



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

Agenda

SPECIAL MUNICIPAL COUNCIL MEETING

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

DATE: 22 JANUARY 2015

Time: 11H00

BITOU LOCAL MUNICIPALITY

19 January 2015

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

SPECIAL COUNCIL MEETING: THURSDAY, 22 JANUARY 2015

NOTICE is hereby given that a Special Municipal Council Meeting will be held in the Council Chamber, Municipal Offices, Plettenberg Bay on **THURSDAY, 22 JANUARY 2015 AT 11H00** to discuss the business set forth in the Agenda.

Yours faithfully



for
**AR Olivier
Speaker**

Constitution of the Council

The Speaker, Councillor AR Olivier
The Executive Mayor, Councillor M Booysen
Member of the Mayoral Committee, Councillor N M de Waal
Member of the Mayoral Committee, Councillor E E Paulse

Councillor S Besana
Councillor W R Craig
Councillor S E Gcabayi
Councillor SB Farrow
Councillor M M Mbali
Councillor H Plaatjies
Councillor N Ndayi
Councillor L M Seyisi

IMPORTANT NOTICE

**PLEASE REFER TO THE SPECIAL MAYORAL COMMITTEE
AGENDA OF EVEN DATE FOR THE ANNEXURE TO THE
REPORTS ON THE ITEM AS LISTED**

Bitou Local Municipality

Special Council Agenda: 22 January 2015

Time: 11h00

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. STATEMENTS AND COMMUNICATIONS BY:

4.1 The Executive Mayor

4.2 The Speaker

5. CONSIDERATION OF REPORTS

Schedule of Items attached

6. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

None received

7. CONSIDERATION OF NOTICES OF MOTION

None received

8. CONSIDERATION OF MOTIONS OF QUESTION

None received

Order of business: Special Council Meeting: 22 January 2015

9. **CONSIDERATION OF MOTIONS OF EXIGENCY**

None received

10. **IN-COMMITTEE MATTERS**

None received

11. **RECORDING OF COUNCILLORS PRESENT**

12. **CLOSURE**

PORTFOLIO INDEX**5: CONSIDERATION OF REPORTS: (OPEN)****SPECIAL COUNCIL MEETING AGENDA****22 JANUARY 2015****(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	COUNCIL AGENDA PAGE NO	DATE OF MEETING
C/1/96/01/15	APPOINTMENT PROCESS OF HOD STRATEGIC SERVICES	4/3/5/1/5	1 - 4	1 - 4	22-Jan-14

SECTION 2: FINANCE

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

SECTION 3: CORPORATE SERVICES

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

SECTION 4: COMMUNITY SERVICES

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

SECTION 5: ENGINEERING SERVICES

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

SECTION 6: STRATEGIC SERVICES

ITEM NO	SUBJECT	FILE REF	MAYCO AGENDA PAGE NO	COUNCIL AGENDA PAGE NO	DATE OF MEETING
C/6/264/01/15	TABLING OF THE 2014/2015 MFMA SECTION 72 (MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT) REPORT	5/1/1/4	5 - 56	5 - 6	22-Jan-14
C/6/265/01/15	TABLING OF THE DRAFT OF THE 2013/2014 ANNUAL REPORT	5/11/1/1 & 9/1/1	57 - 58	7 - 9	22-Jan-14

Section 1

Office of the Municipal Manager

Section 1: Office of the Municipal Manager

ITEM C/1/96/01/15

Council Meeting

APPOINTMENT PROCESS OF HOD STRATEGIC SERVICES

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

File Ref: 4/3/5/1/5

Report by: Head: Corporate Services

Date: 14 January 2015

Purpose

To inform council of the progress made with recruitment and selection process with the appointment of the HOD Strategic Services.

Background

Council resolved per resolution C/1/93/11/14 inter alia that:

- "5. That the following timeframes as set out in paragraph 13 of the report mentioned in (a) above, be adopted with the provision that, where possible the matter be expedited within the minimum prescribed time limits.

