



**Bitou Local Municipality
Bitou Plaaslike Munisipaliteit
Umasipala WeBitou**

Agenda

MUNICIPAL COUNCIL MEETING

Venue: Council Chambers, Municipal Offices,
Sewell Street, Plettenberg Bay

Friday, 25 November 2016

Time: 9h00

BITOU LOCAL MUNICIPALITY

22 November 2016

**The Executive Mayor
Councillors
Acting Municipal Manager and Heads of Department**

ORDINARY COUNCIL MEETING: FRIDAY, 25 NOVEMBER 2016

NOTICE is hereby given that an Ordinary Municipal Council Meeting will be held in the Council Chamber, Municipal Offices, Plettenberg Bay on **FRIDAY, 25 NOVEMBER 2016 AT 09H00** to discuss the business set forth in the Agenda.

Yours faithfully



for **M M MBALI**
Speaker

Constitution of the Council

The Speaker, Councillor M M Mbali
The Executive Mayor, Councillor M P Lobese
The Deputy Executive Mayor, Alderman E V Wildeman
Member of the Mayoral Committee, Councillor S E Gcabayi
Member of the Mayoral Committee, Councillor L M Seyisi

Councillor M Booysen
Councillor W R Craig
Councillor N C Jacob
Councillor J N Kamkam
Councillor X Matyila
Councillor W J Nel
Councillor A R Olivier
Councillor A S M Windvogel

IMPORTANT NOTICE

**PLEASE REFER TO THE MAYORAL COMMITTEE AGENDA OF
EVEN DATE FOR THE ANNEXURES TO THE REPORTS ON THE
ITEMS AS LISTED**

Bitou Local Municipality

Ordinary Council Agenda: 25 November 2016

Time: 09h00

Order of Business

1. OPENING

2. ATTENDANCE

The Attendance Registers of members of the Municipal Council, Officials and Public will be circulated for signature.

3. APPLICATION FOR LEAVE OF ABSENCE

Application for leave of absence, if necessary, will be considered.

4. CONFIRMATION OF MINUTES: (Open)

* 4.1 Ordinary Council Meeting: 29 September 2016

Minutes circulated herewith and Aldermen and Councillors are respectfully reminded to bring them to the Meeting.

** 4.2 Special Council Meeting: 4 October 2016

Minutes circulated herewith and Aldermen and Councillors are respectfully reminded to bring them to the Meeting .

*** 4.3 Special Council Meeting: 31 October 2016

Minutes circulated herewith and Aldermen and Councillors are respectfully reminded to bring them to the Meeting.

**** 4.4 Special Council Meeting: 14 November 2016

Minutes circulated herewith and Aldermen and Councillors are respectfully reminded to bring them to the Meeting.

5. STATEMENTS AND COMMUNICATIONS BY:

5.1 The Executive Mayor

5.2 The Speaker

6. PRESENTATIONS

None

7. ITEMS FOR INFORMATION, WHICH HAVE BEEN DEALT WITH BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED AUTHORITY

No items for information

8. CONSIDERATION OF REPORTS (NON- DELEGATED MATTERS)

Items for consideration: Schedule of Items attached.

9. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

None received

10. CONSIDERATION OF NOTICES OF MOTION

None received

11. CONSIDERATION OF MOTIONS OF QUESTION

- 11.1 Notice of Motion of Question in terms of rule 34 (2) of the Rules of Order dated 15 November 2016, received from Councillor A Olivier on behalf of the DA, titled "THE RANDOM APPOINTMENT OF STAFF IN THE MAYORAL OFFICE AND CONSTRUCTIVE DISMISSAL OF SENIOR STAFF IS EXTREMELY COSTLY AND NOT PROVIDED FOR IN THE BUDGET" circulated herewith.

Recommendation by the Acting Municipal Manager:

That the questions be noted and referred to the respective departments for report back at the next Ordinary Council meeting scheduled for January 2017.

- 11.2 Notice of Motion of Question in terms of rule 34 (2) of the Rules of Order dated 15 November 2016, received from Councillor A Windvogel on behalf of the DA, titled "LAVINS EXPENDITURE IN THE MAYORAL OFFICE ON ENTERTAINMENT IS VERY CONCERNING" circulated herewith.

Recommendation by the Acting Municipal Manager:

That the questions be noted and referred to the respective departments for report back at the next Ordinary Council meeting scheduled for January 2017.

- 11.3 Notice of Motion of Question in terms of rule 34 (2) of the Rules of Order dated 15 November 2016, received from Councillor W J Nel on behalf of the DA, titled "IN TERMS OF THE PROPOSAL BY THE MAYOR AND THE DEPUTY MAYOR TO APPOINT ATTORNEYS TO FORENSICALLY INVESTIGATE CERTAIN ASPECTS OF BOTH THE EXTERNAL AUDITOR AND AUDITOR GENERALS CLEAN AUDITS" circulated herewith.

Recommendation by the Acting Municipal Manager:

That the questions be noted and referred to the respective departments for report back at the next Ordinary Council meeting scheduled for January 2017.

- 11.4 Notice of Motion of Question in terms of rule 34 (2) of the Rules of Order dated 15 November 2016, received from Councillor J Kam-Kam on behalf of the DA, titled " " circulated herewith.

Recommendation by the Acting Municipal Manager:

That the questions be noted and referred to the respective departments for report back at the next Ordinary Council meeting scheduled for January 2017.

