



Bitou Local Municipality
Bitou Plaaslike Munisipaliteit
Umasipala WeBitou

Agenda

SPECIAL MUNICIPAL COUNCIL MEETING

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

DATE: 07 MARCH 2024

Time: 09h00

BITOU LOCAL MUNICIPALITY

NOTICE

04 March 2024

The Executive Mayor
Councillors
Acting Municipal Manager and Directors

SPECIAL COUNCIL MEETING: THURSDAY, 07 MARCH 2024 AT 09H00

NOTICE is hereby given that a Special Council Meeting will be held in the Council Chambers, Municipal Offices, Plettenberg Bay on **THURSDAY, 07 MARCH 2024 AT 09H00** to discuss the business set forth in the Agenda.

Yours faithfully



S E GCABAYI
SPEAKER OF COUNCIL

Constitution of the Council

The Speaker, Councillor S E Gcabayi
The Executive Mayor, Councillor C N J Terblanche

Councillor M P Busakwe
Councillor J N Kamkam
Councillor N P Kolwapi
Councillor S A Mangxaba
Councillor H Mitchell
Councillor T Mhlana
Councillor N Ndayi
Councillor W J Nel
Councillor A R Olivier
Councillor N T Seti
Councillor D J Swart



Bitou Local Municipality

Special Council Agenda:

07 March 2024

Time: 09h00

Order of Business

1. OPENING

2. ATTENDANCE

The attendance registers of members of the Municipal Council, Officials will be circulated for signature.

3. APPLICATION FOR LEAVE OF ABSENCE

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

4. DECLARATION OF INTERESTS

Disclosure of interest by Councillors

5. CONFIRMATION OF MINUTES FOR PREVIOUS MEETINGS (OPEN)

None

6. STATEMENTS AND COMMUNICATIONS BY:

6.1. The Executive Mayor

6.2. The Speaker

7. PRESENTATIONS

None

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

None



9. NOTING OF OUTSTANDING / PARTIALLY IMPLEMENTED COUNCIL RESOLUTIONS

None

10. CONSIDERATION OF REPORTS (NON- DELEGATED MATTERS)

Circulated herewith

11. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

None received

12. CONSIDERATION OF NOTICES OF MOTION

None received

13. CONSIDERATION OF NOTICES OF QUESTION

None received

14. CONSIDERATION OF MOTIONS OF EXIGENCY

None received

15. IN-COMMITTEE MATTERS

15.1 CONFIRMATION OF MINUTES: (IN-COMMITTEE)

None

15.2 CONSIDERATION OF IN-COMMITTEE REPORTS (NON- DELEGATED MATTERS)

None

16. RECORDING OF COUNCILLORS PRESENT

17. CLOSURE

10. CONSIDERATION OF REPORTS (NON-DELEGATED MATTERS)

PORTFOLIO INDEX
CONSIDERATION OF REPORTS
SPECIAL COUNCIL MEETING
7 MARCH 2024

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SECTION 2: FINANCE

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SECTION 5: ENGINEERING SERVICES

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SECTION 6: ECONOMIC DEVELOPMENT & PLANNING

ITEM NO	SUBJECT	FILE REF	PAGE NO
	No Items for information		

SECTION 1

**OFFICE OF THE MUNICIPAL
MANAGER**

Section 1: Office of the Municipal Manager

ITEM C/1/207/03/24

APPOINTMENT OF ACTING DIRECTOR CORPORATE SERVICES FOR THE PERIOD 08 MARCH 2024 UNTIL 07 JUNE 2024

Portfolio Comm: Strategic Services & Office of the MM **Demarcation:** All Wards
File Ref: 4/3/5/1/3 **Delegation:** Council

Attachments: **Annexure “A”:** - Extract of Unconfirmed Minutes - Council Resolution C/1/195/02/24 dated 7 February 2024 (Appointment of an Acting Director Corporate Services for the period 08 February 2024 until 07 March 2024)

Annexure “B”:- Extract of Unconfirmed Minutes – Council Resolution C/1/203/02/24 dated 28 February 2024 (Recruitment and Selection Process; Re-advertising and approval of Selection and Recruitment Process for the filling of the position – Director Corporate Services)

Report by: Acting Municipal Manager

Author: Senior Manager Human Resources Management

Date: 05 March 2024

PURPOSE OF THE REPORT

To seek Council’s approval to appoint a Senior Official within the Directorate Corporate Services to act as Director Corporate Services for the period 08 March 2024 until 07 June 2024.

