

**MINUTES OF THE COUNCIL MEETING OF THE BREEDE VALLEY MUNICIPALITY
HELD ON 9 FEBRUARY 2015 IN THE COUNCIL CHAMBER, CAPE WINELANDS
DISTRICT MUNICIPALITY, 51 TRAPPES STREET, WORCESTER.**

**PLEASE RETAIN THIS DOCUMENT FOR RECORD PURPOSES AS IT WILL NOT BE
CIRCULATED AGAIN.**

PRESENT AND IN ATTENDANCE:

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

ABSENT WITHOUT APOLOGY:

1. OPENING

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

PART 3: MEETINGS

4. Commencement of meetings of Council

The Speaker must take the chair at the time stated in the notice of the meeting or as soon thereafter as is reasonably possible: provided that the meeting does not commence later than 30 (thirty) minutes after the time stated in the notice of the meeting and must proceed immediately with the business of the meeting, subject to Clause 13.

13. Quorum

- (1) A majority of the Councillors constitutes a quorum.
- (2) If there is no quorum at the time for which the meeting is scheduled, the meeting must be delayed for no longer than 20 (twenty) minutes and if at the end of that period, there is still no quorum, the Speaker must adjourn the meeting to the same time, a week later at an available venue and the time of such adjournment, as well as the names of the Councillors present, must be recorded in the minutes.
- (3) Whenever the Speaker is not present and there is no quorum, the start of the meeting must be delayed for no more than 20 (twenty) minutes and if there is no quorum at the end of that period, the Municipal Manager must adjourn the meeting to the same time, a week later at an available venue and the time of such adjournment, as well as the names of the Councillors present, must be recorded in the minutes.
- (4) Whenever during a meeting there is no quorum, the Speaker must suspend the proceedings until a quorum is again present: Provided that if after 15 (fifteen) minutes there is still no quorum the Speaker must adjourn the meeting to the same time, a week later at an available venue and the time of such adjournment, as well as the names of the Councillors present, must be recorded in the minutes.
- (5) The Speaker must report the names of the absentee Councillors to the committee established in terms of Clause 11.2 (Disciplinary Committee) for the purposes of an investigation of a breach of these Rules.

At 10:05 the Speaker called the meeting to order and request a minute of silence. Cllr. R. Farao continues with a prayer.

1.1 Announcement of Councillors birthdays

Cllr. S. Lakey	03 January
Cllr. S.E. James	17 January
Cllr. P.B. Januarie	24 January
Cllr. L. Dyabooi	3 February
Cllr. A.E. Jordaan	8 February
Cllr. A. Steyn	27 February

The Speaker asked Cllr. T.M Wehr to congratulate the Councillors on their birthdays on behalf of Council.

2. ELECTION OF (ACTING) SPEAKER, IF NECESSARY

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3. APPLICATIONS FOR LEAVE OF ABSENCE

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

10. Leave of absence

- (1) A Councillor who wishes to absent himself or herself from meetings must, before so absents himself or herself, obtain leave of absence via the Whip of the respective Political Party, from the Speaker or Chairperson of a Committee prior to a meeting: Provided that the Speaker or Chairperson of a Committee, on good cause, may grant leave of absence after the meeting to a Councillor who has been prevented by special circumstances from obtaining leave of absence prior to the meeting.
- (2) Where necessitated due to circumstances, leave of absence by Councillors must be duly applied for -
 - (a) In the case of Council – to the Speaker;
 - (b) In the case of meeting of Committees of Council – to the Chairperson of the relevant Committee and the Administration must also be timeously informed so that the alternate for the relevant Councillor of the Committee can be informed in time to ensure a quorum;
 - (c) In the case of workshops, congresses, functions and other meetings than those contemplated in (a) and (b) above – to the Speaker to grant approval in such cases and the Administration must also be timeously informed in the event that Councillors cannot attend workshops, congresses, meetings, functions, etc. so that cancellation arrangements can be made to avoid fruitless expenditure.
- (3) In the event that Councillors have not timeously applied for leave of absence as contemplated in (a) to (c) above and the non-attendance results in expenditure related to the attendance of workshops, congresses, meetings, functions, etc. not being recoverable, such expenditure will constitute fruitless expenditure in terms of the Local Government: Municipal Financial Management Act, 2003 (Act No. 56 of 2003) (MFMA) which holds serious implications and penalties;
- (4) Should Councillors contravene Items (1) and (2) above, the contravention will be -
 - (a) Addressed in terms of the Code of Conduct for Councillors [Schedule 1, Item 4, in the Local Government: Municipal Systems Act (Act 32 Of 2000)] as a contravention of the Code;
 - (b) Dealt with as a contravention of Section 32 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) and any non-recoverable costs recovered from the relevant Councillor.

3.1 A blank Application for Leave of Absence form is enclosed

Cllr. S. Lakey

Cllr. C. Ismail

Cllr. C Ntsomi

The Municipal Manager

The Chief Whip of the ANC made apologies for all the ANC Councillors.

3.2 The Attendance Registers will be available at the meeting

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

9. Attendance at meetings

- (1) Every Councillor attending a meeting of the Council must sign his or her name in the attendance register kept for such purpose.
- (2) A Councillor must attend each meeting except when –
 - (a) Leave of absence is granted in terms of Clause 10; or
 - (b) The Councillor is required to withdraw in terms of law.

4. INTERVIEWS WITH OR PRESENTATIONS BY DEPUTATIONS

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

20. Deputations

- (1) A deputation seeking an interview with Council must give the Municipal Manager 6 (six) days written notice of its intention and furnish details of the representations to be made and the source of the deputation.
- (2) The Municipal Manager must submit a request by a Deputation for an interview with Council to the Speaker, who may decide to grant or refuse an interview and under what conditions.

5. CONFIRMATION OF MINUTES

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

12. Minutes

- (1) Minutes of the proceedings of meetings must be compiled in printed form and be confirmed by the Council at the next meeting and signed by the Speaker.
- (2) The minutes shall be taken as read, for the purpose of confirmation, if a copy thereof was sent to each Councillor within forty eight hours before the next meeting, subject to the provisions of sub-Clause (4).
- (3) No motion or discussion shall be allowed on the minutes, except in connection with the correctness thereof.
- (4) The minutes formulated and screened during meetings, shall constitute a resolution for purposes of implementation of decisions.

5.1 Council Meeting held on 11 December 2014 (copy enclosed)

RECOMMENDATION

That in respect of -

CONFIRMATION OF MINUTES

discussed by Council at the Council meeting held on 9 February 2015:
as the Minutes of the Council Meeting held on 11 December 2014 were sent to each councillor at least forty eight hours prior to the meeting, the minutes of the Council meeting held on 11 December 2014 be taken as read and confirmed.

Proposed: Cllr. J.F. van Zyl

Seconded: Cllr. G. Stalmeester

RESOLVED:

C2/2015

That in respect of -

CONFIRMATION OF MINUTES

discussed by Council at the Council meeting held on 9 February 2015:
as the Minutes of the Council Meeting held on 11 December 2014 were sent to each councillor at least forty eight hours prior to the meeting, the minutes of the Council meeting held on 11 December 2014 be taken as read and confirmed.

6. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

The Speaker reminded the public present in the meeting that they are also bound by the Rules of Order and if any public member misbehaves during meetings, he or she will be removed immediately from the meeting, and will not be allowed back.

7. STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR

The Mayor welcomed all Councillors and officials to the meeting and wished them fruitful deliberations.