12. CONSIDERATION OF MOTIONS OF EXIGENCY

None received

13. IN-COMMITTEE MATTERS

Please refer to the In-Committee Agenda circulated separately for items for consideration as well as In-Committee minutes submitted for confirmation

14. RECORDING OF COUNCILLORS PRESENT

15. CLOSURE

8: ITEMS FOR CONSIDERATION

PORTFOLIO INDEX OF ITEMS FOR CONSIDERATION BY COUNCIL: 25 NOVEMBER 2016

(The dates & page numbers of the MayCo Agendas are listed for ease of reference)

SECTION 1: OFFICE OF THE MUNICIPAL MANAGER

ITEM NO	SUBJECT	FILE REF	MAYCO AGENDA PAGE NO	DATE OF MAYCO MEETING	COUNCIL AGENDA PAGE NO
	No items for consideration				

SECTION 2: FINANCE

ITEM NO	SUBJECT	FILE REF	MAYCO AGENDA PAGE NO	DATE OF MAYCO MEETING	COUNCIL AGENDA PAGE NO
C/2/15/11/16	REPORT ON CATERGORIZATION OF BITOU MUNICIPALITY	12/2/1/1/1	1 - 12	24 November 2017	1-3

SECTION 3: CORPORATE SERVICES

ITEM NO	SUBJECT	FILE REF	MAYCO AGENDA PAGE NO	DATE OF MAYCO MEETING	COUNCIL AGENDA PAGE NO
C/3/18/11/16	CLOSURE OF MUNICIPAL OFFICES BETWEEN CHRISTMAS AND NEW YEAR 2016 / 2017	2/6/R	68 - 69	24 November 2017	4-5
C/3/19/11/16	MAYORAL AND COUNCIL MEETINGS SCHEDULE FOR THE YEAR 2017	3/2/3	70 - 73	24 November 2017	6-9
C/3/20/11/16	MUNICIPAL COUNCIL RECESS AND DELEGATION TO EXECUTIVE MAYOR DURING THE SAME FOR THE PERIOD 5 DECEMBER 2016 TILL 3 JANUARY 2017	2/2/2/1	74 - 75	24 November 2017	10-11

SECTION 4: COMMUNITY SERVICES

ITEM NO	SUBJECT	FILE REF	MAYCO AGENDA PAGE NO	DATE OF MAYCO MEETING	COUNCIL AGENDA PAGE NO
	No Items for consideration				

SECTION 5: ENGINEERING SERVICES

ITEM NO	SUBJECT	FILE REF	MAYCO AGENDA PAGE NO	DATE OF MAYCO MEETING	COUNCIL AGENDA PAGE NO
	No Items for consideration				

SECTION 6: STRATEGIC SERVICES

ITEM NO	SUBJECT	FILE REF	MAYCO AGENDA PAGE NO	DATE OF MAYCO MEETING	COUNCIL AGENDA PAGE NO
C/6/08/11/16	PROPOSED LAND SWOP BETWEEN THE OLD APOSTOLIC CHURCH OF SOUTH AFRICA AND BITOU LOCAL MUNICIPALITY	17/15/1/4	82 - 94	24 November 2017	12-17
C/6/09/11/16	BUILDING CONTROL SECTION: QUARTERLY REPORT: JULY - SEPTEMBER 2016	9/1/3/7	95 - 96	24 November 2017	18-19
C/6/10/11/16	REPORT ON THE HOSTING OF THE SA SENIOR GOLF TOURNAMENT	11/3/1/1	Addendum	24 November 2017	20-27

CONSIDERATION OF NOTICES OF MOTIONS OF QUESTIONS

Notices of motion of Questions circulated with the Agenda

25-29

Section 2

Department: Finance

ITEM C/2/15/11/16

Council

REPORT ON CATERGORIZATION OF BITOU MUNICIPALITY

Department: Corporate/Finance **Demarcation:** All Wards

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

- Attachment:** **Annexure A:** Extracts of Minutes of ordinary Council held on 30 June 2010 at 11:00 am.
- Annexure B:** Extracts of Minutes of ordinary Council held on 08 July 2011.
- Annexure C:** Government Gazette of 2010 indicating equitable share allocation to Bitou Municipality.
- Annexure D:** Report of the Human resources section with comments from the CFO and recommendation of then Municipal Manager.
- Annexure E:** Report of the Human resources section regarding implementation of wage curve and task collective agreement.
- Annexure F:** Notice of Appeal dated 10 June 2010 submitted to Provincial Executive Officer

Report from: Acting Chief Financial Officer

Date: 09 November 2016

Purpose of the report

To report back to Mayco and Municipal Council regarding the outcome of the Categorization of Bitou Municipality Wage Curve and Task Collective Agreement.

Background

At Councillors Strategic Session held in October 2016, the Executive Mayor requested that a report be tabled regarding the categorization and grading of the Municipality.

The categorization of the municipality was done by SALGA between 2009 and 2010. The results of that grading, graded Bitou Municipality as grade 5 category Municipality. Subsequent to those outcome council took a decision to appeal the results. (see council resolution C/3/64/06/10 and C/3/14/06/11). Appeal application was lodged with the

Section 2: Finance

SALGBC and a feedback was awaited with no success. None of the appeal applications have been dealt with ever since.

Discussion

Subsequently, the implementation of Task Job Evaluation was discussed at the Local Labour Forum meeting held on 20 April 2011 as introduced by Labour delegation and it was agreed as follows:

That Municipal Council be approached to reconsider its resolution taken on 30 June 2010 to the effect that Task Job evaluation process be implemented by June 2011, subject to financial availability;

That category four municipality as contained in the Categorisation and Job evaluation wage curve Collective Agreement be implemented, pending the results of the appeal application are released by the Executive Committee of the SALGBC;

That the results of Task Job evaluation process be released to individual employees within 14 days of the approval of Council;”

From the documentation retrieved from records the following are issues that needs to be highlighted for drawing conclusion in the matter.

1. As per the council item/report by human resources dated 06 May 2016 (see council resolution C/3/64/06/10), the application was submitted on wrong information. Specific reference is on the comment of the late CFO, supported by then legal manager and eventually recommended to council by then Municipal manager.
2. Council appealed the results (see council resolution C/3/64/06/10 and C/3/14/06/11)
3. The notice of Appeal was submitted to the Provincial Executive Officer on 10 June 2010, copy circulated herewith..
4. No correspondence was received from SALGA responding to the appeal lodged by the Municipality.

Financial Implications:

Task has been implemented based on category 4 Municipality. No financial implications.

Applicable Legislation / Council Policy:

- SALGA BCS
- RSA Constitution
- Municipal Finance Management Act

Comments: Acting Head Corporate Services

The recommendation by the Acting Municipal Manager is supported

Section 2: Finance

Head; Community Services

The recommendation by the Acting Municipal Manager is supported

Comments: Head Engineering Services

The recommendation by the Acting Municipal Manager is supported

Comments: Head Strategic Services

The recommendation by the Acting Municipal Manager is supported

Conclusion

The recommendations of the Municipal manager and eventual council decision to appeal the matter were correct on the basis that the information submitted for calculation of the grading was incorrect.

