.

During the recess, it is proposed to grant all Councillors a respite from the routine cycle of meetings whilst making provision that urgent matters be dealt with by the Executive Mayor in terms of the guidelines of the System of Delegation of the Local Government Municipal Systems Act, Act No. 32 of 2000.

2. Comment

Section 59(1) of the Systems Act stipulates that a Municipal Council should develop a system of delegation to maximize administrative and operational efficiency whilst simultaneously providing for checks and balances in respect of the person exercising the delegated authority. It is proposed that the Executive Mayor be granted authority to deal with all council matters except for:

a) The passing of by-laws;

b) The approval of the budget;

c) The imposition of rates and other taxes, levies and duties;

d) The raising of loans;

e) The amendment of tariffs;

f) The approval or amendment of the IDP.

The matters dealt with by the Executive Mayor during the recess of Council will be submitted to Council for information or review, if necessary, when Council reconvenes after 14 January 2022.

3. Recommendation

3.1 That it be noted that the Council will be in recess for the period 13 December 2021 to 14 January 2022.

3.2 That the Executive Mayor be granted delegated authority to deal with all Council affairs during the recess from 13 December 2021 to 14 January 2022, subject to the following undermentioned conditions:

a) The Exercise of delegated authority shall exclude the passing of a by-law; approval of the budget; the imposition of rates and other taxes levies and duties; the raising of loans, the amendment of tariffs, the approval or amendment of the IDP;

b) That the parameters of the Procurement Policy be complied with.

3.3 That all matters dealt with by the Executive Mayor, which would conventionally have required a resolution of the Council be submitted to Council in report format for information or review at the first Ordinary Council Meeting for 2022.

Item prepared by: The Acting Director: Corporate Services

Item approved by: Municipal Manager

KOUGA MUNICIPALITY (EC108)

ORDINARY COUNCIL MEETING

CORPORATE SERVICES

DATE: 10 DECEMBER 2021 **ITEM NO: 21/12/CORP2**

STRUCTURING OF THE MUNICIPAL COUNCIL: APPOINTMENT OF MEMBERS TO SECTION 79 AND 80 COMMITTEES

1. Purpose

The purpose of the item is to appoint Committees to ensure efficiency and effectiveness in performing the powers and functions of the Municipality.

2. Background

The powers and functions (executive authority) of a municipality are foremost enacted in Sections 156 and 229 of the Constitution of the Republic of South Africa, 1996, which is the supreme law of the Republic. The mentioned Sections 156 and 229 as well as Part B of Schedule 4 and Part B of Schedule 5 of the Constitution are attached hereto as ***Annexure A.***

The general empowerment provision of a municipality is enacted in Section 8 of the Local Government: Municipal Systems Act, 2000, which reads as follows:

"CHAPTER 3
MUNICIPAL FUNCTIONS AND POWERS

General empowerment
8.

(1) A municipality has all the functions and powers conferred by or assigned to it in terms of the Constitution, and must exercise them subject to Chapter 5 of the Municipal Structures Act.

(2) A municipality has the right to do anything reasonably necessary for, or Incidental to, the effective performance of its functions and the exercise of its powers."

Attached hereto, Chapter 5 of the Local Government: Municipal Structures Act, 1998, as ***Annexure B***.

The Constitution also states in Section 160(1)(c), that a Municipal Council may elect committees, subject to national legislation. Said Section 160 is attached hereto as ***Annexure C.***

3. Discussion

In order to efficiently and effectively exercise the powers and functions of the municipality a Committee system is herewith proposed as envisaged in Section 33 of the mentioned Structures Act, which reads as follows:

"**33**. *Criteria for establishment of committees.- A municipality may establish a committee provided for in this Act if-*

(a) the municipality is of a type that is empowered in terms of this Act to establish a committee of the desired kind;

(b) the establishment of the committee is necessary, taking into account-

(i) the extent of the functions and powers of the municipality;

(ii) the need for the delegation of those functions and powers in order to ensure efficiency and effectiveness in their performance; and

(iii) the financial and administrative resources of the municipality available to support the proposed committee; and

(c) in the case of the establishment of an executive committee, the municipality has more than nine councilors."

It is very important to note Section 160(8) of the Constitution, which reads as follows:

"(8) Members of a Municipal Council are entitled to participate in its proceedings and those of its committees in a manner that-

(a) allows parties and interests reflected within the Council to be fairly represented;

(b) is consistent with democracy; and

(c) may be regulated by national legislation."

In terms of subsection (a) as quoted above, all Committees of the Municipal Council must thus be fairly (proportionally) representative of all (political) parties and interests.

Except if otherwise indicated below, all Committees of the Municipal Council are established in terms of Section 79 of the Structures Act, of which a copy is attached hereto as **Annexure D**.

The types of Committees proposed are:

3.1 **Portfolio Committees**

As envisaged in Section 80 of the Structures Act, which is attached hereto as **Annexure E**. Council resolved to establish six (6) Portfolio Committees on 17 November 2021, Item no: **21/11/MM9** and the Chairperson of each Committee shall be appointed by the Executive Mayor from her/his appointed Mayoral Committee.

The main purpose of the Portfolio Committees is to assist the Executive Mayor in executing his/her functions and powers. The functions of every Portfolio Committee must be determined by the Municipal Council as stipulated in Section 79(2)(a) of the Structures Act.

3.2 **A Disciplinary Committee** ***(Rules and Ethics Committee)***

A disciplinary Committee may be elected in terms of Schedule 7, Section 14(1)(b) of the Code of Conduct for Councillors which states that a Municipal Council may:

"(b) establish a special committee-
(i) to investigate and make a finding on any alleged breach of this Code; and
(ii) to make appropriate recommendations to the council."

3.3 **A Municipal Public Accounts Committee**

Section 79A (3) of the said Act provides that the Municipal Council must determine the functions of the municipal public accounts committee, and which functions must include the following:

- The review of the Auditor-General's reports and comments of the management committee and the audit committee, and make recommendations to the municipal council

- Review internal audit reports together with comments from the management committee and the audit committee and make recommendations to the municipal council

- Initiate and develop the oversight report on annual reports contemplated in section 129 of the Local Government: Municipal Finance Management Act

- Attend to and make recommendations to the municipal council on any matter referred to it by the municipal council, executive committee, a committee of council, a member of this committee, a councillor and the municipal manager, and

- On its own initiative, subject to the direction of the municipal council, investigate and report to the municipal council on any matter affecting the municipality.

Reports of the MPAC must be submitted to the Speaker who must table such reports in the next meeting of the Municipal Council.

The Municipal Council may appoint the members of the MPAC from among its members, and nominations of Councillors to serve on the MPAC must be submitted in a council meeting.

The Municipal Council is further required to appoint a Chairperson for the MPAC. MPAC also requires a member of the public to be appointed to serve as Public Representative on the Committee

4. Recommendation

4.1 That the report regarding the appointment of members to Section 79 and 80 Committees be noted;

4.2 That in terms of Section 79 of the Local Government: Municipal Structures Act, 1998, as amended, That the following Portfolio Committees be appointed as envisaged in Section 80 of the Act mentioned herein:

Corporate Services Portfolio	**Committee Members**	**Alternate Members**	**Functions**
Chairperson	**Cllr T Jantjies**		• Administration / Auxiliary Services • Human Resources • Internal Communication
Ex-officio	Executive Mayor Horatio Hendricks		
Ex-officio	Executive Deputy Mayor H Bornman (*pending approval of the Eastern Cape MEC for COGTA*)		
Planning, Development & Tourism Portfolio	**Committee Members**	**Alternate Members**	**Functions**
Chairperson	**Cllr H Bornman**		• Human Settlements • Town & Regional Planning • MPT • Tourism • Creative Industries • Crèches • Events Committee
Ex-officio	Executive Mayor Horatio Hendricks		

Ex-officio	Executive Deputy Mayor H Bornman (*pending approval of the Eastern Cape MEC for COGTA*)		
Monitoring & Evaluation Portfolio	**Committee Members**	**Alternate Members**	**Functions**
Chairperson	**Cllr S Ruth**		• Media, PR, External Communication • Public Participation • IDP • PMS • Legal • Internal Audit • Strategic Projects • Office of EM & Speaker
Ex-officio	Executive Mayor Horatio Hendricks		
Ex-officio	Executive Deputy Mayor H Bornman (*pending approval of the Eastern Cape MEC for COGTA*)		
Community Services Portfolio	**Committee Members**	**Alternate Members**	**Functions**
Chairperson	**Cllr D Benson**		• Environmental Management • Community Amenities & Environmental Health • Protection Services • Beaches • Mayoral Special Programmes
Ex-officio	Executive Mayor Horatio Hendricks		
Ex-officio	Executive Deputy Mayor H Bornman (*pending approval of the Eastern Cape MEC for COGTA*)		
Infrastructure and Engineering Portfolio	**Committee Members**	**Alternate Members**	**Functions**
Chairperson	**Cllr L Maree**		• Infrastructure • Civil services

			• PMU • Electrical Services • Fleet Management
Ex-officio	Executive Mayor Horatio Hendricks		
Ex-officio	Executive Deputy Mayor H Bornman (*pending approval of the Eastern Cape MEC for COGTA*)		
Finance Portfolio	**Committee Members**	**Alternate Members**	**Functions**
Chairperson	**Cllr W Gertenbach**		• Budget & treasury • Revenue • Expenditure • Assets Management • Supply Chain Management • Information, Communication & Technology MSCOA
Ex-officio	Executive Mayor Horatio Hendricks		
Ex-officio	Executive Deputy Mayor H Bornman (*pending approval of the Eastern Cape MEC for COGTA*)		

4.3 That the following Disciplinary Committee (Rules and Ethics) be appointed in terms of of Schedule 7, Section 14(1)(b) of the Code of Conduct for Councillors enacted as Schedule 1 of the Local Government: Municipal Structures Act, 2000:

Councillor ……(Chairperson)

Councillor ……..

Councillor ……..

Councillor ……..

Councillor ……..

Councillor ……..

Councillor ……..

Councillor ……..

Councillor ……..

4.3.1 That the Terms of Reference for the Rules and Ethics Committee be reviewed and referred to a future Council meeting for approval.

4.4 That it be noted, in terms of Section 79A of the Local Government: Municipal Structures Act No.117 of 1998 as amended, provides for the establishment of a committee called the Municipal Public Accounts Committee (MPAC)

4.4.1 That the following Councillors are excluded from being a member of the MPAC:

a. Executive Mayor
b. Executive Deputy Mayor (if applicable)
c. Speaker
d. Whip
e. Members of the Mayoral Committee

4.4.2 That it be noted that Municipal officials are excluded from being members of MPAC.

4.4.3 That the MPAC will consist of at least 10 members of which not more than 9 may be Councillors. The committee must not be less than 8 members and no more than 12 members.

4.4.4 That the Chairperson of the MPAC be appointed by the Council.

4.4.5 That the following Councillors be appointed to serve as members of MPAC:

Councillor ……(Chairperson)

Councillor ……..

Councillor ……..

Councillor ……..

Councillor ……..

Councillor ……..

Councillor ……..

Councillor ……..

4.4.6 That an advertisement be placed in the local newspapers for the appointment of a member of the public to serve as Public Representative on the MPAC for the same period as the elected Councillors.

4.4.7 That the Terms of Reference for the Municipal Public Account Committee be reviewed and referred to a future Council meeting for approval.

Item prepared by : **Acting Director Corporate Services**

Item approved by : **Municipal Manager**

Annexure A

Powers and functions of municipalities
156.

(**1**) A municipality has executive authority in respect of, and has the right to administer—

(a) the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5; and

(b) any other matter assigned to it by national or provincial legislation.

(**2**) A municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer.

(**3**) Subject to section 151(4), a by-law that conflicts with national or provincial legislation is invalid. If there is a conflict between a bylaw and national or provincial legislation that is inoperative because of a conflict referred to in section 149, the by-law must be regarded as valid for as long as that legislation is inoperative.

(**4**) The national government and provincial governments must assign to a municipality, by agreement and subject to any conditions, the administration of a matter listed in Part A of Schedule 4 or Part A of Schedule 5 which necessarily relates to local government, if—

(a) that matter would most effectively be administered locally; and (b) the municipality has the capacity to administer it.

(**5**) A municipality has the right to exercise any power concerning a matter reasonably necessary for, or incidental to, the effective performance of its functions.

Municipal fiscal powers and functions
229.

(**1**) Subject to subsections (2), (3) and (4), a municipality may impose—
(a) rates on property and surcharges on fees for services provided by or on behalf of the municipality; and
(b) if authorised by national legislation, other taxes, levies and duties appropriate to local government or to the category of local government into which that municipality falls, but no municipality may impose income tax, value-added tax, general sales tax or customs duty.

(**2**) The power of a municipality to impose rates on property, surcharges on fees for services provided by or on behalf of the municipality, or other taxes, levies or duties—
(a) may not be exercised in a way that materially and unreasonably prejudices national economic policies, economic activities across municipal boundaries, or the national mobility of goods, services, capital or labour; and
(b) may be regulated by national legislation.

