



**DISTRICT MUNICIPALITY
UMASIPALA WESITHILI
DISTRIKSMUNISIPALITEIT**

| Raadslede | Councillors | Ooceba |
|--|---------------------------------------|--|
| Eden Distriksmunisipaliteit | Eden District Municipality | Umasipala Wesithili se Eden |
| Meneer/Dame | Sir/Madam | Mnumzana/Nkosikazi |

10 March / Maart / kweyoKwindla 2017

Kennis geskied hiermee ingevolge Artikel 29 van die Wet op Plaaslike Regering: Munisipale Strukture, 1998, Wet 117 van 1998, dat die **Vierde (4^{de}) Raadsvergadering** van die 2016/2021 termyn van die Eden Distriksmunisipaliteit gehou sal word in die **C A Robertson Raadsaal, Yorkstraat 54, George**, op **Vrydag, 31 Maart 2017 om 12:00** ten einde oorweging aan die items soos in die agenda uiteengesit, te skenk.

*Notice is hereby given in terms of Section 29 of the Local Government: Municipal Structures Act, 1998, Act 117 of 1998, that the **Fourth (4th) Council meeting** of the 2016/2021 term of the Eden District Municipality will be held in the **C A Robertson Council Chambers, 54 York Street, George**, on **Friday, 31 March 2017 at 12:00** to consider the items as set out in the agenda.*

Kukhutshwe isaziso ngokoMhlathi 29 woRhulumente Basekhaya: Umgaqo Wesimo soMasipala, 1998, uMgaqo 117 wango 1998, sokub intlanganiso Yamashumi Amabini (4th) yeBhunga ka 2016/2021 yoMasipala Wesithili se Eden izakubanjwa kwiGumbi leBhunga l CA Robertson, 54 York Street, e George ngoLwesihlanu, 31 kweyeKwindla 2017 ngo 12:00 ukuqwalasela imiba ekuluhlu lwengxoxo

SPEAKER / SOMLOMO

| Item | Agenda | Bladsy/ Page/ Iphepha |
|---|---|-----------------------------|
| GENERIC ITEMS / <i>GENERIESE ITEMS</i> / IMIBA ENGUNDOQO | | |
| | OPENING AND WELCOME / <i>OPENING EN VERWELKOMING</i> / UVULO NOLWAMKELO | |
| DC 115/03/17 | APOLOGIES / <i>VERSKONINGS</i> / IZINGXENGXEZO | - |
| DC 116/03/17 | COMMUNICATIONS BY THE SPEAKER / <i>MEDEDELINGS DEUR DIE SPEAKER</i> / UNXIBELELWANO LOSOMLOMO | |
| DC 117/03/17 | CLEAN AUDIT CERTIFICATE HAND OVER / <i>SKOON OUDIT SERTIFIKAAT OORHANDIGING</i> / UKUNIKEZELWA KWESATIFIKETI SOPHUCOTHOLUNGENA CHAPHAZA | |
| DC 118/03/17 | COMMUNICATIONS BY THE EXECUTIVE MAYOR / <i>MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER</i> / UNXIBELELWANO LUKA SODOLOPHU | |
| DC 119/03/17 | COMMUNICATIONS BY THE MUNICIPAL MANAGER / <i>MEDEDELINGS DEUR DIE MUNISIPALE BESTUURDER</i> / UNXIBELELWANO LUKA SODOLOPHU | |
| DC 120/03/17 | DECLARATION OF INTEREST BY COUNCILLORS AND OFFICIALS / <i>VERKLARING VAN BELANGE DEUR RAADSLEDE EN AMPTENARE</i> / UKUCHAZWA KWENJONGO NGOOCEBA KUNYE NAMAGOSA | |
| DC 121/03/17 | APPROVAL OF MINUTES OF COUNCIL MEETING / <i>GOEDKEURING VAN NOTULE VAN RAADSVERGADERING</i> / UKWAMKELWA KWEMIZUZU YENTLANGANO YEBHUNGA | |
| | Third Council meeting dated 30 January 2017 / <i>Derde Raadsvergadering gedateer 30 Januarie 2017</i> / Intlangano yokuqala yebhunga ngomhla 30 kweyoMqungu 2017 | 1 – 23 |
| | Special Council meeting dated 03 February 2017 / <i>Spesiale Raadsvergadering gedateer 03 Februarie 2017</i> / Intlangano yokuqala yebhunga ngomhla 03 kweyeMdumba 2017 | 24 – 28 |
| | Special Council meeting dated 27 February 2017 / <i>Spesiale Raadsvergadering gedateer 27 Februarie 2017</i> / Intlangano yokuqala yebhunga ngomhla 27 kweyeMdumba 2017 | 29 – 40 |

**MINUTES OF MAYORAL COMMITTEE MEETINGS AND OTHER
SECTION 79 COMMITTEES (FOR NOTIFICATION) / NOTULES VAN
BURGEMEESTERSKOMITEEVERGADERINGS EN ANDER ARTIKEL
79 KOMITEES (VIR KENNISNAME) / IMIZUZUZ YEKOMITI
KASODOLOPHU KUNYE NEZINYE IKOMITI ZOMHLATHI 79
(ITHATHELWE INGQALELO)**

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| DC 122/03/17 | MAYORAL COMMITTEE MEETING / BURGEMEESTERSKOMITEE VERGADERING / IMIZUZU YENTLANGANO YEKOMITI KASODOLOPHU 26 January / Januarie / kweyeMqungu 2017 | 41 – 53 |
| ITEMS FROM THE SPEAKER / ITEMS VANAF DIE SPEAKER / IMIBA EVELA KUSOMLOMO | | |
| None / Geen / Abekho | | |
| URGENT MATTERS FROM THE MUNICIPAL MANAGER / DRINGENDE ITEMS VANAF DIE MUNISIPALE BESTUURDER / IMIBA ENGXAMISEKILEYO EVELA KUMPHATHI MASIPALA | | |
| DC 123/03/17 | VACANCY ON EDEN DISTRICT COUNCIL: DEMOCRATIC ALLIANCE PROPORTIONAL REPRESENTATIVE ON EDEN DISTRICT COUNCIL / VAKATURE OP EDEN DISTRICKSRAAD: ONAFHANKLIKE DEMOKRATIESE ALLIANSIE VERTEENWOORDIGER / ISITHUBA SOMSEBENZI KWIBHUNGA LESITHILI SE EDEN: UMELI WESAHLULELO WE DEMOCRATIC ALLIANCE KUMASIPALA WESITHILI SE EDEN (572839) <i>Refer: Report (4/2/9) dated 22 March 2017 from the Municipal Manager (MG Stratu) / Senior Admin Officer (E De Villiers)</i> | 54 – 56 |
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| DC 124/03/17 | <p>APPOINTMENT OF MEMBER TO SERVE ON THE DISTRICT HEALTH COUNCIL / AANSTELLING VAN 'N LID OM OP DIE DISTRIK GESONDHEIDSKOMITEE TE DIEN / UKUCHONGWA KWELUNGU NELIZAKUHLALA KWIBHUNGA LEZEMPILO LESITHILI SE EDEN (572242)</p> <p><i>Refer: Report (13/R/133) dated 14 March 2017 from the Municipal Manager (MG Stratu) / Senior Admin Officer (E De Villiers)</i></p> | 57 – 63 |
| DC 125/03/17 | <p>NOMINATION OF COUNCILLOR REPRESENTATIVES TO SERVE ON THE SALGA PROVINCIAL WORKING GROUPS / NOMINASIE VAN RAADSLID VERTEENWOORDIGERS OM OP SALGA PROVINSIALE WERKSGROEPE TE DIEN/ ABAHCONGWA BABAMELI BEBHUNGA KWIQELA ELISEBENZAYO LIKA SALGA KWIPHONDO (572244)</p> <p><i>Refer: Report (13/R/133) dated 14 March 2017 from the Municipal Manager (MG Stratu) / Senior Admin Officer (E De Villiers)</i></p> | 64 – 84 |
| DC 126/03/17 | <p>NOMINATION OF POLITICAL REPRESENTATIVE TO THE PROVINCIAL SALGA WOMEN'S COMMISSION / NOMINASIE VAN POLITIEKE VERTEENWOORDIGER NA DIE SALGA VROUE KOMMISSIE / UKUCHONGWA KOMELI WEZOPOLITIKO KWIKOMISHONI YEPHONDO KA SALGA YEZAMANINA (572243)</p> <p><i>Refer: Report (13/R/133) dated 14 March 2017 from the Municipal Manager (MG Stratu) / Senior Admin Officer (E De Villiers)</i></p> | 85 – 88 |
| DC 127/03/17 | <p>RESTRUCTURING OF SECTION 79 AND 80 COMMITTEES / HER-SAMESTELLING VAN ARTIKEL 80 EN 79 KOMITEES / UKUHLENGAGHLENGISWA KWEKOMITI ZOMHLATHI 79 KUNYE 80 (572241)</p> <p><i>Refer: Report (13/R/133) dated 14 March 2017 from the Municipal Manager (MG Stratu) / Senior Admin Officer (E De Villiers)</i></p> | 89 – 94 |
| DC 128/03/17 | <p>RECRUITMENT OF MEMBERS FOR THE AUDIT AND PERFORMANCE AUDIT COMMITTEE / WERWING VAN LEDE VIR DIE OUDIT EN PRESTASIE OUDITKOMITEE / UKUFUNWA KWAMALUNGU EKOMITI YEZOPHICOTHO KUNYE NOMSEBENZI WOPHICOTHO (569579)</p> <p><i>Refer: Report (4/1/2/4/1) dated 03 March 2017 from the Office of the Acting Municipal Manager (C Africa) / Chief Audit Executive (J-W De Jager)</i></p> | 95 – 97 |
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| DC 129/03/17 | <p>REPORT FROM AUDIT AND PERFORMANCE AUDIT COMMITTEE ON PERFORMANCE MANAGEMENT FOR THE PERIOD 1 JULY 2016 TO 31 DECEMBER 2016 / VERSLAG VANAF OUDIT EN PRESTASIE OUDITKOMITEE RAKENDE PRESTASIEBESTUUR VIR DIE PERIODE 1 JULIE 2016 TOT 31 DESEMBER 2016 / INGXELO YOLAWULO LOMSEBENZI KWIBHUNGA YEXESHA 1 KWEYOKHALA 2016 UYAKUTSHO 31 KWEYEMNGA 2016 (571038)<i>Refer: Report (4/1/2/4/1) dated 03 March 2017 from the Office of the Acting Municipal Manager (C Africa) / Chief Audit Executive (J-W De Jager)</i></p> | 98 – 105 |
| <p>ITEMS SUBMITTED FROM THE EXECUTIVE MAYORAL COMMITTEE / ITEMS VOORGELê VANAF DIE UITVOERENDE BURGEMEESTERSKOMITEE / IMIBA ENIKEZELWEYO NEVELA KUSODOLOPHU</p> | | |
| DC 130/03/17 | <p>REPORT ON INDIVIDUAL PERFORMANCE MANAGEMENT FOR 2016/2016 / VERSLAG RAKENDE INDIVIDUELE PRESTASIEBESTUUR VIR 2016/2017 / INGXELO NGOULAWULO LOMSEBENZI WOMNTU NGAMNYE 2016/2017 (569426) <i>Refer: Report (9/11/1) dated 12 January 2017 from the Office of the Acting Municipal Manager / Performance Management Officer (IG Saayman)</i></p> | 106 – 109 |
| DC 131/03/17 | <p>REPORT REGARDING REQUESTED CHANGES ON THE SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN FOR 2016/17 / VERSLAG RAKENDE VOORGESTELDE VERANDERINGS AAN DIE DIENSLEWERINGS-EN BEGROTINGSIMPLEMENTERINGSPLAN VIR 2016/17/ IMBONO YENGUQU KUNIKEZELO LWENKONZO KUNYE NESICWANGCISO SOKUMISELWA KOLWABIWO-MALI KU 2016/2017 (569421) <i>Refer: Report (9/11/1) dated 6 March 2017 from the Office of the Acting Municipal Manager / Performance Management Officer (IG Saayman)</i></p> | 110 – 123 |
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| DC 132/03/17 | <p>DRAFT TOP LEVEL SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN FOR 2017/2018 / KONSEP TOPVLAK DIENSLEWERING EN BEGROTINGSIMPLEMENTERINGSPLAN VIR 2017/2018 / UYILO LONIKEZELO LWENKOZNO LWEBAKALA OLUPHEZULU KUNYE NESICWANGCISO SOLWABIWOMALI KU (570456)</p> <p><i>Refer: Report (9/11/1) dated 07 March 2017 from the Office of the Acting Municipal Manager / Performance Management Officer (IG Saayman)</i></p> | 124 – 136 |
| DC 133/03/17 | <p>ELECTION OF COUNCILLOR REPRESENTATIVE TO THE ANNUAL GENERAL MEETING OF THE LA RETIREMENT FUND / VERKIESING VAN RAADSLIDVERTEENWOORDIGING NA DIE ALGEMENE JAARVERGADERING VAN DIE LA AFTREEFONDS / UKUCHONGWA KUKACEBA OZAKUMELA IBHUNGA KWINTLANGANISO JIKELELE YONYAKA YENGXOWA YOMHLALAPHANTSI YE LA (565802)</p> <p><i>Refer: Report (9/5/2/5) dated 14 February 2017 from the Executive Manager: Corporate / Strategic Services (B Holtzhausen): HR Practitioner (L Janse van Rensburg)</i></p> | 137 – 144 |
| <p>ITEMS DIRECTLY SUBMITTED TO COUNCIL / ITEMS DIREK AAN DIE RAAD VOORGEHOU / IMIBA ENIKEZELWE KWIBHUNGA</p> | | |
| DC 134/03/17 | <p>OVERSIGHT REPORT FOR THE 2015/2016 FINANCIAL YEAR / OORSIGVERSLAG VIR DIE 2015/2016 FINANSIËLE JAAR / INGXELO YONYAKA KA KUNYAKA MALI KA 2015/2016 (570765)</p> <p><i>Refer: Report (10/1/1) dated 09 March 2017 from the Chairperson of MPAC (Cllr V Gericke)</i></p> | 145 – 204 |
| DC 135/03/17 | <p>ANNUAL REPORT: 2015/16 FINANCIAL YEAR / JAARVERSLAG: 2015/16 FINANSIËLE JAAR / LWENGXELO YON YAKA: KUNYAKA MALI KA 2015/16 (564328)</p> <p><i>Refer: Report (10/1/1) dated 22 March 2017 from the Executive Manager: Corporate / Strategic Services (B Holtzhausen) / Manager Strategic Services (M Wilson)</i></p> | 205 – 208 (AR Document In CD format Included) |
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| DC 136/03/17 | <p>REPORT ON THE PROPOSED CHANGES TO THE SCHEDULE OF COUNCIL AND COMMITTEE MEETING DATES FOR 2017 / VERSLAG RAKENDE DIE VOORGESTELDE WYSIGINGS AAN DIE SKEDULE VAN RAAD EN KOMITEE DATUMS VIR 2017 / INGXELO YESIPHAKAMISO SENGUQU YOLUDWE LWEENTLANGANISO ZEBHUNGA NEEKOMITI KUNYAKA KA 2017 (572144)</p> <p><i>Refer: Report (9/5/2/5) dated 16 March 2017 from the Executive Manager: Corporate / Strategic Services (B Holtzhausen)</i></p> | 209 – 212 |
| DC 137/03/17 | <p>EDEN DISTRICT WASTE MANAGEMENT POLICY AND BY-LAW / EDEN DISTRIK AFVALBESTUURSBELEID EN VERORDENING / UMGAQO WOLAWULO LWENKUNKUMA WOMASIPALA WESITHILI SE EDEN KUNYE NEMIMISELO (570299)</p> <p><i>Refer: Report (17/5/1/1) dated 01 March 2017 from the Acting Executive Manager Community Services (G Otto) Manager District Waste Management (ME Hubbe)</i></p> | 213 – 276 |
| DC 138/03/17 | <p>REPORT ON THE TERMS OF REFERENCE (TOR) FOR THE EDUCATION TRAINING AND DEVELOPMENT COMMITTEE / VERSLAG RAKENDE DIE TERME VAN VERWYSING (TVV) VIR DIE ONDERWYS, OPLEIDING EN ONTWIKKELINGSKOMITEE / INGXELO NGEMITHETHO NEMIGQALISELO YEBUTHO LEZEMFUNDO UQEQESHO KUNYE NOPHUHLISO (566245)</p> <p><i>Refer: Report (9/4/4/1) dated 10 March 2017 from the Executive Manager Corporate/Strategic Services (B Holtzhausen) / Assistant HR Manager (C Scheepers)</i></p> | 277 – 285 |
| DC 139/03/17 | <p>STAFF PLACEMENTS ON THE 2016/17 MICRO ORGANISATIONAL STRUCTURE / PERSONEELPLASINGS OP DIE 2016/17 MIKRO ORGANISASIE STRUKTUUR / UKUBEKWA KWABASEBENZI KWISIMO SEZOLAWULO KUNAYAKAMALI KA 2016/2017 (564449)</p> <p><i>Refer: Report (9/8/6) dated 10 March 2017 from the Executive Manager Corporate/Strategic Services (B Holtzhausen) / Reward & Recognition Practitioner (L Janse Van Rensburg)</i></p> | 286 – 288 |
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| DC 140/03/17 | <p>STATUS QUO RIVISION OF EDEN DM SPATIAL DEVELOPMENT FRAMEWORK (SDF) / STATUS QUO HERSIENING VAN EDEN DM RUIMTELIKE ONTWIKKELINGSRAAMWERK / UKUQWALSELWA NGOKUTSHA KWESIMO ESIKHOYO SOMASIPALA WE EDEN KWINDLEAL YOKUSEBENZA YOPHUHLISO OLUPHANGALELEYO (572188)</p> <p><i>Refer: Report (8/3) dated 17 March 2017 from the Executive Manager Community Services (C Africa) / Manager: Property Development, Planning and Resorts (W Fourie)</i></p> | 289 – 303 |
| DC 141/03/17 | <p>EDEN DRAFT 2017/2018–2021/2022 FOURTH GENERATION INTEGRATED DEVELOPMENT PLAN (IDP) / EDEN KONSEP 2017/2018-2021/2022 VIERDE GENERASIE GEÏNTEGREERDE ONTWIKKELINGSPLAN (GOP) / UYILO LWE EDEN LUKA 2017/2018-2021/2022 ISICWANGCISO SESIZUKULWANA SESINE SENDIBANISELWANO YOPHUHLISO (570902)</p> <p><i>Refer: Report (16/8/2) dated 10 March 2017 from the Executive Manager Corporate/Strategic Services (B Holtzhausen) / District IDP Manager (C Domingo)</i></p> | 304 – 306 (IDP Document In CD format Included) |
| DC 142/03/17 | <p>DRAFT MULTI YEAR BUDGET FOR 2017/18; 2018/19; 2019/20 / KONSEP MEERJARIGE BEGROTING VIR 2017/18; 2018/19; 2019/20 / UYILO LOHLAHLO-LWABIWOMALI OLUPHINDAPHINDENEYO KU 2017/2018; 2018/2019; 2019/2020 (572263)</p> <p><i>Refer: Report (6/1/1/1-16-17) dated 16 March 2017 from the Accounting Officer (MG Stratu)</i></p> | 307 - 313 (Draft Budget In CD format Included) |

Rdl / Cllr CN Lichaba
Rdl / Cllr D Xego
Rdl / Cllr S De Vries
Rdl / Cllr NF Kamte
Rdl / Cllr MP Mapitiza
Rdl / Cllr TA Simmers
Rdl / Cllr D Saayman
Rdl / Cllr BN Van Wyk
Rdl / Cllr RE Spies
Rdl / Cllr T Van Rensburg
Rdl / Cllr N Ndayi
Rdl / Cllr AJ Rossouw
Rdl / Cllr KS Lose
Rdl / Cllr T Fortuin
Rdl / Cllr JP Johnson
Rdl / Cllr IT Mangaliso
Rdl / Cllr SM Odendaal
Rdl / Cllr SS Mbandezi
Rdl / Cllr BHJ Groenewald
Rdl / Cllr E Meyer
Rdl / Cllr RH Ruiters
Rdl / Cllr I Stemela
Rdl / Cllr EH Stroebe
Rdl / Cllr RS Figland
Rdl / Cllr PJ Van der Hoven
Rdl / Cllr T Teyisi
Rdl / Cllr V Gericke
Rdl / Cllr K Windvogel
Rdl / Cllr JCLambaatjeen
Rdl / Cllr RR Wildschut
Rdl / Cllr NC Jacob
Rdl / Cllr M Booyesen
Rdl / Cllr MV Molosi
Rdl / Cllr MS Willemse
Rdl / Cllr L Tyokolo



**DISTRICT MUNICIPALITY
UMASIPALA WESITHILI
DISTRIKSMUNISIPALITEIT**

**Minutes of the Third (3rd)
Council Meeting of the 2016/2021
term of Eden held in the CA Robertson Council Chamber,
Eden District Municipality, 54 York Street, George, on
on Monday, 30 January 2017 at 11:00**

***Notule van die Derde (3^{de})
Raadsvergadering
van die 2016/2021 termyn
van Eden gehou in die CA Robertson Raadsaal,
Eden Distriksmunisipaliteit, Yorkstraat 54, George, op
Maandag, 30 Januarie 2017 om 11:00***

**Imizuzu
Yentlanganiso Yesibini (3rd)
yeBhunga yexesha 2016/2021
le Eden nebibanjwe kwiGumbi leBhunga CA Robertson,
Kwisithili soMaisipala we Eden, 54 York Street, e George
ngoMvulo, 30 kweyoMqungu 2017 ngentsimbi 11:00**

PRESENT / TEENWOORDIG / ABAKHOYO

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| Cllr / Rdl / Ceba TA Simmers | - | DA |
| Cllr / Rdl / Ceba D Saayman | - | DA |
| Cllr / Rdl / Ceba BN Van Wyk | - | DA |
| Cllr / Rdl / Ceba RE Spies | - | DA |
| Cllr / Rdl / Ceba T Van Rensburg | - | DA |
| Cllr / Rdl / Ceba NS Ndayi | - | DA |
| Cllr / Rdl / Ceba AJ Rossouw | - | DA |
| Cllr / Rdl / Ceba KS Lose | - | DA |
| Cllr / Rdl / Ceba D Xego | - | ANC |
| Cllr / Rdl / Ceba S De Vries | - | ANC |
| Cllr / Rdl / Ceba NF Kamte | - | ANC |
| Cllr / Rdl / Ceba T Fortuin | - | ICOSA |
| Cllr / Rdl / Ceba NC Jacob | - | Bitou Municipality |
| Cllr / Rdl / Ceba M Booysen | - | Bitou Municipality |
| Cllr / Rdl / Ceba EH Stroebel | - | George Municipality |
| Cllr / Rdl / Ceba I Stemela | - | George Municipality |
| Cllr / Rdl / Ceba RGS Figland | - | George Municipality |
| Cllr / Rdl / Ceba PJ Van der Hoven | - | George Municipality |
| Cllr / Rdl / Ceba T Teyisi | - | George Municipality |
| Cllr / Rdl / Ceba V Gericke | - | George Municipality |
| Cllr / Rdl / Ceba JP Johnson | - | Kannaland Municipality |
| Cllr / Rdl / Ceba L Tyokolo | - | Knysna Municipality |
| Cllr / Rdl / Ceba MS Willemse | - | Knysna Municipality |
| Cllr / Rdl / Ceba SM Odendaal | - | Hessequa Municipality |
| Cllr / Rdl / Ceba SS Mbandezi | - | Mossel Bay Municipality |
| Cllr / Rdl / Ceba BHJ Groenewald | - | Mossel Bay Municipality |
| Cllr / Rdl / Ceba E Meyer | - | Mossel Bay Municipality |
| Cllr / Rdl / Ceba RH Ruiters | - | Mossel Bay Municipality |
| Cllr / Rdl / Ceba JC Lambaatjeen | - | Oudtshoorn Municipality |
| Cllr / Rdl / Ceba RR Wildschut | - | Oudtshoorn Municipality |

OFFICIALS / AMPTENARE / AMAGOSA

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| Mr / Mnr / Mnu C Africa | - | Acting Municipal Manager |
| Mr / Mnr / Mnu JC Ottervanger | - | Executive Manager Roads Services |
| Ms / Me / Nkzn B Holtzhausen | - | Executive Manager Corporate/Strategic Services |
| Ms / Me / Nkzn L Hoek | - | Executive Manager Financial Services |
| Ms / Me / Nkzn DD October | - | Chief Administration Officer |
| Ms / Me / Nkzn N Davids | - | Manager Legal Services |
| Mr / Mnr / Mnu J-W De Jager | - | Chief Executive Internal Auditor |
| Ms / Me / Nkzv IG Saaiman | - | Performance Management |
| Mr / Mnr / Mnu B Desha | - | Translator/Committee Officer |

OPENING EN VERWELKOMING / OPENING AND WELCOME / UVULO NOLWAMKELO

Cllr TA Simmers opened the meeting with a prayer whereafter the Speaker, Cllr MS Willemse, welcomed everyone present at the first meeting for 2017. He wished for a fruitful and productive year and cooperation in the best interest of this municipality.

DC 75/01/17 APOLOGIES / VERSKONINGS / IZINGXENGXEZO

Cllr / Rdl / Ceba CN Lichaba
Cllr / Rdl / Ceba IT Mangaliso
Mr / Mnr / Mnu GW Louw

COUNCILLORS ABSENT WITHOUT LEAVE / RAADSLEDE AFWESIG SONDER VERLOF / OCEBA ABANGEKHOYO NGAPHANDLE KWEMVUME

Cllr / Rdl / Ceba K Windvogel
Cllr / Rdl / Ceba MV Molosi
Cllr / Rdl / Ceba MP Mapitiza

DC 76/01/17 COMMUNICATIONS BY THE SPEAKER / MEDEDELINGS DEUR DIE SPEAKER / UNXIBELELWANO LOSOMLOMO

The Speaker gave opportunity for the Executive Mayor, Cllr Riddels, from Hessequa Municipality.

The Executive Mayor of Hessequa thanked Eden District Council, on behalf of Hessequa Municipal Council, for the help and assistance during the fire outbreak in their area.

The Speaker also thanked the Community Services Department (Fire Fighters) for their efforts and hard work during the fire in the area over the holiday period.

DC 77/01/17 COMMUNICATIONS BY THE EXECUTIVE MAYOR / MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER / UNXIBELELWANO LUKA SODOLOPHU

The Executive Mayor, Cllr M Booyesen, informed Council that the employment contract of the Municipal Manager will be ending on 02 February 2017 and that this position has been advertised. An Acting Municipal Manager will be appointed at a Special Council meeting which will take place in February 2017.

DC 78/01/17 COMMUNICATIONS BY THE ACTING MUNICIPAL MANAGER / MEDEDELINGS DEUR DIE WAARNEMENDE MUNISIPALE BESTUURDER / UNXIBELELWANO LUKA SODOLOPHU

The Acting Municipal Manager informed Council of the impact of the devastating fires. Currently, the estimated costs for aerial support only, are about R3m. Further funding has been requested from the MEC.

DC 79/01/17 DECLARATION OF INTEREST BY COUNCILLORS AND OFFICIALS REGARDING ITEMS INCLUDED ON THE AGENDA / VERKLARING VAN BELANGE DEUR RAADSLEDE EN AMPTENARE TEN OPSIGTE VAN ITEMS IN DIE AGENDA VERVAT / ISIBHENGEZO NGENGENELO EYINZUZO KOOCEBA NAMAGOSA MALUNGA NEENGONGOMA EZIFAKWE KWI AGENDA

Mr C Africa and Ms B Holtzhausen regarding item DC 93/01/17 on the In Committee agenda.

All councillors present regarding item DC 97/01/17.

**DC 80/01/17 APPROVAL OF MINUTES OF COUNCIL MEETINGS / GOEDKEURING
VAN NOTULES VAN RAADSVERGADERINGS / UKWAMKELWA
KWEMIZUZU YENTLANGANO YEBHUNGA (p 1 – 16)**

Proposed by Cllr BHJ Groenewald and seconded by Cllr I Stemela, it was

RESOLVED

That Council approves the minutes of the Second (2nd) Council meeting dated 02 December 2016, with the corrections as identified by Cllr BHJ Groenewald.

Voorgestel deur Rdl BHJ Groenewald en gesekondeer deur Rdl I Stemela, is daar

BESLUIT

Dat die Raad die notule van die Tweede (2^{de}) Raadsvergadering gedateer 02 Desember 2016, goedkeur met die korreksies, soos geïdentifiseer deur Rdl BHJ Groenewald.

Isiphakamiso senziwe ngu Ceba BHJ Groenewald sasekelwa ngu Ceba I Stemela, sokuba,

ISIGQIBO

Sesokuba iBhunga liphumeze imizuzu yentlanganiso Yesibini (2nd) yomhla 02 kweyeMnga 201, nezilungiso eziphawulwe ngu Ceba BHJ Groenewald.

**DC 81/01/17 MINUTES OF MAYORAL COMMITTEE MEETINGS / NOTULES VAN
BURGEMEESTERSKOMITEEVERGADERINGS / IMIZUZU
YENTLANGANO YEKOMITI KASODOLOPHU (p 17 – 25)**

RESOLVED

That Council takes note of the minutes of the Mayoral Committee meeting dated 23 November 2016.

BESLUIT

Dat die Raad kennis neem van die notule van die Burgemeesterskomiteevergadering gedateer 22 November 2016.

ISIGQIBO

Sesokuba imizuzu yeKomiti Kasodolophu yangomhla wama 23 kweyeNkanga 2016, ithathelwe ingqalelo.

DC 82/01/17 **SECTION 52 REPORT: RESPONSIBILITIES OF THE MAYOR / ARTIKEL 52 VERSLAG: VERANTWOORDELIKHEDE VAN DIE BURGEMEESTER / UMHLATHI 52: UXANDUVA LUKA SODOLOPHU (560746)**

Refer. Report (6/18/7) dated 13 January 2017 from the Executive Mayor (Cllr M Booysen)(26 – 81)

Councillors from the official opposition, the PBI and ICOSA highlighted concerns throughout the report. They mentioned the lack of action plans, as requested in the previous Council meeting.

Proposed by Cllr D Xego and seconded by Cllr TA Simmers, it was

RESOLVED

1. That Council notes the quarterly report on the implementation of the budget and the financial affairs of the municipality for the year to date and the period ending 31 December 2016.
2. That the Executive Mayor submits an action plan on all the concerns raised to the next Council meeting.

Voorgestel deur Rdl D Xego en gesekondeer deur Rdl TA Simmers, is daar

BESLUIT

1. *Dat die Raad kennis neem van die kwartaalverslag rakende die implementering van die begroting en die finansiële posisie van die munisipaliteit vir die jaar tot op datum en die periode geëindig 31 Desember 2016.*
2. *Dat die Uitvoerende Burgemeester 'n aksieplan rakende al die bekommernisse uitgespreek, aan die volgende Raadsvergadering voorleë.*

Isiphakamiso senziwe ngu Ceba D Xego sasekelwa ngu Ceba TA Simmers, sokuba,

ISIGQIBO

1. Sesokuba iBhunga lithathele ingqaelo ingxelo yekota ngokumiselwa kolwabiwo-mali kunye nemicimbi yezemali zomasipala zonyaka uzakuthi ga ngexesha eliphela ngomhla 31 kweyoMnga 2016.
2. Sesokuba u Sodolophu anikezele nezicwangciso zamanyatheo azakuthatyathwa malunga nenxalabo eziye zaphakanyiswa kwintlanganiso yeBhunga elandelayo.

DC 83/01/17 REPORT: SECTION 72 MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT: 31 DECEMBER 2016 / VERSLAG: ARTIKEL 72 HALF-JAARLIKSE BEGROTING EN PRESTASIE ASSESSERING: 31 DESEMBER 2016 / INGXELO: UMHLATHI 72 UHLAHLO-LWABIWOMALI LOMBINDI NYAKA KUNYE NOHLOLO LOMSEBENZI: 31 KWEYOMNGA 2016 (560969)

Refer: Report (6/18/7) dated 13 January 2017 from the Municipal Manager (GW Louw)(p 82 – 137)

Proposed by Cllr JC Lambaatjeen and seconded by Cllr RGS Figland, it was

RESOLVED

1. That Council takes note of the mid-year budget and performance report in terms of Section 72 of the Municipal Finance Management Act.
2. That Council takes note of the SDBIP performance report for the six months ending 31 December 2016.
3. That Council takes note that an adjustment budget will be tabled for consideration at a Special Council meeting in February 2017.
4. That a comprehensive action plan be submitted to the next Council meeting.

Voorgestel deur Rdl JC Lambaatjeen en gesekondeer deur Rdl RGS Figland, is daar

BESLUIT

1. *Dat die Raad kennis neem van die halfjaarlikse Prestasieverslag voorgelê in terme van Artikel 72 van die Munisipale Finansiële Bestuurswet.*
2. *Dat die Raad kennis neem van die SDBIP Prestasieverslag vir die eerste ses maande van die jaar geëindig 31 Desember 2016.*
3. *Dat die Raad kennis neem dat 'n aangepaste begroting tydens 'n Spesiale Raadsvergadering in Februarie 2017 voorgelê sal word vir oorweging.*
4. *Dat 'n volledige aksieplan aan die volgende Raadsvergadering voorgelê word.*

Isiphakamiso senziwe ngu Ceba JC Lambajeen sasekelwa ngu Ceba RGS Figland, sokuba,

ISIGQIBO

1. Sesokuba i Bhunga lithathele ingqalelo ulwabiwo-mali lombindi nyaka kunye nengxelo yomsebenzi ngokwemiqathango yoMhlathi 72 Womthetho Wolawulo Lwemali Zomasipala.
2. Sesokuba i Bhunga lithathele ingqalelo ingxelo yomsebenzi ye SDBIP yenyanga ezintandathu neziphela 31 kweyoMnga 2016.
3. Sesokuba i Bhunga lithathele ingqalelo ulwabiwo-mali olu lungelelanisiweyo lizakuthiwa thaca ukuze liqwalaselwe kwintlanganiso Ekhethekileyo yeBhunga kweyoMdumba 2017.
4. Sesokuba ingxelo ephangalelelo malunga nezicwangciso zamanyathelo azakuthatyathwa inikezelwe kwintlanganiso elandelayo e Bhunga.

DC 84/01/17 REPORT ON INDIVIDUAL PERFORMANCE MANAGEMENT FOR 2016/2016 / VERSLAG RAKENDE INDIVIDUELE PRESTASIEBESTUUR VIR 2016/2017 / INGXELO NGOULAWULO LOMSEBENZI WOMNTU NGAMNYE 2016/2017 (560304)

Refer: Report (9/11/1) dated 12 January 2017 from the Office of the Municipal Manager / Performance Management Officer (IG Saayman)(p 138 – 150)

RESOLVED

That Council takes note of the development and implementation of Individual Performance Management.

BESLUIT

Dat die Raad kennis neem van die ontwikkeling en implementering van Individuele Prestasie Bestuur.

ISIGQIBO

Sesokuba iBhunga lithathele ingqalelo uphuhliso kunye nokumiselwa Kolawulo Lomsebenzi Womntu Ngamnye.

DC 85/01/17 REPORT ON THE SYSTEM DESCRIPTIONS FOR THE TOP LEVEL SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) FOR 2016/17 / VERSLAG RAKENDE DIE STELSELBESKRYWINGS VIR DIE TOPVLAK DIENSLEWERING-EN BEGROTINGSIMPLEMENTERINGSPLAN (DLBIP) VIR 2016/17 / INGXELO INCAZENKQUBO ZEBAKALA ELIPHEZULE LONIKEZELO LWENKONZO KUNYE NESICWANGCISO SOKUMISELWA KOLWABIBO MALI 2016/17 (560056)

Refer: Report (9/11/1) dated 12 January 2017 from the Office of the Municipal Manager / Performance Management Officer (IG Saayman)(p135 – 202)

RESOLVED

That Council takes note of the System Descriptions for the 2016/2017 Top Level Service Delivery and Budget Implementation Plan. ✓

BESLUIT

Dat die Raad kennis neem van die Stelsel Beskrywings vir die 2016/2017 Topvlak Dienslewerings- en Begrotingsimplementeringsplan.

ISIGQIBO

Sesokuba iBhunga lithathele ingqalelo lincazelo Zenkqubo zika 2016/2017 Zesicwangciso Sebakala Eliphezulu Lonikezelo Lwenkonzo kunye Nokumiselwa koLwabiwo-Mali.

DC 86/01/17 REPORT REGARDING SUGGESTED/REQUESTED CHANGES ON THE SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN FOR 2016/17 / VERSLAG RAKENDE VOORGESTELDE VERANDERINGE AAN DIE DIENSLEWERINGS-EN BEGROTINGSIMPLEMENTERINGSPLAN VIR 2016/17 (560317)

Refer: Report (9/11/1) dated 12 January 2017 from the Office of the Municipal Manager / Performance Management Officer (IG Saayman)(p 219 – 227)

Proposed by Cllr JC Lambaatjeen and seconded by Cllr I Stemela, it was

RESOLVED

1. That Council approves the requested amendments and the revised Top Level Service Delivery and Budget Implementation plan for the 2016/2017 financial year.

2. That a presentation on the SDBIP be conducted in order to address the concerns/questions from councillors.

Voorgestel deur Rdl JC Lambaatjeen en gesekondeer deur Rdl I Stemela, is daar

BESLUIT

1. *Dat die Raad voorgestelde veranderinge en die gewysigde Top Vlak Dienslewering en Begrotings-Implementeringsplan vir 2016/2017 goedkeur.*
2. *Dat 'n voorlegging rakende die DLBIP gedoen word ten einde die bekommernisse/vrae aan te spreek.*

Isiphakamiso senziwe ngu Ceba JC Lambaatjeen sasekelwa ngu Ceba I Stemela, sokuba

ISIGQIBO

1. Sesokuba iBhunga liphumeze izilingiso eziceliweyo nakunye noNikezelo lweZakhono ezikwiNqanaba eliPhezulu nokuphumeza iSabelomali sika nyaka mali 2016/2017.
2. Sesokuba unikezelo lwengxelo malunga ne SDBIP lwenziwe ngelinge lokukhawulelana nenxalabo/imibuzo evela kooceba.

DC 87/01/17 **REPORT REGARDING THE IMPLEMENTATION OF THE MUNICIPAL STANDARD CHART OF ACCOUNTS (MSCOA) / VERSLAG RAKENDE DIE IMPLEMENTERING VAN DIE "STANDARD CHART OF ACCOUNTS" (MSCOA) / INGXELO MALUNGA NOKUMISELWA KOLUTHLU OLUFANELEKILEY LWENCADI ZOMASIPALE (561057)**
Refer: Report (7/2/2/6) dated 12 January 2017 from the Municipal Manager (GW Louw)(p 228 – 251)

RESOLVED

That the content of the report be noted.

BESLUIT

Dat kennis geneem word van die inhoud van die verslag.

ISIGQIBO

Sesokuba umongo wengxelo uthathelwe ingqalelo.

DC 88/01/17 **REPORT ON THE COST OF THE TOUGHEST FIREFIGHTER ALIVE COMPETITION TO THE EDEN DISTRICT MUNICIPALITY / VERSLAG RAKENDE DIE KOSTES VAN DIE "TOUGHEST FIREFIGHTER ALIVE" KOMPETISIE VIR EDEN DISTRIKSMUNISIPALITEIT / INGXELO NGENDLEKO ZOKHUPHISWANO LOMCIMI MLILO OWOMELO OPHILAY ZOMSIPALA SEITHILI SE EDEN (560321)**

Refer: Report (18/2/1) dated 17 January 2017 from the Executive Manager Community Services (A Africa)(p 252 – 259)

The Executive Mayor referred to the EDM fire fighting department and mentioned that it is one of the most costly units in terms of operational budgets.

The Acting Municipal Manager informed Council they are currently in deficit and the budget has been depleted and need direction for the interim. He further mentioned that there will be no money for aerial support in case of fire disasters.

Cllr PJ Van der Hoven proposed that aerial support be addressed in the adjustment budget.

The Executive Mayor ruled that in case of a fire disaster, fire trucks and fire fighters be made available, and not aerial support, until this matter has been addressed in the adjustment budget, but in the case of emergencies, everything should be done for the safety of the region.

Proposed by Cllr JP Johnson and seconded by Cllr PJ Van der Hoven, it was

RESOLVED

1. That Council takes note of the report.
2. That approval be granted for the payment to the winners of the competition as mentioned in the body of the report.

Voorgestel deur Rdl JP Johnson en gesekondeer deur Rdl PJ Van der Hoven, is daar

BESLUIT

1. *Dat die Raad kennis neem van die verslag.*
2. *Dat goedkeuring verleen word vir die betaling aan die weners van die kompetisie soos uiteengesit in die inhoud van die verslag.*

Isiphakamiso senziwe ngu Ceba JP Johnson sasekelwa ngu Ceba PJ Van der Hoven, sokuba

ISIGQIBO

1. Sesokuba iBhunga litahthele ingqalelo lengxelo.
2. Sesokuba kunikezwe imvume yokuhlawula abo baphumelele kukhuphiswano njengoko kuphawulwe kwingxelo.

DC 89/01/17 REPORT ON THE PROPOSED SCHEDULE OF COUNCIL AND COMMITTEE MEETING DATES FOR 2017 / VERSLAG RAKENDE DIE VOORGESTELDE SKEDULE VAN RAAD EN KOMITEE VERGADERDATUMS VIR 2017 / ULUDWE OLULUNGISELELWEYO LWEENTLANGANISO ZEBHUNGA NEEKOMITI KUNYAKA KA 2017 (560927)

Refer: Report (4/1/2/1) dated 09 January 2017 from the Executive Manager Corporate/Strategic Services (B Holtzhausen)(p 260 – 263)

Proposed by Cllr BHJ Groenewald and seconded by Cllr EH Stroebel, it was

RESOLVED

That the proposed schedule of dates for Council and Committee meetings for 2017 be approved, subject to final determination thereof by the Speaker and in conjunction with the Executive Mayor.

Voorgestel deur Rdl BHJ Groenewald en gesecondeer deur Rdl EH Stroebel, is daar

BESLUIT

Dat die voorgestelde skedule van vergaderingdatums vir Raad en komiteevergaderings vir 2017 goedgekeur word, onderhewig aan finale bepaling daarvan deur die Speaker en in samewerking met die Uitvoerende Burgemeester.

Isiphakamiso senziwe ngu Ceba BHJ Groenewald sasekelwa ngu Ceba EH Stroebel, sokuba

ISIGQIBO

Sesokuba isiphakamise soluhlu lwemihla yentlanganiso ze Bhunga kunye Nekomiti kunyaka ka 2017 iphunyezwe, ngokuxhomekeka kwisigqibo sokugqibela sika soMlomo ebambisene noSodolophu.

DC 90/01/17 **DRAFT ANNUAL REPORT: 2015/16 FINANCIAL YEAR / KONSEP JAARVERSLAG: 2015/16 FINANSIËLE JAAR / INGXELO YONYAKA: KUNYAKA MALI KA 2015/16 (556798)**

Refer: Report (10/1/16) dated 08 December 2016 from the Executive Manager Corporate/Strategic Services: (B Holtzhausen): Manager Strategic Services (M Wilson)(p 264 – 267)

Proposed by Cllr BHJ Groenewald and seconded by Cllr D Xego, it was

RESOLVED

1. That the tabling of the Annual Report for the period 2015/2016 in terms of Section 127(2) of the MFMA by the Executive Mayor, be noted.
2. That the Annual Report be referred to MPAC.
3. That the Annual Report be made public in terms of Section 127(5) of the MFMA, for comments.

Voorgestel deur Rdl BHJ Groenewald en gesekondeer deur Rdl D Xego, is daar

BESLUIT

1. *Dat kennis geneem word van die voorlegging van die Jaarverslag vir die periode 2015/2016 in terme van Artikel 127(2) van die MFBW deur die Uitvoerende Burgemeester.*
2. *Dat die Jaarverslag na die MPRK verwys word.*
3. *Dat die Jaarverslag aan die publiek beskikbaar gemaak word vir kommentaar.*

Isiphakamiso ngu Ceba BHJ Groenewald ze sasekelwa ngu Ceba D Xego, ukuba

ISIGQIBO

1. Sesokuba ukuthiwa theca kweNgxelo Yonyaka yexesha lika 2015/2016 ngokwemiqathango yoMhlathi 127(2) we MFMA ngu Sodolophu, kuthathelwe ingqalelo.
2. Sesokuba Ingxelo Yonyaka inikezelwe kwi MPAC.
3. Sesokuba iNgxelo Yonyaka inikezelwe elunwini ngokwemiqathango Yomhlathi 127(5) we MFMA, ukuze kufakwe izimvo.

DC 91/01/17 EDEN 2016 SOCIO-ECONOMIC PROFILE (SEP) AND MUNICIPAL ECONOMIC REVIEW AND OUTLOOK (MERO) / EDEN 2016 SOSIO-EKONOMIESE PROFIEL (SEP) EN MUNISIPALE EKONOMIESE HERSIENING EN OORSIG (MERO) / EDEN 2016 ISIKHUNDLA SEZOQOQOSHO (SEP) LOMASIPALA KUNYE NOKUTHEGABALALA (MERO) (560089)

Refer: Report (16/8/2) dated 08 January 2017 from the Executive Manager Corporate/Strategic Services: (B Holtzhausen): District IDP Manager (CL Doming)(p 268 - 412)

RESOLVED

That Council takes note of the 2016 Socio-economic Profile (SEP) and 2016 Municipal Economic Review Outlook (MERO) in terms of the Municipal Systems Act 2000 (Act 32 of 2000).

BESLUIT

Dat die Raad kennis neem van die inhoud soos vervat in die 2016 Sosio-Ekonomiese Oorsig sowel as die 2016 Munisipale Ekonomiese Oorsig en Vooruitskating in terme van die Munisipale Stelselwet, 2000 (Wet 32 van 2000).

ISIGQIBO

Sesokuba iBhunga loMasipala Wesithili se Eden lithathele ingqalelo Isikhundla Sobume Bezozoqosho ku 2016 kunye Noqwalaselo Lwesoqoqosho Gabalala ku Masipala ku 2016 ngokwemiqathango yoMthetho Wenkqubo zoMasipala wango 2000(uMthetho 32 wango 2000).

DC 92/01/17 STATUS QUO REPORT ON COUNCIL PROPERTIES / STATUS QUO VERSLAG RAKENDE RAADSEIENDOMME / ISIMO ESKIKHOYO KWIZAKHIWO ZEBHUNG (560443)

Refer: Report (8/3/1/1) dated 20 December 2016 from the Executive Manager Community Services (C Africa)/Manager Property Development and Resorts (W Fourie)(p 413 – 425)

Proposed by Cllr S De Vries and seconded by Cllr M Booysen, it was

RESOLVED

1. That Council takes note of the status quo report on Council's property portfolio.
2. That a turnaround strategy be compiled and implemented for resorts and investment properties to generate additional income and to address the deficits at the resorts.

3. That a detailed report on the lease amounts of each of the farms be submitted to Council.
4. That a detailed report on the way forward on leases that lapse, be submitted to Council.
5. That detailed reports on legal proceedings with regards to the legal occupants and the outstanding debtors be submitted to Council.
6. That the Executive Mayor submit a report/plan to Council on the way forward on the properties in dispute with Knysna, Mossel Bay and Hessequa Municipalities.
7. That detailed reports regarding the way forward in terms of Calitzdorp Spa and Victoria Bay Caravan Park be submitted to the Portfolio Committee for recommendation to Council.
8. That Council proceeds with the turnaround strategy of properties, irrespective of the dispute which is currently with the MEC, and that the properties in dispute, belongs to Eden District Municipality.

Voorgestel deur Rdl S De Vries en gesecondeer deur Rdl M Booysen, is daar

BESLUIT

1. *Dat die Raad kennis neem van die status quo verslag met betrekking tot die Raad se eiendoms portefeulje.*
2. *Dat 'n omkeerstrategie vir oorde en beleggingseiendomme saamgestel en geïmplementeer word ten einde ekstra inkomste te genereer en om die tekorte by die oorde aan te spreek.*
3. *Dat 'n volledige verslag rakende die verhuringsbedrae van alle plase aan die Raad voorgelê word.*
4. *Dat 'n volledige verslag rakende die pad vorentoe ten opsigte van verhurings wat verval, aan die Raad voorgelê word.*
5. *Dat volledige verslae rakende die regsprosedures ten opsigte van wettige okkupante en uitstaande debiteure aan die Raad voorgelê word.*
6. *Dat die Uitvoerende Burgemeester 'n verslag/plan aan die Raad voorlê rakende die pad vorentoe van die eiendomme in dispuut met Knysna, Mosselbaai en Hessequa Munisipaliteite.*

7. *Dat 'n volledige verslag rakende die pad vorentoe ten opsigte van Calitzdorp Spa en Victoriabaai Karavaanpark aan die Portefeuljekomitee voorgelê word vir aanbeveling aan die Raad.*
8. *Dat die Raad voortgaan met die omkeer strategie van eiendomme ongeag die dispuut wat tans by LUR is, en dat die eiendomme in dispuut, aan Eden Distriksmunisipaliteit behoort.*

Isiphakamiso senziwe ngu Ceba S De Vries sasekelwa ngu Ceba M Booyesen, sokuba

ISIGQIBO

1. Sesokuba iBhunga lithathele ingqalelo isimo esikhoyo kwingxelo yeBhunga ngesikhundla zempahla.
2. Sesokuba kumiselwe indlela yolungiso bhuchule kwaye imiselwe indawo zokuphola kunye nezakhiwo zotyalo zenze ingeniso eyongezelelweyo ukukhawulelana nemali esileleyo kwindawo zokuphola.
3. Sesokuba ingxelo ephangalelelyo kwimali zokuqashiswa kwefama nganye inikezelwe kwi Bhunga.
4. Sesokuba ingxelo ephangaleleyo ngendlela entsha kwizivumelwano zokuqashisa eliphelelweyo, izinikelwe kwi Bhunga.
5. Sesokuba ingxelo ephangalelelo malunga nemicimbi yezomthetho ngokuphathelene nokuhlala ngokusemthethweni kunye namatyala angekahlawulwa inikezelwe kwi Bhunga.
6. Sesokuba uSodolophu anikezelwe ingxelo/isicwangciso kwi Bhunga ngamanyathelo ekufuneka ethatyathiwe malunganomhlaba ekuphikiswana nganwo no Maispala wase Knysna, Mossel Bay kunye no Masipala was Hessequa.
7. Sesokuba ingxelo ephangaleleloyo malunga namanyathelo ekufuneka ethatyathiwe ngokwemiqathango ye Calitzdorp Spa kunye Victoria Bay Caravan Park inikezelwe kwi Komiti efanelekileyo ukuze indulule kwi Bhunga.
8. Sesokuba iBhunga liqhubekeke ngobuchule bolungelelwaniso lwemihlaba, nangona kuneziphikiso nesikuMphathi Wesphondo, kwaye lomihlaba kuphikiswana ngayo, yeyo Masipala Wesithili se eden.

Note: Mrs B Holtzhausen and Mr C Africa left the Chambers before the discussion of the undermentioned item.

DC 93/01/17 **AMENDMENT TO MACRO STRUCTURE OF EDEN DISTRICT MUNICIPALITY: MANAGERS REPORTING DIRECTLY TO THE MUNICIPAL MANAGER IN TERMS OF SECTION 56 OF THE MUNICIPAL SYSTEMS ACT, ACT 32 OF 2000 / WYSIGING AAN MAKROSTRUKTUUR VAN EDEN DISTRIKSMUNISIPALITEIT: BESTUURDERS WAT DIREK AAN DIE MUNISIPALE BESTUURDER RAPPORTEER INGEVOLGE ARTIKEL 56 VAN DIE MUNISIPALE STELSELSWET, WET 32 VAN 2000 / ULUNGISO KWISIMO SEZOLAWULO KWIBHUNGA LOMASIPALA WEIHILI SE EDEN: ABAPHATHI ABANIKEXELA INGXELO KNQO KUMPHATHI MASIPALA: UMHLATHI 56 WENKQUBO YOMTHETHO WOMASIPALA 32 WANGO 2000 (560803)**

Refer: Report (SP) dated 18 January 2017 from the Municipal Manager (GW Louw)(p 426 – 429)

This matter was debated and discussed thoroughly by Council.

On request of the Executive Mayor, the meeting adjourned at 13:54 to 14:02 for a caucus.

With the recommencement of the meeting, the Executive Mayor informed Council that this item will be referred back in order to get finality in terms of interpretation on what is in front of them.

RESOLVED

That the item be referred back and that all information and a legal opinion from the MEC be obtained for submission to the next or Special Council meeting.

BESLUIT

Dat die item terugverwys word en dat alle inligting en 'n regsopinie vanaf die LUR verkry word vir voorlegging aan die volgende of Spesiale Raadsvergadering.

ISIGQIBO

Sesokuba lombu ubuyiswe umva kwaye zonke incukacha kunye noluvo olusemthethweni oluvela kuMphathiswa Wephondo liye lafunywa ukuze linikezelwe kwintlangaiso elandelayo ye Bhunga okanye intlanganiso eKhathekileyo Yebhunga.

Note: Mrs B Holtzhausen and Mr C Africa joined the meeting again at 14:06.

DC 94/01/17 REPORT TO COUNCIL ON THE WORKING HOURS OF THE FIRE SERVICES / VERSLAG AAN DIE RAAD RAKENDE DIE WERKSURE VAN BRANDWEERDIENSTE / INGXELO KWIBHUNGA NGEYURE ZOMSEBENZI ZENKONSO YOMILO (560231)

Refer: Report (18/2/6/4) dated 16 January 2017 from the Executive Manager Community Services (C Africa)/ Chief Fire Officer (T Thaver)(p 430 – 436)

RESOLVED

That Council takes note of the report.

BESLUIT

Dat die Raad kennis neem van die verslag.

ISIGQIBO

Sesokuba iBhunga lithathele ingqalelo lengxelo.

DC 95/01/17 REPORT ON THE APPOINTMENT OF A SELECTION PANEL FOR THE APPOINTMENT OF A MUNICIPAL MANAGER / VERSLAG RAKENDE DIE AANSTELLING VAN 'N SELEKSIEPANEEL VIR DIE AANSTELLING VAN 'N MUNISIPALE BESTUURDER/INGXELO NGOKUMISELWA KWABACHONGWA BOKUQASHWA KOMPATHI MASIPALA (561575)

Refer: Report dated 18 January 2017 from the Executive Manager Corporate/Strategic Services (B Holtzhausen)(p 437 – 438)

Proposed by Cllr M Booysen and seconded by Cllr BHJ Groenewald , it was

RESOLVED

1. That Council appoints the Executive Mayor, the Deputy Executive Mayor, Councillors I Sternela, S De Vries and the Municipal Manager of Oudtshoorn Municipality, Mr A Paulse, to serve on the selection panel to make recommendations on the appointment of a Municipal Manager.
2. That Councillors V Gericke, T Fortuin and Organised Labour be granted observer status on the selection panel.

Voorgestel deur Rdl M Booysen en gesekondeer deur Rdl BHJ Groenewald, is daar

BESLUIT

1. *Dat die Raad die Uitvoerende Burgemeester, Uitvoerende Onder-Burgemeester, Raadslede I Stemela, S De Vries en die Munisipale Bestuurder van Oudtshoorn Munisipaliteit, Mnr A Paulse, aanstel om op die seleksie paneel te dien vir die aanstelling van die Munisipale Bestuurder posisie.*
2. *Dat Raadslede V Gericke, T Fortuin en Georganiseerde Arbeid observasie-status geniet op die seleksie paneel.*

Isiphakamiso senziwe ngu Ceba M Booyen sasekelwa ngu Ceba BHJ Groenewald, sokuba

ISIGQIBO

1. Sesokuba iBhunga lichonge uSodolophu, uSekela Sodolophu uCeba I Stemal, S de Vries kunye noMphathi Masipala wase Tshoreni, u Mnu A Paulse, ukuze bahlale kwikomiti ezakuchonga uMphathi Masipala.
2. Sesokuba uCeba V Gericke, T Fortuin kunye nemanyano zabasebenzi banikwe izikhundla zokubeka iliso kuluhlu lwabachongi.

DC 96/01/17 **REPORT ON THE APPOINTMENT OF A SERVICE PROVIDER FOR THE FILLING OF THE MUNICIPAL MANAGER'S POSITION /**
VERSLAG RAKENDE DIE AANSTELLING VAN 'N
DIENSVERSKAFFER VIR DIE VULLING VAN DIE MUNISIPALE
BESTUURDER POSISIE / INGXELO NGOKUQESHA
KWABANIKEZELI BEENKONZO NGOKUVALWA KWESITHUBA SO
MPHATHI MASIPALA (561453)

Refer: Report dated 30 January 2017 from the Executive Manager Corporate/Strategic Services (B Holtzhausen)(p 439 – 457)

RESOLVED

That the Council takes note of the appointment of Roy Steele & Associates as service provider for the selection process for the Municipal Manager's position.

BESLUIT

Dat die Raad kennis neem van Roy Steele & Associates se aanstelling as diensverskaffer vir die seleksie proses van die Munisipale Bestuurder posisie.

ISIGQIBO

Sesokuba iBhunga lithathele ingqalelo ukuqeshwa komnikezeli nkonzo u Roy Steele & Associates malunga nenkqubo yokhetho lwesithuba so Mphathi Masipala.

DC 97/01/17 DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF COUNCILLORS: RETROSPECTIVELY FROM 1 JULY 2016 / BEPALING VAN BO-PERKE VAN SALARISSE, TOELAES EN VOORDELE VAN RAADSLEDE: TERUGWERKEND VANAF 1 JULIE 2016: UKUQWALASELA KWEBAKALA LEMIVUZO EPHEZULU, IZIBONELELO NEENGENELO ZOOCEBA: UKUSUSELE NGOMHLA 1 KWEYEKHALA 2016 (561977)

Refer: Report (6/9/1/1) dated 12 January 2017 from the Municipal Manager (GW Louw)(p 458 – 484)

Proposed by Cllr M Booyesen and seconded by Cllr PJ Van der Hoven, it was

RESOLVED

1. That the matter stands over until clarity on the concerns has been reached and that the matter be discussed at a Special Council meeting in February 2017.
2. That the grading of Eden District Municipality be discussed at the Special Council meeting, mentioned in one (1) above.