BACKGROUND

Council at its meeting of Wednesday, 07 February 2024, resolved to appoint Mr. Andile Namntu in an acting capacity in the position of Director Corporate Services for the period 07 February 2024 until 07 March 2024 (*Annexure “A”*).

Furthermore, Council at its meeting of Wednesday, 28 February 2024, resolved to re-advertise the position of Director Corporate Services under Council Resolution C/1/203/02/24 (*Annexure “B”*).

Section 56 (1)(a)(ii) of the Local Government Municipal Systems Act, 32 of 2000 states that a Municipal Council, after consultation with the Municipal Manager, must appoint an acting manager directly accountable to the Municipal Manager under circumstances and for a period as prescribed.

Section 56 (1)(b) states that a person appointed in terms of 56(1)(a)(ii) must at least have the skills, expertise, competencies and qualifications as prescribed.

Section 56 (1)(c) states that a person appointed in terms of paragraph (a) (ii) may not be appointed to act for a period that exceeds three months: Provided that a Municipal Council may, in special circumstances and on good cause shown, apply in writing to the MEC for local government to extend the period of appointment contemplated in paragraph (a), for a further period that does not exceed

Section 1: Office of the Municipal Manager

three months. A written application has been submitted to the MEC for Local Government to extend the period of appointment until the vacancy is filled if council approves the extension. (Annexure B)

In terms of the Local Government: Municipal Systems Act: Regulations: Appointment and conditions of employment of senior managers, and in this instance for the Director Corporate Services, an employee must meet the following criteria,

Higher Education Qualifications: Bachelor Degree in Public Administration / Management Science / Law; or equivalent (i.e. a NQF 7 and higher)
Years and type of Experience: 5 years' experience at middle management level
Have proven successful management experience in administration.
MMCL 15 unit standards or attain it within 18 months from date of appointment

Herewith a summary of the experience, qualification, and minimum competency compliance of all Senior Officials within the Directorate Corporate Services that are eligible to be considered for the appointment of Acting Director Corporate Services;

Mr. AA Namntu:

Highest Education Qualification: Bachelor of Commerce (University of the Western Cape) – NQF 7
Management Leadership Development Programme Certificate
Years and type of Experience: Approximately **27** years working experience of which he has 9 years Local Government Experience which include **4 years at middle management level (has a total of 20 Years Management Experience)**
MMCL Partially obtained– (10 of the 15 required unit standards completed for Senior Managers)

Mrs. TM Wildeman:

Highest Education Qualification: Post Graduate Diploma in Human Resource Management – (UNISA) - NQF Level 8
National Diploma in Human Resource Management – (Cape Technikon)
Years and type of Experience: Approximately **24** years Local Government Working experience of which she has **14 years at middle management level**
MMCL Yes (15 required unit standards completed for Senior Managers)

Section 1: Office of the Municipal Manager

Mr. Alan Croutz:

Highest Education Qualification: Bachelor of Procuratoris (University of the Western Cape)
- NQF Level 7
Certificate –Mediation (University of Cape Town)

Years and type of Experience: Approximately **39** years working experience of which he has **14 years Local Government Experience which include 11 years at middle management level**

MMCL Yes (15 required unit standards completed for Senior Managers)

Mr. TS Machelesi:

Highest Education Qualification: National Diploma in Public Management and Administration (Nelson Mandela Metropolitan University - NQF Level 6)
Certificate: Management Development Programme (CPMD) – Wits University – Business School

Years and type of Experience: Approximately **22** years working experience of which he has **15 Years Local Government Experience at Senior Management Level and 7 Years at middle management level**

MMCL Yes (15 required unit standards completed for Senior Managers)

LEGISLATIVE REQUIREMENTS

Municipal Systems Act, Act 32 of 2000
Labour Relations Act, Act 85 of 1993
Regulations 15(6) and 17 of the Regulations on the Appointment and Conditions of Employment of Senior Managers
Employment Equity Act, Act

RECOMMENDED BY THE MUNICIPAL MANAGER

That Council appoints Mr/Mrs. _____ as Director Corporate Services for the period 8 March 2024 until 07 June 2024.

EXTRACT FROM THE CONFIRMED MINUTES OF THE SPECIAL COUNCIL MEETING OF BITOU LOCAL MUNICIPALITY HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON WEDNESDAY, 07 FEBRUARY 2024 AT 11H03

“

Resolution C/1/195/02/24

APPOINTMENT OF AN ACTING DIRECTOR CORPORATE SERVICES FOR THE PERIOD __FEBRUARY 2024 UNTIL 31 APRIL 2024

Portfolio Comm: Strategic Services & Office of the MM

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

Demarcation: All Wards

Delegation: Council

Resolved

1. That Mr A Namntu be appointed as Acting Director Corporate Services for a period of one month (07 February 2024 until 07 March 2024).
2. That Council take note that the recruitment process of permanent Director Corporate Services is still underway and not finalised yet.