(**3**) When two municipalities have the same fiscal powers and functions with regard to the same area, an appropriate division of those powers and functions must be made in terms of national legislation. The division may be made only after taking into account at least the following criteria:

(a) The need to comply with sound principles of taxation.
(b) The powers and functions performed by each municipality.
(c) The fiscal capacity of each municipality.
(d) The effectiveness and efficiency of raising taxes, levies and duties.
(e) Equity.

(**4**) Nothing in this section precludes the sharing of revenue raised in terms of this section between municipalities that have fiscal power and functions in the same area.

(**5**) National legislation envisaged in this section may be enacted only after organised local government and the Financial and Fiscal Commission have been consulted, and any recommendations of the Commission have been considered.

SCHEDULE 4

Functional Areas of Concurrent National and Provincial Legislative Competence

Part B

The following local government matters to the extent set out in section 155(6)(a) and (7):

- Air pollution
- Building regulations
- Child care facilities
- Electricity and gas reticulation
- Firefighting services
- Local tourism
- Municipal airports
- Municipal planning
- Municipal health services
- Municipal public transport
- Municipal public works only in respect of the needs of municipalities in the discharge of their responsibilities to administer functions specifically assigned to them under this Constitution or any other law
- Pontoons, ferries, jetties, piers and harbours, excluding the regulation of international and national shipping and matters related thereto
- Stormwater management systems in built-up areas
- Trading regulations
- Water and sanitation services limited to potable water supply systems and domestic wastewater and sewage disposal systems

SCHEDULE 5

Functional Areas of Exclusive Provincial Legislative Competence

Part B

The following local government matters to the extent set out for provinces in section 155(6)(a) and (7):

- Beaches and amusement facilities
- Billboards and the display of advertisements in public places
- Cemeteries, funeral parlours and crematoria
- Cleansing
- Control of public nuisances
- Control of undertakings that sell liquor to the public
- Facilities for the accommodation, care and burial of animals
- Fencing and fences
- Licensing of dogs
- Licensing and control of undertakings that sell food to the public
- Local amenities
- Local sport facilities
- Markets
- Municipal abattoirs
- Municipal parks and recreation
- Municipal roads
- Noise pollution
- Pounds
- Public places
- Refuse removal, refuse dumps and solid waste disposal
- Street trading
- Street lighting
- Traffic and parking

Annexure B

CHAPTER 5

FUNCTIONS AND POWERS OF MUNICIPALITIES (ss 83-89)

83 General

(1) A municipality has the functions and powers assigned to it in terms of sections 156 and 229 of the Constitution.
(2) The functions and powers referred to in subsection (1) must be divided in the case of a district municipality and the local municipalities within the area of the district municipality, as set out in this Chapter.
(3) A district municipality must seek to achieve the integrated, sustainable and equitable social and economic development of its area as a whole by-
    (a) ensuring integrated development planning for the district as a whole;
    (b) promoting bulk infrastructural development and services for the district as a whole;
    (c) building the capacity of local municipalities in its area to perform their functions and exercise their powers where such capacity is lacking; and
    (d) promoting the equitable distribution of resources between the local municipalities in its area to ensure appropriate levels of municipal services within the area.

84 Division of functions and powers between district and local municipalities

(1) A district municipality has the following functions and powers:
    (a) Integrated development planning for the district municipality as a whole, including a framework for integrated development plans of all municipalities in the area of the district municipality.
    (b) Potable water supply systems.
    (c) Bulk supply of electricity, which includes for the purposes of such supply, the transmission, distribution and, where applicable, the generation of electricity.
    (d) Domestic waste-water and sewage disposal systems.
    (e) Solid waste disposal sites, in so far as it relates to-
        (i) the determination of a waste disposal strategy;
        (ii) the regulation of waste disposal;
        (iii) the establishment, operation and control of waste disposal sites, bulk waste transfer facilities and waste disposal facilities for more than one local municipality in the district.
    (f) Municipal roads which form an integral part of a road transport system for the area of the district municipality as a whole.
    (g) Regulation of passenger transport services.
    (h) Municipal airports serving the area of the district municipality as a whole.
    (i) Municipal health services.

(j) Fire fighting services serving the area of the district municipality as a whole, which includes-
(i) planning, co-ordination and regulation of fire services;
(ii) specialised fire fighting services such as mountain, veld and chemical fire services;
(iii) co-ordination of the standardisation of infrastructure, vehicles, equipment and procedures;
(iv) training of fire officers.
(k) The establishment, conduct and control of fresh produce markets and abattoirs serving the area of a major proportion of the municipalities in the district.
(l) The establishment, conduct and control of cemeteries and crematoria serving the area of a major proportion of municipalities in the district.
(m) Promotion of local tourism for the area of the district municipality.
(n) Municipal public works relating to any of the above functions or any other functions assigned to the district municipality.
(o) The receipt, allocation and, if applicable, the distribution of grants made to the district municipality.
(p) The imposition and collection of taxes, levies and duties as related to the above functions or as may be assigned to the district municipality in terms of national legislation.

[Sub-s. (1) substituted by s. 6 (a) of Act 33 of 2000.]

(2) A local municipality has the functions and powers referred to in section 83 (1), excluding those functions and powers vested in terms of subsection (1) of this section in the district municipality in whose area it falls.

(3) (a) The Minister may, by notice in the Government Gazette, and after Consultation with the Cabinet member responsible for the functional area in question, and after consulting the MEC for local government in the province and, if applicable, subject to national legislation, authorise a local municipality to perform a function or exercise a power mentioned in subsection (1) (b), (c), (d) or (i) in its area or any aspect of such function or power.
(b) The Minister must in the notice referred to in paragraph (a) regulate the legal, practical and other consequences of the authorisation, which may include-
(i) the transfer of staff;
(ii) the transfer of assets, liabilities, rights and obligations, and administrative and other records; and
(iii) the continued application of any by-laws and resolutions in the area of the municipalities concerned and the extent of such application.
(c) The Minister may-
(i) amend a notice issued in terms of paragraph (a); and
(ii) regulate the legal, practical and other consequences of such amendment; and

[Para. (c) substituted by s. 19 (b) of Act 51 of 2002.]

(d) Whenever the Minister revokes an authorisation envisaged by paragraph (a), the Minister must in the notice revoking that

authorisation regulate the legal, practical and other consequences of the revocation, which may include-

(i) the transfer of staff;

(ii) the transfer of assets, liabilities, rights, obligations and administrative and other records; and

(iii) the continued application of any by-laws and resolutions in the area of the municipalities in question and the extent of such application.

[Para. (d) added by s. 19 (c) of Act 51 of 2002.]

(e) The Minister must comply with the consultation requirements as set out in paragraph (a) when a power referred to in paragraph (c) or (d) is to be exercised.

[Para. (e) added by s. 19 (c) of Act 51 of 2002.]

[Sub-s. (3) substituted by s. 6 (b) of Act 33 of 2000.]

(4) (a) Subject to paragraph (c), any authorisation, amendment of an authorisation or revocation of an authorisation under subsection (3) takes effect on the commencement date of the municipal financial year following the date of publication of the notice effecting such authorisation or amendment or revocation.

(b) The Minister must inform the Minister responsible for finance of his or her intention to publish a notice contemplated in paragraph (a) at least six months before the notice is to take effect in terms of that paragraph.

(c) Paragraph (a) does not apply if any authorisation, amendment of an authorisation or revocation of an authorisation under subsection (3) is to coincide with an election of the council of an affected municipality.

[Sub-s. (4) added by s. 9 of Act 19 of 2008.]

85 Adjustment of division of functions and powers between district and local Municipalities

(1) The MEC for local government in a province may, subject to the other provisions of this section, adjust the division of functions and powers between a district and a local municipality as set out in section 84 (1) or (2), by allocating, within a prescribed policy framework, any of those functions or powers vested-

(a) in the local municipality, to the district municipality; or

(b) in the district municipality (excluding a function or power referred to in section 84 (1) (a), (b), (c), (d), (i), (o) or (p), to the local municipality.

[Para. (b) substituted s. 7 (a) of Act 33 of 2000.]

(2) An MEC may allocate a function or power in terms of subsection (1) only if-

(a) the municipality in which the function or power is vested lacks the capacity to perform that function or exercise that power; and

(b) the MEC has consulted the Demarcation Board and considered its assessment of the capacity of the municipality concerned.

(3) Subsection (2) (b) does not apply if the Demarcation Board omits to comply with subsection (4) within a reasonable period.

(4) The Demarcation Board must-

(a) consider the capacity of a district or local municipality to perform the functions and exercise the powers vested in the municipality in terms of section 84 (1) or (2) when-

(i) determining or redetermining the boundaries of the district and the local municipalities; or

(ii) requested in terms of subsection (2) (b) by the MEC for local government in the province concerned to do so; and

(b) convey its assessment in writing to the relevant MEC.

(5) If an MEC disagrees with the Demarcation Board on the capacity of the district or local municipality and adjusts the division of functions and powers between the district and local municipality, or refuses to adjust the division, contrary to the assessment of the Demarcation Board, the MEC must furnish reasons to the relevant municipalities and the Minister before finalising an adjustment in terms of subsection (1).

(6) Any adjustment of the division of functions and powers by way of an allocation in terms of subsection (1) or reallocation in terms of subsection (9) must be reflected in the notices referred to in section 12 which establish the municipalities concerned. Where applicable the legal, practical and other consequences of the allocation or reallocation must be regulated, including-

(a) the transfer of staff;

(b) the transfer of assets, liabilities and administrative and other records; and

(c) the continued application of any by-laws, regulations and resolutions in the area or the municipalities concerned and the extent of such application.

(7) The Minister may by notice in the Government Gazette and after consulting the MEC for local government and the municipalities concerned-

(a) vary or withdraw any allocation of a function or power in terms of subsection (1) or reallocation of a function or power in terms of subsection (9); or

(b) adjust the division of functions and powers between a district and local municipality if the MEC has refused to make an adjustment in accordance with the assessment of the Demarcation Board.

(8) The MEC must amend the relevant section 12 notices to give effect to any variation or withdrawal of any allocation or reallocation in terms of subsection (7).

(9) (a) If a function or power has been allocated in terms of subsection (1) the MEC for local government in the province must regularly review the capacity of the relevant municipality and reallocate that function or power to that municipality when that municipality acquires the capacity to perform that function or exercise that power.

(b) A reallocation in terms of paragraph (a) must be made with the concurrence of the receiving municipality or, in the absence of such concurrence, after having consulted the Demarcation Board.

(9A) (a) Subject to paragraph (c), any adjustment of the division of functions and powers under this section takes effect on the commencement date of the municipal financial year following the date of publication of the notice effecting such adjustment.

(b) The MEC or Minister, as the case may be, must inform the national Minister responsible for finance of his or her intention to publish a notice contemplated in paragraph (a) at least four months before the notice is to take effect in terms of that paragraph.

(c) Paragraph (a) does not apply if any adjustment of the division of powers and functions under this section is to coincide with an election of the council of an affected municipality.

(d) The Minister of Finance may, in exceptional cases, including those referred to in section 87 of Municipal Structures Act, 1998 (Act 117 of 1998), decide on a different or shorter period than the period referred to in paragraph (a) and (b).

[Sub-s. (9A) inserted by s. 10 of Act 19 of 2008.]

(10) This section does not apply before the date of the first elections of municipal councils in terms of this Act.

[Sub-s. (10) added by s. 7 (b) of Act 33 of 2000.]

86 Resolution of disputes concerning performance of functions or exercise of powers - If a dispute arises between a district and a local municipality concerning the performance of a function or the exercise of a power, the MEC for local government in the province, after consulting them, may, by notice in the Provincial Gazette, resolve the dispute by defining their respective roles in the performance of that function or in the exercise of that power.

[S. 86 substituted by s. 8 of Act 33 of 2000.]

87 Temporary allocation of functions and powers

(1) If the provision of basic services by a district or local municipality collapses or is likely to collapse because of that municipality's lack of capacity or for any other reason, the MEC for local government in the province may, after written notice to the district or local municipality and with immediate effect, allocate any functions and powers necessary to restore or maintain those basic services, to a local municipality which falls within that district municipality or to the district municipality in whose area that local municipality falls, as the case may be.

(2) The district or local municipality may lodge a written objection against the allocation to the Minister, who may confirm, vary or withdraw the allocation after having consulted the Demarcation Board.

(3) If the district or local municipality does not lodge a written objection against the allocation to the Minister within 14 days of the date of the notice referred to in subsection (1), the municipality is regarded as having consented to the allocation.

(4) The MEC for local government must reallocate that function or power to the original municipality when that municipality is in a position to resume the provision of those basic services.

88 Co-operation between district and local municipalities

(1) A district municipality and the local municipalities within the area of that district municipality must co-operate with one another by assisting and supporting each other.