Voorgestel deur Rdl M Booyesen en gesekondeer deur Rdl PJ Van der Hoven, is daar

BESLUIT

1. *Dat die item oorstaan totdat uitklaring rakende die bekommernisse verkry is en dat die aangeleentheid by 'n Spesiale Raadsvergadering in Februarie 2017, bespreek word.*
2. *Dat die gradering van Eden Distriksmunisipaliteit by die vergadering genoem in een (1) hierbo, bespreek word.*

Isiphakamiso senziwe ngu Ceba M Booyesen sasekelwa ngu Ceba PJ Van der Hoven, sokuba

ISIGQIBO

1. Sesokuba lombha urhoxiswe de kulungisw einxalabo kwaye lombha uxoxwe kwintlangano eKhathekileyo ye Bhunga kweyoMdumba 2017.

2. Sesokuba ukuphuculwa koMasipala Wesithili se Eden kuxoxwe kwintlanganiso Ekhethekileyo yeBhunga, nechazwe ngase ekuqaleni(1).

DC 98/01/17 **PERFORMANCE MANAGEMENT REPORT TO COUNCIL FOR THE PERIOD 01 JANUARY 2016 TO 30 JUNE 2016 / PRESTASIE BESTUURSVERSLAG AAN DIE RAAD VIR DIE PERIODE 02 JANUARIE 2016 TOT 30 JUNIE 2016 / (552840)**

Refer: Report (4/1/2/41) dated 06 November 2016 from the Municipal Manager (GW Louw) Chief Audit Executive (JW De Jager)(p 485 - 493)

Proposed by Cllr PJ Van der Hoven and seconded by Cllr S De Vries, it was

RESOLVED

1. That Council notes the Performance Management report from the Audit and Performance Audit Committee for quarter 3 and quarter 4 of the 2015/16 financial year.
2. That Council notes that the Eden Corporate Disaster Management Plan has been updated and comply with the legislative requirements.
3. That Eden DM has been identified to be a leading municipality in terms of compliance to SPLUMA and LUMA.
4. That Council notes that a service provider (GAPP) has been appointed to compile a draft SDF by the end of June 2017.
5. That Council notes that the SDF will subsequently be submitted to the MEC of Local Government for final approval.

Voorgestel deur Rdl P Van der Hoven en gesekondeer deur Rdl S De Vries, is daar

BESLUIT

1. *Dat die Raad kennis neem van die Prestasiebestuurverslag van die Oudit en Prestasie Ouditkomitee vir kwartaal 3 en kwartaal 4 van die 2015/2016 finansiële jaar.*
2. *Dat die Raad kennis neem dat Eden se Korporatiewe Rampbestuursplan opdateer is en voldoen aan die wetlike vereistes.*

3. *Dat die Raad kennis neem dat EDM geïdentifiseer is as die leidende munisipaliteit in terme van die voldoening aan vereistes vir SPLUMA en LUMA.*
4. *Dat die Raad kennis neem dat 'n diensverskaffer (GAPP) aangestel is om die konsep SDF saam te stel voor die einde van Junie 2017.*
5. *Dat die Raad kennis neem dat die SDF dienooreenkomstig aan die LUR vir Plaaslike Regering vir finale goedkeuring voorgelê word.*

Isiphakamiso senziwe ngu Ceba PJ Van der Hoven sasekelwa ngu Ceba S De Vries, sokuba

ISIGQIBO

1. Sesokuba iBhunga lithathele ingqalelo ingxelo yoLawulo Lomsebenzi evela kwi Komiti Yezophicotho kunye Nophicotho Lomsebenzi kwikota 3 neye nekota 4 kunyakamali ka 2015/16.
2. Sesokuba iBhunga lithathele ingqalelo Isicwangciso Se Eden Sobambiswano Kulawulo Lwentlekele siye saphuculwa kwaye sihambelana nemithetho egunyazisiweyo.
3. Sesokuba u Eden DM uye waphawulwa ngoba ngumasipala okhokelayo ngokwemiqathango yokuthobela i SPLUMA kunye ne LUMA.
4. Sesokuba iBhunga lithathele ingqalelo okokuba umnikezelo nkonzo(GAPP) uye wachongwa ukuqulunqa uyilo lwe SDF phambi kokuphela kweyeSilimela 2017.
5. Sesokuba iBhunga lithathele ingqalelo okokuba i SDF izakuye inikezelwe kuMphathiswa Worhulumente Basekha Kwiphondo ukuza iphunyeziswe okokugqibela.

CLLR V GERICKE: MOTION OF EXIGENCY / RDL V GERICKE: DRINGENDE MOSIE /

Cllr V Gericke requested to table an motion of exigency in terms of clause 41 of the Rules of Order. The motion is to canvas support from Eden District Municipality on a campaign against racism which will be hosted on Human Rights Day, 21 March 2017, in the district of George.

The motion was seconded by Cllr T Fortuin.

All councillors present was in favour and support the motion and the motion was accepted.

The motion will serve before the next or Special Council meeting and Cllr Gericke was requested to submit his motion in writing to the Office of the Speaker.

The meeting closed at 14:10 / *Die vergadering sluit om 14:10* / Intlanganiso ivalwe ngo 14:10.

.....
SPEAKER

.....
UMHLA/ DATUM / DATE



**DISTRICT MUNICIPALITY
UMASIPALA WESITHILI
DISTRIKSMUNISIPALITEIT**

**Notule van 'n
Spesiale Raadsvergadering
van die 2016/2021 termyn
van Eden gehou in die CA Robertson Raadsaal,
Eden Distriksmunisipaliteit, Yorkstraat 54, George, op
Vrydag, 03 Februarie 2017 om 14:00**

*Minutes of a
**Special Council Meeting of the 2016/2021
term of Eden held in the CA Robertson Council Chamber,
Eden District Municipality, 54 York Street, George, on
Friday, 03 February 2017 at 14:00***

**Imizuzu
Yentlangano Ekhethekileyo yeBhunga yexesha 2016/2021
le Eden nebibanjwe kwiGumbi leBhunga CA Robertson,
Kwisithili soMaspala we Eden, 54 York Street, e George
ngoLwesihlanu, 03 kweyoMdumba 2017 ngentsimbi 14:00**

PRESENT / TEENWOORDIG / ABAKHOYO

| | | |
|------------------------------------|---|-------------------------|
| Cllr / Rdl / Ceba TA Simmers | - | DA |
| Cllr / Rdl / Ceba D Saayman | - | DA |
| Cllr / Rdl / Ceba BN Van Wyk | - | DA |
| Cllr / Rdl / Ceba T Van Rensburg | - | DA |
| Cllr / Rdl / Ceba N Ndayi | - | DA |
| Cllr / Rdl / Ceba KS Lose | - | DA |
| Cllr / Rdl / Ceba CN Lichaba | - | ANC |
| Cllr / Rdl / Ceba NF Kamte | - | ANC |
| Cllr / Rdl / Ceba MP Mapitiza | - | ANC |
| Cllr / Rdl / Ceba D Xego | - | ANC |
| Cllr / Rdl / Ceba T Fortuin | - | ICOSA |
| Cllr / Rdl / Ceba NC Jacob | - | Bitou Municipality |
| Cllr / Rdl / Ceba M Booysen | - | Bitou Municipality |
| Cllr / Rdl / Ceba I Stemela | - | George Municipality |
| Cllr / Rdl / Ceba RGS Figland | - | George Municipality |
| Cllr / Rdl / Ceba PJ Van der Hoven | - | George Municipality |
| Cllr / Rdl / Ceba T Teyisi | - | George Municipality |
| Cllr / Rdl / Ceba V Gericke | - | George Municipality |
| Cllr / Rdl / Ceba JP Johnson | - | Kannaland Municipality |
| Cllr / Rdl / Ceba L Tyokolo | - | Knysna Municipality |
| Cllr / Rdl / Ceba MS Willemse | - | Knysna Municipality |
| Cllr / Rdl / Ceba MV Molosi | - | Knysna Municipality |
| Cllr / Rdl / Ceba SM Odendaal | - | Hessequa Municipality |
| Cllr / Rdl / Ceba BHJ Groenewald | - | Mossel Bay Municipality |
| Cllr / Rdl / Ceba E Meyer | - | Mossel Bay Municipality |
| Cllr / Rdl / Ceba RH Ruiters | - | Mossel Bay Municipality |
| Cllr / Rdl / Ceba JC Lambaatjeen | - | Oudtshoorn Municipality |
| Cllr / Rdl / Ceba RR Wildschut | - | Oudtshoorn Municipality |

OFFICIALS / AMPTENARE / AMAGOSA

| | | |
|-------------------------------|---|--|
| Mr / Mnr / Mnu C Africa | - | Acting Municipal Manager |
| Mr / Mnr / Mnu JC Ottervanger | - | Executive Manager Roads Services |
| Ms / Me / Nkzn B Holtzhausen | - | Executive Manager Corporate/Strategic Services |
| Ms / Me / Nkzn L Hoek | - | Executive Manager Financial Services |
| Ms / Me / Nkzn DD October | - | Chief Administration Officer |
| Ms / Me / Nkzn N Davids | - | Manager Legal Services |
| Mr / Mnr / Mnu B Desha | - | Translator/Interpreter/Committee Officer |

OPENING AND WELCOME / OPENING EN VERWELKOMING / UVULO NOLWAMKELO

The Speaker, Cllr MS Willemse, declared the meeting opened and welcomed everyone present at the meeting.

DC 99/02/17 APPLICATIONS FOR LEAVE OF ABSENCE / AANSOEKE OM VERLOF TOT AFWESIGHEID / IZICELO ZOKUNGAZIMASI

Cllr / Rdl / Ceba RE Spies
 Cllr / Rdl / Ceba S EH Stroebe
 Cllr / Rdl / Ceba AJ Rossouw
 Cllr / Rdl / Ceba S De Vries
 Cllr / Rdl / Ceba IT Mangaliso
 Cllr / Rdl / Ceba K Windvogel
 Cllr / Rdl / Ceba SS Mbandezi

COUNCILLORS ABSENT WITHOUT LEAVE / RAADSLEDE AFWESIG SONDER VERLOF / OCEBA ABANGKHOYO NGAPHANDLE KWEMVUME

None / Geen / Abekho

DC 100/02/17 COMMUNICATIONS BY THE SPEAKER / MEDEDELINGS DEUR DIE SPEAKER / UNXIBELELWANO LOSOMLOMO

The Speaker requested that applications for absence of leave from Council meetings be directed to his office, and not to the administration.

**DC 101/02/17 COMMUNICATIONS BY THE EXECUTIVE MAYOR / MEDEDELINGS
DEUR DIE UITVOERENDE BURGEMEESTER / UNXIBELELWANO
LUKA SODOLOPHU**

None / Geen / Abekho

**DC 102/02/17 COMMUNICATIONS BY THE ACTING MUNICIPAL MANAGER /
MEDEDELINGS DEUR DIE WND E MUNISIPALE BESTUURDER /
UNXIBELELWANO LUKA
SODOLOPHU**

None / Geen / Abekho

**DC 103/02/17 DECLARATION OF INTEREST BY COUNCILLORS AND OFFICIALS /
VERKLARING VAN BELANGE DEUR RAADSLEDE EN AMPTENARE /
UKUCHAZWA KWENJONGO NGOCEBA KUNYE NAMAGOSA**

None / Geen / Abekho

**DC 104/02/17 APPOINTMENT OF ACTING MUNICIPAL MANAGER / AANSTELLING
VAN WAARNEMENDE MUNISIPALE BESTUURDER / UKUCHONGWA
KWEBAMBELA MPHATHI MASIPALA (563441)**

Refer: Report (9/8/2) dated 01 February 2017 from the Executive Manager Corporate/Strategic Services (B Holtzhausen)(p 1 – 3)

Proposed by Cllr M Booysen and seconded by Cllr TA Simmers, it was

RESOLVED

That Council approves the appointment of Mr C. Africa as the Acting Municipal Manager and not Mr GW Louw, on a month-to-month basis, not exceeding three (3) months, until the appointment processes of a Municipal Manager has been finalized.

Voorgestel deur Rdl M Booysen en gesekondeer deur Rdl TA Simmers, is daar

BESLUIT

Dat die Raad goedkeuring verleen vir die aanstelling van Mnr C Africa as die Wnde Munisipale Bestuurder en nie Mnr GW Louw, op 'n maand-tot-maand basis, wat nie drie (3) maande oorskry nie totdat die aanstellingsprosesse van 'n Munisipale Bestuurder afgehandel is.

Isiphakamiso senziwe ngu Ceba M Booysen wasekelwa ngu Ceba TA Simmers, ukuba

ISIGQIBO

Sesokuba iBhunga liphumeze ukuqashwa kuka Mnu C Africa njenge Bambela Mphathi Masipala hayi u Mnu GW Louw, inyanga nenyanga, kungadluli isithuba senyanga ezintathu(3), dekuqukunjelwe inkqubo yokuqasha uMphathi Masipala.

Die vergadering sluit om 14:40 / The meeting closed at 14:40 / Intlanganiso ivalwe ngo 14:40.

.....
SPEAKER

.....
UMHLA/ DATUM / DATE



**DISTRICT MUNICIPALITY
UMASIPALA WESITHILI
DISTRIKSMUNISIPALITEIT**

**Notule van 'n
Spesiale Raadsvergadering
van die 2016/2021 termyn
van Eden gehou in die CA Robertson Raadsaal,
Eden Distriksmunisipaliteit, Yorkstraat 54, George, op
Maandag, 27 Februarie 2017 om 11:00**

***Minutes of a Special Council Meeting of the 2016/2021
term of Eden held in the CA Robertson Council Chamber,
Eden District Municipality, 54 York Street, George, on
Monday, 27 February 2017 at 11:00***

**Imizuzu
Yentlangano Ekhethekileyo yeBhunga yexesha 2016/2021
le Eden nebibanjwe kwiGumbi leBhunga CA Robertson,
KuMaisipala Wesithili se Eden, 54 York Street, e George
ngoMvulo, 27 kweyoMdumba 2017 ngentsimbi 11:00**

PRESENT / TEENWOORDIG / ABAKHOYO

| | | |
|------------------------------------|---|-------------------------|
| Cllr / Rdl / Ceba TA Simmers | - | DA |
| Cllr / Rdl / Ceba RE Spies | - | DA |
| Cllr / Rdl / Ceba D Saayman | - | DA |
| Cllr / Rdl / Ceba BN Van Wyk | - | DA |
| Cllr / Rdl / Ceba T Van Rensburg | - | DA |
| Cllr / Rdl / Ceba N Ndayi | - | DA |
| Cllr / Rdl / Ceba KS Lose | - | DA |
| Cllr / Rdl / Ceba AJ Rossouw | - | DA |
| Cllr / Rdl / Ceba CN Lichaba | - | ANC |
| Cllr / Rdl / Ceba S De Vries | - | ANC |
| Cllr / Rdl / Ceba NF Kamte | - | ANC |
| Cllr / Rdl / Ceba MP Mapitiza | - | ANC |
| Cllr / Rdl / Ceba D Xego | - | ANC |
| Cllr / Rdl / Ceba T Fortuin | - | ICOSA |
| Cllr / Rdl / Ceba NC Jacob | - | Bitou Municipality |
| Cllr / Rdl / Ceba M Booysen | - | Bitou Municipality |
| Cllr / Rdl / Ceba I Stemela | - | George Municipality |
| Cllr / Rdl / Ceba RGS Figland | - | George Municipality |
| Cllr / Rdl / Ceba EH Stroebe | - | George Municipality |
| Cllr / Rdl / Ceba PJ Van der Hoven | - | George Municipality |
| Cllr / Rdl / Ceba T Teyisi | - | George Municipality |
| Cllr / Rdl / Ceba V Gericke | - | George Municipality |
| Cllr / Rdl / Ceba JP Johnson | - | Kannaland Municipality |
| Cllr / Rdl / Ceba L Tyokolo | - | Knysna Municipality |
| Cllr / Rdl / Ceba MS Willemse | - | Knysna Municipality |
| Cllr / Rdl / Ceba MV Molosi | - | Knysna Municipality |
| Cllr / Rdl / Ceba SM Odendaal | - | Hessequa Municipality |
| Cllr / Rdl / Ceba IT Mangaliso | - | Hessequa Municipality |
| Cllr / Rdl / Ceba BHJ Groenewald | - | Mossel Bay Municipality |
| Cllr / Rdl / Ceba E Meyer | - | Mossel Bay Municipality |
| Cllr / Rdl / Ceba RH Ruiters | - | Mossel Bay Municipality |
| Cllr / Rdl / Ceba SS Mbandezi | - | Mossel Bay Municipality |
| Cllr / Rdl / Ceba JC Lambaatjeen | - | Oudtshoorn Municipality |
| Cllr / Rdl / Ceba RR Wildschut | - | Oudtshoorn Municipality |
| Cllr / Rdl / Ceba K Windvogel | - | Oudtshoorn Municipality |

OFFICIALS / AMPTENARE / AMAGOSA

| | | |
|-------------------------------|---|--|
| Mr / Mnr / Mnu C Africa | - | Acting Municipal Manager |
| Mr / Mnr / Mnu JC Ottervanger | - | Executive Manager Roads Services |
| Ms / Me / Nkzn B Holtzhausen | - | Executive Manager Corporate/Strategic Services |
| Ms / Me / Nkzn L Hoek | - | Executive Manager Financial Services |
| Mr / Mnr / Mnu J Compion | - | Acting Executive Manager Community Services |
| Ms / Me / Nkzn DD October | - | Chief Administration Officer |
| Ms / Me / Nkzn N Davids | - | Manager Legal Services |
| Mr / Mnr / Mnu JW De Jager | - | Chief Executive Internal Auditor |
| Mr / Mnr / Mnu B Desha | - | Translator/Interpreter/Committee Officer |

OPENING AND WELCOME / OPENING EN VERWELKOMING / UVULO NOLWAMKELO

Cllr EH Stroebel opened the meeting with a prayer where after the Speaker, Cllr MS Willemse, welcomed everyone present at the meeting.

DC 105/02/17 APPLICATIONS FOR LEAVE OF ABSENCE / AANSOEKE OM VERLOF TOT AFWESIGHEID / IZICELO ZOKUNGAZIMASI

None / Geen / Abekho

COUNCILLORS ABSENT WITHOUT LEAVE / RAADSLEDE AFWESIG SONDER VERLOF / OCEBA ABANGEKHOYO NGAPHANDLE KWEMVUME

None / Geen / Abekho

DC 106/02/17 COMMUNICATIONS BY THE SPEAKER / MEDEDELINGS DEUR DIE SPEAKER / UNXIBELELWANO LOSOMLOMO

The Speaker gave the Chairperson of MPAC, Cllr V Gericke, opportunity to address Council regarding the MPAC meeting dates for March 2017.

On request of the respective parties, Council arose for a moment of silence to families who have lost loved ones during the past weekend.

Cllr PJ Van der Hoven here after requested a urgent Governance Committee meeting in order to address their concerns regarding the respective Committees of Council.

**DC 110/02/17 REPORT: ADJUSTMENT BUDGET 2016/2017 MEDIUM TERM
REVENUE AND EXPENDITURE FRAMEWORK (MTREF) / VERSLAG:
AANSUIWERINGSBEGROTING 2016/2017 MEDIUM TERM
INKOMSTE EN UITGAWE RAAMWERK / INGXELO:
ULUNGELELWANISO LOLWABIWO-MALI LUKA 2016/2017 INDLELA
YOKUSEBENZA YEXESHA ELIFUTSHANE LENCITHO NENGENISO
(MRTREF) (566810)**

Refer: Report (4/2) dated 15 February 2017 from the Acting Municipal Manager (C Africa)(p 1 – 61)

RESOLVED

1. That the second adjustments budget of Eden District Municipality for the financial year 2016/2017 as set out in the following schedules contained in Section 4, be approved:
 - i. Table B1 Adjustment Budget Summary
 - ii. Table B2 Adjustment Budget Financial Performance (by standard classification)
 - iii. Table B3 Adjustment Budget Financial Performance (by municipal vote)
 - iv. Table B4 Adjustment Budget Financial Performance (revenue by source)
 - v. Table B5 Adjustment Budget Capital Expenditure (by municipal vote and funding source)
2. That Council approves the Adjustment Operating Revenue Budget of R333 736 441.00.
3. That Council approves the Adjustment Operating Expenditure Budget of R347 021 163.00.
4. That Council approves the Adjustment Capital Budget of R6 713 295.00.
5. That Council approves the deficit of R19 998 016.00 which will be funded from accumulated cash reserves.
6. That the Lefatshe matter and the solar panel project be referred to MPAC in order to recover fruitless and wasteful expenditure.

BESLUIT

1. *Dat die Aangepaste Begroting van Eden Distriksmunisipaliteit vir die finansiële jaar 2016/2017 soos vervat in die volgende skedules van Artikel 4 goedgekeur word:*
 - i. *Tabel B1 Aangepaste Begroting Opsomming*
 - ii. *Tabel B2 Aangepaste Begroting Finansiële Prestasie (volgens standaard klassifikasie)*
 - iii. *Tabel B3 Aangepaste Begroting Finansiële Prestasie (volgens pos)*
 - iv. *Tabel B4 Aangepaste Begroting Finansiële Prestasie (volgens finansieringsbron)*
 - v. *Tabel B5 Aangepaste Kapitale Begroting (volgens pos en finansieringsbron)*
2. *Dat die Raad die Aangepaste Inkomste Begroting van R333 736 441.00 goekeur.*
3. *Dat die Raad die Aangepaste Uitgawe Begroting van R347 021 163.00 goedkeur.*
4. *Dat die Raad die Aangepaste Kapitale Begroting van R6 713 295.00 goedkeur.*
5. *Dat die Raad die verlies van R19 998 016.00 goedkeur wat deur die opgehoopte kontant reserves befonds sal word.*
6. *Dat die Lefatshe saak en die sonpaneelprojek na die MPRK verwys word ten einde vrugtelose en verkwistende uitgawes in te vorder.*

ISIGQIBO

1. *Sesokuba ulungelelwaniso lolwabiwo-mali lwesibini loMasipala Wesithili se Eden kunyakamali ka 2016/2017 njengoko kudandalazisiwe kuluhlu oluqulathiweyo kuMhlathi 4 kuphunyezwe:*
 - i. *Table B1 Ushwankathelo Lolungelelwaniso lolwabiwo-mali*
 - ii. *Table B2 Ushwankathelo Lolungelelwaniso lolwabiwo-mali Umsebenzi Wezemali(ngokomfaneleko womgangatho)*
 - iii. *Table B3 Ushwankathelo Lolungelelwaniso lolwabiwo-mali Umsebenzi Wezemal (ngokwevoti yomasipala)*
 - iv. *Table B4 Ushwankathelo Lolungelelwaniso lolwabiwo-mali Umsebenzi Wezemal (ingeniso ngokovimba)*
 - v. *Table B5 Ushwankathelo Lolungelelwaniso lolwabiwo-mali Incitho Eyinkunzi (ngokwevoti yomasipala kunye nenxaso ezikuvimba)*

2. Sesokuba iBhunga liphumeze Ulwabiwo-Mali Olulungelelanisiweyo Lwengenizo Eqhubayo neyi R333 736 441.00.
3. Sesokuba iBhunga liphumeze Ulwabiwo-Mali Olulungelelanisiweyo Lwencitho Eqhubayo neyi R347 021 163.00.
4. Sesokuba iBhunga liphumeze uLungelelwaniso Lolwabiwo-Mali Oliyinkunzi lwe R6713 295.00.
5. Sesokuba iBhunga liphumeze intsalelo ye R19 998 016.00. nezakuhlalulelwa kwimali eyenziwe kovimba.
6. Sesokuba lombha we Lefatshe kunye nenkqubo ye solar zinikezelwe kwi MPAC ukuze kubuyiswe indleko eziyincitho kunye nemali esetyenziswe gwengxa

DC 111/02/17 **REPORT TO COUNCIL ON THE DECLARATION OF THE EDEN DISTRICT (HESSEQUA AND KANNALAND) AS A LOCAL DISASTER AREA / VERSLAG AAN DIE RAAD RAKENDE DIE VERKLARING VAN EDEN DISTRIK (HESSEQUA EN KANNALAND) AS 'N PLAASLIKE RAMPSGEBIED / INGXELO KWIBHUNGA NGOKUBHENGGEZWA KWESITHILI SE EDEN (HESSEQUA KUNYE NE KANNALAND) NJENGE NGINGQI YENTLEKELE (567020)**

Refer: Report (18/2/6/4) dated 20 February 2017 from the Acting Executive Manager Community Services (J Compion)/ Manager Disaster Management (G Otto)(p 62 – 118)

RESOLVED

1. That the current drought situation within the Eden district (Kannaland municipal area) be noted.
2. That the current devastation fires caused by the January 2017 fires in the Hessequa Municipal area be noted.
3. That the request for the declaration of the Eden District (Kannaland- and Hessequa Local municipal areas) as local disaster areas, be supported.
4. That the Eden District Disaster Management Centre be mandated to coordinate the short as well as long term interventions needed to address this crisis.
5. That the Provincial Disaster Management Centre be requested to do formal post disaster assessment after the recent bush and veld fires in the district.

BESLUIT

1. *Dat kennis geneem word van die droogte situasie in die Eden Distrik met spesifieke verwysing na die Kannaland Munisipale area.*
2. *Dat kennis geneem word van die verwoestende brande wat die Hessequa Munisipale area geteister het.*
3. *Dat die versoek tot die verklaring van die Eden Distrik (Kannaland- en Hessequa Plaaslike Munisipale areas) as plaaslike rampgebiede ondersteun word.*
4. *Dat die Eden MDMC versoek word om die kort sowel as lang termyn intervensies ten opsigte van die aanspreek van hierdie ramp te koördineer.*
5. *Dat die Provinsiale Rampbestuur sentrum versoek word om na-ramp assessering uit te voer in terme van die afgelope verwoestende bos- en veldbrande wat in die distrik voorgekom het.*

ISIQIBO

1. Sesokuba isimo sembhalela Kiwisithili se Eden(uMasipala wengqingi yase Kannaland) sithathelwe ingqalelo.
2. Sesokuba unobangelwa wentlekele obangwe yimililo kwinyanga yoMqungu 2017 kwingingqi yoMasipala we Hessequa uthathelwe ingqalelo.
3. Sesokuba isicelo sokubhengezwa Kwesithili se Eden(Kannaland kunye noMasipala we Hessequa) njengendawo zentlekele, kuxhaswe.
4. Sesokuba Iziko Lolawulo Lwentlekele loMasipala Wesithili se Eden ligunyaziswe ukuba lilungiselele ungenelelo lwexesha eline nolwexesha elifutshane olufunekayo kukhawulelalani nentlekele.
5. Sesokuba Iziko Lolawulo Lwentlekele ePhondweni licelwe ukuba lwentle uhlobo olusemthethweni lwasemveni kwentlekele lwemililo yamadlelo yakutsha nje kwisithili.

Note: Mr C Africa left the Chambers at 12:55 before the discussion of the undermentioned item.

DC 112/02/17 EXTENSION OF EMPLOYMENT CONTRACT OF THE EXECUTIVE MANAGER COMMUNITY SERVICES / VERLENGING VAN DIENSKONTRAK VAN DIE UITVOERENDE BESTUURDER GEMEENSKAPSDIENSTE / UKWANDISWA KWESIVUMELWANO SENGQESHO SOMPHATHI OYINTLOKO: INKONZO YOLUNTU (567867)

Refer: Report (5/3) dated 24 February 2017 from the Executive Manager Corporate/Strategic Services (B Holtzhausen)(p 119 – 120)

RESOLVED

1. That Council grants approval for the extension of the employment contract of Mr C Africa as Executive Manager: Community Services, for a period of three (3) months.
2. That Council approves the total annual package of R1 169 819.00.

BESLUIT

1. *Dat die Raad goedkeuring verleen vir die verlenging van die aanstellingskontrak van Mnr C Africa as Uitvoerende Bestuurder: Gemeenskapsdienste, vir 'n periode van drie (3) maande.*
2. *Dat die Raad die totale jaarlikse pakket van R1 169 819.00 goedkeur.*

ISIGQIBO

1. Sesokuba iBhunga linikezele isiphumezo sokwandisa isivumelwano sengqesho sika Mnu C Africa njengoMphathi Oyintloko: Inkonzo Yoluntu, ixesha lenyanga ezintathu(3).
2. Sesokuba iBhunga liphumeze intlawulo yonyaka ye R1 169 819.00.

DC 113/02/17 ACTING ALLOWANCE OF THE ACTING MUNICIPAL MANAGER / WAARNEMINGSTOELAE VAN DIE WAARNEMENDE MUNISIPALE BESTUURDER / ISIBONELELO SEBAMBELA MPHATHI MASIPALA (567950)

Refer: Report (5/3) dated 24 February 2017 from the Executive Manager Corporate/Strategic Services (B Holtzhausen)(p 121 – 123)

RESOLVED

1. That an acting allowance of R11 713.26 be paid to the Acting Municipal Manager, Mr C Africa, for January and February 2017.
2. That Council approves the acting allowance of the Acting Municipal Manager on a month-to-month basis until the new Municipal Manager has been appointed.
3. That Council approves the salary package as per Council resolution DC 112/02/17 and calculated as the difference of 60% of the maximum package for a Municipal Manager as per Regulation 7 of the Upper Limits for Senior Managers.
4. That Regulation 7 of the Upper Limits for Senior Managers regarding acting allowances applicable to Municipal Managers be noted.

BESLUIT

1. *Dat 'n waarnemingstoelaag van R11 713.26 aan die Wnde Munisipale Bestuurder, Mnr C Africa, betaal word vir Januarie en Februarie 2017.*
2. *Dat die Raad goedkeuring verleen vir die waarnemingstoelaag van die Waarnemende Munisipale Bestuurder op 'n maand-tot-maand basis totdat die nuwe Munisipale Bestuurder aangestel is.*
3. *Dat die Raad goedkeuring verleen vir die salarispakket soos per Raadsbesluit DC 112/02/17 en bereken as die verskil van 60% van die maksimum pakket van 'n Munisipale Bestuurder soos vervat in Regulasie 7 van die Bo-perke vir Senior Bestuurders.*
4. *Dat kennis geneem word van Regulasie 7 van die Bo-perke vir Senior Bestuurders rakende waarnemingstoelae van toepassing op Munisipale Bestuurders.*

ISIGQIBO

1. Sesokuba imali yokubambela eyi R11 713.26 uhlaulwe iBambela Maphai Masipala u Mnu C Africa, ukususela kweyoMqungu 2017 ukuya kweyoMdumba 2017.
2. Sesokuba iBhunga liphumeze itlawulo yokubambela yoMphathi Masipala inyanga nenyanga de kuqashwe uMphathi Masipala omtsha.
3. Sesokuba iBhunga liphumeze umvuzo ngowesigqibo seBhunga DC 112/02/17 kunye nokubalwa komashuko we 60% wesibonelelo soMphathi Masipala ngokomhlathi 7 Wezibonelelo Eziphezulu zabaPhathi.
4. Sesokuba uMhlathi 7 Wezibonelelo Eziphezulu zabaPhathi malunga nesibonelelo sentlawulo sokubambela esi setyenziselwa abaPhathi Maisipala kuthathelwe ingqalelo.

Note: Mr C Africa joined the meeting again at 13:18.

**DC 114/02/17 APPOINTMENT OF MUNICIPAL MANAGER / AANSTELLING
VAN MUNISIPALE BESTUURDER / UKUCHONGWA
KWEBAMBELA MPHATHI MASIPALA (567956)**

Refer. Report (9/8/2) dated February 2017 from the Executive Mayor (Cllr M Booysen)(p 124 - 146)

RESOLVED

1. That Council takes note of the content of the selection report.
2. That the recruitment and selection process as reflected in the Selection Report documentation, including the long list, short list and screening/reference report, be noted.
3. That Council takes note that Mr MG Stratu qualifies as an advanced to superior level for the appointment as a Municipal Manager.
4. That Council appoints Mr MG Stratu as the Municipal Manager for a period of five (5) years on the basis of the findings and the consensus of the Selection Panel.
5. That the Executive Mayor extends an offer of employment to Mr MG Stratu.
6. That the fixed term contract of employment and the all-inclusive remuneration package be negotiated and finalized by the Executive Mayor within the statutory limits.

7. That if Mr MG Stratu should decline the offer or not sign an employment contract within one month of today's council resolution, that Council re-advertise the position.
8. That the report on the appointment of Mr MG Stratu be provided to the MEC in terms of Regulation 17 (3)(b) of the Local Government: Municipal Systems Act, Act 32 of 2000 and Regulations.
9. That the Selection Panel, or a representative thereof, as a matter of courtesy, inform the unsuccessful candidate formally of the outcome, and thank him for his application and participation in the processes.

BESLUIT

1. *Dat die Raad kennis neem van die inhoud van die verslag.*
2. *Dat die Raad kennis neem van die werwing en seleksie prosesse soos vervat in die seleksieverslag, insluitend die langlys, kortlys en verwysingsverslag.*
3. *Dat die Raad kennis neem dat Mnr MG Stratu kwalifiseer vir 'n gevorderde tot uitmuntende vlak vir die aanstelling as Munisipale Bestuurder.*
4. *Dat die Raad Mnr MG Stratu as die Munisipale Bestuurder vir 'n periode van vyf (5) jaar aanstel gebaseer op die bevindinge en eenstemmigheid van die Seleksiepaneel.*
5. *Dat die Uitvoerende Burgemeester 'n aanbod vir aanstelling aan die Mnr MG Stratu aanbied.*
6. *Dat die vaste termyn aanstellingskontrak en die alles-insluitende vergoedingspakket deur die Uitvoerende Burgemeester, binne statutêre limiete onderhandel en gefinaliseer word.*
7. *Dat indien Mnr MG Stratu die aanbod van die hand wys of nie die aanstellingskontrak binne een (1) maand van vandag se Raadsbesluit teken nie, die Raad die posisie her-adverteer.*
8. *Dat die verslag rakende die aanstelling van Mnr MG Stratu in terme van Regulasie 17 (3)(b) van die Plaaslike Regering Munisipale Stelselwet en Regulasies, aan die LUR voorsien word.*
9. *Dat die Seleksiepaneel, of 'n verteenwoordiger daarvan uit hoflikheid, die onsuksesvolle kandidaat formeel van die uitkoms in kennis stel en hom bedank vir sy aansoek en deelname aan die prosesse.*

ISIGQIBO

1. Okokuba iBhunga lithathele ingqalelo umongo wengxelo yokuchonga.
2. Sesokuba inkqubo yokuloba nokuchonga njengoko ichaziwe Kwingxelo Yezokuchonga nequlathwe kuluhlu olude, olufutshane kunye nokujongisiswa kwengxelo kuthathelwe ingqalelo.
3. Sesokuba iBhunga lithathele ingqalelo ukuba uMnu MG Stratu ukufanele ngokuphandle kwinqanaba eliphezulu ukuba angaqashwa njengo Mphathi Masipala
4. Sesokuba iBhunga liqashe uMnu MG Stratu njengo Mphathi Masipala ixesha leminyaka emihlanu(5) ngokwezizathu zeziphumo kunye nokuvumelana Koluhlu Labachongi.
5. Sesokuba uSodolophu Obekekileyo alule isandla ngokunikezela itorho kumgqatshwa okhetheiiweyo.
6. Sesokuba isivumlelwano esidityanisiweyo sengqesho nazo zonke imfanelo zezomvuzo zigqugulwe kwaye zigqitywe kunye noSodolophu Obekekileyo ngokwamagunya anawo aqingqiweyo.
7. Okokuba ukubangaba uMnu MG Stratu uye wasala isimemo setorho okanye akasityikitya kwisithuba senyanga emveni kwesigqibo seBhunga, iBhunga lisibhengeze kwakhona isithuba sengqesho.
8. Sesokuba ingxelo yokuqashwa kuka Mnu MG Stratu inikezelwe kuMphathiswa ngokwemiqathango yoMthetho 17(3)(b) Worhulumente Basekhaya:Umthetho Wenkqubo zoMasipala, uMthetho 32 wango 2000 kunye Nemiqathango.
9. Sesokuba Uluhlu Labachong, okanye abameli babo, ngokufanelekileyo, bazise umgqastwa ongaphumelelanga gokusemthethweni ngeziphumo, kwaye abulelwe ngokufaka isicelo nokuthabatha ixaxheba kulenkqubo.

Die vergadering sluit om 13:33 / The meeting closed at 13:33 / Intlanganiso ivalwe ngo 13:33.

.....
SPEAKER

.....
UMHLA/ DATUM / DATE



**DISTRICT MUNICIPALITY
UMASIPALA WESITHILI
DISTRIKSMUNISIPALITEIT**

**Notule van 'n
Burgemeesterskomiteevergadering
gehou op Donderdag, 26 Januarie 2017 om 11:00
in die Raadsaal van
Eden Distriksmunisipaliteit, Yorkstraat 54, George**

***Minutes of a
Mayoral Committee meeting
held in the Council Chambers,
Eden District Municipality, 54 York Street, George, on
Thursday, 26 January 2017 at 11:00***

**Imizuzu yentlanganiso
Yekomiti Kasodolophu
nebibanjelwe kwiGumbi leBhunga,
IoMasipala Wesithili se Eden, 54 York Street, e George
ngo ngoLwesini, 26 kweyeMqungu 2017 ngo 11:00**

TEENWOORDIG / PRESENT/ABAKHOYO

Rdl / Cllr / Ceba M Booysen

Uitvoerende Burgemeester

LEDE VAN DIE BURGEMEESTERSKOMITEE / MEMBERS OF THE MAYORAL COMMITTEE / AMALUNGU EKOMITI KASODOLOPHU

Rdl / Cllr / Ceba JC Lambaatjeen

Rdl / Cllr / Ceba I Stemela

Rdl / Cllr / Ceba TA Simmers

Rdl / Cllr / Ceba KS Lose

AMPTENARE / OFFICIALS / AMAGOSA

Mr GW Louw

Ms B Holtzhausen

Mr C Africa

Mr J Strydom

Ms L Hoek

Ms DD October

Ms IG Saaiman

Mr F Thaver

Municipal Manager

Executive Manager Corporate / Strategic Services

Executive Manager Community Services

Acting Executive Manager Roads Services

Executive Manager Financial Services

Chief Administration Officer

Performance Management

Fire Chief

OPENING EN VERWELKOMING / OPENING AND WELCOME / UVULO NOLWAMKELO

The Executive Manager, Mr C Africa, opened the meeting with a prayer, where after the Executive Mayor, Cllr M Booysen, welcomed everyone present at the meeting.

EMC 42/01/17 APOLOGIES / VERSKONINGS / IZINGXENGXEZO

Rdl / Cllr / Ceba JP Johnson

Rdl / Cllr / Ceba RH Ruiters

Rdl / Cllr / Ceba E Meyer

COUNCILLORS AND OFFICIALS ABSENT WITHOUT LEAVE / RAADSLEDE EN AMPTENARE AFWESIG SONDER VERLOF / OOCÉBA KUNYE NAMAGOSA ABANGEKHOYO NGAPHANDLE KWEMVUME

None / Geen / Abekho

EMC 43/01/17 **DECLARATION OF INTEREST BY COUNCILLORS AND OFFICIALS REGARDING ITEMS INCLUDED ON THE AGENDA / VERKLARING VAN BELANGE DEUR RAADSLEDE EN AMPTENARE TEN OPSIGTE VAN ITEMS IN DIE AGENDA VERVAT / UKUCHANZWA KWENJONGO ZOCEBA KUNYE NAMAGOSA NGOKUPHATHELENE NEMIBA EZAKUXOXWA**

Mr C Africa and Ms B Holtzhausen regarding item EMC 56/01/17 on the In Committee agenda.

EMC 44/01/17 **COMMUNICATIONS BY THE EXECUTIVE MAYOR / MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER / INTETHO KASODOLOPHU**

None / Geen / Abekho

EMC 45/01/17 **APPROVAL OF THE FOLLOWING MINUTES OF THE MAYORAL COMMITTEE MEETING / GOEDKEURING VAN DIE VOLGENDE NOTULE VAN DIE BURGEMEESTERSKOMITEEVERGADERING / UKUPHUNYEZWA KWENGXELO EZILANDELAYO NGOKWEZIGQIBO ZEKOMITI KASODOLOPHU (p 1 – 9)**

Mayoral Committee meeting dated 23 November 2016 / *Burgemeesterskomiteevergadering gedateer 23 November 2016 / Intlangano yabucala Yekomiti ka Sodolophu yangomhla 23 kweyeNkanga 2016*

RESOLVED

That the minutes of the Mayoral Committee meeting dated 23 November 2016, be approved.

BESLUIT

Dat die notule van die Burgemeesterskomiteevergadering, gedateer 23 November 2016, goedgekeur word.

ISIGQIBO

Sesokuba imizuzu yentlangano yeKomiti Kasodolophu yangomhla 23 kweyeNkanga 2016, iphunyezwe.

EMC 46/01/17

SECTION 52 REPORT: RESPONSIBILITIES OF THE MAYOR /
ARTIKEL 52 VERSLAG: VERANTWOORDELIKHEDE VAN DIE
BURGEMEESTER / UMHLATHI 52: UXANDUVA LUKA SODOLOPHU
(560746)

Refer: Report (6/18/7) dated 13 January 2017 from the Executive Mayor (Cllr M Booysen)(10 – 65)

RESOLVED TO RECOMMEND TO COUNCIL

That Council notes the quarterly report on the implementation of the budget and the financial affairs of the municipality for the year to date and the period ending 31 December 2016.

BESLUIT OM BY DIE RAAD AAN TE BEVEEL

Dat die raad kennis neem van die kwartaalverslag rakende die implementering van die begroting en die finansiële posisie van die munisipliteit vir die jaar tot op datum en die periode geëindig 31 Desember 2016.

ISIGQIBO SOKUNDULULA PHAMBI KWEKOMITI KASODOLOPHI

Sesokuba iBhunga lithathele ingqaelo ingxelo yekota ngokumiselwa kolwabiwo-mali kunye nemicimbi yezemali zomasipala zonyaka uzakuthi ga ngexesha eliphela ngomhla 31 kweyoMnga 2016.

EMC 47/01/17

REPORT: SECTION 72 MID-YEAR BUDGET AND PERFORMANCE
ASSESSMENT: 31 DECEMBER 2016 / VERSLAG: ARTIKEL 72 HALF-
JAARLIKSE BEGROTING EN PRESTASIE ASSESSERING: 31
DESEMBER 2016 / INGXELO: UMHLATHI 72 UHLAHO-
LWABIWOMALI LOMBINDI NYAKA KUNYE NOHLOLO LOMSEBENZI:
31 KWEYOMNGA 2016 (560969)

Refer: Report (6/18/7) dated 13 January 2017 from the Municipal Manager (GW Louw)(p 66 – 122)

RESOLVED

1. That Council takes note of the mid-year budget and performance report in terms of Section 72 of the Municipal Finance Management Act.
2. That Council takes note of the SDBIP performance report for the six months ending 31 December 2016.
3. That Council takes note that an adjustment budget will be tabled for consideration at a Special Council meeting in February 2017.

BESLUIT

1. *Dat die Raad kennis neem van die halfjaarlikse Prestasieverslag voorgelê in terme van Artikel 72 van die Munisipale Finansiële Bestuurswet.*

2. *Dat die Raad kennis neem van die SDBIP Prestasieverslag vir die eerste ses maande van die jaar geëindig 31 Desember 2016.*
3. *Dat die Raad kennis neem dat 'n aangepaste begroting tydens 'n Spesiale Raadsvergadering in Februarie 2017 voorgelê sal word vir oorweging.*

ISIQIBO

1. Sesokuba i Bhunga lithathele ingqalelo ulwabiwo-mali lombindi nyaka kunye nengxelo yomsebenzi ngokwemiqathango yoMhlathi 72 Womthetho Wolawulo Lwemali Zomasipala.
2. Sesokuba i Bhunga lithathele ingqalelo ingxelo yomsebenzi ye SDBIP yenyanga ezintandathu neziphela 31 kweyoMnga 2016.
3. Sesokuba iBhunga lithathele ingqalelo ulungelelwaniso lolwabiwo-mali noluzakuthiwa thacha ukuze lunikwe ingqwalasela.

EMC 48/01/17

REPORT ON INDIVIDUAL PERFORMANCE MANAGEMENT FOR 2016/2016 / VERSLAG RAKENDE INDIVIDUELE PRESTASIEBESTUUR VIR 2016/2017 / INGXELO NGOULAWULO LOMSEBENZI WOMNTU NGAMNYE 2016/2017 (560304)

Refer: Report (9/11/1) dated 12 January 2017 from the Office of the Municipal Manager / Performance Management Officer (IG Saayman)(p 122 – 134)

RESOLVED

That Council takes note of the development and implementation of Individual Performance Management.

BESLUIT

Dat die Raad kennis neem van die ontwikkeling en implementering van Individuele Prestasie Bestuur.

ISIQIBO

Sesokuba iBhunga lithathele ingqalelo uphuhliso kunye nokumiselwa Kolawulo Lomsebenzi Womntu Ngamnye.

EMC 49/01/17

REPORT ON THE SYSTEM DESCRIPTIONS FOR THE TOP LEVEL SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) FOR 2016/17 / VERSLAG RAKENDE DIE STELSELBESKRYWINGS VIR DIE TOPVLAK DIENSLEWERING-EN BEGROTINGSIMPLEMENTERINGSPLAN (DLBIP) VIR 2016/17 / INGXELO INCAZENKQUBO ZEBAKALA ELIPHEZULE LONIKEZELO LWENKONZO KUNYE NESICWANGCISO SOKUMISELWA KOLWABIBO MALI 2016/17 (560056)

Refer. Report (9/11/1) dated 12 January 2017 from the Office of the Municipal Manager / Performance Management Officer (IG Saayman)(p135 – 202)

RESOLVED TO RECOMMEND TO COUNCIL

That Council takes note of the System Descriptions for the 2016/2017 Top Level Service Delivery and Budget Implementation Plan.

BESLUIT OM BY DIE RAAD AAN TE BEVEEL

Dat die Raad kennis neem van die Stelselbeskrywings vir die 2016/2017 Topvlak Dienslewering- en Begrotingsimplementeringsplan.

ISIGQIBO SOKUNDULULA PHAMBI KWEKOMITI KASODOLOPHI

Sesokuba iBhunga lithathele ingqalelo lincazelo Zenkqubo zika 2016/2017 Zesicwangciso Sebakala Eliphezulu Lonikezelo Lwenkonzo kunye Nokumiselwa koLwabiwo-Mali.

EMC 50/01/17

REPORT REGARDING REQUESTED CHANGES ON THE SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN FOR 2016/17 / VERSLAG RAKENDE VOORGESTELDE VERANDERINGE AAN DIE DIENSLEWERINGS-EN BEGROTINGSIMPLEMENTERINGSPLAN VIR 2016/17 (560317)

Refer. Report (9/11/1) dated 12 January 2017 from the Office of the Municipal Manager / Performance Management Officer (IG Saayman)(p 203 – 211)

RESOLVED TO RECOMMEND TO COUNCIL

That Council approves the requested amendments and the revised Top Level Service Delivery and Budget Implementation plan for the 2015/2016 financial year.

BESLUIT OM BY DIE RAAD AAN TE BEVEEL

Dat die Raad voorgestelde veranderinge en die gewysigde Top Vlak Dienslewering en Begrotings-Implementeringsplan vir 2016/2017 goedkeur.

ISIGQIBO SOKUNDULULA PHAMBI KWEKOMITI KASODOLOPHI

Sesokub iBhunga liphumeze izilingiso eziceliweyo nakunye noNikezelo lweZakhono ezikwiNqanaba eliPhezulu nokuphumeza iSabelomali sika nyaka mali 2015/2016.

EMC 51/01/17

REPORT REGARDING THE IMPLEMENTATION OF THE MUNICIPAL STANDARD CHART OF ACCOUNTANTS (MSCOA) / VERSLAG RAKENDE DIE IMPLEMENTERING VAN DIE "STANDARD CHART OF ACCOUNTANTS" (MSCOA) / INGXELO MALUNGA NOKUMISELWA KOLUTHLU OLUFANELEKILEY LWENCADI ZOMASIPALE (561057)

Refer: Report (7/2/2/6) dated 12 January 2017 from the Municipal Manager (GW Louw)(p212 – 325)

RESOLVED TO RECOMMEND TO COUNCIL

1. That the content of the report be noted.
2. That approval be granted to contract with Fujitsu (Abakus) Version 8, with the view to have a fully mSCOA compliant ICT system on 01 July 2017.
3. That Provincial and National Treasuries be informed of council's position in this regard.

BESLUIT OM BY DIE RAAD AAN TE BEVEEL

1. *Dat kennis geneem word van die inhoud van die verslag geneem word,*
2. *Dat goedkeuring verleen word om met Fujitsu (Abakus) Reeks 8, te kontrakteer om teen 01 Julie 2017 ten volle met mSCOA ICT versoenbaar te wees.*
3. *Dat Provinsiale en Nasionale Tesourie oor die raad se seining in hierdie verband, ingelig word.*

ISIGQIBO SOKUNDULULA PHAMBI KWEKOMITI KASODOLOPHI

1. Sesokuba umongo wengxelo uthathelwe ingqalelo.
2. Sesokuba kunikwe imvume yokuba kutyikitywe isivumelwano nabakwa Fujitsu(Abakus) Ihlelo 8, ngenjongo yokuthobela ngokupheleleyo i mSCOA kubuxhakaxhaka be ICT ukususela ngomhla 1 kweyeKhala 2017.
3. Sesokuba Unodyebo Wephondo kunye Nokazwelonke baziwe ngesikhundla se Bhunga malunga noku.

EMC 52/01/17

REPORT ON THE COST OF THE TOUGHEST FIREFIGHTER ALIVE COMPETITION FOR THE EDEN DISTRICT MUNICIPALITY / VERSLAG RAKENDE DIE KOSTES VAN DIE "TOUGHEST FIREFIGHTER ALIVE" KOMPETISIE VIR EDEN DISTRIKSMUNISIPALITEIT / INGXELO NGENDLEKO ZOKHUPHISWANO LOMCIMI MLILO OWOMELO OPHILAY ZOMSIPALA SEITHILI SE EDEN (560321)

Refer: Report (18/2/1) dated 17 January 2017 from the Executive Manager Community Services (A Africa)(p 236 – 243)

RESOLVED TO RECOMMEND TO COUNCIL

1. That Council takes note of the report.
2. That approval be granted for the payment to the winners of the competition as mentioned in the body of the report.

BESLUIT OM BY DIE RAAD AAN TE BEVEEL

1. *Dat die Raad kennis neem van die verslag.*
2. *Dat goedkeuring verleen word vir die betaling aan die wenners van die kompetisie soos uiteengesit in die inhoud van die verslag.*

ISIGQIBO SOKUNDULULA PHAMBI KWEKOMITI KASODOLOPHI

1. Sesokuba iBhunga litahthele ingqalelo lengxelo.
2. Sesokuba iBhunga lithathele ingqalelo intlawulo yabaphumelelo kukhuphiswano.

EMC 53/01/17

REPORT ON THE PROPOSED SCHEDULE OF COUNCIL AND COMMITTEE MEETING DATES FOR 2017 / VERSLAG RAKENDE DIE VOORGESTELDE SKEDULE VAN RAAD EN KOMITEE VERGADERDATUMS VIR 2017 / ULUDWE OLULUNGISELELWEYO LWEENTLANGANISO ZEBHUNGA NEEKOMITI KUNYAKA KA 2017 (560927)

Refer: Report (4/1/2/1) dated 09 January 2017 from the Executive Manager Corporate/Strategic Services (B Holtzhausen)(p 244 – 247)

RESOLVED TO RECOMMEND TO COUNCIL

That the proposed schedule of dates for Council and Committee meetings for 2017 be approved.

BESLUIT OM BY DIE RAAD AAN TE BEVEEL

Dat die voorgestelde skedule van vergaderingdatums vir Raad en komiteevergaderings vir 2017 goedgekeur word.

ISIGQIBO SOKUNDULULA KWIBHUNGA

Sokuba isiphakamiso soludwe lwemihla yeentlanganiso zeBhunga neeKomiti kunyaka ka 2017, luphunyezwe.

EMC 54/01/17

DRAFT ANNUAL REPORT: 2015/16 FINANCIAL YEAR / KONSEP JAARVERSLAG: 2015/16 FINANSIËLE JAAR / INGXELO YONYAKA: KUNYAKA MALI KA 2015/16 (556798)

Refer: Report (10/1/1) dated 08 December 2016 from the Executive Manager Corporate/Strategic Services: (B Holtzhausen): Manager Strategic Services (M Wilson)(248 – 251)

RESOLVED TO RECOMMEND TO COUNCIL

That the Draft Annual Report for the period 2015/2016 be considered.

BESLUIT OM BY DIE RAAD AAN TE BEVEEL

Dat die Raad die Konsep Jaarverslag vir 2015/2016 oorweeg.

ISIGQIBO SOKUNDULULA KWIBHUNGA

Sesokuab Ingxelo Yonyaka kwixesha lango 2015/2016 inikwe ingqwalaselo liBhunga Lesithili se Eden.

EMC 55/01/17

EDEN 2016 SOCIO-ECONOMIC PROFILE (SEP) AND MUNICIPAL ECONOMIC REVIEW AND OUTLOOK (MERO) / EDEN 2016 SOSIO-EKONOMIESE PROFIEL (SEP) EN MUNISIPALE EKONOMIESE HERSIENIG EN OORSIG (MERO) / EDEN 2016 ISIKHUNDLA SEZOQOQOSHO (SEP) LOMASIPALA KUNYE NOKUTHEGABALALA (MERO) (560089)

Refer: Report (16/8/2) dated 08 January 2017 from the Executive Manager Corporate/Strategic Services: (B Holtzhausen): District IDP Manager (CL Doming)(p 252 - 396)

RESOLVED TO RECOMMEND TO COUNCIL

That Council takes note of the 2016 Socio-economic Profile (SEP) and 2016 Municipal Economic Review Outlook (MERO) in terms of the Municipal Systems Act 2000 (Act 32 of 2000).

BESLUIT OM BY DIE RAAD AAN TE BEVEEL

Dat die Raad kennis neem van die inhoud soos vervat in die 2016 Sosio-Ekonomiese Oorsig sowel as die 2016 Munisipale Ekonomiese Oorsig en Vooruitskatting in terme van die Munisipale Sistemewet, 2000 (Wet 32 van 2000).

ISIGQIBO SOKUNDULULA KWIBHUNGA

Sesokuba iBhunga loMasipala Wesithili se Eden lithathele ingqalelo Isikhundla Sobume Bezoqoqosho ku 2016 kunye Noqwalaselo Lwesoqoqosho Gabalala ku Masipala ku 2016 ngokwemiqathango yoMthetho Wenkqubo zoMasipala wango 2000(uMthetho 32 wango 2000).

IN COMMITTEE / IN-KOMITEE / KWIKOMITI

Note: Ms B Holtzhausen and Mr C Africa left the Chambers at 11:14 before the discussion of the undermentioned item.

EMC 56/01/17 AMENDMENT TO MACRO STRUCTURE OF EDEN DISTRICT MUNICIPALITY: MANAGERS REPORTING DIRECTLY TO THE MUNICIPAL MANAGER IN TERMS OF SECTION 56 OF THE MUNICIPAL SYSTEMS ACT, ACT 32 OF 2000 / WYSIGING AAN MAKROSTRUKTUUR VAN EDEN DISTRIKSMUNISIPALITEIT: BESTUURDERS WAT DIREK AAN DIE MUNISIPALE BESTUURDER RAPPORTEER INGEVOLGE ARTIKEL 56 VAN DIE MUNISIPALE STELSELSWET, WET 32 VAN 2000 / ULUNGISO KWISIMO SEZOLAWULO KWIBHUNGA LOMASIPALA WEIHILI SE EDEN: ABAPHATHI ABANIKEXELA INGXELO KNQO KUMPHATHI MASIPALA: UMHLATHI 56 WENKQUBO YOMTHETHO WOMASIPALA 32 WANGO 2000 (560803)

Refer: Report (SP) dated 18 January 2017 from the Municipal Manager (GW Louw)(p 397 – 400)

RESOLVED TO RECOMMEND TO COUNCIL

1. That the proposed remuneration packages for the Executive Manager: Corporate/Strategic Services and Executive Manager Community Services be approved, with effect from 01 February 2017.
2. That the fixed term contracts of the current incumbents of the Executive Manager: Corporate and Strategic Services and Executive Manager: Community Services be replaced with permanent employment contracts with effect from 01 February 2017.

BESLUIT OM BY DIE RAAD AAN TE BEVEEL

1. *Dat die voorgestelde vergoedingspakkette vir die Uitvoerende Bestuurder: Korporatiewe/Strategiese Dienste en Uitvoerende Bestuurder: Gemeenskapsdienste met ingang van 01 Februarie 2017 goedgekeur word.*
2. *Dat die vaste kontrakte van die Uitvoerende Bestuurder: Korporatiewe en Strategiese Diense en Uitvoerende Bestuurder: Gemeenskapsdienste, vervang word met permanente dienskontrate met ingang van 01 Februarie 2017.*

ISIGQIBO SOKUNDULULA KWIBHUNGA

1. Sesokuba iziphakamiso zezibonelelo zokufumbathisa Umphathi Oyintloko: Inkonzo yolawulo kunye Nobuchule, uMphathi Oyintloko: Inkonzo Zoluntu kunye uMphathi Oyintloko: Inkonzo Zemali ziphunyezwe, ukusela ngomhla 01 kweyoMdumba 2017.

