

MINUTES OF THE MAYORAL COMMITTEE MEETING OF BITOU LOCAL MUNICIPALITY HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON WEDNESDAY, 24 JUNE 2015 AT 9h04

1. OPENING

The Executive Mayor opened the meeting and welcomed everyone present.

2. ATTENDANCE

As per the attached attendance register.

3. APPLICATION FOR LEAVE OF ABSENCE

None received

4. NOTING OF MINUTES

*** 4.1 Mayoral Committee Meeting: 27 May 2015**

That the Minutes of the Mayoral Meeting of 27 May 2015, be NOTED.

5. CONSIDERATION OF REPORTS (OPEN)

5.1 Section 1: Office of the Municipal Manager

Recommendation C/1/107/06/15

EXTENSION OF THE APPOINTMENT OF THE CURRENT AUDIT COMMITTEE MEMBERS

Department: Internal Audit

Demarcation: All Wards

File Ref: 3/2/2/1/2

Recommended by the Executive Mayor

1. That the appointment of Mr. Ivan Boardman, Ms Jacqueline Diane Scouten and Ms Nandipha Bulabula to the Audit and Performance Committee be extended for another term.
2. That the Members be remunerated at National Treasury rates including allowance for preparation time.

Mayoral Committee Meeting: 24 June 2015

3. That travelling expenses be paid in line with municipality's Subsistence and Travel Policy.
4. That the Municipal Manager be delegated to headhunt the fourth Member to the Committee.

For Actioning refer to the Council resolution

5.2 Section 2: Finance

Recommendation C/2/237/06/15

BITOU MUNICIPALITY ICT DATA BACKUP AND RECOVERY POLICY

Department: Finance

Demarcation: All Wards

File Ref: 6/2/7/P

Recommended by the Executive Mayor

1. That the Municipal Council notes the submission of the ICT Data Backup and Recovery Policy.
2. That the ICT Policy as mentioned in 1. above be workshopped with internal stakeholders.
3. That after 2. above, the policy be re-submitted to the Municipal Council for approval in terms of Section 11(3)(a) of the Local Government: Municipal Systems Act, 32 of 2000.

For Actioning refer to the Council resolution

Recommendation C/2/238/06/15

OUTSTANDING DEBT: FEBRUARY 2015

Department: Finance

Demarcation: All Wards

File ref: 9/1/3/4

Recommended by the Executive Mayor

1. That the Credit Control & Debt Collection statistics for February 2015 be noted.
2. That the "Debt Per Suburb" schedule be amended to better indicate an appropriate description of what it represents.

Mayoral Committee Meeting: 24 June 2015

3. That a comprehensive report on the electricity losses be submitted by the Head Engineering Services to the next Mayoral Committee Meeting.

For Actioning refer to the Council resolution

Recommendation C/2/239/06/15

OUTSTANDING DEBT: MARCH 2015

Department: Finance **Demarcation:** All Wards

File ref: 9/1/3/4

Recommended by the Executive Mayor

That the Credit Control & Debt Collection statistics for March 2015 be noted.

For Actioning refer to the Council resolution

Recommendation C/2/240/06/15

OUTSTANDING DEBT: APRIL 2015

Department: Finance **Demarcation:** All Wards

File ref: 9/1/3/4

Recommended by the Executive Mayor

That the Credit Control & Debt Collection statistics for April 2015 be noted.

For Actioning refer to the Council resolution

Recommendation C/2/241/06/15

OUTSTANDING DEBT: MAY 2015

Department: Finance **Demarcation:** All Wards

File ref: 9/1/3/4

Recommended by the Executive Mayor

That the Credit Control & Debt Collection statistics for May 2015 be noted.