Proposed: Councillor S A Mangxaba

Seconded: Councillor H Mitchell”

EXTRACT FROM THE UNCONFIRMED MINUTES OF THE SPECIAL COUNCIL IN-COMMITTEE MEETING OF BITOU LOCAL MUNICIPALITY HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON WEDNESDAY, 28 FEBRUARY 2024 AT 10H07

“

Resolution C/1/203/02/24

RECRUITMENT AND SELECTION PROCESS; RE-ADVERTISING AND APPROVAL OF SELECTION AND RECRUITMENT PROCESS FOR THE FILLING OF POSITION - DIRECTOR CORPORATE SERVICES

Portfolio Comm: Strategic Services & Office of the MM

File Ref: 4/3/5/1

Demarcation: All Wards

Delegation: Council

Resolved

1. That Council take note of the content of the report.
2. That Council note that the Selection Panel could not finalise the Selection Process for the post of Director Corporate Services.
3. That the post of Director Corporate Services be re-advertised in terms of the below timeframes.
4. That Council approves the Recruitment and Selection processes hereunder, in line with the Local Government: *Regulations on Employment and Conditions of Employment of Senior Managers*, as promulgated on 17 January 2014.

ACTIVITY	DATE
Advertising of position of Director Corporate Services (<i>must be advertised within 14 days of receipt of council approval</i>)	Sunday, 10 March 2024
Closing date (<i>minimum of 14 days from the date of advertisement appearing and not more than 30 days</i>)	Tuesday, 09 April 2024
Shortlisting (<i>within 30 days of closing of advert</i>)	Monday, 22 April 2024
Screening and competency assessments (<i>within 21 days of shortlisting</i>)	Monday, 06 May 2024
Interviews (<i>within 21 days of screening</i>)	Monday, 06 May 2024
Outcome report tabled in Council	Wednesday, 29 May 2024
Successful candidate report for duty	01 July 2024

5. That Council appoint the following persons as the Selection and Interview Panel in terms of both Regulations 12 and 15 of Government Gazette No. (37245) respectively:
 - (a) The Municipal Manager who will be the chairperson;

- (b) Member of the Mayoral Committee and portfolio head of Corporate Services; **Councillor H Mitchell**
 - (c) At least one other person; who is not a councillor or a staff member of the municipality, and who has the expertise or experience in the area of the advertised post.
 - (d) *Two (2) Union Representatives, 1 union representative from IMATU and 1 Union representative from SAMWU who will sit as an observers.*
6. That upon completion of the selection process a report containing the proposed appointment be tabled to Council to make the necessary appointment.
7. That upon Council approving the appointment, the Municipal Manager be **mandated to negotiate** an offer of employment with the preferred candidate within the parameters of the specific service conditions and budgetary guidelines relating to the position.
8. **That the advertisement for the position of the Director Corporate Services be amended as follows:**
- (a) that the wording *“of which at least 2 years must be at senior management level”* be deleted and replaced with *“two years of senior management level experience may be an added advantage.*

Proposed: Councillor S A Mangxaba
Seconded: Councillor N P Kolwapi

EXECUTION: Manager Human Resources Management
Cc Municipal Manager

Section 1: Office of the Municipal Manager

ITEM C/1/208/03/24

SECONDMENT OF DR. RALPH LINKS TO ACT AS MUNICIPAL MANAGER AT BITOU MUNICIPALITY IN TERMS OF A SECONDMENT AGREEMENT ENTERED WITH KAROO DISTRICT MUNICIPALITY

Portfolio Comm: Strategic Services and Office of the MM **Demarcation:** All Wards
File Ref: 9/1/7 **Delegation:** Council

Attachments: Annexure “A” - Council Resolution C/1/205/02/24 of the Special In - Committee Meeting held on 28 February 2024.

Annexure “B” - The Secondment Agreement between the Central Karoo District Municipality, Bitou Municipality and Dr. Ralph Ronald Links.

Report from: Executive Mayor

Date: 05 March 2024

PURPOSE OF THE REPORT

For Council to appoint Dr. R. Links as Acting Municipal Manager for the period 5 March 2024 until 30 June 2024.