Attached as annexure C for further clarity is the Government Gazette of 2010 indicating the equitable share allocation to Bitou Municipality. The other two variables in salaries and income were correctly submitted. The incorrect equitable share amount have led to the categorization as grade 5 instead of grade 4 category.

Recommendation by the Acting Municipal Manager

1. That, in respect of the report on the implementation of the Categorisation as a category 4 municipality, Council accept and approve the categorization of Bitou Municipality as a grade 4 category Municipality.
2. That employees of the municipality be informed of resolution (1) above through the organised labour forum.

Section 3

Department: Corporate Services

ITEM C/3/18/11/16

Council

CLOSURE OF MUNICIPAL OFFICES BETWEEN CHRISTMAS AND NEW YEAR 2016 / 2017

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

File Ref: 2/6/R

Report by: Acting Head Corporate Services

Author: Senior Manager: Human Resources

Date: November 2016

Purpose of the report

That Council considers the request for the closure of the municipal administrative offices between Christmas and New Year 2017.

Comments: Senior Manager: Human Resources

During the last couple of festive seasons it was observed that very few residents visit the respective Municipal Offices between Christmas and New Year. Those that however visit the offices do so mainly to enquire about service accounts or to report service failures and problems.

Administrative offices, except those who render a service to the public, can be closed without any negative effect on service delivery. The option is that the municipality be fully operational until **Friday, 23 December 2016 at 12h00 and thereafter closed until Monday, 2 January 2017, effectively reopening on Tuesday, 3 January 2017** without hampering service delivery in any way.

All essential services sections of the Departments of Community Services and Municipal Services & Infrastructure Development must be fully operational and all essential staff must be available during closure period.

The following sections, apart from the essential services sections, cannot close completely and must have skeleton staff in attendance during the aforementioned period:

- Department: Financial Services: Revenue Section (in all areas)
- Department: Corporate Services: Communications: Customer Care Section
Human Resources Section
- Department of Strategic Services Building Control & Town Planning Sections
LED/Tourism Section

The Heads of Department must identify and provide a schedule with dates and details of essential services personnel on duty and standby to ensure seamless service delivery during the peak season.

Comments by Acting Chief Financial Officer

The recommendation by the Acting Municipal Manager is supported

Comments by Head: Community Services

It is recommended that employees be granted compulsory business leave during this period.

Comments by Head Engineering Services

The recommendation by the Acting Municipal Manager is supported

Comments by Head: Strategic Services

The recommendation by the Acting Municipal Manager is supported

Recommended by the Municipal Manager

1. That the administrative municipal offices be officially closed on Friday, 23 December 2016 at 12h00 until Monday, 2 January 2017, effectively reopening on Tuesday, 3 January 2017 without hampering service delivery in any way, subject thereto that:
 - (a) The following sections maintain skeleton staff;
 - (i) Revenue section (Chief Financial Officer)
 - (ii) Customer Care and Human Resource sections (Corporate Services)
 - (iii) Building Control and Town Planning and LED/Tourism sections (Strategic Services)
 - (b) All Essential Services Sections be fully operational and staffed, with back-up personnel on standby.
 - (c) A Senior Manager must be on duty at the office during normal office hours.
 - (d) That all employees take **3 days vacational (annual) leave for non-public holidays** ie. **28, 29, 30 December 2016**, on condition that they do have sufficient annual leave.
2. That all offices close at 12h00 on Friday, 23 December 2016 and Friday, 30 December 2016 for those officials reflected in paragraph 1(a) above.
3. That the necessary notice regarding the closure be published in the local newspapers and posted at all municipal offices.

ITEM C/3/19/11/16

Council

MAYORAL COMMITTEE AND COUNCIL MEETINGS SCHEDULE FOR THE YEAR 2017

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

File Ref: 3/2/3

Report by: Acting Head Corporate Services

Date: 18 November 2016

Purpose of the Report

To confirm the dates of the Mayoral Committee and Council Meetings for the year 2017 and predetermine the closing dates for submission of reports to the respective agendas.

Background

To standardise our schedule of meetings, and in order for Councillors and officials to plan ahead, the Mayoral Committee meetings are usually scheduled for the last Wednesday of every month, at 09h00. Ordinary Council meetings are convened quarterly, and were scheduled for March, June, September and November, and followed the day after the Mayoral committee meetings, which were then usually on a Thursday.

As reports on financial statements and other legislative requirements needs to be submitted to Council on a quarterly basis, and such reports can only be prepared and submitted the month following the respective quarters, it has been decided to change the Ordinary Council meetings to take place on the month following the quarter.

The revised months for Ordinary Council meetings will therefore from now onward take place in January, April, July and October.

We will still follow the same pattern as before, where Mayoral Committee meetings are scheduled for the last Wednesday of the month, and the Ordinary Council meetings scheduled on a quarterly basis, on the Thursday following the Mayoral Committee meeting. Legislation requires that Council meet at least four times per year, hence the four Ordinary Council meetings.

Where legislation requires specific reports to be submitted to Council, such as The relevant legislation and regulations pertaining to the submission of reports at prescribed dates were taken into consideration when drafting the schedule of meetings for Council. Where necessary, dates for Special Meetings have been included in the schedule. These include the Mid-Year Budget, Annual Report, Adjustment budget, Draft Budget, IDP, & SDF, Oversight report, Final Budget, Roll-Over Adjustment budget and Time Schedule.

Relevant Legislation

Section 19 of the Local Government Municipal Systems Act, No 32 of 2000 prescribes that notice be given to the public of the Municipal Council meetings scheduled for the year.