For Actioning refer to the Council resolution

Recommendation C/2/242/06/15

WRITING OFF OF VAT FROM PRIOR FINANCIAL YEARS

Department: Finance **Demarcation:** All Wards

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

Recommended by the Executive Mayor

That the Municipal Council write off the irreconcilable VAT amount of R 4,699,394.87 reflected in the Annual Financial Statements as Tax Receivable against the accumulated surplus account.

For Actioning refer to the Council resolution

Resolution M/2/243/06/15

FINANCIAL REPORT FOR THE MONTH ENDING 31 MAY 2015

Department: Finance **Demarcation:** All Wards

File Ref: 9/1/3/4

Resolution by the Executive Mayor

That cognisance be taken of the Monthly Financial Report as at 31 May 2015.

For information

Recommendation C/2/244/06/15

BITOU MUNICIPALITY: NERSA TARIFF APPROVAL 2014/2015 FINANCIAL YEAR: APPLICATION OF APPROVED TARIFFS

Department: Financial Services **Demarcation:** All Wards

File Ref: 12/2/1/4/1

Recommended by the Executive Mayor

1. That cognisance be taken of the content of the report on the NERSA tariff approval for the 2014/2015 Financial Year.
2. That the action by the administration to implement the adjustment in tariffs prescribed by NERSA with effect from the April 2015 municipal account be condoned.

3. That the implementation of the adjustment in tariffs from April 2015 be communicated with consumers.

For Actioning refer to the Council resolution

Recommendation C/2/245/06/15

REQUEST TO GRANT PERMISSION FOR THE RETROSPECTIVE WRITE OFF OF KVA CHARGES AND THE INTRODUCTION OF REVISED KVA TARIFFS AND WATER FLAT RATE TARIFFS FOR LAUNDRIES

Department: Finance Demarcation: All Wards

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

Recommended by the Executive Mayor

1. That the Municipal Council grants permission to write off the amount of R339,712.91 in respect of KVA basic charges, for the period July 2014 to May 2015, to the amount of R297,278 and interest and penalties occurred on the outstanding balance to the amount of R42,434.25, as a once off exercise.
2. That the amount of R339,712.91 be written off subject to an agreement that the outstanding debt of R488,574.76 be paid off in equal instalments of R20,357.28 over 24 months interest free, to be monitored on a monthly basis.
3. That the current monthly account should be settled by the monthly due date, failure which will result in the arrangement to be cancelled and the total outstanding amount to become due and payable immediately and normal credit control action will be implemented for the recovery of the debt.
4. That the owners be informed that the municipality cannot exempt the business from the payment of the KVA basic tariff and that no additional rebate will be forthcoming in respect of the water tariff for 2015/16.
5. That an *in-loco* inspection to the Plett Industrial Laundry (Pty) Ltd be arranged for all Councillors.

For Actioning refer to the Council resolution

Recommendation C/2/246/06/15

REPORT ON EXEMPTIONS, REBATES AND REDUCTIONS, AS REQUIRED BY SECTION 15 (3) OF THE MUNICIPAL PROPERTY RATES ACT, ACT 6 OF 2004

Department: Finance **Demarcation:** All Wards

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

Recommended by the Executive Mayor

That the Municipal Council notes the list of exemptions, rebates and reductions granted by the municipality for the Financial Year 2013/14 in accordance with Section 15(3) of the Municipal Property Rates Act, 2004.

For Actioning refer to the Council resolution

5.3 Section 3: Corporate Services

Recommendation C/3/123/06/15

FINAL APPROVAL OF POLICIES WHICH WERE APPROVED IN PRINCIPLE AND WORKSHOPPED WITH COUNCILLORS AND INTERNAL STAKEHOLDERS

Department: Corporate Services **Demarcation:** All Wards

File Ref: 4/2/P

Recommended by the Executive Mayor

1. That the Municipal Council approves the following policies in line with Section 11 (3) (a) of the Municipal Systems Act 32 of 2000:
 - (a) ICT Operating System Security Controls Policy
 - (b) ICT Security Controls Policy
 - (c) ICT User Access Management Policy