2. Sesokuba izivumelwano zexesha elide zabasebenzi abakhoyo kwizikhundla uMphathi Oyintloko: Ezolawulo kunye Nenkonzo Yobuchule kunye noMphathi oyintloko: Inkonzo Zoluntu zenziwe izivumelwano ezisigxina ukususela ngomhla 01 kweyoMdumba 2017.

Note: Ms B Holtzhausen and Mr C Africa Joined the meeting again at 11:18.

EMC 57/01/17 **REPORT ON THE APPOINTMENT OF A SELECTION PANEL FOR THE APPOINTMENT OF A MUNICIPAL MANAGER / VERSLAG RAKENDE DIE AANSTELLING VAN 'N SELEKSIEPANEEL VIR DIE AANTELLING VAN 'N MUNISIPALE BESTUURDER/INGXELO NGOKUMISELWA KWABACHONGWA BOKUQASHWA KOMPATHI MASIPALA (561575)**

Refer: Report dated 18 January 2017 from the Executive Manager Corporate/Strategic Services (B Holtzhausen)(p 401 – 402)

RESOLVED TO RECOMMEND TO COUNCIL

1. That Council appoints the Executive Mayor, the Deputy Executive Mayor, Councillors I Stemela, S De Vries and the Municipal Manager of Oudtshoorn Municipality, Mr A Paulse, to serve on the selection panel to make recommendations on the appointment of a Municipal Manager.
2. That Councillors V Gericke, T Fortuin and Labour be granted observer status on the selection panel.

BESLUIT OM BY DIE RAAD AAN TE BEVEEL

1. *Dat die Raad die Uitvoerende Burgemeester, Onder Burgemeester, Raadslede I Stemela, S De Vries en die Munisipale Bestuurder van Oudtshoorn Munisipaliteit, Mnr A Paulse, aanstel om op die seleksie paneel te dien vir die aanstelling van die Munisipale Bestuurder posisie.*
2. *Dat Raadslede V Gericke, T Fortuin en Arbeid observasie-status geniet op die seleksie paneel.*

ISIGQIBO SOKUNDULULA KWIBHUNGA

1. Sesokuba iBhunga lichonge uSodolophu, uSekela Sodolophu, Ooceba u Stemela kunye no S De Vries ukuba babeyinxalenye yabachongi abazakwenza izindululo zokuqashwa kuka Mphathi Masipala.
2. Sesokuba u Ceba V Gericke kunye no T Fortuin banikwe isikhundla sokubangabahloli kubachongwa.

EMC 58/01/17

**REPORT ON THE APPOINTMENT OF A SERVICE PROVIDER FOR
THE FILLING OF THE MUNICIPAL MANAGER'S POSITION / VERSLAG
RAKENDE DIE AANSTELLING VAN 'N DIENSVERSKAFFER VIR DIE
VULLING VAN DIE MUNISIPALE BESTUURDER POSISIE / INGXELO
NGOKUQESHWA KWABANIKEZELI BEENKONZO NGOKUVALWA
KWESITHUBA SO MPHATHI MASIPALA (561453)**

*Refer: Report dated 30 January 2017 from the Executive Manager
Corporate/Strategic Services (B Holtzhausen)(p403 – 421)*

RESOLVED TO RECOMMEND TO COUNCIL

That the Council takes note of the appointment of Roy Steele & Associates as service provider for the selection process for the Municipal Manager's position.

BESLUIT OM BY DIE RAAD AAN TE BEVEEL

Dat die Raad kennis geneem van Roy Steele & Associates se aanstelling as diensverskaffer vir die seleksie proses van die Munisipale Bestuurder posisie.

ISIGQIBO SOKUNDULULA KWIBHUNGA

Sesokuba iBhunga lithathele ingqalelo ukuqeshwa komnikezeli nkonzo u Roy Steele & Associates malunga nenkqubo yokhetho lwesithuba so Mphathi Masipala.

Die vergadering sluit om 11:22 / *The meeting closed at 11:22* / Intlanganiso ivalwe nge 11:22.

.....

**EXECUTIVE MAYOR / UITVOERENDE BURGEMEESTER / USODOLOPHU
OBEKEKILEYO**

.....
DATUM / DATE / UMHLA

DISTRICT COUNCIL

31 MARCH 2017

DC 123/03/17

**VACANCY ON EDEN DISTRICT COUNCIL: DEMOCRATIC ALLIANCE
 PROPORSITIONAL REPRESENTATIVE ON EDEN DISTRICT COUNCIL /
 VAKATURE OP EDEN DISTRIKSRAAD: ONAFHANKLIKE ALLIANSIE
 PROPORSIONELE VERTEENWOORDIGER / ISITHUBA SOMSEBENZI
 KWIBHUNGA LESITHILI SE EDEN: UMELI WESAHLULELO WE
 DEMOCRATIC ALLIANCE KUMASIPALA WESITHILI SE EDEN (572839)**

(4/2/9)

22 March 2017

REPORT FROM MUNICIPAL MANAGER: MG STRATU**PURPOSE OF THE REPORT**

The purpose of the report is to inform Council about a vacancy in Eden District Council as a result of the resignation of proportional representative of the Democratic Alliance.

BACKGROUND

Council is advised that a vacancy has occurred on Eden District Council as a result of the resignation of the Democratic Alliance representative on Eden Council, Ms. NP Ndayi.

Attached please find a copy from the letter I have received from Ms. NP Ndayi dated 19 March 2017. (*Annexure A*)

The Independent Electoral Commission: Western Cape was informed of the vacancy as prescribed by section 11 of Schedule 2 of the Municipal Structures Act, 1998, Act 117 of 1998 on 15 August 2015.

FINANCIAL IMPLICATIONS

None

RELEVANT LEGISLATION

Section 27 (a) of the Municipal Structures Act, Act 117 of 1998

UITVOERENDE OPSOMMING

Die Onafhanklike Verkiesingskommissie is in kennis gestel van 'n vakature op Eden Distriksraad wat ontstaan het as gevolg van die bedanking van Me. NP Ndayi, proporsionele verteenwoordiger van die Demokartiese Alliansie op 22 Maart 2017.

RECOMMENDATION

That it be noted that a vacancy on Eden District Council existed due to the resignation of Ms. NP Ndayi as the proportional representative for the Democratic Alliance on 22 March 2017.

AANBEVELING

Dat kennis geneem word van die vakature wat op Eden Distriksraad ontstaan het as gevolg van die bedanking van die Demokratiewe Alliansie se proporsionele verteenwoordiger, Me. NP Ndayi op 22 Maart 2017.

ISINDULULO

Sesokuba kuthathelwe ingqalelo ukuba kukho isithuba somsebenzi KwiBhunga Lesithili se Eden ngenxa yokulahla kuka Nkszn NP Ndayi njengomeli wesahlulelo wombutho we Democratic Alliance ngomhla 22 kweyoKwindla 2017.

APPENDIX

Erina de Villiers

Subject: FW: Resignation Letter

From: sumeia ndayi [mailto:sumeinandayi@gmail.com]
Sent: 17 March 2017 02:20 PM
To: Monde Stratu
Cc: mondestratu@gmail.com
Subject: Resignation Letter

Good Day Mr MM Monde

Hope to find you well.

To the Municipal Manager Of Eden Municipality Monde.

Dear Sir

I Nompumelelo (Sumeia) Ndayi 720611 05900 86, formally resign as the Democratic Alliance PR Councillor of Eden Municipality as from the 22 March 2017.

Yours faithfully

Nompumelelo Ndayi

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DISTRICT COUNCIL

31 MARCH 2017

DC 124/03/17

**APPOINTMENT OF MEMBER TO SERVE ON EDEN DISTRICT HEALTH
COUNCIL / AANSTELLING VAN 'N LID OM OP DIE EDEN
DISTRIKSGESONDHEIDSKOMITEE TE DIEN / UKUCHONGWA
KWELUNGU NELIZAKUHLALA KWIBHUNGA LEZEMPILO LESITHILI SE
EDEN (572242)**

(13/R/133)

14 March 2017

**REPORT FROM THE MUNICIPAL MANAGER (MG STRATU) / SENIOR
ADMINISTRATIVE OFFICER (E DE VILLIERS)**

PURPOSE OF THE REPORT

The purpose of the report is to inform council about the appointment of the Executive Mayor, Cllr M Booysen as a member of the District Health Committee.

BACKGROUND / DISCUSSION

In terms of Section 2(1)(a) and Section 2(1)(c) of the Western Cape District Health Councils Act, 2001, the Minister of Health must appoint to the council:

- i. a member of the metropolitan or district municipal council situated in the health district in question, nominated by the relevant council; and
- ii. a member of the council of each local municipality within the health district, nominated by the members of the relevant council.

Minister N Mbombo, Western Cape Minister of Health, has appointed the Executive Mayor, Cllr. M Booysen as a member of the Eden District Health Council in terms of subsection (1)(a).

The Executive Mayor, Cllr Booysen has nominated the Deputy Executive Mayor, Cllr R Ruiters, as a member of the Eden District Health Council on his behalf.

FINANCIAL IMPLICATIONS

Payment of subsistence and travelling claims.

RELEVANT LEGISLATION

Sections 2(1)(a) and (b) of the Western Cape District Health Council Act, 2001

UITVOERENDE OPSOMMING

Minister N Mbomo, Wes-Kaapse Minister van Gesondheid, het ingevolge die bepalinge van artikel 2(1) en artikel 2(1)(c) van die Wes-Kaapse Distriksgesondheidswet, 2010 vir die Uitvoerende Burgemeester, Rdl M Booysen aangestel om op die Eden Distriksgesondheidsraad te dien. Raadslid Booysen het op sy beurt, vir die Uitvoerende Onderburgemeester, Rdl R Ruiters genomineer om namens hom, as lid van die Gesondheidsraad te dien.

RECOMMENDATION

That in terms of Section (1)(a) of the Western Cape District Health Councils Act, 2010, the Deputy Executive Mayor, Cllr R Ruiters, be granted permission to serve as a member of the Eden District Health Council.

AANBEVELING

Dat toestemming ingevolge die bepalinge van Artikel (1)(a) van die Wes-Kaapse Distriksgesondheidswet, 2010, verleen word dat die Uitvoerende Onder-Burgemeester, Rdl R Ruiters as lid van die Eden Distrik Gesondheidskomitee kan dien.

ISINDULULO

Sesokuba ngokwemiqathango somhlathi (1) (a) woMthetho Webhunga Lezempilo Lesithili Kwintshona Koloni, 2010, uSekela Sodolophu u Ceba R Ruiters, anikwe imvume yokuhalala njengelungu leBhunga Lezempilo Kwisithili se Eden.

APPENDIX

I don't have the database of the previous Council as they were appointed before our time. The previous chairperson was Cllr Henry McCombi. Is he still on the Eden District Council?

If yes, could you perhaps liaise with him for the previous names.

Hope this will suffice.

Regards

Colleen Smart

From: Sphiwe Dladla [<mailto:Sphiwe@edendm.co.za>]
Sent: Monday, November 07, 2016 3:21 PM
To: Colleen Smart
Subject: RE: Appointment of Eden District Health Council (DHC)

Dear Colleen

Hoping that you are well.

The mayor has requested that you send us the list of people who served on the District Health Council during the previous term.

Regards

Sphiwe Dladla
Personal Assistant to the Executive Mayor: Councillor Memory Booysen
 Eden District Municipality - Office of the Executive Mayor
 (w) 044 803 1301 (c) 061 472 6683

From: Colleen Smart [<mailto:Colleen.Smart@westerncape.gov.za>]
Sent: 03 November 2016 12:08 PM
To: Executive Mayor; mbooysen@outlook.com
Cc: Sphiwe Dladla
Subject: Appointment of Eden District Health Council (DHC)

Dear Cllr Booysen,

I trust this e-mail finds you well.

I am writing to you in your capacity as Executive Mayor of the Eden District Municipality.

This serves to inform you that Minister Mbombo, Western Cape Minister of Health, is in the process of appointing new members to serve on all District Health Council across the Province, including the Eden DHC.

In terms of Section 2(1)(a) and Section 2(1)(c) of the Western Cape District Health Councils Act, 2010, the Minister must appoint to the Council: i) a member of the metropolitan or district municipal council situated in the health district in question, nominated by the relevant council; and ii) a member of the council of each local municipality within the health district, nominated by the members of the relevant council.

You are therefore requested to submit to us the names of members to be appointed in terms of subsection (1)(b) referred to above. You will be appointed in terms of subsection (1)(a).

Would appreciate if this can reach us by end of business on **Wednesday, 9 November 2016**. I have copied the District Manager, Dr Helise Schumann into this e-mail for her information and further assistance.

Please feel free to contact our office, should you need any further assistance.

Hope you find this in order.

Warm regards

Colleen Smart
Ministry of Health
Western Cape Government

21st Floor, Towerblock, 4 Dorp Street, Cape Town

Tel: (+27) 021 483 9701

Fax: (+27) 021 483 4143

E-mail: colleen.smart@westerncape.gov.za

Website: www.westerncape.gov.za



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Attendance List

Name of Meeting: District Health Council Meeting
 Venue: George
 Date: 24 Feb 2017
 Room: Board room

| No | Name | Signature | Facility | Telephone Number | Email Address |
|----|---------------------------|-----------|--------------------|-----------------------------|---------------------------------|
| 1 | Clr R. Ruiters | | Eden | 0737319759 | rosinaruiters@gmail.com |
| 2 | Clr M. Seyisi | | | | |
| 3 | Clr C. Weideman | | Krystna Mun. | 044 302-6231 083 6255913 | cweideman@krynsna.gov.za |
| 4 | Clr M. Draghoender | | | | |
| 5 | Clr S. Odendaal | | Beaufort West Mun. | 076 115 7907 | odendaal.simon757@gmail.com |
| 6 | Clr Philipus Antonie | | Krystna Mun. | 0836122704 | antonie@kannaland.gov.za |
| 7 | Clr A. Janse van Rensburg | | Mossel Bay Mun. | 0828710722 | annatijvren@gmail.com |
| 8 | Clr N Mwati | | Eden Munic. | 073894189 | Nmwati12@gmail.com |
| 9 | Dr H Schumann | | Eden Arts | 044 302-6231 | h.schumann@westerncape.gov.za |
| 10 | Dr T Marshall | | W.C.F.H. | | |
| 11 | Prof N Mbombo | | Ministry | 0214339701 | calken.smart@westerncape.gov.za |
| 12 | Ms C Smart | | Eden Mun. | 071767981 | ewadfortuin30@gmail.com |
| 13 | Fortuin | | | | |



MINISTRY OF HEALTH

REFERENCE:

ENQUIRER: Siviwe Gwarube

EMAIL: Siviwe.Gwarube@westerncape.gov.za

TEL: 021 483 2627

SCANNED

Eden District Municipality
54 York Street
P O Box 12
GEORGE
6530



Dear Ald Booysen

ENGAGEMENT WITH THE MAYORS AND MUNICIPAL MANAGERS, 28 NOVEMBER 2016 – EDEN DISTRICT MUNICIPALITY

The engagement with Mayors and Municipal Managers held on 28 November 2016 refers.

Thank you for your attendance and valuable inputs during the meeting. After consultation with the District Health Manager of Eden, the following can be reported in response to the issues raised:

- District Health Council

The first meeting is set for 24 Feb 2017. Cllr Rosina Ruiters will be the chair of the Council.

Yours Sincerely,

[Signature]
DR NOMAFRENCH MBOMBO
MINISTER OF HEALTH: WESTERN CAPE
DATE: 8/10/2017

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| MAYOR: | |
| ENM: | 8 MAR 2017 DATE |

Lizelle Ulthaler

From: Sphiwe Dladla
Sent: 20 February 2017 11:59 AM
To: Rosina Ruiters; rosinaruiters@gmail.com
Cc: Lizelle Ulthaler; Memory Booysen
Subject: DISTRICT HEALTH COUNCIL

Dear Deputy

Hoping that you are well.

This serves to confirm that the Executive Mayor has nominated you to chair the above mentioned structure on his behalf. Your name has been submitted to the Minister for you to be officially appointed.

Regards

Sphiwe Dladla

Personal Assistant to the Executive Mayor: Councillor Memory Booysen

Eden District Municipality - Office of the Executive Mayor

(w) 044 803 1301 (c) 061 472 6683

Website: www.edendm.co.za Facebook: [Click here to visit our fanpage](#)
 Address: Head Office: 54 York Street, George, 6529, Western Cape, South Africa
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DISTRICT COUNCIL

31 MARCH 2017

DC 125/03/17

**NOMINATION OF COUNCIL REPRESENTATIVE TO SALGA
PROVINCIAL WORKING GROUPS / *NOMINASIE VAN RAADSLID
VERTEENWOORDIGERS OP SALGA SE PROVINSIALE
WERKSKOMITEES* / ABAHCONGWA BABAMELI BEBHUNGA KWIQELA
ELISEBENZAYO LIKA SALGA KWIPHONDO (572244)**

(13/R/133)

14 March 2017

**REPORT FROM MUNICIPAL MANAGER (MG STRATU) / SENIOR
ADMINISTRATIVE OFFICER (E DE VILLIERS)**

PURPOSE OF THE REPORT

The purpose of the report is to nominate one political representative to SALGA Provincial Working Groups.

BACKGROUND / DISCUSSION

SALGA has informed council in a letter dated 2 March 2017 about the following:

- The establishment of the respective Provincial Working Groups at its meeting held on 21 February 2017,
- The dates and grouping (or clustered) of the respective Provincial Working Groups,
- To invite council to nominate the official representative (councillor) and a municipal official to the respective Provincial Working Groups,
- To advice council on some of the procedural matters of the Provincial Workings Groups and the subsistence and travelling arrangement for the official representatives.

The functions of the respective working groups are indicated in the attached letter received from SALGA (Annexure A).

Councils' attention is drawn to the request from SALGA to take into account the exposure and experience of councillors in the different functional areas of the Working Group clustered together, to nominate one councillor per clustered meeting.

Councillors and municipal officials need to be nominated for the following working group clusters:

Meetings to be held on day 1 (Wednesdays)

Cluster 1

Community Development and Social Cohesion
Economic Empowerment and Employment Creation

Cluster 2

Environmental Planning and Climate Resilience
Human Settlements and Municipal Planning
Public Transport and Roads
Water, Sanitation and Waste Management and Electricity and Energy Planning
Urban Agenda and City Development Strategies

Meetings to be held on day 2 (Thursdays);

Cluster 3

Capacity Building and Institutional Resilience
Governance and Intergovernmental Relations
Councillor Welfare and Empowerment
International Programmes and Partnerships

Cluster 4

Municipal Finance and Fiscal Policy
Municipal Innovations and Information Technology
Trade and Investment Promotion

FINANCIAL IMPLICATIONS

No financial implications for council. SALGA is responsible for payment of subsistence and travel claims.

RELEVANT LEGISLATION

Section 84 (1) Local Government Municipal Structures Act, 117 of 1998

UITVOERENDE OPSOMMING

Salga het in 'n brief gedateer 2 Maart 2017, die raad versoek om raadslede en municipal amptenare te nomineer om op die bogenoemde SALGA Provinsiale Werks-komitees te dien.

RECOMMENDATION

1. That council nominates a councillor and a municipal official to serve on the following respecting Provincial Working Group Clusters:

Cluster 1

Community Development and Social Cohesion
Economic Empowerment and Employment Creation

Cluster 2

Environmental Planning and Climate Resilience
Human Settlements and Municipal Planning
Public Transport and Roads
Water, Sanitation and Waste Management and Electricity and Energy Planning
Urban Agenda and City Development Strategies

Cluster 3

Capacity Building and Institutional Resilience
Governance and Intergovernmental Relations
Councillor Welfare and Empowerment
International Programmes and Partnerships

Cluster 4

Municipal Finance and Fiscal Policy
Municipal Innovations and Information Technology
Trade and Investment Promotion

2. That it be noted that subsistence and travelling costs for the SALGA Provincial Working Group meetings will be covered by SALGA.

AANBEVELING

1. *Dat die raadslede en amptenare genomineer word om op die volgende werksgroepe te dien:*

Groep 1

*Gemeenskapsontwikkeling en Sosiale Samehorigheid
Eonomiese Bemagtiging en Werkskepping*

Groep 2

*Omgewingsbeplanning en Klimaatsverandering
Menslike Nedersettings and Munisipale Beplanning
Publieke Transport en Paaie
Water, Sanitasie, Vaste Afvalbestuur, Elektrisiteit en Energiebeplanning
Stedelike Sake en Stadsontwikkelingstrategie*

Groep 3

*Kapasiteitsbou en Institusionele Verandering
Regerings- en Interregeringsverhoudinge
Raadslid Welsy en Bemagtiging
Internasionale Programme en Vennootskappe*

Groep 4

*Munisipale Finansies en Fiskale Beleid
Munisipale Vernuwing en Inligtingstechnologie
Handels- en Beleggingsbevordering*

2. *Dat kennis daarvan geneem word dat SALGA verantwoordelik is vir die uitgawes verbonde aan reis- en verblyfkoste vir die bywoning van bogenoemde vergaderings.*

ISINDULULO

1. That council nominates a councillor and a municipal official to serve on the following respecting Provincial Working Group Clusters: Sesokuba iBhunga lichonge uceba kunye negosa lomasipala abazakuhlala kulamaqela alandelayo Amaqeala Asebenzayo ePhondo:

Ihlokondiba 1

Uphuhliso Loluntu kunye Nobambiswano Ekuhlaleni
Uphuhliso Kwezoqoqosho kunye Nokuveliswa Kwemisebenzi

Ihlokondiba 2

Isicwangciso Ngokusingqongileyo kunye Notshintsho Kiwismo sezulu
 Indawo Zokuhlaliswa Kwabantu kunye Nezicwangciso zoMasipala
 Ezoththu Zoluntu kunye Nendlela
 Amanzi, Ugutyulo kunye Nolawulo Lwenkunkuma kunye Nombane kunye
 Nesicwangciso Sezamandla
 Imiba Yezokuhlala kunye Nobuchule Bezophuhliso Lwesixeko

Ihlokondiba 3

Ukwakho Isakhono kunye Nokufaneleko Kweziko
 Intsebenziswano Yezolawulo kunye Nendibaniselwano Yezolawulo
 Impilo Yooceba kunye Nokuphuhliswa
 Inkqubo Zabamanye Amazwe kunye Nentsebenziswano

Ihlokondiba 4

Umgqo Wemali zoMasipala kunye Nemali Zikarhulumente
 Indlela Ezintsha zoMasipala kunye Nolwazi Lwezekhomputha
 Ukuphuhliswa Kwentengiso kunye Nokutyala

2. Sesokuba kuthathelwe ingqalelo indlelo zezohambo nezibonelelo kwintlanganiso zeQela Elisebenzayo Lephondo le SALGA zizakuhlawula yi SALGA.

Enquiries: Khalil Mullagie
Tel : 021 446 9800
Fax : 021 418 2709
E-mail: kmullagie@salga.org.za

DATE: 2 March 2017



SOUTH AFRICAN LOCAL
GOVERNMENT ASSOCIATION

SALGA

Inspiring service delivery

NOMINATION OF COUNCIL REPRESENTATIVE TO SALGA PROVINCIAL WORKING GROUPS

To : Executive Mayor
Speaker
Municipal Manager

Municipality : Eden District Municipality

MUNICIPAL REPRESENTATIVE ON SALGA PROVINCIAL WORKING GROUPS (PWG)

The purpose of the communication is:

- To inform your Municipality of the establishment of the respective Provincial Working Groups.
- To inform your Municipality of the dates and grouping (or clustered) of the respective Provincial Working Groups.
- To invite your Municipality to nominate the official representative (Councillor) and a municipal official to the respective Provincial Working Groups.
- To advise Municipalities on some of the procedural matters of the PWG's and S&T arrangements for the official representative

The SALGA Western Cape Provincial Executive Committee at its meeting on 21 February 2017 established the following Provincial Working Groups (with the relevant focus areas):

| PROVINCIAL WORKING GROUP | MEETING DATES | CHAIRPERSON |
|--|---|---|
| Community Development & Social Cohesion <ul style="list-style-type: none"> • HIV/AIDS Awareness; • Health; • Poverty Alleviation; • Arts and Culture; • Public Safety <ul style="list-style-type: none"> ◦ Local Crime Prevention; ◦ Disaster Management; ◦ Policing and Law Enforcement; ◦ Emergency and Fire Services • Youth Development Programmes; • Children and the Elderly; • Gender Mainstreaming; and • Persons with Disabilities | 17 May 2017 16 August 2017 15 November 2017 | Cllr A Rable <i>Secundl: Cllr G Lottering</i> |
| Economic Empowerment & Employment Creation <ul style="list-style-type: none"> • Integrated Development Planning (IDPs, GDS, NSDP) | 17 May 2017 16 August 2017 15 November 2017 | Cllr G Lottering <i>Secundl: Cllr A Rable</i> |

| | | |
|--|---|--|
| <ul style="list-style-type: none"> • Town planning and Land Use Management; • Public Employment Programmes; • Expanded Public Works Programme (EPWP); • Community Works Programme; and • Municipal-Private Sector Innovation on Public Employment Initiatives. | | |
| Environmental Planning & Climate Resilience <ul style="list-style-type: none"> • Environmental regulations and Policies; • Air pollution, Environmental; • Climate Change, Environmental Affairs and Sustainability; • Paris Agenda on Climate Change; • Environmental Management Programmes. | 17 May 2017 16 August 2017 15 November 2017 | Cllr T Stemele Secundi: Cllr M Xego |
| Human Settlements & Municipal Planning <ul style="list-style-type: none"> • Human Settlements and Planning Strategies; • Affordable Housing Markets; • Spatial Planning and Land-use Management; • Integrated Urban Development Framework (IUDF). | 17 May 2017 16 August 2017 15 November 2017 | Ald F Schippers Secundi: Cllr E Marthinus |
| Public Transport and Roads <ul style="list-style-type: none"> • Mobility and Public Transport; • Public Transport Investments; • Integrated Rapid Transit; • Roads Planning; Access Roads and Upgrading; Policies and Programmes. | 17 May 2017 16 August 2017 15 November 2017 | Cllr E Marthinus Secundi: Ald F Schippers |
| Water, Sanitation and Waste Management <ul style="list-style-type: none"> • Water; • Sanitation; • Waste Management; • Tariff Modelling; • Water Boards; • Bulk Water; Distribution and Reticulation Value Chain. | 17 May 2017 16 August 2017 15 November 2017 | Cllr M Xego Secundi: Cllr T Stemele |
| Capacity Building & Institutional Resilience <ul style="list-style-type: none"> • Capacity Development: Human Resources, Capacity Building and Labour Relations Implications; • Organisational Development: LR Implications; • Restructuring of Municipalities; • Labour Relations Matters; and • Institutional Issues relating to Municipal Service Partnerships. | 18 May 2017 17 August 2017 16 November 2017 | Cllr D Joubert Secundi: Cllr G Wolmarans |
| <ul style="list-style-type: none"> • Governance & Intergovernmental Relations | 18 May 2017 17 August 2017 | Cllr G Wolmarans Secundi: Cllr D Joubert |

Tel: 021 448 9800 | Fax: 021 418 2709

PHYSICAL: SALGA House, 7th Floor, 44 Strand Street, Cape Town, 8000

POSTAL: PO Box 185, Cape Town, 8001

www.salga.org.za

| | | |
|--|---|---|
| <ul style="list-style-type: none"> • Constitutional Matters; • Local Government Legislation; • Powers and Functions of Municipalities; • IGR Policy Issues; • Traditional Leaders; • Demarcation Issues; • Elections & Municipal By-Laws; • Public Participation; • Oversight & Governance; • Parliamentary and Legislative Matters; • Municipal Interventions (Section 154 and 139); • Councillor Codes of Conduct and Enforcement Mechanism for Accountability; • NCOP Programmes; • Local Government Week and • Outreach Programme. | 16 November 2017 | |
| Municipal Finance & Fiscal Policy <ul style="list-style-type: none"> • Intergovernmental Fiscal Policies; • Municipal Finance: <ul style="list-style-type: none"> • Credit Control and Enforcement Mechanisms; • Revenue Generations Strategies; and • Municipal Finance Management. • Municipal Owned Entities (performance and governance); • Municipal Capital Projects; • Infrastructure Investment; • Municipal Debt Management and Review; • MSCOA Review. | 18 May 2017 17 August 2017 16 November 2017 | Cllr G Combrink Secundi: B van Reenen |
| Municipal Innovations & Information Technology <ul style="list-style-type: none"> • ICT; • Knowledge Sharing and Barometer; • SALGA Municipal Awards; • Disruptive Technologies and Systems. | 18 May 2017 17 August 2017 16 November 2017 | Cllr B van Reenen Secundi: Cllr G Combrink |

The Provincial Working Groups has been determined based on Inter alia the key function areas of Local Government and is linked to the 3 Strategic Goals of SALGA, which are the following.

Goal 1: Sustainable, Inclusive Economic Growth and Spatial Transformation

Goal 2: Good Governance & Resilient Municipal Institution

Goal 3: Financial Sustainability of Local Government & Fiscal Equity

Some of the meetings will be clustered to meet on the same day and they have been clustered as follows:

Day 1 : Wednesday : Cluster 1 (Goal 1) : 17 May 2017

- **Community Development & Social Cohesion**
- **Economic Empowerment & Employment Creation**

Tel: 021 446 9800 | Fax: 021 418 2709

PHYSICAL: SALGA House, 7th Floor, 44 Strand Street, Cape Town, 8000

POSTAL: PO Box 185, Cape Town, 8001

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Day 1 : Wednesday : Cluster 2 (Goal 1) : 17 May 2017

- Environmental Planning & Climate Resilience
- Human Settlements & Municipal Planning
- Public Transport & Roads
- Water, Sanitation and Waste Management and Electricity and Energy Planning
- Urban Agenda and City Development Strategies

Day 2 : Thursday : Cluster 3 (Goal 2) : 18 May 2017

- Capacity Building & Institutional Resilience
- Governance & Intergovernmental Relations
- Councillor Welfare and Empowerment
- International Programmes and Partnerships

Day 2 : Thursday : Cluster 4 (Goal 3) : 18 May 2017

- Municipal Finance & Fiscal Policy
- Municipal Innovations & Information Technology
- Trade and Investment Promotion

Note that Cluster 1 & 2 meetings takes place on the Wednesday and Cluster 3 & 4 meetings takes place on the Thursday.

The following is procedures that we will have in place to support your Municipal representative participation in the Provincial Working Groups:

- Notice of Provincial Working Group meetings will be sent a month prior to meetings to invite Municipalities to suggest agenda items. We urge Municipalities to consider items that should be part of Provincial Working Group Agendas. This should either be proposed at Council or Mayoral Committee meetings.
- Final Provincial Working Group Agenda with supporting documents will be sent two weeks prior to the meetings. This will be sent via a Dropbox link. The Provincial Working Group will continue to be paperless meetings.
- Provincial Working Group meetings will only be convened if the need exists.
- To address the perceived lack of proper mandating and reporting by Municipal representatives all Municipalities are encouraged to have SALGA as a standing item on the Municipal Council Agenda and Mayoral Committee Agendas.
- To assist with report back by Municipal representatives we will distribute within a week after the Provincial Working Group a Summary of Outcomes of the respective Provincial Working Groups. This will be followed by the draft minutes of the Provincial Working Group.
- The Official Representatives attending the Working Groups should be briefed/mandated to make inputs on the Agenda items of the Provincial Working Groups.
- We will on a quarterly basis advise your Municipality of the attendance, apologies and absence of your representatives at the respective Provincial Working Groups meetings.
- We will cover the subsistence and travel costs of the official representative (Councillor), one per Provincial Working Group.
- Currently SALGA reimburses at R3.29 per km and R115 (incidental costs) for every night away (*this is the current rates*). Accommodation for the official representative will be arranged if the travelling distance to and from office/home to meeting venue is more than 500 km or if the representative has to attend two meetings on consecutive days and the return trip is less than 500 km but outside the metropolitan area. Arrangements for accommodation needs to be communicated with the relevant Committee Officer at least five

Tel: 021 446 9800 | Fax: 021 418 2709

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www.salga.org.za

(5) working days before the event. Municipalities will have to inform our office (relevant Committee Officer) when the official representative makes use or is travelling with an official municipal vehicle. Sitting allowances @ R962 (Minus R120.25 Tax) will be paid to the official representatives, if attendance at the meeting was 60% or above. If two meetings are held on the same day, only one Sitting Allowance claim will be honoured.

You are invited to nominate a Councillor and Municipal Official (note Municipal Official will not receive a sitting allowance) to represent your Municipality on the Provincial Working Groups. You are encouraged to ensure that your representatives should have relevant exposure to the functional areas.

You are also requested to where possible and taking into account the exposure and experience of Councillors in the different functional areas of the Working Group clustered together, to nominate one Councillor per clustered meeting.

Attached is the form to be completed and returned to Siviwe Ngese at sngese@salga.org.za by 31 March 2017.

Thanking you



KHALIL MULLAGIE
PROVINCIAL EXECUTIVE OFFICER

ENCL

EDEN DISTRICT MUNICIPALITY

1. CAPACITY BUILDING AND INSTITUTIONAL RESILIENCE

Official Representative

Name

Cell Number

Surname

Email Address

Position
[please mark
or indicate]

[MayCo Member / Portfolio Chairperson /
MPAC Chairperson / specify others below]

Portfolio

Ward ☐ or ☐ Proportional ☐

The Political Party the Councilor is representing

Secundi

Name

Cell Number

Surname

Email Address

Position
[please mark
or indicate]

[MayCo Member / Portfolio Chairperson /
MPAC Chairperson / specify others below]

Portfolio

Ward ☐ or ☐ Proportional ☐

The Political Party the Councilor is representing

Municipal Official

Name

Cell Number

Surname

Email Address

Designation

Department

2. COMMUNITY DEVELOPMENT AND SOCIAL COHESION

Official Representative

Name

Surname

Position

[please mark
or indicate]

[MayCo Member / Portfolio Chairperson /
MPAC Chairperson / specify others below]

Cell Number

Email Address

Portfolio

Ward ☐ or ☐ Proportional ☐

The Political Party the Councilor is representing

Secundi

Name

Surname

Position

[please mark
or indicate]

[MayCo Member / Portfolio Chairperson /
MPAC Chairperson / specify others below]

Cell Number

Email Address

Portfolio

Ward ☐ or ☐ Proportional ☐

The Political Party the Councilor is representing

Municipal Official

Name

Surname

Designation

Cell Number

Email Address

Department

3. ECONOMIC EMPOWERMENT AND EMPLOYMENT CREATION

Official Representative

Name

Surname

Position
[please mark
or indicate]

Cell Number

Email Address

Portfolio

[MayCo Member / Portfolio Chairperson /
MPAC Chairperson / specify others below]

Ward or **Proportional**

The Political Party the Councillor is representing

Secundi

Name

Surname

Position
[please mark
or indicate]

Cell Number

Email Address

Portfolio

[MayCo Member / Portfolio Chairperson /
MPAC Chairperson / specify others below]

Ward or **Proportional**

The Political Party the Councillor is representing

Municipal Official

Name

Surname

Designation

Cell Number

Email Address

Department

4. ENVIRONMENTAL PLANNING AND CLIMATE RESILIENCE

Official Representative

Name

Surname

Position
[please mark
or indicate]

Cell Number

Email Address

Portfolio

[MayCo Member / Portfolio Chairperson /
MPAC Chairperson / specify others below]

Ward ☐ or ☐ Proportional ☐

The Political Party the Councillor is representing

Secundi

Name

Surname

Position
[please mark
or indicate]

Cell Number

Email Address

Portfolio

[MayCo Member / Portfolio Chairperson /
MPAC Chairperson / specify others below]

Ward ☐ or ☐ Proportional ☐

The Political Party the Councillor is representing

Municipal Official

Name

Surname

Designation

Cell Number

Email Address

Department

5. GOVERNANCE AND INTERGOVERNMENTAL RELATIONS

Official Representative

Name

Surname

Position

[please mark or indicate]

Cell Number

Email Address

Portfolio

[MayCo Member / Portfolio Chairperson / MPAC Chairperson / specify others below]

Ward ☐ or ☐ Proportional

The Political Party the Councilor is representing

Secondi

Name

Surname

Position

[please mark or indicate]

Cell Number

Email Address

Portfolio

[MayCo Member / Portfolio Chairperson / MPAC Chairperson / specify others below]

Ward ☐ or ☐ Proportional

The Political Party the Councilor is representing

Municipal Official

Name

Surname

Designation

Cell Number

Email Address

Department

6. HUMAN SETTLEMENTS AND MUNICIPAL PLANNING

Official Representative

Name

Cell Number

Surname

Email Address

Position
[please mark
or indicate]

[MayCo Member / Portfolio Chairperson /
MPAC Chairperson / specify others below]

Portfolio

Ward **or** **Proportional**

The Political Party the Councillor is representing

Secundi

Name

Cell Number

Surname

Email Address

Position
[please mark
or indicate]

[MayCo Member / Portfolio Chairperson /
MPAC Chairperson / specify others below]

Portfolio

Ward **or** **Proportional**

The Political Party the Councillor is representing

Municipal Official

Name

Cell Number

Surname

Email Address

Designation

Department

7. MUNICIPAL FINANCE AND FISCAL POLICY

Official Representative

Name

Surname

Position
[please mark
or indicate]

[MayCo Member / Portfolio Chairperson /
MPAC Chairperson / specify others below]

Cell Number

Email Address

Portfolio

Ward or **Proportional**

The Political Party the Councilor is representing

Secundi

Name

Surname

Position
[please mark
or indicate]

[MayCo Member / Portfolio Chairperson /
MPAC Chairperson / specify others below]

Cell Number

Email Address

Portfolio

Ward or **Proportional**

The Political Party the Councilor is representing

Municipal Official

Name

Surname

Designation

Cell Number

Email Address

Department

8. MUNICIPAL INNOVATIONS AND INFORMATION TECHNOLOGY

Official Representative

Name

Surname

Position

[please mark or indicate]

Cell Number

Email Address

Portfolio

[MayCo Member / Portfolio Chairperson / MPAC Chairperson / specify others below]

Ward **or** **Proportional**

The Political Party the Councillor is representing

Secundi

Name

Surname

Position

[please mark or indicate]

Cell Number

Email Address

Portfolio

[MayCo Member / Portfolio Chairperson / MPAC Chairperson / specify others below]

Ward **or** **Proportional**

The Political Party the Councillor is representing

Municipal Official

Name

Surname

Designation

Cell Number

Email Address

Department

9. PUBLIC TRANSPORT AND ROADS

Official Representative

Name

Surname

Position

[please mark
or indicate]

Cell Number

Email Address

Portfolio

[MayCo Member / Portfolio Chairperson /
MPAC Chairperson / specify others below]

Ward ☐ **or** ☐ **Proportional**

The Political Party the Councilor is representing

Secundi

Name

Surname

Position

[please mark
or indicate]

Cell Number

Email Address

Portfolio

[MayCo Member / Portfolio Chairperson /
MPAC Chairperson / specify others below]

Ward ☐ **or** ☐ **Proportional**

The Political Party the Councilor is representing

Municipal Official

Name

Surname

Designation

Cell Number

Email Address

Department

10. WATER, SANITATION AND WASTE MANAGEMENT

Official Representative

Name

Surname

Position

[please mark or indicate]

[MayCo Member / Portfolio Chairperson / MPAC Chairperson / specify others below]

The Political Party the Councillor is representing

Cell Number

Email Address

Portfolio

Ward **or** **Proportional**

Secundi

Name

Surname

Position

[please mark or indicate]

[MayCo Member / Portfolio Chairperson / MPAC Chairperson / specify others below]

The Political Party the Councillor is representing

Cell Number

Email Address

Portfolio

Ward **or** **Proportional**

Municipal Official

Name

Surname

Designation

Cell Number

Email Address

Department

Information provided for this form confirmed by –

| AUTHORITY | NAME | DATE OF SIGNATURE | COUNCIL RESOLUTION NUMBER [Copy Attached **] | DATE OF COUNCIL RESOLUTION |
|--------------------|------|-------------------|---|----------------------------|
| Municipal Manager | | | | |
| Executive Mayor OR | | | | |
| Speaker | | | | |

**** COUNCIL RESOLUTION ATTACHED**

Councillor Support at all times --

| | SURNAME | IMMEDIATE CONTACT NUMBER / CELL NUMBER | EMAIL ADDRESS |
|---------------|---------|--|---------------|
| Mr / Mrs / Ms | | | |
| Mr / Mrs / Ms | | | |

DISTRICT COUNCIL

31 MARCH 2017

DC 126/03/17

**NOMINATION OF POLITICAL REPRESENTATIVE TO THE PROVINCIAL
SALGA WOMENS COMMISSION / *NOMINASIE VAN POLITIEKE
VERTEENWOORDIGER VAN DIE SALGA VROUEKOMMISSIE /
UKUCHONGWA KOMELI WEZOPOLITIKO KWIKOMISHONI YEPHONDO
KA SALGA YEZAMANINA (572243)***

(13/R/133)

14 March 2017

**REPORT FROM MUNICIPAL MANAGER (MG STRATU) / SENIOR ADMINISTRATIVE
OFFICER (E DE VILLIERS)**

PURPOSE OF THE REPORT

The purpose of the report is to nominate one political representative to serve on the Provincial SALGA Women Commission.

BACKGROUND / DISCUSSION

SALGA has invited Council to nominate a political representative to serve on the Provincial SALGA Women Commission in a letter dated 6 March 2017.

The SALGA Women's Commission was launched and established at the 2010 Women in Local Women in Local Government Summit. This was followed by the launch and establishment of provincial chapters. Its mandate is to coordinate, promote and advocate for appropriate strategies and practices within member municipalities. Its objectives are to:

- Evaluate the representation of women within the local governance structures
- Identify and assess the relevance of policies and legislation designed to address and promote increased women's participation and gender inequality in local government structures
- Identify specific social, economic, political, legal and cultural constraints hindering the full participation of women in local governance structures
- Advocate for building and strengthening of partnerships with civil society, especially women empowerment groups
- Advocate for access to training and capacity building by women in local government leadership positions
- Participate in national and regional for a to promote the united voice of women in local government

- Make recommendations on appropriate remedies and identify specific challenges to improve the status of women so as to contribute to the achievement of gender equality in local governance structures

The SWC operates within the constitutional and governance prescripts of SALGA and accordingly Dr Annelie Rabie was recently elected at the SALGA Provincial Conference as the Chairperson of the Western Cape SALGA Women Commission.

FINANCIAL IMPLICATIONS

No financial implications for council. SALGA is responsible for payment of subsistence and travel claims.

RELEVANT LEGISLATION

Section 79 and 80 of the Municipal Structures Act, 1998

UITVOERENDE OPSOMMING

Salga het 'n uitnodiging aan die Raad gerig om 'n politieke afgevaardigde te nomineer om op die Salga Vrouekommissie te dien.

RECOMMENDATION

1. That council nominates a political representative to serve on the Provincial SALGA Women Commission.
2. That it be noted that subsistence and travelling costs for the Provincial SALGA Women Commission gatherings will be covered by SALGA.

AANBEVELING

1. *Dat die raad 'n politieke verteenwoordiger nomineer om op die Provinsiale SALGA Vrouekommissie te dien.*
2. *Dat kennis geneem word van die reëling dat SALGA verantwoordelik is vir die betaling van reis- en verblyfuitgawes ten opsigte van samekomste van die Provinsiale SALGA Vrouekommissie.*

ISINDULULO

1. Sesokuba iBhunga lichonge umeli wezopolitiko ukuba ahlale kwiKomishoni Yezamanina Yephondo ye SALGA.
2. Sesokuba kuthathelewe ingqalelo ukuba indleko zokutyelela nokuhalala zokuzimasa ezintlanganiso zeKomishoni Yephondo Yezamanina ka SALGA zizakuhlawulela yi SALGA.

APPENDIX

Enquiries: Trevor Lombard
 Tel: 021 446 9800
 Fax: 021 418 2709
 E-mail: tombard@salga.org.za
 Ref: 11/3/3/R



NOMINATION OF POLITICAL REPRESENTATIVE TO THE PROVINCIAL SALGA WOMENS COMMISSION

FROM : KHALIL MULLAGIE

**TO : EXECUTIVE MAYOR
SPEAKER
MUNICIPAL MANAGER**

DATE : 6 MARCH 2017

SALGA WOMEN COMMISSION (SWC)

Women play important social, economic and reproductive roles, maintaining stability in the household and community, and contributing actively to economic, cultural and social development of the society. However, women from all levels of society are under-represented in the positions of political authority and socio-economic decision making. A major cross cutting issue that merits on-going attention is that women's participation in African local authorities remains low and limited. The establishment of the Women's Commission for SALGA derives from a United Cities Local Government of Africa (UCLGA) initiative, aimed at the strengthening of gender equality within African local governments. The establishment of a UCLGA Women's Commission in 2008 (a continental mechanism) was necessitated by the largely ineffective mainstreaming of gender into local governance of many of the member countries of the UCLGA. The United Cities and Local Governments (UCLG) Constitution recognises that;

- Local democracy is not just a formal value but must be continuously updated and revised, ensuring genuine equality and participation open to all women and men
- Local democracy is not formal value but must be continually updated and revised, ensuring genuine equality and participation open to all, men and women" with one of the objectives being to promote gender equality.

South Africa has a very extensive legislative environment which has framed the approach and conduct of institutions and citizens with regards to gender – with institutions like the Commission for Gender Equality and the Department of Women in the Presidency.

SALGA has prioritised mainstreaming of gender in local government since the first Women in Local Government Summit (WILGS) which was held in November 2002. It was agreed that the Summits be convened annually to ensure a shift towards gender – balanced leadership, service delivery and development programmes.

The annual gatherings focus on topical themes and are aimed at identifying transformation challenges faced by women in local government and providing opportunities for networking and sharing experiences. Further, the intention is to provide

a structured opportunity to address the question of empowerment for all women councillors with a view to finding solutions to service delivery.

The SALGA Women's Commission was launched and established at the 2010 Women in Local Government Summit. This was followed by the launch and establishment of provincial chapters. Its mandate is to coordinate, promote and advocate for appropriate strategies and practices within member municipalities. Its objectives are to:

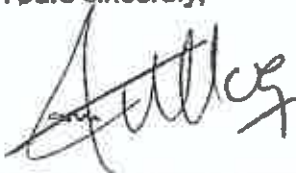
- Evaluate the representation of women within the local governance structures
- Identify and assess the relevance of policies and legislation designed to address and promote increased women's participation and gender inequality in local government structures
- Identify specific social, economic, political, legal and cultural constraints hindering the full participation of women in local governance structures
- Advocate for building and strengthening of partnerships with civil society, especially women empowerment groups
- Advocate for access to training and capacity building by women in local government leadership positions
- Participate in national and regional fora to promote the united voice of women in local government
- Make recommendations on appropriate remedies and identify specific challenges to improve the status of women so as to contribute to the achievement of gender equality in local governance structures.

The SWC operates within the constitutional and governance prescripts of SALGA and accordingly, Dr Annelie Rabie was recently elected at the SALGA Provincial Conference as the Chairperson of the Western Cape SALGA Women Commission.

The Terms of Reference makes provision for each municipality to nominate a political representative to serve on the Provincial SALGA Women Commission.

Municipalities are hereby invited to complete the attached form indicating the representative representing your municipality to Trevor Lombard (tlombard@salga.org.za) by no later than Friday, 31 March 2017. A Provincial meeting will be convened in order to give effect to the Commission's activities.

Yours sincerely,



KHALIL MULLAGIE
PROVINCIAL EXECUTIVE OFFICER

DISTRICT COUNCIL

31 MARCH 2017

DC 127/03/17

**RESTRUCTURING OF SECTION 79 AND 80 COMMITTEES / HER-
SAMESTELLING VAN ARTIKEL 80 EN 79 KOMITEES /
UKUHLENGAHLENGISWA KWEKOMITI ZOMHLATHI 79 KUNYE 80
(572241)**

(4/1/2/3)

15 March 2017

**REPORT FROM THE MUNICIPAL MANAGER (M STRATU) / SENIOR
ADMINISTRATIVE OFFICER (E DE VILLIERS)**

PURPOSE OF THE REPORT

To recommend the structuring of Committees in terms of Section 79 and 80 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

BACKGROUND

The Speaker has, in conjunction with the Chief Whips of the relevant political parties, resolved at a Governance meeting held on 14 March 2017 to recommend that council reconsider names of members of the Section 80 and Section 79 committees. The schedule of current committees is attached as **annexure A** to this report.

Section 79 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) reads as follows:

- (1) *"A municipal council may –*
 - (a) *establish one or more committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers;*
 - (b) *appoint the members of such a committee from among its members; and*
 - (c) *dissolve a committee at any time.*
- (2) *The municipal council –*
 - (a) *must determine the functions of a committee;*
 - (b) *may delegate duties and powers to it in terms of Section 32;*

(c) must appoint the chairperson;

(d) may authorize a committee to co-opt advisory members who are not Lids of the council within the limits determined by the council;

(e) may remove a member of a committee at any time; and

(f) may determine a committee's procedure."

RELEVANT LEGISLATION

Section 79 and 80 of the Local Government: Municipal Structures Act, 117 of 1998

FINANCIAL IMPLICATIONS

None.

UITVOERENDE OPSOMMING

*Die Speaker het in samewerking met die Hoofswepes van die onderskeie politieke partye, tydens 'n vergadering van die Huiskomitee gehou op 14 Maart 2017 besluit om ander name te nomineer van artikel 79 en 80 lede. Die Speaker en Hoofswepes sal tydens die vergadering monderlings die name voorsien. Die lys wat die lede van die huidige komitees aandui, is as **Aanhangsel A** tot die verslag aangeheg.*

RECOMMENDATION

That the nominated names of members to serve on the Section 79 and 80 Committees of Eden District Council in terms of Section 79 of the Local Government: Municipal Structures Act, 1998 Act 117 of 1998 be approved.

AANBEVEEL

Dat die genomineerde name van lede wat op die Artikel 79 en 80 Komitees van Eden Distrikraad moet dien, goedgekeur word soos ingevolge die bepalings van Artikel 79 van die Plaaslike Owerheid: Munisipale Strukturewet, 1998 Wet 117 van 98.

ISINDULULO

Sesokuba amagama aphakanyisiweyo amalungu azakuhlala kwiiKomiti zoMhlathi 79 kunye 80 zeBhunga Lesithili se Eden ngokwemiqathango yoMhlathi 79 woRhulumente Basekhaya: Umthetho Wesimo somasipala, uMthetho wango 1998 umthetho 117 uphunyezwe.

APPENDIX

Schedule – Schedule of current section 80 and 79 Committee as at 14 March 2017

- (c) must appoint the chairperson;*
- (d) may authorize a committee to co-opt advisory members who are not Lids of the council within the limits determined by the council;*
- (e) may remove a member of a committee at any time; and*
- (f) may determine a committee's procedure."*

RELEVANT LEGISLATION

Section 79 and 80 of the Local Government: Municipal Structures Act, 117 of 1998

FINANCIAL IMPLICATIONS

None.

UITVOERENDE OPSOMMING

*Die Speaker het in samewerking met die Hoofswepes van die onderskeie politieke partye, tydens 'n vergadering van die Huiskomitee gehou op 14 Maart 2017 besluit om ander name te nomineer van artikel 79 en 80 lede. Die Speaker en Hoofswepes sal tydens die vergadering monderlings die name voorsien. Die lys wat die lede van die huidige komitees aandui, is as **Aanhangsel A** tot die verslag aangeheg.*

RECOMMENDATION

That the nominated names of members to serve on the Section 79 and 80 Committees of Eden District Council in terms of Section 79 of the Local Government: Municipal Structures Act, 1998 Act 117 of 1998 be approved.

AANBEVEEL

Dat die genomineerde name van lede wat op die Artikel 79 en 80 Komitees van Eden Distrikraad moet dien, goedgekeur word soos ingevolge die bepalings van Artikel 79 van die Plaaslike Owerheid: Munisipale Strukturewet, 1998 Wet 117 van 98.

ISINDULULO

Sesokuba amagama aphakanyisiweyo amalungu azakuhlala kwiiKomiti zoMhlathi 79 kunye 80 zeBhunga Lesithili se Eden ngokwemiqathango yoMhlathi 79 woRhulumente Basekhaya: Umthetho Wesimo somasipala, uMthetho wango 1998 umthetho 117 uphunyezwe.

APPENDIX

Schedule – Schedule of current section 80 and 79 Committee as at 14 March 2017

**PROPOSED CHANGES
EDEN DISTRICT MUNICIPALITY – SECTION 79 & 80 COMMITTEES: AS AT 14 MARCH 2017**

| BONISILE | REHANA | BONISILE | REHANA | REHANA | TANDO | TANDO |
|---|--|---|--|--|---|---|
| RESPONSIBLE COMMITTEE OFFICER, DAY & TIME OF MEETING | ROADS & TRANSPORT PLANNING SERVICES: MON @ 14:00 | FINANCIAL SERVICES: TUES @ 10:00 | COMMUNITY SERVICES: TUES @ 14:00 | DISTRICT ECONOMIC DEV & TOURISM: WED @ 10:00 | PROPERTY MANAGEMENT: T & DEVELOPMENT: WED @ 14:00 | CORPORATE SERVICES: THUR @ 10:00 |
| FUNCTIONS | Roads Transport Planning RRAMS Regional Integrated Public Transport Planning EPWP related to roads projects | Income and Expenditure Supply Chain BTO Revenue Management Asset Management Stores Financial Statements / GRAP Statements | Fire and Rescue / Disaster Management / Municipal Health / Environmental Management (Waste Management/Air Quality) EPWP Fleet Management Call Centre | Regional Economic Development Tourism / Arts and Culture Youth | Property Planning and Maintenance Resorts Strategic / Investment Properties Regional Bulk Infrastructure Planning Rural Development | Human Resource Development Support services (Records / Telephone Management / Access Control) Committee Services Legal Services Gender / Disability related matters. HIV (Eden staff) |
| CHAIRPERSON | TA Simmers | JC Lambaatjeen | KS Lose | RH Ruiters | JP Johnson | I Stemela |
| DEPUTY CHAIR | JP Johnson | TA Simmers | E Meyer | KS Lose | I Stemela | RH Ruiters |
| EXE MANAGER | CJ Ottervanger | L Hoek | C Africa | T Holtzhausen | C Africa | T Holtzhausen |
| DA | SM Odendaal D Saayman BN Van Wyk | AJ Rossouw RR Wildschut L Tyokolo | RR Wildschut L Tyokolo T Van Rensburg | RE Spies EH Stroebel BHJ Groenewald | RE Spies NS Ndayi EH Stroebel | RGS Figland BHJ Groenewald AJ Rossouw |
| ANC | NF Kamte PJ Van der Hoven | MP Mapitiza D Xego | CN Lichaba SS Mbandezi | S De Vries MV Molosi | NF Kamte K Windvogel | NC Jacob MP Mapitiza |
| ICOSA | | | T Fortuin | | | T Fortuin |
| PBI | V Gericke | V Gericke | | V Gericke | V Gericke | V Gericke |
| TOTAL | 8 | 8 | 8 | 8 | 8 | 8 |

EDEN DISTRICT MUNICIPALITY – SECTION 79 & 80 COMMITTEES: AS AT 14 MARCH 2017

| | REHANA | MANAGER LEGAL | DAPHNE | DAPHNE | REHANA | TANDO | DAPHNE | LEGAL ADVISOR |
|-------------------|----------------------------|--|--------------------|--|-------------------------------|--------------------------------|---|--|
| | BUDGET STEERING | APPEALS COM | GOVERNANCE | MPAC | TRAINING & DEV | HEALTH & SAFETY | LOCAL LABOUR FORUM | DISCIPLINARY COMMITTEE |
| CHAIR | JC Lambaatjeen | | MS Willemse | V Gericke | | | | |
| DA | TA Simmers | E Meyer RH Ruiters T Van Rensburg | TA Simmers | T Van Rensburg AJ Rossouw RE Spies BN van Wyk | RE Spies RGS Figland | TA Simmers D Saayman | BHJ Groenewald TA Simmers D Saayman | L Stroebel B Groenewald S Odendaal |
| ANC | D Xego | PJ Van der Hoven | PJ Van der Hoven | CN Lichaba D Xego | S De Vries | NF Kamte | T Teyisi PJ Van Hoven | MP Mapitiza CN Lichaba |
| ICOSA | | | T Fortuin | | | | | T Fortuin |
| PBI | V Gericke | V Gericke | V Gericke | | | V Gericke | V Gericke | |
| MANAGEMENT | | | | | | | Municipal Manager B Holtzhausen | |
| UNIONS | | | | | 2 Imatu 2 Samwu | 2 Imatu 2 Samwu | 5 Samwu 3 Imatu | |

OTHER COMMITTEES IN TERMS OF LEGISLATION AS AT 14 MARCH 2017

| | WORKPLACE & RESTRUCTURING | BASIC CONDITIONS OF SERVICES | HUMAN RESOURCE DEV COMMITTEE | AUDIT COMMITTEE |
|--------------|-----------------------------------|---|------------------------------|---|
| CHAIR | DA | DA | DA | DA |
| DA | TA Simmers D Saayman | BHJ Groenewald E Meyer RH Ruiters S De Vries | I Sternela TA Simmers | J STOFFELS JRN Metelerkamp A Potgieter Adv D Block |
| ANC | MP Mapitiza | | IT Mangaliso | |
| ICOSA | | | | |
| PBI | V Gericke | | V Gericke | |
| SAMWU | M April N Nkasiyi H Herwels | NW Nkasiyi N Sthunda P Koopman | Vacant M April | |
| IMATU | SG van der Merwe | | P Koopman | |

OTHER COMMITTEES

| | Public Transport Council | Road Agency | District Assessment Committee (DAC) |
|--------------|--|-------------------------------|--|
| | representatives Chairperson of Infrastructure | Chairperson of Infrastructure | Chairperson of District Economic & Tourism Committee |
| DA | TA Simmers | TA Simmers | RH Ruiters |
| ANC | NF Kamte | PJ Van der Hoven | S De Vries |
| ICOSA | T Fortuin | | |
| PBI | | | |

DISTRICT COUNCIL

31 MARCH 2017

DC 128/03/17

**RECRUITMENT OF MEMBERS FOR THE AUDIT & PERFORMANCE
AUDIT COMMITTEE / WERWING VAN LEDE VIR DIE OUDIT &
PRESTASIE OUDITKOMITEE / UKUFUNWA KWAMALUNGU EKOMITI
YEZOPHICOTHO KUNYE NOMSEBENZI WOPHICOTHO (569578)**

(4/1/2/4/1)

3 March 2017

**REPORT FROM THE ACTING MUNICIPAL MANAGER (C AFRICA) / CHIEF AUDIT
EXECUTIVE (J-W DE JAGER)**

PURPOSE OF THE REPORT

The purpose of the report is to obtain approval from Council to commence the recruitment processes for the filling of two approaching vacancies on the Audit and Performance Audit committee ("APAC") following the expiration of the contracts of two of its members in August 2017.