Legislative timeframes for submission of reports to Council:

The following legislative timeframes were taken into consideration when drafting the schedule:

Legislative Requirement	Proposed date	Relevant Legislation	Explanatory comment
25 January	MayCo: 25 January 2017 (MayCo only)	Section 72 (1) of the MFMA	Mid-Year Budget and Performance Assessment to be tabled at MayCo and submitted in hard copy and soft copy to National & Provincial Treasury by no later than 25 January
31 January	Ordinary MayCo 30 January 2017 & Ordinary Council: 31 January 2017	Section 127 (2) of the MFMA	Annual report to be tabled within 7 months after the end of the financial year
28 February	27 Feb 2017 Ord MayCo & Special Council: 28 February 2017	Section 28 of the MFMA	Adjustment Budget
31 March End March	Ordinary MayCo: 29 March 2017 Special Council: 31 March 2017	Sections 16 and 21 of the MFMA Sect 129 (1) of the MFMA	Draft Budget to be tabled 90 days before the start of the financial year Integrated Development Plan and Spatial Development Framework must also be submitted No later than two months from the date of which the annual report was tabled in the Council i.t.o. Section 127, an oversight report must be adopted. By Council
31 May	30 May 2017 Ord MayCo & Special Council: 31 May 2017	Section 24 of the MFMA Sections 25 & 34 of the Municipal Systems Act	Final Budget to be approved at least 30 days before beginning of the financial year 25 -Adoption of IDP & 34-Annual review of IDP
25 August 31 August	Special Mayco & Special Council 24 August 2017	Section 28 of MFMA & Regulation 23 (5) Municipal Budget Regulations (MBRR) Section 21 of the MFMA	Roll-Over Adjustment Budget must be dealt with by 25 August of the financial year following the financial year to which the roll-over relates At least 10 months before the start of the budget year, (31 August) a time schedule to be tabled outlining key deadlines for <ul style="list-style-type: none"> - Budget Process Plan - Annual Review of IDP - Budget Related Policies - Tabling & adoption for amendments to IDP & budget related policies - Any consultative processes forming part of above

Proposed Dates:

The following dates are proposed for the year 2017 for the Mayoral Committee and Council Meetings, with the relevant closing dates and dates for the Preliminary meetings included, for ease of reference. The approved schedule will be published on the Bitou Municipal website.

The Mayoral Committee meeting dates require The Executive Mayor's approval and the Council meeting dates need to be approved by the Municipal Council.

Schedule of Meetings 2017				
Closing Dates for Agendas	Preliminary Meeting	MayCo Meetings	Ordinary Council Meetings	Special Council Meetings
	Mid-Year Budget	26 January 2017		
13 January 2017	18 January 2017	30 January 2017	31 January 2017	
10 February 2017	15 February 2017	27 February 2017		28 February 2017
13 March 2017	16 March 2017	29 March 2017		30 March 2017
7 April 2017	12 April 2017	25 April 2017	26 April 2017	
15 May 2017	19 May 2017	30 May 2017		31 May 2017
9 June 2017	15 June 2017	28 June 2017		
11 July 2017	17 July 2017	26 July 2017	27 July 2017	
	Roll-Over Adjustment budget	24 August 2017		24 August 2017
10 August 2017	15 August 2017	30 August 2017		
12 September 2017	18 September 2017	27 September 2017		
11 October 2017	16 October 2017	25 October 2017	26 October 2017	
14 November 2017	20 November 2017	29 November 2017	30 November 2017	

Comments: Chief financial Officer

The recommendation by the Municipal Manager is supported.

Comments: Head Community Services

The recommendation by the Municipal Manager is supported.

Comments: Head Engineering Services

The recommendation by the Municipal Manager is supported.

Comments: Head Strategic Services

The recommendation by the Municipal Manager is supported.

Recommended by the Municipal Manager

1. That the following schedule of dates for the Mayoral Committee meetings for 2017 be approved by the Mayoral Committee and that the dates scheduled for the Council meetings for 2017 be referred to the Municipal Council for approval.

Schedule of Meetings 2017				
Closing Dates for Agendas	Preliminary Meeting	MayCo Meetings	Ordinary Council Meetings	Special Council Meetings
	Mid-Year Budget	26 January 2017		
13 January 2017	18 January 2017	30 January 2017	31 January 2017	
10 February 2017	15 February 2017	27 February 2017		28 February 2017
13 March 2017	16 March 2017	29 March 2017		30 March 2017
7 April 2017	12 April 2017	25 April 2017	26 April 2017	
15 May 2017	19 May 2017	30 May 2017		31 May 2017
9 June 2017	15 June 2017	28 June 2017		
11 July 2017	17 July 2017	26 July 2017	27 July 2017	
	Roll-Over Adjustment budget	24 August 2017		24 August 2017
10 August 2017	15 August 2017	30 August 2017		
12 September 2017	18 September 2017	27 September 2017		
11 October 2017	16 October 2017	25 October 2017	26 October 2017	
14 November 2017	20 November 2017	29 November 2017	30 November 2017	

2. That the closing dates for submission of reports be strictly adhered to.

ITEM C/3/20/11/16

Council

MUNICIPAL COUNCIL RECESS AND DELEGATION TO EXECUTIVE MAYOR DURING THE SAME FOR THE PERIOD 5 DECEMBER 2016 TILL 3 JANUARY 2017

Department: Corporate Services **Demarcation:** All Wards
File Ref: 2/2/2/1
Report by: Acting Head Corporate Services
Date: 18 November 2016

Purpose of the report

To obtain a resolution for Council to go into recess during the festive season, as it is customary for Municipal Council to go into recess during the December holidays.

Background / Discussion

Councillors may wish to have a much deserved break during the festive season, and the report is submitted to obtain a Council resolution in this regard to ensure operational efficiency.

It is therefore suggested that the Municipal Council resolve to go into recess from Monday, 5 December 2016 till 3 January 2017.

During the proposed recess the Executive Mayor can duly attend to urgent matters, if and when required, in terms of delegation 5.5.5 per Resolution C/1/01/06/11 taken on 8 July 2011, which reads as follows:

"5.5.5 To exercise during recess any power of the Council and / or its political structures, as well as designated powers, in consultation with the Municipal Manager, or if the Municipal Manager is not available in consultation with the Chief Financial Officer, provided that-

- (a) the failure to exercise such power as a matter of urgency would have a substantial detrimental impact on the municipality and / or its services; and / or its people;*
- (b) the delegation excludes the exercise of all powers reserved for Council in terms of the law;*

- (c) *where the public interest so demands, this power be exercised after consultation with as many members of the Mayoral Committee as reasonable possible."*

Comments: Head Chief Financial Officer

The recommendation by the Acting Municipal manager is supported

Comments: Head Community Services

The recommendation by the Acting Municipal manager is supported

Comments: Head Engineering Services

The recommendation by the Acting Municipal manager is supported

Comments: Head Strategic Services

The recommendation by the Acting Municipal manager is supported

Recommended by the Municipal Manager

1. That the Municipal Council resolves to go into recess from Monday, 5 December 2016 till 3 January 2017.
2. That, in view of [1.] above, the Executive Mayor, Cllr M P Lobese and Acting Municipal Manager, Mr D Friedman or those acting in their positions, be delegated and authorised to perform all the official Municipal Council duties, responsibilities and functions during the periods 5 December 2016 to 3 January 2017, 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.