<i>Date</i>	<i>Activity</i>	<i>Responsibility</i>
18 Nov 2014	Special Council meeting	Speaker
20 Nov 2014	Workshop with Selection Committee to discuss profile, advertisement and timeframes	Municipal Manager
20 Nov 2014	Draft advertisement submitted to Selection Committee for approval	HR
21 Nov 2014	Final draft advertisement submitted to press for advertisement	HR
23 Nov 2014	Position advertised in national media	HR
24 Dec 2014	All applications submitted directly to SP by deadline	SP
16 Jan 2015	Long lists and abbreviated lists submitted to Bitou Municipality for final short-listing	SP, panel

Section 1: Office of the Municipal Manager

<i>21 Jan 2015</i>	<i>Shortlists finalised according to selection criteria</i>	<i>SP, panel</i>
<i>23 Jan 2015</i>	<i>Shortlisted candidates invited for interviews</i>	<i>SP, panel</i>
<i>12 – 13 Feb 2015</i>	<i>Assessment and Interviews take place in Plettenberg Bay</i>	<i>SP, panel</i>
<i>20 Feb 2015</i>	<i>Final decisions made at Council and offers extended to successful candidate</i>	<i>SP, panel, Council</i>
<i>25 Feb 2015</i>	<i>Negotiations concluded and candidate formally accepts offer in writing</i>	<i>SP</i>
<i>1-31 March 2015</i>	<i>Notice period if required</i>	
<i>1 April 2015</i>	<i>Successful candidate reports for duty</i>	
<i>31 May 2015</i>	<i>Performance Agreement signed with Executive Mayor</i>	

6. *That it be noted that Mr Chris Schliemann is appointed as Acting HOD: Strategic Services since 1 September 2014 in terms Resolution C/6/222/03/14 of 31 March 2014 of Council approved programme for the Department of Strategic Services.*
7. *That the concurrence of the MEC for local government in the province be obtained for a further extension of three months for the acting position mentioned in (6) above from 1 December 2014 or any period shorter if the post is filled before the extended period expires."*

The post was advertised in the Rapport and City Press (both National Newspapers) on 23 November 2014 and closed 9 December 2014. All applications were sent by post to ODS consultants who was appointed to facilitate the recruitment and selection process.

The Selection Committee appointed by Council met on 17 December 2014 to consider the applications that were received. Not one of the applications received met the criteria as set in the regulations. It was therefore decided that the post be re-advertised on 11 January 2015 in a national newspaper and also to request SALGA to post this advert on their website in order to attract more suitable applications from this sector. The closing date for this post is 29 January 2015.

The Committee is of the opinion that the remuneration package on offer in terms of the Regulations is not competitive and therefore not attracting applications from people with the desired skills, experience and qualifications which includes the minimum competency levels. It has also been established that the packages of some of our own managers and managers at other municipalities at lower levels and fewer responsibilities receive better packages than what is currently on offer for this post.

Section 1: Office of the Municipal Manager

The implications with the re-advertising of this post are as follows:

- a) that the timetable must be revised; and
- b) permission must be obtained from the MEC for Local Government to grant a further extension for the person to act as HOD: Strategic Services beyond 28 February 2015 i.e. until the post is filled.

Revised timeframes for the Selection Process

Date	Activity	Responsibility
11 January 2015	Advertisement in National Media	Human Resources
29 January 2015	Applications close for advertised position	Service Provider
4 February 2015	Long lists and abbreviated lists prepared and submitted to Bitou Municipality for final short-listing	Service Provider/ Municipal Manager/Selection Panel
6 February 2015	Shortlists finalised according to selection criteria.	Service Provider/ Municipal Manager/Selection Committee
10 February 2015	Suitable candidates invited for interviews	Service Provider
23 & 24 February 2015	Selection process finalised and Assessment and Interviews completed.	Service Provider/ Municipal Manager/Selection Committee
2 March 2015	Selection Report Submitted to Municipality	Service Provider
9 March 2015	Special Council Meeting Consider recommendations and appoint suitable candidate	Council/ Selection Committee/ Municipal Manager
13 March 2015	Submit a report on the Selection Process and Outcomes to the MEC as required	Municipality/Service Provider.
20 March 2015	Final decisions made and offers extended to successful candidate and Contract of Employment finalised.	Service Provider / Municipal Manager/HR Manager
1 May 2015	Successful candidates report for duty dependent upon post	HR Manager/MM
60 days after appointment	Performance Agreements signed with incumbent	MM