BACKGROUND

The Council at its Special Council Meeting of 28 February 2024, resolved under Resolution C/1/205/04/24 that Council delegate the power and authority to the Executive Mayor to enter into a secondment agreement with another organ of state to second a suitably qualified person to act as Municipal Manager for a period of three (3) months ending 30 June 2024.

Based on the above, Central Karoo District Municipality entered into a secondment agreement with Bitou Municipality to second its Director Corporate and Strategic Support Services, who is currently the Acting Municipal Manager, Dr. Ralph Ronald Links, to Bitou Municipality as the acting Municipal Manager.

The secondment is in terms of Section 20 of the Regulations of Appointment and Conditions of Employment of Senior Managers (2014). Accordingly, the following conditions as per the Secondment Agreement read with the provision of Regulation 20 is applicable to the secondment, *to wit*:

1. The Transferring Municipality shall retain Dr Links on its payroll and remunerate him monthly for the duration of the Agreement.
2. The Recipient Municipality will in compliance with the Cost Containment Regulations at its own cost arrange for suitable accommodation for Dr Links, monthly for the duration of the agreement.
3. The Recipient Municipality will be responsible for the travel and subsistence of Links, which shall include a weekly return trip to his place of residence.

Section 1: Office of the Municipal Manager

4. The Transferring Municipality will, either monthly, or at the termination of the Agreement, invoice the Recipient Municipality for all expenses incurred by Dr Links in the execution of his official duties which may include, but is not limited to:
 - (a) Monthly remuneration; and
 - (b) Travel and Subsistence costs.
5. The Local Government: Disciplinary Regulations for Senior Managers, 2010 shall apply to Dr. Links for the duration of the Agreement in respect of the Transferring and Recipient Municipality.

FINANCIAL IMPLICATION

As per the attached Secondment Agreement

RELEVANT LEGISLATION

Local Government: Regulations on appointment and conditions of employment of Senior Managers, No 21 of 21 January 2014.

Bitou Municipality System of Delegations.

RECOMMENDED BY THE EXECUTIVE MAYOR

That Council notes the secondment of Dr. Ralph Ronald Links, the Director Corporate and Strategic Services, to Bitou Municipality as Acting Municipal Manager for a period of three (“3”) months ending 30 June 2024.

EXTRACT FROM THE UNCONFIRMED MINUTES OF THE SPECIAL COUNCIL IN-COMMITTEE MEETING OF BITOU LOCAL MUNICIPALITY HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON WEDNESDAY, 28 FEBRUARY 2024 AT 10H07

“

Resolution C/1/205/02/24

CONSIDERATION OF THE ALLEGATIONS OF MISCONDUCT AGAINST THE MUNICIPAL MANAGER (MR MBULELO MEMANI) IN TERMS OF REGULATION 6 OF THE DISCIPLINARY REGULATIONS FOR SENIOR MANAGERS, 2010

Directorate:
File Ref:

Municipal Manager/ Executive Mayor
4/7/2/4

Demarcation: All Wards
Delegation: Council

Resolved

1. ...
2. ...
3. ...
4. ...
5. ...
6. ...
7. **That Council delegate the power and authority to the Executive Mayor to enter into a secondment agreement with another organ of state to second a suitably qualified person to act as Municipal Manager for a period of three (3) months.**

Proposed: Councillor S A Mangxaba
Seconded: Councillor T Mhlana”

SECONDMENT AGREEMENT

MADE AND ENTERED INTO BETWEEN

CENTRAL KAROO DISTRICT MUNICIPALITY

Herein represented by Mrs Johanna Botha in his capacity as Executive Mayor duly authorised thereto

(hereinafter referred to as "*the Transferring Municipality*")

AND

BITOU MUNICIPALITY

Herein represented by Mr. Claude Terblanche in his capacity as Executive Mayor duly authorised thereto

(hereinafter referred to as "*the Recipient Municipality*")

AND

DR. RALPH ROLAND LINKS

(Identity Number ██████████ employed at Central Karoo District Municipality with place of business being 63 Donkin Street, Beaufort West, 6970)

(Hereinafter referred to as "*Links*")

(Jointly referred to as "*the Parties*")

PREAMBLE

WHEREAS the Minister of Local Government, Environmental Affairs and Development Planning gave permission as per the Financial Recovery Plan in place at the Bitou Municipality towards the secondment of the Director: Corporate and Strategic Support Services, in his also current capacity as Acting Municipal Manager until 30 June 2024, Dr Ralph Roland Links, employed by the Transferring Municipality, to the Recipient Municipality to act in the vacant position of Municipal Manager for a period of four (4) months until 30 June 2024.