8. REPORT BY THE EXECUTIVE MAYOR ON DECISIONS TAKEN BY THE EXECUTIVE MAYOR, THE EXECUTIVE MAYOR TOGETHER WITH THE DEPUTY EXECUTIVE MAYOR AND THE EXECUTIVE MAYOR TOGETHER WITH THE MAYORAL COMMITTEE

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

PART 3: MEETINGS

5. Order of business

(1) The business of meetings of the Council will appear in the following order on the agenda

(h) Report by the Executive Mayor on decisions taken by the Executive Mayor, the Executive Mayor together with the Deputy Executive Mayor, and the Executive Mayor together with the Mayoral Committee;

THIS REPORT IS FOR NOTIFICATION. QUESTIONS FLOWING FROM THE REPORT MUST BE SUBMITTED AS PER SECTION 32 OF THE RULES OF ORDER (PN 7118 OF 2013)

MAYCO HELD ON 21 OCTOBER 2014

8.1 The Deputy Executive Mayor: Cllr. J.D. Levendal

8.2 MMC1: Cllr. W.M. Blom

8.2.1 IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 30 SEPTEMBER 2014. MFMA SECTION 71 AND 52(d) Report

RESOLVED:

EX97/2014

That in respect of

PRELIMINARY FINANCIAL REPORT FOR THE PERIOD ENDED 30 SEPTEMBER 2014

Council takes note of the Budget statement tables:

- C1 s71 Monthly Budget Summary in annexure 1.4 A
- C2 Monthly Budget Statement – Financial Performance (Standard classification) in attachment 1.4 B
- C3 Monthly Budget Statement – Financial Performance (Revenue and Expenditure by municipal Vote) in annexure 1.4 C
- C4 Monthly Budget Statement – Financial Performance (Revenue and Expenditure) in annexure 1.4 D
- C5 Monthly Budget Statement – Capital Expenditure (Municipal vote, standard classification and funding) in annexure 1.4 E
- C6 Monthly Budget Statement – Financial Position in annexure 1.4 F
- C7 Monthly Budget Statement – Cash Flow in annexure 1.4 G
- Council takes note of the Debtors analysis in annexure 1.5;
- Council takes note of the ratio analysis contained in the report;
- Council takes note of the Creditors analysis in annexure 1.6;
- Council takes note of the Investment portfolio analysis in annexure 1.7;
- Council takes note of the Transfers and Grants receipts until 30 September 2014 in annexure 1.8;
- Council takes note of the Expenditure on councillor allowances and employees benefits as in annexure 1.9 A and;
- Council takes note of the schedule of the breakdown of overtime, the cost for temporary employment for the period 1 July 2014 – 30 September 2014.
- Directors are requested to ensure that effective control is exercised on overtime as reflected in annexure 1.9 B.
- Council takes note of the budget statement performances in annexure 1.10.
- Council takes note of the Capital Programme performance in annexure 1.11.
- Council takes note of material variances to the service delivery in annexure 1.12.
- Council takes note of the budget statement of financial performance and the operating results for the period ended 30 September 2014 that resulted in a Revised Operating Deficit of R 3,779,748 as well as the deviations with regard to revenue and expenditure as contained in annexure 1.4 D ;
- Council takes note of the Capital Progress from 1 July 2014 until 30 September 2014 in annexure 1.12.2;
- Council takes note of the completed Bank reconciliation as at 30 September 2014 in annexure 1.12.3,
- Council takes note of the payments made for September 2014,
- Council takes note of the total debtors outstanding for September 2014 which amounts to R 112,193,592 in annexure 1.12.4 (A)
- Council takes note of the arrears of Councillors which amounted to R 6,050 for September 2014, that decreased by R 370.
- Council takes note of the debt outstanding by employees which amounted to R 271,865 for September 2014, that decreased by R 8,663
- Council takes note of the Credit control and debt collection by the Attorneys and other credit control processes in annexure 1.12.4 (E)
- Council takes note of Indigent Consumers information as at 30 September 2014 in annexure 1.12.4 (G),
- Council takes note of the schedule of investments and funds allocations as at 30 September 2014 in annexure 1.12.5 (A) and (B),

- Council takes note of the allocations received from 1 July 2014 – 30 September 2014 as well as the coupled expenditure.
- Council takes note of the purchases/orders and contracts awarded for September 2014;
- Council takes note of all the insurance claims reported in annexure “1.12.6” as at 30 September 2014.
- Council take noted of the report for the deviations from the procurement process in terms of sub-paragraph 36(1)(a) and (b) of the Supply Chain Management policy for the period September 2014 in annexure 1.12.7.
- Council takes note of the report of Irregular, unauthorized expenses for September 2014 at Supply Chain per annexure “1.12.8”.
- Council takes note of the report of the awards made September 2014 at Supply Chain per annexure “1.12.10”.
- Council takes note of the report of the difference between actual and highest values / procurement paid for the period of September 2014 per annexure “1.12.11”;
- Council takes note of the summary of the budget virements for the period 1 July 2014 till 30 September 2014 per annexure “1.12.12”
- Council takes note of the withdrawals report from the municipal bank account for the period 1 July 2014 till 30 September 2014 per annexure “1.12.13
- Council takes note of the signed quality certificate for the budget statement in annexure 1.13.1.
- That the Directors still ensure that votes are not overspent and where necessary savings is identified in time

8.2.2 IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 OCTOBER 2014. MFMA SECTION 71 AND 52(d) Report

RESOLVED:

EX98/2014

That in respect of

FINANCIAL REPORT FOR THE PERIOD ENDED 31 OCTOBER 2014

Council takes note of the Budget statement tables:

- C1 s71 Monthly Budget Summary in annexure 1.4 A
- C2 Monthly Budget Statement – Financial Performance (Standard classification) in attachment 1.4 B
- C3 Monthly Budget Statement – Financial Performance (Revenue and Expenditure by municipal Vote) in annexure 1.4 C
- C4 Monthly Budget Statement – Financial Performance (Revenue and Expenditure) in annexure 1.4 D
- C5 Monthly Budget Statement – Capital Expenditure (Municipal vote, standard classification and funding) in annexure 1.4 E
- C6 Monthly Budget Statement – Financial Position in annexure 1.4 F
- C7 Monthly Budget Statement – Cash Flow in annexure 1.4 G
- Council takes note of the Debtors analysis in annexure 1.5;
- Council takes note of the ratio analysis contained in the report;
- Council takes note of the Creditors analysis in annexure 1.6;
- Council takes note of the Investment portfolio analysis in annexure 1.7;
- Council takes note of the Transfers and Grants receipts until 31 October 2014 in annexure 1.8;
- Council takes note of the Expenditure on councillor allowances and employees benefits as in annexure 1.9 A and;
- Council takes note of the schedule of the breakdown of overtime, the cost for temporary employment for the period 1 July 2014 – 31 October 2014.
- Directors are requested to ensure that effective control is exercised on overtime as reflected in annexure 1.9 B.
- Council takes note of the budget statement performances in annexure 1.10.
- Council takes note of the Capital Programme performance in annexure 1.11.
- Council takes note of material variances to the service delivery in annexure 1.12.
- Council takes note of the budget statement of financial performance and the operating results for the period ended 31 October 2014 that resulted in a Revised Operating Deficit of R 13,897,507 as well as the deviations with regard to revenue and expenditure as contained in annexure 1.4 D ;