(2) (a) A district municipality on request by a local municipality within its area may provide financial, technical and administrative support services to that local municipality to the extent that that district municipality has the capacity to provide those support services.

(b) A local municipality on request of a district municipality in whose area that local municipality falls may provide financial, technical and administrative support services to that district municipality to the extent that that local municipality has the capacity to provide those support services.

(c) A local municipality may provide financial, technical or administrative support services to another local municipality within the area of the same district municipality to the extent that it has the capacity to provide those support services, if the district municipality or that local municipality so requests.

(3) The MEC for local government in a province must assist a district municipality to provide support services to a local municipality.

89 District management areas - In district management areas, the district municipality has all the municipal functions and powers.

Annexure C

Internal procedures
160.

(1) A Municipal Council—
  (a) makes decisions concerning the exercise of all the powers and the performance of all the functions of the municipality;
  (b) must elect its chairperson;
  (c) may elect an executive committee and other committees, subject to national legislation; and
  (d) may employ personnel that are necessary for the effective performance of its functions.

(2) The following functions may not be delegated by a Municipal Council:
  (a) The passing of by-laws;
  (b) the approval of budgets;
  (c) the imposition of rates and other taxes, levies and duties; and
  (d) the raising of loans.

(3) (a) A majority of the members of a Municipal Council must be present before a vote may be taken on any matter.
  (b) All questions concerning matters mentioned in subsection (2) are determined by a decision taken by a Municipal Council with a supporting vote of a majority of its members.
  (c) All other questions before a Municipal Council are decided by a majority of the votes cast.

(4) No by-law may be passed by a Municipal Council unless—
  (a) all the members of the Council have been given reasonable notice; and
  (b) the proposed by-law has been published for public comment.

(5) National legislation may provide criteria for determining—
  (a) the size of a Municipal Council;
  (b) whether Municipal Councils may elect an executive committee or any other committee; or
  (c) the size of the executive committee or any other committee of a Municipal Council.

(6) A Municipal Council may make by-laws which prescribe rules and orders for—
  (a) its internal arrangements;
  (b) its business and proceedings; and
  (c) the establishment, composition, procedures, powers and functions of its committees.

(7) A Municipal Council must conduct its business in an open manner, and may close its sittings, or those of its committees, only when it is reasonable to do so having regard to the nature of the business being transacted.

(8) Members of a Municipal Council are entitled to participate in its proceedings and those of its committees in a manner that—
  (a) allows parties and interests reflected within the Council to be fairly represented;
  (b) is consistent with democracy; and
  (c) may be regulated by national legislation

ANNEXURE E

80 Committees to assist executive committee or executive mayor

(1) If a municipal council has an executive committee or executive mayor, it may appoint in terms of section 79, committees of councillors to assist the executive committee or executive mayor.
(2) Such committees may not in number exceed the number of members of the executive committee or mayoral committee.
(3) The executive committee or executive mayor-
    (a) appoints a chairperson for each committee from the executive committee or mayoral committee;
    (b) may delegate any powers and duties of the executive committee or executive mayor to the committee;
    (c) is not divested of the responsibility concerning the exercise of the power or the performance of the duty; and
    (d) may vary or revoke any decision taken by a committee, subject to any vested rights.
(4) Such a committee must report to the executive committee or executive mayor in accordance with the directions of the executive committee or executive mayor.

REPORTS BY THE PORTFOLIO CHAIRPERSON: COMMUNITY SERVICES

KOUGA MUNICIPALITY (EC 108)

ORDINARY COUNCIL MEETING

COMMUNITY SERVICES

DATE: 10 DECEMBER 2021 **ITEM NO: 21/12/CS1**

REPORT ON THE FESTIVE SEASON READINESS PROGRAM: DIRECTORATE COMMUNITY SERVICES

1. Introduction

The purpose of this report is to inform the Council about Community Services readiness and the program for the upcoming festive season.

The dates of the festive season period for operational purposes will be from 01 December 2021 to 25 January 2022.

2. Background

Kouga, with its coastal towns of Jeffreys Bay, St. Francis Bay, Oyster Bay and the Gamtoos River Mouth is a tourist mecca, both for the local and international tourist market during the summer season.

It is important to note that an increase in population can be noted, as schools and tertiary institutions close for the period and many people come to Kouga for the period.

It is also a known fact that business trading hours are extended.

Waste volumes double during this period, in particular domestic and commercial waste.

Far more littering and illegal dumping takes place and drop off sites and landfills are extremely busy.

Business/Commercial waste is collected 6 days per week. Currently 3 times a week.

During public holidays residents and visitors put up braai facilities anywhere they like, more litter and dumping, more waste collection.

3. Discussion

3.1 Parks & Community Amenities

During the festive season Kouga Municipality attracts a lot of visitors to our beaches and towns. Parks and Community Amenities department will continue with grass cutting at open spaces, Community Amenities and the internal streets, concentrate on cleaning of all ablution facilities, cleaning of beaches caravan parks, sports fields and community halls.

Normally this time of the year a lot of overtime is worked as to keep the facilities clean in all areas.

Staff Compliment

Totals of Employees for the Festive Season

Unit		Section	Permanent	EPWPs (1)	EPWP (2)
Jbay		Parks	10	4	0
		Beaches	9		14
		Bush Clearing	6		3
		Gardens		4	4
		Caravan Parks	6		4
		Mesch Truck	2	3	4
		Maintenance	4	3	
Hdorp		Parks	11	3	2 Taxi Rank
		Mesch Truck	4	3	
SFB		Grass Cutting	9	6	10
		Bush Clearing	4	1	
		Mesch Truck	2	3	
		Beaches			10
Oyster Bay		0		0	2
GV	**Hankey / Patensie**	Grass Cutting	21	4	2
	Thornhill / Loerie	Grass Cutting	10	4	4

Grass Cutting

All major entrances, Caravan Parks, Beach Parks and Open Spaces will be cut towards the 18th December 2021, as to avoid incidents and accidents along the roads and continue at Community Amenities.

The employees will be incorporated into the Beaches Cleaning, Ablution Cleaning and Caravan parks Cleaning over weekends and public holidays.

Bush Clearing

All Bush Clearing alongside walks and Open Spaces will be done towards the 18th December 2021 and continue at open spaces, area of complaints and emergencies.

The employees will be incorporated into the Beaches Cleaning, Ablution Cleaning and Caravan parks Cleaning over weekends and public holidays.

CARAVAN PARKS AND RESORTS

Jeffreys Bay Caravan Park

All major repairs will be done prior the Festive Season.

Extra Security must be deployed from the 13th December 2021 till 22nd January 2022.
Extra 4 employees will be placed at the Park for upkeep and Maintaining the facility and try to minimise overtime.

Pellsrus Caravan Park
None
Yellow Woods
Extra Security must be deployed from the 13th December 2021 till 22nd January 2022.
Extra 2 employees will be placed at the Park for upkeep and Maintaining the facility and try to minimise overtime.

Gamtoos Mouth
Upgrading of the ablution facilities, braai stands, the access control needs to be finalised.
Extra Security must be deployed from the 13th December 2021 till 22nd January 2021.
Extra 4 Casuals employees will be placed at the Park for upkeep and Maintaining the facility and try to minimise overtime.

Community Halls
All Halls will be available for reservations for the Festive Season.
All Caretakers will be at work and on standby.

Sports Fields
All Sports fields will be available for reservations for the Festive Season.
All Caretakers will be at work and on standby.

Public Toilets/Ablution Facilities/Beaches
All ablution facilities will be repaired by the 13th December 2021.
A shift system will be introduced at the Main Beach, Pellsrus and Kabeljous to make sure the ablution is cleaned and open for the public until 19h30.

Provision of additional Chemical Toilets during the festive season.

The challenge in providing this service is that the main public holidays are during the week creating long weekends for holiday makers. Previous experience proves that during such a period visitors flock to the picnic areas along the coast.

The public ablution facilities along the coastal areas are inadequate to provide for these periods and this department would recommend that additional chemical toilets are provided to enable us to provide an adequate facility.

Currently the ablution facility at the Pellsrus parking area cannot cope with the number of out of season visitors to that beach picnic area.

It is suggested that chemical toilets are provided at the following locations:

Additional – VIP (Chemical) Toilets

Paradise/Aston Bay Beaches (Lagoon)

Period : 13th December 2021 – 17th January 2022
No of Toilets: 10

Pellsrus

Period : 13th December 2021 – 17th January 2022
No of Toilets: 20

Pellsrus 2nd POS

Period : 13th December 2021 – 17th January 2022
No of Toilets: 20

Dageraad

Period : 13th December 2021 – 17th January 2022
No of Toilets: 10

Gamtoos Mouth Caravan Park)

Period : 13th December 2021 – 17th January 2022
No of Toilets: 8

Yellowwoods Caravan Park

Period : 13th December 2021 – 17th January 2022
No of Toilets: 8

Humansdorp Unit Standby:

Mr S. Kamte: Acting Superintendent: 081 217 8434
Mr F. Stuurman: Acting Supervisor: 064 005 3404

DATE	AREA	ACTIVITY	WORKERS
Mondays to Sundays	Cemeteries:	Opening and closing of gates	**Caretaker x 1**
Mondays to Sundays	Sportsfield:	Opening, Cleaning and closing of gates	**Country Club** Caretaker x 1 **Kruisfontein Sports Field** Caretaker x 1
Mondays to Sundays	Community Halls:	Opening, Cleaning and closing of facility	**Kruisfontein Civic Centre** Caretaker x 1 **Kwanomzamo Hall** Caretaker x 1
Mondays to Sundays	Office	Cleaning	**Country Club** Caretaker x 1
Mondays to Fridays	Sports Fields, Creches, Community Halls, Offices and	Grass Cutting	**14 x Employees 2 x casuals**

	Library		
Mondays to Fridays	Mesch Truck x 5	Branch removal	**Driver x 1** **6 x employees**

JEFFREYS BAY UNIT
STANDBY:

Permanents x 37
EPWP x 45
E. Madatt : Superintendent - 0812124468
Z. Antoni : Supervisor - 0817683057
P Davids : Supervisor - 0812180882
P Smith : Supervisor - 0817637559
Z. Lloyd : Acting Supervisor - 0649736530

DATE	**AREA**	**ACTIVITY**	**WORKERS**
Mondays to Sundays	Pellsrus Caravan Park		
Mondays to Sundays	Jeffreys Bay Caravan Park	Reservations and cleaning	Caretaker x 1 Workers x 8
Mondays to Sundays	Cemeteries:	Opening and closing of gates	Caretaker x 1 TLB x 1 Casuals x 2
Mondays to Sundays	Sportsfield:	Opening and closing of gates	**Tokyo Sexwale** Caretaker x 1
Mondays to Sundays	Community Halls:	Reservations and cleaning	**Newton Hall** Caretaker x 1 **Pellsrus Hall** Caretaker x 1 **Aston Bay Hall** Caretaker x 1
Mondays to Sundays	Public Toilets	Cleaning of ablution facilities (12), Beaches and Bins	Foreman: 4 (Main Beach X 1 Pellsrus and Friendly x 1 Checkers to Kabeljous x 1 Aston Bay and Paradise x 1) Workers x 42 (32 x employees 10 X Casuals)
Mondays to Fridays	Sports Fields, Creches, Community Halls, Offices and Library	Grass Cutting	14 x Employees
Mondays to Fridays	Open Spaces	Bush Clearing	9 x Employees

GAMTOOS VALLEY UNIT

Permanents x 31
EPWP x 14
STANDBY:
T. Hesha : Acting Superintendent -0812123049

Alexander : Acting Supervisor -0671074222

DATE	AREA	ACTIVITY	WORKERS
Mondays to Sundays	Gamtoos Mouth	Reservations and cleaning	Caretaker x 1 Workers x 4 Casuals
Mondays to Sundays	Yellow woods	Reservations and cleaning	Workers x 2
Mondays to Sundays	Loerie Nature Reserve	Reservations and cleaning	Workers x 2
Mondays to Sundays	Cemeteries:	Opening and closing of gates	Loerie x 1 Thornhill x 1 Patensie x 1 Hankey x 1
Mondays to Sundays	Sportfields:	Opening and closing of gates	Loerie x 1 Thornhill x 1 Patensie x 1 Hankey x 1
Mondays to Sundays	Community Halls:	Reservations and cleaning	Loerie x 1 Thornhill x 1 Patensie x 1 Hankey x 1 Weston x 1
Mondays to Fridays	Sports Fields, Creches Community Halls, Offices and Library	Grass Cutting Hankey, Patensie, Thornhill and Loerie	31 x Employees 4 x Casuals

ST. FRANCIS BAY UNIT

Permanents x 15
EPWP x 22

STANDBY:
L. Mhlambiso : Supervisor - 0671099755
S.P Kamte : Acting Superintendent- 0671090964

Cleaning of Public Toilets and Beach Bins.