AND WHEREAS the respective Councils of the Transferring and Recipient municipalities resolved to approve the secondment;

AND WHEREAS the purpose of this agreement is to record the terms and conditions of the secondment;

NOW THEREFORE IT IS AGREED AS FOLLOWS:

1. INTERPRETATION ND DEFINITIONS

1.1 In this agreement, unless the context indicates otherwise-

1.1.1 any gender shall include the other genders;

1.1.2 a natural person shall include juristic persons and vice versa; and

1.1.3 the singular shall include the plural and vice versa.

1.1.4 The following expressions bear the meanings assigned to them below and cognate expressions bear corresponding meanings:

1.1.4.1 **“Agreement”** means this Secondment Agreement;

- 1.1.4.2 “**Commencement Date**” means **4 March 2024** notwithstanding the date of signature of the Agreement;
- 1.1.4.3 “**Parties**” means the Central Karoo District Municipality, Bitou Local Municipality and Ralph Roland Links and “**Party**” means either one of them as the context may indicate.
- 1.1.5 Words and expressions defined in any clause shall, for the purpose of that clause, bear the meaning assigned to such words and expressions in that clause.

2. TERMS AND CONDITIONS

- 2.1 The Parties hereby agree that Dr Links shall be seconded to Bitou Local Municipality to act as Municipal Manager with effect from **4 March 2024 to 4 June 2024** on the terms and conditions set out in this Agreement.
- 2.2 It is hereby recorded that the secondment of Dr Links as Acting Municipal Manager to Bitou Municipality is in terms of section 6 of the Public Administration Management Act, 2014, hereinafter referred to as “*the Act*”.
- 2.3 In accordance with section 6(4)(b) of the Act, the remuneration and conditions of service may not be less favourable than those on which Dr Links was employed at the Transferring Municipality immediately before the secondment.
- 2.4 The Maximum of *Upper limits of Total Remuneration Packages payable to Municipal Managers and Managers directly accountable to Municipal Managers* of the Transferring Municipality shall be applicable.
- 2.5 The secondment shall have no financial implications for the Transferring Municipality.

- 2.6 The Transferring Municipality shall retain Dr Links on its payroll and remunerate him on a monthly basis for the duration of the Agreement.
- 2.7 The Recipient Municipality will in compliance with the Cost Containment Regulations at its own cost arrange for suitable accommodation for Dr Links, on a monthly basis for the duration of the agreement.
- 2.8 The Recipient Municipality will be responsible for the travel and subsistence of Links, which shall include a weekly return trip to his place of residence.
- 2.9 The Transferring Municipality will, either on a monthly basis, or at the termination of the Agreement, invoice the Recipient Municipality for all expenses incurred by Dr Links in the execution of his official duties which may include, but is not limited to:
- 2.9.1 Monthly remuneration; and
- 2.9.2 Travel and Subsistence costs
- 2.10 The Local Government: Disciplinary Regulations for Senior Managers, 2010 shall apply to Links for the duration of the Agreement in respect of the Transferring and Recipient Municipality.

3 BREACH

- 3.1 If any of the Parties commits a material breach of any provision of this Agreement, any other Party may call in writing on the Party in breach to remedy the breach within a period which, if the breach consists of the non-payment of money due, will not be less than 10 (ten) days and if the breach is of any other nature will be not less than 30 (thirty) days. If the breach remains unremedied after the relevant notice period has expired, the aggrieved Party may institute proceedings immediately for enforcement of the terms of this Agreement or any other remedy that may be available to it in law.

4 CO-OPERATION AND GOOD FAITH

The Parties undertake at all times to render each other assistance and to extend to each other the maximum co-operation for purposes of attaining the objectives of this Agreement. The Parties at all times consult with each other in the utmost good faith and affairs between them shall be administered.

5 NOTICE AND DOMICILIUM

- 5.1 The Parties choose as their respective *domicilium citandi et executandi* for the purposes of legal proceedings and for the purpose of giving or sending any notice provided for or necessary in terms of this Agreement, the following physical addresses:

BITOU MUNIICIPALITY:

4 Sewell Street
Plettenberg Bay
6600

CENTRAL KAROO MUNICIPALITY:

The Municipal Manager
records@skdm.co.za
63 Donkin Street
Beaufort West
6970

RALPH ROLAND LINKS:

ralphl@skdm.co.za
33 Bordeaux Avenue
Everglen
7550

- 5.2 All notices to be given in terms of this Agreement shall be given in writing and be sent by email to the Party's chosen *domicilium citandi et executandi*.
- 5.3 If delivered by hand, a notice shall be presumed to have been received on the date of delivery, or, if sent by prepaid registered post, be presumed to have been received seven (7) business days after the date of posting.
- 5.4 Notwithstanding anything to the contrary contained in this Agreement, a written notice or communication actually received by one of the Parties from the other Party shall be adequate written notice of communication to such Party.