2. That the following Policies and Register stand over and be workshopped before the end of August 2015, and be submitted to the Municipal Council in the 2015/2016 Financial Year:
 - (a) Risk Management Policy

Mayoral Committee Meeting: 24 June 2015

- (b) Fleet Management Policy
- (c) Register of delegated powers of decision making

For Actioning refer to the Council resolution

Recommendation C/3/124/06/15

MUNICIPAL COUNCIL RECESS AND DELEGATION TO EXECUTIVE MAYOR DURING THE SAME FOR THE PERIOD 1 JULY 2015 TO 31 JULY 2015 AND FOR THE PERIOD 28 NOVEMBER 2015 TO 10 JANUARY 2016

Department: Corporate Services Demarcation: All Wards

File Ref: 2/2/2/1

Recommended by the Executive Mayor

1. That the Municipal Council resolves to go into recess for the following periods:
 - (a) From Wednesday, 1 July 2015 to Friday, 31 July 2015.
 - (b) From Monday, 30 November 2015 until Sunday, 10 January 2016.
2. That, in view of [1.] above, the Executive Mayor, Cllr M Booysen and Municipal Manager, Mr A A Paulse or those acting in their positions, be delegated and authorised to perform all the official Municipal Council duties, responsibilities and functions during the periods 1 July 2015 to 31 July 2015 and 30 November 2015 to 10 January 2016 respectively, with the exception of those indicated in Section 160(2) of the Constitution of the Republic of South Africa, 1996, namely:
 - (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; as well as :
 - (e) disposal of council properties;
 - (f) approval of Integrated Development Plan;
 - (g) the appointment of managers directly accountable to the Municipal Manager in terms of Section 56 of the Municipal Systems Act; and
 - (h) the appointment of the Municipal Manager and acting municipal managers in terms of Section 54A of the Municipal Systems Act.

For Actioning refer to the Council resolution

Recommendation C/3/125/06/15

REPORT BACK ON FEEDBACK RECEIVED REGARDING THE ACTIONING OF RESOLUTIONS (CONFIRMED MINUTES)

Department: Corporate Services

Demarcation: All Wards

File Ref: 3/2/3

Recommended by the Executive Mayor

1. That cognisance be taken of the feedback on actions taken by various departments regarding the execution of resolutions taken by the Mayoral Committee for the period 25 February 2015 to 21 April 2015 and the Municipal Council for the period 28 November 2014 to 11 March 2015 as well as the schedule of resolutions on which no feedback had been received.
2. That a meeting be convened for Monday, 29 June 2015 with the Municipal Manager, Heads of Departments and Councillors to discuss the resolutions not yet actioned as well as the Integrated Development Plan.

For Actioning refer to the Council resolution

Recommendation C/3/126/06/15

EXTENSION OF CONTRACT: COLLABORATOR FOUNDATION SYSTEM ON-SITE SUPPORT AGREEMENT

Department: Corporate Services

Demarcation: All Wards

File Ref: Sec/A/270

Recommended by the Executive Mayor

That the Municipal Council notes the intention to amend the contract for Business Engineering (Pty) Ltd for the period 01 July 2015 to 30 June 2017 in-line with SCOA.

Service Provided:	<p>Eden District Municipality awarded Tender 62/2004 (Supply and implementation of electronic records, document and workflow system) and Tender 63/2004 (supply and implementation of an Electronic Customer Care System) to Professional Services Consultancy Business Engineering (PTY) Limited (Business Engineering).</p> <p>A further contract was entered into between Bitou Local Municipality and Business Engineering for the period 1 July 2012 to 30 June 2015</p>
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Mayoral Committee Meeting: 24 June 2015

Service Provider:	Business Engineering (Pty) Ltd
Type of Service:	Collaborator Foundation System On-Site Support
Vote	1 0410 303
Value of the contract	Approximately R777 477
Contract duration	24 months
Implementation Date	1 July 2015
End date:	30 June 2017
Escalation:	10%