- Council takes note of the Capital Progress from 1 July 2014 until 31 October 2014 in annexure 1.12.2;
- Council takes note of the completed Bank reconciliation as at 31 October 2014 in annexure 1.12.3,
- Council takes note of the payments made for October 2014,
- Council takes note of the total debtors outstanding for October 2014 which amounts to R 110,166,820 in annexure 1.12.4 (A)
- Council takes note of the arrears of Councillors which amounted to R 6,337 for October 2014, that increased by R 287.
- Council takes note of the debt outstanding by employees which amounted to R 248,389 for October 2014, that decreased by R 23,476.
- Council takes note of the Credit control and debt collection by the Attorneys and other credit control processes in annexure 1.12.4 (E)
- Council takes note of Indigent Consumers information as at 31 October 2014 in annexure 1.12.4 (G),
- Council takes note of the schedule of investments and funds allocations as at 31 October 2014 in annexure 1.12.5 (A) and (B),
- Council takes note of the allocations received from 1 July 2014 – 31 October 2014 as well as the coupled expenditure.
- Council takes note of the purchases/orders and contracts awarded for October 2014;
- Council takes note of all the insurance claims reported in annexure “1.12.6” as at 31 October 2014.
- Council take noted of the report for the deviations from the procurement process in terms of subparagraph 36(1)(a) and (b) of the Supply Chain Management policy for the period October 2014 in annexure 1.12.7.
- Council takes note of the report of Irregular, unauthorized expenses for October 2014 at Supply Chain per annexure “1.12.8”.
- Council takes note of the report of the awards made October 2014 at Supply Chain per annexure “1.12.10”.
- Council takes note of the report of the difference between actual and highest values / procurement paid for the period of October 2014 per annexure “1.12.11”;
- Council takes note of the signed quality certificate for the budget statement in annexure 1.13.1.
- That the Directors still ensure that votes are not overspent and where necessary savings is identified in time

8.2.3 PERFORMANCE REVIEWS REPORT OF MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER

RESOLVED:

EX100/2014

That in respect of

PERFORMANCE REVIEWS REPORT OF MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER

1. For Mayco to note the performance reviews report.

8.3 MMC2: Cllr. A.E. Jordaan

8.4 MMC 3: Cllr. A.M. Du Toit

8.5 MMC 4: Cllr. S. Goedeman

8.6 MMC 5: Cllr. S.J. Mei

8.7 MMC 6: Cllr. E.Y. Sheldon

8.8 MMC 7: Cllr. W.R. Meiring

8.8.1 END-OF-YEAR ARRANGEMENTS: CLOSING OF OFFICES

RESOLVED:

EX99/2014

That in respect of

END-OF-YEAR ARRANGEMENTS: CLOSING OF OFFICES

discussed by MAYCO at the MAYCO meeting held on 3 December 2014:

The municipal offices will be closed for the period 29 December 2014 to 2 January 2015 provided that: -

1. staff shall take leave for this period except staff employed in emergency services and members of staff identified by the Municipal Manager to be on duty to attend to priority service delivery matters;
2. staff who have insufficient leave to their credit be allowed to work, or render services in an alternative capacity at the discretion of the Municipal Manager, or take unpaid leave for the relevant period of closure of offices;
3. all permanent staff be paid for the month of December 2014 on 19 December 2014.

8.9 MMC 8: Cllr. J.F. Van Zyl

The report by the Executive Mayor was noted.

9. MATTERS FOR CONSIDERATION

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

PART 4: DECISIONS

14. Unopposed matters

Whenever Council is called upon to consider a matter before it and there is no opposition from any Councillor, a unanimous vote must be recorded.

15. Opposed matters

- (1) The Speaker must put every opposed matter to the vote by calling upon Councillors to indicate by a show of hands, unless otherwise prescribed by any law or the Council resolves otherwise, whether they are for that matter or against it, whereupon the Speaker must announce the result of the vote.
- (2) Upon the announcement of the result of a vote, a Councillor may demand that his or her vote be recorded against the decision concerned.
- (3) If there is an equality of votes on any matter, the Speaker must exercise a casting vote, as required by section 30(4) of the Structures Act.
- (4) A matter on the agenda is regarded as opposed business if a Councillor signifies the intention to discuss the matter immediately after the Speaker has intimated to the meeting that the matter is open for discussion. No matter is regarded as opposed by reason only of questions being asked in connection therewith.

PART 7: RULES OF DEBATE

24. Councillor to address chair

A Councillor who speaks at a meeting of the Council must address the chair and may do so in any one of the 3 (three) official languages of the Province of the Western Cape.

25. Order of priority

When a Councillor wishes to address the Council, he or she must first have the permission of the Speaker.

26. Precedence of the Speaker

Whenever the Speaker addresses the meeting, all Councillors must be silent so that the Speaker may be heard without any interruption.

27. Relevance

- (1) A Councillor who speaks must direct his speech strictly to the subject or matter under discussion or to an explanation or to a point of order.
- (2) No discussion shall be permitted -
 - (a) which will anticipate any matter on the agenda;
 - (b) on any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of enquiry is pending.

28. Right to speak

- (1) A Councillor may only speak once -
 - (a) to the matter before the Council;
 - (b) to any motion before the Council;
 - (c) to any amendments to the matter before the Council;
 - (d) to a matter or an amendment proposed or to be proposed by himself or herself;
 - (e) to a point of order or a question of privilege;unless authorised by the Speaker or as provided for in terms of these Rules.
- (2) The mover of an original motion may, however, speak to the motion and reply, but in replying he shall strictly confine himself or herself to answering previous speakers and shall not introduce any new matter into the debate.
- (3) The right of reply shall not extend to the mover of an amendment which, having been carried has become the substantive motion.

29. Length of speeches

- (1) Except with the consent of the Speaker no Councillor may speak for more than **3 (three) minutes** on any subject or matter.

- (2) The mover of an original motion or of any amendment may however speak for 10 (ten) minutes on such motion or amendment.

9.1 Items submitted by officials of Council

9.1.1 DEVELOPMENT CHARGES POLICY FOR ENGINEERING SERVICES

File No.: 11/B
Directorate: Technical Services

Responsible Official: E. DELPORT
Portfolio: Technical

Purpose:

To obtain Council's approval for the Development Charges Policy for Engineering Services.

Background:

General:

The Municipality has a vibrant economy, based on strong agricultural, manufacturing and tourism sector. The commercial and service sectors are also well-developed. The Municipality is the largest wine growing regions in South Africa, both in number of vines and volume of wine produced and is also one of the fastest growing municipalities in the Western Cape and is promoted as an attractive destination for economic investment. New economic development has a positive impact on the Municipality's finances as it increases revenue from property rates and service charges by expanding the base of ratepayers.

However, development associated with this economic growth has an impact on the demand for essential engineering services (water, sewer, stormwater, roads, transport, solid waste and electricity), as well as social services like clinics, schools and other public amenities. Therefore, infrastructure is needed to support sustainable social and economic development in Breede Valley. Without infrastructure, both public and private sector, investment in Breede Valley will slow down. The cost to the Municipality of providing this infrastructure, however, is high. Funding to cover these costs is obtained from three sources:

1. **Grants** are provided by national or provincial government and are generally targeted towards social infrastructure, particularly in support of low-income housing development.
2. **Loans** are converted into tariffs and are recovered by user fees paid by all consumers to the Municipality.
3. **Capital contributions** are a more targeted and more equitable way of ensuring that the main beneficiaries of infrastructure make an appropriate and fair contribution to that cost, without unduly burdening the Municipality's ratepayers. Development Charges are the most important form of capital contribution raised by the Municipality to pay for infrastructure.

Local government is empowered to provide municipal services in terms of Section 156(1) of the Constitution, and Chapter 8 of the Systems Act, 2000. This obligation is discharged through, among others, the provision and operation of infrastructure, including external infrastructure. Section 73(2)(c) of the Municipal Systems Act also requires that these services must be provided in a financially sustainable manner and Section 75A of the same Act empowers a municipality to impose, *inter alia*, charges to pay for services.

LUPO has long permitted the raising of Development Charges (previously known as Bulk Infrastructure Contribution Levies (BICLs) or Development Contributions) and the

Municipality at *ad hoc* has been raising these charges in terms of the Act. The Municipality does not have an effective and efficient system or policy of Development Charges in place.