BACKGROUND / DISCUSSION

Section 1.4.1 of Eden DM's APAC Charter states that the municipality's APAC will consist of at least four members. On 31 August 2017 the contract of two of Eden DM's APAC members will expire. Details of these contracts are as follows:

- | | |
|----------------------------------|-------------------------------|
| - APAC Chairman Mr. J Stoffels | Term: 01/09/2014 - 31/08/2017 |
| - APAC Member Mr. N Meterlerkamp | Term: 01/09/2014 - 31/08/2017 |

The APAC Charter further states:

"1.4.5 Term of Office

The members of the APAC are appointed for periods not exceeding three years with the option of being reappointed for a further term based on performance. Reappointment is not guaranteed.

The Chairperson of the APAC should be appointed for a minimum of three years.

Members of the APAC should not be contracted continuously for a period exceeding six years. After serving consecutively for six years, a cooling off period of two years should be provided for, before appointing the same member to the APAC."

Both Mr Stoffels and Mr Metelerkamp have served on Eden DM's APAC for more than 6 consecutive years. In accordance with the APAC Charter (quoted above) they should therefore not be reappointed directly after the expiry of their contracts at the end of August 2017. Their positions will have to be advertised and filled by following the municipality's normal recruitment processes.

The mandate for the appointment of APAC members is legislated in terms of section 166(5) of the Municipal Finance Management Act, Act 56 of 2003, which requires that the members of an audit committee must be appointed by the Council of the Municipality.

FINANCIAL IMPLICATIONS

Advertising cost: approximately R15,000

RELEVANT LEGISLATION

- The Municipal Finance Management Act, No.56 of 2003, Section 62;
- APAC Charter

COMMENTS: MUNICIPAL MANAGER

Approved

COMMENTS: CHIEF FINANCIAL OFFICER

Noted.

COMMENTS: MANAGER CORPORATE/STRATEGIC SERVICES

UITVOERENDE OPSOMMING

Ingevolge Eden DM se goedgekeurde Oudit en Prestasieudit Komitee ("OPOK") Handves bestaan die munisipaliteit se OPOK uit vier (4) lede. Aan die einde van Augustus 2017 verstryk die kontrakte van twee OPOK lede, nl. mnre. J Stoffels (OPOK Voorsitter) en N Metelerkamp (OPOK lid).

Die OPOK Handves bepaal dat n persoon nie vir langer as 6 aaneenlopende jare op die OPOK behoort te dien nie. Beide OPOK lede dien al vir meer as 6 jaar op Eden DM se OPOK en daarom kan hulle nie weer aangestel word direk nadat hul kontrakte verstryk nie. Daar moet dus vir die twee posisies geadverteer word en dit moet gevul word deur die normale aanstellingsprosesse van Eden DM te volg.

RECOMMENDATION

That Council approves the commencement of the recruitment process in order to fill the two APAC member positions that will become vacant on 1 September 2017.

AANBEVELING

Dat die Raad die aanvang van die werwingsproses sal goedkeur vir die aanstelling van twee OPOK-lid posisies wat vanaf 1 September 2017 vakant sal wees.

ISINDULULO

Sesokuba iBhunga liphumeze ukuqhuetyekekw kwenkqubo yokukhetha ngelinge lokuvala izithuba ezimbini zamalungu e APAC nezizakuvuleka ngomhla 1 kweyoMsintsi 2017.

APPENDIX

None

DISTRICT COUNCIL

31 MARCH 2017

DC 129/03/17

**REPORT FROM AUDIT AND PERFORMANCE AUDIT COMMITTEE ON
PERFORMANCE MANAGEMENT FOR THE PERIOD 1 JULY 2016 TO 31
DECEMBER 2016 / *VERSLAG VANAF OUDIT EN PRESTASIE
OUDITKOMITEE RE PRESTASIEBESTUUR VIR DIE PERIODE 1 JULIE
2016 TOT 31 DESEMBER 2016* / INGXELO ÉVELA KWIKOMITI
YEZOPHICOTHO KUNYE NOPHICOTHO LOMSEBENZI NGOLAWULO
LOPHICOTHO KWIXESHA LOMHLA 1 KWEYEKHALA 2016 UYAKUTSHO
31 KWEYOMNGA 2016 (571038)**

(4/1/2/4/1)

3 March 2017

REPORT FROM THE AUDIT AND PERFORMANCE AUDIT COMMITTEE**PURPOSE OF THE REPORT**

The purpose of this report is to submit to Council the bi-annual report from the Audit and Performance Audit Committee ("APAC") to Council concerning the Municipality's Performance Management System for the first two quarters of the 2016/17 financial year.

BACKGROUND / DISCUSSION

Section 1.5 of the APAC Charter of Eden District Municipality stipulates that, with regards to Performance Management, the APAC must at least twice during a financial year submit a performance management audit report to Council. The purpose of such a report is to report to Council concerning the Municipality's Performance Management System, Policies and Procedures, and to provide recommendations to Council and the Municipal Administration regarding their conformance to legislative requirements.

The APAC's Performance Management Report to Council for the period 1 July to 31 December 2016 is included in **Appendix A** below.

FINANCIAL IMPLICATIONS

None

RELEVANT LEGISLATION

Municipal Finance Management Act, No. 56 of 2003 – section 166
Municipal Systems Act, No. 32 of 2000 – section 45

COMMENTS: MUNICIPAL MANAGER**COMMENTS: CHIEF FINANCIAL OFFICER****COMMENTS: EXECUTIVE MANAGER CORPORATE/STRATEGIC SERVICES**

There needs to be more interaction between the Internal Audit Unit, Performance Management and the User Departments regarding the compilation of SMART KPI's and the interpretation of POE's. Both these sections needs to support and advise the user Departments on the KPI's and POE's.

COMMENTS: EXECUTIVE MANAGER COMMUNITY SERVICES**COMMENTS: SENIOR MANAGER ROADS SERVICES****UITVOERENDE OPSOMMING**

Paragraaf 1.5 van die Oudit en Prestasie Ouditkomitee ("OPOK") Manifes van Eden Distriksmunisipaliteit bepaal dat, met betrekking tot Prestasiebestuur, die OPOK minstens twee keer in 'n finansiële jaar 'n prestasiebestuur ouditverslag aan die Raad voorlê. Die doel hiervan is om aan die Raad verslag te doen oor die Munisipaliteit se Prestasiebestuurstelsel, relevante beleide en prosedures en om aan die Raad en Administrasie voorstelle te maak re voldoening aan relevante wetgewing en regulasies.

Die verslag vanaf die OPOK aan die Raad re Prestasiebestuur vir die periode 1 Julie tot 31 Desember 2016 is ingesluit in Aanghangsel A.

RECOMMENDATION

That Council notes the Performance Management report from the Audit and Performance Audit Committee for quarter 1 and quarter 2 of the 2016/17 financial year.

AANBEVELING

Dat die Raad kennis neem van die Prestasie bestuurverslag van die Oudit en Prestasie Ouditkomitee vir kwartaal 1 en kwartaal 2 van die 2016/2017 finansiële jaar.

ISINDULULO

Sesokuba iBhunga lithathele ingqalelo ingxelo yoLawulo Lomsebenzi evela kwi Komiti Yezophicotho kunye Nophicotho Lomsebenzi kwikota 1 neye nekota 2 kunyakamali ka 2016/17.

APPENDIX

Appendix A: APAC Report on Performance Management Q1 and Q2 of 2016/17

**APPENDIX A: APAC REPORT ON PERFORMANCE MANAGEMENT Q1 AND Q2
OF 2016/2017**

| |
|---|
| EDEN DISTRICT MUNICIPALITY AUDIT AND PERFORMANCE AUDIT COMMITTEE |
|---|

**PERFORMANCE MANAGEMENT REPORT TO COUNCIL FOR THE PERIOD 1
JULY 2016 TO 31 DECEMBER 2016**

1. PURPOSE

The purpose of this synopsis is to report to Council concerning the Municipality's Performance Management System, Policies and Procedures, and to provide recommendations to Council and the Municipal Administration regarding their conformance to legislative requirements.

2. LEGISLATIVE REQUIREMENTS

The duties of the Audit and Performance Audit Committee relating to performance management are, amongst others, informed by the following legislative prescriptions:

2.1 Municipal Finance Management Act, No. 56 of 2003

Section 166: Audit committee

(2) An audit committee is an independent advisory body which must –

(a) advise the municipal council, the political office-bearers, the accounting officer and the management staff of the municipality, or the board of directors, the accounting officer and the management staff of the municipal entity, on matters relating to –

(v) performance management.

2.2 Municipal Systems Act, No. 32 of 2000

Section 45: Audit of performance measurements

The results of performance measurements in terms of section 41(1) (c) must be audited –

(a) As part of the municipality's internal auditing processes; and

(b) Annually by the Auditor-General.

APPENDIX A: APAC REPORT ON PERFORMANCE MANAGEMENT Q1 AND Q2 OF 2016/2017

2.3 Municipal Planning and Performance Management Regulations, 2001

Regulation 14: Internal auditing of performance measurements

(2)(a) A municipality must annually appoint and budget for a performance audit committee consisting of at least three members, the majority of which may not be involved in the municipality as a counselor or an employee.

(b) A performance audit committee appointed in terms of paragraph (a) must include at least one person who has expertise in performance management.

(c) A municipality may utilize any audit committee established in terms of other applicable legislation as the performance audit committee envisaged in paragraph (a), in which case the provisions of this sub-regulation, read with the necessary changes, apply to such an audit committee.

(d) The council of a municipality must designate a member of the performance audit committee who is not a counselor or an employee of the municipality as chairperson of the committee.

(e) If the chairperson of the performance audit committee is absent from a specific meeting of the committee, the members present must elect a chairperson from the members present to act as chairperson at that meeting.

(f) In the event of a vacancy occurring amongst the members of the performance audit committee, the municipality concerned must fill that vacancy for the unexpired portion of the vacating member's term of appointment.

(g) A municipality must provide secretariat services for its performance audit committee.

(3)(a) A performance audit committee must meet at least twice during the financial year of the municipality concerned.

(4)(a) A performance audit committee must –

(i) review the quarterly reports submitted to it in terms of sub-regulation (1)(c)(ii);

(ii) review the municipality's performance management system and make recommendations in this regard to the council of that municipality; and

(iii) at least twice during a financial year submit an audit report to the municipal council concerned.

(4)(b) In reviewing the municipality's performance management system in terms of paragraph (a) (ii), the performance audit committee must focus on economy, efficiency, effectiveness and impact in so far as the key performance indicators and performance targets set by the municipality are concerned.

2.4 Municipal Performance Regulations for Municipal Managers and Managers directly accountable to Municipal Managers, 2006.

APPENDIX A: APAC REPORT ON PERFORMANCE MANAGEMENT Q1 AND Q2 OF 2016/2017

Regulation 27: Evaluating performance

(d) For purposes of evaluating the annual performance of the municipal manager, an evaluation panel constituted of the following persons must be established –

(ii) Chairperson of the performance audit committee or the audit committee in the absence of a performance audit committee.

(e) For purposes of evaluating the annual performance of managers directly accountable to the municipal managers, an evaluation panel constituted of the following persons must be established –

(ii) Chairperson of the performance audit committee or the audit committee in the absence of a performance audit committee.

3. SCOPE AND PERIOD COVERED

3.1 The documentation reviewed:

This review encompasses the Ignite Performance Reports presented to the Audit and Performance Committee on a quarterly basis as well as the Internal Audit Quarterly Review Reports. The section 72 report on performance management was also taken into account.

3.2 The periods covered by this Report are:

| <u>Quarter</u> | <u>Dates</u> |
|-----------------------|------------------------------|
| Quarter 1 of 2016/17 | July 2016 – September 2016 |
| Quarter 2 of 2016/17 | October 2016 – December 2016 |

4. FUNCTIONALLITY OF THE PERFORMANCE MANAGEMENT SYSTEM

It is noted that the Performance Management System comprises of various components, namely:

- Integrated Development Plan (IDP) and Service Delivery and Budget Implementation Plan (SDBIP)
- Section 52, 71 and 72 reporting
- Section 57 Performance Agreements
- Ignite Electronic Reporting System

APPENDIX A: APAC REPORT ON PERFORMANCE MANAGEMENT Q1 AND Q2 OF 2016/2017

4.1 Performance Measurements

In addition, performance is currently only measured in relation to Section 57 employees (Senior Managers), the Municipal Manager and the top levels of officials. A roll-out to lower levels of staff is in progress – implementation started in 2016/17.

5. COMMENTARY FROM THE COMMITTEE

5.1 General Comments

The first and second quarter reviews of Performance Management were done by Eden DM's internal audit unit.

Highlights from the first quarter review:

The report on performance management for quarter one of the 2016/17 financial year contained a number of significant findings that are a repeat of similar findings in the 2015/16 financial year, specifically relating to the following:

- Verification of portfolio of evidence of top-layer KPIs
- Updating of actual performance on SDBIP to audited results
- Cascading down of PMS to all employees

Verification of portfolio of evidence of top-layer KPIs

Verification of portfolio of evidence of top-layer KPIs for quarter one revealed one KPI whose actual performance as claimed on the performance management system could not be substantiated by the portfolio of evidence provided for audit purposes.

APAC noted in quarter two's report that management is in the process of addressing this matter. APAC will monitor the progress on this to ensure that top-layer KPIs' portfolio of evidence can support the actual performance claimed.

Updating of actual performance to audited results

APAC is concerned about the finding stating that the actual performance on all applicable departmental KPIs (as captured on the SDBIP) are not adjusted to the audited results following the quarterly review performed by the internal audit unit. Management should take note of the audited results and ensure that these are updated on the SDBIP so that the actual performance as recorded is an accurate reflection of the performance for the quarter.

APPENDIX A: APAC REPORT ON PERFORMANCE MANAGEMENT Q1 AND Q2 OF 2016/2017

Cascading down of PMS to all employees

The cascading down of Performance Management has not been done for all lower level employees, as per the legislative requirement of Municipal Planning and Performance Regulations, 2000 regulation 9(2)(b). APAC notes the completion of phase one of the roll-out of PMS to lower levels of staff. It will however remain in our reports until it is fully implemented in the municipality.

Highlights from the second quarter review:

The report on performance management for quarter two of the 2016/17 financial year contained significant findings that were not reported in prior quarters:

- 11 performance targets do not meet one or more of the "SMART" principles.
- Insufficient control over amendments to KPIs in the SDBIP

We note that management intend on correcting KPIs to comply with SMART principles via an item to Council in March 2017. Management's action plans to improve control over amendments to KPIs in the SDBIP will be considered and monitored closely.

Repeat findings

The quarter two report again included findings relating to the following:

- Verification of portfolio of evidence of top-layer KPIs
- Updating of actual performance on SDBIP to audited results

As mentioned under quarter one's highlights above, management is urged to address these findings. Actual performance claimed, that is not supported by an accurate, complete and valid portfolio of evidence, could have a detrimental impact on the AG's audit opinion.

6. RECOMMENDATIONS

That council takes note of the specific concerns of the APAC with regards to this report.

MAYORAL COMMITTEE

16 MARCH 2017

DISTRICT COUNCIL

31 MARCH 2017

DC 130/03/17

**REPORT – INDIVIDUAL PERFORMANCE MANAGEMENT 2016/2017 /
 VERSLAG - INDIVIDUELE PRESTASIE BESTUUR 2016/2017 /
 INGXELO-ULAWULO LOMSEBENZI WOMNTU NGAMNYE 2016/2017
 (569426)**

(9/11/1)

16 March 2017

**REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER : (MS IG
 SAAIMAN)**

PURPOSE OF THE REPORT

To present a report on the development and implementation of Individual Performance Management.

BACKGROUND

Council has during 2012/2013 adopted a Turn Around Strategy, which was aimed at implementing austerity measures in the municipality. Part of this initiative was formulation of an Individual Performance strategy. At the time no funding was available and Council has decided in 2014/2015 to allocate funding for this purpose.

Management was tasked to develop an Individual Performance Framework, Policy and an Implementation Plan. The Individual Performance Policy and Implementation Plan was workshopped with Council during 2015 and was subsequently approved at the Council meeting held on 30 May 2015. Since then the roll-out of the Individual Performance ensued, with IGNITE Systems being the service provider. At this point in time phases 1 -3 have been implemented (post levels 15 – 19). The first year of implementation is regarded as a pilot and the necessary adjustments will be made where deemed appropriate.

FINANCIAL IMPLICATIONS

The Performance Unit developed a business plan in conjunction with the offer stipulated in Treasury Circular Mun No 22/2015 for the Individual Performance Management and submitted it to Provincial Treasury in order to obtain more funding for the electronic system that will be used in mapping Individual Performance.

A memorandum of agreement was signed on 25 February 2015 between Eden District Municipality and Provincial Treasury for the allocation of R300 000 for both Individual- and Organizational Performance Management.

The total cost for the development and phase implementation, on a basic level:

R250 000 – R545 000

RELEVANT LEGISLATION

Local Government: Municipal Systems Act No.32, 2000

UITVOERENDE OPSOMMING

Individuele prestasie vorm deel van die vlakke van prestasie evaluasie in die munisipaliteit. Met organisatoriese prestasie reeds volledig in plek, is die volgende stap om dit af te filtreer na die individuele amptenare in die organisasie.

Die ontwikkeling en die implementering daarvan, kan 'n maatstaf word vir elke individu om sodoende te groei en te verbeter waar nodig.

Dit kan positiewe groei vir die hele organisasie teweeg bring.

RECOMMENDATION

That Council takes note of the development and implementation of Individual Performance Management.

AANBEVELING

Dat die Raad kennis neem van die ontwikkeling en implementering van Individuele Prestasie Bestuur.

ISINDULULO

Sesokuba iBhunga lithathele ingqalelo iziphumo kunye nokumiselwa koLawulo Lomsenzi Womntu Ngaminye.

ANNEXURE

Annexure A: Report for Individual Performance Management

| User | Department | Manager | Section | Initiation Status | Activation Last Updated | Evaluation Status | Evaluation Last Updated |
|-----------------------------|--|----------------------|--|---------------------|-------------------------|--------------------|-------------------------|
| Anton Steenkamp | Technical Services | Japie Strydom | Roads Department Training and Development | Pending Approval | 2/15/2017 11:06 | Pending Evaluation | 6/20/2016 18:56 |
| Calwyn Scheepers | Corporate Services | Trix Holtzhausen | IDP | Approved - Employer | 10/12/2016 8:33 | Pending Evaluation | 8/17/2016 9:41 |
| Celeste Domingo | Strategic Services Community & Social Services | Trix Holtzhausen | | Approved - Employer | 10/12/2016 8:33 | Pending Evaluation | 8/15/2016 8:26 |
| Gabriel Vos George Hendriks | Community & Social Services | Johan Compton | Municipal Health | Pending Approval | 8/17/2016 10:09 | Pending Evaluation | 8/17/2016 9:22 |
| Gerhard Otto | Community & Social Services | Johan Compton | Municipal Health | Pending Approval | 6/28/2016 15:11 | Pending Evaluation | 9/15/2016 10:43 |
| Gert Verwey | Technical Services Community & Social Services | Clive Africa | Emergency Services Roads and Works | New | 6/21/2016 10:48 | Not Done | Not Done |
| Haemish Herwels | Performance Management | Japie Strydom | | New | 6/21/2016 12:12 | Next Phase | Not Done |
| Ilse Gail Abrahams | Community & Social Services | Johan Compton | Municipal Health Office of the Municipal Manager | New | 6/21/2016 15:00 | Next Phase | Not Done |
| James McCarthy | Community & Social Services | Test | | New | 10/12/2016 12:58 | Test | 9/28/2016 8:01 |
| Jan-Willem De Jager | Office of the Municipal Manager | Johan Compton | Municipal Health | New | 6/22/2016 11:43 | Pending Evaluation | 7/20/2016 13:06 |
| Japie Strydom | Technical Services Community & Social Services | Godfrey Winston Louw | Internal Audit | New | 10/12/2016 12:57 | Pending Evaluation | 9/13/2016 15:19 |
| Johan Compton | | J C Ottervanger | Roads Department | New | 6/22/2016 9:07 | Not Done | Not Done |
| | | Clive Africa | Municipal Health | New | 6/21/2016 12:26 | Pending Evaluation | 9/15/2016 14:58 |
| Johan Stander | Financial Services Community & Social Services | Louise Hoek | Finance | New | 6/22/2016 13:27 | KPI Amendment | 2/15/2017 11:03 |
| Johann Schoeman | | Johan Compton | Municipal Health | New | 6/21/2016 10:15 | Not Done | Not Done |
| Koos Niewoudt | Strategic Services | Trix Holtzhausen | ICT | Approved - Employee | 10/12/2016 8:34 | Pending Evaluation | 10/10/2016 11:22 |
| Melanie Wilson | Corporate Services Community & Social Services | Trix Holtzhausen | Strategic Services | Approved - Employee | 10/12/2016 8:35 | Pending Evaluation | 8/17/2016 10:42 |
| Morton Hubbe | | Johan Compton | Municipal Health | New | 6/21/2016 13:04 | Pending Evaluation | 10/25/2016 15:16 |
| Nadiema Davids | Corporate Services | Trix Holtzhausen | Corporate Services | New | 11/7/2016 11:06 | Pending Evaluation | 2/28/2017 9:26 |

| User | Department | Manager | System | Activation Status | Activation Last Updated | Evaluation Status | Evaluation Last Updated |
|----------------|-----------------------------|---------------|-----------------------------------|---------------------|-------------------------|--------------------|-------------------------|
| Pleter Raath | Community & Social Services | Johan Compion | Municipal Health | New | 9/15/2016 9:30 | Not Done | Not Done |
| Rhyn Alberts | Corporate Services | Koos Nlewoudt | ICT | Approved - Employer | 10/12/2016 8:35 | Pending Evaluation | 10/10/2016 11:35 |
| Sam Bendle | Community & Social Services | Johan Compion | Municipal Health | New | 9/13/2016 15:08 | Next phase | Next Phase |
| Sivuyile Mtila | Community & Social Services | Johan Compion | Municipal Health | New | 9/15/2016 9:31 | Next phase | Next Phase |
| Tebello Mporu | Financial Services | Louise Hoek | Assets Data Stores SCM | New | 9/13/2016 15:08 | KPI amendment | 9/12/2016 15:17 |
| Willie Fourie | Corporate Services | Clive Africa | Property Development and Planning | New | 6/22/2016 8:23 | Pending Evaluation | 9/29/2016 7:37 |

MAYORAL COMMITTEE

16 MARCH 2017

DISTRICT COUNCIL

31 MARCH 2017

DC 131/03/17

**REPORT – REQUESTED CHANGES ON THE SERVICE DELIVERY AND
BUDGET IMPLEMENTATION PLAN 2016/2017 / *VERSLAG -
VOORGESTELDE VERANDERINGE OP DIE DIENSLEWERINGS EN
BEGROTINGSIMPLEMENTERINGSPLAN 2016/2017 / INGXELO -
ISICELO/IMBONO YENGUQU KUNIKEZELO LWENKONZO KUNYE
NESICWANGCISO SOKUMISELWA KOLWABIWO-MALI KU 2016/2017
(569421)***

(9/11/1)

16 March 2017

REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER:(MS IG SAAIMAN)**PURPOSE OF THE REPORT**

To present a report on the requested changes from Departments to amend the Service Delivery and Budget Implementation Plan for the 2016/2017 financial year.

BACKGROUND

The Key performance Indicators of the Municipality on both the Top Level and Departmental level was revisited by all departments in conjunction with our Performance Management Unit. The requested changes will address issues regarding our Key Performance Indicators such as inconsistency between the KPI and the Unit of measurement.

FINANCIAL IMPLICATIONS

We have a service level agreement with Ignite to make the Top Level SDBIP adjustments on the electronic system and will remain within the financial availability.

The Departmental SDBIP adjustments on the electronic system will be done in-house by Performance Management. No funding is required for these adjustments

RELEVANT LEGISLATION

Local Government: Municipal Systems Act No.32, 2000

UITVOERENDE OPSOMMING

In ons strewe na 'n skoon oudit het ons in samewerking met die Prestasie Eenheid ook die Interne Oudit afdeling se voorskrifte en die 'smart' beginsel toegepas om hierdie sleutel prestasie aanwysigings saam te stel en sodoende te wysig.

Hierdie veranderinge moet tesame met die Stelsel Beskrywings vir die Top Vlak ingelees word om sodoende die korrekte veranderinge teweeg te bring.

RECOMMENDATION

That Council approves the requested amendments and the revised Top Level Service Delivery and Budget Implementation plan for the 2016/2017 financial year.

AANBEVELING

Dat die Raad voorgestelde veranderinge en die gewysigde Top Vlak Dienslewering en Begrotings-Implementeringsplan vir 2016/2017 goedkeur.

ISINDULULO

Sesokuba iBhunga liphumeze isiphakamiso solungiso kunye nokuqwalaselwa Konikezelo Lwenkonzo Lwebakala eliphezulu kunye nesicwangciso Sokumiselwa Kolwabiwo-Mali kunyakamali ka 2016/2017.

ANNEXURE

Annexure A: Report on the requested changes from Departments for the 2016/2017 Service Delivery and Budget Implementation Plan



DISTRICT MUNICIPALITY
UMASIPALA WESITHILI
DISTRICKSMUNISIPALITEIT

PERFORMANCE MANAGEMENT

**REQUESTED AMENDMENTS
for the 2016/2017 financial year:
Service Delivery and Budget
Implementation Plan**

2016/2017

INDEX

- 1. Purpose of Report**
- 2. Changes as per recommendation from the Performance Management unit and Internal Audit**
- 3. Changes as per review and memorandum request for baseline KPI's**
- 4. Recommendation**

1. Purpose of the Report

To present all the requested changes on both Top Level and Departmental level of the Service Delivery and Budget Implementation Plan for the 2016/2017 financial year.

2. Changes as per recommendation from the Performance Management Unit and Internal Audit

No

| Ref | Disbursement | RPI owner | ZPI | Unit of Measurement | Source of Evidence | Annual Target | RPI Calculation Type | Overall Target | Weight | Exception | Verifiable | Exception | Recommendation |
|------|---------------------------------|--------------------------------------|---|---|---|---------------|----------------------|----------------|--------|--|------------|---|---|
| T1.1 | Office of the Municipal Manager | Relief Officer | Review the risk management policy that includes the strategy and implementation plan and submit to risk management committee by 31 July 2017 | Redesigned risk management policy that includes the strategy and implementation plan submitted to risk management committee by 31 July 2017 | Proof of submission and Minutes of Council | 100% | Carry Over | 100% | No | None | Yes | None | "Source of evidence" to verify funding where policy was reviewed. And proof of submission to council for approval of policy" |
| T1.2 | Community Services | Executive Manager: Community Service | Hold quarterly meetings with applicable stakeholders to discuss regional disaster management issues | Number of quarterly meetings held | Minutes of meetings | 4 | Carry Over | 4 | No | "Possible adaptation" is not specifically defined. | Yes | None | Annual "Source of evidence" to verify applicable submissions in accordance to the disaster management Act No. (7) to Council requests." |
| T1.3 | Community Services | Executive Manager: Community Service | Raise Public Health awareness through 4 sessions with the community by 30 June 2017 | Number of sessions held by 30 June 2017 | Approved programme and minutes of sessions | 8 | Carry Over | 8 | No | RPI refers to 4 sessions, but the target is set for 8. | Yes | None | Annual the RPI to verify Public Health awareness sessions with..." |
| T1.4 | Community Services | Executive Manager: Community Service | Create job opportunities through the Expanded Public Works Programme (EPWP) by 30 June 2017 | Number of job opportunities created through the EPWP by 30 June 2017 | Contract concluded with the EPWP beneficiary as captured on Collaborator | 100 | Carry Over | 100 | No | None | Yes | None | Annual "Source of evidence" in the following "Signed" letter of employment on EPWP project with a start between June including 1 July 2016 to 30 June 2017." |
| T1.5 | Health Services | Senior Manager: Roads | Ensure 85% of the roads maintenance budget allocation by 30 June 2017 (actual expenditure divided by approved allocation received) | % of the roads maintenance spent by 30 June 2017 | Letter of actual expenditure to Chief Engineer compiled by the Finance Department from a report from the Finance system named "Statement of financial performance" for the "Roads budget" | 85% | Carry Over | 85% | No | 1. Unit of measurement should include the word "budget". 2. Source of evidence does not specify where the financial report will come from. 3. Letter to Chief Engineer does not contain the final expenditure after year-end adjustments that can still be processed up until end of Aug 2017. | Yes | None | 1. Specify (Signed) expenditure to verify "Roads" maintenance budget. 2. Clarify where the financial report for budget will come from. 3. Annual should be obtained from Finance after a final expenditure report is received. 4. Letter to Chief Engineer should contain the final expenditure after year-end adjustments that can still be processed up until end of Aug 2017. |
| T1.6 | Municipal Services | CFO | Percentage of the municipal capital budget spent on capital projects by 30 June 2017 (actual amount spent on capital projects / total amount budgeted for capital projects) | % of capital budget spent by 30 June 2017 | Draft Annual Financial Statements | 80% | Last Value | 80% | Yes | None | No | Capital report TL actuals based on draft financial statements as per the "Source of Evidence" | Annual "Source of evidence" to "expenditure captured in ABAMS on Capital Projects" - ABAMS report to Council includes actuals and budgeted amounts per capital vote." |
| T1.7 | Municipal Services | CFO | Financial viability measured in terms of the municipality's ability to meet its medium-term debt obligations by 30 June 2017 (Short Term Borrowing + Short Term Credit + Long Term Loans + Long Term Operating Revenue - Long Term Conditional Grant) | % of debt coverage | Draft Annual Financial Statements | 100% | Reverse Last Value | 20% | Yes | None | No | Capital report TL actuals based on draft financial statements as per the "Source of Evidence" | Annual "Source of evidence" to "Annual financial statements submitted to AS for auditing as compiled from actuals captured in ABAMS" |

| | | | | | | | | | | | | |
|---------|--------------------|--|---|---|-------|------------|-------|-----|---|-----|--|--|
| 1.1.2.1 | Financial Services | Financial viability measured in terms of the available cash to cover fixed operating expenditure by 30 June 2017 (CASH and Cash Equivalents - Unspent Conditional Grants - Overdrafts) + Short Term Investments / Monthly Fixed Operational Expenditure including Depreciation, Amortisation and Provision for Bad Debts, Impairment and Loss on Disposal of Assets) | Number of months it takes to cover the operating expenditure with available cash | Drift Annual Financial Statements | 20 | Last Value | 5.2 | No | Unit of measurement does not state correctly what area is comparing to actual | No | Current report TL actuals based on direct financial statements as per the "Source of Bidder" | 1. Annual "Yield of measurement" in "Number of months" to "Number of months" that available cash is sufficient to cover the monthly operating expenditure 2. Annual "Source of Bidder" in "Number of months" to "Number of months" that available cash is sufficient to cover the monthly operating expenditure |
| 1.1.2.1 | Financial Services | Current ratio of 1 (Current assets / Current liabilities) | Number of times the municipality can pay back its short term liabilities with its short-term assets | Drift Annual Financial Statements | 1 | Carry Over | 1 | Yes | None | No | Current report TL actuals based on direct financial statements as per the "Source of Bidder" | Annual "Source of Bidder" in "Number of months" to "Number of months" that available cash is sufficient to cover the monthly operating expenditure |
| 1.1.2.1 | Financial Services | Spent 0.5% of personnel budget on training by 30 June 2017 (Actual total training expenditure divided by total personnel budget) | % of the personnel budget spent on training | Annual Financial Statement VCS- consolidated statement for form (VCS training) / Section 71 (VCS training) & Quarterly Budget | 0.50% | Carry Over | 0.50% | No | Unit of measurement should not be % of personnel budget spent | Yes | Current report TL actuals based on direct financial statements as per the "Source of Bidder" | Unit of measurement to be provided to add "am training" |
| 1.1.2.1 | Financial Services | Least vacancy rate to 20% of budgeted post vacant divided by number of budgeted funded posts | % vacancy rate | Annual Financial Statement (Vacancy rate) | 100% | Last Value | 100% | Yes | None | No | Current report TL actuals based on direct financial statements as per the "Source of Bidder" | Source of evidence to result: "Vacancy rate" calculation spreadsheet |

MEMORANDUM

YORKSTRAAT 54 YORK STREET, POSBUS/PO BOX 12 GEORGE 6530
E-POS/E-MAIL: rekords@edendm.co.za, TEL: (044) 803 1300 FAKS/FAX: 086 555 6306

KANTOOR VAN GEMEENSKAPSDIENSTE OFFICE OF COMMUNITY SERVICES

| | |
|-----------------------|--|
| NAVRAE: ENQUIRIES: | C Africa |
| VERW: REF: | 9/11/1 |
| KANTOOR: OFFICES: | George |
| DATUM: DATE: | 16 January 2016 |
| AAN: TO: | Municipal Manager Performance Manager |
| VAN: FROM: | Executive Manager: Community Services |
| AFSKRIF: COPY: | Records |
| INSAKE: REGARDING: | REQUEST FOR KPI CHANGES – 2016/2017 |

The following KPI's must be changed:

Emergency Services

TL 9 – Hold quarterly meetings with applicable stakeholders to discuss regional disaster management issues.

KPI must be changed to read as follow:

Hold quarterly meetings with disaster management role players as listed in section 51 (1) (d) of the Disaster Management Act, Act 57 Of 2002, as amended, to discuss regional disaster management issues.

Regards,


C Africa
Executive Manager: Community Services

20/1/2016
Date

Approved / not approved


Municipal Manager
GW Louw

16/01/17
Date

MEMORANDUM

YORKSTRAAT 54 YORK STREET, POSBUS/PO BOX 12 GEORGE 6530
E-POS/E-MAIL: rekords@edendm.co.za, TEL: (044) 803 1300 FAKS/FAX: 086 555 6306

KANTOOR VAN GEMEENSKAPSDIENSTE OFFICE OF COMMUNITY SERVICES

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|-----------------------|--|
| NAVRAE: ENQUIRIES: | C Africa |
| VERW: REF: | 9/11/1 |
| KANTOOR: OFFICES: | George |
| DATUM: DATE: | 16 January 2017 |
| AAN: TO: | Municipal Manager Performance Manager |
| VAN: FROM: | Executive Manager: Community Services |
| AFSKRIF: COPY: | Records |
| INSAKE: REGARDING: | REQUEST FOR KPI CHANGES – 2016/2017 |

The following KPI must be changed:

Municipal Health and Environmental Services

KPI TL15 – Raise Public Health awareness through 4 sessions with the community by 30 June 2017.

Change to –Raise Public Health awareness through 8 sessions with the community by 30 June 2017.

Reason: To align the target as per the KPI with the target set out in the Annual target column.

Regards,

.....
Clive Africa
Executive Manager: Community Services

2017:01:16
.....
Date

Approved: not approved

.....
Municipal Manager
GW Louw

16/01/17
.....
Date

MEMORANDUM

YORKSTRAAT 54 YORK STREET, POSBUS/PO BOX 12 GEORGE 6530
E-POS/E-MAIL: rekords@edendm.co.za, TEL: (044) 803 1300 FAKS/FAX: 086 555 6306

KANTOOR VAN GEMEENSKAPSDIENSTE OFFICE OF COMMUNITY SERVICES

| | |
|-----------------------|--|
| NAVRAE: ENQUIRIES: | C Africa |
| VERW: REF: | 9/11/1 |
| KANTOOR: OFFICES: | George |
| DATUM: DATE: | 14 December 2016 |
| AAN: TO: | Municipal Manager Performance Manager |
| VAN: FROM: | Executive Manager: Community Services |
| AFSKRIF: COPY: | Records |
| INSAKE: REGARDING: | REQUEST FOR KPI CHANGES – 2016/2017 |

The following Departmental KPI's must be amended / deleted:

Municipal Health and Disaster Management

KPI D33 - Monthly submit municipal health and environmental services report to the Executive Manager by the 10th of every month

Change to – Monthly submit municipal health and environmental services report to the Executive Manager by the 15th of every month.

Reason: Change the date of the report from the 10th to the 15th of each month to bring it in line with the submission of the Sinjani report (D34).

Emergency Services

KPI D28 - Disseminate extreme weather and disaster related warnings received within the hour after receipt.

KPI must be removed,

Reason: We are experiencing challenges in terms of receiving information from the South African Weather Services (SAWS) about the number of weather warnings issued. We do not have control over this KPI.

Regards,



 Clive Africa
 Executive Manager – Community Services

.....
 Date

Approved not approved



 Municipal Manager
 GW Louw

.....
 Date

① I Seemman

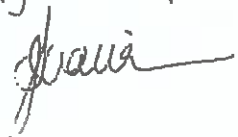
Be provide me with your inputs.

MM.

15/12/16

② MM

I can amend the aforementioned KPI's as requested
 I will include the request in my report that will serve before
 Council on 26 January 2017 The linkage to the System Descriptions
 can be established

Thank You
 Jwe' oal/a/oon.


MEMORANDUM

**KANTOOR VAN DIE UITVOERENDE BESTUURDER
KORPORATIEWE/STRATEGIESE DIENSTE
OFFICE OF THE EXECUTIVE MANAGER: CORPORATE/STRATEGIC SERVICES**

| | |
|-----------------------|---|
| NAVRAE: ENQUIRIES: | B Holtzhausen |
| VERW: REF: | 5/4/R |
| KANTOOR: OFFICES: | George |
| DATUM: DATE: | 16 January 2017 |
| AAN: TO: | Performance Management Section |
| VAN: FROM: | Executive Manager: Corporate/Strategic Services |
| AFSKRIFTE: COPIES: | Records |
| INSAKE: REGARDING: | AMENDMENT TO KPI: TL 30 |

Mrs Seelman

The original wording of the abovementioned KPI reads as follows:

| | | | | | | | | |
|------|------------------|-------------------------------------|---|----------------|--------------------------------|-----|--------------------|-----|
| TL30 | Support Services | Executive Manager: Support Services | Limit vacancy rate to 10% of budgeted post by 30 June 2017 (Number of funded posts vacant divided by number of budgeted funded posts) | % vacancy rate | Excel spreadsheet vacancy list | 10% | Reverse last value | 10% |
|------|------------------|-------------------------------------|---|----------------|--------------------------------|-----|--------------------|-----|

The following amendments must be made to under Evidence of the KPI

| | | | | | | | | |
|------|------------------|-------------------------------------|---|----------------|---|-----|--------------------|-----|
| TL30 | Support Services | Executive Manager: Support Services | Limit vacancy rate to 10% of budgeted post by 30 June 2017 (Number of funded posts vacant divided by number of budgeted funded posts) | % vacancy rate | Signed quarterly vacancy/calculation reconciliation | 10% | Reverse last value | 10% |
|------|------------------|-------------------------------------|---|----------------|---|-----|--------------------|-----|

B Holtzhausen - 16/1/2017

**B HOLTZHAUSEN
EXECUTIVE MANAGER: CORPORATE/STRATEGIC SERVICES**

3. Changes as per review and memorandum request for baseline KPI's

Office of the Municipal Manager

In conjunction with the System Description

Financial Services

In conjunction with the System Description

Corporate Services

In conjunction with the System Description

Community Services

In conjunction with the System Description

Roads Services

In conjunction with the System Description

4. Recommendation

It is recommended that in lieu of all the requested changes, the audited results and the completed System Descriptions, the Service Delivery and Budget Implementation Plan be revised on both the Top Level and the Departmental Level.

3. Changes as per review and memorandum request for baseline KPI's

Office of the Municipal Manager

In conjunction with the System Description

Financial Services

In conjunction with the System Description

Corporate Services

In conjunction with the System Description

Community Services

In conjunction with the System Description

Roads Services

In conjunction with the System Description

4. Recommendation

It is recommended that in lieu of all the requested changes, the audited results and the completed System Descriptions, the Service Delivery and Budget Implementation Plan be revised on both the Top Level and the Departmental Level.

MAYORAL COMMITTEE

16 MARCH 2017

DISTRICT COUNCIL

31 MARCH 2017

DC 132/03/17

**DRAFT TOP LEVEL SERVICE DELIVERY AND BUDGET
IMPLEMENTATION PLAN 2017/2018 / *KONSEP TOP VLAK*
DIENSLEWERING - EN BEGROTINGS- IMPLEMENTERINGSPLAN
2017/2018 / UYILO LONIKEZELO LWENKOZNO LWEBAKALA
OLUPHEZULU KUNYE NESICWANGCISO SOLWABIWO-MALI KU
2017/2018 (570456)**

(9/11/1)

7 March 2016

REPORT FROM THE OFFICE OF THE MUNICIPAL MANAGER: (MS IG SAAIMAN)**PURPOSE OF THE REPORT**

To present a draft Top Level Service Delivery and Budget Implementation Plan for the 2017/2018 financial year.

BACKGROUND

In light of our new IDP and the implementation of Individual Performance Management, a new SDBIP needs to be created and compiled for the municipality.

Thus the draft for the 2017/2018 financial year read in conjunction with the suggestions report.

FINANCIAL IMPLICATIONS

None

Draft compiled internally

RELEVANT LEGISLATION

Local Government: Municipal Systems Act No.32, 2000, section 56 and 57

UITVOERENDE OPSOMMING

Met die nuwe IDP en die implementering van Individuele Prestasie, moet daar gekyk word na die huidige Dienslewering en Begrotings-Implementeringsplan om te bepaal of die funksies van die munisipaliteit in lyn is met die nuwe prosesse.

RECOMMENDATION

1. That Council takes note of the draft Top Level Service Delivery and Budget Implementation plan for the 2017/2018 financial year.
2. That Council approves the suggested changes with regards to the Top Level Service Delivery and Budget Implementation Plan for the 2017/2018 financial year.

AANBEVELING

1. *Dat die Raad kennis neem van die konsep Top Vlak Dienslewering en Begrotings-Implementeringsplan met vir 2017/2018 goedkeur.*
2. *Dat die Raad die voorstelle ten opsigte van die konsep Top Vlak Dienslewering en Begrotings-Implementeringsplan vir 2017/2018 goedkeur.*

ISINDULULO

1. Sesokuba iBhunga lithathele ingqalelo uyilo Lwebakala Eliphezulu Lonikezelo Lwenkonzo kunye nesicwangciso soLwabiwo-Mali kunyakamali ka 2017/2018.
2. Sesokuba iBhunga liphumeze ingququ eziphakanyiswe malunga Nebalaka Eliphezulu Lonikezelo Lwenkonzo kunye nokumiselwa Kwesicwangciso Solwabiwo-Mali kunyakamali ka 2017/2018

ANNEXURE

Annexure A: Draft Top Level SDBIP 2017/2018

Annexure B: Suggestions for the 2017/2018 financial year

Eden District Municipality

Draft: Top Layer SDBIP 2017/2018

| Ref | Directorate | Strategic Objective | KPI | Unit of Measurement | KPI Owner | Annual Target | Revised Target | KPI Calculation | Target 17-Sep | Target 17-Dec | Target 18-Mar | Target 18-Jun |
|-----|---------------------------------|-------------------------|---|--|-------------------|---------------|----------------|-----------------|---------------|---------------|---------------|---------------|
| TL1 | Office of the Municipal Manager | Promote good governance | Compile the Risk based audit plan (RBAP) for 2018/19 and submit to the Audit Committee for consideration by 30 June 2018 | RBAP for 2018/19 compiled and submitted to the Audit Committee by 30 June 2018 | Municipal Manager | 1 | 1 | Carry Over | | | | 1 |
| TL2 | Office of the Municipal Manager | Promote good governance | Submit the updated risk register to the risk management committee by 31 March 2018 | Updated risk register submitted to the risk management committee by 31 March 2018 | Risk Officer | 1 | 1 | Carry Over | | | 1 | |
| TL3 | Office of the Municipal Manager | Promote good governance | Review the risk management policy that includes the strategy and implementation plan and submit to risk management committee by 31 May 2018 | Reviewed risk management policy that includes the strategy and implementation plan submitted to risk management committee by 31 May 2018 | Risk Officer | 1 | 1 | Carry Over | | | | 1 |
| TL4 | Office of the Municipal Manager | Promote good governance | Submit the Top layer SDBIP for the 2018/19 budget for approval by the Mayor within 14 days after the budget has been approved | Top Layer SDBIP for the 2018/19 budget submitted to the Mayor within 14 days after the budget has been approved | PMS manager | 1 | 1 | Carry Over | | | | 1 |
| TL5 | Office of the Municipal Manager | Promote good governance | Draft the annual performance report for 2016/17 and submit to the Auditor General by 31 August 2017 | Annual performance report for 2016/17 drafted and submitted to the Auditor General by 31 August 2017 | PMS manager | 1 | 1 | Carry Over | 1 | | | |
| TL6 | Office of the Municipal Manager | Promote good governance | Facilitate the meetings of the Municipal Public Account Committee (MPAC) | Number of Municipal Public Account Committee (MPAC) meetings held | Municipal Manager | 2 | 2 | Accumulative | | 1 | 1 | |

| | | | | | | | | | | | | |
|------|--------------------|--|--|---|--------------------------------------|-----|-----|--------------|-----|-----|-----|-----|
| TL7 | Community Services | Grow the district | Submit the EPWP business plan to the National Minister of Public Works for all Internal projects by 30 June 2018 | EPWP business plan submitted to the National Minister of Public Works by 30 June 2018 | Executive Manager: Community Service | 1 | 1 | Carry Over | | | | 1 |
| TL8 | Community Services | Promote sustainable environmental management and public safety | Record and refer 85% of all calls received in 2017/18 In the Call Centre (% calculated by the system) | % of calls recorded and referred in 2017/18 | Executive Manager: Community Service | 85% | 85% | Stand-Alone | 85% | 85% | 85% | 85% |
| TL9 | Community Services | Promote sustainable environmental management and public safety | Hold quarterly meetings with disaster management role players as listed in section 51(1)(d) of the Disaster Management Act, Act 57 of 2002, as amended, to discuss regional disaster management issues | Number of quarterly meetings held | Executive Manager: Community Service | 4 | 4 | Accumulative | 1 | 1 | 1 | 1 |
| TL10 | Community Services | Promote sustainable environmental management and public safety | Hold quarterly meetings with the Chief Fire Officers in the district | Number of quarterly meetings held | Executive Manager: Community Service | 4 | 4 | Accumulative | 1 | 1 | 1 | 1 |

| | | | | | | | | | | | | |
|------|--------------------|--|--|--|--------------------------------------|---|---|--------------|---|---|---|---|
| TL11 | Community Services | Promote sustainable environmental management and public safety | Execute 2 emergency preparedness exercises by 30 June 2018 | Number of emergency preparedness exercises executed by 30 June 2018 | Executive Manager: Community Service | 2 | 2 | Accumulative | | 1 | | 1 |
| TL12 | Community Services | Promote sustainable environmental management and public safety | Implement 4 emission testing (air quality) initiatives by 30 June 2018 | Number of emission testing (air quality) initiatives implemented by 30 June 2018 | Executive Manager: Community Service | 4 | 4 | Accumulative | 1 | 1 | 1 | 1 |
| TL13 | Community Services | Healthy and socially stable communities | Hold quarterly meetings with the Eden Air Quality stakeholders forum | Number of quarterly meetings held | Executive Manager: Community Service | 4 | 4 | Accumulative | 1 | 1 | 1 | 1 |
| TL14 | Community Services | Promote sustainable environmental management and public safety | Raise environmental awareness through 4 awareness sessions with the community by 30 June 2018 | Number of sessions held by 30 June 2018 | Executive Manager: Community Service | 4 | 4 | Accumulative | 1 | 1 | 1 | 1 |
| TL15 | Community Services | Healthy and socially stable communities | Raise Public Health awareness through 8 sessions with the community by 30 June 2018 | Number of session held by 30 June 2018 | Executive Manager: Community Service | 8 | 8 | Accumulative | 2 | 2 | 2 | 2 |
| TL16 | Community Services | Healthy and socially stable communities | Publish 4 articles on community services focus areas (municipal health, disaster management, environmental services, etc) in the media by 30 June 2018 | Number of articles published in the media by 30 June 2018 | Executive Manager: Community Service | 4 | 4 | Accumulative | 1 | 1 | 1 | 1 |
| TL17 | Community Services | Promote sustainable environmental management and public safety | Provide 8 first aid training sessions by 30 June 2018 | Number of first aid training sessions provided by 30 June 2018 | Executive Manager: Community Service | 8 | 8 | Accumulative | 3 | 1 | 1 | 3 |

| | | | | | | | | | | | | |
|------|--------------------|---|---|--|--------------------------------------|-----|-----|--------------|---|---|---|-----|
| TL18 | Community Services | Healthy and socially stable communities | Provide 8 food safety training to the community by 30 June 2018 | Number of food safety training sessions provided by 30 June 2018 | Executive Manager: Community Service | 8 | 8 | Accumulative | 2 | 2 | 2 | 2 |
| TL19 | Community Services | Grow the district | Create job opportunities through the Expanded Public Works Programme (EPWP) by 30 June 2018 | Number of Job opportunities created through the Expanded Public Works Programme (EPWP) by 30 June 2018 | Executive Manager: Community Service | 50 | 50 | Accumulative | | | | 50 |
| TL20 | Community Services | Promote sustainable environmental management and public safety | Hold quarterly Internal Climate Change Task Team meetings | Number of quarterly meetings held | Executive Manager: Community Service | 4 | 4 | Accumulative | 1 | 1 | 1 | 1 |
| TL21 | Community Services | Promote sustainable environmental management and public safety | Hold quarterly District Waste Management Forum meetings | Number of quarterly meetings held | Executive Manager: Community Service | 4 | 4 | Accumulative | 1 | 1 | 1 | 1 |
| TL22 | Roads Services | Conduct regional bulk infrastructure planning and implement projects, roads maintenance and public transport; manage and develop council fixed assets | Spent 95% of the roads maintenance budget allocation by 30 June 2018 (Actual expenditure divided by approved allocation received) | % of the roads maintenance spent by 30 June 2018 | Senior Manager: Roads | 95% | 95% | Carry Over | | | | 95% |
| TL23 | Financial Services | Conduct regional bulk infrastructure planning and implement projects, roads maintenance and public transport; manage and develop council fixed assets | The percentage of the municipal capital budget spent on capital projects by 30 June 2018 (Actual amount spent on capital projects / Total amount budgeted for capital projects) | % of capital budget spent by 30 June 2018 | CFO | 90% | 90% | Last Value | | | | 90% |

| | | | | | | | | | | |
|------|--------------------|--|---|---|-----|-----|-----|--------------------|---|-----|
| TL24 | Financial Services | Ensure financial viability of the Eden District Municipality | Financial viability measured in terms of the municipality's ability to meet its service debt obligations by 30 June 2017 ((Short Term Borrowing + Bank Overdraft + Short Term Lease + Long Term Borrowing + Long Term Lease) / Total Operating Revenue - Operating Conditional Grant) | % of debt coverage | CFO | 30% | 30% | Reverse Last Value | | 30% |
| TL25 | Financial Services | Ensure financial viability of the Eden District Municipality | Financial viability measured in terms of the available cash to cover fixed operating expenditure by 30 June 2018 ((Cash and Cash Equivalents - Unspent Conditional Grants - Overdraft) + Short Term Investment) / Monthly Fixed Operational Expenditure excluding (Depreciation, Amortisation, and Provision for Bad Debts, Impairment and Loss on Disposal of Assets)) | Number of months that available cash is sufficient to cover the monthly operating expenditure | CFO | 5.2 | 5.2 | Last Value | | 5.2 |
| TL26 | Financial Services | Ensure financial viability of the Eden District Municipality | Submit the annual financial statement of 2016/17 to the auditor-General by 31 August 2017 | Annual financial statements of 2016/17 submitted by 31 August 2017 | CFO | 1 | 1 | Carry Over | 1 | |
| TL27 | Financial Services | Ensure financial viability of the Eden District Municipality | Achieve a current ratio of 1 (Current assets : Current liabilities) | Number of times the municipality can pay back its short term-liabilities with its short-term assets | CFO | 1 | 1 | Carry Over | | 1 |

| | | | | | | | | | | | |
|------|------------------|---|--|---|-------------------------------------|-------|-------|--------------|---|---|------|
| TL28 | Support Services | Build a capacitated workforce and communities | Number of people from employment equity target groups that will be appointed in the three highest levels of management during the 2017/18 financial year in compliance with the municipality's approved employment equity plan | Number of people that will be appointed in the three highest levels of management in compliance with a municipality's approved employment equity plan | Executive Manager: Support Services | 0 | 0 | Accumulative | 0 | 0 | 0 |
| TL29 | Support Services | Build a capacitated workforce and communities | Spent 0.5% of personnel budget on training by 30 June 2018 (Actual total training expenditure divided by total personnel budget) | % of the personnel budget spent on training | Executive Manager: Support Services | 0.50% | 0.50% | Carry Over | | | 0.5% |

| | | | | | | | | | | |
|------|------------------|---|---|--|-------------------------------------|-----|-----|--------------------|--|--------|
| TL30 | Support Services | Build a capacitated workforce and communities | Limit vacancy rate to 10% of budgeted post by 30 June 2018 (Number of funded posts vacant divided by number of budgeted funded posts) | % vacancy rate | Executive Manager: Support Services | 10% | 10% | Reverse Last Value | | 10.00% |
| TL31 | Support Services | Build a capacitated workforce and communities | Review the organisational structure and submit to Council by 30 June 2018 | Organisational structure reviewed and submitted to Council by 30 June 2018 | Executive Manager: Support Services | 1 | 1 | Carry Over | | 1 |
| TL32 | Support Services | Build a capacitated workforce and communities | Award 2 external bursaries to qualifying candidates by 31 March 2018 | Number of external bursaries awarded | Executive Manager: Support Services | 2 | 2 | Carry Over | | 2 |
| TL33 | Support Services | Promote good governance | Complete and submit the final annual report and oversight report for 2016/17 to Council by 31 March 2018 | Final annual report and oversight report for 2016/17 submitted to Council | Executive Manager: Support Services | 1 | 1 | Carry Over | | 1 |



EDEN

DISTRICT MUNICIPALITY
UMASIPALA WESITHILI
DISTRICKSMUNISIPALITEIT

PERFORMANCE MANAGEMENT

SUGGESTED CHANGES/ SHORT ANALYSIS REPORT – 2017/2018

Service Delivery and Budget Implementation Plan

2016/2017
First Edition

CONTENT

1. Purpose of Report

2. Analysis as from the Performance Management Unit

2.1 Top Level SDBIP

2.2 Departmental SDBIP

2.3 Individual Performance Management

2.4 Policy Framework of Performance Management

3. Final Recommendation

1. Purpose of the Report

This document serves as a short analysis of the following:

- a) Top Level SDBIP
- b) Departmental SDBIP
- c) Individual Performance Management
- d) Policy Framework of Performance Management

2. Analysis as from the Performance Management Unit

2.1 Top Level SDBIP

The current Key Performance Indicators on the Top Level SDBIP are not strategic.

It does not address all the portfolios currently running within the municipality.

There are no Key Performance Indicators addressing the following areas;

- Properties (requested information still outstanding)
- Resorts(requested information still outstanding)
- Spatial Development Framework
- Risks and Action Plans (creation of KPI's for the action plans listed by departments)
- LED (only one KPI pertaining to EPWP)
- Tourism/Arts and Culture
- Legal Services
- IDP
- Cross Border Project Indicators

2.2 Departmental SDBIP

KPI's need to be redefined in order to address the following;

- Reduce the request for amendments throughout the financial year
- Address the top to bottom – bottom to top approach of performance management
- Indicator calculation must be corrected where necessary
- KPI's must be reduced and formulated addressing the concept of:
 - At least 5 top functions per section, linked to the department, linked to the organization and filtered through to Individual Performance Management

2.3 Individual Performance Management

- The functions listed within the SDBIP needs to be filtered through the organization
- The short guidelines created by the PMS Unit must be used by all staff in order to assist with the activation on the IPMS system
- Internal information sessions need to be held to cascade IPMS further within the organization for the next phase on the approved business plan
- Monthly reporting to the Executive Management and Portfolio Councilors on matters relating to IPMS
- Ongoing assistance is still a requirement within the organization with the second phase

2.4 Policy Framework of Performance Management

- Monitoring and Evaluation needs to be expanded within the current policy framework
- The policy needs to be reviewed

3. Final Recommendations

- A 'new' SDBIP needs to be created for the Municipality in order to address the changes and ensure the alignment with the 'new' IDP
- Information requested with regards to functions need to be submitted in a timely manner in order to address the gaps within the SDBIP
- KPI's must be created to address the necessary on the Top Level SDBIP
- KPI's must be created in order to address the rerouting within the Departmental SDBIP and Individual Performance Management
- All compliance KPI's must be removed and filtered to Eunomia
- The Rewards and Recognition phase for Organizational Performance Management is established by legislation, it still needs to be completed for the last phase within Individual Performance Management.
- Sessions with the necessary stakeholders need to be held in order to start the process of rewards and recognition
- A Monitoring and Evaluation Framework must be created on a separate account from the current policy framework
- A complete analysis will be done after the 3rd quarter closes on 16 April 2017

MAYORAL COMMITTEE

16 MARCH 2017

DISTRICT COUNCIL

31 MARCH 2017

DC 133/03/17

**ELECTION OF COUNCILLOR REPRESENTATIVE TO THE ANNUAL
GENERAL MEETING OF THE LA RETIREMENT FUND / VERKIESING VAN
RAADSLID VERTEENWOORDIGING NA DIE ALGEMENE
JAARVERGADERING VAN DIE LA AFTREEFONDS / UKUCHONGWA
KUKACEBA OZAKUMELA IBHUNGA KWINTLANGANISO JIKELELE
YONYAKA YENGXOWA YOMHLALAPHANTSI YE LA (565802)**

(9/5/2/5)

14 February 2017

**REPORT FROM EXECUTIVE MANAGER: CORPORATE/STRATEGIC SERVICES
(HR PRACTITIONER: L JANSE VAN RENSBURG)**

PURPOSE OF THE REPORT

The purpose of the report is to delegate one Councillor as well as one secunde to attend the Annual General Meeting of the LA Retirement Fund which will be held on Friday, 26 May 2017 in Bellville.