6 ENTIRE AGREEMENT

- 6.1 This Agreement constitutes the entire agreement between the Parties and no amendment, alteration, addition or variation of any right, term or condition of this Agreement will be of any force or effect unless reduced to writing and signed by the Parties to this Agreement.
- 6.2 The Parties agree that there are no conditions, variations or representations, whether oral or written and whether expressed or implied or otherwise, other than those contained in this Agreement.
- 6.3 This Agreement replaces any other previous verbal or written agreement entered into between the Parties.

7 WAIVER

- 7.1 No waiver of any of the terms and conditions of this Agreement shall be binding unless expressed in writing and signed by the Party giving the same, and any such waiver shall be affected only in the specific instance and for the purpose given.

7.2 No failure or delay on the part of either Party in exercising any right, power or privilege precludes any other or further exercising thereof or the exercising of any other right, power or privilege.

7.3 No indulgence, leniency or extension of time which any Party ("the Grantor") may grant or show the other Party, shall in any way prejudice the Grantor or preclude the Grantor from exercising any of its rights in terms of this Agreement.

SIGNED AT _____ ON THIS _____ DAY OF

BITOU MUNICIPALITY

(Herein represented by Cllr. Claude Terblanche , in his capacity as
Executive Mayor, duly authorised thereto)

AS WITNESSES:

Signature

Signature

SIGNED AT _____ ON THIS _____ DAY OF

CENTRAL KAROO DISTRICT MUNICIPALITY

(Herein represented by Cllr. J Botha , in her capacity as
Executive Mayor, duly authorised thereto)

AS WITNESSES:

Signature

Signature

SIGNED AT _____ ON THIS _____ DAY OF

DR. RALPH ROLAND LINKS

AS WITNESSES:

Signature

Signature

SECTION 3
CORPORATE SERVICES

ITEM C/3/169/03/24

**REVIEW OF NOMINATIONS OF COUNCILLOR REPRESENTATIVE TO SALGA
PROVINCIAL WORKING GROUPS**

Portfolio Comm: Finance & Corporate Services

File Ref: 12/2/1/3/1

Demarcation: All Wards

Delegation: Council

Attachment: Annexure A – Item C/3/35/04/22 submitted to the Ordinary Council Meeting of 9 May 2022

Report by: Acting Director Corporate Services

Author: Manager: Administration

Date: 5 March 2024

PURPOSE

For Council to amend the SALGA Councillors representatives serving on the respective cluster working groups, as well as the secondi nominees for each of the Working Groups.

BACKGROUND / DISCUSSION

Council at its meeting of 9 May 2022, under resolution C/3/25/04/22 nominated Council representatives and secondi to SALGA Provincial working groups (Attached as Annexure A).

FINANCIAL IMPLICATIONS

SALGA will cover the subsistence and travel costs of the official representative (Councillor), one per Provincial Working Group.

RECOMMENDED BY THE ACTING MUNICIPAL MANAGER

1. That cognizance be taken of the SALGA Working Groups and that Councillors be nominated by Council to serve on the respective Working Groups of SALGA.

Section 3: Corporate Services

CLUSTERS – PROVINCIAL WORKING GROUPS		Councillors Representative	Secondi
(i)	Municipal Capability and Institutional Resilience	Councillor S E Gcabayi	Councillor J N Kamkam
(ii)	<ul style="list-style-type: none"> • Community Development and Security • Health 	Councillor S A Mangxaba	Councillor N Ndayi
(iii)	Governance and Intergovernmental Relations	Councillor C N-J Terblanche	Councillor M P Busakwe
(iv)	<ul style="list-style-type: none"> • Economic Development and Job Creation • Development Planning and Rural Development • Electricity and Energy, and Public Works • Water and Sanitation 	Councillor N Kolwapi	Councillor A R Olivier
(v)	<ul style="list-style-type: none"> • Human Settlements and Urban Agenda • Public Transport and Roads • Environmental Management and Climate Resilience 	Councillor T Mhlana	Councillor D J Swart
(vi)	Emergency Services and Disaster Management	Councillor N T Seti	Councillor D J Nel
(vii)	<ul style="list-style-type: none"> • Municipal Finance and Fiscal Policy • Municipal Digital Solutions 	Councillor H Mitchell	Councillor S A Mangxaba

2. That it be noted that the official designated to accompany the relevant Councillor representatives will remain as per Council Resolution C/3/35/04/22.
3. That the Municipal Manager appoint, on an ad-hoc basis, any additional official/s who may be required to attend any given meetings of the SALGA Working Groups.

