

MINUTES OF THE SPECIAL COUNCIL MEETING OF BITOU LOCAL MUNICIPALITY HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, PLETTENBERG BAY, ON WEDNESDAY, 22 JANUARY 2014 AT 14h04

1. OPENING

The Speaker, Councillor AR Olivier declared the meeting open at 14h04 and welcomed everyone present.

She then requested Councillor EE Paulse to open the meeting with a scripture reading and a prayer.

2. ATTENDANCE

The Attendance Registers of members of the Municipal Council, Officials and Public are attached hereto as annexures.

3. APPLICATION FOR LEAVE OF ABSENCE

Applications for leave of absence were received from Councillors SE Gcabayi and MM Mbali. No application for leave of absence was received from the Deputy Executive Mayor, who was absent from the meeting.

Resolved

That cognizance be taken that applications for leave of absence were received from Councillors SE Gcabayi and MM Mbali and that no application for leave of absence was received from the Deputy Executive Mayor, Councillor A B Van Rhyner, who was absent from the meeting.

4. STATEMENTS AND COMMUNICATIONS BY:

4.1 The Executive Mayor

The Executive Mayor wished everybody a happy New Year on behalf of Council. He reported that the municipality had a number of engagements during the season, which was congratulated by all, and that businesses were happy with the busy season.

He then reported on a few challenges which were experienced, such as the electricity outages in Keurbooms, Piesang Valley, Central Town and Kwanokuthula. The municipality engaged with Eskom and was assured that by the end of March the bulk of the main feeder that only extends until Knysna will be in place.

The Executive Mayor also mentioned that, through commitments on the Adjustment budget, and through cooperation between Councillors, the shortfall, especially with electricity, could be funded.



4.2 The Speaker

The Speaker expressed her condolences with the passing away of the mother of Councillor SE Gcabayi.

5. CONSIDERATION OF REPORTS

Section 1: Office of the Municipal Manager

No Items for consideration

Section 2: Finance

Resolution C/2/143/01/14

BITOU MUNICIPALITY: INCURRENCE OF FRUITLESS AND WASTEFULL EXPENDITURE: TAX PENALTIES ALTENATIVE DISPUTE RESOLUTION - SARS

Department: Finance Demarcation: All Wards

File Ref: 1/4

Resolved

1. That the Municipal Council notes the incurrence of the fruitless and wasteful expenditure in the amount of R330 000.00 in respect of penalties imposed by means of additional tax in terms of the Tax Administration Act.
2. That the payment of the R330 000 in settlement of the additional tax imposed as a penalty in the amount of R 1 320 725.19 be noted.
3. That the matter be reported to the MEC for Local Government as well as the Auditor-General as required in terms of Section 32(4) of the MFMA.
4. That the amount be recovered from Major General Trading being the council tax consultants that submission the incorrect/unsubstantiated claims that caused the penalty to be raised.

Proposed: Councillor H Plaatjies

Seconded: Councillor WR Craig

To be Actioned by: Chief Financial Officer; Manager Expenditure

Resolution C/2/144/01/13

REVISED BUDGET TIMETABLE FOR 2013/ 2014

Department: Finance Demarcation: All Wards

File Ref: 5/6/1/2/5

Resolved

That in respect of the revised budget timetable for 2013/14 discussed by the Municipal Council at the Council meeting held on 24 January 2014:

- a) The Municipal Council resolves to adopt and approve the budget timetable as revised.
- b) The adjustment budget for the 2013/14 financial year be tabled in Council on the 10th of February 2014.