Recommended by the Municipal Manager

1. That the Municipal Council notes the contents of the report on the appointment process of the HOD Strategic Services

Section 1: Office of the Municipal Manager

2. That Municipal Council approves the following amended process plan.

Date	Activity	Responsibility
11 January 2015	Advertisement in National Media	Human Resources
29 January 2015	Applications close for advertised position	Service Provider
4 February 2015	Long lists and abbreviated lists prepared and submitted to Bitou Municipality for final short-listing	Service Provider/ Municipal Manager/Selection Panel
6 February 2015	Shortlists finalised according to selection criteria.	Service Provider/ Municipal Manager/Selection Committee
10 February 2015	Suitable candidates invited for interviews	Service Provider
23 & 24 February 2015	Selection process finalised and Assessment and Interviews completed.	Service Provider/ Municipal Manager/Selection Committee
2 March 2015	Selection Report Submitted to Municipality	Service Provider
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13 March 2015	Submit a report on the Selection Process and Outcomes to the MEC as required	Municipality/Service Provider.
20 March 2015	Final decisions made and offers extended to successful candidate and Contract of Employment finalised.	Service Provider / Municipal Manager/HR Manager
1 May 2015	Successful candidates report for duty dependent upon post	HR Manager/MM
60 days after appointment	Performance Agreements signed with incumbent	MM

3. That the MEC for Local Government be informed of the status of process and be requested to grant a further extension for an official to act as HOD Strategic Services until the post is filled.

Section 6

Department: Strategic Services

ITEM C/6/264/01/15

Council Meeting

TABLING OF THE 2014/2015 MFMA SECTION 72 (MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT) REPORT

<u>Department:</u>	Strategic Services	<u>Demarcation:</u>	All Wards
<u>File Ref:</u>	5/1/1/4		
<u>Attachments:</u>	Annexure "A" - 2014/2015 MFMA Section 72 (Mid-year Budget and Performance Assessment Report		
<u>Report from:</u>	Manager: PMS, SDBIP and Compliance		
<u>Date:</u>	19 January 2015		

Purpose of the report

The purpose of the report is to assess the Bitou Local Municipality's performance in the first two quarters (July – December) for the 2014/2015 Financial Year.

Background /Discussion

Section 72 (1) and 52 (d) of the Local Government: Municipal Finance Management Act, 2003, Act 56 of 2003 (MFMA) determines that the Accounting Officer must assess the performance of the municipality during the first half of the financial year and report thereon to the Mayor by 25 January of each year. The Mid-year Budget and Performance Assessment Report must also be submitted to the National Treasury and Provincial Treasury, in terms of Section 72 (1) (b) of the MFMA.

The Mid-year Budget and Performance Assessment Report consist of two elements, namely the financial and non-financial performance of the municipality. The performance assessment is done on the basis of a detailed plan, the Service Delivery and Budget Implementation Plan (SDBIP) approved by the Mayor in terms of Section 53 (1) (c) (ii) of the MFMA.

Section 72 states that –

- (1) *"The accounting officer of a municipality must by 25 January of each year –*
 - (a) *Assess the performance of the municipality during the first half of the financial year, taking into account –*
 - (i) *the monthly statements referred to in Section 71 for the first half of the financial year;*
 - (ii) *the municipality's service delivery performance during the first half of the year, and the service delivery targets and performance indicators set in the Service Delivery and Budget Implementation Plan;*
 - (iii) *the past year's Annual Report, and progress on resolving problems identified in the Annual Report; and*

Section 6: Strategic Services

(b) Submit a report on such assessment to –

- (i) the Mayor of the municipality*
- (ii) the National Treasury; and*
- (iii) the relevant Provincial Treasury.*

(2) The statement referred to in Section 71 (1) for the sixth month of a financial year may be incorporated into the report referred to in subsection (1)(b) of this section.

(3) The accounting officer must, as part of the review –

- (a) Make recommendations as to whether an adjustment budget is necessary; and*
- (b) Recommend revised projections for revenue and expenditure to the extent that this may be necessary.*

Financial Implications

The recommendations of the Mid-year Budget and Performance Assessment Report will have financial implications, to be considered in the adjustment budget, IDP review document and revised SDBIP.