EXTRACT FROM THE CONFIRMED MINUTES OF THE SPECIAL COUNCIL MEETING OF BITOU LOCAL MUNICIPALITY HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON MONDAY, 9 MAY 2022 AT 9H00

“

Resolution C/3/35/04/22

REVIEW OF NOMINATIONS OF COUNCIL REPRESENTATIVE TO SALGA PROVINCIAL WORKING GROUPS

Portfolio Comm: Finance & Corporate Services

File Ref: 12/2/1/3/1

Demarcation: All Wards

Delegation: Council

Resolved

1. That cognizance be taken of the SALGA Working Groups and that the following Councillors be nominated by Council to serve on the respective clustered Working Groups;

CLUSTERS – PROVINCIAL WORKING GROUPS		Councillors Representative	Secundis
(i)	Municipal Capability and Institutional Resilience	Councillor C N-J Terblanche	Councillor N T Seti
(ii)	<ul style="list-style-type: none"> Community Development and Security Health 	Councillor N Ndayi	Councillor T Mhlana
(iii)	Governance and Intergovernmental Relations	Councillor D J Swart	Councillor M A M Botha
(iv)	<ul style="list-style-type: none"> Economic Development and Job Creation Development Planning and Rural Development Electricity and Energy, and Public Works Water and Sanitation 	Councillor A R Olivier	Councillor J N Kamkam
(v)	<ul style="list-style-type: none"> Human Settlements and Urban Agenda Public Transport and Roads Environmental Management and Climate Resilience 	Councillor M P Busakwe	Councillor N P Kolwapi
(vi)	Emergency Services and Disaster Management	Councillor W J Nel	Councillor S E Gcabayi
(vii)	<ul style="list-style-type: none"> Municipal Finance and Fiscal Policy Municipal Digital Solutions 	Councillor J N Kamkam	Councillor S A Mangxaba

2. That the following officials be delegated to accompany the relevant representatives

SALGA Working Group		Official/s
(i)	Municipal Capability and Institutional Resilience	Senior Manager Human Resource Management
(ii)	Community Development and Security	Senior Manager Public Safety
(iii)	Governance and Intergovernmental Relations	Senior Manager Governance and Compliance / Manager Communications and Customer Relations
(iv)	Economic Development and Job Creation	Manager Local Economic Development
(v)	Electricity and Energy, and Public Works	Senior Manager: Electrical
(vi)	Water and Sanitation	Manager: Water Services
(vii)	Human Settlements and Urban Agenda	Manager: Integrated Human Settlements
(viii)	Health	Environmental Officer
(ix)	Emergency Services and Disaster Management	Senior Manager Public Safety
(x)	Municipal Finance and Fiscal Policy	Senior Manager: Financial Services/ Manager: Revenue Services
(xi)	Municipal Digital Solutions	Manager ICT
(xii)	Public Transport and Roads	Manager: Roads and Storm Water
(xiii)	Environmental Management and Climate Resilience	Environmental Officer
(xiv)	Development Planning and Rural Development	Manager: Town Planning & Development

3. That the Municipal Manager appoint, on an ad-hoc basis, any additional official/s who may be required to attend any given meeting of the SALGA Working Groups.

Proposed: Councillor A R Olivier
Seconded Councilor J N Kamkam”

Section 3: Corporate Services

ITEM C/3/170/03/24

REPLACEMENT OF A REPRESENTATIVE TO THE GARDEN ROUTE DISTRICT MUNICIPALITY

Directorate: Corporate Services

Demarcation: All Wards

File Reference: 3/1/10/5

Delegation: Council

Attachment: Annexure A: Council Resolution C/3/08/11/21 dated 18 November 2021
Annexure B: Council Resolution C/1/196/02/24 dated 2 February 2024
Annexure C: Council Resolution C/1/183/12/23 dated 11 December 2023

Report by: Acting Director: Corporate Services

Author: Manager: Administration

Date: 05 March 2024

PURPOSE OF THE REPORT

For Council to replace Councillor N T Seti in terms of Schedule 2 of the Local Government: Municipal Structures Act, 1998, to serve on the Eden District Municipality.