Section 6

Department: Strategic Services

ITEM C/6/08/11/16

Council

PROPOSED LAND-SWOP BETWEEN THE OLD APOSTOLIC CHURCH OF SOUTH AFRICA AND BITOU LOCAL MUNICIPALITY

Department: Strategic Services

Demarcation: Ward 5

File Ref: 17/15/1/4

Attachments:

1.	Annexure "A" -	Locality Plan- proposed site
2.	Annexure "B" -	Church sites
3.	Annexure "C"-	Proposed Building and Site Development Plan
4.	Annexure "D"	Motivation Report from OACSA

Report from: Head Strategic Services

Author: Manager: Building Control

Date: 10 November 2016

Purpose of the Report

To request the Bitou Local Municipal Council approval for the land-swap of 3 three business properties owned by the Old Apostolic Church opposite the taxi rank in Kwanokuthula for a piece of erf 5343 opposite Murray High School.

Background/Discussions

In 2013 the Old Apostolic Church of SA acquired 3 (three) adjacent erven via a public auction, zoned Business, in the Kwanokuthula Township in Plettenberg Bay. The aim was to consolidate the erven and apply for a Consent Use to the properties to permit the erection of a church thereon.

The application was refused under the Delegation of Council (C/6/157/06/13) by the Head: Strategic Services in August 2014 as per the following:

1. *"The reasons for the recommendation is as follows:*
 - (i) *Places of Worship should ideally be located within residential areas.*
 - (ii) *The proposal is inconsistent with the policies of intensification of land uses as described in the Western Cape Spatial Development Framework- 2009 (WCPSDF) and the Bitou SDF- 2012 (BSDF).*
 - (iii) *The proposal will lead to a further unsustainable loss of land zoned and suitable for business related land uses.*
 - (iv) *The proposal will not contribute to the sustainable economic development of Kwanokuthula.*

- (iv) *The activity applied for does not benefit the greater community but only a limited number of people*

There is a great probability that the use of the site for a church will lead to “clashes of interest” with other land uses as a result of possible nuisance created by for example a shop or tavern who suggested that a land- swap be made so that these business erven could be acquired by the Municipality, who, in exchange, offered the Old Apostolic Church of SA land nearby which they could then utilize for the church.”

It therefore triggered the idea of entering into a land swap with the Old Apostolic Church of South Africa with municipal land to the benefit of the broader community and amenities.

Financial Implications

Market related swop meaning keeping the business properties will keep the taxi rank area as a local economic hub in the near future. It also has the opportunity to be set of the 3 (three) properties (Annexure D) at Market related sales to the income to Council. The proposed site has 2 servitudes on it which give it less potential to develop in totality.

Executive Summary

In deciding on what size the municipality would agree in terms of the the land-swap the following Development Parameters as set by the Western Cape Province for churches needs to be considered:

“3.3.3 PLACES OF WORSHIP

Guidelines for the Provision of Facilities in the Western Cape

DESCRIPTION

A place of worship can be defined as a building hall or site which is used for the congregation of people with the same religious belief to pray, worship or perform acts of devotion, such as a church, mosque, temple or synagogue.

LOCATIONAL CRITERIA

Generally, places of worship should be located within walking distance of its users, and be located along main distributor roads of a neighbourhood within close distance to public transport facilities.

SITE CRITERIA

A place of worship may vary in size from 150m² (0.015ha) to 3000m² (0.3ha) and is directly dependent upon many factors such as the religious denomination, congregation size and the intended community that will be served.

ACCESSIBILITY, DISTANCE AND SITE SPACING CRITERIA

Ideally, a place of worship should be located a maximum walking distance of 1.5km from its users or 30mins walk.

POPULATION THRESHOLD CRITERIA

The following sets out the number of people / dwelling units that will justify the need for a place of worship:

- 2000 people (500 dwelling units)

It should be noted that the need for a place of worship will depend directly upon the religious diversity or uniformity of an area. For example, an area with many different religious affiliations may require far more than 500 dwelling units to provide a place of worship of one particular type.

OTHER CRITERIA FOR CONSIDERATION

A community hall could be used as a place of worship on a periodical basis. This concept optimizes the use of a facility, as well as creates potential income for the maintenance and improvement of the community hall.

The number of parking bays provided is directly dependent upon the nature of the area (i.e. if it is an urbanised area or a suburb). However, a general rule of thumb is to provide 1 parking bay per 5 seats provided in the place of worship.

The Church provided proposed building plans (Annexure D) and a site plan (approximately 2640m²) of similar to what they intend to construct in Kwanokuthula, the parking bays equates to 54 on the proposal. It is therefore suggested that the Municipal Council consider the land-swap on a 3000m² exchange versus the 2425m² of the church to provide sufficient parking. As the commercial properties owned by the church is of more value to the municipality and the development of the CBD area of Kwanokuthula.

The Properties concerned

Properties: Erven 7228, 7234 and 7235 Plettenberg Bay

Owner: The Old Apostolic Church of SA

Deed of Transfer No T55591/2013

Property sizes 863, 862 and 700 square metres respectively - Total 2425 sq meters

Bonds None

Servitudes None

Title Deeds Restrictions None

Property: Erf 5343 Kwanokuthula; Plettenberg Bay (Annexure B)

Owner: Bitou Municipality

Deed of Transfer No T6086/2006

Property size 3082sqm

Bonds None

Servitudes None

Title Deeds Restrictions None

LOCALITY

Erven 7228, 7234 and 7235 Plettenberg Bay are situated on the eastern side of Skosana Street, between Cuba and Sishuba Streets in Kwanokuthula Township, and fill the whole frontage between these streets.

Erf 5343 is located on Northern side of Murray High School exactly opposite the school.