If the Municipality does not have an effective and efficient system of Development Charges there will be two inevitable consequences. Firstly, there will be less capital available for the development of new infrastructure, or the expansion of existing capacity. This will result in declining investment by the private sector, lower economic efficiency of Breede Valley and a consequent decline in economic growth. Secondly, the money that would have been recovered via Development Charges will have to be sourced from an increase in municipal property rates and services charges. This will have the effect firstly of further burdening households and businesses in Breede Valley and of using existing ratepayers' money to subsidise new developments, which is self-evidently unfair. In addition, the obligation to pay for the marginal increase in the load placed on Breede Valley's external infrastructure by a development strengthens the incentive for the developer to maximise the use of existing infrastructure and to develop land in accordance with the Municipality's plans.

The Municipality faces development pressure from a number of directions, including low-income housing, high income housing as well as commercial, retail and industrial development pressure. Meeting this pressure is central to Breede Valley's future economic growth and without an effective and efficient system of Development Charges it will fail in this challenge. Development Charges ensure that those people who benefit most directly from the availability of infrastructure contribute their fair share to the cost of that infrastructure.

Objectives of the Development Charges Policy

The desired outcome of this Development Charges policy is to:

- a) recover the portion of the capital cost of economic infrastructure that is attributable to particular developments; and
- b) enable the provision of economic infrastructure in a timely and sufficient manner to support land development.

The strategic intent of this policy is to ensure the financial sustainability of the Municipality through the definition and confirmation of a Development Charge on any new development or land use rights application that increases the load on municipal external infrastructure.

The Municipality's vision of "A *UNIQUE AND CARING VALLEY OF SERVICE EXCELLENCE, OPPORTUNITY AND GROWTH*" is supported by the Municipality's mission: "TO PROVIDE SUSTAINABLE AND AFFORDABLE SERVICES IN A SAFE AND HEALTHY ENVIRONMENT WHILST PROMOTING SOCIAL AND ECONOMIC WELFARE THROUGH PARTICIPATIVE GOVERNANCE AND A COMMITTED SERVICE ORIENTATED APPROACH".

The implementation of the vision is centred around the following seven strategic themes:

1. To create a unique and caring Valley of service excellence, opportunity and growth;

2. To provide, maintain and assure basic service and social upliftment for the Breede Valley community;
3. To create an enabling environment for employment creation and poverty eradication through proactive economic development and tourism;
4. To ensure a safe, healthy, clean and sustainable external environment for all Breede Valley's people;
5. To actively participate in determining the future of our country (nation building);
6. To ensure a healthy and productive workforce and an effective and efficient work environment;
7. Assure a sustainable future through: sound financial management; continuous revenue growth; corporate governance and risk management practices; quality resources; and value- adding partnership.

This intent is aligned with the Municipality's Strategic themes which aims to create the economically enabling environment in which investment can grow and jobs can be created, while still being able to provide basic services to all its citizens implied in the *Safe Municipality* and *Caring Municipality* focus areas. The equitable and efficient financing of the costs of infrastructure to accommodate new developments is also an important contributor to the creation of a more *Inclusive Municipality*. There are also environmental benefits that will flow from the implementation of this policy as inadequate infrastructure creates negative impacts on ecosystems and environmental quality.

This policy provides the key details of the Municipality's Development Charge. These are, firstly, that it is a once-off capital amount paid to cover the costs of the additional infrastructure that the Municipality is obliged to provide. Secondly, the trigger for determining whether or not a Development Charge must be paid is a land development application. Thirdly, the basis on which the amount of a Development Charge is calculated is the increased impact that a new or changed land use will have on the existing infrastructure. The policy identifies the conditions under which such a charge becomes payable, the manner in which the amount is calculated and the administrative procedures for making the payment. The Development Charge is calculated over and above any other obligations that a developer may incur in terms of applicable legislation. This policy covers the following engineering services: roads, stormwater, water, sewerage, electricity, public transport and solid waste. However, the specific details of the charges applicable for electricity are the subject of a separate policy and legal framework. The separate policy on charges for electricity is essentially compatible with the approach proposed in this draft policy, although the charges for electricity are paid at the point of connection not as part of the land development application.

Based on the principles of equal adjudication a draft DEVELOPMENT CHARGES POLICY FOR ENGINEERING SERVICES is attached as Annexure A.

Applicable Legislation / Council Policy:

CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996

Section 152. - (1) The objects of local government are

- (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;
- (2) A municipality must strive, within its financial and administration capacity, to achieve the objectives set out in subsection (1).

Section 153. Development duties of municipalities. - A municipality must-

- (a) Structure and manage its administration and budgeting and planning processes to give priority to the **basic needs** (own highlight and underlining) of the community, and to promote the social and economic development of the community;

Section 156. Powers and Functions of municipalities.

- (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
- (2) A municipality may make and administer by-laws for the effective administration of the matters which it has the right to administer.
- (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 SYSTEMS ACT NO 32 OF 2000 (The Systems Act)

Chapter 1: Definitions: In this Act, unless inconsistent with the context-

“development” means sustainable development, and includes integrated social, economic, environmental, spatial, infrastructural, institutional, organisational and human resources upliftment of a community aimed at –

- a) Improving the quality of life of its members with specific reference to the poor and other disadvantaged sections of the community; and
- b) Ensuring that development services present and future generations.

Chapter 5: Integrated Development Planning, Part 1 General: Municipal planning to be development oriented

Section 23. (1) – A municipality must undertake developmentally-oriented planning so as to ensure that it –

- (a) Strive to achieve the objects of local government set out in section 152 of the Constitution;

- (b) Gives effect to its developmental duties as required by section 153 of the Constitution; and
- (c) Together with other organs of state contribute to the progressive realisation of the fundamental rights contained in sections 24, 25, 26, 27 and 29 of the Constitution.

Section 25.(1) – Each municipal council must, within a prescribed period after the start of its elected term, adopt a single, inclusive and strategic plan for the development of the municipality which-

- (a) links, integrates and co-ordinates plans and takes into account proposals for the development of the municipality;
- (b) aligns the resources and capacity of the municipality with the implementation of the plan;
- (c) forms the policy framework and general basis on which annual budgets must be based;
- (d) complies with the provisions of this Chapter; and
- (e) is compatible with national and provincial development plans and planning requirements binding on the municipality in terms of legislation.

- (2) – An integrated development plan adopted by a municipal council in terms of subsection (1) may be amended in terms of section 34 and remain in force until an integrated development plan is adopted by the next elected council.

Section 26. An integrated development plan must reflect –

- (h) a financial plan, which must include a budget projection for at least the next three years;

LAND USE PLANNING ORDINANCE, 1985 (ORDINANCE 15 OF 1985)

42. (1) When the Administrator or a council grants authorization, exemption or an application or adjudicates upon an appeal under this Ordinance, he may do so subject to such conditions as he may think fit.

(2) Such conditions may, having regard to--

(a) the community needs and public expenditure which in his or its opinion may arise from the authorization, exemption, application or appeal concerned and the public expenditure incurred in the past which in his or its opinion facilitates the said authorization, exemption, application or appeal, and

(b) the various rates and levies paid in the past or to be paid in the future by the owner of the land concerned,

include conditions in relation to the cession of land or the payment of money which is directly related to requirements resulting from the said authorization, exemption, application or appeal in respect of the provision of necessary services or amenities to the land concerned.

SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, (ACT NO. 16 OF 2013) (SPLUMA)

Section 3 The objective of this Act are to –

- (a) provide for a uniformed, effective and comprehensive system of spatial planning and land use management for the Republic;
- (b) ensure that the system of special planning and land use management promotes social and economic inclusion;
- (c) provide for development principals and norms and standards;
- (d) provide for sustainable and efficient use of land;

Section 6. (1) The general principles set out in this Chapter apply to all organs of state and other authorities responsible for the implementation of legislation regulation regulating the use and development of land, and guide –

- (a) the preparation, adoption and implementation of any spatial development framework, policy or by-law concerning spatial planning and the development or use of land-
- (b) the compilation, implementation and administration of any land use scheme or other regulatory mechanism for the management of the use of land;

Section 7. The following principles apply to spatial planning, land development and land use management:

- (c) (vi) promote land development in locations that are sustainable and limit urban sprawl; and

(v) policies, legislation and procedures must be clearly set in order to inform and empower members of the public.

WESTERN CAPE LAND USE PLANNING Act, 2014 (LUPA)

- Section 36 (1) No person may subdivide land without the approval of the municipality unless the subdivision is exempted in accordance with section 61.
- (5) A municipality must impose appropriate conditions relating to engineering services contemplated in section 40(2)(a) for the approval of a subdivision.
 - (6) When a municipality approves a rezoning for a purpose that includes subdivision, it must impose conditions making provision for at least—
 - (c) a detailed phasing plan or a framework including—
 - (i) main transport routes;
 - (ii) main land uses;
 - (iii) bulk infrastructure;
 - (7) If a municipality approves a subdivision, the applicant must submit a general plan or diagram to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of at least—
 - (b) the conditions of approval contemplated in subsection (5) and section 40;
 - (8) If a municipality approves a subdivision, the applicant must provide for or comply with at least the following requirements:
 - (b) completion of the installation of engineering services in accordance with the conditions contemplated in subsection (5) or other applicable legislation;
 - (c) proof to the satisfaction of the municipality that all relevant conditions contemplated in section 40 for the approved subdivision in respect of the area shown on the general plan or diagram have been met; and

- Section 40. (1) When a municipality approves a land use application subject to conditions, the conditions must be reasonable conditions and must arise from the approval of the proposed utilisation of land.
- (2) Conditions imposed in accordance with subsection (1) may include, but are not limited to, conditions relating to—
 - (a) the provision of engineering services and infrastructure;
 - (b) the cession of land or the payment of money;
 - (3) Subject to subsection (12), a condition contemplated in subsection (2)(b) may require a proportional contribution to municipal public expenditure according to the normal need therefor arising from the approval, as determined by the municipality in accordance with norms and standards as may be prescribed.
 - (4) Municipal public expenditure contemplated in subsection (3) includes, but is not limited to, municipal public expenditure for municipal service infrastructure and amenities relating to—
 - (a) community facilities, including play equipment, street furniture, crèches, clinics, sports fields, indoor sports facilities or community halls;

- (e) engineering services.
- (5) When determining the contribution contemplated in subsections (3) and (4), a municipality must have regard to at least—
- (a) the municipal service infrastructure and amenities for the land concerned that are needed for the approved land use;
 - (b) the public expenditure on that infrastructure and those amenities incurred in the past and that facilitates the approved land use;
 - (c) the public expenditure on that infrastructure and those amenities that may arise from the approved land use;
 - (d) money in respect of contributions contemplated in subsection (3) paid in the past by the owner of the land concerned; and
 - (e) money in respect of contributions contemplated in subsection (3) to be paid in the future by the owner of the land concerned.
- (6) Except for land needed for public places or internal engineering services, any additional land required by the municipality or other organs of state arising from an approved subdivision must be acquired subject to applicable laws that provide for the acquisition or expropriation of land.
- (8) If a municipality imposes a condition contemplated in subsection (2)(a), an engineering services agreement must be concluded between the municipality and the owner of the land concerned before the installation of infrastructure commences on the land.
- (10) If a municipality approves a land use application subject to conditions, it must specify which conditions must be complied with before the sale, development or transfer of the land.
- (11) A person may not apply to the Registrar of Deeds to transfer an erf unless the person has proved to the satisfaction of the municipality compliance with the conditions of approval that have to be complied with before the land may be transferred.
- (12) A municipality may, if appropriate, depart from contributions determined in accordance with subsections (3) and (5).

Comment of Directorates / Departments concerned:

Municipal Manager: Decision-making must be based on sound principles and detailed information. The implementation of the report is in line with the provisions of Sections 152 and 153 of CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996 and applicable legislation .

Director: Financial Services: Council's expenditure on infrastructure will be guided by IDP and will be aimed primarily, but not solely, on the provision of basic services. A process of project prioritization should be used to ensure that the available budget is spent in those areas where the greatest needs are. Additional expenditure for services in other areas, where there is no reserve created by development contributions will therefore have to wait in line until there is additional funding available. If an applicant wishes to develop outside the programme (i.e. approved budgets) developed by Council, he or she will have to fund the provision of services to enable to development to take place.

Director: Community Services: The implementation of development levies (BICL's) is fully supported as it can contribute to our infrastructure development needs. This however must not be too extreme that it negatively affects development in our area. Low cost housing development and GAP housing should not be subject to BICL's. The proposed policy is silent on this issue.

Acting Director: Strategic Services: Support recommendation, as development charges are provided for in applicable provincial and national legislation. Development charges will accelerate integrated development, and will provide much needed funding to expand infrastructure networks. The policy should be underpinned by careful consideration of the macro-economic environment, specifically pertaining to the Breede Valley municipality, and must guard against unintended consequences of creating entry barriers to the local economy for potential developers.

Senior Manager Legal Services: Recommendation supported.

Director: Technical Services: The aim of the DEVELOPMENT CHARGES POLICY FOR ENGINEERING SERVICES is firstly, to ensure that the parties to the agreement (Breede Valley Municipality and An Applicant) have a common understanding of their obligations in terms of legislation and secondly, to align the resources and the capacity of the municipality with the integrated development plan (IDP) which the annual budgets must be based on. The comment of the director finance services is fully supported.

Senior Manager Civil Engineering Services: The division of costs for the installation of the respective engineering services are calculated according to the principles of equal adjudication.

It is accepted that the applicant / developer must accept responsibility for the installation and financing of all internal services for the development, whilst the Local Government accepts responsibility for the installation and financing of bulk services, but that the Local Government recovers the costs thereof from the applicants / developers by collection of levies.

As basis for the norms and standards of services the manual "Guidelines for the Provision of Engineering Services in Residential Townships" distributed by the Department of Community development as well as the laid down standards according to SABS 1200 specifications in respect of engineering services are used.

In the formulation of the calculation of the contributions in respect of bulk services the replacement value of the existing bulk services, the fact that the present ratepayers have already by means of taxes financed these services and outstanding loan debts are taken into account as well as the full additional costs if it is expected of the applicant / developer to install a service of higher standard or bigger capacity than recommended by the guidelines.

Senior Manager Electrical Services: Recommendation supported.

Manager Planning, Development and Building Control Department: We support the approval of the proposed Development Charges Policy for Engineering Services, as presented to Council.

RECOMMENDATION:

**That in respect of the
DEVELOPMENT CHARGES POLICY FOR ENGINEERING SERVICES
discussed by Council at the Council meeting held on 9th of February 2015:
Council approves:**

1. The DEVELOPMENT CHARGES POLICY FOR ENGINEERING SERVICES.

Proposed: Cllr. W.R. Meiring

Seconded: Cllr. A. Steyn

RESOLVED:

C3/2015

**That in respect of the
DEVELOPMENT CHARGES POLICY FOR ENGINEERING SERVICES
discussed by Council at the Council meeting held on 9th of February 2015:
Council approves:**

1. The DEVELOPMENT CHARGES POLICY FOR ENGINEERING SERVICES.

9.1.2 MUNICIPAL INFRASTRUCTURE GRANT – PROJECT APPROVAL FOR MTEF

File No./s: 3/9/1-C1
Directorate: Technical Services

Responsible Official: Eddie Delport
Portfolio: Technical

Purpose:

To get Council's approval for registration of Municipal Infrastructure Grant (MIG) projects which will form part of the Medium Term Expenditure Framework (MTEF), in accordance with the MFMA.