BACKGROUND

One Councillor and one member can be delegated to attend the Annual General Meeting of the LA Retirement Fund which is scheduled for Friday, 26 May 2017 as stipulated in the notice of the meeting, attached as annexure A.

RELEVANT LEGISLATION

Delegasie soos opgedra aan die Uitvoerende Burgemeester in die Delegasieregister, item C 2.48, verwys.

Delegation as instructed to the Executive Mayor in the Delegation Register, item C 2.48, refers:

"To approve together with the Executive Deputy Mayor, visits and the attendance of meetings, seminars and training of councillors within the Republic of South Africa or abroad, subject to provision on the operating budget of the municipality."

UITVOERENDE OPSOMMING

Die Algemene Jaarvergadering van die LA Aftreefonds vind plaas op vrydag, 26 Mei 2017 te Bellville. Ingevolge die Reëls van die Fonds kan een amptenaar en een Raadslid afgevaardig word om die vergadering by te woon asook sekundes indien hulle nie die vergadering kan bywoon nie.

RECOMMENDATION

That one Councillor be nominated to attend the Annual General Meeting of the LA Retirement Fund in Bellville on Friday, 26 May 2017.

AANBEVELING

Dat een Raadslid aangewys word om die Algemene Jaarvergadering van die LA Aftreefonds by te woon op Vrydag, 26 Mei 2017 te Bellville.

ISINDULULO

Sesokuba uCeba omnye akhethwe ukuya kuzimasa Intlanganiso Jikelele Yonyaka Yengowomali Yomhalaphathi ye LA e Bellville ngoLwesihlanu, 26 kuCanzibe 2017.

APPENDIX

Belmont Office Park, Tafel Street, Bellville 7820
 PO Box 4820 Tyger Valley 7836
 Tel 021 343 5506
 Fax 021 317 4114
 support@landmanfund.co.za
 www.landmanfund.co.za
 Fund Registration No. 12872782



2017-01-20

Annual General Meeting 2017

Notice is hereby given in terms of Rule 16.10.2 of the Rules of the Fund that the **THIRTY-THIRD ANNUAL GENERAL MEETING** of the Fund will be held on **FRIDAY, 26 MAY 2017 AT 09:00 IN THE C R LOUW LECTURE HALL, SANLAM HEAD OFFICE, STRAND ROAD, BELLVILLE.**

1. DELEGATES

Member & Pensioner:

In terms of Rule 16.12.1 of the Rules of the Fund, MEMBERS may, no later than five weeks after receipt of this notice (i.e. by 2017-03-03), elect member and pensioner delegates with secundi to attend the annual general meeting. This office must be advised within seven days of such election (i.e. by 2017-03-10), of the names of the delegates and secundi together with their pension numbers. Annexure A sets out the number of delegates who may be elected to attend the annual general meeting. The method of election is laid down in Rule 16.12 of the Rules of the Fund. An extract from the Rules pertaining to the ordinary general meeting is attached as Annexure B.

Councillor:

In terms of Rule 16.10.6 of the Rules of the Fund each LOCAL AUTHORITY may, no later than twelve weeks after receipt of this notice (i.e. by 2017-04-21), nominate the same number of councillor delegates and secundi as the members to attend the annual general meeting. This office must be notified within seven days of any such appointment (i.e. by 2017-04-28). Annexure A sets out the number of councillor delegates who may be nominated to attend the annual general meeting.

2. MOTIONS

In terms of Rules 16.10.9 and 16.10.10 of the Rules of the Fund, at least ten weeks written notice of an intention to move a motion at the annual general meeting must be given to the Principal Officer. You are therefore requested to submit any motions that are to be included in the agenda of the annual general meeting before 20 March 2017.

PLEASE NOTE THAT MOTIONS MUST BE RECEIVED BEFORE 20 MARCH 2017 AND MUST BE SUBMITTED IN BOTH ENGLISH AND AFRICAANS.

MRS IT HARTLIEF
 PRINCIPAL OFFICER

Annexure A

DELEGATES PER LOCAL AUTHORITY WESTERN CAPE PROVINCE

| Local Authority | | Number of delegates | |
|-----------------|--------------------------------------|---------------------|-------------|
| | | Members | Councillors |
| 1. | Beaufort West Municipality | 1 | 1 |
| 2. | Bergrivier Municipality | 1 | 1 |
| 3. | Bitou Municipality | 1 | 1 |
| 4. | Breede Vallei Municipality | 2 | 2 |
| 5. | Cape Winelands District Municipality | 1 | 1 |
| 6. | Cederberg Municipality | 1 | 1 |
| 7. | City of Cape Town | 10 | 10 |
| 8. | Drakenstein Municipality | 1 | 1 |
| 9. | Eden District Municipality | 1 | 1 |
| 10. | George Municipality | 2 | 2 |
| 11. | Hessequa Municipality | 2 | 2 |
| 12. | Knysna Municipality | 1 | 1 |
| 13. | Langeberg Municipality | 1 | 1 |
| 14. | Matzikama Municipality | 1 | 1 |
| 15. | Mossel Bay Municipality | 1 | 1 |
| 16. | Oudtshoorn Municipality | 1 | 1 |
| 17. | Overberg District Municipality | 1 | 1 |
| 18. | Overstrand Municipality | 1 | 1 |
| 19. | Prince Albert Municipality | 1 | 1 |
| 20. | Saldanha Bay Municipality | 1 | 1 |
| 21. | Sentrals Karoo District Municipality | 1 | 1 |
| 22. | Stellenbosch Municipality | 1 | 1 |
| 23. | Swarthland Municipality | 1 | 1 |
| 24. | Theewaterskloof Municipality | 1 | 1 |
| 25. | West Coast District Municipality | 1 | 1 |
| 26. | Witzenberg Municipality | 1 | 1 |

EXTRACTS FROM THE RULES

16.10 ORDINARY GENERAL MEETING

- 16.10.1 An ordinary general meeting of the FUND shall be held each year within twelve (12) months of the previous financial year on a date decided upon by the TRUSTEES and shall be convened by the PRINCIPAL OFFICER when so directed by the BOARD OF TRUSTEES.
- 16.10.2 A notice stating the date, time and place of the ordinary general meeting shall be sent by the PRINCIPAL OFFICER to each LOCAL AUTHORITY not less than seventeen weeks before the date of the ordinary general meeting.
- 16.10.3 Every associated LOCAL AUTHORITY which employs -
- (a) less than fifty MEMBERS may appoint one delegate who shall be a COUNCILLOR and the MEMBERS of such LOCAL AUTHORITY may elect one delegate who shall be a MEMBER; or
 - (b) fifty but not more than five hundred MEMBERS may appoint two delegates who shall be COUNCILLORS and the MEMBERS of such LOCAL AUTHORITY may elect two delegates who shall be MEMBERS; or
 - (c) more than five hundred MEMBERS may appoint ten delegates who shall be COUNCILLORS and the MEMBERS of such LOCAL AUTHORITY may elect ten delegates who shall be MEMBERS to attend the ordinary general meeting.
- 16.10.4 In respect of each delegate appointed or elected in terms of RULE 16.10.3 the associated LOCAL AUTHORITY and MEMBERS may appoint or elect, as the case may be, one alternate to attend the ordinary general meeting in the absence of such delegate, and any alternate so appointed or elected shall, while attending the ordinary general meeting in the absence of the delegate so appointed or elected, be deemed to be the delegate so appointed or elected.
- 16.10.5 Every delegate and alternate elected by the MEMBERS in terms of RULE 16.10.3 and 16.10.4 shall be elected in accordance with the provisions of RULE 16.12.
- 16.10.6 The Municipal Manager of each LOCAL AUTHORITY shall notify the PRINCIPAL OFFICER of the names and addresses of the appointed COUNCILLOR delegates and alternates not later than thirteen weeks after receipt of the notice provided for in RULE 16.10.2.
- 16.10.7 A simple majority (50% plus one) of the number of the nominated delegates as in RULE 16.10.6 above shall constitute a quorum at the ordinary general meeting. Should a quorum not be present within thirty minutes after the time stipulated for the commencement of the meeting, the meeting shall be postponed to the same time on the first working day thereafter and the delegates then present shall form a quorum.
- 16.10.8 The chairperson of the TRUSTEES shall act as chairperson at the ordinary general meeting and, in the event of his being absent or unwilling to act or incapable of acting, the deputy chairperson of the TRUSTEES shall so act. Should both the chairperson and the deputy chairperson be absent from or be unwilling to act or be incapable of acting as chairperson at the ordinary general meeting, the remaining TRUSTEES shall elect one of their members to act as chairperson.

16.10.9 At least ten weeks' written notice of intention to move a proposal at the ordinary general meeting shall be given to the PRINCIPAL OFFICER, provided that -

- (a) the TRUSTEES may direct that any proposal which, in their opinion, is in conflict with the provisions of the RULES or is of a purely administrative nature shall not be introduced and discussed or voted on at the ordinary general meeting; and
- (b) the chairperson of the ordinary general meeting shall permit the introduction and discussion of and voting on any proposal which the TRUSTEES have submitted to the ordinary general meeting for consideration as a matter of exigency and in respect of which notice has not been given or has not timeously been given in terms of these RULES.

16.10.10 Proposals for discussion at the ordinary general meeting may be introduced only by -

- (a) the TRUSTEES;
- (b) a delegate of a LOCAL AUTHORITY if the proposal concerned has been duly approved at a meeting of the LOCAL AUTHORITY represented by the delegate; or
- (c) a delegate of MEMBERS if the proposal concerned has been duly approved at a meeting of MEMBERS held in terms of the provisions of RULE 16.12.

16.10.11 The PRINCIPAL OFFICER shall -

- (a) not less than nine weeks prior to the date of the ordinary general meeting send a list of all motions received to the Municipal Manager of each LOCAL AUTHORITY for its information and the information of MEMBERS; and
- (b) not less than two weeks prior to the date of the ordinary general meeting send a notice stating the date, time and place of the ordinary general meeting together with a copy of the agenda, annual report and financial statements to every delegate elected by the MEMBERS or appointed by a LOCAL AUTHORITY; provided that if no delegate is elected or appointed as aforesaid the PRINCIPAL OFFICER shall send a copy of the agenda, annual report and financial statements to the Municipal Manager of such LOCAL AUTHORITY for its information and the information of the MEMBERS.

16.10.12 Every delegate duly elected and present at the ordinary general meeting, and every TRUSTEE present at the ordinary general meeting shall be entitled to one vote.

16.10.13 The chairperson of such meeting shall have a casting as well as deliberative vote.

16.10.14 Existing TRUSTEES, who are not elected as delegates, may attend the ordinary general meeting. Such TRUSTEES may be re-elected to serve as a TRUSTEE and will have a vote at the meeting.

16.10.15 Voting shall be by show of hands, unless at least five delegates, by rising from their seats, request a vote by ballot.

16.10.16 A TRUSTEE vacancy as contemplated by RULE 16.2.3 may be filled at the ordinary general meeting on the following conditions:

- (a) The chairperson of the meeting or his assignee shall call for written nominations for the TRUSTEE vacancy subject to the provisions of RULE 16.2.3(b), provided that the chairperson must also consider written nominations for COUNCILLOR TRUSTEES submitted by LOCAL AUTHORITIES prior to the particular ordinary general meeting.

- (b) MEMBER TRUSTEES may be nominated only by MEMBERS other than PENSIONERS, COUNCILLOR TRUSTEES may be nominated only by COUNCILLORS and PENSIONER TRUSTEES may be nominated only by PENSIONERS.
- (c) Any delegate who is nominated for election as a TRUSTEE at the ordinary general meeting must indicate to the chairperson that he accepts such nomination. If he is not present at such meeting his written acceptance of such nomination must be in the possession of the chairperson;
- (d) The voting in respect of all nominees for election as a TRUSTEE shall be by ballot. Each delegate present at the meeting shall have one (1) vote. In the event of an equality of votes, the matter shall be resubmitted voting;
- (e) MEMBERS other than PENSIONERS may only vote for the MEMBER TRUSTEE vacancy, COUNCILLORS may only vote for the COUNCILLOR TRUSTEE vacancy and PENSIONERS may only vote for the PENSIONER TRUSTEE vacancy;
- (f) In the case of any voting by ballot, the chairperson shall appoint two or more persons to collect, scrutinise and count the ballot papers and to report the result thereof to him, whereupon he shall announce the result of the ballot to the meeting. The nominee with the highest number of votes in his particular constituency shall fill the vacancy subject to the provisions of RULE 16.2.3(a).

16.10.17 The result of the election referred to in RULE 16.4 will be announced at the ordinary general meeting, unless already announced in the FUND'S newsletter.

16.12. ELECTION OF MEMBER DELEGATES

- 16.12.1 The Municipal Manager of each LOCAL AUTHORITY shall convene a meeting of MEMBERS and of all PENSIONERS, of such LOCAL AUTHORITY, not later than five weeks after receipt of the notice provided for in RULE 16.10.2 for the purpose of electing a delegate or delegates with an alternate or alternates to attend the ordinary general meeting.
- 16.12.2 Written notice of the date, time and place of the meeting shall be given at least fourteen days before the date thereof to each MEMBER; provided that non-receipt of such notice by any MEMBER shall not invalidate the proceedings at such meeting.
- 16.12.3 The persons present at such meeting shall form a quorum.
- 16.12.4 The Municipal Manager of the LOCAL AUTHORITY shall act as chairperson of such meeting, or if he is for any reason absent or permanently or temporarily unwilling to so act or incapable of so acting, the meeting shall elect a person from those present to act as chairperson.
- 16.12.5 Minutes of the proceedings of such meeting shall be kept by the chairperson or any person appointed by him for the purpose.
- 16.12.6 The chairperson shall at such meeting invite nominations for the required number of delegates and alternates who shall be MEMBERS.
- 16.12.7 If the number of nominations received does not exceed the number of delegates or alternates which may be elected, the candidates so nominated shall be declared by the chairperson to have been duly elected.

- 16.12.8 If the number of nominations received exceeds either the number of the delegates or the number of alternates or both the number of delegates and the number of alternates which may be elected, as the case may be, the required number of delegates and alternates shall be elected by secret ballot.
- 16.12.9 A person attending the meeting shall not vote for more candidates than the number of delegates and alternates which may be elected.
- 16.12.10 The chairperson shall supply a ballot box which, before polling commences and after demonstrating to the meeting that it is empty, he shall seal in the presence of the meeting.
- 16.12.11 Each person attending the meeting shall complete the ballot paper handed to him and shall place it in the ballot box before he leaves the meeting.
- 16.12.12 The chairperson shall appoint two persons attending the meeting as scrutineers to count the votes immediately after the ballot.
- 16.12.13 If the validity of a ballot paper is in question or if there is a dispute between the scrutineers relating to the ballot, the matter shall be determined by the chairperson whose decision shall be final and binding. In the event of the chairperson having a direct or indirect interest in any such matter, he shall recuse himself and the meeting shall elect a person from among those present to act as chairperson for the purposes of this RULE and until such matter is determined as hereinafore provided by the chairperson so elected.
- 16.12.14 After the votes have been counted the chairperson and the scrutineers shall draw up a report indicating the result of the ballot. The chairperson and scrutineers shall sign the report and the candidate or candidates who obtained the highest number of votes shall be declared by the chairperson to be duly elected.
- 16.12.15 The Municipal Manager of the LOCAL AUTHORITY shall, within seven days of the meeting being held, submit to the PRINCIPAL OFFICER the minutes of the proceedings of such meeting, such report and a list of the names of every delegate and alternate elected.

DISTRICT COUNCIL

31 MARCH 2017

DC 134/03/17

**REPORT ON THE OVERSIGHT REPORT FOR THE 2015/16 FINANCIAL
YEAR / VERSLAG RAKENDE DIE OORSIGVERSLAG VIR DIE 2015/16
FINANSIËLE JAAR / INGXELO MALUNGE NENGXELO BANZI
KUNYAKAMALI KA 2015/2016 (570765)**

(10/1/1)

17 March 2017

REPORT FROM THE CHAIRPERSON OF MPAC (CLLR V GERICKE)

PURPOSE OF THE REPORT

To submit the Oversight Report to the Committee for recommendation to Council.

BACKGROUND

The Committee wishes to congratulate the administration on the achievement of the clean audit outcome.

The MFMA requires in Section 129 that:

"The Council of a municipality must consider the annual report of the municipality and of any municipal entity under the municipality's sole or shared control, and by no later than two months from the date on which the annual report was tabled in the council in terms of section 127, adopt an oversight report containing the council's comments 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.*

It further states in Section 130 that:"

The meetings of a municipal council at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken, must be open to the public and any organs of state, and a reasonable time must be allowed—

- a) *for the discussion of any written submissions received from the local community or organs of state on the annual report; and*
- b) *for members of the local community or any organs of state to address the council.*
- c) *Representatives of the Auditor-General are entitled to attend, and to speak at, any Council meeting referred to in subsection (1).*

The 2015/2016 Annual Report was tabled on 30 January 2017 in compliance with the Municipal Finance Management Act which requires in Section 127 that:

"The Executive Mayor of a municipality must, within seven months after the end of a financial year table in the Municipal Council the Annual Report of the municipality"

1. MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)

The Municipal Public Accounts Committee (MPAC) of the Eden Council is responsible according to The Terms of Reference of MPAC in Section 5.3:

To review the Municipality's Annual Report, including the Auditor-General's report on the financial statements and responses thereto with a view to ensuring satisfactory responses and corrective action, where necessary (in terms of the Municipal Finance Management Act, No 56 of 2003, section 129 (4)(a) and (b). Specific to the Auditor General Report and the Annual Financial Statements, the Committee shall –

- 1.1 *examine the reports of the Auditor-General on the accounts for the preceding financial year;*
- 1.2 *review the specific reports of the Auditor-General; and*
- 1.3 *review the Auditor-General reports in question, supplemented by a number of preliminary questions based on the audit report and to which the accounting officer is required to respond in writing.*

Members of Committee:

Cllr V Gericke
 Cllr D Xego
 Cllr CN Lichaba
 Cllr AJ Rossouw
 Cllr RE Spies
 Cllr BN Van Wyk
 Cllr T Van Rensburg

2. ANNUAL REPORT CONSULTATIONS PROCESS

The draft annual report was advertised and no comments were received from the public/communities.

3. SUMMARY OF COMMENTS

The purpose of the annual report is:

- to provide a record of the activities of the municipality or entity;
- to provide a report on performance in service delivery and against the budget;
- to provide information that supports the revenue and expenditure decisions made; and
- to promote accountability to the local community for decisions made.

The annual report of a municipality must include—

- a) the annual financial statements of the municipality, and in addition, if Section 122(2) applies, consolidated annual financial statements, as submitted to the Auditor-General for audit in terms of Section 126(1);
- b) the Auditor-General's audit report in terms of Section 126(3) on those financial statements;
- c) the annual performance report of the municipality prepared by the municipality in terms of Section 46 of the Municipal Systems Act;
- d) the Auditor-General's report in terms of Section 45(b) of the Municipal Systems Act;
- e) an assessment by the municipality's accounting officer of any arrears on municipal taxes and service charges;
- f) an assessment by the municipality's accounting officer of the municipality's performance against the measurable performance objectives referred to in Section 17(3) (b) for revenue collection from each revenue source and for each vote in the municipality's approved budget for the relevant financial year;
- g) particulars of any corrective action taken or to be taken in response to issues raised in the audit reports referred to in paragraphs (b) and (d);

- h) any explanations that may be necessary to clarify issues in connection with the financial statements;
- i) any information as determined by the municipality;
- j) any recommendations of the municipality's audit committee; and

3.1 COMMENTS ON FORMAT OF REPORT

- The content of the Annual Report, as tabled, comply in general with the guidelines contained in MFMA Circular 63, but are not in the following sequence, as prescribed by the said circular, which format for the annual report are based on five key Chapters:

Chapter 1: Introduction and Overview

Chapter 2: Performance Highlights

Chapter 3: Human Resource and other Organisational Management

Chapter 4: Audited Statements and Related Financial Information

Chapter 5: Functional Area Service Delivery Reporting

- The Committee commended the administration for the overall improvement with the Annual Report.
- A breakdown in terms of highlights per department, to avoid confusion and duplication.
- Highlights must include specific outcomes.

3.2 OMISSION ON THE REPORT (MPAC)

- Concerns about comments from the public/communities after advertising and two radio talk show/interviews during February 2017.
- A critical concern that certain communities are excluded from access to the report, e.g. language, translation and strategic points in terms of accessibility. In order to reach the broader community of the region, funding must be made available.

3.3 PREDETERMINED OBJECTIVES

None

Section 46 of the Municipal System Act states that:

- (1) A municipality must prepare for each financial year a performance report reflecting—
 - a) the performance of the municipality and of each external service provider during that financial year;
 - b) a comparison of the performance referred to in paragraph (a) with targets set for and performances in the previous financial year; and
 - c) measures taken to improve performance.
- (2) An annual performance report must form part of the municipality's annual report in terms of Chapter 12 of the Municipal Finance Management Act.

3.4 COMMENTS ON THE AUDITOR-GENERAL REPORT

Council has received a clean audit.

The Committee wishes to draw Council's attention to the Management Report that raised serious audit findings from the financial statements. Refer to Annexure A.

3.5 COMMENTS ON THE AUDIT & PERFORMANCE AUDIT COMMITTEE (APAC) REPORT

APAC member, Mr JRN Metelerkamp, took issue to the fact that the COMAF's are included in the Annual Report and his point of view is that only the audit report of APAC, should be included. Focus should be on the Management Report from the Auditor General. Refer to Annexure B.

4. COMMENTS FROM PUBLIC OR OTHER ORGANS OF STATE

None received.

5. RESERVATIONS

MPAC takes seriously note about the slow pace of transformation and therefore have agreed to refer the following policies for review at Council workshops:

- Supply Chain Policy
- Employment Equity Policy
- Resort Policy
- Properties (to bring it line with the objectives of transformation)
- Budget Related Policies (Tariff Policy; Asset Mangement Policy; Banking, Cash Management and Investment Policy; Credit Control and Debt Collection Policy; Funds and Reserve Policy; Budget Policy; Borrowing Policy; Longterm Financial Management Policy)
- Policies not in place, should be compiled/design in order to meet the current challenges and that Policies and procedures will remain and will be followed up next year. (Cllr Van Wyk)

Lack of Policy for the internal control of objectives, processes and responsibilities as identified by internal audit unit (Cllr Van Wyk)

- The issue of BEE, PPPFA, Tourism and LED has been highlighted as a serious concern to the Committee.
- The lack of an implementation plan in terms of Employment Equity.
- The Management Report of the Auditor General should have been included in the Annual Report that was submitted to Council on 30 January 2017 as well as to MPAC in order to assist the Committee in its deliberations.
- Concerns were raised with regards to access to resorts by historically disadvantage communities.
- Concerns regarding the employment of physical disabled people in Eden District Municipality.

6. WORLEYPARSONS

- The Executive Manager Financial Services has, in her financial statements, identified irregular expenditure to the amount of R947 459.70 (1 July 2014 to 30 June 2016). There is a technical dispute and/or /disagreement between the community services department and financial services department with regard to the expiry date of the Service Level Agreement with WorleyParsons for the establishment of a regional landfill facility for Eden District Municipality.

- The Executive Manager Financial Services has informed MPAC that this dispute has been referred to the Internal Audit unit for investigation to establish whether this is an element of negligence or whether it was deliberate.

LEFATSHE

The report submitted to MPAC on 15 March 2017 was incomplete and was only a synopsis of the events thus far. Members of the Committee were dissatisfied with the content of the report.

After very long thorough discussion, the Municipal Manager requested a caucus with the administration. When the meeting reconvened, the Municipal Manager submitted a request that the Committee considers a forensic review to include all activities from the start to the end.

Subsequently the Committee resolved to recommend that:

- In view of the fact that the Committee do not have all the facts, and in order to provide Council with accurate information and direction, it was proposed by Cllr RE Spies and seconded by Cllr NC Lichaba:
 1. That the Committee recommends to Council to consider a forensic review.
 2. That the Municipal Manager be authorized to procure the necessary expertise.
 3. That an independent report of the forensic review be submitted to MPAC for consideration.
 4. That after consideration of three (3) above, a final report be submitted to Council.

VAN DER BERG TRANSPORT AND VOLMOED QUARRIES CC

After a thorough discussion on this matter, it was resolved as follows:

- That Van der Berg Transport and Volmoed Quarries CC (COMAF 9), with specific emphasis on collusion and circumventing of the supply chain processes as well as improper conduct be investigated and reported to MPAC as soon as possible.

UITVOERENDE OPSOMMING

Artikel 129 van die MFSW bepaal dat 'n munisipaliteit 'n Jaarverslag oorweeg. Artikel 127 van die Wet bepaal verder dat 'n Oorsigverslag deur die Raad oorweeg moet word.

Die Jaarverslag het gedien by die MPRK vergaderings gehou op 17 Februarie 2017, 07 Maart 2017. Die Oorsigverslag was bespreek tydens 'n vergadering gehou op 15 Maart 2017.

RELEVANT LEGISLATION

Section 127 of the Local Government Municipal Financial Management Act, Act 56 of 2003.

RECOMMENDATION

1. That Council, after having fully considered the annual report of the municipality and representations thereon, adopts the oversight report and the 2015/2016 Annual Report with reservations, as contained in paragraph five (5) of the report.
2. That the Accounting Officer, in accordance with Section 21 (a) of the Municipal Systems Act, make the oversight report public within seven (7) days of its adoption.
3. That the Accounting Officer of a municipality must submit the Oversight Report to the provincial legislature within seven (7) days.
4. That the following concerns be addressed by Management and Council:
 - Council decides on the outcome of the 2015/16 Auditor General Management Report (see Annexure A.).
 - APAC's concerns as contained in their report (see Annexure B).
 - In the event of unauthorised, irregular, fruitless and wasteful expenditure, Section 32 of the MFMA, should take effect, with special emphasis on Section 32 (2) (a)(i)(ii) and (b).
5. That Council considers MPAC's requests as recommended listed in point six (6) under reservations (WorleyParsons, Lefatshe and Van der Berg Transport & Volmoed Quarries CC.)

6. That the Municipal Manager and officials be requested to submit quarterly reports with action plans and timeframes which addresses all concerns/issues raised by the Auditor-General and APAC to MPAC.

AANBEVELING

1. *Dat die Raad, na voldoende oorweging, die 2015/16 Jaarverslag van die munisipaliteit en voorleggings hierin, die oorsig verslag met voorbehoud aanvaar, soos vervat in paragraaf vyf (5) van die verslag.*
2. *Dat die Rekenpligtige Beampte, in gevolge Artikel 21 (a) van die Munisipale Stelselwet, die oorsigverslag publiseer binne sewe (7) dae na aanvaarding daarvan.*
3. *Dat die Rekenpligtige Beampte van die munisipaliteit die oorsigverslag binne sewe (7) dae aan die Provinsiale Wetgewer voorsien.*
4. *Dat die volgende bekommernisse deur Bestuur en die Raad aangespreek word:*
 - *Die Raad 'n besluit neem rakende die uitkomst van die 2015/2016 Ouditeur-Generaal se Bestuursbrief (Verwys na Aanhangsel A).*
 - *OPOK se bekommernisse soos vervat in hul verslag (Verwys na Aanhangsel B).*
 - *Dat in die geval van ongemagtigde, onreëlmatige, vrugtelose en verkwiste uitgawes, Artikel 32 van die MFBW van toepassing sal wees met spesifieke beklemtoning van Artikel 32 (2)(a)(i)(ii) en (b).*
5. *Dat die Raad MPRK se versoeke soos aanbeveel in punt ses (6) onder voorbehoud oorweeg. (WorleyParsons, Lefatshe and Van der Berg Vervoer & Volmoed Quarries CC).*
6. *Dat die Munisipale Bestuurder en amptenare versoek word om kwartaalverslae met aksieplanne en tydsraamwerke wat die bekommernisse/aangeleenthede aanspreek, soos deur die Ouditeur-Generaal en Oudit & Prestasie Ouditkomitee.*

ISINDULULO

1. Sesokuba iBhunga, emveni kokuba liqwalasele ngokubanzi ingxelo yonyaka yomasipala kunye nonikezelo lwengxelo ngayo, lamkele ingxelobanzi kunye Nengxelo Yonyaka ka 2014/2015 ngobunono.

2. Sesokuba Igosa Elisegunyeni, ngokulandelwa ngoMhlathi 21(a) womThetho Wenkqubo zoMasipala, wenze ingxelo banzi nezokunikezelwa eluntwini kwintsuku ezisixhenxe yabe yamkele.
3. Sesokuba Igosa Elisegunyeni kumasipala kufuneka linikezele Ngengxelo Ebanzi ephondweni kwintsuku esizixhenxe.
4. Sesokuba ezinxalabo zilandelayo zilunguswe ngabaphathi:
 - Sesokuba iBhunga lithathe isigqibo ngeziphumo zika 2015/2016 Zolawulo Zomphicothi Jikelele (Jonga Isifakelo A).
 - Sesokuba iBhunga lithathele ingqalelo inxalabo ze APAC njengoko ziqulathwe kwingxelo (Jonga Isifakelo B).
 - Ukubanga kwenzekile kubekho incitho engekhomthethweni, engafanelekanga, enganageniso, uMhlathi 32 we MFMA, kufuneka usetyenziswe, ingakumbi ngokugxininisa kuMhlathi 32(2)(a)(i)(ii) kunye no (b).
5. Sesokuba iBhunga linike ingqwalasela isicelo se MPAC njengoko sisindululo simiswe kumhlathi 6 phantsi koxhomekeko(WorleyParsons, Lefatshe and Van der Berg Transport & Volmoed Quearries CC.)
6. Sesokuba uMphathi Masipala kunye namagiosa bacele ukuba banikezele ngengxelo zabo zekota kunye nezicwangciso zamanyathelo kunye namaxesha amisiweyo okukhawulelalana nalemicemlimngeni/ezingxaki neziye zaphakanyiswa kuMphicothi Jikelele kunye ne APAC kwi MPAC.

ANNEXURE A

Management report of Eden District Municipality

SECTION 7: Summary of detailed audit findings

| Page | Finding | Classification | | | | | | | Number of times reported in any of the three years | Status of implementation of previous year's recommendations |
|------|--|---------------------------------------|--|---------------------------------|-----------------------------|------------------|--|-------------------------|--|---|
| | | Misstatements in financial statements | Misstatements in annual performance report | Non-compliance with legislation | Internal control deficiency | Service delivery | Matters affecting the auditor's report | Other important matters | | |
| | Predetermined objectives | | | | | | | | | |
| 34 | Predetermined objectives: validity and completeness of performance information | | ✓ | | | | | ✓ | 0 | N/A |
| | Provisions | | | | | | | | | |
| 37 | Alien vegetation provisions misstatement | ✓ | | | | | | ✓ | 0 | N/A |
| 39 | Receivables | | | | | | | | | |
| 39 | Impairment of receivables is understated | ✓ | | | | | | ✓ | 0 | N/A |
| | Non-compliance | | | | | | | | | |
| 28 | SCM: Supplier with highest score not awarded the bid | | | ✓ | | | | ✓ | 0 | N/A |
| 42 | SCM: Informal tender procedures not followed | | | ✓ | | | | | 0 | N/A |
| 46 | SCM-Late submission of quarterly report | | | ✓ | | | | ✓ | 0 | N/A |
| 48 | SCM - improper conduct | | | ✓ | | | | ✓ | 0 | N/A |
| 50 | SCM: Supplier with lowest price not selected | | | ✓ | | | | ✓ | 0 | N/A |
| 52 | HR management non-compliance with minimum competency requirements | | | ✓ | | | | ✓ | 0 | N/A |
| 54 | Use of consultants: No policy in place to address the use of consultants | | | ✓ | | | | ✓ | 0 | N/A |
| 56 | Bank reconciliations | | | ✓ | | | | ✓ | 0 | N/A |
| | Disclosure | | | | | | | | | |
| 58 | High-level review of AFS | ✓ | | | | | | ✓ | 0 | N/A |
| 62 | Non-disclosure of fruitless and wasteful | ✓ | | | | | | ✓ | 0 | N/A |



Management report of Eden District Municipality

| Page no. | Finding | Classification | | | | | Rating | | Number of times reported in previous three years | Status of implementation of previous year's recommendations |
|----------|---|---------------------------------------|--|---------------------------------|-----------------------------|------------------|--|-------------------------|--|---|
| | | Misstatements in financial statements | Misstatements in annual performance report | Non-compliance with legislation | Internal control deficiency | Service delivery | Matters affecting the auditor's report | Other important matters | | |
| | expenditure in the Annual Financial statement | | | | | | | | | |
| 84 | Related party information systems | ✓ | | | | | | ✓ | 0 | N/A |
| 87 | Password configuration settings not in line with ICT Security Management policy | | | | ✓ | | | ✓ | 1 | In progress |

Detailed audit findings**ANNEXURE A: MATTERS AFFECTING THE AUDITOR'S REPORT**

No matters were identified



ANNEXURE B: OTHER IMPORTANT MATTERS

Non-compliance

1. SCM: Supplier with highest score not awarded the bid

Audit finding

Municipal Supply Chain Management Regulations of 2005 par 28 (1)(b) states:

"A bid evaluation committee must evaluate each bidders ability to execute the contract"

Municipal Supply Chain Management Regulations of 2005 par 28 (1)(a)(ii) states:

"A bid evaluation committee must evaluate bids in accordance with the points system as must be set out in the supply chain management policy of the municipality or municipal entity in terms of regulation 27 (2) (f) and as prescribed in terms of the Preferential Procurement Policy Framework Act."

Preferential Procurement Policy Framework Act No. 5 of 2000 par 2 (1)(f) states:

"An organ of state must determine its preferential procurement policy and implement it within the following framework:

...the contract must be awarded to the tenderer who scores the highest points, unless objective criteria in addition to those contemplated in paragraphs (d) and (e) justify the award to another tenderer."

Preferential Procurement Regulations 2011 par 7 (1) states: *"A contract may be awarded to a tenderer that did not score the highest total number of points, only in accordance with section 2 (1) (f) of the Act."*

During the testing of the supply chain management it was identified that suppliers not scoring the highest points were awarded the contract. Awards were made to all potential suppliers irrespective of the points scored as detailed in table below.

| | Winning Suppliers | Total points scored overall | Winning Suppliers | Total points scored overall | Winning Suppliers | Total points scored overall |
|--------------------------|---------------------|-----------------------------|--------------------------------|-----------------------------|--------------------------------|-----------------------------|
| Tender number | E/13/14-15 | | R/09/15-16 | | R/16/15-16 | |
| | Le Roux Lambrechts | 0 | Robbeberg Quarry | 89.53 | Robbeberg Quarry | -2.88 |
| | Raubenheimer | 12 | Lezmin (Pty) Ltd t/a K1 Quarry | 93 | Lezmin (Pty) Ltd t/a K1 Quarry | 74.09 |
| | Regan Brown Inc | 16 | Volmoed Quarry | 48.59 | Volmoed Quarry | 2.7 |
| | Bruwer and Reynolds | 12 | | | VSV Plant Hire CC | 90 |
| | | | | | Transand | 1.74 |
| Current year expenditure | 432 384,96 | | R0,00 | | R0,00 | |

Further evidence obtained from enquiries with managements suggests that the tenders R/09/15-16 and R16/15-16 is due to the location of the suppliers that were taken into account as transport cost influence the cost.

The evidence obtained from the tender specifications in respect of these two awards does not include a functionality criteria for which the potential supplier will be selected based on the location of the supplier. Further it should be noted that the tender is not for transport services and the tender was thus not evaluated based on the specifications set out in the tender documents.



In all three cases the tenders were not evaluated and adjudicated in terms of the PPPFA, PPR and the municipal SCM policy as set out in the tender document.

This is due to the fact that there is no clear evidence that the evaluation committee performed a proper assessment as to whether the suppliers are capable and does have the necessary capacity to provide the goods and services at the most economical manner as all potential suppliers were awarded the contract.

This is non - compliance with the applicable laws and regulations and the municipal SCM policy.

Expenditure incurred in terms of the awarded contracts will thus be irregular.

Internal control deficiency

Financial and performance management

Review and monitor compliance with applicable laws and regulations

Management did not perform a proper review on the approval of the awards to ensure that the procurement is done in accordance the municipal supply chain management policy and in compliance with the applicable laws and regulations.

Recommendation

Management should monitor and review the approvals in the procurement process in order to ensure compliance with the municipal supply chain management policy and applicable laws and regulations relating to procurement.

Management should disclose the expenditure incurred in respect of these awards made as part of the irregular expenditure in the financial statements.

Management response

Management comment on the audit finding:

Management disagrees with the findings of the auditors and an extensive discussion with the auditors was provided with regards to framework agreements and how they work. Framework agreements are a fairly old practice and National Treasury and Provincial Treasury are currently on road show promoting this practice where a panel of service providers are appointed instead of one service provider. Evidence to such will be provided, refer to Annexure A.

Formal Tender E/13/14-15 - Appointment of a panel of Legal advisors / attorneys

In accordance with framework agreements, the appointment of a panel of attorneys was to ensure that we have a panel of attorneys that cover a broad spectrum of legal disciplines. As we are aware that law fraternity has a broad spectrum of specialised fields and a few firms rarely ever deal with all these matters in house. Therefore, instead of paying referral fees it was deemed plausible to appoint a panel. As far as the use of Preferential Procurement scoring process, on such tenders the functionality assessment is the minimum requirement. We need to highlight that the mere fact that we do point scoring is to allow us to be able to identify the preferred sequence on how we would approach their services subject to the matter of interest being in their scope of practice. Therefore, the point scoring gives a clear indication on the variation in rates at hand and is brought into consideration along other factors when an appointment of a service provider or legal advisor is put into consideration.

Therefore, the matter at hand with regards to the appointment of a panel of legal advisors is not as simple as the Auditors have alluded and much thought and discussion went into it to ensure value for money for Eden DM is sourced.

Formal Tender R/09/15-6 – Supply and delivery of Road Stones & Formal Tender R/16/15-16 – Supply and Delivery of Base Coarse

The same principles as above apply on this tender as far as the usage of framework agreements



is concerned. The auditors seem to confuse the issue which was raised regarding location and transport cost as a factor that is crucial when considering usage of any specific service provider any given point in time. With regards to activities of roads department, one must always take into consideration the vast topography of the nature of the work that they do. Therefore, at any given time the location of the project will influence the logistics of the facilities of goods or services they would use. The prices that you would see in the schedule in this tender would deal not in the commodity price but also two other factors; in bin or ex bin. These two concepts have to deal with either the delivery of the commodity to site where it is needed or council providing its own transport to collect it. Therefore, there is a third factor to add to the calculation which will be the distance and the rate per kilometre either way. Therefore, the matter of usage of any of the service providers will depend on a variation of factors and doing a costing element and which facility is best to use at that particular point in time per project.

Therefore, we are again highlighting the various complexities which Eden, through various Supply Chain Management committees, would have to consider when making an appointment of these facilities and that it cannot be downscaled to one service provider and why it would make logistical operational sense to appoint the panel. PPP point allocation in this regard also allows us to identify one factor to the equation which relates to the commodity price and that in itself is not conclusive, due to the other variable as mentioned in the equation.

Conclusion:

The legislative and regulatory framework that governs the nature of the work we do in the procurement of goods or services is there to provide a guideline and a premise. However, it does not limit application, but allows entities to react and to service their needs in a manner that is aligned to their operational requirements. Supply Chain Management as it is, is not merely an acquisition of goods and services within the confines of a Request for quotation (RFQ). It is an intricate thought process that has to look at various elements that ensures optimum use of resources to source value for money in a manner that is equitable and transparent. Therefore, as one would go through our process of appointment of service providers, one can immediately identify that much consideration has been put within the regulatory framework. No service provider has been prejudiced or unfairly treated and as such no appeals have been lodged.

Framework agreements are again coming to the forefront of procurement to ensure that municipalities are not engaged in contracts that may not allow them to ensure value for money while procuring quality goods and services. I would urge the Auditor General as per our engagement to familiarise themselves with this process. I will attach some material that deals with the guidelines of framework agreements, refer to Annexure B.

Management comment on the root cause identified within the audit finding:

We disagree with the auditors on the matter of internal control deficiency, as in fact we have displayed that much more thought took place in the process of appointment of the above panels of service providers. The systems in place and internal control factors ensure that we are prudent in our application of the regulatory framework.

The veracity and pedantic thought process cannot be questioned when it comes to looking at ensuring that all regulatory compliance matters are executed in view of our unique operation and the requirements per project. There is extensive discussion and engagement with all parties concerned and any appointment made is not taken lightly to ensure that we keep to the spirit of Section 112 of the Municipal Finance Management Act 56 of 2003.

Management comment on the recommendation:

We take note of the recommendation and we always welcome any inputs that are made in enhancing the efficiency of our process while observing the guiding regulatory framework. We also highlight and bring out clarity on our internal process, systems and controls in place that highlights how prudent and pedantic we are in ensuring a fair, equitable, transparent, competitive

| | | |
|---|---|---------------------------------------|
| and cost effective Supply Chain Management System, that complies with the regulatory framework. | | |
| Remedial action: | | |
| What actions will be taken: Continue to be prudent in the ensuring compliance to regulatory framework | By whom: User Departments, Supply Chain Bid Committees and Management | By when: Continuous process |

Auditor's conclusion

Management response is noted and evaluated for each instance of non-compliance identified as stipulated.

Management should be reminded that legislation is not a guideline, is enforceable and should be adhered to in order to avoid any non – compliance issues. The municipal supply chain management policy that is developed in accordance the applicable regulations and implemented by management should be followed to avoid irregular expenditure instances in future.

Furthermore it should be taken into consideration that framework contracting are not set to make the current system of general open competitive bidding redundant. In respect of this the supply chain management process followed by the municipality should be in line with legislation and its own supply chain management policy.

Management has set out in advertising these bids that it will be evaluated in terms of the PPPFA, PPR and the municipal supply chain management policy. Within these clear instructions is given on the specification, evaluation and adjudication process which the municipality has to follow. These clear instructions forms the bases to comply with Section 112 of the MFMA and any deviation from the prescribed regulatory framework would not only result in non – compliance, but also a fail in the supply chain management process achieving what it is intend to do.

The award to all legal firms who submitted a bid for tender E/13/14-15 is in direct contrast of management's argument of using the points system as a guide to make use of the service provider given their scope of work and the various rates charged. The application of the points calculation to award part of the tender to the service provider who scored the highest points for a specified service a bid was provided for was not evident and as such the evaluation of the bids did not take into account the points system.

With regards to tenders R/09/15-16 and R/16/15-16 management made reference to the location of the project that will influence the logistics of the facilities of goods or services they would use and as such a variation of factors would influence the cost element and which supplier to use. The fact that the municipality have to indicate through the District Roads Engineer to the Department of Transport and Public Works what roads will be maintained, repaired, protected and managed in the Eden district for the funds to be made available to the Roads Department of the municipality eliminates the variations referred to by management. This is further confirmed in the Service Level agreement that forms part of the Memorandum of Agreement between the Eden District Municipality and the Western Cape Provincial Government which indicates exactly in which areas roads will be affected. Within this agreement the road number and distance per kilometer of road to be treated is also concluded on. Based on this the municipality had all the information available which is described as varying factors and thus this argument provided by management has no substance.

The evidence provided by management did not indicate that the points system was taken into account when evaluating the bid of the respective suppliers keeping in mind the information the municipality had to their disposal.



Management's approvals of all the above listed contracts were not in accordance with the listed legislation and the supply chain management policy as set out in the COMAF and thus the finding remains.

Management response to draft management report

Tender E13/14/15: On the panel of attorneys – We disagree with the findings of the auditors:

(i) The Sourcing strategy as per the Supply Chain Management Policy 10(4)(a)(iii) read with section 18(a) allow you to advertise that you will use a panel of attorneys on a rotation-mechanism basis which is also supported by the judgement in *Rainbow Civils CC v Minister of Transport and Public Works, Western Cape 2013* ZAWCHC 3 (6 February 2013).

(ii) Eden District Municipality followed a competitive process and pre-qualified ALL qualifying service providers

(iii) Because the prices were competitive (mostly aligned to the published attorney fees with a minimal discount) and will be negotiated if and when the services are required – the bids were not evaluated on price and preference but on qualifying criteria - but did consider its validity at the time of the award.

Tender R09/15-16 Supply and delivery of Road Stones and Tender R16/15/16 Supply and delivery of Base Coarse

We disagree with the findings of the auditors, and remain with our original comments. With regards to activities of the roads department, one must always take into consideration the vast topography of the nature of the work that they do. Therefore, at any given time the locations of the project will influence the logistics of the facilities of goods or services they would use. The prices that I sin the schedule in the tender would deal not in the commodity price but also two other factors: in bin or ex bin. These two concepts have to deal with either the delivery of the commodity to site where it is needed or council providing its own transport to collect it. Therefore, there is a third factor to add to the calculation which will be the distance and the rate per kilometre either way. Therefore, the matter of usage of any of the service providers will depend on a variation of factors and doing a costing element and which facility is best to use a that particular point in time per project.

Framework agreements are again coming to the forefront of procurement to ensure that municipalities are not engaged in contracts that may not allow them to ensure value for money while procuring quality goods and services.

Auditor's final conclusion

Tender E/13/14-15 as the tender advertisement specified that the municipality requires services from a pool of lawyers and all that tendered were awarded the contract and will be used based on their experience on each service is needed when the need arise therefore there is no non-compliance in this contract.

Tender R/09/15-16 and R/16/15-16

In terms of technical opinion Regulation 4 (1) of the Preferential Procurement Regulations of 2011 (PPR) require that an organ of state must indicate if the tender will be evaluated on functionality.

Management's response to the audit finding indicate that contracts were awarded to all bidders irrespective of each bidder's total points scored for both price and B-BBEE. These contracts will be executed at prices indicated by the supplier in their bidding documents, unless the municipality has made a pre-determination of prices. If the various contracts' prices are based on prices as quoted by the suppliers in their bidding documents – then this is not fair to the bidders that quoted lower prices but execute the same work as those that quoted higher prices. If the contract prices are standardised (fixed) across all suppliers, then the process is not unfair in so far as price is concerned. However, the

PPR does not only make consideration for prices, but also makes room for preference with regards to bidder's points for B-BBEE contribution.

If prices are standardised and B-BBEE is not factored into the work-allocation process; then bidders that do not make attempts to contribute towards B-BBEE receive a favourable treatment. This process then is contrary to the requirements of section 217 (2); which make provision for preferential treatment of bidders that were previously disadvantaged by unfair discrimination. This makes the tender and awarding-of-contracts process unfair to bidders that made an effort to obtain good B-BBEE credentials.

Further, management points out that the allocation of work is dependent on the location of the sites where goods and services are to be offered. Therefore this provides a form of preference to bidders that are nearest to the municipality's various locations. This awarding criteria is a form of functionality which must have been objectively evaluated across all bidders before awarding.

The post-award allocation-of-work becomes unequitable and unfair when the process is decided on only after awarding of contracts.. This criteria (since it is a key consideration in the allocation of work post-awarding) should have been transparently indicated in the invitation to bid as required by PPR 4 (1).

It should be brought to light that the allocation of work based on supplier's proximity is near sighted as some suppliers may be based afar but they may have established distribution channels that not make their transport costs more cost effective but also more timely. In any case – how is management making the decision of proximity without the bidder indicating its radius (in kilometres around the various municipalities' locations) in their bidding document? The decision therefore is not objective as it cannot be measured objectively.

Therefore of the view that the municipality does not fully satisfy the requirements of PPR (functionality, proper allocation of points based on price and B-BBEE). This is non-compliance and will result to irregular expenditure.



Predetermined objectives

2. Predetermined objectives: validity and completeness of performance information

Audit Finding

Chapter 3 of the National Treasury: Framework for Managing Programme Performance Information issued 22 June 2007 requires that:

A good performance indicator should be:

- (a) **Reliable:** the indicator should be accurate enough for its intended use and respond to changes in the level of performance.
- (b) **Well-defined:** the indicator needs to have a clear, unambiguous definition so that data will be collected consistently, and be easy to understand and use.
- (c) **Verifiable:** it must be possible to validate the processes and systems that produce the indicator.
- (d) **Cost-effective:** the usefulness of the indicator must justify the cost of collecting the data.
- (e) **Appropriate:** the indicator must avoid unintended consequences and encourage service delivery improvements, and not give managers incentives to carry out activities simply to meet a particular target.
- (f) **Relevant:** the indicator must relate logically and directly to an aspect of the institution's mandate, and the realisation of strategic goals and objectives.

Paragraph 3.2 (a) of the National Treasury Framework for managing programme performance information (FMPPi) requires that the indicator be accurate enough for its intended use and respond to changes in the level of performance.

During the testing of the key performance indicator(KPI) Create job opportunities through the Extended Public Works Programme by 30 June 2016 it was identified that job opportunities created outside the current financial year were incorrectly included in the actual performance figure in the current year annual performance report.

This relates to the below listed job opportunities created:

| SURNAME & INITIALS | PERSAL NR | START | END | POSITION | PLACE |
|--------------------|-----------|-----------|-----------|-------------|-----------|
| PIETERSEN ML | 51610 | 01-Dec-14 | 30-Jun-16 | STUDENT | SLANG R |
| WILLIAMS AE | 51617 | 01-Dec-14 | 30-Jun-16 | ECD STUDENT | HEROLD |
| PHILANDER R | 51620 | 01-Dec-14 | 30-Jun-16 | ECD STUDENT | SLANG R |
| KLEYNHANS LE | 51621 | 01-Dec-14 | 30-Jun-16 | ECD STUDENT | SLANG R |
| MAKWENA AM | 51622 | 01-Dec-14 | 30-Jun-16 | ECD STUDENT | HEROLD |
| BOOYSEN J | 51623 | 01-Dec-14 | 30-Jun-16 | ECD STUDENT | HEROLD |
| DE LANGE P | 51613 | 01-Dec-14 | 30-Jun-16 | ECD STUDENT | WABOOM |
| PEDRO AE | 51629 | 01-Dec-14 | 30-Jun-16 | ECD STUDENT | HEROLD |
| SKIETEKAT LM | 51630 | 01-Dec-14 | 30-Jun-16 | ECD STUDENT | SLANG R |
| ROSSOUW J | 51632 | 01-Dec-14 | 30-Jun-16 | ECD STUDENT | MELKH |
| SMITH LDS | 51634 | 01-Dec-14 | 30-Jun-16 | ECD STUDENT | KRANSH |
| JAFTA R | 51841 | 08-Jun-15 | 27-Nov-15 | WORKER | SWARTVLEI |
| DUKA S | 51843 | 08-Jun-15 | 27-Nov-15 | WORKER | SWARTVLEI |
| PAULI V | 51844 | 08-Jun-15 | 27-Nov-15 | WORKER | SWARTVLEI |
| STADLER CM | 51849 | 08-Jun-15 | 27-Nov-15 | WORKER | SWARTVLEI |
| NEKA XF | 51850 | 08-Jun-15 | 27-Nov-15 | WORKER | SWARTVLEI |
| BARNARD TL | 51851 | 08-Jun-15 | 27-Nov-15 | WORKER | SWARTVLEI |
| GROOTBOOM IB | 51852 | 08-Jun-15 | 27-Nov-15 | WORKER | SWARTVLEI |

| SURNAME & INITIALS | PERSAL NR | START | END | POSITION | PLACE |
|--------------------|-----------|-----------|-----------|-------------|-----------|
| MBANA M | 51853 | 08-Jun-15 | 27-Nov-15 | WORKER | SWARTVLEI |
| BOER HA | 51860 | 08-Jun-15 | 27-Nov-15 | WORKER | SWARTVLEI |
| MOLLIGAN LE | 51861 | 08-Jun-15 | 27-Nov-15 | WORKER | SWARTVLEI |
| MEIRING DN | 51618 | 01-Dec-14 | 30-Jun-16 | ECD STUDENT | HEROLD |

This result in a material projected overstatement of 85 created job opportunities in the population. Management should revisit the population to identify and remove all items that should not be included as part of the actual performance reported.

During the testing of the key performance indicator(KPI) Create job opportunities through the Extended Public Works Programme by 30 June 2016 it was identified that not all job opportunities created in the current financial year were included in the actual performance figure in the current year annual performance report.

This relates to the below listed job opportunities created:

| SURNAME & INITIALS | PERSAL NR | START | END | POSITION | DEPARTMENT |
|--------------------|-----------|-----------|-----------|----------------|------------|
| Speelman A | 52124 | 21-Jun-16 | 31-Mar-17 | General worker | Roads |
| Speelman N | 52159 | 16-May-16 | 17-Jun-16 | General worker | Roads |
| Frans J | 52126 | 21-Jun-16 | 31-Mar-17 | General worker | Roads |
| Speelman A | 52104 | 21-Jun-16 | 31-Mar-17 | General worker | Roads |
| Speelman M | 52144 | 21-Jun-16 | 31-Mar-17 | General worker | Roads |

This result in a projected understatement of 19 created job opportunities in the population. Management should revisit the population to identify and include all items that should be included as part of the actual performance reported.

Internal control deficiency

Internal control deficiency

Financial and performance management

Regular accurate and complete financial and performance reports

Management did not ensure that the employees responsible for the compilation of the portfolio of evidence are adequately trained to ensure that only valid and complete information is captured.

Management has not performed sufficient monitoring and review of the compiled portfolio of evidence to ensure that valid and complete information is captured to support the reported figure in the annual performance support.

Recommendation

Management should provide proper training and guidance to staff involved in compiling the portfolio of evidence used for reporting purposes.

Management should monitor the process of compiling the portfolio of evidence regularly to identify and correct instances where incorrect information is captured timeously.

Management should perform a thorough review of the portfolio of evidence compiled to identify and include any items not included as part of the portfolio of evidence before reporting in the annual performance report.

The annual performance report should be adjusted accordingly to correctly reflect the item reported above.



Management response

| | | |
|--|----------------|----------------|
| Management comment on audit finding | | |
| Management agrees with the audit finding and will amend the actual results on the annual performance report. | | |
| Management comment on internal control deficiencies | | |
| Management agrees with the root cause identified. | | |
| Management comment on recommendation | | |
| Management takes note of the recommendation and will provide proper training and guidance to staff involved in compiling the portfolio of evidence used for reporting purposes; furthermore, management will regularly monitor the process of compiling the portfolio of evidence to identify and correct instances where information is captured timeously. | | |
| Management reviewed the total population and the actual results for the year are 123 job opportunities created. Refer to Annexure A, hereto attached, for the detail of the 123 job opportunities created. | | |
| Remedial action | | |
| What actions will be taken | By whom | By when |
| If the above finding affects an amount(s) disclosed in the financial statements | | |
| Please give an indication of whether a correcting journal entry shall be processed | YES | NO |
| <i>If yes, please indicate the accounting entry</i> | | |
| <i>If no, please provide the reason why such a conclusion has been reached</i> | | |

Auditor's conclusion

Management's response acknowledged. The adjustment was confirmed upon receipt of the adjusted annual performance report. As the internal control deficiency gave rise to the material adjustment the matter will remain and be followed up during the next audit cycle.

Provision

3. Alien vegetation provisions misstatement

Audit Finding

Standards of General Recognised Accounting Practice (GRAP) 19:21 Provision, Contingent liabilities and contingent assets; states that

A provision shall be recognised when:

- (a) an entity has a present obligation (legal or constructive) as a result of a past event;*
- (b) it is probable that an outflow of resources embodying economic benefits or service potential will be required to settle the obligation; and*
- (c) a reliable estimate can be made of the amount of the obligation.*

If these conditions are not met, no provision shall be recognised.

During the audit of provision it was identified that the property listed below does not belong to the municipality but were included in provision calculation, that means the municipality is not the person in control therefore no legal obligation.

Based on the above the recognition criterion is not meet therefore the municipality should have not raised the provision for these assets.

| No | Field Map | Erf number | Area |
|----|-----------|----------------|-------------------|
| 1 | 1 | Erf 35 | Rheenendal |
| 2 | 4 | Erf 530 | Uniondale |
| 3 | 6 | Erf 1496 | Uniondale |
| 4 | 12 | Erf 1370 | Wilderness |
| 5 | 23 | 148, portion 1 | Gold diggings |
| 6 | 24 | 148, portion 4 | Gold diggings |
| 7 | 41 | Erf 555 | Natures Valley |
| 8 | 46 | Erf 434 | Harlem, Uniondale |

It was also identified that the discounting rate used was not the current CPIX inflation rate of 6.4% but 5%

Based on the calculation the provision and taking into account the rate that should have been used the provision and the increase in provision for Alien vegetation are overstated by R2 147 296.02.

Internal control deficiency

Financial and performance management

Regular, accurate and complete financial and performance reports

The municipal management did not implement adequate controls to ensure that the provision calculations are reviewed for accuracy and completeness. Consequently errors in the provision calculation would not be identified by the municipality and may thus cause material misstatements in the financial statements.

Recommendation

Management should strengthen the review process of the information supporting the financial statements in order to prevent, detect and correct any omissions and/ or errors.



Management should amend the financial statements to correct the misstatement in respect of provision.