See Annexure A for Locality Plan

LAND USE AND ZONINGS

Erven 7228, 7234 and 7235 are currently vacant and zoned Business

Erf 5343 is also vacant in the subject area and zoned Undetermined

SURROUNDING LAND USE AND CHARACTER OF THE AREA

The proposed area to be acquired by the church is currently vacant land, opposite the Murray High School next to the Sports Stadium, sufficient space is left for the extension or the future development of the Sports Stadium

The character in this node, is community facilities and activity centre, so the proposed location for a church will merge well with that already in place.

SITE CHARACTERISTICS: PROPOSED- ERF 5343

The site is fairly level with a bit of a rise from the street. I have included a proposal which is equal in area to their 3 erven and would be suitable for their needs, also see the Motivation Report by the Old Apostolic Church of South Africa (Annexure E)

Disposal Requirements:

Regulation 36 of the MATR stipulates that the municipal council must, when considering approval for any proposed granting of a right to use, control or manage a capital asset, take into account:

- a) whether the capital asset may be required for the municipality's own use during the period for which the right is to be granted;*
- b) the extent to which any compensation to be received for the right together with the estimated value of any improvements and enhancements to the capital asset that the private sector party or organ of state to whom the right is granted will be required to make, will result in a significant economic or financial benefit to the municipality;*
- c) the risks and rewards associated with the use, control and management of the capital asset in relation to the municipality's interest;*
- d) any comments or representations on the proposed granting of the right by the local community and other interested parties;*
- e) any written views and recommendations on the proposed granting of the right by the National Treasury and the relevant provincial treasury;*
- f) the interests of any affected organ of state, the municipality's own strategic, legal and economic interests and the interest of the local community; and*
- g) compliance with the legislative regime applicable to the proposed granting of the right*

That, in terms of Section 21 of the Municipal Finance Management Act, 56 of 2003, public participation process be conducted as well as per the processes identified in the Bitou Supply Chain Policy.

Relevant Legislation but not limited

Land Use Planning Ordinance, 1985.
Land Use Planning Act (LUPA)
Spatial Plan Land Use Management Act (SPLUMA)
Municipal Asset Transfer Regulations (MATR)
Municipal Finance Management Act (MFMA)
Bitou Supply Chain Policy, etc.

Comments: Acting Chief Financial Officer

The recommendation by the Acting Municipal Manager is supported.

Comments: Acting Head Corporate Services

The recommendation by the Acting Municipal Manager is supported.

Comments: Head: Community Services

Public Safety: The recommendation by the Acting Municipal Manager is supported

Comments: Head Engineering Services

The recommendation by the Acting Municipal Manager is therefore supported.

Recommendation by the Acting Municipal Manager:

1. That the Municipal Council confirms that the land is not required for service delivery and therefore agrees in that a portion of erf 5343 Kwanokuthula to the extent of 3082m² be swapped for the erven 7228, 7234 and 7235 in principle.
2. That, in terms of Section 21 of the Municipal Finance Management Act, 56 of 2003, public participation process be conducted;
3. That the Municipal Council consider and adopts the set guidelines as per Section 14 and 90 of the MFMA and Chapter 2 of the regulations and delegate the power to the Municipal Manager for entering into Service Level Agreements and Supply Chain processes to Dispose the portion as per 1, inline as per the requirements for the Disposal/ Transfer of properties as per the Municipal Asset Transfer Regulations.
4. That the Municipal Council approves the land swap in principal of a portion of Erf 5343 to the extent of 3082m² be swapped for the erven 7228, 7234 and 7235, after which the SCM Policy and other related legislation be adhered to.
5. That the costs of the Subdivision to create the new erf and Rezoning be to the cost of the Old Apostolic Church of South Africa.
6. That building construction may only start once submission of the Rezoning which includes the Site Development Plan and SG Diagrams is approved by Council and or under the delegation of the HOD: Strategic Services and registered with the Surveyor General's Office and the submission of building plans for the church has been received by this municipality.

7. That the Acting Municipal Manager be delegated with the authority to finalise the land swap and to enter into a Transfer Agreement for the services required for the new proposed erf in finalising the land-swop.

ITEM C/6/09/11/16

Council

BUILDING CONTROL SECTION: QUARTERLY REPORT: JULY – SEPTEMBER 2016

Department: Strategic Services

Demarcation: All wards

File Ref: 9/1/3/7

Attachments:

- Annexure “A” - Quarterly Report (Jul-Sept)
- Annexure “B” - Daily Inspections (Jul-Sept)
- Annexure “C” - Plan submissions (Jul-Sept)
- Annexure “D” - Plan approvals (July-Sept)
- Annexure “E” - Building Statistics (July-Sept)

Note should be taken that the annexures to this report will not be available in hard copy, only electronically. The master will be kept on file.

Report from: Manager Building Control

Date: 09 November 2016

Purpose of the Report

Building Control Quarterly Report for Council information as prescribed in Section 6 of National Building Regulations and Standards Act, regarding non-compliance with any condition on which approval was granted.

Background/Discussions

This report is to inform this local authority of the current applications received as well as approved relating to the National Building Regulations.

Relevant Legislation

National Building Regulations and Standards Act (Act 103 of 1977).

Comments: Head: Strategic Services

None.

Financial Implications

Income generated over the quarter (July-September 2016).

Relevant Legislation

National Building Regulations and Standards Act (Act 103 of 1977).

Comments: Acting Chief Financial Officer

The recommendation by the Acting Municipal Manager is supported.

Comments: Head Corporate Services

The recommendation by the Acting Municipal Manager is supported.

Comments: Head Engineering Services

The recommendation by the Acting Municipal Manager is supported.

Recommendation by the Acting Municipal Manager:

That cognisance be taken of the quarterly report from the Building Control Section for the period July to September 2016.

ITEM C/6/10/11/16

Council

**REPORT ON THE HOSTING OF THE SA SENIOR GOLF TOURNAMENT
IN BITOU**

Department: Strategic Services

Demarcation: All Wards

File Ref: 11/3/1/1

Attachment: **Annexure A:** Proposal from the SA Senior Golf Tour
(including breakdown of budget)

Annexure B: Support and motivational letter from Platt
Tourism.

Report from: Manager: LED and Tourism

Date: 21 November 2016

Purpose of the report

To request Municipal Council approval for the hosting of SA Senior Golf tournament in Plettenberg Bay.