DATE	AREA	ACTIVITY	WORKERS
Mondays to Sundays	St Francis Bay, Cape St Francis and Oyster Bay	Cleaning of Public Toilets (8), Beach Bins and Litter Picking	Supervisors x 2 Workers x 8 Casuals x 10
Mondays to Sundays	Community Halls:	Reservations and cleaning	Sea Vista Hall Caretaker x 1
Mondays to Fridays	Sports Fields, Creches, Community Halls, Offices and Library	Grass Cutting	15 x Employees

3.2 Waste and Environmental Management Environmental Health

Environmental Health is responsible for all key functions as per the scope of practice of environmental health. These functions include but are not limited to the health surveillance of all premises especially food premises during peak season to ensure food safety and prevent foodborne illnesses, investigation of complaints, water sampling to ensure safe drinking water. As a result of the Covid 19 pandemic environmental health is also responsible for monitoring compliance to Covid 19 regulations to curb the spread of the virus as part of the prevention and surveillance of communicable disease function.

Environmental Health is also responsible for other functions and activities that occur seasonally during May / June and December / January, and these include:

- Traditional Circumcision; &
- Seasonal Informal Trading

Traditional Circumcision

The initiation ritual is commonly conducted annually during June and December, however, due to the Covid 19 pandemic and the national lockdown in South Africa, this ritual was suspended in April 2020. The suspension was regarded as unprecedented and according to Congress of Traditional Leaders of South Africa (CONTRALESA) it became clear that this environment would be ideal for the virus to spread amongst the initiates.

The Department of Cooperative Governance and Traditional Affairs (COGTA) has, however, established that the custom of male initiation will be allowed starting December 2021, but only under strict conditions.

The period of seclusion for initiates lasts about one month and all initiates are taken to specified initiation sites. The proposed initiation sites for the upcoming initiation season within the Kouga Municipal Area and pending final written confirmation from the Department of Cooperative Governance and Traditional Affairs and the outcomes / decisions from the Kouga Traditional Circumcision Forum will be identified as follows:

- Weston
- Humansdorp
- Centerton
- Jeffreys bay
- Hankey
- Loerie
- Thornhill

- Andrieskraal

The proposed dates for monitoring are as follows:

PROPOSED MONITORING DATES	INITIATION SCHOOLS TO BE VISITED
1. 03 December 2021	- All Sites
2. 07 December 2021	- All Sites
3. 10 December 2021	- All Sites
4. 14 December 2021	- Jeffreysbay - Humansdorp
5. 17 December 2021	- Hankey - Weston - Centerton
6. 21 December 2021	- Loerie - Thornhill
7. 23 December 2021	- All Sites
8. 28 December 2021	- Andrieskraal
9. 30 December 2021	- All 7 initiation schools
10. 04 January 2022	- All 7 initiation schools
11. 07 January 2022	- Hankey - Weston - Centerton
12. 11 January 2022	- Jeffreys Bay - Humansdorp
13. 14 January 2022	- Schools with remaining initiates
14. 18 January 2022	- Schools with remaining initiates
15. 21 January 2022	- School with remaining initiates

Seasonal Hawking Stalls

During this time of the year, Kouga Municipality experiences an influx of informal traders especially in the coastal towns of the municipality and mostly in Jeffreys bay.

These hawkers are attracted to these areas / towns by the influx of holiday makers and / or seasonal visitors and thus see this period as the best opportunity for them to make profit by selling their goods and products.

All applications for informal trading are being done through the Directorate: Community Services, Department: Environmental Management – Environmental Health. An advert inviting applicants to apply for seasonal informal trading was placed on the local newspapers and the Kouga Municipal website during October 2021.

All applicants were expected to follow the application procedure as outlined in the advert that closed on the 22nd of October 2021, following which all applications received were scrutinized according to the selection criteria and all those that met the criteria was shortlisted for consideration and approval. Please refer to the copy of the advert as attached.

The following trading sites for the different areas have been identified:

Jeffreys bay, Dolphin Beach:	12 sites (Food Stalls)
Kabeljouws Beach:	6 Sites (Food Stalls)
Point Beach:	2 Sites (Food Stalls)
Cape St Francis Bay, Seal Point:	2 sites (Food Stalls)
St Francis Bay, Neville Road Beach Parking Area:	5 sites (Food Stalls)

Informal traders with other crafts such as arts & crafts, fruit and veg, second-hand goods etc will be allocated at the trading sites used throughout the year depending on the availability of space.

The total number of applications received for seasonal food stalls (2021/22) are as follows:

Dolphin Beach:	8 Applications
Kabeljouws Beach:	0 Application
Point Beach:	0 Application
St Francis / Cape St Francis:	2 Applications

Covid 19 Guidelines for Informal Traders / Hawkers:
Informal Food Traders / Hawkers must comply with the following Covid 19 Guidelines:

Record Keeping:

- Daily record with the full name, ID / Passport number, nationality, residential address, cell phone numbers and nature of position of all employees and delivery persons

- Every delivery including the name and address of the person to whom the delivery is made

Screening, Sanitizing & PPE:

In addition to applying all Covid 19 health protocols before and during every shift, all informal food traders must:

- Ensure that every employee /delivery person is screened on arrival for shifts and on departing after shifts
- Ensure that the workplace / food trailer, transport, containers are regularly sanitized and follow cleaning procedures
- Provide employees with masks / face shields to wear and hand sanitizer
- Ensure that every employee wears the relevant PPE
- Ensure that staff sanitize before and after handling card or cash payment

- Ensure employees and delivery persons practice hand hygiene regularly
- Ensure where hand washing is impractical, the employees and delivery persons sanitize regularly
- Ensure regular sanitizing of work surfaces and vehicles
- Ensure regular sanitizing of customers before they are attended to
- Ensure all customers are wearing a mask while queuing and before they are attended to

Social Distancing:

Informal Food Traders must in respect of employees and delivery persons ensure that:

- Employees and delivery persons maintain a distance of at least 1.5m apart always
- Customers queuing outside the food trailer maintains a distance of at least 1.5m apart always
- Assign one employee who will be responsible for monitoring social distancing and ensure that all customers are sanitized and are wearing masks before they are attended to.

Deliveries:

Informal Traders must ensure that when taking an order from a customer, the customer is informed to:

- Wear a mask when accepting orders from the delivery person,
- Sanitize hand after handling package

Food Services:

The following food services should be implemented:

- Where possible, disposable condiments / sauces sachets should be offered to the customers, or

- All condiments / sauce containers must be sanitised after use by each customer

Training of employees:

The employer must regularly provide information and train employees on the following:

- Procedure related to the use, re – use and wearing of masks
- Utilisation of PPE
- Maintaining of social distance
- Basic hygiene practices
- Cleaning and disinfecting of equipment and surfaces
- Contactless operations

- Package handling, and
- Handling of orders and delivery to customers

Inform employees, delivery persons on the responsibility to advise the employer if they are tested positive for Covid 19 or have been in contact with someone who is Covid 19 positive.

Inspection and monitoring:
Inspection and monitoring of these stalls, especially the food stalls, will be done daily by the Environmental Health Practitioners with the assistance of the Law Enforcement. They will be monitored for compliance to the following:

- Health and hygiene requirements as per regulation R638
- Validity of their trading permits.
- Covid 19 regulations and guidelines

The seasonal informal trading proposed trading dates are from 15 December 2021 until 15 January 2022.

Food Premises / Pubs & Grubs: Joint Operation with Law Enforcement & SAPS:
The Environmental Health section will also be embarking on a Joint Operation with the Law Enforcement and SAPS targeting Food Premises i.e. Restaurants / Pubs & Grubs operating after hours to monitor compliance with:

- Covid 19 Regulations
- Regulations Relating to Food Premises & General Hygiene Requirement

The program will be conducted as follows:

DATE	TARGET AREA	PREMISES TARGETED	TIME	FOCUS OF PROGRAM
06 – 10 Dec 2021	**Jeffreysbay**	**Restaurants** **Pubs & Grubs**	**17:00 – 22:00**	- **General Health & Hygiene Requirement as per R638** - **Awareness & Monitoring for Covid 19 compliance**
13 – 17 Dec 2021	**St Francis Bay**	**Restaurants** **Pubs & Grubs**	**17:00 – 22:00**	- **General Health & Hygiene Requirement as per R638** - **Awareness & Monitoring for Covid 19 compliance**

REFUSE REMOVAL

Waste volumes double during this period, in particular domestic and commercial waste.

Far more littering and illegal dumping takes place and drop off sites and landfills are extremely busy.

Business/Commercial waste is collected 6 days per week. Currently 3 times a week.

During public holidays residents and visitors put up braai facilities anywhere they like, more litter and dumping's, more waste collection.

JEFFREYSBAY UNIT

The following people will be on standby and complaints that may arise must be referred to them:
Superintendent B.M. Ngcayisa – 0812125455
Supervisor Z. Rasmesi - 0671071271
Supervisor NCR Mdoti: - 0671094291

REFUSE REMOVAL PROGRAM

Days/Dates	**Activity**	**Responsible People**	**Equipment**
Monday to Friday 30 Nov. to 03 Dec. 2021	Refuse Removal	Driver x 1 Operators x 6	JBD 856 EC
		Driver x 1 Operators x 6	JBD 519 EC
		Driver x 1 Operators x 6	DWV 246 EC
Saturday & Sunday 04&05 Dec. 2021	Standby	1 Driver + 6 workers	JBD 856 EC
Days/Dates	**Activity**	**Responsible People**	**Equipment**
Monday to Friday 06-10 Dec. 2021	Refuse Removal	Driver x 1 Operators x 6	JBD 856 EC
		Driver x 1 Operators x 6	JBD 519 EC
		Driver x 1 Operators x 6	DWV 246 EC
Saturday & Sunday 11&12 Dec. 2021	Standby	1 Driver + 6 workers	JBD 519 EC
Days/Dates	**Activity**	**Responsible People**	**Equipment**
Monday to Friday 13-17 Dec. 2021	Refuse Removal	Driver x 1 Operators x 6	JBD 856 EC
		Driver x 1 Operators x 6	JBD 519 EC
		Driver x 1 Operators x 6	DWV 246 EC

Saturday & Sunday 18&19 Dec. 2021	Standby	1 Driver + 6 workers	DWV 246 EC
Days/Dates	**Activity**	**Responsible People**	**Equipment**
Monday to Friday 20-24 Dec. 2021		Driver x 1 Operators x 6	JBD 856 EC
		Driver x 1 Operators x 6	JBD 519 EC
		Driver x 1 Operators x 6	DWV 246 EC
Saturday & Sunday 25&26 Dec. 2021	Standby	1 Driver + 6 workers	JBD 856 EC
Monday to Friday	Additional Truck for Refuse Removal	Driver: M. Jali Team: 6 x workers	

STREET SWEEPING AND LITTER PICKING

SHIFTS: 05:00 – 13:00 & 13:00 - 20:00

Days	**Areas**	**Activity**	**Responsible People**
Mondays to Sundays	From the entrance of Kabeljous	Street Sweeping and Litter Picking.	2 contract workers.
Mondays to Sundays	Corner Noorsekloof & Da Gama	Street Sweeping and Litter Picking.	1 contract worker.
Mondays to Sundays	Corner Noordsekloof to Seetuin	Street Sweeping and Litter Picking.	S.W. Jantjies + 1 contract worker.
Mondays to Sundays	St. Croix to De Reiger (Francis road)	Street Sweeping and Litter Picking.	Z. Bomela + G. Shabane
Mondays to Sundays	De Reiger to Mall	Street Sweeping and Litter Picking.	C.Potgieter + 1 contract worker
Mondays to Sundays	Town (CBD)	Street Sweeping and Litter Picking.	T. Baliti N.B. Mxakana D. Natal N. Mthungatha A. Muller + 3 contract workers
Mondays to Sundays	Duine Weg	Street Sweeping and Litter Picking.	X. Kona + 1 contract worker.
Mondays to Sundays	Road to Aston Bay	Street Sweeping and Litter Picking.	2 contract workers

Mondays to Sundays	Ocean View	Street Sweeping and Litter Picking.	12 contract workers
Mondays to Sundays	Pellsrus, Tokyo & Madiba Bay	Street Sweeping and Litter Picking.	15 contract workers

NB: On the following dates: 17th & 27th December 2021, 01st – 3rd January 2021, we will need assistance from litter pickers of other units as usual.