BACKGROUND/DISCUSSION

Council at its Inaugural Meeting of 18 November 2021, under resolution C/3/08/11/21 elected Councillor N T Seti to serve as a Councillor on the Garden Route District Municipal Council. (Annexure A).

On 2 February 2024, Council at its Special Council Meeting, resolved under Resolution C/1/196/02/24 to appoint Councillor N T Seti as the Chairperson of MPAC. (Annexure B). The MPAC Chairperson is regarded as a full-time member of Council in terms of the establishment notice (eight amendment), published under PN 116/2023 of 17 November 2023, known as the Local Government: Bitou Municipality: (WC047) Establishment Eight Amendment Notice, effective from 17 November 2023 (Annexure C).

Councillor Seti thus became a full-time member of Council since 2 February and is no longer available to serve as a member on the Garden Route District Municipal Council.

Council must therefore appoint a councillor to replace Councillor N T Seti in terms of Schedule 2 item 14 (b) of the Local Government: Municipal Structures Act 117 of 1998, to serve on the Garden Route District Municipality.

Section 3: Corporate Services

RELEVANT LEGISLATION

Local Government: Municipal Structures Act 117 of 1998 as amended. - Section 23 (1) (b)
Local Government: Municipal Structures Act 117 of 1998 as amended. - Schedule 2 item 14 (b)

RECOMMENDED BY THE MUNICIPAL MANAGER

That **Councillor S A Mangxaba** be appointed in terms of Schedule 2, item 14 (b) of the Local Government: Municipal Structures Act 117 of 1998, to serve on the Garden Route District Municipality.

EXTRACT FROM THE CONFIRMED MINUTES OF THE INAUGURAL MEETING OF THE MUNICIPAL COUNCIL OF BITOU LOCAL MUNICIPALITY HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON THURSDAY, 18 NOVEMBER 2021 AT 9h00

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Resolution C/3/08/11/21

ELECTION OF REPRESENTATIVES TO THE GARDEN ROUTE DISTRICT MUNICIPALITY: IEC

Directorate: Corporate Services
File Reference: 3/1/10/5

Demarcation: All Wards

Resolved

That Councillors N Ndayi and N T Seti be elected in terms of Schedule 2 of the Local Government: Municipal Structures Act, No. 117 of 1998, to serve on the Garden Route District Municipality.

To be Actioned by: Director Corporate Services”

**EXTRACT FROM THE CONFIRMED MINUTES OF THE SPECIAL COUNCIL MEETING
OF BITOU LOCAL MUNICIPALITY HELD IN THE COUNCIL CHAMBER, MUNICIPAL
OFFICES, SEWELL STREET, PLETTENBERG BAY ON FRIDAY, 02 FEBRUARY 2024 AT
09H00**

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Resolution C/1/196/02/24

**APPOINTMENT OF CHAIRPERSON: MUNICIPAL PUBLIC ACCOUNTS
COMMITTEE (MPAC)**

Directorate: Corporate Services
File Reference: 3/2/2/1/1

Demarcation: All Wards

Resolved

That Councillor N T Seti be elected as the Chairperson of the Municipal Public Accounts Committee (MPAC).

Proposed: Councillor H Mitchell
Seconded: Councillor T Mhlana”

EXTRACT FROM THE CONFIRMED MINUTES OF THE SPECIAL COUNCIL MEETING OF BITOU LOCAL MUNICIPALITY HELD IN THE COUNCIL CHAMBER, MUNICIPAL OFFICES, SEWELL STREET, PLETTENBERG BAY ON MONDAY, 11 DECEMBER 2023 AT 09H01

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Resolution C/1/183/12/23

DESIGNATION AS A FULL-TIME COUNCILLOR - THE CHAIRPERSON OF A SECTION 79 COMMITTEE IN TERMS OF THE BITOU MUNICIPALITY (WC047) ESTABLISHMENT EIGHTH AMENDMENT NOTICE

Portfolio Comm: Strategic Services & Office of the MM

File Ref: 5/15/5/1

Demarcation: All Wards

Delegation: Council

Resolved

1. That Council take note of the amendment to the establishment notice of Bitou Municipality published under PN 116/2023 on 17 November 2023, known as the Local Government: Bitou Municipality: (WC047) Establishment Eighth Amendment Notice.
2. That it be noted that the Chairperson of MPAC is now regarded as a full-time member of Council with effect from 17 November 2023.

Proposed: Councillor W J Nel

Seconded: Councillor M P Busakwe

EXECUTION: Acting Director Corporate Services

cc. Municipal Manager