For Actioning refer to the Council resolution

Recommendation C/3/127/06/15

MONTHLY REPORT: CORPORATE SERVICES - HUMAN RESOURCES SECTION FOR THE PERIOD OF 1 MAY 2015 TO 31 MAY 2015

Department: Corporate Services **Demarcation:** All Wards

File Ref: 9/1/33

Recommended by the Executive Mayor

That cognisance be taken of the monthly report from Corporate Services Department, Human Resources Section for the period of 1 May 2015 to 31 May 2015.

For Actioning refer to the Council resolution

5.4 Section 4: Community Services

No Items for consideration

5.5 Section 5: Engineering Services

No Items for consideration

5.6 Section 6: Strategic Services

Recommendation C/6/283/06/15

AMNESTY FOR REGULARISING UNLAWFUL LAND USES AND BUILDINGS

Department: Strategic Services Demarcation: All Ward

File Ref: 1/2/1/1 & 15/1/P

Recommended by the Executive Mayor

1. That the Municipal Council approve the extension of the amnesty for regularising land use and illegal buildings as from 1 July 2015 to 30 June 2016.
2. That the conditions applicable to the amnesty be amended as follows:
 - a) It is available to all residents of the Bitou Municipality until 30 June 2016.
 - b) Building plans submitted in terms of the amnesty need not be approved within the statutorily prescribed periods of 30 or 60 days.
 - c) Land use planning applications need not be approved within the periods prescribed in the relevant regulations.
 - d) Land owners must submit the relevant land use planning applications to the Municipality together with the building plans and simultaneously apply for the payment of contravention levies in terms of Section 40 (1) (a) (ii) of LUPO and or as per Spatial Land Use Management Act (SPLUMA) requirements normal application fees.
 - e) All applications and submissions to the Municipality must be accompanied by proof of ownership and transfer details of the property and a sworn statement made in front of a Commissioner of Oaths to state whether the property was acquired with the unauthorised structures and/or uses.
 - f) Occupation and zoning certificates or receipts for payment of contravention levies issued to applicants in compliance with the relevant statutory provisions will indicate conclusion of an application.
 - g) Approvals and authorisations can only be granted within the limits of the relevant statutory provisions.
 - h) The Municipality may approve, conditionally approve or refuse any application.

Mayoral Committee Meeting: 24 June 2015

- i) The standard town planning application fees will apply to applicants and land owners who knowingly and/or wilfully disregarded the relevant statutes, commenced unlawful uses and erected unauthorised buildings. As such, these owners will not be eligible for amnesty may apply for a Contravention levy based on 20 % of construction costs.
3. That the following three categories of applications for amnesty will qualify:
- (a) Owners who bought a property with structures and/or land use irregularities -
 - i) Land use applications to be applied for correction of land use issues to the amount of R 2000 (plus VAT).
 - ii) Building irregularities will attract a flat application fee of R 467-40 with no additional penalty fees. This will increase with normal prices in July 2014.
 - (b) Owners who themselves erected structures and/or caused land use irregularities unknowingly of relevant Planning and or NBR.
 - i) Land use applications to be submitted for the correction of land use issues at a reduction of 40% of the normal application fee or fixed contravention levy of R 3000 (plus VAT) applied for.
 - ii) Building irregularities will attract a 40% reduction on normal rates for building applications and no penalty fees.
 - (c) Owners who have a combination of categories a. and b. above.
 - i) Land use applications to be applied for correction of land use issues as per fees under a. and b. respectively.
 - ii) Building irregularities payments as per a. and b. above.
4. That the amnesty be communicated to all residents of the Municipality by the Manager: Communications and Customer Care, by inserting an amnesty notice to the July 2014 monthly invoices or similar of the Municipality and to request all Ward Committees to distribute the information in the Wards.
5. That the Items listed in the report under the heading "C. Additional", listed hereunder, are further acknowledged and recommended as statutory requirements to be complied with.
- (a) Irregularities or contraventions for a structure will be measured against the regulations applicable at date of construction of that structure i.e.: no retrospective application of current regulations will be made.
 - (b) Past building regulations include, amongst others, Standards Act (33 of 1962), National Building Regulations and Standards Act (103 of 1977) (NBR), Land Use Planning Ordinance (15 of 1985) (LUPO) and Spatial Land Use Management Act (SPLUMA), Various amendments & additions to NBR and more recently Energy Efficiency legislation in 2011. The latest revision/ amendment of the NBR as per the full Regulations was in 2011.