Dates	**Areas**	**Activity**	**Responsible People**
16 Dec. 2021	Road to Aston Bay. Entrances& Flush Points in CBD	Street Sweeping& Litter Picking	Z. Rasmesi, NCR Mdoti & Jeffreys Bay workers
1st -3rd Jan. 2022	Kabeljouws	Street Sweeping& Litter Picking	T.J. Beda, M. Titus + 9 workers
	Tecoma towards checkers	Street Sweeping& Litter Picking	T.J. Beda, M. Titus + 9 workers
	Diaz, Dolphin Beach, Da Gama, Pellsrus Park and Duine Weg.	Street Sweeping& Litter Picking	Z. Rasmesi, NCR Mdoti + JBay permanent & contract workers
	Lagoon in Paradise	Litter Picking	V. Dyaloyi + 12 workers

COLLECTION AND REMOVAL OF BLACK BAGS

Days	**Area**	**Activity**	**Responsible People**
Mondays to Sundays	Jeffreys Bay Main Roads, Flush Points & Parks	Removal of black bags Truck: JBG 916 EC	Driver: A. Adams Team: J. Yake N. Mqadi A. Gxala W. Faulkner (Add 2 contract workers)
Mondays to Sunday	Township & Road to Aston Bay	Removal of black bags Truck: BHD 154 EC	Driver: W. Dayile Team: L. Mavuka W.Andrews (2 contract workers)

REMOVAL OF SKIP BINS

Days	Areas	Activity	Workers
Mondays to Sundays	Jeffreys Bay & GV	Removal of Skip Bins	Driver: M. Mandeka Operator: M.Yalo

Opposite Checkers behind the Public toilets

R10 at the side of the road to Aston Bay

Open space next to the road to Marina

Drop off site JBay x2

Next to Portofino

Aston Bay shopping centre

DROP OFF ZONES

Days	Activity	Responsible Person
PARADISE Monday - Friday 07:30 – 16:15 Saturday – Sundays 07:30 – 13:00	Taking control of incoming and outgoing vehicle, litter picking inside and outside. Additional skips	Acting Caretaker: K. Ndzaba + 1 contract worker
JBAY Monday - Friday 07:30 – 16:15 Saturday – Sundays 07:30 – 13:00	Taking control of incoming and outgoing vehicle, litter picking inside and outside. Additional skips	Acting Caretaker: …… + 1 contract worker

ST. FRANCIS BAY/CAPE ST FRANCIS/OYSTER BAY

The following person will be on standby and complaints that may arise must be referred to him:

Mr. T Swartbooi 0817658056

REFUSE REMOVAL

Days/Dates	Activity	Responsible People	Equipment
Monday to Friday 29 Nov 21 - 31 Dec. 21 Saturday – Sunday Team 2	Refuse Removal	Driver x 1 Operators x 6	FMJ 516 EC
		Driver x 1 Operators x 6	FMX 511 EC

Saturday & Sunday 04&05 Dec. 2021	Standby	1 Driver + 6 workers	
Saturday & Sunday 25&26 Dec. 2021	Standby	1 Driver + 6 workers	

Hire additional 2 skip bins at the following spots:
Main Road to St Francis Bay
Taxi Rank in Taragona

STREET SWEEPING AND LITTER PICKING

Days	**Areas**	**Activity**	**Responsible People**
Mondays to Sundays	St Francis Bay	Street Sweeping and Litter Picking.	Swartbooi Team EPWP
	Cape St Francis	Street Sweeping and Litter Picking.	B Dno N Sidinana
	Oyster Bay	Street Sweeping and Litter Picking.	M Rollison C Ketteldas

DROP OFF ZONE (ST FRANCIS, OYSTER BAY)

Days	**Activity**	**Responsible Person**
Monday - Friday 07:30 – 16:15 Saturday – Sundays 07:30 – 13:00	Taking control of incoming and outgoing vehicle, litter picking inside and outside. Additional skips	T. Swartbooi + 1 contract worker

HUMANSDORP

The following people will be on standby and complaints that may arise must be referred to them:

T. Beda - 0817615701

P. Titus – 0813105005

Days/Dates	Activity	Responsible People	Equipment
Monday to Friday 29 Nov-31 Dec. 2021	Refuse Removal	Driver x 1 Operators x 6	FMX 511 EC
		Driver x 1 Operators x 6	DWN 714 EC
Saturday - Sunday	Refuse Removal	Standby	
Saturday & Sunday 04&05 Dec. 2021	Standby	1 Driver + 6 workers	
Saturday & Sunday 25&26 Dec. 2021	Standby	1 Driver + 6 workers	

STREET SWEEPING AND LITTER PICKING

Days	Areas	Activity	Responsible People
Mondays to Sundays	CBD Humansdorp residential areas, KwaNomzamo, Golf course, Pollapark, Vergenoeg, Shukushukuma	Street Sweeping and Litter Picking.	B. Matodlana F. Constable N.H Luzipho P.Dayi 2x EPWP
	Voortrekker intersection, H/dorp Entrance R102		T.H Maneli L. Koert H. Hammond N. Dweba G.S. Jacobs 1x EPWP
	St Francis Bay intersection, R330		F.A. Belani 1x EPWP N.L Tshozi M.V Jacobs

GAMTOOS VALLEY

The following people will be on standby and complaints that may arise must be referred to them:

M. Windvogel - 0812616762
O. Nelson - 0671078516
V. Dyaloyi – 0813195730

Days/Dates	Activity		Responsible People	Equipment
Monday to Friday 29 Nov-30 Dec. 2021	Refuse Removal		Driver x 1 Operators x 6	AQUA And CTW 3 (Compactor)
Monday to Friday 29 Nov-30 Dec. 2021	Refuse Removal		2 General Workers	FLF 753 EC Tipper
Saturday - Sunday	Refuse Removal		Standby	TLB (Hired) Hired Compactor
Saturday & Sunday 04&05 Dec. 2021	Standby		1 Driver + 6 workers	
Saturday & Sunday 25 & 26 Dec. 2021	Standby		1 Driver + 6 workers	

STREET SWEEPING AND LITTER PICKING

Days	Areas	Activity	Responsible People
Mondays to Sundays	Ramaphosa Patensie CBD Hankey CBD Loerie Thornhill	Street Sweeping and Litter Picking.	Victor plus 12 EPWP

LANDFILL AND DISPOSAL MANAGEMENT

LANDFILL	OPERATING HOURS	RESPONSIBLE PERSON
Humansdorp	Monday –Friday (7:30 – 16:45)	Tinus Rudolph
Hankey	Saturday- Sunday (07:30 – 13:00)	Tinus Rudolph

The EPWP employees will receive PPE for the period of employment during festive season.

SAFETY & SECURITY

TRAFFIC LAW ENFORCEMENT

Traffic Officers will maintain high visibility.
Hotspot areas were identified which will receive special attention.
The taxi unit will continue daily operations on illegal taxis in all areas.
Shift systems are in place and will be adapted to increase visibility.

The following duties will be conducted during festive season:

Point duty will be performed at the following intersections to ensure smooth traffic flow:
St Francis street and Koraal street
St Francis street and Nautilus Street
St Francis street and Dias Street
Da Gama Road and Noorsekloof street

High visibility patrols - Da Gama Road, St Francis drive, R331to St Francis Bay, R102 and Aston Bay Road.
Drunken Driving Operations in Jeffreys Bay, Humansdorp, St Francis Bay and Hankey/ Patensie.

Roadworthy tests will be conducted on public transport and other transport to ensure vehicles are fit/ safe to travel long distances over festive season.
Foot patrols will be conducted in Central Business Areas (CBD) and in Diaz Street in Jeffreys bay.
Welcoming of visitors into Kouga - roadblock with Executive Mayor
Joint operations with SAPS

Staff will be rotated and utilized to suit any issues encountered.

Equipment & Vehicles

11 x Patrol vehicles
2 x speed measuring machines (Truvelo ProLaser 111) and (Safety T- Cam).
1 x Alcohol Breathalysers and mouth pieces
Blood kits at SAPS
Pepper spray (already requisitioned)
Torches (already requisitioned)

BY-LAW ENFORCEMENT

Beaches, public open spaces, and Central business district patrols are part of daily operations.

Joint law enforcement operations will be held with South African Police services, Security companies and Neighborhood watches.
Monitoring of car guards to ensure no criminal element portray as car guards.
A vetting process to screen all car guards will be implemented.
A shift system is in place and already adapted to increase visibility where required.

The following are focus points during the festive season:

Aston Bay road – daily patrols
Beach patrol on and around pilot blue flag beach – quadbike available for use

CBD areas in Jeffreys Bay and Humansdorp will be a focus point to prevent robberies
Patrol on public opens space Pellsrus braai areas
Aston bay Lagoon area
Patrols in Gamtoos mouth
Patrols in St Francis Bay, e.g., the Cove
River patrols on canals by riparian's and private appointed peace officer on the Kromriver.

Funerals monitored over weekends Covid protocol compliance)
Welcoming of visitors into Kouga, roadblock with Executive Mayor
Operations on tavern and spaza shop will be conducted with South African Police Services and Kouga Municipal Environmental health services
Disaster management lockdown regulation enforcement (if lockdown levels are maintained)
New Year's Eve St Francis canal control
New Year's Eve Dolphin beach firework display

Shifts: 06h00 – 14h00
14h00 – 22h00
Fridays: 17h00 – 01h00 (adjusted shift)
Saturdays: 17h00 – 01h00 (adjusted shift)
Sundays: 10h00 – 18h00 (adjusted shift)
Beach shift: ` 09h00 – 18h00

Staff will be rotated and utilized to suit any issues encountered.

Equipment

4 x Patrol bakkies + 1 hired vehicle
Pepper spray (already requisitioned)
Torches (already requisitioned)
Quad Bike for beach patrol (delivery imminent)

SECURITY

The security section is currently understaffed and do not have extra Security officers for caravan parks.

Jeffreys bay Caravan Park currently has one dayshift guard and one nightshift guard. The security officers are performing Access control and Covid 19 protocol at the entrance.

Three Security officers for dayshift and three security officers for nightshift are required as it is a hotspot for crime when the park is full.

From 1 December 2021 until 10 January, we will need either contractual Seasonal Security officers or it will have to be overtime that will be worked every day and every night. We will need 10 seasonal Contract workers to cover the sites.

Gamtoos River mouth we will also need to do access at the entrance as vehicles enter the premises without paying and no covid 19 protocol is done. One Security officer for dayshift and one for nightshift will be enough.

Equipment/Vehicles
Pepper spray (already requisitioned)
Torches (already requisitioned)
2 Hired vehicles to be used by senior security officers

REGISTRATION AND LICENSING
Duties as normal except public holidays.

DRIVERS LICENCE TESTING CENTRES
Duties as normal except public holidays.
No appointments for renewals accepted from 16 December up to 31 December 2021.
Renewals will be done on a first come first serve basis in this period.
No driving and learners licence tests from 16 December to 31 December 2021.
Tests will resume on 3 January 2022.
Normal appointments will resume on 3 January 2022.

VEHICLE TESTING STATION
Roadworthy tests will be conducted as normal except on public holidays.
The Vehicle Testing Station will be conducting free roadworthy checks vehicles. This will be to assist the public with peace of mind that their vehicles are fit to travel during the season.

No prosecution will be done if any defects are found.
The owner will only receive a list of defects found if any.
The free test does not extend to vehicles needing roadworthy tests for registration and licensing purposes.

Measures that needs to be instituted, is the establishment of a Festive Season Coordination Committee the for purposes of promoting and ensuring safety on beaches, providing adequate emergency service resources, dissemination of public safety information and sustained cleanliness of public amenities.

FIRE, DISASTER AND EMERGENCY SEVICES

Fire Operational Section:
This section is responsible to manage the four (4) station, the staff, equipment and vehicles.

Station	Address	Number of staff	Number of staff per shift
Hankey - 24/7		8 x Fire Fighters	2 – Fire Fighters
Humansdorp - 24/7	R330	7 x Fire Fighters 1 x Support Services 4 x Senior Fire Fighters 4 x Control Room Operators 1 x Admin Officer	3 = 2 x Fire Fighters 1 x Senior fire Fighter 1 x Deputy Chief (D/S) 1 x Divisional Officer (D/S) 1 x Admin Officer (D/S) 1 x Chief Fire Officer (D/S)

		1 x Deputy Chief 1 x Divisional Officer 1 x Chief Fire Officer	
St Francis Bay - 24/7	St Francis Drive	8 x Fire Fighters	2 – Fire Fighters
Jeffreys Bay - 24/7	St Croix Street	8 x Fire Fighters 4 x Senior Fire Fighters 1 x Deputy Chief	3 = 2 x Fire Fighters 1 x Senior Fire Fighter 1 x Deputy Chief
		49	

All Fire Stations are manned and operational 24/7.

Fire fighters work two (2) twelve (12) hours day shifts and two (2) twelve (12) hours night shifts. Fire fighters are on standby when they off during the four (4) days.

Area of Coverage

Station	Area Cover	Assistant needed
Hankey	Cover all areas of Gamtoos Valley, which include: ✓ Hankey ✓ Thornhill ✓ Loerie ✓ Patensie ✓ All surrounding rural areas	Yes, farmers in Patensie were provided with a fire fighting trailer to assist while waiting for the fire services to arrive. Will also send back-up from Jeffreys Bay or Humansdorp depending on the locality and size of the incident
Humansdorp (Headquarters')	Provide services throughout the Kouga area. Humansdorp and all surrounding suburb's All surrounding rural areas.	Yes, will also be assisted by Hankey and Jeffreys Bay depending on the size and magnitude of the incident.
St Francis Bay	St Francis Bay Cape St Francis Bay Oyster Bay All surrounding rural areas	Yes, Oyster bay was provided with a fire fighting trailer to assist fire services. Humansdorp and Jeffreys Bay will also assist during disastrous incidents. DVG – Disaster Volunteer Group will also assist.
Jeffreys Bay	Jeffreys Bay/Kabeljous Aston Bay Paradise Beach All surrounding rural areas	Yes, Paradise Beach was provided with a fire fighting trailer to assist fire services. Humansdorp will assist during disastrous incidents.