Background

The Deputy Mayor requested an investigation to determine how the Municipality can assist in sustaining Plettenberg Bay's competitive advantage through tourism. The investigation should focus on the following key factors;

- Municipality to assume a more proactive role as in economic development
- Municipality to leverage what is already a competitive advantage
- Investigate other economic drivers that can grow the economy
- Investigate whether is it feasible for the Municipality to offer rebates to the hospitality industry considering the seasonality of the business in the area.
- Investigate whether there are special events that can be leveraged on to balance the seasonality of the economy
- Approach such events organisers that will be willing to host big events within the Plettenberg Bay area with an idea to stimulate the economy in out of season months thereby ensuring sustainability throughout the year.

The idea is to support Plett Tourism's campaign to sell Plettenberg Bay as a destination of choice. The investigation must focus on ensuring economic activities throughout the rest of the year, outside of high season, in order to sustain the local economy at times

Section 6: Strategic Services

when the business is quieter in terms of hospitality and tourism. This is intended to support the Bitou LED Strategy of developing tourism and related activities out of season (to date – Sasfin Plett Wine & Bubbly Festival, Plett MAD Festival, The Plett Trail, to name a few interventions) to ensure that the municipality assists the local hospitality industry not to rely too heavily on a seasonal economy.

Discussion

Several discussions were held between Plett Tourism and the office of the Deputy Mayor. These meetings culminated in the Deputy Mayor requesting Plett Tourism to engage with the Municipal officials and other stakeholders to determine how the Municipality could ensure sustainability of the hospitality and tourism industry throughout the rest of the year.

Plett Tourism is in a process of engaging with Municipal officials and other stakeholders, who in turn must submit a comprehensive local economic strategy that will drive the economy of the area.

The terms of reference for Plett Tourism include making recommendations with respect to medium to longer term plans. Such plans will make specific reference to developing tourism initiatives in PDI areas, and to developing PDI business opportunities in the formal Plett tourism economy. In addition, the Deputy Mayor requested that identification of short term economic drivers be considered.

The SA Senior Tour approached the Municipality and Plett Tourism to host their golf tournament in Plettenberg Bay next year between March and April 2017. Subsequent to these meetings, Plett Tourism has investigated and identified this as a key short term intervention which will have medium to long term benefits in selling Plettenberg Bay as a destination of choice, generating revenue into Plettenberg Bay and creating employment.

Benefits to Bitou hosting of this event.

In 2016, **The SA Senior Golf Tour (SAST)** and the **Endangered Wildlife Trust (EWT)** joined forces to create a movement that will serve to promote the conservation of endangered wildlife. This movement is called “**The EWT Senior Golf Series**” and will directly raise funds for endangered species most in need. The EWT Senior Golf Series will see 10 events in the SADC region built over the next 3 years and dedicated to raising funds for 10 specified species, running annually from October to April.

- Environmental commitment aligned with Bitou / Plett

This EWT Senior Golf Series will incorporate the **Green Flag Initiative**, and will be embodied by a green flag at all host courses. Only Golf Courses and Golfing Estates that deliver on pre-determined environmental criteria will qualify to host EWT Senior Series Events. Both the Plettenberg Bay golf courses were assessed

Section 6: Strategic Services

and evaluated to meet the criteria set by **The SA Senior Golf Tour (SAST)** and the **Endangered Wildlife Trust (EWT)**.

Just as municipalities value the Blue Flag status that their beaches have earned, the Green Flag is a desirable symbol for Bitou to market and is perfectly aligned with the Bitou / Plett brand and will further support all existing marketing.

In addition:

- CSI Educational talks by the Endangered Wildlife Trust (EWT) authorities to local schools in the Bitou area about conservation and the work the organization does.
- Bitou Municipality to assist in identifying targeted schools and arranging times for EWT to conduct these talks and seminars. Bitou to include key delegates from the Municipality to join EWT.
- Media coverage estimated at between **R1m to R3m**, and includes:
 - Broadcast package on SuperSport, 52min Highlights package with a minimum of 6 repeats, broadcast package inclusive: on-screen logos, opening and closing bill-boards and beauty shots
 - Additional minimum 5minute coverage of the Induction dinner on SuperSport plus exposure of the event across general news channels
- Direct hospitality spend of between **R1.8m to R2.4m**, with anticipated 900 to 1,200 bed nights being booked in the area from players, organizers and authorities involved in the event, and spectators
- Use of Golf Hall of Fame 60 000 database to promote the event
- Complimentary four-ball to participate alongside 2 Senior Pros during the Pro-Am.
- Prominent placement of branding across the course and club house areas.
- Act as host of the Pro-Am & Induction dinner, prize presentations and handovers.
- Logo/name will appear in all promotional, sales material and Logo on event interview backdrop
- Acknowledgement in the opening and closing speeches.
- Full page advertisement in tournament program and banner on website.
- Recognition of partnership through social media channels.
- 3 Year commitment, with a minimum CPI escalation

Amateurs will be treated to a Special Hospitality Experience on 1stNight (Wildlife & Dinner experience) after experiencing a round of golf with the Pros.

Financial Implications:

The Municipality contribution will be R1,620,000.00 and this can be funded sufficiently through savings which have already accumulated on the operational budget.

Section 6: Strategic Services

Applicable Legislation / Council Policy:

MFMA
Council virement policy
Budget regulations

Comments: Acting Chief Financial Officer

The recommendation by the Municipal Manager is supported

Comments: Acting Head Corporate Services

The recommendation by the Municipal Manager is supported

Comments: Head Community services

The recommendation by the Municipal Manager is supported

Comments: Head Engineering Services

The recommendation by the Municipal Manager is supported

Conclusion

The event has three components to it as follows'

- Contribution and participation in educating our communities about conservation and green environment, which directly impact on our increasing tourism revenue and job creation;
- Contribution in tourism and local economy in terms of spend in Plett and job creation;
- The significant marketing spin offs to promoting Bitou / Plettenberg Bay as a destination of choice.