Recommended by the Municipal Manager

1. That the Executive Mayor considers the 2014/2015 MFMA Section 72 (Mid-year budget and performance assessment) report.
2. That the report be tabled in Council for information.
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.

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Council Meeting

TABLING OF THE DRAFT OF THE 2013/2014 ANNUAL REPORT

<u>Department:</u>	Strategic Services	<u>Demarcation:</u>	All Wards
<u>File Ref:</u>	5/11/1/1 & 9/1/1		
<u>Attachments:</u>	Annexure "A" - 2013/2014 Draft Annual Report (Circulated separately)		
<u>Report from:</u>	Manager: PMS, SDBIP and Compliance		
<u>Date:</u>	06 January 2015		

Purpose of the report

The Council must consider the Annual Report for the financial year 2013/2014, publish the Annual Report for comment, have it evaluated by an Oversight Committee, publish the report in keeping with the statutory requirements and submit it to the relevant Provincial and National Departments and other organs of state.

Background /Discussion

The 2013/2014 Annual Report reflects on the performance of the Bitou Local Municipality for the period 01 July 2013 to 30 June 2014. It is prepared in terms of Section 121 (1) of the Local Government: Municipal Finance Management Act, 2003, Act 56 of 2003 (MFMA), in terms of which the Municipality must prepare an Annual Report for each financial year.

The Annual Report and the Annexure thereto were submitted to the Auditor General as part of the external auditing process and will also be submitted to the Bitou Audit Committee. Copies will also be sent to the National Treasury and Provincial Treasury.

The Annual Report contains numerous comments and recommendations that must be considered. The functional and organisational performance of the Municipality is also contained therein.

In terms of Section 127 (5) of the Local Government: Municipal Finance Management Act, 2003, the accounting officer must immediately after an Annual Report is tabled:

- (a) in accordance with Section 21A of the Local Government: Municipal Systems Act, Act 32 of 2000 –
 - (i) make public the Annual Report; and*
 - (ii) invite the local community to submit representations in connection with the Annual Report; and**
- (b) submit the Annual Report to the Auditor General, Provincial Treasury and the relevant Provincial Department responsible for Local Government in the province.*

Section 6: Strategic Services

National Treasury MFMA Circular No. 32, of 15 March 2006 further provides that *"The Oversight Committee should be made up of only non-executive councillors and representatives of the community and can be formed each year to deal with the Annual Report. Municipal officials cannot be members of an Oversight Committee as this would pose a conflict of interest."*

The Annual Report should be made available at all Municipal Offices and Libraries, published on the official website and by a public notice in the relevant regional and/or local newspapers.

The Municipal Council must, before 22 March 2015, in accordance to Section 129 of the Local Government: Municipal Finance Management Act, 2003, adopt an Oversight Report containing the Council's comment on the Annual Report which must include a statement whether the Council –

- (a) Has approved the Annual Report with or without reservations;*
- (b) Has rejected the Annual Report; or*
- (c) Has referred the Annual Report back for revision of those components that can be revised."*

Relevant Legislation

Constitution of the Republic of South Africa, 1996, Act 108 of 1996 (Constitution).
Local Government: Municipal Finance Management Act, 2003, Act 56 of 2003 (MFMA).
Local Government: Municipal Systems Act, 2000, Act 32 of 2000 (Systems Act).
Local Government: Municipal Structures Act, 1998, Act 117 of 1998 (Structures Act)

Recommended by the Municipal Manager

1. That cognizance be taken of the 2013/2014 Draft Annual Report and the timeframes related to the adoption and publication thereof.
2. That the accounting officer published the 2013/2014 Draft Annual Report for public comment and recommendations.
3. That the Municipal Council appoint three non-executive Councillors, and if required representatives of the community, to serve on the ad-hoc Oversight Committee to provide a detailed analysis and review of the 2013/2014 Draft Annual Report, and to submit an Oversight Report to the Council before 22 March 2015.
4. That the Municipal Council appoint, in terms of Section 79 (2) (c) of the Local Government: Municipal Structures Act, 1998, Act 117 of 1998 a chairperson for the Oversight Committee.
5. That the 2013/2014 Draft Annual Report be submitted to the Office of the Auditor General, Provincial Treasury and the Provincial Department responsible for Local Government.