Fire Fighting Vehicles

CALL SIGN	VEHICLE	REGISTRATION	BASED IN	OPERATIONAL
BK 1	TOYOTA HILUX	JTS 965 EC	Humansdorp	Yes
BK 2	GMC	CFL 662 EC	St Francis Bay	Yes
BK 3	DENNIS	CLP 384 EC	St Francis Bay	No
BK 4	NISSAN TANKER	BLH 195 EC	Jeffreys Bay	Yes
BK 5	TOYOTA HINO	DVS 430 EC	Humansdorp	Yes

BK 6	NISSAN PATROL	BRF 126 EC	St Francis Bay	Yes
BK 7	TOYOTA LANDCRUISER	FHY 414 EC	Humansdorp	Yes
BK 8	DENNIS	DVS 234 EC	Humansdorp	Yes
BK 9	TOYOTA TANKER	BLH 197 EC	St Francis Bay	Yes
BK 10	TOYOTA LANDCRUISER	FHY 408 EC	Jeffreys Bay	Yes
BK 11	ISUZU KB (DUTY VEHICLE)	FHY 438 EC	St Francis Bay	No
BK 12	IVECO DAILY	JGR 875 EC	Jeffreys Bay	Yes
BK 13	IVECO DAILY	JSJ 826 EC	Hankey	Yes
BK 14	IVECO EUROCARGO	JSJ 822 EC	Humansdorp	Yes
BK 15	FORD RANGER (DUTY VEHICLE)	DVD 611 EC	Humansdorp	No
BK 16	NEW IVECO DAILY			
D1	FORD RANGER (DISASTER)	JNC 189 EC	Humansdorp	Yes
LS 1	FORD RANGER	JMW 465 EC	Jeffreys Bay	Yes

Impact of the drought

The current drought will be a constant consideration in service delivery and the department will implement specific arrangements to this effect.

- Water storage tanks (5000 l JoJo) have been installed at Hankey and Humansdorp fire station to harvest rain water and minimise the use of potable water. This department envisage to install water tanks at Jeffreys Bay and St Francis Bay fire stations.
- Firefighting is becoming more labour intensive, with the use of bear beaters, rakes and other equipment to cordon off the areas around veld fires as part of containing them.
- For vegetation fires, the helicopters that can be contracted for the summer season will use sea water (as far as possible) to fight flames in areas that are inaccessible to firefighters.
- As a last resort, the service will use sea water in its vehicles for firefighting purposes, although this is not recommended as it could corrode equipment.

Available arial resources

The Fire Service will have access to the services of a helicopters and a spotter aircraft from 16 November 2021 to 15 April 2022. The chopper and spotter aircraft is based in Witelsbos in Tsitsikama.

The Landing zone in Paradise Beach and St Francis can be used for the Chopper and Fix wing Plane to land during fire fighting activities.

Possible funding implications / deviations

Call out procedures:

- In an emergency (a situation that poses an immediate risk of life, health, property or the environment) the normal procurement procedures cannot be followed.

- Any air support requested will come from the Chief Fire Office and the Municipal Manager for the approval for the spending.
- All air and ground support after the necessary approval, is granted can be requested through the Eastern Cape Ambarella Fire Protection Association.
- It will be the responsibility of the incident commander at large or extended incidents to request for additional resources to be deployed through the Chief Fire Officer.

The following information will form the base of the of the additional resources utilized.

- Reference number according the incident report book
- The date the resource was utilized
- The reason why additional resources were requested.
- The type of resources utilized, eg arial support, WOF teams, other yellow plant machines. Include the name of the company
- In the event that Working on Fire team was utilized, state which team and hoe the team arrived at the incident and time
- All other information which is deemed relevant.

Fire Protection Department

The Department will strive to increase its inspections and awareness campaigns at organized festive season events and venues to ensure compliance with fire safety regulations as well as covid 19 protocols.

Proactive fire-fighting activities

- Burn permits – prohibition period is from 1 November 2021 to 28 February 2022
- Fire risk plots – will be inspected as received, high risk plots will be dealt with.
- Plot clearing inspections – follow up inspections of notices issued.
- Awareness activities – all awareness activities at Hospitals and Shopping centres will be conducted for season preparedness.
- On application the following inspections will be conducted;
  I. Approval of building plans
  II. Events inspections
  III. Population Certificates
  IV. LPG installations
  V. General Fire safety compliance
  VI. Comments on land use applications
  VII. Covid 19 compliance according to current alert level as per Disaster Management Act

Early warning
Radio and social media platforms:
Kouga Municipal Facebook page
Oasis / Kouga radio station

Media liaison officer through different external platforms eg radio Algoa, newspapers.
What's-app groups established to assist with emergency incidents.

- Gamtoos fire & rescue group
- Thornhill fire & security
- Risk reduction St Francis
- DVG St Francis
- Kouga joint coordinating group.
- SAPS Humansdorp farming district group

During Events the section will focus on the following main areas in terms of the Festive Season Readiness Plan:

- Event coordination processes which will be undertaken through events committee meetings and cascaded down to other stakeholders for inspections.
- The permitting of events activities across Kouga.
- Cooperation with relevant departments, role-players and SAPS regarding the facilitation, coordination and monitoring of events activities across Kouga.

Fire, Disaster and Life Saving Management		
Kouga call center : 042 2002200 **Kouga fire & Disaster Management Control Room : 042 2910 250/2910 283**		
Name/ Surname	**Email address**	**Cell Number**
Emergency Contacts		
Mr. C. Du Plessiss - MM	cduplessis@kouga.gov.za	083 300 0126
Mrs. N. Machelesi – Director C/S	nomvulam@kouga.gov.za	073 086 4574
D. Barnard	dbarnard@kouga.gov.za	081 262 4306
M. Sodien	msodien@kouga.gov.za	081 518 9077
A Rossouw	arossouw@kouga.gov.za	081 482 2428
H. Van Rooyen	hvanrooyen@kouga.gov.za	081 271 8293
D. Phelan		072 312 5747
Fire Disaster Control Room		081 367 8557 042 2910 283 042 2910 250
P. Makupula		067 098 2920
Z. Mafuta		081 250 6690
Paul Van Jaarsveld	Station 37	079 916 0390
S. Jane	Station 21	082 895 5579
L Van Rensburg	Station 36	082 990 5968
C. Venter	cventer@kouga.gov.za	067 054 0402

N. Siwela		067 114 1329
E. Oostehuizen	eddieo@kouga.gov.za	067 107 9325
J. Du Toit	jdutoit@kouga.gov.za	067 106 3691
T. Madatt	tmadatt@kouga.gov.za	067 108 1069
B. Bosch	bbosch@kouga.gov.za	067 106 4928
N. Gouws	ngouws@kouga.gov.za	081 492 3216
R. Nel	rnel@kouga.gov.za	081 572 3498
S. Nelson	snelson@kouga.gov.za	081 464 4826
A Floors	afloors@kouga.gov.za	081 215 8713
S. Hartley	shartley@kouga.gov.za	081 7537315
Tinus Botha		082 922 8637
SAPS Jeffreys Bay		042 200 6804
SAPS Humansdorp		042 200 4718
SAPS St Francis Bay		042 2001817
SAPS Thornhill		042 286 6200
SAPS Hankey		042 284 8201
SAPS Patensie		042 283 8429
Metro ambulance Services		042 291 0020
Private Care		042 291 0749
Guardmed		082 875 6010

DISASTER RISK MANAGEMENT:
The Disaster Risk Management Centre (DRMC) will coordinate major incidents or disasters in accordance with the Municipal Disaster Management Plan and applicable risk specific plans.

The current drought/ water crisis prevailing in the Kouga area and the greater Sarah Baartman District Municipality has resulted in the formulation of an Business Plan details measures to be implemented to deal with the crisis and funding arrangements.

With the influx of people to our coastal towns, the Municipality needs to step up to manage our water resources.

The department is committed to being water resilient and we urge the public to adhere to the current restrictions regime and assist in keeping their water usage to the minimum. The following measures have been implemented at all swimming pools and coastal facilities:

- Installation of metered/push button taps
- Stricter control of bathing attire
- Signage placed at all facilities to raise awareness among patrons about responsible water use

The Disaster Operation Centre with the assistance of al sector departments will monitor all scheduled activities/events and will keep the Festive Season Coordinating Committee informed.

Lifeguards

Lifeguarding on beaches begins on 1 November 2021 with twelve (12) lifeguards manned the Blue Flag beach and thirty six (36) seasonal lifeguards deployed at the various beaches between 07:00 and 16:00 and other from 9h00 to 18h00 or as needed during the priority period between Christmas and New Year. This year the lifeguard section is strengthened with seven (7) team leaders that will be appointed. Two shark spotter; one for the blue flag beach and one for Cape St Francis Bay

Lifeguards	Appointed	Beach Area
12 Lifeguards	1 November 2021 – 30 April 2022	Blue Flag Beach
36 x Seasonal lifeguards	1 December 2021 – 15 January 22	Rest of beaches
2 x Shark Spotters	1 November 2021 – 30 April 2022 1 December 2021 – 15 January 22	Blue Flag Beach Cape St Francis
7 x Team Leaders	1 December 2021 – 15 January 22	Rest of beaches

Lifeguard permanent staff

Kouga Municipality has appointed two (2) Senior Lifeguards to manage and oversee the seasonal lifeguards over the period mentioned above.

The department has partnered with the National Sea Rescue Institute to provide additional rescue services along the Kouga coastline.

Lifeguard Equipment

1 x Ford Ranger 4x4 single cab
1 x jet-ski
Other small equipment to render lifeguard duties.
1 x Lifeguard container at Kabeljous, fully operational
1 x Lifeguard container at lagoon parking area, fully operational

In the past there has been a number of near drowning incidents at some of the water bodies along the coastline of Kouga. These incidents have been a result of the general public lacking awareness on water safety and also those that visit Kouga during the festive season having limited knowledge of which areas are suited for bathing and which areas can pose a danger. With this in mind, the lifesaving section used their expertise and conducted a risk assessment on all the surrounding water bodies, with the results they came up with a contingency plan to assist in mitigating the risk of near drowning incidents.

The first plan of action was to identify the non-swimming and the bathing beaches and estuaries, identify areas that constantly have dangerous rip currents, and also the areas patrolled by lifeguards for a short period compared to the Blue Flag which has lifeguards for 6 months.

After identifying these areas, the department created public awareness by firstly erecting informative and warning signage on site at all these areas around Kouga, in addition there will be awareness campaigns posted weekly on all local media platforms between 1 November 2021 – 30 April 2022.

Areas along the coastal belt where signage was erected.

- Eight (8) Rip Current Warning were erected in the following areas.

I. Kabeljous Beach
II. Main Beach
III. Pelsrus Beach
IV. Aston Bay Beach
V. Paradise Beach
VI. St. Francis Main Beach
VII. Cape St Francis
VIII. Oyster Bay

- Twelve (12) Area Not Patrolled By Lifeguards, Swimming Not Allowed" boards were erected in the following areas.

I. 4 X Kabeljous Lagoon
II. Lower Point
III. Point
IV. Magnatubes (Checkers Beach)
V. Opening Opposite Bp Garage (Jeffreys Bay Caravan Park)
VI. Old Pelsrus Park
VII. Tapas Restaurant
VIII. Hobbie Beach
IX. Anne Avenue

- Nine (9) "Do Not Swim When Lifeguards Are Not On Duty" boards were erected in the following areas.

I. Kabeljous Beach
II. Pelsrus Beach
III. Aston Bay
IV. Paradise Lagoon
V. Paradise Beach
VI. St. Francis Main Beach
VII. Granny's Pool
VIII. Cape St Francis
IX. Oyster Bay Beach





Public Emergency Communication Centre

As the first port of call for any emergency, the Fire control room provides a 24-hour emergency communication centre.

As always, the communication centre will be adequately staffed to ensure that all incidents received are logged and dispatched to the relevant service providers. Depending on the situation or event, additional staff will be brought in to cover the influx of calls.