Recommendation by the Acting Municipal Manager

That in respect of the request by The SA Senior Tour supported by Plett Tourism;

- a) That Council approve the hosting of the event as a one of the catalyst events for the next three years;
- b) That Council approve the contribution of R1,620,000.00 towards hosting of the event

- Section 6: Strategic Services

- c) That the mechanism for the contribution to the event be delegated to the Acting Chief Financial Officer to ensure compliance with relevant legislation and prescript.
- d) That Plett Tourism be delegated to work with Bitou LED and Tourism unit, the Bitou Communication team and The SA Senior Golf tour in marketing the event.

Order of Business:
CONSIDERATION OF MOTIONS OF
QUESTION


15 November 2016

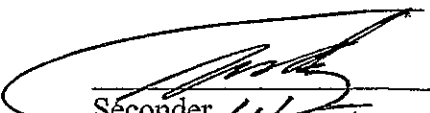
**NOTICE OF MOTION OF QUESTION IN TERMS OF RULE 34 (2) OF THE
RULES OF ORDER FOR THE BITOU MUNICIPAL COUNCIL FOR THE
COUNCIL MEETING SCHEDULED FOR 25 NOVEMBER 2016-11-13**

Question by **Cllr. A. Olivier** of the Democratic Alliance

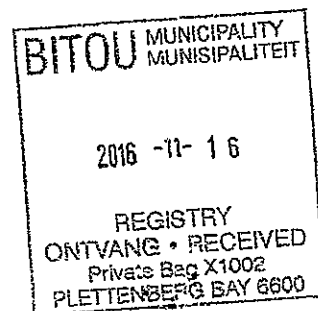
The random appointment of staff in the Mayoral office and constructive dismissal of Senior staff is extremely costly and not provided for in the budget:-

- 1) What is the total of the severance packages paid to former Municipal Manager and Chief Financial Officer that were, in fact, instrumental in Bitou Municipality attaining a succession of clean audits?
- 2) How many additional staff not provided for in the council approved organogram has been appointed to the Mayoral and Deputy Mayoral offices and what is the estimated annual cost of the salaries of these personnel?
- 3) Were these posts advertised in accordance with municipal regulations if not, Why not?
- 4) How many new administrative staff members were appointed since August 2016 and were they appointed in accordance with the approved organogram? If not, why not and what is the cost to company of these illegal appointments?
- 5) How many VIP bodyguards are employed for the Mayor and Deputy Mayors office and what are their monthly costs?


Cllr


Seconder *W. J. van der ...*





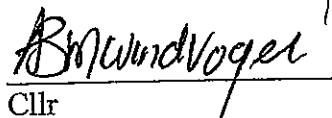
14 November 2016

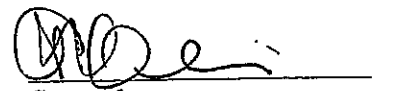
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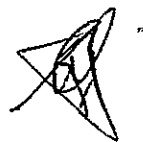
Question by Cllr. A Windvogel of the Democratic Alliance

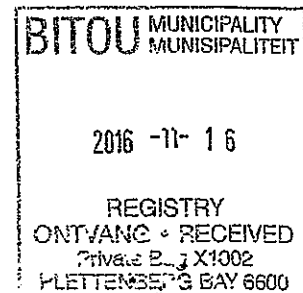
Lavish expenditure in the Mayoral office on entertainment is very concerning:-

- 1) What was the cost to the Bitou municipality for the entertaining of the Human Settlements delegation from National Government which visited Bitou on the 31st August 2016?
- 2) What was the costs of the Heritage day celebrations in New Horizons and what precisely was this money spent on?
- 3) What is the monthly costs to date of food and beverages in the Mayors and deputy mayors office?


Cllr


Seconder
Annelise Olivier





15 November 2016

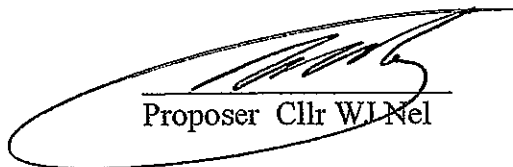
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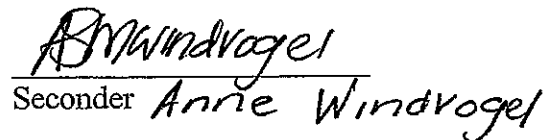
Question by Cllr. W.J. Nel of the Democratic Alliance

QUESTIONS

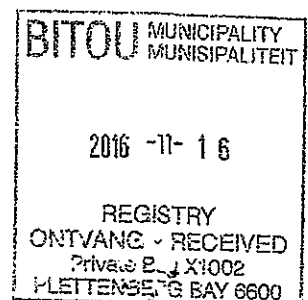
In terms of the proposal by the Mayor and the Deputy Mayor to appoint Attorneys to forensically investigate certain aspects of both the external auditor and Auditor Generals clean Audits:-

- 1) Were competitive quotes called for in terms of the procurement policy? If not, why not? If so, why was this deviation permitted?
- 2) In terms of the quotation received , what is the daily rate charged by the appointed firm of attorneys and how does this compare to the rates prescribed by the Law Society
- 3) Why was a firm of attorneys from Gauteng appointed and why was no consideration given to the appointment of local attorneys?
- 4) How long is this misguided forensic audit expected to take?
- 5) What is the estimated final cost of this exercise?


Proposer Cllr WJ Nel


Seconder Annie Windvogel






14 November 2016

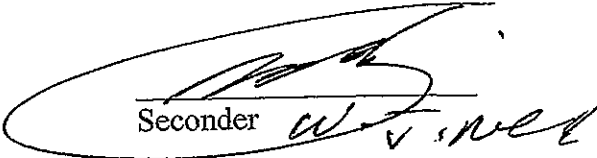
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Question by Cllr. J Kam-Kam of the Democratic Alliance

The excessive expenditure in the Mayoral office is unwarranted and wasteful:-

- 1) What is the is the exact expenditure to date on vehicles in the office of the mayor and Deputy mayor since taking office ?
- 2) Was a vehicle rented by the Mayor involved in an accident? If so, was this accident reported to the SAPS? If not, why not?
- 3) What were the costs of repairs to this vehicle and if repaired who is paid for it?
- 4) To whom has the previous Mayors vehicle been allocated to and does this person qualify for the use of a municipal vehicle in terms of the rules applicable to Bitou municipality?


Cllr J.N. Kamkam


Seconded