Management response

| | | | |
|--|-----------------|-----------------|--|
| <u>Management comment on the audit finding:</u> | | | |
| Management agrees with the audit finding. Subsequently, management has revisited the total population to ensure that the completeness of the properties included in the provision and we concluded to a revised overstated difference of R784 597.90 instead of R2 147 296.02 identified by the Auditor General, please refer to Annexure A. | | | |
| <u>Management comment on the root cause identified within the audit finding:</u> | | | |
| <u>Management comment on the recommendation:</u> | | | |
| The recommendation from the Auditor General is noted by management | | | |
| <u>Remedial action:</u> | | | |
| <u>What actions will be taken:</u> | <u>By whom:</u> | <u>By when:</u> | |
| | | | |
| If the above findings affects an amount (s) disclosed in the financial statements: | | | |
| Please give an indication of whether the correcting journal entry shall be processed: | | | |
| If yes, please indicate the accounting entry: | | | |
| If no, please provide the reason why such a conclusion: | | | |

Auditor's conclusion

Management's response is acknowledged, the discounting rate used for the adjustment of R784 597,90 is 5% not the inflation rate. The yearly cash-flow calculation should have been based on the salary increase percentage and the net present value on the current inflation rate for the year under review. The correct adjustment will be confirmed on receipt of audited AFS.

Final auditor's conclusion

Inspected the adjusted schedule that auditors agree on the adjustment of R780 025,15 as per schedule and also confirmed the adjustment on the audited financial statements.

The internal control deficiency resulted in the misstatement therefore the finding will remain in the management report for follow up in next year audit.



Receivables

4. Impairment of receivables is understated

Audit finding

GRAP 104 par 57 states: An entity shall assess at the end of each reporting period whether there is any objective evidence that a financial asset or group of financial assets is impaired. If any such evidence exists, the entity shall apply paragraphs .61 to .63 for financial assets carried at amortised cost.

MFMA 167. Councillors' remuneration. –

1. *A municipality may remunerate its political office-bearers and members of its political structures, but only-*
 - a) *Within the framework of the Public Office-Bearers Act, 1998 (Act No. 20 of 1998), setting the upper limits of the salaries, allowances and benefits for those political office-bearers and members; and*
 - b) *In accordance with section 219(4) of the Constitution.*
2. *Any remuneration paid or given in cash or in kind to a person as a political office-bearer or as a member of a political structure of a municipality otherwise than in accordance with subsection (1), including any bonus, bursary, loan, advance or other benefit, is an irregular expenditure, and the municipality-*
 - a) *Must, and has the right to, recover that remuneration from the political office-bearer or member; and*
 - b) *May not write off any expenditure incurred by the municipality in paying or giving that remuneration.*

During the audit of receivables it was identified that the Eden Municipality incorrectly applied its impairment method in the following manner:

- In the impairment method debtors outstanding for 150 days are supposed to be impaired by 75% and the municipality impaired these debtors by 100%.

During the audit of receivables it was further identified that Eden Municipality interpreted section 167(2) (b) of the MFMA in the following manner:

- The municipality does not have to impair councillors' debts, because the act states that the municipality may not write off the expenditure incurred.

The above interpretation is not in line with section 167(2) (b) of the MFMA as it does not refer to the impairment of the debt at year end and proper application of GRAP 104:57.

- Further as per MFMA section 167(2) (a) the municipality must, and has the right to, recover that remuneration from the political office-bearer or member; and it was noted that the municipality did not recover the remuneration from the councillors when they were still political office-bearers.

Management of the Eden District Municipality incorrectly valued the debt due in their application of section 167(2) of MFMA.

Consequently the provision for impairment of receivables has been understated by R3 072 127.57. This will result in a material misstatement of trade receivables.

Internal control deficiency

Financial and performance management

Prepare regular, accurate and complete financial and performance reports that are supported and evidenced by reliable information



Management did not adequately review their impairment method to ensure that it is correctly applied. Further management incorrectly interpreted the MFMA section 167(2) (b).

Recommendation

It is recommended that management adequately reviews its impairment calculations to ensure that the impairment policies and methods are applied appropriately.

It is also recommended that management ensures that the MFMA is appropriately interpreted. Furthermore management must adjust financial statements to ensure they reflect provision for impairment of debtors accurately and complete.

Management response

Management comment on the audit finding:

We disagree with the audit finding

Management's response is as follows with regards to the findings reported above:

1. Management agrees that the incorrect application of the impairment method for debtors outstanding for 150 days. The entire population of debtors outstanding for 150 days have been revisited and the effect of the incorrect application amounts to R 20,437.38 (R81, 749.51 x 25%) which is immaterial.

2. We disagree in its entirety with the remaining of the finding.

The notion that the impairment of arrear accounts of serving Councillors constitutes to irregular expenditure, is not based only on sec 167 (2) (b) in isolation but in the view of the overall content of the clause where it is explicitly stated that any remuneration, in cash or in kind, is in contradiction with the conditions in the Remuneration of the Office Bearers Act.

To recover outstanding amounts from councillors with deductions from their remuneration is not as simplistic as mentioned in the finding, because it can only be executed after due process has been followed and sanctioned by the Speaker and after mutual consent from the particular councillor that amounts could be recovered. These processes are however very political sensitive and Speakers are very hesitant to follow this route.

Furthermore, it is also in contradiction with the spirit of sec 2 (b) and the content of 12 A of the Code of Conduct for Councillors to be in arrears.

The above and the compulsory disclosure of Councillors Debt in terms of sec 124 (1) (b) of the MFMA are all an indication that the writing off of councillors debt is irregular and is management of the opinion that if auditors disagree with this opinion, that it be referred for a technical review.

*For the reasons as stated above, Councillors Debt cannot be written off, as it **must, in terms, of the MFMA, be recovered**. As it **must be recovered**, it logically leads to the conclusion that it has to be regarded as recoverable - to regard it as irrecoverable would not only be against the legislative requirements, but also against past history trends, not only at the Eden District Municipality, but also at other municipalities.*

In conclusion, as the debt is regarded as recoverable by management, based on legislative requirements, as well as past history trends, it cannot be impaired in terms of GRAP 104.

We stand by our interpretation of both the MFMA, as well as GRAP 104 and if not resolved, management requests that this be referred for a technical opinion

Management comment on the root cause identified within the audit finding:

Auditor's conclusion

Management's response acknowledged. Section 124(1)(b) of Municipal Finance Management Act refers to amounts owed by individual councillors to the municipality for rates or services which is not applicable to the finding above. Based on past history there is no evidence that Eden district had recovered these amounts hence we say the debtors amount for councillors is incorrectly valued. We are not saying the municipality must write off the debt but to correctly value it by making the provision for impairment of the debt. As suggested by management this will be forwarded for technical consultation.



Final auditor's conclusion

For accounting purposes the councillor's debt will have to be impaired, but for management purposes the entire debt needs to be collected and management need to take the necessary steps to recover this debt (unless the debt has prescribed).

If and when the debt is recovered, GRAP 104 par. 63 allows for an impairment to be reversed.

Inspected audited financial statements and confirmed that the councillor's debt has been impaired and debtors over 150 days were not adjusted for the amount of R20 437,38 will not be transferred to statement of uncorrected misstatement as it is below trivial.

Non-compliance

5. SCM: Informal tender procedures not followed

Audit finding

Sections 5 (1) – (5) of Preferential Procurement Regulations of 2011 states:

The following formula must be used to calculate the points for price in respect of tenders (including price quotations) with a Rand value equal to, or above R 30 000 and up to a Rand value of R1 000 000 (all applicable taxes included):

$$Ps=80*(1-((Pt-Pmin)/Pmin))$$

"Where

Ps = Points scored for comparative price of tender or offer under consideration

Pt = Rand value of offer or tender consideration

Pmin = Rand value of lowest acceptable tender or offer.

(2) Subject to sub-regulation (3), points must be awarded to a tenderer for attaining the B-BBEE status level of contributor in accordance with the table below.

For procurement equal or below R1 million:

Points were awarded for attaining the B-BBEE status level contributor in accordance with the following:-

| <i>B-BBEE Level</i> | <i>Points</i> |
|---------------------|---------------|
| 1 | 20 |
| 2 | 18 |
| 3 | 16 |
| 4 | 12 |
| 5 | 8 |
| 6 | 6 |
| 7 | 4 |
| 8 | 2 |

(3) A maximum of 20 points may be allocated in accordance with sub-regulation (2).

(4) The points scored by a tenderer in respect of B-BBEE contribution contemplated in sub-regulation (2) must be added to the points scored for price as calculated in accordance with sub-regulation (1).

(5) Subject to regulation 7, the contract must be awarded to the tenderer who scores the highest total number of points.

Section 2(1) of the Preferential Procurement Policy Framework Act, 2000 states

Framework for implementation of preferential procurement policy. — an organ of state must determine its preferential procurement policy and implement it within the following framework:

(a) a preference point system must be followed;

Section 18 of the Municipal Supply Chain Management Regulations of 2005 states:



(b) that all requirements in excess of R30 000 (VAT included) that are to be procured by means of formal written price quotations must, in addition to the requirements of paragraph 17, be advertised for at least seven days on the website and an official notice board of the municipality.

Paragraph 18 of the Eden district Municipality Supply Chain Management policy states:

(b) All requirements in excess of R30 000 (VAT included) that are to be procured by means of formal written price quotations must, in addition to the requirements of paragraph 17, be advertised for at least seven days on the website and an official notice board of the municipality.

(f) Acceptable offers, which are subject to the preference points system (PPPFA and associated regulations), must be awarded to the bidder who scored the highest points.

During the audit of supply chain management, it was identified that an award to the value of R38 988 was awarded to Trentyre for supply of 4xTyre 1400x24 12PLY without being advertised.

It was further identified that the prescribed formula to calculate points for price was not applied during the evaluation before the award was made.

This was identified to be due to inventory quantities being low and thus had to be purchased in order maintain the acceptable level of inventory on hand.

This constitutes non-compliance with Section 18(b) of the Municipal Supply Chain Management Regulations of 2005, Section 2(1) Preferential Procurement Policy Framework act, 2000 and Section 5 (1-5) of Preferential Procurement Regulations of 2011.

The contravention of paragraph 18 of the Supply Chain Management policy of the municipality results in a further irregular expenditure to the amount R38 988.

Internal control deficiency

Financial and performance management

Review and monitor compliance with applicable laws and regulations

Management did not ensure that proper planning is done with regards to re-ordering of inventory to ensure that the procurement is done in accordance the municipal supply chain management policy and in compliance with the applicable laws and regulations.

Recommendation

Management should ensure that controls implemented on when to procure inventory is adhered to in order to procure the required inventory timeously.

Management should monitor and review the approvals in the procurement process in order to ensure compliance with the municipal supply chain management policy and applicable laws and regulations relating to procurement.

Management should disclose an amount of irregular expenditure as documented above on their note for irregular expenditure.

Management response

Management comment on the audit finding:

We disagree with the Auditors on their finding, the item identified was cleared with internal auditors please refer to Annexure D. There was a tender already in place for the supply of Tyres and Tubes, the award was made to Malas Pty Ltd. Part of the conditions of the tender as indicated in Annexure A, was that the tyres must be manufactured in South Africa. They



winning bidder could not supply a specific tyre as awarded as the tyres they had that matched the specifications was not manufactured in SA. There were various engagements with the Department of the Transport and Public Works, which we have an agency relationship with and is bulk consumer on these tyres. Malas could not provide an alternative tyre manufactured in South Africa, we then already had a Tender in place for tyres and the future consumption of these tyres could not be forecasted and it was deemed acceptable that those tyres that the appointed supplier could not provide will be sourced on quotation basis. Therefore, when this specific quotation was sourced on that basis and it was identified as above the minimum it followed the deviation process.

Management comment on the root cause identified within the audit finding:

Disagree with the auditors regarding poor planning, through planning there was a tender established to service this need. The restriction as imposed by the Department of Public Works and Transport regarding usage of only South African Manufactured tyres on their vehicle resulted in situation as established. There was a robust engagement with the Roads department which performs the agency function in trying to resolve the misnomer of the locally manufactured requirement to rely rather on SABS approved tyres in order reduce the encountering deviations.

Management comment on the recommendation:

We take note of the auditors' recommendation and there would be due consideration. We have subsequently implemented a procurement plan to assist the user department in placing due diligence in their procurement strategy for goods and service they may require. There has been an appointment of the Risk Manager and Contract Manager to the Supply Chain Management Committee (Bid Specification and Evaluation) to ensure better interrogation of specifications and evaluations.

With the new tender that was awarded, above was taken into consideration when the specifications were compiled and the tender awarded.

Remedial action:

| <u>What actions will be taken:</u> | <u>By whom:</u> | <u>By when:</u> |
|---|--|-----------------|
| Better interrogation of specification to ensure better alignment to industry. | User Departments, Bid Specification Committee and Bid Evaluation Committee | Implemented |
| If the above findings affects an amount (s) disclosed in the financial statements: | | |
| Please give an indication of whether the correcting journal entry shall be processed: | | |
| If yes, please indicate the accounting entry: | | |
| If no, please provide the reason why such a conclusion: | | |

Auditor's conclusion

Management response is noted. It should be noted that the finding was not on specification but on the award being made to the supplier without being advertised and that the prescribed formula to calculate points for price was not applied during the evaluation before the award was made. With regards to the specification it's not understandable why the supplier that does not meet the specification wins the tender.

The findings remains and its recommendation to adjust the financial for the irregular expenditure identified.



Management response to draft management report

Management will adjust the note in the annual financial statements on irregular expenditure; therefore, this audit finding is resolved.

Final auditor's conclusion

The adjustment had been confirmed on receipt of the adjusted financial statement. The finding resulted in non-compliance with the MFMA but assessed as not being material non-compliance. The matter will remain in management report and will be followed up in next quarterly key controls assessments.

6. SCM-Late submission of quarterly report

Audit Finding

Section 6(3) of the Municipal Supply Chain Management Regulations of 2005 states:

The accounting officer must, within 10 days of the end of each quarter, submit a report on the implementation of the supply chain management policy to the mayor of the municipality or the board of directors of the municipality, as the case may be.

During the audit of internal control for supply chain management, it was identified that the first quarterly report for 30 September 2015 was only submitted 02 November 2015 which is later than the 10 days required by the Section 6(3) of the Municipal Supply Chain Management Regulations of 2005.

This constitutes non-compliance with Section 6(3) of the Municipal Supply Chain Management Regulations of 2005.

Internal control deficiency

Financial and performance management

Review and monitor compliance with applicable laws and regulations

Financial and performance management did not review and monitor compliance with applicable laws and regulations section 6(3) of the Municipal Supply Chain Management Regulations of 2005

Recommendation

(i) It is recommended that the accounting officer implements controls to monitor compliance with Municipal Supply Chain Management Regulations.

(ii) It is also recommended that the quarterly reports are prepared in advance so as to allow proper review before submission to the mayor.

Management comment on the audit finding:

Management agrees to the finding and although there is plausible reason on why it took place we don't condone nor dispute the late submission. The period in which the late submission took place was during the time where the CFO, Ms. L Hoek, was on her maternity leave and Mr. Johan Stander was the acting CFO. Finance Department at that point had capacity constraints and although the document was submitted on the system the review and approval for submission was late and the submission period for the Agenda items for council items was closed. As a result, the item had to be submitted for the next portfolio committee of November.

Management does however wish to bring to your attention that although the quarterly report was submitted late, the relevant months to which the quarterly reports relate to, were individually submitted within the period to which they relate to. Therefore, council was already informed of the monthly reports as and when they were meant for council submission. Therefore, although qualitatively there were shortcomings in oversight in terms of the quarterly report, the content of the reports had been for council's review in the form of monthly reports and therefore no deliberate omission has been made that council has not been aware of.

Management comment on the root cause identified within the audit finding:

Management agrees with the root cause and appropriate preventative measures have been put in place as controls to mitigate another occurrence of similar nature.

Management comment on the recommendation:

Management agrees with the auditor's recommendation and is happy to report that this matter in the view of obligatory compliance activities that need to be undertaken, was identified as a



weakness in the controls and measures were put in place to rectify such by the Accounting Officer in conjunction with the Executive Management Team.

Subsequently management has put in place Eunomia Compliance System, that is used as a compliance check list and reminder of all statutory compliance requirements that needs to be undertaken as per the calendar by the Local Government.

The risk manager has been appointed and she oversees the monitoring of the Eunomia system to identify timeously matters or activities which need to be executed and confers with the responsible parties to remind them to execute such activities.

Therefore, we were proactive in our approach as this was identified as part of the risk assessment process

Remedial action:

What actions will be taken:

Actions are in place

By whom:

Accounting
Officer

By when:

Implemented

If the above findings affects an amount (s) disclosed in the financial statements:

N/A

Please give an indication of whether the correcting journal entry shall be processed:

If yes, please indicate the accounting entry:

If no, please provide the reason why such a conclusion:

Auditor's conclusion

Management's response is acknowledged. The finding has resulted in non-compliance with the MFMA but has been assessed as not being material non-compliance. The matter will remain in management report and will be followed up in next quarterly key controls assessments.

7. SCM - improper conduct

Audit finding

SCM Regulation 38(1)(g) states that bids of any bidder must be rejected if that bidder, or any of its directors abused the municipality's SCM system, committed fraud or any other improper conduct in relation to such SCM system or have failed to perform on any previous contract.

During the audit of supply chain management, it was identified that the Eden District Municipality had sufficient evidence to disqualify both Van der Berg Vervoer and Volmoed Quarries CC for improper conduct and abuse of the municipality's SCM system. This supported by the following facts:

- ✓ *The two suppliers have the same owners and directors who owns 70% in the respective companies:
Van der berg transport: 35% Hugo van der berg (ID: 6809225049087), 35% Daniel van der Berg (ID: 6501035040089)
Volmoed Quarries: 35% Hugo van der berg (ID: 6809225049087), 35% Daniel van der Berg (ID: 6501035040089)
The two suppliers have the same administrator who is in charge of tender process for both suppliers (this information was supplied by the municipality during the request to provide reasons for duplicate supplier information).*
- ✓ *Both these entities submitted bids for supply and delivery and off-load of crushed aggregate base course, sub-base material and gravel wearing course for a period of three years which are sourced from the same quarry.*
- ✓ *Both these entities submitted same test results as per the bid specification for supply and delivery and off-load of crushed aggregate base course, sub-base material and gravel wearing course for a period of three years but different prices.*
- ✓ *The fact that the two entities are independently registered on CIPC does not supersede the substance over form in respect of directors role and influence over bid pricing for major projects, thus the municipality have overlooked an indication of possible price manipulation by the directors*

Based on the above reason it can be strongly argued that the owners of the two suppliers committed improper conduct and abuse of the municipality's SCM system in relation to the bidding process relating to tender no R/16/15-16 and that ultimately both companies should have been rejected or disqualified from the bidding process as a result of this improper conduct.

This results in non-compliance with regulation 38 (1)(g) of the SCM Regulations, 2005.

Internal control deficiency

Financial and performance management – Compliance monitoring

Management did not perform adequate monitoring over the supply chain management process in order to identify instances of non – compliance before bids that are awarded to prospective suppliers.

Recommendation

Management should ensure compliance with SCM Regulations 38(1)(g) by ensuring that when instances of improper conduct or abuse of the municipality's SCM system involving bids are identified, all suppliers involved in the improper conduct should be disqualified from the bidding process.

Management response

Management comment on the audit finding:

Although the SCM unit, as well as the various bid committees, are fully aware of the risks of bid rigging, or collusive tendering, we cannot concur that the mere fact that two entities with the same ownership structure have submitted two separate proposals for the same tender, is necessarily indicative of bid rigging. We furthermore strongly disagree that because of the fact listed above, the conclusion can be made that the Eden District Municipality had sufficient evidence to



disqualify both Van der Berg Vervoer and Volmoed Quarries CC for improper conduct and abuse of the municipality's SCM system.

In fact, if the suppliers have been disqualified as suggested by the AG and were to challenge our decision, they would in fact have a very good chance of a successful appeal.

Our motivation for the above will follow:

- i) The Eden District Municipality has been conducted business with both Van der Bergh Transport as well as Volmoed Quarries for many years. The fact that the two companies have the same shareholding, has in fact proof to be a huge challenge from an expenditure management process, as we had to perform rigorous checks to ensure that when work was done on one contract, that the other company has not in fact erroneously billed us for services rendered. From the creditors department side, this has resulted, in amongst others, many disputes between the Municipality and the two suppliers, hence also the many invoices not paid within 30 days after date of statement (refer COMAF 5).
- ii) Although we therefore want to ideally only do business with only one of the two entities, as it would ease expenditure and creditor management on our side, we can however not prohibit two separate legal entities that have the right to trade, not to do so.

They may well have very good business reasons to do so, as in this case, was indicated by Johan Scholtz in his e-mail to Mr. Hans Ottervanger on 27 October 2016, refer to Annexure A, hereto attached. Their decision to submit to separate proposals was, amongst others, because of the difference in BEE rating between the two companies.

Management therefore respectfully want to state that the opinion, conclusion and recommendation of the AG on this finding are not founded, and would it have been implemented, would put the Municipality at risk of successful appeals against awards being made.

Auditor's conclusion

Management's response is acknowledged and accepted. Since this is an indicator of abuse in supply chain management is encouraged to investigate the matter. This will remain in the management report.



8. SCM: Supplier with lowest price not selected

Audit Finding

Paragraph 18 of the Eden district Municipality Supply Chain Management policy states:

e) Offers below R30 000 (VAT included) must be awarded based on compliance to specifications and conditions of contract, ability and capability to deliver the goods and services and lowest price.

During the audit of supply chain management, it was identified that the following quotations were obtained where the awards were not awarded to the supplier with the lowest price:

| Supplier | Price (R) |
|--------------------|-----------|
| Affordable plumber | 28 100 |
| Ladismith Handyman | 29 950 |
| Marbon Bouers BK | 102 400 |

The above award was made to Ladismith Handyman.

| Supplier | Price (R) |
|-----------------|-----------|
| Smada | 22 314 |
| LVDS | 29 880 |
| Risk Mitigators | 37 400 |

The above award was made to LVDS.

As per inspection of the Collaborator process flow documentation it was evident that no deviation process was followed and that the supplier with the lowest price was not selected.

Through inspection of the annual irregular expenditure report prepared by the Chief Financial Officer (CFO), it was noted that the award awarded to Ladismith Handyman was identified as the irregular expenditure and has been disclosed in the AFS.

However the award awarded to LVDS was not identified in the CFO report.

This constitutes non-compliance with Paragraph 18 (e) of the Eden Municipal Supply Chain Management policy and further constitutes to irregular expenditure to the amount of R29 880.

Internal control deficiency

Financial and performance management

Review and monitor compliance with applicable laws and regulations

Management did not implement proper controls for the review and monitoring of compliance with the supply chain management policy.

Recommendation

Management should ensure that proper controls are put in place on the review and monitoring of approvals for procurement on a regular basis to ensure that all awards awarded are in compliance with the SCM policy.

It is further recommended that management make an adjustment of R29 880 to note 41 to include the irregular expenditure identified.

Management response

Management comment on the audit finding:

We disagree with the audit finding, the item was in fact reported in the irregular expenditure summary and disclosed by the Chief Financial Officer. Please refer to Annexure A for the summary of irregular expenditure and Annexure B for the summary of the security services which was included in the irregular expenditure disclosed in the Annual Financial Statements.



| | | |
|---|------------------------|------------------------|
| <u>Management comment on the root cause identified within the audit finding:</u> We disagree with the audit finding, the item was in fact reported in the irregular expenditure summary and disclosed by the Chief Financial Officer. Please refer to Annexure A for the summary of irregular expenditure and Annexure B for the summary of the security services which was included in the irregular expenditure disclosed in the Annual Financial Statements. | | |
| <u>Management comment on the recommendation:</u> | | |
| <u>Remedial action:</u> | | |
| <u>What actions will be taken:</u> | <u>By whom:</u> | <u>By when:</u> |
| | | |
| If the above findings affects an amount (s) disclosed in the financial statements: | | |
| Please give an indication of whether the correcting journal entry shall be processed: | | |
| If yes, please indicate the accounting entry: | | |
| | | |
| If no, please provide the reason why such a conclusion: | | |
| | | |

Auditor's conclusion

Management response is acknowledged. and accepted on irregular expenditure disclosure. The finding though has resulted in non-compliance with supply chain management regulation therefore it will remain in the management report and be followed up in next year audit.

In relation to this finding we have identified that the amount disclosed for LVDS in note 41 and the schedule of irregular expenditure is R28 432.00 which is not related to the amount in the COMAF of R29 880.00.

The note should be adjusted for the R29 880.00 in the AFS also.

Management response on draft management report

Management will adjust the note in the annual financial statements on irregular expenditure; therefore, this audit finding is resolved.

Final auditor's conclusion

Adjustment had been confirmed on receipt of adjusted financial statements. The finding though has resulted in non-compliance with supply chain management regulation therefore it will remain in the management report and be followed up in next year audit.

9. HR management non-compliance with minimum competency requirements

Audit finding

Municipal Finance Management Act 56 of 2003 section 83:

Competency levels of professional financial officials.— states that

(1) "The accounting officer, senior managers, the chief financial officer and other financial officials of a municipality must meet the prescribed financial management competency levels.

(2) A municipality must for the purposes of subsection (1) provide resources or opportunities for the training of officials referred to in that subsection to meet the prescribed competency levels".

During the audit of human resource compliance, it was identified that the head of supply chain management did not meet the minimum competency requirements as required by the Municipal Regulations on Minimum Competency Levels, 2007

As a result of the above-mentioned non-compliance, management might not have the full benefit of the minimum competency levels to assist them in the performance of the operations at the municipality.

Internal control deficiency

Financial and performance management

Review and monitor compliance with applicable legislation

Management did not provide resources or opportunities for the training to the official to meet the prescribed competency levels.

Recommendation

Management should ensure that they fulfill the requirements outlined by the Municipal Regulations on Minimum Competency Levels, 2007 and should consider implementing processes to avoid a recurrence of this non-compliance.

Management response

Management comment on the audit finding:

Management agrees with the audit finding that the head of supply chain management did not meet the minimum competency requirements during the 2015/16 Financial Year.

Management disagrees with the statement "As a result of the above-mentioned non-compliance, management might not have the full benefit of the minimum competency levels to assist them in the performance of the operations at the municipality.", Mr Mpuru is competent to advise council and management on SCM processes; however, it should be noted that the employee is one of 8 members of the Western Cape technical committee in the Western Cape that advises the entire Western Cape, appointment is on merit, Mr. Mpuru chairs the District Regional Forum overseeing technical and operational issues on both operational and technical nature, therefore one outstanding module of MMC is not an indicator of the employee's technical abilities to advise council.

Management comment on the root cause identified within the audit finding:

A formal tender process had to be followed, resulting in the delay with the completion of the MMC, as the previous tender expired. A new tender was awarded on 30 June 2016 by the BAC committee, refer to Annexure A. Refer to Annexure B for the complete training schedule for the MMC.

Management comment on the recommendation:

The recommendation from the Auditor General is noted by management.

Auditor's conclusion



Management's response is acknowledged. The finding has resulted in non-compliance with the MFMA but has been assessed as not being material non-compliance. The matter will remain in management report and will be followed up in next quarterly key controls assessments.



10. Use of consultants: No policy in place to address the use of consultants

Audit Finding

Par 4.5 of the National Treasury Instruction note 01 of 2013/14 states the following:

"Accounting officers and accounting authorities must develop consultancy reduction plans by 31 March of each year for implementation in the ensuing financial year. The first consultancy reduction plan required in terms of this Treasury Instruction must be developed before 31 March 2015 for implementation in the 2014/15 financial year."

During the assessment of the use of consultants it was identified that the municipality does not have an approved policy/action plan in place that defines the main purposes and objectives for appointing consultants and measures to address over reliance on consultants.

It was further identified that the municipality has a draft policy to address the use of consultants developed but it is still awaiting management approval and has not been implemented.

The consultants that assist the municipality have been used for a number of years as evidenced by the first payments made to these consultants for services rendered as outlined in the table below:

| Consultant | First payment made as per Abakus system | Re-appointment |
|---------------------------|---|----------------|
| MeyerOtto/Moore Stephens: | 25/11/2008 | 18 March 2016 |
| Mubasko: | 20/05/2009 | 18 March 2016 |
| Ignite: | 04/03/2010 | 1 July 2014 |

This is in contravention of the requirements as set out in the National Treasury Instruction note.

Internal control deficiency

Leadership

Establish and communicate policies and procedures to enable and support the understanding and execution of internal control objectives, processes and responsibilities

Leadership did not approve and implement consultancy reduction plans to ensure that an effective human resource management system is implemented to ensure that adequate and sufficiently skilled human resources are employed and that their performance is monitored.

Recommendation

Leadership should ensure that an effective human resource management system is implemented to ensure that adequate and sufficiently skilled human resources are employed within the municipality and that their performance is monitored and in such way reduce reliance on consultants.

Leadership should further ensure that appropriate processes are implemented to ensure skills transfer from consultants to municipal staff and this should also be monitored by the municipality.

Management response

| | | |
|--|-----------------|-----------------|
| <u>Management comment on the audit finding:</u> | | |
| <u>Management comment on the root cause identified within the audit finding:</u> | | |
| <u>Management comment on the recommendation:</u> | | |
| <u>Remedial action:</u> | | |
| <u>What actions will be taken:</u> | <u>By whom:</u> | <u>By when:</u> |
| <u>If the above findings affects an amount (s) disclosed in</u> | | |



| | | |
|---|--|--|
| the financial statements: | | |
| Please give an indication of whether the correcting journal entry shall be processed: | | |
| If yes, please indicate the accounting entry: | | |
| If no, please provide the reason why such a conclusion: | | |

Auditor's conclusion

Management's response is acknowledged. The finding has resulted in non-compliance with the National Treasury Instruction but has been assessed as not being material non-compliance. The matter will remain and will be followed up in next year's audit.

11. Bank reconciliation

Audit Finding

In terms of the **National Treasury Instruction 05 of 2014/2015 for the financial year 2015/16:**

The accounting officer must ensure that his or her department performs daily bank reconciliations to detect unauthorised transactions. The chief financial officer must review all bank reconciliations for the reporting month to ensure that unauthorised transactions are detected and that dishonored cheques and long outstanding amounts are followed up and cleared. The chief financial officer must also approve all bank reconciliations by appending his or her signature thereto which shall confirm his or her concurrence and approval thereof.

During the audit of cash and bank it was identified that bank reconciliations were not reviewed by the chief financial officer. Furthermore, bank reconciliations were not performed timeously i.e. each every month, refer to the table below.

| Month | Reviewed on |
|------------------|-----------------|
| 30 November 2015 | 14 January 2016 |
| 31 December 2015 | 12 April 2016 |
| 31 January 2016 | 13 April 2016 |
| 28 February 2016 | 04 April 2016 |
| 31 March 2016 | 06 May 2016 |
| 30 April 2016 | 03 June 2016 |
| 30 June 2016 | 31 August 2016 |

It was also identified that on bank reconciliations performed for each month, the preparer does not include the date nor do they sign the reconciliation as evidence of performance the control thereof.

Internal control deficiency

Financial and performance management

Review and monitor compliance with applicable laws and regulations

Management did not ensure compliance with the national treasury instruction no.05 of 2014/15 applicable to financial year 2015/16

Recommendation

Management should ensure that bank reconciliations are performed at least on a monthly basis so as to follow up on reconciling items.

The chief financial officer should perform the review of bank reconciliations.

Management should ensure that the preparers of bank reconciliations indicate the date of preparing the reconciliation and also acknowledge performance of control to isolate the responsibility. Furthermore, management should regularly look out for the national treasury instructions on the treasury website so as to continuously put those into practice.

Management response

Management comment on the audit finding:

We agree with the audit finding



Management comment on the root cause identified within the audit finding:

Eden DM requested support from the service provider of the financial system (Abakus) when the bank statements could not be imported in the cashbook module for the bank reconciliations as the bank statement number changed to 1 instead of rolling on.

The service provider encountered challenges to rectify the situation and that caused the delay in the compilation of the monthly bank reconciliations on Abakus. However, Eden DM performed monthly draft bank reconciliations before the 10th working day of the next month to be submitted with the monthly S71 financial reports to National and Provincial Treasury. Therefore draft bank reconciliations were performed outside the system until the system issue was resolved.

Management comment on the recommendation:

We take note of the recommendations and will be implemented

Remedial action:

| <u>What actions will be taken:</u> | <u>By whom:</u> | <u>By when:</u> |
|--|---|---|
| Perform monthly bank reconciliations | Senior Accountant: Debtors/Bank reconciliations | 10th working day of the following month |
| If the above findings affects an amount (s) disclosed in the financial statements: | No | |

Auditor's conclusion

Management's response is acknowledged. The finding has resulted in non-compliance with the National Treasury Instruction 05 of 2014/2015 for the financial year 2015/16 but has been assessed as not being material non-compliance. The matter will remain and will be followed up in next quarterly key controls assessments.



Disclosure

12. High-level review of AFS

Paragraph 62 (1) of the Municipal Finance Management Act 56 of 2003 states:

General financial management functions. - The accounting officer of a municipality is responsible for managing the financial administration of the municipality, and must for this purpose take all reasonable steps to ensure –

(b) that full and proper records of the financial affairs of the municipality are kept in accordance with any prescribed norms and standards;

Our high-level review performed on the financial statements submitted on 31 August 2016 for audit revealed the following findings:

Finding 1

In terms of the Standards of Generally Recognised Accounting Practice (GRAP) 1 - Presentation of Financial Statements, Paragraph 40: "It is important that assets and liabilities, and revenue and expenses, are reported separately. Offsetting in the statement of financial performance or the statement of financial position, except when offsetting reflects the substance of the transaction or other event, detracts from the ability of users both to understand the transactions, other events and conditions that have occurred and to assess the entity's future cash flows. Measuring assets net of valuation allowances, for example, obsolescence allowances on inventories and doubtful debts allowances on receivables, is not offsetting".

GRAP 1:42: "In addition, gains and losses arising from a group of similar transactions are reported on a net basis, for example, foreign exchange gains and losses and gains and losses arising on financial instruments held for trading. Such gains and losses are, however, reported separately if they are material".

In performing a review of the financial statements it was identified that the Statement of financial performance includes both a loss on disposal of property, plant and equipment as part of expenditure and a gain on disposal of property, plant and equipment as part of exchange revenue.

These gains and losses arising from a group of similar transaction therefore should have been disclosed as the net effect either as part of revenue or expenditure and

Finding 2

GRAP 1:104: "An entity shall present an analysis of expenses using a classification based on either the nature of expenses or their function within the entity, whichever provides information that is reliable and more relevant". Based on the standard management should select the most relevant and reliable presentation of expenses

In performing a review of the financial statements it was identified that the Statement of financial performance includes a line item fruitless and wasteful expenditure and does not reflect the nature of the expenditure relating to the fruitless and wasteful expenditure.

Finding 3

Paragraph 17 of GRAP 1: Presentation of Financial Statements, states that financial statements shall present fairly the financial position, financial performance and cash flows of an entity. Fair presentation requires the faithful representation of the effects of transactions, other events and conditions in accordance with the definitions and recognition criteria for assets, liabilities, revenue and expenses as set out in the Framework for the Preparation and Presentation of Financial Statements. The application of Standards of GRAP with additional disclosures when necessary is presumed to result in financial statements that achieve a fair presentation.

In performing a review of the financial statements in pages 15 to 48 it was identified that of the annual financial statements make reference: Notes to the consolidated financial statements for the year ended 30 June 2016.



In the absence of investments in controlled entities the financial statements is not prepared on a consolidated basis and the word consolidated should not be used.

Finding 4

GRAP 1:129 "In deciding whether a particular accounting policy should be disclosed, management considers whether disclosure would assist users in understanding how transactions, other events and conditions are reflected in the reported financial performance and financial position. Disclosure of particular accounting policies is especially useful to users when those policies are selected from alternatives allowed in the Standards of GRAP".

The accounting policies as listed below does not contribute to the understanding of the users of the transactions in the financial statements as the municipality does not have items disclosed that is being affected by these accounting policies. This should thus be removed from the accounting policies applied by the municipality. .

- Heritage assets
- Impairment of non – financial assets

Finding 5

The annual financial statements have no reference to note 15 and seem to reflect incomplete disclosure in the financial statements. The number references to the notes should be revised.

Finding 6

In performing a review of the financial statements it was identified that in some cases the totals of the amounts to the notes of the financial statements as listed below does not agree to the amounts presented on the face of the financial statements.

| Note reference | Amount per note | Line item affected | Amount per Statement of Financial Performance/Position | Cash Flow Statement | Comments |
|----------------|-----------------|---------------------------------|--|---------------------|----------|
| 26 | 7 813 812 | total councillor's remuneration | 7 785 720 | | |
| 11 | 1 987 896 | additions | | 1 959 050 | |
| 18 | 2 171 788 | total other debtors | | 2 171 782 | |
| 18 | 1 555 605 | total other debtors | 1 555 599 | | |

Internal control deficiency

Financial management - Regular, accurate and complete financial reports

Management did not perform a complete review of the financial statements submitted for audit by ensuring that financial statement disclosures is presented in accordance with the GRAP reporting framework.

Recommendation

Management should implement processes ensuring that a complete review of the financial statements submitted for audit is performed for compliance thereof to the GRAP reporting framework and thus the Municipal Finance Management Act.

Management should amend the financial statements accordingly for the errors identified.

Management response

Management comment on the audit finding:

Management agrees with the audit finding of incorrect classification of exchange revenue items



Management comment on the root cause identified within the audit finding:

Management will perform proper reviews on the GL accounts on a monthly basis to ensure that transactions are correctly classified:

- Note 26: Will be corrected.
- Note 11: Amount in cash flow excludes contributed PPE which is a non cash transaction
- Note 18: This amount does not appear in the cash flow statement
- Note 18: R6,00 Immaterial difference

Management comment on the recommendation:

Management will adjust the financial statements and disclose the exchange revenue items under the correct classification as recommended by the Auditor General.

Remedial action:

Finding 1 - Will be Corrected in AFS Finding

2 - Will be Corrected in AFS Finding 3 –
Corrected

| Note reference | Amount per note | Line item affected | Amount per Statement of Financial Performance/ Position | Cash Flow Statement | Comments |
|----------------|-----------------|---------------------------------|---|---------------------|--|
| 26 | 7 813 812 | total councillor's remuneration | 7 785 720 | | Will be corrected. |
| 11 | 1 987 896 | additions | | 1 959 050 | Amount in cash flow excludes Contributed PPE which is a non Cash transaction |
| 18 | 2 171 788 | total other debtors | | 2 171 782 | This amount does not appear in the cash flow statement. |
| 18 | 1 555 605 | total other debtors | 1 555 599 | | R6,00 Immaterial Difference |

Remedial action:

The financial statements will be adjusted to disclose the exchange revenue items under the correct classification.

What actions will be taken:**By whom:**

Chief Accountant:
BTO, AFS,
Income and Bank
Reconciliations

By when:

28 October 2016

Auditor's conclusion

Management's response acknowledged. The adjustments had been confirmed upon receipt of the adjusted financial statements. As the internal control deficiency was identified the matter will remain and be followed up during the next audit cycle.



13. Non-disclosure of fruitless and wasteful expenditure in the Annual Financial statements

Audit finding

As per the Municipal Financial Management Act Circular No 68 of 10 May 2013

Register of unauthorised, irregular, fruitless and wasteful expenditure

"All instances of unauthorised, irregular, fruitless and wasteful expenditures must be reported to the mayor, the MEC for local government in the province, the Auditor-General, disclosed in the annual report, and to council as required by section 32(4) and 74 of the MFMA"

As per section 1 of the Municipal Financial Management Act No 56 of 2003, Fruitless and wasteful expenditure is defined as the following:

"Fruitless and wasteful expenditure means expenditure that was made in vain and would have been avoided had reasonable care been exercised."

During the testing of Value Added Tax, it was identified that penalty and interest of a total of R 6 055.71 was incurred during the current financial year from the South African Revenue Services (SARS) and meets the definition of fruitless and wasteful expenditure as per section 1 of the MFMA Act No 56 of 2003.

It was also identified that interest/penalty from SARS as disclosed in note 29 of the Annual Financial statements (AFS), as a result of correction of VAT per journal number E 434 has not been disclosed in the Fruitless and wasteful expenditure note.

This fruitless and wasteful expenditure identified as a result of penalty and interest from SARS was not disclosed in the Fruitless and wasteful expenditure note in the AFS.

This results in non-compliance with the Municipal Financial Management Act Circular No 68 of 10 May 2013 and section 32(4) of the MFMA Act No 56 of 2003.

Internal control deficiency

Financial and performance management

Review and monitor compliance with applicable legislation

Management did not ensure that all fruitless and wasteful expenditure is identified and subsequently disclosed in the Fruitless and Wasteful expenditure note in the financial statements as per Municipal Financial Management Act Circular No 68 of 10 May 2013.

Recommendation

Management should disclose the penalty and interest incurred from SARS as Fruitless and wasteful expenditure in note 40.2 of the Annual Financial statements.

Management response

Management comment on the audit finding:

The amount of R6, 055.71 as identified in the finding above, refers to penalties and interest charged by SARS on the November 2015 return. This was however subsequently disputed by Eden District Municipality - an ADR 1 (Notice of objection) was completed and is available for your perusal (back ground information: The VAT return of November 2015 submitted by Eden was selected for verification by SARS. Eden submitted supporting documentation and SARS amended their assessment as they found that certain invoices were invalid. Subsequently, Eden completed and submitted an ADR1 together with the invoices, which are indeed valid tax invoices and therefore the penalties and interest raised by SARS are incorrect. At the time of submission of the AFS, the ADR1 has not been finalised by SARS).

Therefore, no provision was made for this amount, as Eden is in disagreement with SARS.

The amount of R3, 337.51 as per note 29 refers to interests levied by SARS in the 2015/2016



financial year, but referring to previous periods. This the result of a long and extensive process to resolve outstanding queries with SARS, not because of Eden District Municipality's fault

As this was not a result of management oversight, management is of the opinion that the definition of fruitless and wasteful expenditure is not in fact met (not due to lack of reasonable care). Consequently, the amount was not disclosed in the AFS. However, as we regard the amount as immaterial, we will amend the AFS in an attempt to resolve this AG query.

Management comment on the internal control deficiency:

Disagree. In our opinion, it relates to a difference in interpretation of definition of fruitless expenditure

Management comment on the recommendation:

We will amend the AFS in an attempt to resolve this AG query.

Remedial action:

| | | |
|--|------------------------|------------------------|
| <u>What actions will be taken:</u> | <u>By whom:</u> | <u>By when:</u> |
| | | |
| If the above findings affects an amount (s) disclosed in the financial statements: | | |
| Please give an indication of whether the correcting journal entry shall be processed: | | |
| If yes, please indicate the accounting entry: | | |
| If no, please provide the reason why such a conclusion: | | |

Auditor's conclusion

Management's response is acknowledged. The adjustment of R3 337,51 has been confirmed upon receipt of the adjusted financial statements.

The auditor's further inspected the South African Revenue Service supporting documentation and confirmed that Eden district owed South African Revenue Service.

Original non-compliance still stands. The finding has resulted in non-compliance with the MFMA but has been assessed as not being material non-compliance. The matter will remain in management report and will be followed up in next quarterly key controls assessments.

14. Related parties

As per GRAP 20 paragraph 10

Definition of a related party

Close members of the family of a person are those family members who may be expected to influence, or be influenced by that person in their dealings with the entity. As a minimum, a person is considered to be a close member of the family of another person if they:

- (a) are married or live together in a relationship similar to a marriage; or
- (b) are separated by no more than two degrees of natural or legal consanguinity or affinity.

Control is the power to govern the financial and operating policies of an entity so as to obtain benefits from its activities.

Joint control is the agreed sharing of control over an activity by a binding arrangement, and exists only when the strategic financial and operating decisions relating to the activity require the unanimous consent of the parties sharing control (the venturers).

Management comprises those persons responsible for planning, directing and controlling the activities of the entity, including those charged with the governance of the entity in accordance with legislation, in instances where they are required to perform such functions.

A related party is a person or an entity with the ability to control or jointly control the other party or exercise significant influence over the other party, or vice versa, or an entity that is subject to common control, or joint control. As a minimum, the following are regarded as related parties of the reporting entity:

- (a) A person or a close member of that person's family is related to the reporting entity if that person:
 - (i) has control or joint control over the reporting entity;
 - (ii) has significant influence over the reporting entity; or
 - (iii) is a member of the management of the entity or its controlling entity.
- (b) An entity is related to the reporting entity if any of the following conditions apply:
 - (i) the entity is a member of the same economic entity (which means that each controlling entity, controlled entity and fellow controlled entity is related to the others);
 - (ii) one entity is an associate or joint venture of the other entity (or an associate or joint venture of a member of an economic entity of which the other entity is a member);
 - (iii) both entities are joint ventures of the same third party;
 - (iv) one entity is a joint venture of a third entity and the other entity is an associate of the third entity;
 - (v) the entity is a post-employment benefit plan for the benefit of employees of either the entity or an entity related to the entity. If the reporting entity is itself such a plan, the sponsoring employers are related to the entity;
 - (vi) the entity is controlled or jointly controlled by a person identified in (a); and
 - (vii) a person identified in (a)(i) has significant influence over that entity or is a member of the management of that entity (or its controlling entity).

Related party transaction is a transfer of resources, services or obligations between the reporting entity and a related party, regardless of whether a price is charged.

Significant influence is the power to participate in the financial and operating policy decisions of an entity, but is not control over those policies.

Section 45 of the Municipal Supply chain management regulations states:

Awards to close family members of persons in the service of the state – The notes to the annual financial statements of a municipality or a municipal entity must disclose particulars of any award above R 2 000 to a person who is a spouse, child, or parent of a person in service of the state, or has been in a service of the state in the previous 12 months, including –

- (a) name of that person;



- (b) capacity in which that person is in the service of the state; and
(c) amount of the award

During the testing of the related parties, it was identified that the related party disclosure note 45.4 in the Annual Financial Statements includes other supply chain transactions which do not meet the definition of a related party in terms of GRAP 20 paragraph 10. The other supply chain transaction does not meet the definition of a related party and thus should not be included in the disclosure note of related parties. See extract of note 45.4 as per the annual financial statements:

Note 45.4 Other Supply Chain Transactions

The following purchases were made from close family members of persons in the service of the state :

| Supplier | Employee | State Department | 2016 | 2015 |
|--------------------------------|--------------------|----------------------------|---------------|----------|
| | | | R | R |
| IGB Trading | NM Boumeester | Eden District Municipality | 30 327 | - |
| Shabby to Chick | J Stander | Eden District Municipality | 13 210 | - |
| Zeelies Alein Control Services | A Wildeman (Roads) | Eden District Municipality | 28 215 | - |
| | | | 71 752 | - |

The following purchases were made from Suppliers whose shareholders is in service of the state:

| Supplier | Employee | State Department | 2016 | 2015 |
|--------------------------------------|-------------------------|-------------------------------------|----------------|------------------|
| | | | R | R |
| Juta & Company Ltd | JD Volmink – Director | North West University | - | 10 061 |
| Minolco (Pty) Ltd t/a Konica Minolta | KR Mthimunya – Director | State Information Technology Agency | - | 23 780 |
| Vodacom | V Jarana - Director | Legal Aid South Africa | - | 900 712 |
| African Oxygen (Pty) Ltd | C Wells – Director | Transnet | 187 | - |
| The Courier and Freight Group | JM Mathibe - Director | Rural Housing Loan Fund | 76 060 | - |
| Klein Karoo International | J du Preez - Director | SASRIA | 13 075 | - |
| Schindler Lifts (Pty) Ltd | Edward | IRBA | 29 183 | - |
| Nashua Mobile | D Nchoba - Director | NAT: Arts & Culture | - | 676 |
| AON South Africa (Pty) Ltd | MM Maponya – Director | NTP Radioisotopes | - | 841 694 |
| MK Construction t/a Africa Co | MA Kula - Member | EC: Health | - | - |
| | | | 118 505 | 1 776 923 |

The disclosure of Other supply chain transactions in note 45.4 results in a misstatement of the Related parties transactions note.

Internal control deficiency

Financial and Performance Management: Regular, accurate and complete financial and performance reports.

Management did not ensure that the disclosure notes are presented in terms of the requirements of the applicable accounting standards which resulted in inaccurate disclosure of related party transactions.

Recommendation

The Other supply chain transactions note 45.4 should be removed from the Related party transactions disclosure note as per note 45 and be disclosed separately in the notes to the financial statements as per paragraph 45 of the Municipal Supply Chain Management Regulations.

Management response**Management comment on the audit finding:**

Management agrees with the audit finding and has adjusted the note in the financial statements as per audit recommendation.

Auditor's conclusion

Management's response acknowledged. The adjustment had been confirmed on upon receipt of the adjusted financial statements. As the internal control deficiency was identified the matter will remain and be followed up during the next audit cycle.

Information systems

15. Password configuration settings not in line with ICT Security Management policy**Audit finding**

BAUD password configuration settings are not in line with the ICT Security Management policy in the following instances:

| Password configuration setting | ICT Security Management policy | BAUD |
|--------------------------------|--------------------------------|--------------|
| Minimum password age (expiry) | 30 days | No value set |
| Password history | 6 passwords | No value set |
| Account lockout | 3 unsuccessful attempts. | No value set |
| Minimum length | 8 characters | No value set |
| Complexity | Enabled | No value set |

The following ABAKUS password configuration setting is not in line with the ICT Security Management policy:

| Password configuration setting | ICT Security Management policy | ABAKUS |
|--------------------------------|--------------------------------|----------------|
| Password history | 6 previous passwords | No restriction |

The above password setting weaknesses have been noted and formally risk accepted by management.

Weak password configuration settings could result in passwords being compromised. This could lead to unauthorised access to systems and in turn could impact the integrity of financial reporting information.

Internal control deficiency: System constrains / Limited system functionality (capability)

The municipality still utilises BAUD Foxpro, which is a version that does not have password policy functionality. Furthermore, due to the mSCOA compliance regulations, no upgrades can be done to applications that will have a financial impact to the municipalities.

Recommendation

BAUD and ABAKUS password setting weaknesses have been identified and formally risk accepted by management. No further action required.

| | |
|---|--|
| Management response: | BAUD and ABAKUS password setting weaknesses have been identified and formally risk accepted by management. |
| Name, surname and position of responsible official: | Rhyn Alberts (Senior Officer Systems Support) |
| Target date for implementation: | N/A |
| Auditor's conclusion | Management comments are noted. |

ANNEXURE C: ADMINISTRATIVE MATTERS

No matters were identified

ANNEXURE B**REPORT OF THE AUDIT AND PERFORMANCE AUDIT COMMITTEE**

We present our report for the financial year ended 30 June 2016.

RESPONSIBILITY

The EDEN DISTRICT MUNICIPALITY(hereinafter referred to as EDM) has constituted its Audit and Performance Audit Committee(hereinafter referred to as the Audit Committee) to function in terms of the provisions of Section 166 of the Municipal Finance Management Act, 2003 (MFMA).

TERMS OF REFERENCE

The Audit Committee is constituted in terms of the requirements of sound corporate governance practices and operates in accordance with a written charter that incorporates the specific requirements of section 166 of the MFMA. The Committee amended the charter to reflect the revised membership composition as approved by the Council. The Municipal Manager has signed the charter as confirmation.

COMPOSITION OF THE AUDIT COMMITTEE

At the end of the financial year ended 30 June 2016, the Audit Committee comprised of four independent members. An independent member chairs the committee. Both the internal and external auditors had unrestricted access to the Audit Committee during the year under review.

Said members are:

1. Mr. J. Stoffels (Independent Member and Chairperson) – re-appointed 01.09.2014
2. Mrs A. Potgieter – (Independent Member) re-appointed 01.11.2015
3. Mr N. Metelerkamp – (Independent Member) re-appointed 01.09.2014
4. Advocate D. Block - (Independent Member) appointed 01.03.2016

Advocate W.Olivier resigned on 31 October 2015 to take up a government position in Bloemfontein.

ACTIVITIES

The Audit met 6 times during the financial year ended 30 June 2016. We also had 7 monthly engagements with the Municipal Manager and other senior managers, where routine management matters are discussed.

We carried out the following functions in terms of our charter:

1. Reviewed and amended the Audit Committee Charter, and referred it to Council for approval.

2. Reviewed and approved the rolling and annual internal audit plans including the definition of audit units, audit universe, and prioritisation of audit coverage taking into account the outputs of the risk assessments performed.
3. Reviewed executive summaries of all internal audit reports issued.
4. Reviewed the reporting by internal audit on performance management and performance information.
5. Issued reports and recommendations to Council on performance management and performance information.
6. Reviewed the annual financial statements as at 30 June 2016, the Final Management Report of the Auditor General, as well as the Report of the Auditor-General on the annual financial statements and the findings of the Auditor General on predetermined objectives and compliance with certain laws and regulations, and their detailed management letter.
7. Performed assessments on the effectiveness of the Committee for review and comment by the Municipal Manager and for presentation to Council.
8. Deliberated on the implementation of mSCOA
9. Considered other matters as deemed appropriate.

AUDITOR GENERAL'S REPORT AND FINAL MANAGEMENT LETTER

(Please note that for the sake of convenience we will refer to the Auditor-General as the "A-G" in the rest of this report)

Report on the Annual Financial Statements

The municipality achieved a 3rd consecutive clean audit outcome, and we would like to take this opportunity to congratulate Council and management on this significant milestone.

We do not want to restate the pertinent issues highlighted in the A-G's Management Report for the year 2015/2016. These are detailed on pages 3 to 24 of said report, dated 30 November 2016. However, we want to draw Council's attention to the following issues of concern highlighted in these documents.

Significant Uncertainties

EDM is a defendant in the following lawsuits

- Lefatshe – Computer systems – R 9 329 213.00 ;
- A possible dispute with certain B-municipalities regarding properties registered in the name of EDM – R 68 163 662.00
- Uniondale Correctional Facility on behalf of the Dept of Public Works – R 8 323 662.00

This is not the first time that these issues are raised by the Office of the A-G. These issues have also been repeatedly discussed in meetings of the Audit Committee, and we urge Council to bring these matters to finality, as they could have a significant effect on the financial viability of EDM.

Human Resources Management

According to the A-G's Report, an assessment of human resource management has identified the following deficiencies:

Management of vacancies

- The overall vacancy rate at year-end increased from 10.49% in 2015 to 12.78% in 2016.

Competencies of key officials

- The head of supply chain management did not meet the minimum competency requirements as required by the Municipal Regulations on Minimum Competency Levels. Supply Chain Management is one of EDM's main risk areas, and Council should deal with this matter expeditiously.

Preparation of regular, accurate and complete financial and performance reports

According to the A-G's Report (see pages 10 and 11) management did not perform a complete review of the financial statements submitted for audit by ensuring that financial statement disclosures is presented in accordance with the GRAP reporting framework.

INTERNAL AUDIT

Internal Audit operates under a 3-year rolling Internal Audit plan, approved by the Audit Committee, and which has a significant current focus on financial internal controls. We have consistently argued that the internal audit unit has to be strengthened, because the unit still lacks the critical mass to effectively manage the Internal Audit Plan.

It is critical that Internal Audit's recommendations are addressed as a matter of urgency. The committee is concerned about the number and nature of recurring findings and the fact that a number of Internal Audit reports have been issued more than once without the necessary action being taken.

RISK MANAGEMENT

To maintain an overall positive perception of the municipality and confidence in the municipality from the public and other stakeholders, well planned goals and objectives should be coordinated and achieved within the municipality. Section 62(1) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) stipulates that the Accounting Officer must take all reasonable steps to ensure that the municipality has and maintains an effective, efficient and transparent system of financial- and risk management and internal control as well as the effective, efficient and economical use of the resources of the municipality.

The municipality has instituted such a systematic and formalised process in order to identify, assess, manage and monitor risks which effectively ensures achievement of those planned goals and objectives. Thus, risk management is essentially a good governance measure instituted to ensure the municipality accomplish its vision, mission and strategic plans.

The municipality has an approved risk management policy, framework and implementation plan as approved by council. The policy is reviewed annually. The risk management function is facilitated internally by the Risk Officer who reports directly to the Municipal Manager. EDM's risk management process is audited by the Internal Audit unit on an annual basis.

The Risk Officer has issued a number of reports covering risk management including amongst others the Risk Assessment update and Review of risk treatment plans.

SPECIFIC FOCUS AREAS

Financial Viability

The A-G's audit included a high-level overview of the financial viability of EDM as at 30 June 2016. This financial viability assessment provides management with useful information for accountability and decision-making purposes and complements the financial statements by providing insights and perspectives thereon. According to the A-G report on page 17 :

" the municipality's financial indicators are constantly improving. We commend the municipality for managing current liabilities against available liquid resources to finance the current liabilities. There has been an improvement on the debtor collection period even though provision for debtor's impairment increased almost three times. Overall, the municipality is financial sound and has a robust financial management system"

Given the financial constraints of EDM, this is a commendable achievement.

Procurement and Contract Management

The audit included an assessment of procurement processes, contract management and the related controls in place.

A summary of the findings from the audit are as follows:

Irregular expenditure

R10,08 million of irregular expenditure incurred in 2016 was as a result of the contravention of SCM legislation. 5% of this irregular expenditure was identified during the audit process and not detected by the municipality's monitoring processes. The root cause is the lack of effective prevention and detection to ensure compliance with applicable legislation.

Procurement processes – general

- Invitations for competitive bids for the procurement of one (1) contract with a value of R38 988 were not advertised.
- An invitation for competitive bids for the procurement of one (1) contract was not advertised for the required minimum number of days.
- Three (3) contracts with a value of R432 385.00 were awarded without applying the preference points system.
- Two (2) contracts with a value R59 830.00 were not awarded to the supplier with the ability and capability to deliver the goods and services and lowest price.