Education and awareness activities will continue as per the centre's annual plan. In addition,

For any emergency, call 042-2910250 or cell phone 0813678557

Conduct and discipline

The Directorate's will be at full strength during this period to ensure that any complaints received from the public are dealt with swiftly and decisively. The Directorate expects from its members that their conduct at all times be above question and it will therefore endeavour to ensure that a high level of discipline is maintained in all its departments. Members of the public can submit complaints via the Kouga Call centre 042-2002200

Municipal Officials

Name of municipal official	Designation	Line Function(s)	Telephone	Fax / Tel	Email
Mrs. N. Machelesi	Director	Director Community Services	0730864574	**042 2002200**	nomvulamkouga.gov.za
Mr. D Barnard	Manager Fire & Disaster Management	Fire & Disaster Management	0812624306	**042 2002200**	dbarnard@kouga.gov.za
Mr. R Nel	Manager Safety & Security	Traffic Control		**042 2002200**	rnel@kouga.gov.za
tbc	Manager Infrastructure & Engineering	Infrastructure & Engineering	0671079325	**042 2002200**	
Mr N Swarts	Manager Asset & Property	Asset & Property		**042 2002200**	nswarts@kouga.gov.za
Mrs. C. Venter	Manager Environmental & Health and Parks	Environmental & Health	067 054 0402	**042 2002200**	cventer@kouga.gov.za
Mrs. M. Rossouw	Manager Administration	Administration		**042 2002200**	mrossouw@kouga.gov.za
Mr. T. Madatt	Manager Electrical Service	Electrical Service	0671082069	**042 2002200**	tmadatt@kouga.gov.za
Mr. R. Lorgat	CFO	Chief Financial Officer		**042 2002200**	Rlorgat@kouga.gov.za
Mr. C. Du Plessis	Municipal Manager	Municipal Manager	0833001026	**042 2002200**	cduplessis@kouga.gov.za

N. Gouws	Superintendent	Fleet Management	0814923216	**042 2002200**	ngouws@kouga.gov.za
Mrs. L September	Supervisor	Call Centre	067 109 6800	**042 2002200**	lseptember@kouga.gov.za

4. Recommendation

4.1 The Festive Season preparedness report for Community Services be noted and supported.

Item prepared by Director: Community Services

Item noted by Municipal Manager

REPORTS BY THE PORTFOLIO CHAIRPERSON: PLANNING AND DEVELOPMENT

KOUGA MUNICIPALITY (EC 108)

ORDINARY COUNCIL MEETING

PLANNING DEVELOPMENT AND TOURISM

DATE: 10 DECEMBER 2021 **ITEM NO: 21/12/PDT1**

PARTNERSHIP AGREEMENT BETWEEN KOUGA LOCAL TOURISM ORGANISATION AND KLM TO CO-HOST THE 2021 FESTIVE SEASON EVENTS UNDER THEME "SUMMER OF LIGHTS"

1. Purpose

The item is tabled to seek Council approval for the planned summer programme and the proposed partnership with Kouga Local Tourism Organization (KLTO) to implement the programme as annexed in this item.

2. Background

The Municipality launches a summer festive programme on an annual basis. The planning of the season has been adversely affected due to fluctuating and unpredictable covid 19 lockdown restrictions.

The country was recently placed on lockdown level 1 and thus allowing more flexibility for tourism linked programmes.

The LED & Tourism Department has in taking the presented opportunity, identified partners that will assist with capacity in-order to host a successful and vibrant season. KLTO is an NPO that has a long- standing relationship with the Municipality and formed in terms of the Dept. of Tourism guidelines.

3. Comments by Director Planning, Development and Tourism

The item is supported as this is a major event that aligns to the vision of placing the Kouga LM as events capital in SA. The destination marketing and exposure of Kouga in various media platforms created by the event is immense. The partnership will ensure additional capacity and efficiency in implementation

4. Financial Implications

There is secured budget of R 750 000 for the Festive season.

5. Legal Implications

Section 67 of the MFMA reads as follows:

Funds transferred to organisations and bodies outside government
67. (1) Before transferring funds of the municipality to an organisation or body outside any sphere of government otherwise than in compliance with a commercial or other business transaction, the accounting officer must be satisfied that the organisation or body—
(a) has the capacity and has agreed—

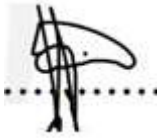
(i) to comply with any agreement with the municipality;
(ii) for the period of the agreement to comply with all reporting, financial management and auditing requirements as may be stipulated in the agreement;
(iii) to report at least monthly to the accounting officer on actual expenditure against such transfer; and
(iv) to submit its audited financial statements for its financial year to the accounting officer promptly;
(b) implements effective, efficient and transparent financial management and internal control systems to guard against fraud, theft and financial mismanagement; and
(c) has in respect of previous similar transfers complied with all the requirements of this section.
(2) If there has been a failure by an organisation or body to comply with the requirements of subsection (1) in respect of a previous transfer, the municipality may despite subsection (1)(c) make a further transfer to that organisation or body provided that—
(a) subsection (1)(a) and (b) is complied with; and
(b) the relevant provincial treasury has approved the transfer.
(3) The accounting officer must through contractual and other appropriate mechanisms enforce compliance with subsection (1).
(4) Subsection (1)(a) does not apply to an organisation or body serving the poor or used by government as an agency to serve the poor, provided—
(a) that the transfer does not exceed a prescribed limit; and
(b) that the accounting officer—
(i) takes all reasonable steps to ensure that the targeted beneficiaries receive the benefit of the transferred funds; and
(ii) certifies to the Auditor-General that compliance by that organisation or body with subsection (1)(a) is uneconomical or unreasonable.

6. Recommendation

6.1 That Council endorses summer festive season programme as presented to Council.

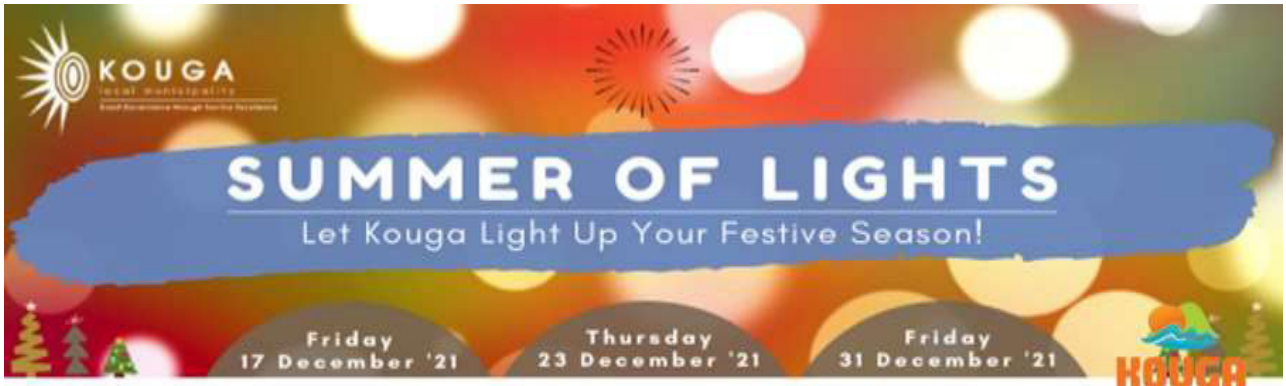
6.2 That Council authorizes the Accounting Officer to conclude a partnership agreement with KLTO for the implementation of the Summer Festive season in partnership with the Municipality.

Item prepared by: Events Coordinator

Approved by the Director: Planning, Development and Tourism 

Item noted by Municipal Manager 

ANNEXURE A: SUMMER FESTIVE SEASON PROGRAMME:

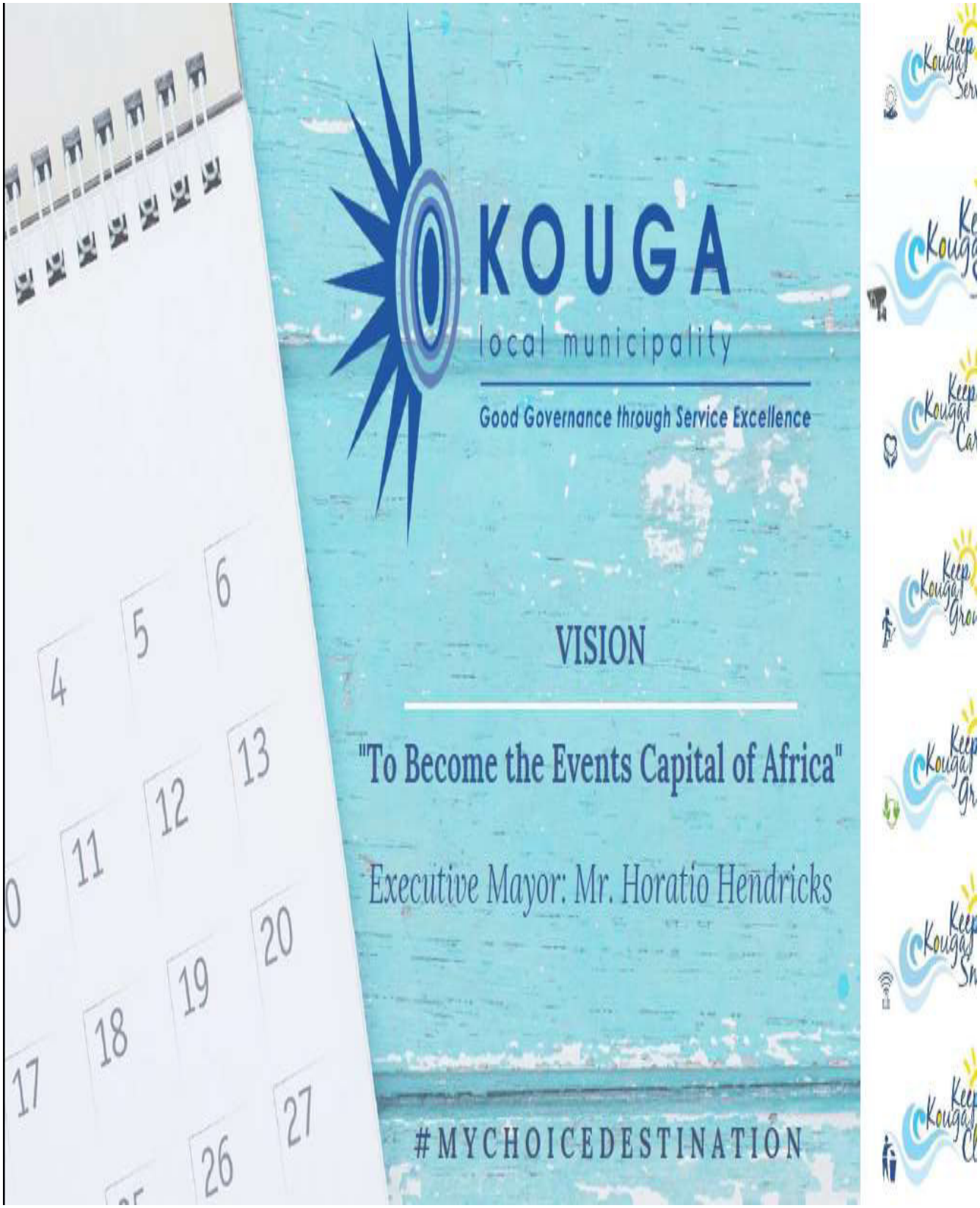


KOUGA LOCAL MUNICIPALITY 2021 EVENTS CALENDAR

• 1 December 2021 - 31 January 2022	Fun4u Amusement Rides - Dolphin Beach	Dolphin Beach
• 10 December 2021 - 11 January 2022	J'Bay Market	Jeffreys Bay
• 15 December 2021 – 15 January 2022	St Francis Flipping - Helicopter Rides	St Francis Bay
• 16 December 2021 - 16 January 2022	Funzone - Gypsy Events	Dolphin Beach
• 16, 17 & 31 December 2021	Jbay Beach Sports Tournament	Dolphin Beach
• 17 December 2021	"Summer of Lights" Opening of the Season Programme	Dolphin Beach
• 17 – 18 December 2021	Jbay Lifestyle Expo	Newton Hall
• 18 December 2021	Seekoei River Wine Festival	Chatten Farm
• 19 December 2021	AFM Deo Doxa Celebration Service	Dolphin Beach
• 19 - 31 December 2021	Rezco Summer Series	St Francis Bay
• 20 December 2021	60 Min Zumtae with Edge Fitness Clubs Jbay Skins Fishing Competition	Dolphin Beach Kabeljous Beach
• 20 December 2021 - 02 January 2022	Helicopter Rides	Jeffreys Bay
• 22 December 2021	60 Min Bootcamp with Edge Fitness Clubs	Dolphin Beach
• 23 December 2021	The Summer of Lights Christmas Programme	Dolphin Beach
• 23, 28 December 2021 & 1 January 2022	St Francis Summer Paddling Series	St Francis Area
• 26 -31 December 2021 and 1 - 2 January 2022	Billie's Beach	St Francis Bay
• 26 December 2021	1Touch Rugby	Dolphin Beach
• 27 December 2021	60 Min X-Fit with Edge Fitness Clubs	Dolphin Beach
• 29 December 2021	60 Min Yoga - Edge Fitness Clubs	Dolphin Beach
• 30 December 2021	60 Min Self Defense Class - Smhart Marina Mile	Dolphin Beach Marina Martinique
• 31 December 2021	"Summer of Lights" New Years Eve Programme	Dolphin Beach




KOUGA
local municipality
Good Governance through Service Excellence
KOUGA
TOURISM
Eastern Cape
2021 PROPOSAL
FESTIVE SEASON PROGRAMME
KOUGA LOCAL MUNICIPALITY
IN PARTNERSHIP WITH
KOUGA LOCAL TOURISM ORGANISATION
SUMMER


KOUGA
local municipality
Good Governance through Service Excellence
VISION
"To Become the Events Capital of Africa"
Executive Mayor: Mr. Horatio Hendricks
#MYCHOICEDESTINATION



THE FESTIVE SEASON PROGRAMME

While Kouga has much to offer, our beaches are the main attraction over the summer season.