Proposed: Councillor M Booysen

Seconded: Councillor WR Craig

To be Actioned by: Chief Financial Officer

Section 3: Corporate Services

No Items for consideration

Section 4: Community Services

No Items for consideration

Section 5: Municipal Services & Infrastructure Development

No Items for consideration

Section 6: Policy, Strategic Planning & Integrated Human Settlements

Resolution C/6/215/01/14

TABLING OF THE 2013/2014 MFMA SECTION 72 (MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT) REPORT

Department: Strategic Services Demarcation: All Wards

File Ref: 5/1/1/4

Resolved

1. That the Executive Mayor considers the 2013/ 2014 MFMA Section 72 (Mid-year budget and performance assessment) report.
2. That cognizance be taken of the report.
3. That the report be submitted to National Treasury and Provincial Treasury.
4. That the report be placed on the municipal website within 5 days as contemplated by Section 75 (2) of the MFMA.

Proposed: Councillor WR Craig

Seconded: Councillor N Ndayi

To be Actioned by: Head Strategic Services; Manager PMS, SDBIP & Compliance

Resolution C/6/216/01/14

(This Item was discussed first)

TABLING OF THE DRAFT OF THE 2012/2013 ANNUAL REPORT

Department: Strategic Services Demarcation: All Wards

File Ref: 5/11/1/1 & 9/1/1

Resolved

1. That cognizance be taken of the 2012/2013 Draft Annual Report and the timeframes related to the adoption and publication thereof.
2. That the Accounting Officer publishes the 2012/2013 Draft Annual Report for public comment and recommendations.



Special Council Meeting: 22 January 2014

3. That the Municipal Council appoints the following three non-executive Councillors, to serve on the *ad-hoc* Oversight Committee to provide a detailed analysis and review of the 2012/2013 Draft Annual Report, and to submit an Oversight Report to the Municipal Council before 22 March 2014:

Councillor WR Craig
Councillor SE Gcabayi
Councillor N Ndayi

4. That the Municipal Council appoints Councillor SE Gcabayi, in terms of Section 79 (2) (c) of the Local Government: Municipal Structures Act, 1998, Act 117 of 1998 as chairperson of the Oversight Committee.
5. That delegated authority be given to the Executive Mayor to appoint a representative/s of the community, if required, to serve on the *ad-hoc* Oversight Committee.
6. That the 2012/2013 Draft Annual Report be submitted to the Office of the Auditor General, Provincial Treasury and the Provincial Department responsible for Local Government.

Proposed: Councillor WR Craig

Seconded: Councillor S Besana

To be Actioned by: Head Strategic Services; Manager PMS, SDBIP & Compliance

Resolution C/6/217/01/14

PROPOSED PURCHASE OF A PORTION OF ALGUADA REEF DRIVE BY THE OWNER OF ERF 1523, PLETTENBERG BAY

Department: Strategic Services **Demarcation:** Ward 2

File Ref: 18/1523/PB

Resolved

1. That the application to purchase a portion of Alguada Reef Drive by the owner of erf 1523, Plettenberg Bay, not be approved;
2. That the land adjacent to Alguada Reef not be disposed off and be reserved for informal parking for the public who uses the beach just off the road.

Proposed: Councillor WR Craig

Seconded: Councillor N Ndayi

To be Actioned by: Acting Manager Legal Services



6. **URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER**

None received

7. **CONSIDERATION OF NOTICES OF MOTION**

None received

8. **CONSIDERATION OF MOTIONS OF QUESTIONS**

None received

9. **CONSIDERATION OF MOTIONS OF EXIGENCY**

None received

10. **RECORDING OF COUNCILLORS PRESENT**

All Councillors present, except Councillors SE Gcabayi and MM Mbali and the Deputy Executive Mayor, Councillor AB Van Rhyner.

11. **IN-COMMITTEE MATTERS**

No In-Committee Items for consideration.

12. **CLOSURE**

The Speaker declared the meeting closed at 14h52.