Internal control deficiencies

The review and monitor of compliance with applicable laws and regulations were not adequately performed by management in relation to procurement and contract management

Emerging risks

- mSCOA

The mSCOA regulations were gazetted on 22 April 2014, which established the application of the mSCOA in local government as a legislated requirement. mSCOA will take effect on 1 July 2017 and will thus impact on the 2017-18 financial statements and audits of all local government auditees.

EDM is aware of the mSCOA requirements and has made good progress in ensuring that the municipality would be in a better position to implement mSCOA by the due date of 1 July 2017. The Audit Committee would like to thank Mr John Kruyt of the Development Bank of South Africa (DBSA) for the sterling work that he has done to assist EDM with this mammoth task.

What remains now is for Council to ensure that funding is made available to elicit the required capacity (competent staff, external expertise, training, etc) to ensure that EDM is able to implement mSCOA by 1 July 2017.

- **Theft of municipal assets**

The Audit Committee is extremely concerned about the increased occurrence of theft at EDM. Valuable assets of EDM have been stolen lately (eg. a fire engine). Council and management need to give this matter the urgent attention that it deserves, because it has a significant impact on the service delivery objectives of the organisation.

- **Environmental issues**

The current spate of fires raging in the Western- and Southern Cape is a disaster of immense proportions, and perhaps EDM, together with other municipalities in the region, should have a re-think about how to manage these disasters in future. The same argument goes for our drought relief plans for the future.

EVENTS AFTER THE REPORTING DATE

The August 2016 elections brought about a new Council.

We are hopeful that the relationship between the Audit Committee and the new Council and the Mayoral Committee and between the (new) Municipal Manager and his/her management team will be productive and provide the same positive liaison that is currently in place

CONCLUSION

The Audit and Performance Audit Committee acknowledges that the environment within which management is operating is difficult given the many challenges, and the fact that grant funding to District municipalities have decreased. There have also been ongoing changes to accounting practices, systems, policies and procedures (note mSCOA) which have been difficult to adopt especially given the scarcity of skills.

Last but not least ...a number of stakeholders and commentators have recently raised questions and concerns about the validity and credibility of “clean audit outcomes” achieved by municipalities, and the exorbitant costs involved in these external audits. The Audit Committee shares these questions and concerns, and would like to issue a word of caution about complacency in this regard. Yes, EDM has achieved a 3rd clean audit outcome in 2016, but there remain deficiencies in our practices, policies, procedures and systems, and these will be exacerbated by the introduction of mSCOA.

Our work is not done yet. We need to work even harder in future in order to improve the quality of the lives of the people we serve.

.....
J.STOFFELS – MEMBER AND CHAIRPERSON
(On behalf of the Audit Committee)

16 January 2017.

DISTRICT COUNCIL

31 MARCH 2017

DC 135/03/17

**ANNUAL REPORT: 2015/16 FINANCIAL YEAR
JAARVERSLAG: 2015/16 FINANSIËLE JAAR
LWENGXELO YONYAKA: KUNYAKA MALI KA 2015/16 (564328)**

(10/1/1)

22 March 2017

**REPORT FROM EXECUTIVE MANAGER: CORPORATE / STRATEGIC SERVICES
(B. HOLTZHAUSEN) / MANAGER STRATEGIC SERVICES (M. WILSON)**

PURPOSE OF THE REPORT

This report aims to submit the 2015/16 Annual Report for consideration by the Eden District Municipal Council, mainly to adhere to the prescribed legislative requirements, as contained in the Municipal Finance Management Act, 2003 (Act 56 of 2003) and herein referred to as the MFMA.

BACKGROUND

Council, at its meeting held on 30 January 2017 resolved as follows:

"That the tabling of the Annual Report for the period 2015/2016 in terms of Section 127(2) of the MFMA by the Executive Mayor, be noted.

That the Annual Report be referred to MPAC.

That the Annual Report be made public in terms of Section 127(5) of the MFMA, for comments."

No comments were received from the public.

Subsequent to the abovementioned resolution, MPAC meetings took place on 17 February 2017, 07 March 2017 and 15 March 2017. Key issues regarding the document have been discussed at the mentioned MPAC meetings (refer to Oversight Report).

Section 129 (1) of the MFMA requires that a municipality must consider the Annual Report by no later than two months from the date on which the Annual Report was tabled in the Council in terms of Section 127, adopt an Oversight Report containing the Council's comment on the Annual Report.

Chapter 12 of the MFMA and Sections 45 and 46 of the Local Government Municipal Systems Act, 2000, (Act 32 of 2000) mandates every municipality within South Africa to each prepare and adopt an Annual Report.

The purpose of the 2015/2016 Annual Report is to:

- provide a record of the Municipality's activities for the 2015/2016 financial year;
- provide feedback to the region's communities with regards to the implementation of the municipality's IDP and budget processes; and
- to promote municipal – public accountability.

This 2015/2016 Eden Annual Report was drafted in consultation with various legislative prescripts and guides and focuses its attention on the following issues:

| Chapter | Content |
|-----------|---|
| Chapter 1 | Executive Mayor's Foreword and Executive Summary |
| Chapter 2 | Municipal Governance |
| Chapter 3 | Overview of Performance within the Eden District Municipality |
| Chapter 4 | Organisational Performance (Performance report part 2) |
| Chapter 5 | Departmental highlights of the 2015/2016 Financial Year |
| Chapter 6 | The Eden District Municipality's Financial Performance |
| Chapter 7 | Auditor General's Report 2014/15 Financial Year (Previous Year) |

The 2015/2016 Annual Report is attached as Annexure A. (CD Format).

RELEVANT LEGISLATION

Chapter 12 of the MFMA, 2003 (Act 56 of 2003);

Sections 45 and 46 of the Municipal Systems Act, 2000 (Act 32 of 2000).

UITVOERENDE OPSOMMING

Hoofstuk 12 van die Munisipale Finansiële Bestuurswet, 2003, (Wet 56 van 2000) en hierin verwys na as die MFMA en Artikels 45 en 46 van die Munisipale Stelselwet, 2000 (Wet 32 van 2000) bepaal dat die Uitvoerende Burgemeester jaarliks binne sewe maande na die einde van die munisipale finansiële jaar, 'n Jaarverslag aan die Munisipale Raad moet voorlê. Die doel van die 2015/2016 Jaarverslag is om:

- a) 'n rekord voor te lê van die Munisipaliteit se aktiwiteite;*
- b) verslag te doen rakende die munisipaliteit se prestasie ten opsigte van dienslewering en implementering van die Raad se GOP en begroting; en*
- c) verantwoordbaarheid teenoor die plaaslike gemeenskap te bevorder.*

Die 2015/2016 Jaarverslag bevat die volgende hoofstukke:

| Hoofstuk | Inhoud |
|-------------------|---|
| <i>Hoofstuk 1</i> | <i>Uitvoerende Burgemeester se Voorwoord en Uitvoerende Opsomming</i> |
| <i>Hoofstuk 2</i> | <i>Munisipale Regering</i> |
| <i>Hoofstuk 3</i> | <i>Oorsig van die Eden Distriksmunisipaliteit se prestasie</i> |
| <i>Hoofstuk 4</i> | <i>Organisatoriese Ontwikkeling Prestasie (Prestasie verslag deel 2)</i> |
| <i>Hoofstuk 5</i> | <i>Departementele hoogtepunte van die 2015/2016 Finansiële Jaar</i> |
| <i>Hoofstuk 6</i> | <i>Finansiële Prestasie van die munisipaliteit</i> |
| <i>Hoofstuk 7</i> | <i>Bevindinge deur die Ouditeur-Generaal vir die 2014/15 finansiële jaar (vorige finansiële jaar)</i> |

Artikel 129 van die MFMA vereis dat die Raad binne twee (2) maande nadat die Jaarverslag ter tafel gelê is, dit moet aanvaar tesame met 'n verslag vanaf die Oorsigkomitee. Ten tyde van die MPRK vergaderings wat plaasgevind het op 17 Februarie 2017, 07 Maart en 15 Maart 2017 is die Jaarverslag bespreek. (verwys na Oorsigverslag).

RECOMMENDATION

That Council approves the Annual Report for the period 2015/2016.

AANBEVELING

Dat die Raad die Jaarverslag vir 2015/2016 goedgekeur.

ISINDULULO

Sesokuab Ingxelo Yonyaka kwixesha lango 2015/2016 ithathelwe ingqalelo.

ANNEXURE A

Annexure A- 2015/2016 Annual Report on CD format included.

DISTRICT COUNCIL

31 MARCH 2017

DC 136/03/17

**REPORT ON PROPOSED CHANGES TO THE SCHEDULE OF COUNCIL
AND COMMITTEE MEETING DATES FOR 2017 / *VERSLAG RAKENDE
VOORGESTELDE WYSIGINGS AAN DIE SKEDULE VAN
VERGADERDATUMS VIR RAAD EN KOMITEEVERGADERINGS VIR
2017* / INGXELO YESIPHAKAMISO SENGUQU YOLUDWE
LWEENTLANGANISO ZEBHUNGA NEEKOMITI KUNYAKA KA 2017
(572144)**

(4/1/2/1)

16 March 2017

**REPORT FROM THE EXECUTIVE MANAGER: CORPORATE/STRATEGIC
SERVICES (B HOLTZHAUSEN)**

PURPOSE OF THE REPORT

To submit proposed changes to the schedule of meeting dates for 2017 to Council.

BACKGROUND

Council, at a meeting held on 30 January 2017, approved the schedule of meeting dates for 2017.

During a Special Governance Committee meeting held on 14 March 2017, the respective parties proposed several changes to the meeting schedule as well as the cycle for 2017 in respect of the Section 80 Committees. The proposed changes are set out in the document attached as Annexure A.

Council's attention is directed to the changes in respect of the Section 80 Committees as follows:

- Roads & Transport Planning Committee move to Mondays at 14:00
- Financial and Community Services Committees move to Tuesdays at 10:00 and 14:00 respectively
- District Economic Development & Tourism and Property Management & Development Committees move to Wednesdays at 10:00 and 14:00 respectively

- Corporate and Strategic Services Committees: Thursdays at 10:00 and 14:00 respectively

RELEVANT LEGISLATION

Section 11 of the Rules of Order Regulating the Conduct of Meetings as promulgated in Provincial Gazette No. 6469, dated Friday, 28 September 2007.

Section 80 of the Local Government Municipal Structures Act, Act 117 of 1998

FINANCIAL IMPLICATIONS

None

RECOMMENDATION

That the following proposed changes to the meeting schedule and cycle for 2017 in respect of the Section 80 Committees be approved and implemented with effect from 01 April 2017:

- Roads & Transport Planning Committee move to Mondays at 14:00
- Financial and Community Services Committees move to Tuesdays at 10:00 and 14:00 respectively
- District Economic Development & Tourism and Property Management & Development Committees move to Wednesdays at 10:00 and 14:00 respectively
- Times of Corporate and Strategic Services Committees move to Thursdays at 10:00 and 14:00 respectively

AANBEVELING

Dat die volgende voorgestelde wysigings aan die vergaderingsdatums en siklus vir 2017 ten opsigte van die Artikel 80 Komitees goedgekeur en met ingang 01 April 2017 implementeer word:

- *Paaie & Vervoer Beplanningskomitee skuif na Maandae om 14:00*
- *Finansiële en Gemeenskapsdienstekomitees skuif na Dinsdae om 10:00 en 14:00 onderskeidelik*
- *Distrik Ekonomiese Ontwikkeling & Toerisme en Eiendomsbestuur & Ontwikkelingskomitees skuif na Woensdae om 10:00 en 14:00 onderskeidelik*
- *Tye van Korporatiewe en Strategiese Dienstekomitees skuif na Donderdae om 10:00 en 14:00 onderskeidelik*

ISINDULULO

Sesokuba ezinguqu zilandelayo ziphakanyisiweyo kwintlanganiso ezimiseliweyo kunye nexesha lika 2017 ngokuphathelene neKomiti zoMhlathi 80 ziphunyezwe kwaye zimiselwe ukususela ngomhla 01 kuTshazimpunzi 2017:

- Ezendlela kunye Nezicwangciso Zezothutho isiwe ngeMivulo ngo 14:00
- Ikomiti Yezemali kunye Nenkonzo Zoluntu zisiwe kuLwesibini ngo 10:00 nango 14:00
- D Uphuhliso Lwezoqoqosho Lwesithili kunye Nezokhenketho kunye Nekomiti Yolawulo Lwezomhlaba kunye Nophuhliso zisiwe kuLwesithathu ngo 10:00 nango 14:00

Amaxesha eKomiti Yenkonzo Zolawulo kunye Nobuchule zisiwe kuLwesine ngo 10:00 nango 14:00

APPENDIX

- Proposed changes to schedule of meetings for 2017

PROPOSED CHANGES: SCHEDULE OF MEETING DATES FOR 2017 AS AT 14 MARCH 2017 / VOORGESTELDE WYSIGINGS SKEDULE VIR VERGADERDATUMS VIR 2017 SOOS OP 14 MAART 2017

| MD = MEETING DATE | | | | | | | | | | | | | | | | |
|---|-----|----|------|----|------|----|------|----|------|----|------|----|-----|----|------|----|
| CD = CLOSING DATE | | | | | | | | | | | | | | | | |
| | JAN | | FEB | | MAR | | APR | | MAY | | JUN | | JUL | | SEPT | |
| | CD | MD | CD | MD | CD | MD | CD | MD | CD | MD | CD | MD | CD | MD | CD | MD |
| Council | 10 | 30 | | | 10 | 31 | | | 3 | 30 | | | | | | |
| Mayoral Committee | 3 | 26 | 2 | 23 | 28/2 | 16 | 30/3 | 20 | 27/4 | 18 | 25/5 | 15 | | | 31/8 | 28 |
| Mon: Roads & Transport 14:00 | | | | | | | 17/3 | 10 | 20/4 | 8 | 22/5 | 5 | | | 18/8 | 15 |
| Tues: Finance at 10:00 and Community at 14:00 | | | | | | | 18/3 | 11 | 19/4 | 9 | 19/5 | 5 | | | 21/8 | 18 |
| Wed: Economic Dev at 10:00 and Property Mngt & Dev at 14:00 | | | | | | | 20/3 | 12 | 20 | 10 | 19/5 | 7 | | | 22/8 | 19 |
| Thur: Corporate Serv at 10:00 and Strategic Serv at 14:00 | | | | | | | 21/3 | 13 | 21/4 | 11 | 22/5 | 8 | | | 23/8 | 20 |
| Governance | | | | | | | 3 | 19 | | | 5 | 19 | | | 2 | 16 |
| NO MEETINGS SCHEDULED FOR JULY RECESS | | | | | | | | | | | | | | | | |
| LLF Sub Committees | | | | | | | | | | | | | | | | |
| Human Resources start at 10:00 | | | | | | | 3 | 3 | | 3 | | 12 | | | 1 | |
| Workplace & Restructuring: 12:00 | | | | | | | | | | | | | | | 2 | |
| Basic Condition Dev Committee: 14:00 | | | | | | | | | | | | | | | | |
| LLF Workshops | | | | | | | | | | | 19/5 | 9 | | | | |
| LLF Consultation | | | | | | | 4 | 7 | 4 | | 6 | | | | 2 | |
| LLF meetings | | | 8 | 27 | 9 | 30 | 10 | 27 | 12 | 25 | 12 | 29 | | | 9 | 23 |
| Training & Dev @ 11:00 | | | 1 | 22 | | | 5 | 26 | | | 5 | 21 | | | | |
| Employment Equity 11:00 | | | | | | | 4 | 25 | | | 8 | 20 | | | 10 | 24 |
| CHS Sub Committees | | | | | | | | | | | | | | | | |
| Northern H & S | | | | | | | | | | | | | | | | |
| Eastern H & S | | | | | | | | | | | | | | | | |
| Western H & S | | | | | | | | | | | | | | | | |
| CHS | | | | | | | 6 | 23 | | 28 | 1 | 27 | | | | |
| APAC start at 13:00 | | | 10 | 24 | | | 7 | 21 | | | 9 | 23 | | | | |
| MPAC | 6 | 17 | 30/1 | 14 | | | | | 1 | 16 | | | | | | |
| Budget Steering Com | 9 | 18 | | | 18/2 | 14 | | | 5 | 19 | | | | | | |
| ICT Steering Com | | | | | | | | | | | | | | | | |
| Council Workshops | 10 | 25 | 7 | 28 | | | | | 12 | 28 | | | | | 10 | 24 |

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DISTRICT COUNCIL

31 MARCH 2017

DC 137/03/17

**EDEN DISTRICT WASTE MANAGEMENT POLICY AND BY-LAW / EDEN
DISTRIK AFVALBESTUURSBELEID EN VERORDENING / UMGAQO
WOLAWULO LWENKUNKUMA WOMASIPALA WESITHILI SE EDEN
KUNYE NEMIMISELO (570299)**

(17/5/1/1)

01 March 2017

**REPORT FROM THE EXECUTIVE MANAGER: COMMUNITY SERVICES:
MANAGER: DISTRICT WASTE MANAGEMENT (M E HUBBE)**

PURPOSE OF THE REPORT

To provide information to Council on the public participation process and workshop with Councillors regarding the District Waste Management Policy and By-Laws. To obtain final approval from Council for the acceptance of the District Waste Management Policy and By-Laws and to commence with the publication of the By-Laws in the Provincial Gazette.

BACKGROUND / DISCUSSION

The Waste Management section, with the assistance of the lawyers Brown, Braude and Vlok Inc, has formalised a Final Draft Waste Management Policy and By-Law to assist with waste management control in the Eden District Municipal jurisdiction.

The compilation of the By-Law was necessary to lay claim to the function and services relating to the establishment, operation and control of district solid waste management and district solid waste disposal. (Local Government Municipal Structures Act, No. 117 of 1998). Furthermore to give effect to a tariff policy for such services and the enforcement of such a tariff policy.

In terms of Council resolution DC 1059/05/16 dated 27 May 2016, Council in principle adopted the compilation of the District Waste Management By-Law. It was also resolved that the By-Law be published for public comment in a manner for the public to make representation with regards to the proposed draft By-Law and that a workshop be held with Councillors as soon as the the public participation process was finalised on the final draft By-Law and Policy.

The Local Government: Municipal Systems Act, no 32 of 2000 section 12, dictates that the proposed By-Law must be published for public comments in a manner that allows the public an opportunity to make representation with regards to the proposed By-Law.

The progresses made on the above mentioned resolution are as follows:

- The District Waste Management By-Law was published in all of the six (6) local newspapers. Comments were allowed for a period of thirty five (35) days. No comments were received on closing date for comments of 30 September 2017.
- The draft By-Law was available in hard copies at all of the Eden District Municipal offices in the Eden Region for the public to have easy access to the documentation. A copy of the By-Law was also available to the public on the Eden DM Website.
- The draft By-Law was send to all seven (7) Municipal Managers of the Local Municipalities and the Department of Environmental Affairs and Development Planning, Waste Management Section (DEADP) for comments. No comment was received from the Local Municipalities on closing date for comments of 30 September 2016. Comments were received from DEADP that was incorporated within the draft.
- The draft By-Law was also distributed to the Legal Advisor of Eden District Municipality and comments received were corrected in the draft.
- A Workshop was held with District Council Members on the 21st of February 2017 in order to explain the contents of the Policy and By-Laws and to clear any uncertainties.

FINANCIAL IMPLICATIONS

None

RELEVANT LEGISLATION

National Environmental Management: Waste Act, No. 59 of 2008

Local Government Municipal Finance Management Act, No. 56 of 2003

Section 12 of the Local Government Municipal Systems Act, No. 32 of 2000

Local Government Municipal Systems Amendment, Act 44 of 2003.

Section 84 (1)Local Government Municipal Structures Act, No. 117 of 1998

UITVOERENDE OPSOMMING

Die Vaste Afvalbestuur afdeling, in samewerking met die prokureurs Brown, Braude en Vlok Inc, het 'n finale Konsep Afvalbestuur Beleid en Verordening opgestel om vaste afvalbestuur binne die Eden Distriksmunisipale gebied te reguleer.

Die opstel van die betrokke Verordening was nodig ten einde die wetlike funksie van die Distriksmunisipaliteit vas te lê ten opsigte van die vestiging, uitvoering en beheer van distrik vaste afvalbestuur en distrik afvalbeskiking. (Plaaslike Bestuur: Munisipale Strukturewet nr. 118 van 1998). Die Verordening sal dit ook moontlik maak ten einde uitvoering te gee aan die gepaardgaande tarief beleid en die toepassing daarvan.

Kragtens Raadsbesluit DC 1056/05/16 gedateer 27 Mei 2016, is die konsep Verordening deur die Raad in beginsel goedgekeur en toestemming verleen om voort te gaan met die publieke deelname proses. Die besluit het ook verder ingesluit dat 'n Raadswerkswinkel gehou moet word na die publieke deelname proses voordat die konsep Distrik Afvalbestuur Beleid en Verordening aan die Raad voorgelê vir goedkeuring en publikasie.

Die Plaaslike Bestuur: Munisipale Stelselwet nr. 32 van 2000, Gedeelte 12, skryf voor dat die konsep Verordening geadverteer moet word vir publieke kommentaar.

Die stappe soos deur die Raad besluit is soos volg afgehandel:

- *Die versoek aan die publiek om kommentaar te lewer op die konsep Distrik Afvalbestuur Verordening is geadverteer in al ses (6) plaaslike koerante. 'n Tydperk van vyf en dertig (35) dae is toegelaat om kommentaar te lewer tot en met die afsny datum van 30 September 2016. Geen publieke kommentaar is ontvang nie.*
- *Harde kopieë van die Verordeninge is geplaas by al die kantore van Eden Distriksmunisipaliteit om toegang tot die dokumentasie te vergemaklik. 'n Kopie was ook beskikbaar op die Eden Webtuiste.*
- *'n Afskrif van die konsep Verordening en Beleid is ook gestuur aan die Munisipale Bestuurders van die sewe (7) Plaaslike Munisipaliteite asook die Departement van Omgewingsake en Ontwikkelingsbeplanning,*

Vaste Afvalbestuur Afdeling (DEADP), vir kommentaar. Geen kommentaar is ontvang vanaf die Plaaslike Munisipaliteite nie maar wel vanaf DEADP. Hulle kommentaar is ingewerk in die konsep Beleid en Verordening.

- *Kommentaar is ook aangevra vanaf hierdie Raad se Regsverteenwoordiger wat dan ook ingebring is in die konsep Beleid en Verordening.*
- *'n Werkswinkel is op die 21ste Februarie 2017 gehou met die Raad ten einde hulle op hoogte te bring met die inhoud van die Beleid en Verordening en enige onduidelikhede uit te klaar asook enige kommentare te akkommodeer.*

RECOMMENDATION

1. That Council takes cognizance of the final draft of the District Waste Management Policy and By-Law.
2. That Council approves the final draft of the District Waste Management Policy and By-Law.
3. That the process to publish the draft District Waste Management By-Law commences.

AANBEVELING

1. *Dat die Raad kennis neem van die finale konsep Distrik Afvalbestuur Beleid en Verordening.*
2. *Dat die Finale Distrik Afvalbestuur Beleid en Verordening deur die Raad goedkeur word.*
3. *Dat daar voortgegaan word met die publikasie van die Distrik Afvalbestuur Verordeninge in die Staatskoerant.*

ISINDULULO

1. Sesokuba iBhunga lithathele ingqalelo uyilo lokugqibela loMgaqo Wolawulo Lwenkunkuma woMasipala Wesithili se Eden kunye Nemimiselo.
2. Sesokuba iBhunga liphumezel uyilo lokugqibela loMgaqo Wolawulo Lwenkunkuma woMasipala Wesithili se Eden kunye Nemimiselo.
3. Sesokuba inkuqbo yokupapasha uyilo loMiselo loLawulo Lwenkunkuma kwisiThili iqaliswe.

APPENDIX



EDEN

DISTRICT MUNICIPALITY
UMASIPALA WESITHILI
DISTRICKSMUNISIPALITEIT

DISTRICT WASTE MANAGEMENT POLICY

Council Approved:

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1. PREAMBLE

- 1.1. The National Waste Management Strategy published by the Department of Environmental Affairs during November 2011 sets out the numerous Waste management challenges, which include:
 - 1.1.1. a growing population and economy with increased volumes of Waste generated;
 - 1.1.2. limited understanding of the main Waste Streams due to inadequate, unreliable or contradictory Waste information available;
 - 1.1.3. the lack of policies and a regulatory environment which does not actively promote the Waste management hierarchy;
 - 1.1.4. no separation at source of Waste due to limited or absent recycling infrastructure;
 - 1.1.5. pervasive under-pricing relating to Waste Management Services, as the cost thereof is not fully appreciated.
- 1.2. Although all Persons remain responsible for a healthy and clean environment, the duty of government in all three its spheres is entrenched in the Constitution.
- 1.3. The Constitution bestows original powers and functions upon the local sphere of government, makes provision for the assignment of additional powers and functions and has entrenched the local sphere of government with fiscal powers and incidental powers.
- 1.4. Schedule 5B to the Constitution, insofar as it relates to Waste Management Services, sets out those matters in which Municipalities enjoy executive authority and have the right to administer the matters listed therein. The matters relating to Waste are cleansing, refuse removal, refuse dumps and solid Waste disposal.
- 1.5. The EDM shares its area of jurisdiction with the seven Local Municipalities of Bitou, George, Hessequa, Kannaland, Knysna, Mossel Bay and Oudtshoorn.
- 1.6. The EDM, a category C Municipality, and the seven Local Municipalities mentioned above, being category B Municipalities, are all part of the local sphere of government and therefore both the EDM and the Local Municipalities are bestowed with the same functions and powers in terms of the Constitution in relation to Waste Management Services.
- 1.7. However, the EDM's Integrated Waste Management Plan first published during November 2006 and revised by the Integrated Waste Management Plan (Second Generation) published in September 2014, sets out the need for a Regional Waste Disposal Facility and requires the EDM to establish and develop such a facility and thereafter operate the Waste Disposal Facility and provide Municipal Waste Disposal Services to all Participating Local Municipalities within its area of jurisdiction.
- 1.8. This change in circumstances brings Section 84 of the Municipal Structures Act into play, in terms of which the functions and powers are divided and the EDM is

bestowed with all the functions and powers relating to solid Waste disposal sites and particularly relating to:

- 1.8.1. the determination of a Waste disposal strategy;
 - 1.8.2. the regulation of Waste disposal; and
 - 1.8.3. the establishment, operation and control of Waste disposal sites, bulk Waste transfer facilities and Waste disposal facilities for more than one Local Municipality in the district.
- 1.9. As the establishment and operation of a Waste disposal site for more than one Municipality is a district municipal function and a Municipal Service, the EDM is obligated to provide such service in an equitable and accessible manner and further to ensure that it is both financially and environmentally sustainable.
- 1.10. Therefore the council of the EDM must adopt and implement this policy relating to the Waste Management Services to be provided, inclusive of a Tariff policy for the levying of fees for the Municipal Services it is to provide.
- 1.11. The purpose of this Integrated Waste Management Policy therefore is to provide guidance to decision makers towards integrated Waste management within the district of the EDM through the implementation of the principles and objectives outlined in NEMWA, the NWMS, the EDM's Integrated Waste Management Plan of 2014 and the EDM Waste Management By-Laws 2017 in so doing enable the EDM to deliver municipal Waste Management Services to Local Municipalities for the benefit of the Local Communities as a primary Municipal Service provider.
- 1.12. This policy focuses on the determination of Waste disposal strategies, the regulation of Waste disposal and the establishment, operation and control of Waste disposal sites, bulk Waste transfer facilities and Waste disposal facilities for more than one Local Municipality in the district of the EDM. It does not deal, nor attempt to deal, with Waste collection services and related issues which remain the domain of the Local Municipalities, except insofar as it may have an effect on Waste disposal strategies or the regulation of Waste disposal.

2. DEFINITIONS

The words and phrases contained in this definition clause will have the defined meaning throughout this policy, unless the context dictates otherwise. The words and phrases which describe defined wastes herein have the same meaning as ascribed to it in Schedule 3 of NEMWA and any future amendment thereto.

- 2.1. **"Authorised Official"** means any authorised official of the EDM who has been authorised or designated by the EDM to administer, implement and enforce the provisions of national, provincial or local legislation or any employee of a Service Provider acting within the scope of the powers, functions and duties assigned to the Service Provider by the EDM if such a Service Provider, for the purpose of the by-laws, has been appointed;
- 2.2. **"Authorised Waste Disposal Facility"** means a Waste Disposal Facility as defined herein, duly licensed in terms of section 49 of NEMWA, 2008 (Act No. 59 of 2008), as amended;

- 2.3. **"Building and Demolition Waste"** shall bear the meaning ascribed to it in Schedule 3 of NEMWA;
- 2.4. **" Business Waste"** shall bear the meaning ascribed to it in Schedule 3 of NEMWA;
- 2.5. **"Commercial Services"** means the –
- 2.5.1. collection and transportation of Business Waste;
 - 2.5.2. the conducting or undertaking of Waste management activities within the jurisdiction of the EDM which requires a Waste Management Licence; or
 - 2.5.3. the collection, transportation, sorting, Storage, recycling or recovery of Waste with the intention of making profit; or
 - 2.5.4. any Person collecting, storing or transporting Recyclable Waste on behalf of a bona fide non-governmental organisation; and
 - 2.5.5. excludes Municipal Waste Services.
- 2.6. **"Constitution"** means the Constitution of the Republic of South Africa, 1996;
- 2.7. **"Damage to the Environment"** means any Pollution, degradation or harm to the environment, whether visible or not;
- 2.8. **"Domestic Waste"** shall bear the meaning ascribed to it in Schedule 3 of NEMWA;
- 2.9. **"EDM"** means –
- 2.9.1. the EDM, a Municipality established as such by establishment notice PN497/2000 published on the 22nd of September 2000, exercising its legislative and executive authority through its municipal council; or
 - 2.9.2. its successor-in-title; or
 - 2.9.3. a structure or Person exercising power delegated or carrying out instructions which power has been delegated or sub-delegated or which instruction has been given as contemplated in terms of section 59 of Municipal Systems Act; or
 - 2.9.4. a Service Provider fulfilling a responsibility that is assigned to it in terms of section 81(2) of the Municipal Systems Act.
- 2.10. **"Environment"** means the surroundings within which humans exist made up of –
- 2.10.1. the land, water and atmosphere of the earth;
 - 2.10.2. micro-organisms, plant and animal life;
 - 2.10.3. any part or combination of 2.10.1 and 2.10.2 and the inter-relationships among and between them; and

- 2.10.4. the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence public health and wellbeing;
- 2.11. **"Food Waste"** shall bear the meaning ascribed to it in Schedule 3 of NEMWA;
- 2.12. **"Garden Waste"** shall bear the meaning ascribed to it in Schedule 3 of NEMWA;
- 2.13. **"General Waste"** shall bear the meaning ascribed to it in Schedule 3 of NEMWA;
- 2.14. **"Hazardous Waste"** shall bear the meaning ascribed to it in NEMWA;
- 2.15. **"Health Care Risk Waste"** means health care risk Waste as defined in the Western Cape Health Care Waste Management Act, 2007 (Act 7 of 2007);
- 2.16. **"Holder of Waste"** means any Person who imports, generates, collects, stores, accumulates, transports, processes, treats, exports or disposes of Waste;
- 2.17. **"Inert Waste"** shall bear the meaning ascribed to it in Schedule 3 of NEMWA;
- 2.18. **"Integrated Waste Management Plan"** means any Integrated Waste Management Planning system which the EDM must develop under national or provincial legislation or in terms of the EDM's Integrated Development Plan;
- 2.19. **"Land Reclamation"** means the plan and engineered disposal of inert or other appropriate Waste for the purpose of constructing any facility or changing the natural features of any piece of land;
- 2.20. **"Local Community"** means, in relation to the EDM, that body of Persons comprising of –
- 2.20.1. the residents within its area of jurisdiction;
 - 2.20.2. the ratepayers of the EDM or any Local Municipality sharing the same area of jurisdiction with the EDM;
 - 2.20.3. any civic organisation and non-governmental private sector or labour organisation or body which is involved in local affairs within the EDM's jurisdiction; and
 - 2.20.4. visitors and other residing outside of the EDM's jurisdiction who, because of their presence in that area make use of services or facilities provided by the EDM or the Local Municipalities;
- 2.21. **"Local Municipality"** means, for purposes of this policy, the Municipalities of George, Mossel Bay, Oudtshoorn, Hessequa, Bitou, Knysna and Kannaland, being Municipalities that share municipal executive and legislative authority in their respective areas with the EDM within whose area they fall;
- 2.22. **"MFMA"** means the Local Government: Municipal Finance Management Act, 2003 (56 of 2003);
- 2.23. **"Minimisation"** means, when used in relation to Waste, efforts to reduce and minimise the amount and toxicity of Waste that is generated and, in the event where

Waste is generated, the reduction of the amount and toxicity of Waste that is required to be disposed of;

- 2.24. **"Minister"** means the national minister responsible for environmental affairs;
- 2.25. **"Municipal Service"** means a service that a Municipality provides or may provide to or for the benefit of the Local Community in terms of its powers and functions, irrespective of whether:
 - 2.25.1. such a service is provided or to be provided by the Municipality through an internal mechanism or by engaging an external mechanism as contemplated in Section 76 of the Municipal Systems Act; and
 - 2.25.2. fees, charges or Tariffs are levied in respect of such a service or not;
- 2.26. **"Municipal Structures Act"** means the Local Government: Municipal Structures Act 117 of 1998;
- 2.27. **"Municipal Systems Act"** means the Local Government: Municipal Systems Act 32 of 2000;
- 2.28. **"Municipal Waste Services"** means services relating to the cleansing, collection, transportation and disposal of Waste, including Domestic Waste which is provided by the respective Local Municipalities and the EDM in accordance with this policy and the EDM Waste Management By-Laws 2016 and the enforcement thereof;
- 2.29. **"Municipal Waste Collection Services"** means a service provided exclusively by the Local Municipalities or their Service Providers to collect Domestic Waste, Business Waste and Food Waste in accordance with the provisions of the Municipal Systems Act and which, in the case of Business Waste, extends only to Waste deposited in bin liners, Waste bins and any Waste container approved by Local Municipalities;
- 2.30. **"Municipal Waste Disposal Services"** means the establishment, operation and control of Waste disposal sites, bulk Waste transfer facilities and Waste disposal facilities for more than one Local Municipality, which services are provided exclusively by the EDM or its Service Providers to Participating Local Municipalities and municipal Waste disposal services in relation to Non-Participating Municipalities shall mean the establishment, operation and control of Waste disposal facilities delivered by Non-Participating Local Municipalities or its Service Providers in accordance with the provisions of the Municipal Systems Act;
- 2.31. **"Municipality"**, where the word appears in this by-law without the prefix of "Participating Local" or "Non-Participating Local" or "Local", means all Municipalities in the district, including the EDM.
- 2.32. **"NEMA"** means the National Environmental Management Act 107 of 1998;
- 2.33. **"NEMWA"** means the National Environmental Management: Waste Act 59 of 2008 as amended by the National Environmental Laws Amendment Act 25 of 2014 and the National Environmental Management: Waste Amendment Act 26 of 2014 and as may be further amended from time to time;

- 2.34. **"NWMS"** means the National Waste Management Strategy developed in terms of NEMWA and published during 2011;
- 2.35. **"Non-Participating Local Municipalities"** means those Local Municipalities which at the time of approval of this policy are not Participating Local Municipalities as defined herein;
- 2.36. **"Organ of State"** has the same meaning as ascribed to it in terms of section 239 of the Constitution;
- 2.37. **"Organic Waste"** shall bear the meaning ascribed to it in Schedule 3 of NEMWA;
- 2.38. **"Owner"** means any Person that has the title to any Premises or land, or any Person receiving the rent or profits for allowing the occupational use of any land, Premises or part of any Premises or who would receive rent or profit if land or Premises were let or used, whether he does so on his own account or for another;
- 2.39. **"Participating Local Municipalities"** means the Local Municipalities of George, Mossel Bay, Knysna and Bitou who are obligated to make use of the Municipal Waste Disposal Services to be provided by the EDM as more fully described in Clause 7 of this policy;
- 2.40. **"Person"** means a natural or juristic Person and includes an accredited permit holder and an Organ of State;
- 2.41. **"Pollution"** has the same meaning ascribed to it as in section 1 of NEMA;
- 2.42. **"Premises"** means –
- 2.42.1. land or a portion of land, whether or not a building or structure has been constructed or erected on the land or portion of land; or
 - 2.42.2. a building or structure and the land on which it is situated;
- 2.43. **"Prescribed Fee"** means a Tariff for the Municipal Waste Disposal Services which the EDM may set for the provision of such services to the users thereof and includes a surcharge on such Tariff;
- 2.44. **"Radioactive Material"** means any substance consisting of or containing any radioactive nuclide, whether natural or artificial;
- 2.45. **"Radioactive Waste"** means any radioactive material which is or is intended to be disposed of as Waste;
- 2.46. **"Recycle"** means a process where Waste is reclaimed for further use, which process involves the separation of Waste from a Waste Stream for further use and the processing of that separated material as a product or raw material;
- 2.47. **"Recyclable Waste"** means Waste which has been separated or recovered from the Waste Stream and set aside for purposes of recycling;

- 2.48. **"Reuse"** means to utilise the whole, portion of or a specific part of any substance, material or object from the Waste Stream for a similar or different purpose, without changing the form or properties of such substance, material or object;
- 2.49. **"Service Provider"** means any Person who has entered into a service delivery agreement with the EDM in terms of section 81(2) of the Municipal Systems Act including for purposes of this by-law, a Public Private Partnership Agreement in terms of Section 120 of the MFMA;
- 2.50. **"Storage"** means the accumulation of Waste in a manner that does not constitute treatment or disposal of that Waste;
- 2.51. **"Sustainable Development"** means the integration of social, economic and environmental factors into planning, implementation and decision making so as to ensure that development serves present and future generations.
- 2.52. **"Tariff"** means the charge to users for the provision of Municipal Waste Disposal Services;
- 2.53. **"Waste"** means –
- 2.53.1. any substance, material or object, which is unwanted, rejected, abandoned, discarded or disposed of, or that is intended or required to be discarded or disposed of, by the holder of that substance, material or object, whether or not such substance, material or object can be re-used, Recycled or recovered; and
 - 2.53.2. includes all Wastes as defined in Schedule 3 to NEMWA and any other substance, material or object that is not included in Schedule 3 of NEMWA that may be defined as a waste by the by the Minister by notice in the gazette,
- but any Waste or portion of Waste referred to in paragraphs 2.53.1 and 2.53.2 above ceases to be a Waste -
- 2.53.3. once an application for its re-use, recycling or recovery has been approved or, after such approval, once it is, or has been Reused, Recycled or recovered;
 - 2.53.4. where approval is not required, once a Waste is, or has been Reused, Recycled or recovered;
 - 2.53.5. where the Minister has, in terms of Section 74 of NEMWA, exempted any Waste or a portion of Waste generated by a particular process from the definition of Waste; or
 - 2.53.6. where the Minister has in the prescribed manner excluded any Waste Stream or a portion of a Waste Stream from the definition of Waste;
- 2.54. **"Waste Disposal Facility"** means any site or Premises used for the accumulation of Waste with the purpose of disposing of that Waste at the site or Premises;
- 2.55. **"Waste Generator"** means any Person who generates or produces Waste;

- 2.56. **"Waste Handling Facility"** means any facility that accepts, accumulates, handles, Recycles, reprocesses, sorts, stores or treats Waste prior to its transfer for treatment by way of incineration or for final disposal;
- 2.57. **"Waste Management Officer"** means a Waste Management Officer designated in terms of section 10 of NEMWA;
- 2.58. **"Waste Management Plan"** means a plan referred to in clause 5 of this policy;
- 2.59. **"Waste Management Activity"** has the same meaning as ascribed to it in section 1 of NEMWA;
- 2.60. **"Waste Management Licence"** has the same meaning as ascribed to it in section 1 of NEMWA;
- 2.61. **"Waste Management Services"** has the same meaning as ascribed to it in section 1 of NEMWA;
- 2.62. **"Waste Stream"** means a type of Waste, including Building and Demolition Waste, business Waste, un-compactible Waste, Food Waste, Domestic Waste, Garden Waste, Hazardous Waste, Health Care Risk Waste, industrial Waste, Recyclable Waste and special industrial Waste.

3. **LEGAL FRAMEWORK**

The legislative framework for this Integrated Waste Management Policy is summarised hereunder and includes references to national and provincial statutes, policies and strategies.

3.1. **The Constitution of the Republic of South Africa, 1996**

- 3.1.1. **Chapter 2** of the Constitution contains the Bill of Rights, which is a cornerstone of democracy in South Africa. It enshrines the rights of all people in the country and affirms the democratic values of human dignity, equality and freedom.
- 3.1.2. In terms of **Section 24** of **Chapter 2**, everyone has the right to an Environment that is not harmful to their health and wellbeing and to have the Environment protected through reasonable legislative and other measures that prevent Pollution and ecological degradation, promotes conservation and secure ecologically Sustainable Development.
- 3.1.3. **Section 32** provides the right to access to information. In the Waste arena, the lack of information is one of the major obstacles in proper integrated Waste management. The development of a Waste information system is therefore essential in terms of this section of the Constitution.
- 3.1.4. **Chapter 3** of the Constitution deals with cooperative government. **Section 40** thereof confirms that the government is constituted in national, provincial and local spheres, which are distinctive, interdependent and interrelated.
- 3.1.5. **Section 41** of the Constitution provides the principles for cooperative governance and intergovernmental relations and *inter alia* states that all

organs of state and spheres of government must not assume any power or function except those conferred on it in terms of the Constitution and furthermore exercise their powers and perform their functions in a manner that does not encroach on the geographical, functional or institutional integrity of government in another sphere.

- 3.1.6. **Section 156** deals with the powers and functions of Municipalities and confirms that Municipalities have the right to administer the local government matters listed in Part B of Schedule 4 and Part B of Schedule 5.
- 3.1.7. In terms of **Section 155** of the Constitution, where Municipalities of both category B and category C share the same area of jurisdiction, provision must be made for an appropriate division of powers and functions between the Municipalities.
- 3.1.8. Schedule 5B to the Constitution confirms *inter alia* that Municipalities have functions and powers over the following related matters, being cleansing, refuse removal, refuse dumps and solid Waste disposal.

3.2. The National Environmental Management Act 107 of 1998

NEMA provides the principle framework for environmental issues and has direct relevance to the implementation of the NWMS and the designation of the Department of Environmental Affairs as a lead agent for the environment. The act also places a special duty of care on every Person to prevent or mitigate and remediate environmental damage and Pollution and sets the principle that he who contributes to the Pollution can be held liable. This includes the Owner of the land at the time the Pollution occurred, or an occupier in control of that land at the time or any Person who negligently failed to prevent the situation.

3.3. The Western Cape Health Care Waste Management Act of 2007

- 3.3.1. This piece of legislation was amended during 2010 to align itself with the terminology used in NEMWA.
- 3.3.2. The object of this act is to promote integrated health care Waste management and thereby:
 - (a) reduce the risk of health care Waste to human health;
 - (b) prevent the degradation of the environment;
 - (c) prevent the illegal dumping of health care Waste;
 - (d) promote Sustainable Development; and
 - (e) ensure responsible management of health care Waste within the province.
- 3.3.3. In terms of the act, the EDM must:
 - (a) enforce the relevant provisions of the act within its area of jurisdiction;

- (b) perform audits of Generators, transporters, treaters or disposers of health care Waste within its area of jurisdiction to ensure compliance with the provisions of this act; and
- (c) report annually to the provincial Minister.

3.3.4. This act is supported by Health Care Risk Waste Management Regulations published during 2013. These regulations address the requirements for packaging and Storage, internal transport, external transport, vehicles, drivers, treatment and disposal of Health Care Risk Waste.

3.4. National Water Act 36 of 1998

The purpose of this act is to ensure that Municipalities' water resources are protected, used, developed and conserved in ways which take into account the protection of aquatic and associated ecosystems.

3.5. National Environmental Management: Air Quality Act 39 of 2004

This act was promulgated to formulate a law regulating air quality in order to protect the Environment by implementing measures for the prevention of Pollution and ecological degradation.

3.6. Municipal By-Laws

- 3.6.1. The EDM promulgated Municipal Health By-Laws during 2008, which presently ensures the effective management of health care Waste in the whole of the Eden district. Integrated Waste Management By-Laws should be developed in support of these Municipal Health By-Laws.
- 3.6.2. As the EDM is bestowed with functions and powers relating to the establishment of Waste disposal strategies and the regulation of Waste disposal, in addition to the establishment and operation of Waste disposal facilities for more than one Municipality, it is necessary to consider the by-laws of the Local Municipalities with which the EDM shares its area of jurisdiction.
- 3.6.3. But for Kannaland, the remaining six Local Municipalities, including the Participating Local Municipalities, have existing Waste by-laws promulgated, which presently deal with both the collection and disposal of Waste. Given the outcome of the Integrated Waste Management Plan and the Section 78 of the Municipal Systems Act investigation that recommended the development of a regional landfill site by the EDM to service Participating Local Municipalities, the Local Municipality by-laws must be amended and aligned with any Integrated Waste Management By-Law promulgated by the EDM in terms of this policy. These amended by-laws should be prioritised for Participating Local Municipalities.

3.7. Local Government: Municipal Systems Act 32 of 2000

3.7.1. In terms of Chapter 8 of this act, the Municipality must:

- (a) give effect to the provisions of the Constitution and give priority to the basic needs of Local Communities; and

- (b) give priority to the basic needs of the Local Community;
- (c) promote the development of the Local Community; and
- (d) ensure that all members of the Local Community have access to at least the minimum level of basic Municipal Services.

3.7.2. All Municipal Services must be:

- (a) equitable and accessible, provided in a manner that is conducive to prudent economic, efficient and effective use of available resources and the improvement of standards of quality over time;
- (b) financially sustainable;
- (c) environmentally sustainable; and
- (d) regularly reviewed with a view to upgrading, extension and improvement.

3.7.3. In terms of Section 75, a Municipality must adopt and implement a Tariff policy on the levying of fees for such Municipal Services provided by the Municipality and must adopt by-laws to give effect to the implementation and enforcement of such a Tariff policy. Tariffs must reflect the costs reasonably associated with rendering the service. Capital, operating, maintenance, administration, replacement costs and interest charges must be set at levels that facilitate sustainability of the service, taking into account subsidisation from sources other than the Municipal Service.

3.7.4. The economical, efficient and effective use of resources, the recycling of Waste and other appropriate environmental objectives must be encouraged in terms of such policies and by-laws.

3.7.5. In Part 2 of Chapter 8 of the Municipal Systems Act, mechanisms for the provision of services is discussed and provides guidance for decisions as to whether services should be provided by means of internal or external mechanisms. As has been pointed out in the Second Generation Integrated Waste Management Plan, these processes have been complied with and a PPP process as envisaged in terms of the MFMA and its regulations preferred as the mechanism of service provision.

3.8. The Local Government: Municipal Structures Act 117 of 1998

The act makes provision for the establishment of Municipalities in accordance with the requirements relating to the categories and types of Municipalities. It furthermore provides for an appropriate division of functions and powers between categories of Municipalities, particularly between district and Local Municipalities which share the same area of jurisdiction. It also bestows the functions and powers relating to the establishment of a Waste disposal strategy, the regulation of Waste disposal and the establishment, operation and control of Waste disposal sites, bulk Waste transfer facilities and Waste disposal facilities for more than one Local Municipality in a district or district Municipalities.

3.9. National Environmental Management: Waste Act 59 of 2008, read with the National Environmental Management Amendment Act 25 of 2014

- 3.9.1. NEMWA is the most important piece of legislation which intends to move South Africa away from the previously fragmented approach towards integrated Waste management. It also establishes a new Waste hierarchy aligned with international waste management principles and therefore provides for:**
- (a) the Minimisation of the consumption of natural resources;**
 - (b) the avoidance and Minimisation of the generation of Waste;**
 - (c) the recovery, Reuse and recycling of Waste; and**
 - (d) the treatment and safe disposal of Waste as a last resort.**
- 3.9.2. It furthermore promotes the effective delivery of Waste services and the remediation of land where contamination presents or may present a significant risk of harm.**
- 3.9.3. The interpretation and application of this act must be guided by the principles set out in Section 2 of NEMA.**
- 3.9.4. NEMWA obligates Municipalities to enforce the following in their by-laws:**
- (a) establish service standards and levels of service for the collection of Waste;**
 - (b) identify requirements in respect of the separation, compacting and Storage of Waste;**
 - (c) identify requirements for the management of Waste, including requirements in respect of the avoidance of the generation of Waste and the recovery, Reuse and recycling thereof; and**
 - (d) set the requirements in respect of the directing of Waste to specific treatment and disposal facilities.**
- 3.9.5. It furthermore instructs Municipalities to develop an Integrated Waste Management Plan, which must form part of its Integrated Development Plan as contemplated in Chapter 5 of the Municipal Systems Act.**
- 3.9.6. Municipalities are further instructed in terms of the act to:**
- (a) conduct municipal activities in accordance with the NWMS and any national and provincial norms and standards;**
 - (b) ensure that Waste Management Services are provided within a Municipality in a manner which prioritises the recovery, Reuse or recycling of Waste and provides for the treatment and safe disposal of Waste as a last resort;**
 - (c) designate Waste Management Officers;**

- (d) ensure that provision is made for the management and collection of litter;
- (e) secure compliance with the objectives of this act that are in the domain of the Municipality; and
- (f) implement any other measures that are necessary for securing the objectives of this act that are within the domain of the Municipality.

3.10. NWMS

- 3.10.1. The NWMS published in 2011 is a legislative requirement of NEMWA. It presented long term plans and goals to be reached by 2016 at the time of publication.
- 3.10.2. The Strategy aims to reduce both the generation and environmental impact of Waste and presents a plan for ensuring that the socio-economic development of South-Africa, the health of its people and the quality of its environmental resources are no longer adversely affected by uncontrolled and uncoordinated Waste management.
- 3.11. In addition to the abovementioned important legislation, strategies and policies mentioned, due consideration is given *inter alia* to the **White Paper: Policy on Pollution Prevention, Waste Minimisation, Impact Management and Remediation** published during March 2000 and the role of the local sphere government set out therein, as well as the **National Norms and Standards Relating to the Disposal of Waste to Landfill and the Assessment of Waste for Landfill Disposal, 2013** and the **Regulations relating to the Classification and Management of Waste** and in **Waste Information Regulations** published during August 2013 and 2012 respectively.

4. WASTE MANAGEMENT INFORMATION

- 4.1. The NWMS requires that a national database be set up to track Waste as part of the Waste Minimisation strategy. The council of EDM subscribes to the requirement of the NWMS to provide data from the local level to other levels of government via a Waste Information System and to that end will maintain a Waste Management Information System to record how Waste is managed within its area of jurisdiction.
- 4.2. The obligation to provide Waste information is the responsibility of all Holders of Waste and the EDM must obtain information from all Waste Generators, accredited permit holders, Service Providers, Waste Recyclers and other Local Municipalities within its area of jurisdiction or any other Person in or associated with the provision of Municipal Waste Services or Commercial Services to furnish information in a format and within a timeframe as may be determined by the EDM.
- 4.3. The information so required will include but not be limited to information pertaining to:
 - 4.3.1. significant sources of Waste generation and the identification of such Waste Generators;
 - 4.3.2. quantities and classes of Waste generated;

- 4.3.3. Waste handling, Waste treatment and Waste disposal facilities;
 - 4.3.4. population and development profiles;
 - 4.3.5. reports on progress in achieving any Waste management targets;
 - 4.3.6. or any other information required in terms of national or provincial legislation regulations or guidelines.
- 4.4. Therefore, any Person conducting an existing Waste Management Activity as listed in Annexure 1 of the National Waste Management Regulations published in terms of NEMWA must apply to the EDM to be registered on the Waste Management Information System and such Persons must report accurately on Waste quantities and the types of Waste and regarding any other information as may be required by the EDM on a monthly basis. All such information recorded and reported must be kept for a period of five (5) years.

5. WASTE MANAGEMENT PLANS

- 5.1. Part 7 of Chapter 4 of NEMWA provides that the Minister may, by written notice, require any Person or a category of Persons or an industry that generates Waste to prepare and submit industry Waste Management Plans for the Minister's approval.
- 5.2. In addition to these provisions and the obligation to prepare Integrated Waste Management Plans in terms of Chapter 3 of NEMWA, the EDM may require present or future Generators or Holders of specified Waste Streams or Local Municipalities within its area of jurisdiction to prepare Waste Management Plans.
- 5.3. Such plans must at least include:
 - 5.3.1. an assessment of the quantity and type of Waste that is or will be generated;
 - 5.3.2. a description of the Waste Management Service the producer will require;
 - 5.3.3. the full details of the site or areas where Waste will be generated, stored, treated or disposed of;
 - 5.3.4. a description of how the Waste Generator separates or intends to separate recyclable and non-recyclable material, including the targets set for recycling;
 - 5.3.5. the Waste Minimisation or Pollution prevention practices and plans of such Waste Generator;
 - 5.3.6. the methods of disposal or treating of such Waste;
 - 5.3.7. a reporting plan on the implementation of the Waste Management Plan;
 - 5.3.8. details of the Person responsible for the implementation of the Waste Management Plan; and

5.3.9. any further information that the EDM may require.

5.4. Any Person required to submit such a Waste Management Plan shall be expected to report annually on the progress made with the implementation thereof.

6. WASTE MINIMISATION AND RECYCLING

- 6.1. The EDM will endeavour to ensure the reduction of consumption of natural resources and will seek to improve the efficiency of the disposal services which will contribute significantly to reducing the consumption of natural resources. In addition, the EDM will actively promote altered consumption patterns to reduce the consumption of natural resources.
- 6.2. The introduction of effective Waste avoidance and Minimisation interventions are required. Waste Minimisation forums, including technology initiatives should be encouraged in industry and business and the "Polluter pays" principle should be enforced. The EDM will encourage the Reuse, recycling and recovery of Waste in such manners as complies with NEMWA and any other applicable law.
- 6.3. To enable appropriate monitoring the EDM must introduce a system of accreditation in terms of which any Person who wishes to undertake the collection, transport, sorting, Storage, Reuse, recycling or recovery of Waste with the intention of making a profit, including scrap metal dealers, should be accredited by the EDM to do so.
- 6.4. The EDM's Waste Disposal Strategy must allow for separation at source, which will improve the quality and quantity of material recovered for recycling. Incentives such as buy back centres, drop off centres, material recovery facilities and composting facilities will be encouraged and supported to also enhance job creation opportunities and promote Local Economic Development Projects.
- 6.5. Waste to energy options will also be explored and consequently, by-laws will be established to provide a regulatory framework that enables the development and operation of facilities that convert waste to energy in a manner that is protective of the environment and optimises the performance of these facilities.

7. MUNICIPAL SERVICE

7.1. Division of Functions and Powers

- 7.1.1. The EDM recognises the general duty of Local Municipalities within its area of jurisdiction to their respective Local Communities for progressively ensuring efficient, affordable, economical and sustainable access to Municipal Waste Collection Services.
- 7.1.2. It further recognises that such a duty of Local Municipalities is subject to:
 - (a) the obligation of the members of its Local Communities to pay the Prescribed Fees for the provision of Municipal Waste Collection Services;

- (b) the right of the Local Municipalities to differentiate between categories of users and geographical areas when setting the service standards and levels of service for the provision of the Municipal Service; and
 - (c) the right of such Municipalities to issue guidelines relating to Waste collection, Storage and transport in terms of NEMWA.
- 7.1.3. In terms of the division of functions and powers as described in Section 84 of the Municipal Structures Act, the EDM however has a duty to Participating Local Municipalities and their respective Local Communities to progressively ensure efficient, affordable, economical and sustainable access to Municipal Waste Disposal Services.
- 7.1.4. As this is a primary Municipal Service, it remains subject to the EDM adopting a Tariff, which must reflect the costs reasonably associated with rendering the service of transportation, establishment, operation and management of such bulk Waste transfer facilities and Waste disposal sites as may be required for use by more than one Municipality, including capital, operating, maintenance, administration, replacement, closure, rehabilitation and post-closure monitoring costs and interest charges.
- 7.1.5. The Participating Local Municipalities, being users of the Municipal Waste Disposal Services to be provided by the EDM, must include such Tariffs raised by the EDM in each of their annual budgets and collect all monies that are due and payable to it. In doing so, it must comply with the provisions of Section 37 of the MFMA and make payment of the Prescribed Fees for the delivery of such services by the EDM as may be prescribed by the EDM on an annual basis.
- 7.1.6. As is evident from the Municipal Systems Act, the EDM is entitled to differentiate between different categories of users, services, service Tariffs, geographical and other matters, as long as the differentiation does not amount to unfair discrimination.
- 7.1.7. It is furthermore also entitled to regulate and issue guidelines relating to Waste classification norms and standards for the assessment of Waste for landfill disposal and norms and standards for the disposal of Waste to landfill sites.
- 7.1.8. As users of the Municipal Service to be delivered, all Participating Local Municipalities making use of such services remain liable for payment of the Prescribed Fees for such services and is not exempted from or entitled to a reduction of such Prescribed Fees due to non-usage, partial or limited use of such services.
- 7.1.9. The present Non-Participating Local Municipalities remain responsible to their respective Local Communities for Municipal Waste Collection Services, the transportation of Waste collected and the safe disposal thereof at licenced Waste disposal facilities in strict compliance with the provisions of applicable national and provincial legislation.
- 7.1.10. However, the EDM may, for reasons of environmental preservation or to promote equitable, affordable and sustainable Waste disposal services or after a consultative process with Non-Participating Local Municipalities,

provide Municipal Waste Disposal Services to such Non-Participating Local Municipalities, who will then have the same obligations as Participating Local Municipalities in relation to Waste disposal strategies, the regulation thereof and the payment of the Prescribed Fees and Tariffs for services rendered to such Non-Participating Municipalities.

7.2. Establishment of a District Inter-municipal Waste Management Forum

7.2.1. In pursuance of Section 28 of the Intergovernmental Relations Framework Act 13 of 2005, the EDM will establish a District Inter-Municipal Waste Management Forum to promote and facilitate integrated Waste Management Services between the EDM and its Local Municipalities.