We want our residents and visitors to have a safe and memorable experience, with our residents opting for staycations and our visitors returning for more.

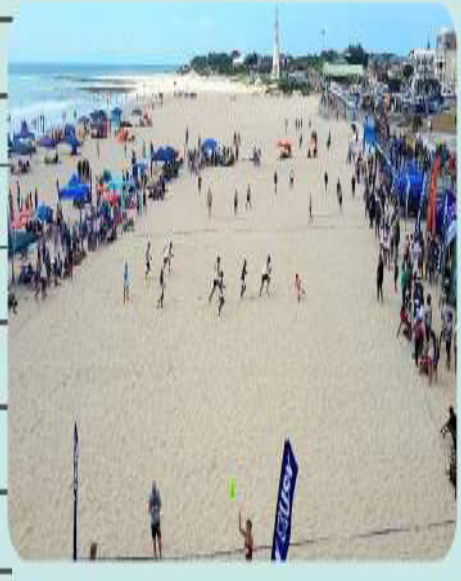
KOUGA
local municipality
Good Governance through Service Excellence

17 December 2021

OPENING OF THE SEASON PROGRAMME



Time	Event
08:00 - 09:30	Media Breakfast - SBD Media Houses, Bloggers and Influencers
09:00 - 16:00	Beach Sports: Touch Rugby, Netball, Soccer and Volleyball
10:00 - 15:00	Save the Water Campaign Kiddies Activities, Gypsy Events Free Kiddies Entertainment, and Giveaways.
10:00 - 11:00	Color Run
11:30 - 14:00	Tourist Welcome at Humansdorp and Kabeljous
15:00 - 16:30	Mayoral Talent Show
17:00 - 17:30	Open Mic Comedy Set
17:45 - 17:55	Welcoming - Speaker
18:00 - 21:30	Live Concert - live acoustic band, 6 local artists and 2 national headline artists.
21:45 - 22:00	Mayor Speech - Festival of Lights Ceremony, Fire Works / Lasershow
22:05- 22:30	Lumo Party



KOUGA TOURISM
Eastern Cape

MERRY CHRISTMAS

23 December 2021

CHRISTMAS PROGRAMME



Time	Event
15:00 - 18:00	Christmas photo booth
15:00 - 16:00	Father Christmas Fire Truck Tour - Mayor and Father Christmas
15:00 - 16:00	Die Drama Club Theatre Production
16:15 - 16:20	Mayoral Committee Member Christmas Message
17:00 - 18:30	Christmas Stage Production
19:00 - 19:30	Christmas Carols - Stephanie Baardman
20:00 - 22:00	Outdoor Christmas Movie Marathon and Family Picnic





KOUGA local municipality

KOUGA TOURISM Eastern Cape

HAPPY New Year

31 December 2021

NEW YEAR'S EVE PROGRAMME

Time	Event
08:00 - 15:00	Beach Sports: Touch Rugby, Netball, Soccer and Volleyball
10:00 - 15:00	Save the Water Campaign Kiddies Activities, Fun in the Sun Competition, Sandcastle Competition, Family Games and Giveaways.
15:30 - 17:30	Opening - Kouga Goes Live with the Bands - 4 local bands
18:00 - 19:30	New Year's Eve Message and Worship Service (Driven by AGS Deo Doxa and other.
20:00 - 21:40	Live Concert - 6 local artists and 2 national headline artists.
21:50 - 22:00	Mayor's New Year's Eve Speech and Fireworks/Lasershow
22:05 - 22:30	Closing - Local Artists





KOUGA local municipality
Good Governance through Service Excellence

KOUGA TOURISM
Eastern Cape

Catering

- Media Breakfast on 17 December 2021.
- Lunch for Media Breakfast Group on 17 December 2021.
- Greenroom on 17th, 23rd and 31st of December 2021.
- Catering for KLM Officials on Duty for all 3 days.

Transportation

- Shuttle Bus for Out-of-Town Media Breakfast Guests.
- Flights for Out-of-Province Headline Artists.
- Return Airport Shuttle for Out-of-Province Headline Artists.

Accommodation

- 4 Out of Town Headline Artists
- Out of Town Media House Representatives, Bloggers and Influencers.

KOUGA local municipality
Good Governance through Service Excellence

KOUGA TOURISM
Eastern Cape



KOUGA
local municipality
Good Governance through Service Excellence

KOUGA
TOURISM
Eastern Cape


KOUGA
local municipality
Good Governance through Service Excellence
KOUGA
TOURISM
Eastern Cape
WELCOME TO JEFFREYSBAY
Thank You

KOUGA MUNICIPALITY (EC 108)

ORDINARY COUNCIL MEETING

PLANNING DEVELOPMENT AND TOURISM

DATE: 10 DECEMBER 2021 **ITEM NO: 21/12/PDT2**

RE-PRIORITISATION OF ESKOM FUNDING ALLOCATION FOR THE INSTALLATION OF ELECTRICAL CONNECTIONS IN THE GAMTOOS VALLEY MUNICIPAL AREA

1. Introduction:

Kouga Municipality received correspondence from ESKOM regarding a DoRA allocation of **R 10 440 000,00** for the electrification of informal settlements in the 2022/23 and **R14 912 000,00** in the 2023/24 Financial Years.
Below is ESKOM funding allocation for 2021/22, 2022/23 and 2023/24

Integrated National Electrification Programme (Eskom) Grant		
National and Municipal Financial Year		
2021/22 (R'000)	*2022/23 (R'000)*	*2023/24 (R'000)*
33 450 -	74 309 -	54 925 -
2 248 - 28 176 2 059 5 730 12 047 1 601 -	1 290 - 18 953 1 424 5 772 10 440 2 333 -	3 309 - 6 914 2 873 6 884 14 912 3 049 -

In a Council meeting held on 30 June 2021 Council resolved (21/06/PD8) the following:

1. That Council approves the electrification of 154 informal houses in Loerie (154) and 71 informal houses in Loerie (71) in the 2021/22 FY,

2. That Council approves the electrification of 278 informal houses in Ramaphosa Village (278) in the 2022/23 FY,

3. That Council approves the electrification of 990 informal houses in Hankey (990) in the 2023/24 FY.

ESKOM project representatives and municipal officials met virtually on 08 October 2021, the discussions focused on challenges regarding project readiness of the Stuurmanskop relocation site. A decision was made thereafter to inform Council about the challenges and seek approval from Counci to re-prioritise the approved electrification projects and implementation plan for 2022/23 and 2023/24 FY.

2. Purpose

This report is to appraise Council on the re-prioritisation of ESKOM funding allocation for the electrification of informal settlements in the Gamtoos Valley municipal area, in the 2023/24, 2024/25 FY.

3. Comments by the relevant Director

Eskom never notified the municipality of the allocation as per the DoRA dated 8 March 2021. Eskom only drew Kouga's attention to the allocation when Kouga was requested to transfer **R 1 043 846.18** to Sunday's River municipality on the 7th June 2021 to assist with a shortfall on their project. Kouga was not involved in Eskom's planning process and the funding came as a surprise as no request was made from Kouga. The application process to seek funding from the DMRE was done in isolation and would have been better managed if it was done in line with Kouga municipalities readiness and priorities.

4. Financial implications

Kouga will as a result forfeit the 2022/23 allocation due to the short notification and the projects will not be ready as they require a huge capital investment which did not form part of our planning. Council committed the bulk of the capital budget towards drought projects due to our status of disaster.

5. Legal implications

None

6. Other implications

None

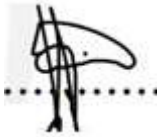
7. Recommendation

7.1 That the report on the grant funding approval of **R 10 440, 000,00** for the electrification of informal settlements in the 2022/23 and **R 14 912, 000.00 in the 2023/24** Financial years be noted;

7.2 That Council approves the re-prioritization of the electrification program of Ramaphosa Village due to challenges with the Stuurmanskop relocation site;

7.3 That Council approves the electrification of Cyril Ramaphosa (278) informal houses in the 2023/24 FY.

Item prepared by: Manager: Human Settlements

Approved by the Director: Planning, Development and Tourism 

Item noted by Municipal Manager 

KOUGA MUNICIPALITY (EC 108)

ORDINARY COUNCIL MEETING

PLANNING DEVELOPMENT AND TOURISM

DATE: 10 DECEMBER 2021 **ITEM NO: 21/12/PDT3**

EXTENSION OF PERIOD FROM 1st JANUARY 2022 to 30 JUNE 2022: WAIVING OF PENALTIES IMPOSED ON BUILDING PLAN SUBMISSIONS FOR UNAUTHORISED BUILDING WORK IN TERMS OF THE NATIONAL BUILDING REGULATIONS AND STANDARDS ACT (103 OF 1977)

1. Background:

The Department Planning & development received numerous applications from property owners in the Kouga Municipal area for exemption of fines and penalties imposed on them for not complying to the National Building Regulations.

The problem emanated from historical reasons such as:

- previous owners build or extent their buildings without approved plans.
- Did revisions/Alterations without approved plans.
- Inspections by the municipal officials in the past not done properly and final inspections was not done, and occupation certificates not issued.
- Building plans never returned by architects or draught person to the Municipality for final approval.
- Building Plans got lost during removal from Jeffreys Bay offices to Humansdorp.

The new owners envisaged a problem of non-compliance when they submit new plans for alterations or additions to their buildings. The Building Control Officer, when receiving plans for alterations or additions then have to impose penalties in terms of the National Building Regulations and the Municipality Standard application fee structure. (4 Times the plan fee amount for penalties)

The Department Planning, Development & Tourism has received many applications during the past year and gave amnesty to many applicants not to pay the penalties and only pay normal application fees.

The period ending at the end of December 2021 and after this period lapse, penalties will then again be enforced by the Building Control Section. Therefore, the proposal by the Department for the extension of the period.

2. Introduction

The Kouga Municipal Council resolved in 2018 as follows:

18/12/PDT6 **APPLICATION FOR IMPLEMENTATION OF AN AMNESTY PERIOD IN RELATION TO PENALTIES IMPOSED ON BUILDING PLAN SUBMISSIONS TO THE DEPARTMENT PLANNING & DEVELOPMENT: UNAUTHORISED BUILDING WORK IN TERMS OF THE NATIONAL BUILDING REGULATIONS AND STANDARDS ACT, ACT 103 OF 1977.**

Resolved (11 December 2018)

1. That the implementation of an amnesty period of 18 months, on building plan submissions to the department planning and development in respect of unauthorised building works, from a date to be determined by Council, be approved.

2. That the applicant shall where applicable, be required to comply with the National Building Regulations and Standards Act ,1977(Act 103 of 1977, as amended) to ensure sound building control management, be supported.

3. The Council reserves the right to impose conditions to ensure compliance to other applicable legislation, be supported.

4. That the amnesty period as determined by Council be published in the local newspaper during January 2019 for a period of 18 months effective from date of publication to inform all residents of the waiver period for penalties, be supported.

5. That the penalties being waived be reported to Council for endorsement.

Further extension of amnesty periods for June 2021and ending 31st December 2021. The Planning & Development Department has received requests from the professional architects, Technologists, and persons in the building industry to extent the amnesty period. It is argued that disruptions caused during the implementation of the "covid-19 lockdown periods" in terms of the National Disaster Management Act caused delays in finalisation of the applications that qualify for amnesty.

3. Legal Implications

None.

4. Financial Implications

The waiver of penalties has not a negative effect on the income stream of the municipality due to the new number of applications received and the adjustment of the value of the property counter the loss on the long term.

5. Recommendation

5.1 That the Council approves the extension of amnesty period for submission of building plans applications on existing unauthorised buildings from January 2022 to the end of 30 June 2022.

5.2 That the waiver of penalties will only apply to building works done before January 2019 (1st amnesty period).

5.3 That, the applicant shall where applicable, be required to comply with the national building regulations and Standards Act ,1977(Act 103 of 1977, as amended) to ensure sound building control management.

5.4 The Council reserves the right to impose conditions to ensure compliance to other legislation.

5.5 The proposed period for exemption determined by the Council be published in the local newspaper, municipal website, and other platforms to inform all residents of the amnesty period for penalties.

Item prepared by: Manager: Planning & Development

Approved by the Director: Planning, Development and Tourism .....

Item noted by Municipal Manager