Mayoral Committee Meeting: 24 June 2015

- (c) The NBR do allow for "Deemed to Satisfy", Performance Regulations and or Functional Regulations for buildings which by test of years or use of materials can be deemed to satisfy in terms of strength and structure, this practice for "functional or performance regulations" requires and rational assessment of the building by a "competent person," normally an Engineer, to undertake and to certify the building to be compliant.
- (d) Buildings older than 60 yrs. fall under National Heritage and Resources Act (25 of 1999). Applications must be submitted to Heritage Western Cape for assessment by them before Bitou can make any comment or recommendation. Compliance with heritage matters falls outside of the amnesty as Local Authorities have no jurisdiction over heritage matters.
- (e) Structures which fall under Minor Building Works as defined by NBR will be dealt with on individual basis as these may be exempt from the formalities of the NBR and may only require sketch plans for the municipality to issue a "minor building works" permit.
- (f) Land use issues must be regularised first before building plans can be submitted as plans for structures which are not consistent with the zoning cannot be approved.
- (g) The amnesty does not bind the municipality to approve any rezoning and the risk of unlawful land use remains with the owner.
- (h) Approvals and authorisations in terms of Spatial Land Use Management Act (SPLUMA) and the Land Use Planning Ordinance, 1985, Ordinance 15 of 1985 (LUPO) and the National Building Regulations and Building Standards Act, 1977, Act 103 of 1977 (NBR) are covered in this amnesty proposal. It does not apply to any other legislation.
- (i) The amnesty conditions remain as recommended before.

For Actioning refer to the Council resolution



Recommendation C/6/284/06/15

APPROVAL OF LAND USE MANAGEMENT BY-LAW

Department: Strategic Services **Demarcation:** All Wards

File Ref: 1/2/1/1 & 15/1/P

Recommended by the Executive Mayor

That the Draft Bitou By-law on Municipal Land Use Planning be approved by the Municipal Council.

For Actioning refer to the Council resolution

6. IN – COMMITTEE ITEMS

No In-Committee Items for consideration.

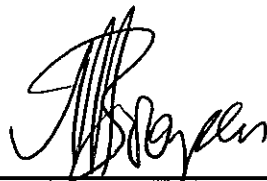
7. CLOSURE

The Executive Mayor declared the meeting terminated at 11h01.

CONFIRMED AND SIGNED

DATE: **25 JUNE 2015**

SIGNATURE:

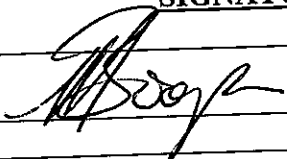
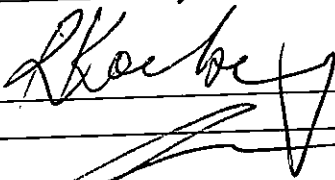
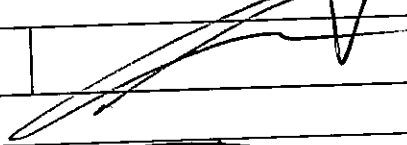
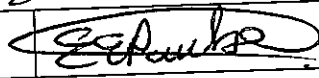