CONFIRMED AND SIGNED

DATE: **31 MARCH 2014**

SIGNATURE:

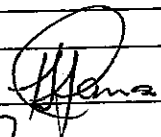
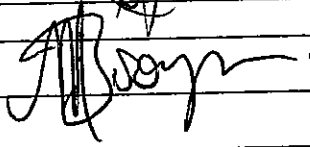
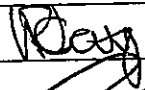
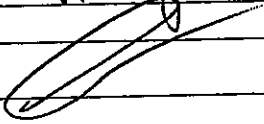
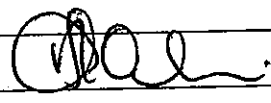

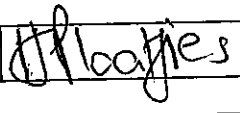
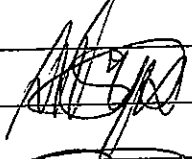
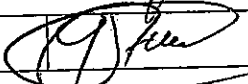


The Speaker, Councillor AR Olivier

ATTENDANCE REGISTER

BITOU LOCAL MUNICIPALITY

SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER,
MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON
WEDNESDAY 22 JANUARY 2014 AT 14H00

<u>NAME</u>	<u>SIGNATURE</u>
COUNCILLOR S BESANA	
COUNCILLOR M BOOYSEN	
COUNCILLOR WR CRAIG	
COUNCILLOR N M DE WAAL	
COUNCILLOR S E GCABAYI	APOLOGIES
COUNCILLOR M M MBALI	APOLOGIES
COUNCILLOR N NDAYI	NDAYI
COUNCILLOR A R OLIVIER	
COUNCILLOR E E PAULSE	
COUNCILLOR H PLAATJIES	
COUNCILLOR A B VAN RHYNER	ABSENT.
COUNCILLOR L M SEYISI	
COUNCILLOR J J N STURMAN	

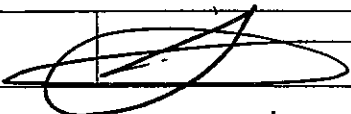

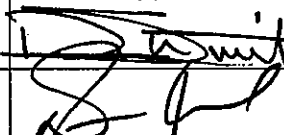
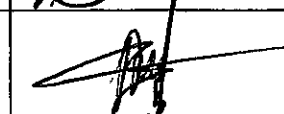
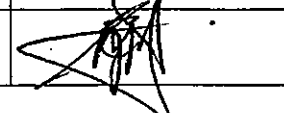
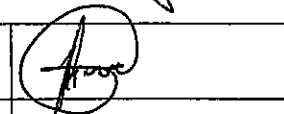
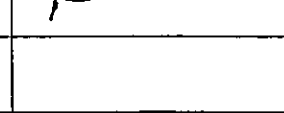
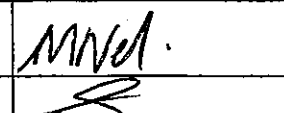
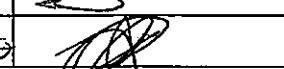


ATTENDANCE REGISTER

BITOU LOCAL MUNICIPALITY

SPECIAL COUNCIL MEETING HELD IN THE COUNCIL CHAMBER,
MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON
WEDNESDAY, 22 JANUARY 2014 AT 14H00

OFFICIALS

<u>NAME</u>	<u>DESIGNATION</u>	<u>SIGNATURE</u>
Municipal Manager		
Mr. A A Paulse	Municipal Manager	
Heads of Department		
Mr F Lötter	Chief Financial Officer	
Mr. R Smit	Head Corporate Services	
Mr. D Lombaard	Head: Strategic Services	
Me P Nggumshe	Head: Municipal Services & Infrastructure Development	
Mr. M Stratu	Head: Community Services	
Managers		
Mr. T Loliwe	Chief Internal Auditor	
Ms A A Greyling	Manager: Administration	
Mrs JJ Jansen	Acting Senior Committee Clerk	
Ms M Nel	Assistant Office Administrator/ Clerk	
<i>Thembinkosi Kenge</i>	<i>Acting HOD</i>	
<i>M.E. VAN ROOYEN</i>	<i>MANAGER: PMS/SDBIP & COMPLIANCE</i>	