Background:

The Municipal Infrastructure Grant (MIG) is intended to provide specific capital finance for basic municipal infrastructure backlogs for poor households, micro enterprises and social institutions servicing poor communities. MIG funds can be used for new or upgrading of municipal bulk and connector infrastructure as a result of the formalisation of settlements subject to compliance with sector policies and on condition that pre- 2001 backlogs have been addressed. At least 95 per cent of a municipality's MIG allocation must be appropriated on the municipality's capital budget. The P-component of the MIG formula (described in part 5 of Annexure W1 to the Division of Revenue Bill) amounts to 15 per cent of the MIG and must be used for municipal sport facilities only.

The Breede Valley Municipality's MIG Allocations (described under Part 5 of Annexure W5 to the Division of Revenue Bill) for the following three (3) financial years are indicated in table 1 below:

TABLE 1 : MIG ALLOCATIONS			
Financial Year	2014/2015	2015/2016	2016/2017
Approved MIG Budget	R 32,353,000	R 33,677,000	R 35,061,000

All of the MIG funded projects must be counter-funded by Breede Valley Municipality's own capital budget.

Presently the Breede Valley Municipality is under committed for the 2015/2016 and 2016/2017 financial year's MIG allocations. In terms of the Division of Revenue Bill (Annexure W3: Framework For Conditional Grants to Municipalities), Municipalities must submit to the national department by 31 October 2014, detailed project implementation plans for all the projects to be implemented in the 2015/16 and 2016/2017 financial years. Such plans should include timelines regarding project designs, initiation of procurement, and Environmental Impact Assessment (EIA) approvals.

In order to ensure that the Breede Valley Municipality complies with the provisions of the Division of Revenue Bill, further projects have to be registered.

Based on the draft Medium Term Expenditure Framework (MTEF) and the proposed Detailed Project Implementation Plan, new projects to be implemented are depicted in Table 2.

Table 2: Detailed Project Implementation Plans: Proposed New Projects

Item	Project Description	Service	Project Type (water, sanitation)	Anticipated Project Value	Anticipated Registered MIG Project Value
1	Worcester: Beltpresses:WwTW Upgrade	Upgrade Waste Water Treatment Works	Sanitation	R 30 000 000	R 12 000 000
2	Touws River: Power Supply to Bok River WTW	Power Supply to bok River Water Treatment Works	Electricity	R 1 000 000	R 500 000
3	De Doorns: Augmentation of DAF Unit	Water Purification Works: Augmentation of DAF Unit	Water	R 12 000 000	R 5 400 000
4	Worcester: Material Recovery Facility & Transfer Station	Material Recovery Facility & Transfer Station	Solid Waste	R 17 000 000	R 2 720 000
5	De Doorns: Material Recovery Facility & Transfer Station	Material Recovery Facility & Transfer Station	Solid Waste	R 6 000 000	R 2 760 000
6	Worcester: Pre-Loads 20 ML Reservoir	New Reservoir	Water	R 28 000 000	R 12 185 600
7	Worcester: Langrug 20 ML Reservoir	New Reservoir	Water	R 28 000 000	R 4 480 000
	TOTAL			R 122 000 000	R 40 045 600

Financial Implications:

Counter-funding of MIG projects should be included in the Medium Term Expenditure Framework (MTEF) as the projects are prioritized during the budget processes.

Applicable Legislation / Council Policy:

Division of Revenue Act, 2011 (Act No. 6 of 2011)

- Section 8(3): The National Treasury must publish the share or indicative allocation of each municipality in respect of the local government allocations contemplated in subsections (1) and (2) in the *Gazette* in terms of section 24.

Division of Revenue Bill:

- Municipalities must ensure appropriate programme and project planning and implementation readiness prior to the year of implementation and must be informed by the IDP, three year capital plan.
- Municipalities must submit to the national department by 31 October 2014, detailed project implementation plans for all the projects to be implemented in the 2015/2016 and 2016/2017 financial years.
- The P-component of the MIG formula (described in part 5 of Annexure W1 to the Division of Revenue Bill) amounts to 15 per cent of the MIG and must be used for municipal sport facilities only.

Municipal Finance Management Act (Act 56 of 2003):

- Section 19(1): A municipality may spend money on a capital project only if- (a) the money for the project, excluding the cost of feasibility studies conducted by or on behalf of the municipality, has been appropriated in the capital budget referred to in section 17(2);- (b) the project, including the total cost, has been approved by the council; - (d) the sources of funding have been considered, are available and have not been committed for other purposes.
- Section 19(2): Before approving a capital project in terms of subsection (1)(b), the council of a municipality must consider- (a) the projected cost covering all financial years until the project is operational; and (b) the future operational costs and revenue on the project, including municipal tax and tariff implications.
- Section 19(3): A municipal council may in terms of subsection (1)(b) approve capital projects below a prescribed value either individually or as part of a consolidated capital programme.

Comment of Directorates / Departments concerned:

Municipal Manager: Recommendation is supported.

Director: Community Services: MIG projects should speak to the implementation of the Human Settlement Plan and the housing pipeline to unlock development delivery.

Director: Strategic Services: Recommendation supported.

Senior Manager Legal Services: Recommendation supported.

Director: Financial Services: A process of project prioritization should be used to ensure that the available budget is spent in those areas where the greatest needs are.

Director: Technical Services: The project registrations with the Municipal Infrastructure Grant (MIG) as indicated under table 2, is supported.

Senior Manager Civil Engineering Services: In order to ensure that the Breede Valley Municipality complies with the provisions of the Division of Revenue Bill, further projects have to be registered.

RECOMMENDATION:

That in respect of the

MUNICIPAL INFRASTRUCTURE GRANT – PROJECT APPROVAL FOR MTEF

discussed by the Council at the Council meeting held on 9th of February 2015:

1. Council approves the registration of Municipal Infrastructure Grant (MIG) projects which will form part of the MTEF in accordance with the MFMA.

Proposed: Cllr. W.R. Meiring

Seconded: Cllr. A. Steyn

RESOLVED:

C4/2015

**That in respect of the
MUNICIPAL INFRASTRUCTURE GRANT – PROJECT APPROVAL FOR MTEF
discussed by the Council at the Council meeting held on 9th of February 2015:**

1. Council approves the registration of Municipal Infrastructure Grant (MIG) projects which will form part of the MTEF in accordance with the MFMA.

9.1.3 SUBMISSION OF FINAL ANNUAL REPORT, ANNUAL FINANCIAL STATEMENTS, AUDITOR GENERAL'S REPORT, AUDIT AND PERFORMANCE AUDIT COMMITTEE REPORT; AND THE ADOPTION OF THE OVERSIGHT REPORT FROM THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR THE PERIOD 2013/2014 FINANCIAL YEAR

File No./s: 3/15/1
Directorate: Municipal Manager

Responsible Official: E Cloete
Portfolio: Municipal Public Account
Committee

Purpose

To submit to Council the final Annual Report, Financial Statements, Auditor General's Report, Audit and Performance Audit Committee Report and Oversight report for the period 2013/2014, for approval.

Background

In terms of the Municipal Finance Management Act, 56 of 2003, section 127 (2), the Mayor of a municipality must, within seven months after the end of a financial year, table in the municipal council the annual report of the municipality.

Section 129(1) of the MFMA prescribes that the council of a municipality must consider the Annual Report (as tabled) and by no later than two months from the date on which the Annual Report was tabled, adopt an oversight report containing the council's comments on the annual report. In the event that a municipality chose to table the annual report earlier, the adoption moves forward by two months from the date of tabling the Annual Report in council.