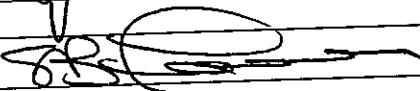


The Executive Mayor, Councillor M Booyesen

ATTENDANCE REGISTER: MAYORAL COMMITTEE

BITOU LOCAL MUNICIPALITY

MAYORAL COMMITTEE MEETING HELD IN THE COUNCIL CHAMBER,
MUNICIPAL OFFICES, SEWELL STREET, WEDNESDAY, 24 JUNE 2015 AT
09H00

<u>NAME</u>	<u>SIGNATURE</u>
COUNCILLOR M BOOYSEN (EXECUTIVE MAYOR)	
COUNCILLOR RS KOEBERG (DEPUTY EXECUTIVE MAYOR)	
COUNCILLOR N M DE WAAL	
COUNCILLOR EE PAULSE	
NON - MEMBERS	SIGNATURE
COUNCILLOR S BESANA	
COUNCILLOR WR CRAIG	
COUNCILLOR S FARROW	
COUNCILLOR AR OLIVIER	
COUNCILLOR SE GCABAYI	
COUNCILLOR MM MBALI	
COUNCILLOR N NDAYI	
COUNCILLOR LM SEYISI	
COUNCILLOR H PLAATJIES	


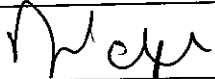

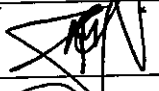
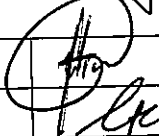



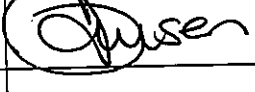

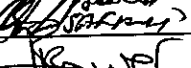
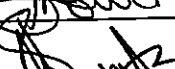



ATTENDANCE REGISTER

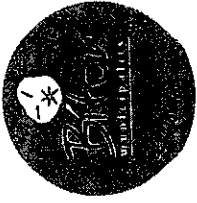
BITOU LOCAL MUNICIPALITY

MAYORAL COMMITTEE MEETING HELD IN THE COUNCIL CHAMBER,
MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON
WEDNESDAY, 24 JUNE 2015 AT 09H00

OFFICIALS

<u>NAME</u>	<u>DESIGNATION</u>	<u>SIGNATURE</u>
Municipal Manager		
Mr. A A Paulse	Municipal Manager	
Heads of Department		
Mr F M Lötter	Chief Financial Officer	
Mr. R Smit	Head Corporate Services	
Mr. D Friedman	Head: Strategic Services	
Me P Ngqumshe	Head: Engineering Services	
Mr. M Stratu	Acting Municipal Manager Head: Community Services	
Managers		
Mr T Loliwe	Chief Internal Auditor	
Ms A A Greyling	Manager: Administration	
Mr A Crouz	Acting HEAD CORPORATE SERVICES Manager Legal Services	
Mr S Dladla	Manager: Office of the Mayor	
Mrs JJ Jansen	Principal Admin Officer	
Ms M Nel	Clerk/ Administrator	
Mr A Sakati	SME MANAGER PUBLIC SAFETY.	
Mr. R. BOWER	MANAGER: WASTE MANAGEMENT	
Mr H. SWARTZ	Communications Officer	





Bywoningsregister / Attendance Register

Interested members of the Public

Dankie vir u belangstelling.

Thank you for attending.

Naam Name	Contact No Kontak Nr	Email address or fax Epos adres of faks	Representing	Signature
L+C PARKMAN	082 2132414	parkman14egmeil.com	Dunes Resort	Clare Parkman
BILL NEL	0829731002	nelbill@gmail.com	WITTEKOP	
CHRISTO VLOK	533-5155	christo.vloket@komsa.net	PLUIT PATSPYURS	
LIAN BERDMAN	0833901034	liandman@efax.co	Audit Committee	

Mayoral Meeting: Wednesday 24 June 2015 @ 09h00