We have therefore drafted the said document with relevant submissions received from our respective departments in accordance to the applicable legal prescripts. The said draft document was advertised for community inputs and also the Municipal Public Accounts Committee (MPAC) has exercised its oversight role in terms of the roles and responsibilities.

The MPAC has met on the following dates to dispense its mandate:

- 14 January 2015 – 1st Meeting
- 22 January 2015 – 2nd Meeting; and
- 29 January 2015 – Final Meeting on the Oversight of the Annual Report process for recommendation to Council.

Members of the MPAC unanimously agreed to recommend that the Council approve the Annual Report, Annual Financial Statements, Auditor General's Report and the Oversight Report, without reservations.

The MPAC also want to congratulate the Council, Administration and also role players on the achievement of a Clean Audit Report for the financial year 2013/2014.

Attached hereto are the following documents: Annual Report (AR), Annual Financial Statements (AFS), Auditor General's Report, Audit and Performance Audit Committee Report and the Oversight Report 2013/2014:

- Annexure 1 – Inclusive Annual Report 2013/2014 (AR, AFS, AGSA Report, Audit and Performance Audit Committee); and
- Annexure 2 – Municipal Public Accounts Committee (MPAC) Oversight Report 2013/2014.

Financial Implications

- Compilation of the Annual Report;
- Quality review on the Annual Financial Statements;
- Oversight review from the Audit Committee;
- Oversight from the Municipal Public Accounts Committee; and
- Audit Fee for the said period 2013/2014 Financial Year.

Applicable Legislation / Council Policy

Municipal Systems Act, 32 of 2000 (as amended);
Municipal Finance Management Act, 56 of 2003;
MFMA Circular 11 (Annual Report Guidelines – 14 January 2005);
MFMA Circular 32 (The Oversight Report – 15 March 2006);
MFMA Circular 68 (Unauthorised, Irregular, Fruitless and Wasteful Expenditure); and
Local Government, National Treasury & Salga's Guidelines on the Functioning of the MPAC.

Comment of Directorates / Departments concerned

Municipal Manager

Support the recommendations.

Director: Strategic Support Services

Support the recommendations.

Director: Financial Services

Support the recommendations.

Director: Technical Services

Support the recommendations.

Director: Community Services

Support the recommendations.

RECOMMENDATION

That in respect of -

SUBMISSION OF FINAL ANNUAL REPORT, ANNUAL FINANCIAL STATEMENTS, AUDITOR GENERAL'S REPORT, AUDIT AND PERFORMANCE AUDIT COMMITTEE REPORT; AND THE ADOPTION OF THE OVERSIGHT REPORT FROM THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR THE PERIOD 2013/2014 FINANCIAL YEAR

Discussed by Council at the Council meeting held on 09 February 2015:

1. That Council, having fully considered the 2013/2014 Annual Report of the Breede Valley Municipality and the representations thereon, adopts the Oversight Report and approves the Annual Report without reservations.
2. The MPAC further RECOMMEND that the unauthorised expenditure as disclosed in the Annual Financial Statement 2013/2014 page 78, be noted and Council to condone the amount of R 44 773 758.00 as non-cash item in line with the iGrap 1 of the Accounting Standard Board.
3. Recommends to Council to instruct the MPAC to exercise Oversight on the Overtime as overstated by an extrapolated amount of R213 752.65 in respect of overtime hours worked on Sundays as indicated by Auditor General's Management Report 2013/2014.
4. The MPAC further recommend that all national key performance areas and indicators must be included in the service delivery budget implementation plan of the Municipal Manager and Directors.
5. Council should strengthen internal controls to mitigate the use of consultants.
6. Although the municipality is with the National norm, controls need to be improved on the loss of Water, and the municipality should investigate the re-use of water from the sewerage system to open spaces.
7. The MPAC recommends that there need to be an improvement on services, such as sewerage, cleansing, stormwater, roads and electricity within Informal Settlements.

Proposed: Cllr. R. Blom

Seconded: Cllr. G. Stalmeester

RESOLVED:

C5/2015

That in respect of -

SUBMISSION OF FINAL ANNUAL REPORT, ANNUAL FINANCIAL STATEMENTS, AUDITOR GENERAL'S REPORT, AUDIT AND PERFORMANCE AUDIT COMMITTEE REPORT; AND THE ADOPTION OF THE OVERSIGHT REPORT FROM THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR THE PERIOD 2013/2014 FINANCIAL YEAR

discussed by Council at the Council meeting held on 09 February 2015:

1. That Council, having fully considered the 2013/2014 Annual Report of the Breede Valley Municipality and the representations thereon, adopts the Oversight Report and approves the Annual Report without reservations.
2. The MPAC further RECOMMEND that the unauthorised expenditure as disclosed in the Annual Financial Statement 2013/2014 page 78, be noted and Council to condone the amount of R 44 773 758.00 as non-cash item in line with the iGrap 1 of the Accounting Standard Board.
3. Recommends to Council to instruct the MPAC to exercise Oversight on the Overtime as overstated by an extrapolated amount of R213 752.65 in respect of overtime hours worked on Sundays as indicated by Auditor General's Management Report 2013/2014.
4. The MPAC further recommend that all national key performance areas and indicators must be included in the service delivery budget implementation plan of the Municipal Manager and Directors.
5. Council should strengthen internal controls to mitigate the use of consultants.
6. Although the municipality is with the National norm, controls need to be improved on the loss of Water, and the municipality should investigate the re-use of water from the sewerage system to open spaces.
7. The MPAC recommends that there need to be an improvement on services, such as sewerage, cleansing, stormwater, roads and electricity within Informal Settlements.

9.2 Urgent matters submitted by the Municipal Manager

None

9.3 Matters for notification

None

9.4 Consideration of notices of motion

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

31. Notice of motion

- (1) The Speaker may not accept any motion except a motion of exigency or a motion of course unless notice thereof has been given in terms of sub-Clause (2).
- (2) Every notice of intention to introduce a motion shall be in writing, signed and dated by the Councillor submitting same and shall motivate the motion.
- (3) A notice of intention to introduce a motion as contemplated in sub-Clause (2), shall be delivered to the Municipal Manager at least 6 (six) working days before the date of the meeting at which it is intended to be introduced.

None

9.5 Consideration of notices of questions

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

32. Notice of question

- (1) Subject to Clause 38, the Speaker may not accept any question unless notice thereof has been given in terms of sub-Clause (2).
- (2) Every notice of intention to ask a question shall be in writing, signed and dated by the Councillor submitting same and shall motivate the question.
- (3) A notice of intention to ask a question shall be delivered to the Municipal Manager at least 6 (six) working days before the date of the meeting at which it are intended to be asked.
- (4) Notices of questions must be referred by the Municipal Manager to the Speaker within 4 (four) working days before a Council meeting.
- (5) The Speaker must forthwith submit the question to the Executive Mayor.
- (6) The Executive Mayor or a Councillor of the Mayoral Committee nominated by the Executive Mayor may answer the question as follows:
 - (a) the question may be answered verbally at the next Council meeting; or
 - (b) if information is needed from the administration for the purpose of answering the question, or if more time is needed to prepare the answer, the Executive Mayor or Councillor answering the question must advise Council at the Council meeting where the question is asked that the question will be answered in writing at the next Council meeting.

None

9.6 Considerations of motions of exigency

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

37. Motion of exigency

- (1) A Councillor may direct the attention of the Council to any matter which does not appear on the agenda and of which no previous notice has been given, by stating briefly the subject of the matter and without comment thereon, moving that the motion to which attention has been directed be considered forthwith as a matter of exigency.
- (2) Such motion is herein referred to as a motion of exigency.
- (3) If such motion is seconded and carried by a majority of the Councillors present, the mover shall be permitted without notice to bring the matter under consideration by way of a motion or question.

None

10. CLOSURE

Meeting adjourned at 10:16

11. COPY OF NOTICE PLACED ON NOTICE BOARDS

NOTICE IS HEREBY GIVEN that a **COUNCIL MEETING** of the Breede Valley Municipality will be held on **MONDAY, 9 FEBRUARY 2015** at **10:00** in the **COUNCIL CHAMBERS, CAPE WINELANDS DISTRICT COUNCIL, TRAPPE STREET 51, WORCESTER**

Members of the media and the public wishing to attend the meeting must please contact **Mr. J.R. Botha (Public Relations Officer) at 023 348 2807** during office hours to book one of the **16 seats available to the public** on a first come first served basis. The list will be closed at **16:30** the previous working day before the meeting and will be handed to Security officials the morning of the meeting. Only persons whose names appear on the list will be allowed to attend the meeting and they must be seated at least five minutes before the scheduled start of the meeting. Once the meeting has started, no member of the public will be allowed into the meeting. If a member of the public leaves the meeting venue during the course of the meeting, he / she will not be allowed to return to the meeting.

KENNIS GESKIED HIERMEE dat 'n **RAADSVERGADERING** van die Breede Vallei Munisipaliteit op **MAANDAG, 9 FEBRUARIE 2015** om **10:00** gehou sal word in die **RAADSAAL, KAAPSE WYNLAND DISTRIKMUNISIPALITEIT, TRAPPESTRAAT 51, WORCESTER**

Lede van die media en die publiek wat graag die vergadering wil bywoon moet asseblief **Mnr. J.R. Botha (Skakelbeampte) by 023 348 2807** gedurende kantoorure kontak om een van die **16 sitplekke wat vir die publiek beskikbaar is** op 'n "first come first served basis" te bespreek. Die lys sal om **16:30** die werksdag voor die vergadering sluit en sal aan Sekuriteitbeamptes die oggend van die vergadering gegee word. Alleenlik persone wie se name op die lys verskyn sal toegelaat word om die vergadering by te woon en hulle moet 'n sitplek inneem minstens vyf minute voor die geskeduleerde tyd van die vergadering. Niemand sal tot die vergadering toegelaat word wanneer dit reeds begin het nie. Indien 'n lid van die publiek die vergaderplek gedurende die duur van die vergadering verlaat sal hy / sy nie weer tot die vergadering toegelaat word nie.

G.F. MATTHYSE
MUNICIPAL MANAGER / MUNISIPALE BESTUURDER

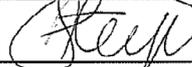
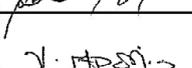
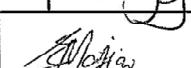
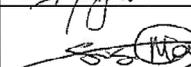
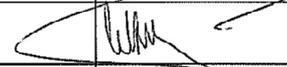
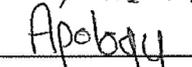
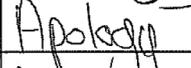
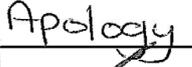
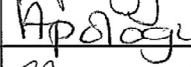
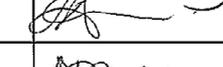
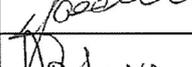
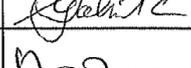
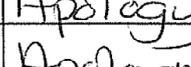
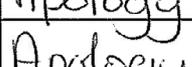
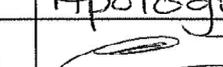
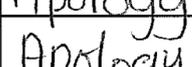
28 JANUARIE 2015

BREED VALLEY MUNICIPALITY. ATTENDANCE REGISTER; COUNCILLORS.

COUNCIL MEETING

DATE: 09 FEBRUARY 2015 - TIME: 10:00

VENUE: CWDM, TRAPPE STREET, Worcester

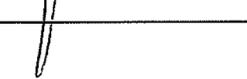
COUNCILLOR	SIGNATURE	COUNCILLOR	SIGNATURE
The Speaker: Sampson, M		Lakey, S.	Apology
The Executive Mayor: Steyn, A		Lubisi, M.N.	Apology
The Deputy Executive Mayor: Levendal, J.D.		Marran, P.	Apology
Apollis, V.K.M.		Matjan, E.S.C.	
Blom, R.		Mei, S.J.	
Blom, W.M.		Meiring, W.R.	
Boshoff, J.A.		Mfutwana, S.B.	Apology
Bushwana, M.N.	Apology	Ntshingila, B.W.	Apology
Du Toit, A.M.		Ntsomi, C.	Apology
Dyabooi, L.	Apology	Richards, L.	Apology
Dyonta, T.C.		Schneider, J.	
Farao, R. (Chief Whip)		Sheldon, E.Y.	
Goedeman, S.		Smith, P.G.	
Ismail, C.	Apology	Stalmeester, G.	
Jaftha, G.F.		Steto, N.V.	Apology
Jali, N.	Apology	Tyira, P.	Apology
James, S.E.	Apology	Van Der Westhuizen, E.	
Januarie, P.B.	Apology	Van Zyl, J.F.	
Jordaan, A.E.		Wehr, T.M.	
Klein, B.V.	Apology	Wilskut, C.F.	
Kriegler, B.J.			

BREED VALLEY MUNICIPALITY. ATTENDANCE REGISTER; OFFICIALS

COUNCIL MEETING

DATE: 09 FEBRUARY 2015- TIME: 10:00

VENUE: CWDM, TRAPPE STREET, Worcester

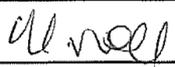
POSITION	OFFICIAL	SIGNATURE
Municipal Manager	G.F. Matthyse	Apology
Director: Financial Services	D. McThomas	
Director: Community Services	J. Marthinus	
Director: Strategic Support Services	P.R. Esau	
Director: Technical Services	E. Delport	
Deputy Director: Financial Services	J.M. Boonzaaier	
Manager: I.D.P./PMS	G. Muller	
Chief Internal Auditor	W.F. Du Plessis	
Chief Risk Officer	E. Cloete	
Public Relations Officer	J.R. Botha	
Area Manager: De Doorns		
Area Manager: Touws River	N.B. Fourie	
Snr. Clerk / Cashier: Rawsonville	R.K. Baadjies	
Chief: Fire and Emergency Services		
Chief: Traffic Services	S. Swartz	
Chief Librarian	C. Gerber	
Manager: Administration	A. Joseph	
Manager: Housing Development & Projects	G.S. Mayeki	

BREED VALLEY MUNICIPALITY. ATTENDANCE REGISTER; OFFICIALS

COUNCIL MEETING

DATE: 09 FEBRUARY 2015- TIME: 10:00

VENUE: CWDM, TRAPPE STREET, Worcester

POSITION	OFFICIAL	SIGNATURE
Manager: Human Resources	M. Nell	
Manager: ICT		
Senior Manager: Legal Services		
Admin. Officer: Committees	I. Roos	
Officer: Committees	L.H. Du Plessis	
Admin. Officer		
Manager: Financial Planning	H.B. Volschenk	
Manager: Revenue	R.T. Ontong	
Town Electrical Engineer - Head: Electrical Services		
Manager: Civil Engineering Services	J.A. Steyn	
Manager: Civil Works		
Manager: Planning Development & Building Control	P.S.J. Hartzenberg	
Town Planner: Planning Development & Building Control	C.S. Pieters	
Engineering Technician	J.A. Beukes	
Arts Culture & Heritage Officer		
P.A. To Cllr. W.M. Blom		
Manager: Administration & Strategic Planning	N.P. Mercur	