7.2.2. The role of such a Waste Management Forum is to serve as a consultative forum for the EDM and Local Municipalities to discuss and consult with each other on matters of mutual interest, including:

- (a) the implementation of national and provincial policy and legislation;
- (b) mutual support in terms of Section 88 of the Local Government Municipal Structures Act;
- (c) the provision of Waste Management Services in the district;
- (d) the coordination and alignment with such Waste Management Services in the district;
- (e) coherent planning and development of Waste management strategies and the regulation of Waste Management Services in the district;
- (f) to coordinate and align the functions of the various Authorised Officials appointed by the EDM and Local Municipalities in exercising their powers; and
- (g) to settle any specific disputes relating to Waste Management Services without resorting to additional proceedings.

8. SERVICE PROVIDER

8.1. In terms of the provisions of the Municipal Systems Act, the EDM may discharge any of its obligations by entering into a service delivery agreement with a Service Provider or in terms of a public private partnership agreement as contemplated in Section 120 of the MFMA.

8.2. In discharging their obligations, the EDM at all times recognises and accepts that the final responsibility for the delivery of such Municipal Services remains with the Council.

9. CATEGORISATION OF WASTE AND THE MANAGEMENT OF CERTAIN TYPES OF WASTE

9.1. In line with NEMWA, government has developed and implemented Waste Classification and Management Regulations, Norms and Standards for the

Assessment of Waste for Landfill and Norms and Standards for the Disposal of Waste to Landfill for immediate implementation.

- 9.2. In doing so, government intended to facilitate the implementation of a Waste hierarchy to move away from landfill to Reuse, recovery and treatment. Waste classification therefore is a mechanism to separate Waste Streams and to divert Waste from landfill into other utilisations, where possible.
- 9.3. The EDM must therefore implement the categorisation system in line with the classification systems established in terms of NEMWA. In addition, the EDM must develop a strategy and regulate the management of certain types of Waste so classified, such as Hazardous and Health Care Risk Waste, Building and Demolition Waste, Garden Waste and event Waste.

10. COMMERCIAL SERVICES AND THE ACCREDITATION OF SERVICE PROVIDERS

10.1. Waste Minimisation

- 10.1.1. Waste Minimisation forms the core of the new NWMS, not only to ensure that health and environmental impacts are minimised, but that landfill airspaces are optimised, which will have the effect that Tariffs remain sustainable over a long term period.
- 10.1.2. For implementation of Waste Minimisation and for the reduction of Waste to landfill, alternative avenues of Reuse and recycling, if Waste cannot be avoided, is to be explored. Although the Council commits to pursue the establishment, facilitation and communication of Waste management policies and Waste Minimisation initiatives and partnerships, it requires the proactive participation of all stakeholders.

10.2. Special Provisions for Certain Categories of Waste such as Hazardous and Health Care Risk Waste

- 10.2.1. There are various environmental health and safety issues resulting from the handling and disposal of certain categories of Waste which may have been exposed to or contain hazardous chemical substances or radioactivity.
- 10.2.2. Such contaminated materials may only be disposed of at a landfill site that has a licence for this purpose, once all other statutory requirements have been met that will prevent the exposure of people and the Environment to the associated hazard.
- 10.2.3. Where these types of Waste are to be transported on roads through the district of the EDM, it may only be done in vehicles that are purposefully designed, constructed and fitted according to legal standards and taking into account the public road and environmental safety.
- 10.2.4. Therefore, in line with Waste Minimisation and keeping people and the Environment safe, certain categories of Waste need to be treated, Recycled, transported and disposed of, which services are not provided by the Eden District Municipalities.

- 10.2.5. The EDM therefore must establish an accreditation permit system in terms of which Persons in the private sector may collect or transport or Recycle certain categories of Waste as may be listed by the EDM in their By-Laws.
- 10.2.6. An accreditation permit will be considered on written application by an applicant providing full detail of the applicant and the nature of the Commercial Services it provides or intends to provide within the district of the EDM.
- 10.2.7. The EDM will designate within its administration a Waste Management Officer to adjudicate such applications, provided that such Waste Management Officer will be suitably qualified to adjudicate applications for accreditation permits.
- 10.2.8. To assist in the creation of alternative Waste technology and Recycling infrastructure and to create a continuance, an accreditation so granted will be valid for a period of three (3) years unless further extended by the EDM.
- 10.2.9. The services provided by accredited Service Providers are referred to as "Commercial Services", a term which is defined in the definition clause of this policy.

11. ADMINISTRATIVE ENFORCEMENT

The EDM is committed to comply with national and provincial Waste management requirements and authorisations in terms of law. As a law enforcement agency at local level, the EDM endeavours to ensure enforcement of its Integrated Waste Management By-Laws through appropriately trained Waste Management Officers and Authorised Officials. Offenders will be prosecuted to ensure that the objectives of achieving a clean and healthy Environment within the district of the EDM are met.

This document was signed on the _____ of _____ 20____.

Municipal Manager

Union Representative (SAMWU)

Union Representative (IMATU)



EDEN

DISTRICT MUNICIPALITY
UMASIPALA WESITHILI
DISTRICKSMUNISIPALITEIT

DISTRICT WASTE MANAGEMENT

BY- LAW

Council Approved:

Council Resolution Nr: DC

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CHAPTER 1 : DEFINITIONS, OBJECTIVES AND PRINCIPLES

1. Definitions

For the purpose of these by-laws, any word or expressions to which the meaning has been assigned in the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) and NEMWA, read with the National Environmental Laws Amendment Act, 2014 (Act 25 of 2014), as amended from time to time or its corresponding replacement shall bear the same meaning in these by-laws and unless the context indicates otherwise:

"accreditation" means registering with the EDM in terms of CHAPTER 10 of these by-laws;

"accredited service provider" means any person registered with the EDM in terms of CHAPTER 10 of these by-laws;

"approved waste receptacle" means a disposable or reusable receptacle for temporary storage of waste, approved of by the relevant local municipality in which waste is placed for the purpose of storing, accumulating, handling, transporting, treating or disposing of that waste and includes approved bins, bin-liners, wrappers and skips;

"authorised official" means any authorised official of the EDM who has been authorised or designated by the EDM to administer, implement and enforce the provisions of these by-laws, or any employee of a service provider acting within the scope of the powers, functions and duties assigned to the service provider by the EDM if such a service provider, for the purpose of the by-laws, has been appointed;

"authorised waste disposal facility" means a waste disposal facility as defined herein, duly licensed in terms of section 49 of NEMWA;

"building and demolition waste" shall bear the meaning ascribed to it in Schedule 3 of NEMWA;

"business waste" shall bear the meaning assigned to it in Schedule 3 of NEMWA;

"commercial services" means the –

- (a) collection and transportation of business waste;
- (b) the conducting or undertaking of waste management activities within the jurisdiction of the EDM which requires a waste management licence; or
- (c) the collection, transportation, sorting, storage, recycling or recovery of waste with the intention of making profit; or
- (d) any person collecting, storing or transporting recyclable waste on behalf of a bona fide non-governmental organisation; and
- (e) excludes municipal waste services.

"Constitution" means the Constitution of the Republic of South Africa, 1996;

"damage to the environment" means any pollution, degradation or harm to the environment, whether visible or not;

"domestic waste" shall bear the same meaning ascribed to it in Schedule 3 of NEMWA;
"dump" means to dispose of waste in a manner other than one permitted by law and includes, without derogating from the generality of the foregoing, to deposit, discharge, spill or release waste, whether or not the waste is in a container or receptacle, in or at any place whatsoever whether publicly or privately owned, including but not limited to vacant land, rivers, waste water, catchments and sewage and storm water systems, but excludes littering;

"e-waste" means the hazardous portion of wastes from electrical and electronic equipment;

"EDM" means –

- (a) the Eden District Municipality, a municipality established as such by establishment notice PN497/2000 published on the 22nd of September 2000, exercising its legislative and executive authority through its municipal council; or
- (b) its successor-in-title; or
- (c) a structure or person exercising power delegated in these by-laws or carrying out instructions which power has been delegated or sub-delegated or which instruction has been given as contemplated in terms of section 59 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000); or
- (d) a service provider fulfilling a responsibility under these by-laws that is assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

"enforcement notice" means a notice issued by an authorised official under section 54 of these by-laws;

"environment" means the surroundings within which humans exist made up of –

- (a) the land, water and atmosphere of the earth;
- (b) micro-organisms, plant and animal life;
- (c) any part or combination of (a) and (b) and the inter-relationships among and between them; and
- (d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence public health and wellbeing.

"environmental emergency" means an unexpected or sudden occurrence resulting from an act or omission relating to waste leading to serious danger to the public or potentially serious pollution of or damage to the environment, whether immediate or delayed;

"food waste" shall bear the meaning ascribed to it in Schedule 3 of NEMWA;

"garden waste" shall bear the meaning ascribed to it in Schedule 3 of NEMWA; **"general waste"** shall bear the meaning ascribed to it in Schedule 3 of NEMWA;

"generator of waste" means any person who generates or produces waste;

"hazardous waste" shall bear the meaning ascribed to it in Schedule 3 of NEMWA;

"healthcare risk waste" means health care risk waste as defined in the Western Cape Health Care Waste Management Act, 2007 (Act 7 of 2007);

"holder of waste" means any person who imports, generates, collects, stores, accumulates, transports, processes, treats, exports or disposes of waste;

"inert waste" shall have the meaning ascribe to it in Schedule 3 of NEMWA;

"integrated waste management plan" means any integrated waste management planning system which the EDM must develop under national or provincial legislation or in terms of the EDM's integrated development plan;

"land reclamation" means the plan and engineered disposal of inert or other appropriate waste for the purpose of constructing any facility or changing the natural features of any piece of land;

"litter" means any object or matter which is discarded by a person in any place, except in an approved receptacle provided for that purpose or at a waste handling facility or waste disposal facility;

"local community" means, in relation to the EDM, that body of persons comprising of –

- (a) the residents within its area of jurisdiction;
- (b) the ratepayers of the EDM or any local municipality sharing the same area of jurisdiction with the EDM;
- (c) any civic organisation and non-governmental private sector or labour organisation or body which is involved in local affairs within the EDM's jurisdiction; and
- (d) visitors and other residing outside of the EDM's jurisdiction who, because of their presence in that area make use of services or facilities provided by the EDM or the local municipalities;

"local municipality" means, for purposes of this by-law, the municipalities of George, Mossel Bay, Oudtshoorn, Hessequa, Bitou, Knysna and Kannaland, being municipalities that share municipal executive and legislative authority in their respective areas with the EDM within whose area they fall;

"minimisation" means, when used in relation to waste, efforts to reduce and minimise the amount and toxicity of waste that is generated and, in the event where waste is generated, the reduction of the amount and toxicity of waste that is required to be disposed of;

"minister" means the national minister responsible for environmental affairs;

"municipal waste services" means services relating to the cleansing, collection, transportation and disposal of waste, including domestic waste which is provided by the respective local municipalities and the EDM in accordance with CHAPTER 5 of these by-laws;

"municipal waste collection services" means a service provided exclusively by the local municipalities or their service providers to collect domestic waste, general business waste and food waste in accordance with the provisions of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) and which, in the case of general business waste, extends only to waste deposited in bin liners, waste bins and any waste container approved by local municipalities;

"municipal waste disposal services" means the establishment, operation and control of waste disposal sites, bulk waste transfer facilities and waste disposal facilities for more than one local municipality, which services are provided exclusively by the EDM or its service providers to participating local municipalities and municipal waste disposal services in relation to non-participating municipalities shall mean the establishment, operation and control of waste disposal facilities delivered by non-participating local municipalities or its service providers in accordance with the provisions of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

"municipality" where the word appears in this by-law without the prefix of "participating local" or "non-participating local" or "local", means all municipalities in the district, including the EDM;

"NEMWA" means the National Environmental Management: Waste Act, 2008 (Act 59 of 2008) as amended by the National Environmental Laws Amendment Act, 2014 (Act 25 of 2014) and the National Environmental Management: Waste Amendment Act, 2014 (Act 26 of 2014) and as may be further amended from time to time;

"non-participating local municipalities" means those local municipalities which at the time of promulgation of these by-laws are not participating local municipalities as defined herein;

"nuisance" means any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by the improper handling or management of waste,

including but not limited to the storage, placement, collection, transport or disposal of waste or by littering;

"occupier" in relation to any premises means any person who is in actual occupation on such premises, any person who, whether as owner, lessee or otherwise, has for the time being control of such premises and shall include a street trader who occupies a site for the purposes of such street trader's business;

"organ of state" has the same meaning as ascribed to it in terms of section 239 of the Constitution;

"organic waste" shall bear the meaning ascribed to it in Schedule 3 of NEMWA; **"owner"** means any person that has the title to any premises or land, or any person receiving the rent or profits for allowing the occupational use of any land, premises or part of any premises or who would receive rent or profit if land or premises were let or used, whether he does so on his own account or for another;

"participating local municipalities" means the local municipalities of George, Mossel Bay, Knysna and Bitou who are obligated to make use of the municipal waste disposal service to be provided by the EDM as more fully described in CHAPTER 5 of these by-laws;

"person" means a natural or juristic person and includes an accredited permit holder and an organ of state;

"pollution" has the same meaning ascribed to it as in section 1 of the National Environmental Management Act 107 of 1998;

"premises" means –

- (a) land or a portion of land, whether or not a building or structure has been constructed or erected on the land or portion of land; or
- (b) a building or structure and the land on which it is situated;

"prescribed fee" means a tariff for the municipal waste disposal services which the EDM may set for the provision of such services to the users thereof and includes a surcharge on such tariff;

"priority waste" means any waste declared to be as such in terms of national or provincial legislation;

"public road" means any road, street or thoroughfare or any other place, whether a thoroughfare or not, which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access and includes:

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge or drift traversed by any such road, street or thoroughfare; and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare.

"radioactive material" means any substance consisting of or containing any radioactive nuclide, whether natural or artificial;

"radioactive waste" means any radioactive material which is or is intended to be disposed of as waste;

"recycle" means a process where waste is reclaimed for further use, which process involves the separation of waste from a waste stream for further use and the processing of that separated material as a product or raw material;

"recyclable waste" means waste which has been separated from the waste stream and set aside for purposes of recycling;

"reuse" means to utilise the whole, portion of or a specific part of any substance, material or object from the waste stream for a similar or different purpose, without changing the form or properties of such substance, material or object;

"SANS code" means the South African National Standard: 10228: The Identification and Classification of Dangerous Goods for Transport;

"service provider" means any person who has entered into a service delivery agreement with the EDM in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) including for purposes of this by-law, a Public Private Partnership Agreement in terms of Section 120 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003);

"storage" means the accumulation of waste in a manner that does not constitute treatment or disposal of that waste;

"sustainable development" means the integration of social, economic and environmental factors into planning, implementation and decision making so as to ensure that development serves present and future generations.

"tariff" means the charge to users for the provision of municipal waste disposal services as set out in CHAPTER 5 of these by-laws determined and promulgated by the EDM in terms of tariff policy by-laws adopted under section 75 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000);

"un-compactable waste" means business waste or domestic waste which by virtue of its mass, shape, size or quantity is inconvenient to remove as part of the routine door-to-door municipal waste services provided by the local municipalities;

"waste" means –

- (a) any substance, material or object, which is unwanted, rejected, abandoned, discarded or disposed of, or that is intended or required to be discarded or disposed of, by the holder of that substance, material or object, whether or not such substance, material or object can be re-used, recycled or recovered; and
- (b) includes all wastes as defined in Schedule 3 of NEMWA; and
- (c) any other substance, material or object that is not included in Schedule 3 that may be defined as a waste by the Minister by notice in the Gazette;

but any waste or portion of waste referred to in paragraphs (a) and (b) above ceases to be a waste –

- i) once an application for its re-use, recycling or recovery has been approved or, after such approval, once it is, or has been reused, recycled or recovered;
- ii) where approval is not required, once a waste is, or has been reused, recycled or recovered;
- iii) where the minister has, in terms of Section 74 of NEMWA exempted any waste or a portion of waste generated by a particular process from the definition of waste; or
- iv) where the minister has in the prescribed manner excluded any waste stream or a portion of a waste stream from the definition of waste;

"waste disposal facility" means any site or premises used for the accumulation of waste with the purpose of disposing of that waste at the site or premises;

"waste handling facility" means any facility that accepts, accumulates, handles, recycles, reprocesses, sorts, stores or treats waste prior to its transfer for treatment by way of incineration or for final disposal;

"waste management officer" means a waste management officer designated in terms of section 10 of NEMWA;

"waste management plan" means a plan referred to in CHAPTER 3 of these by-laws;

"waste management activity" has the same meaning as ascribed to it in section 1 of NEMWA;

"waste management licence" has the same meaning as ascribed to it in section 1 of NEMWA;

"waste management services" has the same meaning as ascribed to it in section 1 of NEMWA;

"waste stream" means a type of waste, including building waste, business waste, uncompactable waste, food waste, domestic waste, garden waste, hazardous waste, healthcare risk waste, business waste, recyclable waste.

2. Principles

- (1) Any person exercising a power in accordance with these by-laws must, at all times, seek to promote the waste management hierarchy approach as outlined in NEMWA and the National Waste Management Strategy, which is in the following order of priority:
 - (a) promoting waste avoidance and minimisation;
 - (b) waste reuse;
 - (c) recycling, recovery;
 - (d) waste treatment; and
 - (e) disposal.
- (2) The by-laws seek to promote sustainable development and environmental justice through fair and reasonable measures for the management of waste within the EDM's area of jurisdiction.
- (3) The by-laws promote participation of all municipal residents, waste generators and holders of waste, including local municipalities in the promotion of responsible citizenship by ensuring sound waste management practices within residential business and industrial environments.

3. Objectives of the by-laws

- (1) The objectives of these by-laws are to -
 - (a) give effect to the rights contained in Section 24 of the Constitution by regulating waste management within the area of the EDM's jurisdiction;
 - (b) provide an effective, legal and administrative framework, within which the EDM can manage and regulate waste management activities;
 - (c) give effect to the division of functions and powers between the EDM and local municipalities as contemplated in Section 84 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) as far as it relates to the EDM's executive authority and right to administer –

- (i) the determination of a waste disposal strategy;
 - (ii) the regulation of waste disposal; and
 - (iii) the establishment, operation and control of waste disposal sites, bulk waste transfer facilities and waste disposal facilities for more than one local municipality;
- (d) give effect to the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005) by establishing a district inter-municipality waste management forum to promote and facilitate integrated waste management between the EDM and the local municipalities;
- (e) provide for the effective regulation of waste disposal and determination of a waste disposal strategy as far as it relates to waste disposal facilities within the area of jurisdiction of the EDM;
- (f) ensure that waste is avoided, or where it cannot be altogether avoided, minimised, reused, recycled, recovered and disposed of in an environmentally sound manner;
- (g) promote and ensure an effective delivery of municipal waste services and commercial services; and
- (h) enhance sustainable development within the area of jurisdiction of the EDM.
- (2) In pursuing the objectives of these by-laws, and in particular the objectives set out in subsection (1), the EDM must, within its area of jurisdiction, –
- (a) endeavour to minimise the consumption of natural resources;
 - (b) promote the reuse and recycling of waste;
 - (c) encourage waste separation at source to facilitate reuse and recycling;
 - (d) promote the effective resourcing, planning and delivery of the municipal waste services and commercial services;
 - (e) endeavour to achieve integrated waste planning and municipal waste services;
 - (f) promote and ensure an environmentally responsible municipal waste service and commercial service; and
 - (g) endeavour to ensure compliance with the provision of these by-laws.

4. Scope of application

- (1) These by-laws must be read with any applicable provision of NEMWA, the National Health Act, 2003 (Act 61 of 2003), the Western Cape Healthcare Waste Management Act, 2007 (Act 7 of 2007), as well as any other applicable national and provincial legislation as well as the waste management by-laws promulgated by local municipalities.
- (2) In the event of any conflict with any other by-law which directly or indirectly, within the jurisdiction of the EDM, regulates waste management, the provision of this by-law will prevail to the extent of any inconsistency.
- (3) The by-laws do not override any other national and provincial waste related legislation.

5. General duty of care

- (1) Every person has a duty to manage any waste generated by his or her activities or the activities of those persons working under his or her direction in such a manner that the waste

does not cause harm to human health or damage to the environment. In particular the persons must ensure that –

- (a) waste generation is avoided and where such waste cannot be avoided, minimise the toxicity and amounts of waste;
 - (b) waste is reduced, reused, recycled or recovered;
 - (c) where waste must be disposed of, the waste is treated and disposed of in an environmentally sound manner; and
 - (d) the waste is managed in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impact.
- (2) Any person subject to the duty imposed in sub-section (1) may be required by the EDM or any of its authorised officials to take measures to ensure compliance with this duty.
- (3) The measures referred to in sub-section (2) that the person may be required to undertake include –
- (a) investigation, assessment monitoring and evaluation of the impact that the activities, the process or a situation has on the environment;
 - (b) informing and educating employees about the environmental risk of their work and the manner in which their task must be performed in order to avoid causing damage to the environment;
 - (c) ceasing, modifying or controlling any act, process, situation or activity which causes damage to the environment;
 - (d) containing or preventing the movement of pollutants or other causes of damage to the environment;
 - (e) eliminating or mitigating any source of damage to the environment; or
 - (f) rehabilitating the effects of the damage to the environment.

CHAPTER 2 : WASTE MANAGEMENT INFORMATION SYSTEM

6. Decision to establish a waste management information system

- (1) The EDM will maintain a waste management information system in terms of this chapter to record how waste is managed within its area of jurisdiction.
- (2) Any amendment to the waste management information system referred to in sub-section (1) must be published by a notice in the provincial gazette and will come into operation on the date announced in the notice which must not be less than three (3) months from the date of its publication.

7. Purpose of the information system

The purpose of the information system is for the EDM to –

- (1) facilitate effective waste management within its area of jurisdiction;
- (2) record data relating to the implementation of the integrated waste management plan, if any, and management of waste within the EDM's area of jurisdiction;
- (3) furnish information as required by law to the provincial or national government;

- (4) gather information and undertake strategic planning regarding potential and actual waste generators, waste holders, service providers and accredited permit holders;
- (5) identify specific data collection methods and the medium and format to be used for purposes of collecting waste management information;
- (6) provide information to waste generators, holders of waste, service providers, accredited permit holders, local municipalities and the local community, in a format determined on by the EDM, in order to –
 - (a) facilitate monitoring of the performance of , accredited permit holders (where applicable), waste generators and waste holders;
 - (b) stimulate research; and
 - (c) assist the EDM to achieve the main objectives of these by-laws;
- (7) for such other purpose as the EDM may specify.

8. Provision of information

- (1) The EDM may, subject to the provisions of any other law, including the common law, require any waste generator, accredited permit holder, service provider, waste recyclers, local municipalities or any person involved in or associated with the provision of municipal waste services or commercial services within the area of jurisdiction of the EDM, to furnish information in a format and within a timeframe as may be determined by the EDM that may reasonably required for the information system.
- (2) The information referred to in sub-section (1) may concern –
 - (a) significant sources of waste generation and the identification of such waste generators;
 - (b) quantities and classes of waste generated;
 - (c) waste handling, waste treatment and waste disposal facilities;
 - (d) population and development profiles;
 - (e) reports on progress in achieving any waste management targets;
 - (f) the management of all health care risk waste; or
 - (g) any other information required by legislation, regulation or guidelines.
- (3) The EDM may, at its own discretion and as reasonably as possible, require any facility, person or activity to register and report to the EDM any other information for the purpose of facilitating effective waste management within its area of jurisdiction.
- (4) Such a request as contemplated in (3) above may be made by notice published in the provincial gazette and local newspapers distributed within the area of jurisdiction of the EDM;

9. Confidentiality of information provided

No person may disclose confidential information obtained in terms of these by-laws, unless –

- (1) the information is disclosed in compliance with the provisions of any law;
- (2) the person is ordered to disclose information by a court of law; or
- (3) the information is disclosed to enable the person to perform a function in terms of these by-laws.

10. Registration on and reporting to the waste management information system

- (1) Any person conducting an existing activity as set out in section 8(1), or a waste management activity as listed in Annexure 1 of the National Waste Management Regulations, must apply to the EDM to be registered on the waste management information system within ninety (90) days of the coming into operation of these by-laws.
- (2) Any person commencing such an activity after the promulgation of the by-laws must apply to be registered on the waste management information system thirty (30) days after the commencement of such activity.
- (3) Where a person conducts more than one activity in different facilities, such activities must be registered individually.
- (4) Registration on the waste information system is subject to the payment of a registration fee to the EDM. Such fee is to be published by notice in the provincial gazette and will be applicable from the date of its publication.
- (5) A registered person must notify the EDM of any changes in respect of that person's registration certificate within thirty (30) days of such change occurring.
- (6) If a registered person transfers ownership of the business or no longer undertakes the activity which caused that person to register, the registered person must notify the EDM in the form determined by the EDM within thirty (30) days prior to the business being transferred or the activity being discontinued.
- (7) Any person who conducts an activity, which has been identified in terms of local, provincial and/or national waste information systems must, upon request, present to the EDM proof that such an activity is registered and the required information is reported.
- (8) A person conducting an activity as contemplated in sub-section (1) of this section, must report accurately on waste quantities and the types of wastes and on any other information as may be required by the EDM on a monthly basis to the EDM Waste Management Information System and keep record of all such information for a period of five (5) years.

CHAPTER 3 : WASTE MANAGEMENT PLANS

11. Preparation and reporting on the implementation of waste management plans by certain generators or holders of waste

- (1) In addition to any other provisions in national and provincial legislation regarding the preparation of integrated waste management plans, the EDM may, by notice published in the provincial gazette, require present or future generators or holders of specified waste streams or local municipalities to prepare waste management plans.
- (2) A notice referred to in sub-section (1) shall specify the prescribed form and format required for the waste management plan and submission date for it.
- (3) Any person who is required by the EDM to prepare a waste management plan may be required to review and update the plan and to submit an amended plan at intervals specified by the EDM.

12. Contents of waste management plans

Any waste management plan required in terms of this chapter must include at least –

- (1) an assessment of the quantity and type of waste that is or will be generated;
- (2) a description of the waste management services the producer will require;

- (3) the full details of the sites or areas where waste will be generated, stored, treated or disposed of;
- (4) a description of how the waste generator separates or intends to separate recyclable and non-recyclable material, including the targets set for recycling;
- (5) the waste minimisation or pollution prevention practices and plans of such waste generator;
- (6) the methods of disposal or treating such waste;
- (7) a reporting plan on the implementation of the waste management plan;
- (8) details of the person responsible for the implementation of the waste management plan; and
- (9) any further information that the EDM may require in writing.

13. Annual reporting

Any person who is required by the EDM to prepare a waste management plan referred to in Section 11 shall, after submission of the waste management plan, annually report on its progress made with the implementation thereof, which report will be in the required format specified by the EDM from time to time.

CHAPTER 4 : WASTE MINIMISATION AND RECYCLING

14. Reduction, reuse, recycling and recovery of waste should result in less environmental harm than disposing of waste

- (1) All persons must ensure that waste is avoided, or where it cannot altogether be avoided, minimised, reused, recycled or recovered wherever possible and disposed in an environmentally sound manner.
- (2) Any person who is undertaking the reduction, reuse, recycling or recovery of waste, including scrap metal dealers, waste treatment facilities and formalised recycling groups must before undertaking that activity make sure that the activity is less harmful to the environment than disposal of such waste.

15. Registering with the EDM and compliance with national and provincial laws

- (1) Reuse, recycling or recovery of waste must be undertaken in a manner which complies with the Waste Act and any other applicable law.
- (2) No person may undertake to collect, transport, sort, store, reuse, recycle or recover waste with the intention of making profit, including scrap metal dealers, waste treatment facilities and formalised recycling groups, unless the person is accredited in terms of CHAPTER 10 of these by-laws.
- (3) Sub-section (2) does not apply to transportation or collection of own recyclable waste, persons engaged in fundraising ventures or *bona fide* non-governmental organisations if the collection, transportation, sorting, storing, reuse and recycling of waste is not for profit.

16. Obligation to separate waste into recyclables and non-recyclables

- (1) The EDM may prescribe, by notice published in a provincial gazette, that from a prescribed date generators or holders of particular categories of waste must, for purpose of recycling, separate those categories of waste and must store, dispose of or treat the separated waste in the manner prescribed in the notice.
- (2) Failure to comply with a notice published pursuant to sub-section (1) is an offence.

17. Storage, collection, treatment, transportation and recovery of recyclable waste

- (1) The owner or occupier of premises on which recyclable waste is generated and separately stored, must ensure that –
 - (a) until such time as such waste is collected by an accredited service provider from the premises on which it was generated or stored, the waste is placed in an approved waste receptacle and in a secure location;
 - (b) the approved waste receptacle in which the waste is stored is not kept in a public place, except when so required for collection;
 - (c) the approved waste receptacle placed for collection is not damaged and is properly closed so as to prevent the dispersal of its contents;
 - (d) every approved waste receptacle on the premises is kept closed, save for when waste is being deposited in it or discharged from it and every approved receptacle is kept in a clean and hygienic condition;
 - (e) nuisances such as odour, visual impact and breeding of vectors do not arise;
 - (f) the waste is collected by an accredited service provider within a reasonable time after the generation thereof, but at least once per month;
 - (g) in the event that the quantity of recyclable waste generated is not of sufficient volume to be removed monthly, timeous application be made to the relevant local municipality for consent to have it removed over a longer cycle.
- (2) An accredited service provider must handle, treat or dispose of recycled waste at licensed waste handling treatment or disposal facilities.

CHAPTER 5 : MUNICIPAL SERVICE

Part 1: Division of Functions and Powers

18. General duty of local municipalities to provide municipal waste collection services

- (1) Local municipalities within the area of jurisdiction of the EDM have a duty to their respective local communities of progressively ensuring efficient, affordable, economical and sustainable access to municipal waste collection services.
- (2) The duty referred to in sub-section (1) is subject to –
 - (a) the obligation of the members of the local community to pay the prescribed fee for the provision of the municipal waste collection services, which must be in accordance with any nationally prescribed laws and standards for rates and tariffs; and
 - (b) the right of the local municipalities to differentiate between categories of users and geographical areas when setting service standards and levels of service for the provision of the municipal service;
 - (c) any regulations or other guidelines issued in terms of NEMWA relating to waste collection, storage and transport;
 - (d) any regulation of waste disposal or waste disposal strategy determined in terms of these by-laws.

19. General duty of the EDM to provide municipal waste disposal services to participating local municipalities

- (1) The EDM has a duty to participating local municipalities and their respective local communities to progressively ensure efficient, affordable, economical and sustainable access to the municipal waste disposal services as defined in section 1 of these by-laws.
- (2) The duty referred to in sub-section (1) is subject to –
 - (a) the EDM adopting a tariff which must reflect the costs reasonably associated with rendering the service of transportation, establishment, operation and management of such bulk waste transfer facilities and waste disposal sites as may be required, including capital, operating, maintenance, administration replacement closure, rehabilitation and post closure monitoring costs and interest charges;
 - (b) the participating local municipalities:
 - (i) including such tariffs raised by the EDM in each of the participating local municipalities' annual budgets and collect all monies that are due and payable to it;
 - (ii) complying with the provisions of section 37 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003);
 - (iii) making payment of the prescribed fee for the delivery of such services by the EDM as may be prescribed by the EDM;
 - (c) the right of the EDM to differentiate between different categories of users, services, service tariffs, geographical and other matters as long as the differentiation does not amount to unfair discrimination;
 - (d) any regulations or other guidelines issued in terms of NEMWA relating to waste classification, norms and standards for the assessment of waste for landfill disposal and norms and standards for the disposal of waste to landfill sites;
- (3) A participating local municipality making use of municipal waste disposal services delivered by the EDM is liable for the payment of prescribed fees for such services and is not exempted from or entitled to a reduction of such prescribed fees due to non-usage, partial or limited use of such services.
- (4) The EDM reserves the right to review such prescribed fees contemplated in sub-section (3) on an annual basis.

20. Non-participating local municipalities

- (1) Non-participating local municipalities remain responsible to their respective local communities for –
 - (a) municipal waste collection services as contemplated in section 18 of these by-laws;
 - (b) the transportation of waste collected; and
 - (c) the safe disposal thereof at licensed waste disposal facilities in strict compliance with the provisions of applicable national and provincial legislation.
- (2) The EDM may –
 - (a) for reasons of environmental preservation;
 - (b) to promote equitable, affordable and sustainable waste disposal services; and
 - (c) after a consultative process with non-participating local municipalities, provide municipal waste disposal services to non-participating local municipalities.

- (3) Non-participating local municipalities will from the date of commencement of such service be deemed participating local municipalities and will have the same obligations as participating local municipalities as prescribed in these by-laws.

Part 2: Establishment of a District Inter-Municipal Waste Management Forum

21. District Inter-municipal waste management forum established

The EDM has, in pursuance of section 28 of the Intergovernmental Relations Framework Act, 2005 (Act 13 of 2005) established a district inter-municipal waste management forum to promote and facilitate integrated waste management services between the EDM and local municipalities.

22. Composition of the district inter-municipal waste management forum

- (1) A district inter-municipal waste management forum shall consist of –
- (a) the waste management officer of the district municipality;
 - (b) the waste management officers of the local municipalities; or
 - (c) in the event of no waste management officer being appointed, a duly authorised official appointed by the municipal manager of the EDM and the local municipalities.
- (2) The waste management officer or authorised official of the EDM is the chairperson of the forum.
- (3) The chairperson may invite any other person to the meeting not mentioned in sub-section (1).

23. Role of the district inter-municipal waste management forum

- (1) The role of the district inter-municipal waste management forum is to serve as a consultative forum for the EDM and the local municipalities in the district of the EDM to discuss and consult each other on matters of mutual interest, including –
- (a) the implementation of national and provincial policy and legislation relating to waste management services affecting local government interests in the district;
 - (b) mutual support in terms of section 88 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);
 - (c) the provision of waste management services in the district;
 - (d) the coordination and alignment of such waste management services in the district;
 - (e) coherent planning and development of waste management strategies and the regulation of waste management services in the district;
 - (f) to coordinate and align the functions of the various authorised officials appointed by the EDM and local municipalities in exercising their powers under these by-laws;
 - (g) to settle any specific disputes relating to waste management services without resorting to judicial proceedings; and
 - (h) any other matter of strategic importance to waste management services which affect the interests of the local municipalities.
- (2) Notwithstanding the above, the established district inter-municipal waste management forum is not bestowed with any executive powers, but each waste management officer or duly

authorised official will advise and report to their respective councils of the EDM and each local municipality.

24. Meetings of the district inter-municipal waste management forum

- (1) The chairperson of the district inter-municipal waste management forum –
 - (a) convenes a meeting of the forum; and
 - (b) determines the agenda for the meeting of the forum.
- (2) Suggestions for inclusion in the agenda for a meeting may be submitted by local municipalities to the chairperson.
- (3) A majority of the local municipalities may request the chairperson, in writing –
 - (a) to convene a meeting of the district inter-municipal waste management forum at a time and place as set out in the request; or
 - (b) to include the agenda of a meeting any specific matter for discussion.
- (4) The chairperson of the district inter-municipal waste management forum presides at meetings of the forum, but if that chairperson is absent from a meeting, the members present must elect another member to preside at the meeting.
- (5) The forum must meet with service providers and accredited permit holders and other role players concerned with the development of waste management services in the district at least once a year to coordinate the effective provision of services and planning in the district.
- (6) The EDM is responsible for providing administrative and other support services to the forum.

CHAPTER 6 : SERVICE PROVIDERS

25. Service providers / Contractors

- (1) The EDM may discharge any of their obligations by entering into a service delivery agreement with a service provider in terms of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) or in terms of a Public Private Partnership Agreement as contemplated in section 120 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003).
- (2) Subject to the provisions of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and any other legislation and the EDM may assign to a service provider any power enjoyed by the EDM under these by-laws; provided that the assignment is required for the service provider to discharge an obligation under its service delivery agreement, but the accountability shall remain with the EDM.
- (3) Any reference in these by-laws to "the EDM or service provider" should be read as the EDM if it has not entered into a service delivery agreement and should be read as service provider if the EDM has entered into a service delivery agreement.
- (4) Service providers must provide services in accordance with the relevant service delivery agreement or Public Private Partnership Agreement and must at all times accord with the provisions of these by-laws.

CHAPTER 7 : CATEGORISATION OF WASTE

Part 1: Establishment of categorisation system

26. Categorisation of waste

- (1) Within six (6) months after this by-law comes into operation, the EDM must prescribe a system for categorising waste.
- (2) The system for categorising waste must take into account any national waste classification system established in terms of NEMWA and determine thereby –
 - (a) which waste classes are allowed on municipal waste disposal facilities; and
 - (b) establish controls regarding the collection, storage, transport and disposal of waste categories.

27. Determination of waste categories and waste management per category

- (1) As soon as reasonably practical after the EDM has prescribed the system for categorising waste, it must by notice in the provincial gazette determine –
 - (a) the procedure to determine waste categories in accordance with the prescribed waste categorisation system; and
 - (b) set objectives for the minimisation and management of waste for the categories determined in terms of section 26.
- (2) A notice under sub-section (1) must state the requirements for achieving the waste management and minimisation objectives and the dates from which the objectives will apply.
- (3) Before determining the waste management or minimisation objectives in terms of sub-section (1)(b), the EDM must –
 - (a) publish a notice in the relevant gazette and local media setting out –
 - (i) the proposed waste management or minimisation objectives for the specified category of waste;
 - (ii) the dates from which specific objectives will apply; and
 - (iii) the requirements for complying with the objectives.
 - (b) consider what further steps, if any, are appropriate to bring the contents of the notice to the attention of interested and affected parties and take those steps which the EDM considers to be appropriate; and
 - (c) consider all comments received on or before the dates specified in the notice.

28. Preliminary determination of categories of waste and waste management objectives

The local municipalities may make a preliminary determination of the categories of waste or waste managements objectives until –

- (1) a system for categorising waste has been prescribed; or
- (2) waste management or minimisation objectives have been determined.

29. Giving effect to determination of categories of waste and waste management objectives

Local municipalities must give effect to any determination of a category of waste and the waste management and minimisation objectives as determined in terms of this by-law and any requirements for complying with the waste management and minimisation objectives when exercising any power or performing any duty in terms of this by-law.

30. EDM coordination of waste handling and/or disposal

- (1) The EDM may, by a notice published in the provincial gazette and local media, direct that a category of waste be handled in a specific manner and/or disposed of at a particular waste disposal facility.
- (2) No person may dispose of such waste other than as specified in the notice referred to in sub-section (1).

Part 2: Management of certain types of waste**Hazardous and Healthcare Risk Waste****31. Generation of hazardous waste**

- (1) Any person who will carry on an activity which will generate hazardous waste (other than the generator of minimum quantities of such waste within a household pursuant to the normal operation of a household) must, before carrying on that activity –
 - (a) prepare a waste management plan setting out what provision is made for managing, storing, treating, collecting, transporting and disposing of hazardous waste generated from such activities;
 - (b) provide proof that all waste management services will be provided by an accredited service provider; and
- (2) The waste management plan referred to in this section must be submitted to the EDM or its authorised official for approval before the activities which will generate waste identified in sub-section (1) are carried out and the plan must include –
 - (a) the information set out in section 120(1) to (9);
 - (b) an analysis of the composition of the waste concerned; and
 - (c) certification of the analysis of the composition of the waste by an appropriately qualified chemist if so required by the EDM.
- (3) If the waste identified in sub-section (1) is being generated as a result of activities which commenced prior to the commencement of these by-laws, the generator must prepare a waste management plan and submit it to the EDM or its authorised official by approval within 180 (one hundred and eighty) days of the commencement of these by-laws.
- (4) The waste management plan must be renewed and updated regularly as determined by the EDM.
- (5) It is an offence to carry on an activity which generates hazardous waste without an approved waste management plan.

32. Storage of hazardous waste

- (1) Any person carrying on an activity which generates hazardous waste, must ensure that such waste generated on the premises is kept and stored there until it is collected by an accredited service provider from the premises.
- (2) Hazardous waste stored on any premises must be stored in such a manner that it does not become a nuisance or cause harm to human health or damage to the environment and in accordance with the requirements of any applicable legislation relating thereto.
- (3) Any person who stores hazardous waste must at least take steps to ensure that –

- (a) the containers in which this waste is stored are intact and not corroded or any other way rendered unfit for the safe storage of this waste;
- (b) adequate measures are taken to prevent accidental spillage or leaking;
- (c) in the event of a spillage or leak contemplated in sub-section 3(b) a spill kit is available to ensure an immediate response to the incident;
- (d) the waste cannot be blown off or washed away;
- (e) nuisances such as odour, visual impacts and breeding of vectors do not arise;
- (f) pollution of the environment and harm to health are prevented; and
- (g) the waste is collected by an accredited service provider within a reasonable time after the generation thereof, but at least within 30 (thirty) days.

33. Collection and disposal of hazardous waste

- (1) Only an accredited service provider may transport hazardous waste and must do so in accordance with the conditions of an accreditation permit issued to him, as well as the requirements of any relevant SANS codes in respect of the type of vehicle, the markings and manner of construction of such vehicle, procedures for safety and cleanliness, documentation relating to the source, transportation and disposal of such waste and subject to the requirements of any other legislation.
- (2) A person accredited to collect and dispose of hazardous waste must inform the EDM at intervals stipulated in the accreditation permit of its removal of hazardous waste, the date of such removal, the quantity of the waste removed, the composition of the waste removed and the waste disposal or treatment facility at which the waste has been disposed of.
- (3) Any person carrying on an activity which generates hazardous waste must ensure that such waste is disposed of or treated at an appropriately licensed waste disposal facility or waste treatment facility.

34. Healthcare Risk Waste

- (1) A generator, transporter, treater or disposer of healthcare risk waste must, before carrying on that activity, strictly comply with the provisions of the Western Cape Healthcare Risk Waste Management Regulations, 2013, published in terms of the Western Cape Healthcare Waste Management Act, 2007 (Act 7 of 2007) published on the 15th of March 2013 and any amendments thereto as may be published by the province of the Western Cape thereafter.
- (2) The EDM may enact additional by-laws providing guidelines for the management of Healthcare Risk Waste.

CHAPTER 8 : TRANSPORTATION, BULK WASTE TRANSFER FACILITIES AND DISPOSAL OF WASTE

35. Transportation of waste

- (1) No person may –
 - (a) operate a vehicle for the conveyance of waste upon a public road unless the vehicle has a body of adequate size and construction for the type of waste being transported;
 - (b) fail to maintain a vehicle used for the conveyance of waste in a clean, sanitary and roadworthy condition at all times;
 - (c) fail to cover loose waste on an open vehicle with a tarpaulin or suitable net;

- (d) cause or permit any waste being transported in or through the EDM's area of jurisdiction to become detached, leak or fall from a vehicle transporting it, except at a bulk transfer station or a waste disposal facility; or
- (e) transport waste in a manner that could cause nuisance or environmental pollution.

- (2) Subject to the provisions of sub-section (1), all transportation of waste must comply with the National Road Traffic Act, 1996 (Act 93 of 1996).
- (3) Any person engaged in the transportation of waste must take all reasonable measures to prevent any spillage of waste or littering from a vehicle used to transport waste and, where waste is spilled, immediately clean up the spilled waste.

36. Bulk waste transfer facilities

- (1) Waste generated within the area of jurisdiction of participating local municipalities must be transported by the relevant local municipality or its service provider to a designated bulk waste transfer facilities licensed to accept such waste or must be diverted to a licensed waste treatment facility for purposes of recycling or treatment of such waste.
- (2) Notwithstanding the provisions of sub-section (1), a person may dispose of those forms of recyclable waste specified by the EDM in a notice in terms of section 30(1) at a designated garden waste handling facility or a building waste handling facility earmarked for that purpose.

37. Disposal of waste

- (1) Waste deposited at designated bulk waste transfer facilities as contemplated in section 36 must be transported from such bulk waste transfer facilities to a waste disposal facility licensed to accept such waste or recycled or treated at a licensed or permitted waste treatment facility.
- (2) In disposing of waste, a service provider or the person in charge of a disposal site must comply with the provisions of these by-laws and with the provisions of any other legislation regulating the disposal of waste.
- (3) No person may burn waste, either in a public or private place, for the purposes of disposing of that waste.
- (4) No person may incinerate waste, either in a public or private place, except in an incinerator at a place where the relevant national or provincial authorities permit such incineration.
- (5) The disposal of waste at any waste disposal facility is, in addition to any condition imposed by the national departments of environmental or water affairs, subject to such conditions as the EDM may impose, including which persons other than its service providers may enter the waste disposal site, the hours of opening and closing, the nature of the waste which may be disposed of, the position in any such waste disposal facility in which the waste must be placed and any other matter which the EDM considers necessary to ensure the environmentally sound management of waste.
- (6) Every person who enters a waste disposal facility must –
 - (a) enter the premises of the waste disposal facility at an access point determined by the person in charge of such waste disposal facility;
 - (b) at the request of the person in charge of the waste disposal facility, provide the EDM or that person with any information regarding the composition of the waste disposed of or to be disposed of; and

- (c) comply with any instruction by the person in charge of the waste disposal facility respect of access to the actual place where and the manner in which waste must be deposited.
- (7) No person may —
 - (a) bring any liquor or an intoxicating or narcotic substance onto the premises of a waste disposal facility or enter such facility under the influence of liquor or such substance;
 - (b) enter the premises of a waste disposal facility for any purpose other than the disposal of waste in terms of these by-laws unless authorised to do so by the person in charge of the waste disposal facility or the council and then only at such times and subject to such conditions as the council or such person may impose;
 - (c) dispose of waste at a waste disposal facility where the disposal of the waste concerned is not permitted; or
 - (d) light a fire on the premises of a waste disposal facility without the prior written consent of the person in charge of that facility.
- (8) Any person who contravenes sub-section (7)(c) is liable for all costs reasonably incurred by the EDM in removing or otherwise dealing with the waste concerned.
- (9) The person in charge of a waste disposal facility may at any time require a vehicle or a container on a vehicle brought onto the premises of the waste disposal facility for the purposes of disposing of waste to be weighed at the weigh bridge.
- (10) The person in charge of a waste disposal facility or an authorised official may, at a waste disposal facility, inspect the content and nature of waste to be disposed of or process and may take samples and test any waste found on any vehicle to ascertain its composition.
- (11) Any person contravening any preceding provision of this section, may be refused entry or instructed by the person in charge of the waste disposal facility to leave such waste disposal facility and if such person fails or refuses to comply with such instruction, he or she may be removed from such facility by an authorised official.

CHAPTER 9 : COMMERCIAL SERVICES

38. Provision of commercial services by accredited service providers

- (1) Only accredited service providers may provide commercial services.
- (2) Any person requiring commercial services must satisfy himself or herself that the contractor is accredited to collect and dispose of the category of waste that has been generated and must take responsible steps to ensure that the relevant waste is collected and disposed of in terms of these by-laws.
- (3) The owner or occupier of premises on which business, industrial or recycled waste is generated must ensure that, until such time as such waste is collected by an accredited service provider from the premises on which it was generated —
 - (a) the waste is stored within a bulk container or other approved receptacle;
 - (b) no nuisance or health risk of any kind whatsoever is caused by the waste in the course of generation, storage or collection;
 - (c) the container in which the waste is stored is not kept in a public place, except for the purpose of collection;

- (d) the waste is collected by an accredited service provider within a reasonable time after its generation; and
 - (e) the service rendered by an accredited service provider is in respect only of that portion of the business, industrial or recycled waste authorised in its accredited permit.
- (4) An accredited service provider must dispose of business or recyclable waste at an appropriately licensed waste handling facility or licensed waste disposal facility and in disposing of waste, an accredited service provider must comply with any notice given in terms of sub-section (7).
 - (5) Any person who transports waste for gain must adhere to the requirements as set out in Section 25 of the National Environment Management Act, 2008 (Act No. 59 of 2008).
 - (6) The EDM may, by notice in the provincial gazette, require any person or category of transporters to register and report to the EDM information as set out in that notice. The notice may include, but not be limited to –
 - (a) the application forms;
 - (b) a prescribed fee;
 - (c) renewal intervals
 - (d) list of transporters, types and thresholds of waste transported; and
 - (e) minimum standards or requirements to be complied with.
 - (7) The EDM may direct, by notice published in the provincial gazette, that a category of waste be disposed of at a particular waste facility or disposal site and no person may dispose of waste other than as specified in the notice that has been gazetted under this section or as specified by the EDM under other legislation prior to these by-laws coming into operation.

CHAPTER 10 : ACCREDITATION OF SERVICE PROVIDERS

39. Establishment of an accreditation permit system

- (1) The EDM may establish an accreditation permit system in terms of this chapter.
- (2) A decision to establish an accreditation permit system in terms of sub-section (1) must be published by notice in the provincial gazette and comes into operation on the date announced in the notice, which may not be less than three (3) months from the date of publication.
- (3) If the EDM has not established an accreditation permit system, persons providing commercial services may be treated as accredited service providers by generators of waste for purposes of CHAPTER 9 of these by-laws.

40. Subject to the establishment of an accreditation permit system in terms of sub-section 39(1)

- (1) No person may collect or transport any of the waste streams listed in sub-section (2) hereunder –
 - (a) without having first obtained and being in possession of an accreditation permit; and
 - (b) except in properly constructed vehicles or containers that prevent leakage or spillage of waste and are suitable for the waste stream which is being collected or transported as specified in the National Road Traffic Act, 1996 (Act 93 of 1996).

- (2) The following categories of waste are covered by the accreditation permits under this chapter of the by-laws –
 - (a) business waste not collected as part of a municipal waste service;
 - (b) industrial waste;
 - (c) recyclable material;
 - (d) building waste;
 - (e) hazardous and healthcare risk waste;
 - (f) garden and park waste; and
 - (g) organic waste.
- (3) An accreditation permit issued under this chapter –
 - (a) may not be ceded or assigned without the prior written consent of the EDM;
 - (b) is valid only for the category of waste specified; and
 - (c) expires within three (3) years of the date of issue, unless extended by the EDM;
 - (d) may require an annual performance review in accordance with the provision of section 43(1) and section 46.

41. Application for accreditation permit

- (1) An application for an accreditation permit must be in writing on a form prescribed by the EDM.
- (2) The form prescribed by the EDM must specify the information to be included in the application, as well as any necessary documentation and the time available for making the application, which period must not be less than two (2) months in duration.
- (3) The information provided in the application form must include the following –
 - (a) the name and residential and postal address of the person providing commercial service;
 - (b) if the person providing commercial services is a company or close corporation, its registration number, the names of its directors or members and the address of its registered head office; and
 - (c) the nature of the commercial services to be provided or intended to be provided by the person.
- (4) The EDM must determine the prescribed fees to be imposed on each vehicle used by a person to collect or transport waste and the application must be accompanied by the relevant fees.
- (5) The prescribed form for the application, as well as the prescribed fees to accompany it may be published by the EDM in the provincial gazette will become effective on the date announced in such notice.

42. Adjudication of accreditation permit application

- (1) The EDM must designate within its administration a waste management officer to adjudicate applications for an accreditation permit on its behalf.

- (2) The person designated as the waste management officer must not be an employee or director of a service provider or accredited permit holder or a councillor of the EDM and must be suitably qualified to adjudicate applications in terms of this section.
- (3) The waste management officer must consider each application having regard to the following –
 - (a) the applicant's compliance with the National Road Traffic Act, 1996 (Act 93 of 1996) and with these by-laws;
 - (b) the environmental, health and safety record of the applicant;
 - (c) the nature of the commercial service to be provided; and
 - (d) any other matter which the waste management officer considers relevant.
- (4) After considering an application, a waste management officer must either –
 - (a) approve the application by issuing an accreditation permit subject to any terms or conditions it considers appropriate; or
 - (b) refuse the application, which refusal must be accompanied by written reasons.
- (5) The waste management officer may refuse an application only because the applicant –
 - (a) failed to submit a complete and satisfactory application to the EDM; or
 - (b) failed to comply with the standards established in these by-laws.
- (6) If the waste management officer refuses an application for an accreditation permit, the applicant may appeal to the municipal manager of the EDM on the basis set out in section 56 of these by-laws, with all the changes that may be necessary to apply those provisions.
- (7) If the waste management officer fails to consider and grant or refuse the accreditation permit application within 2 months of his receipt of the application, the validity of an existing accreditation permit is automatically extended until the waste management officer makes a decision and the EDM must –
 - (a) inform the applicant in writing that the period of consideration is extended; and
 - (b) inform the applicant of the date by which a decision will be made.
- (8) Notwithstanding the above, an accreditation permit application by a service provider who holds a waste management licence issued by the national or provincial authority to undertake or conduct a waste management activity will, upon providing a copy of the valid waste management licence and any information reasonably required by the EDM together with the application, be granted.

43. Accreditation permit terms and conditions

- (1) When issuing an accreditation permit, the EDM may, subject to the provisions of sub-section (2), impose any conditions necessary in the furtherance of national, provincial or municipal waste management policies.
- (2) An accreditation permit issued by the EDM must –
 - (a) specify the permit period and the procedure for the renewal of the permit;
 - (b) specify the category or categories of waste that the permit holder may collect and transport;

- (c) contain a requirement that the permit holder must comply and ensure compliance by its employees, agents and subcontractors with these by-laws and applicable provincial and national legislation; and
- (d) require the permit holder to keep monthly written records on a form prescribed by the EDM in respect of the quantities of each category of waste it collects and transports during the permit period, which quantities must be confirmed and verified by the EDM in an application for renewal of an accreditation permit or application for a new accreditation permit by the same contractor.

44. Renewal of accreditation permits

- (1) If accredited permit holders intend to renew their permits, they must do so within three (3) months prior to the expiry of an existing permit and the waste management officer must assess and grant or refuse the accreditation permit application within two (2) months after receipt of the application in accordance with section 42(4) which shall apply *mutatis mutandis*;
- (2) If the waste management officer fails to consider or to grant or refuse the accreditation permit renewal application within two (2) months, the validity of the existing permit is automatically extended until the waste management officer makes its decision and the municipality must –
 - (a) inform the applicant in writing that the period for consideration is extended; and
 - (b) inform the applicant of the date by which a decision will be made.
- (3) When considering whether to grant another permit, the waste management officer must confirm and verify the previous records kept by the permit holder in terms of section 43(d).

45. Display of accreditation permit

- (1) Upon issuing an accreditation permit to a contractor to collect or transport a specific category of waste, the EDM must issue the contractor with a numbered sticker for each vehicle to be used by him, which shall –
 - (a) confirm that the accredited permit holder is authorised to collect or transport the category of waste specified on the sticker; and
 - (b) be colour coded for easy identification of the waste stream to which the certificate applies.
- (2) The contractor must affix the sticker referred to in sub-section (1) to each vehicle to be utilised in providing the service and display it at all times.
- (3) A waste disposal facility is authorised and directed to admit waste to its facility for processing or disposal only from contractors who are accredited permit holders and whose vehicles display the necessary sticker as required in sub-section (1) above.

46. Prohibited conduct

Accredited permit holders may not –

- (1) operate in contravention of the terms and conditions of the accreditation permit;
- (2) fail or refuse to give information or give false or misleading information when required to do so in terms of these by-laws; or
- (3) fail to take all reasonable steps to prevent an act or an omission by an employee acting in the course and scope of his duties which is unlawful in terms of these by-laws.

47. Suspension and revocation of accreditation permits

- (1) An accreditation permit issued under these by-laws may be suspended or revoked by the municipal manager of the EDM on the grounds that the permit holder –
 - (a) has failed to comply with the obligations set out in these by-laws;
 - (b) has failed to comply with any national or provincial legislation which regulates the collection, transportation or disposal of any waste;
 - (c) has failed to comply with the terms of the accreditation permit and any conditions set out in section 43; or
 - (d) on any other ground that the municipal manager considers relevant and which is fair and reasonable in the circumstances.
- (2) An accreditation permit may only be suspended or revoked by the municipal manager after –
 - (a) he has given adequate notice to the accredited permit holder in terms of section 3(2)(b)(i) of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000) that he intends to make a decision regarding the suspension and revocation of the accreditation permit; and
 - (b) after the accredited permit holder has been given a reasonable opportunity to make representations to the municipal manager as to why its certificate should not be suspended or revoked in terms of Section 3(2)(b)(ii) of the Promotion of Administrative Justice Act, 2000 (Act 3 of 2000);
- (3) The length of time afforded to the accredited permit holder to make representations and the nature of the representations allowed must be fair and reasonable in the circumstances, taking into account the nature and severity of the infringement, the potential risk of harm to the environment, human life or property or any other factor relevant in the circumstances.
- (4) The municipal manager must make a decision within two (2) weeks of receiving the representations, if any, of the accredited permit holder or within two (2) weeks after the closing date for making representations specified by the municipal manager in terms of sub-section (3) and must inform the accredited permit holder of his decision within seven (7) days of making it.
- (5) If an accreditation permit is suspended or revoked in terms of sub-section (4), the holder of the suspended accreditation permit may appeal the executive committee or executive mayor of the EDM on the basis set out in section 56 with all the necessary amendments of the wording to these provisions.
- (6) At no time may the EDM disclose any confidential commercial information submitted as part of the accreditation permit application procedure to any other party, other than to the party who disclosed such information to the EDM.

48. Transitional provisions and exemptions

- (1) Any person lawfully providing commercial services within the area of jurisdiction of the EDM when a notice is issued in terms of section 39(2) that the EDM intends to establish an accreditation permit system, must, if that service requires an accreditation permit, apply for the accreditation permit, but may continue to provide commercial services while the accreditation permit is being considered by the EDM, but may do so only if that person has submitted an application for an accreditation permit within three (3) months after the section 39 notice is issued.

- (2) The EDM may, having regard to the main objectives of these by-laws and its integrated waste management plan, exempt any form of commercial service from the provisions of CHAPTER 9 of these by-laws and must indicate the terms and scope of any exemption in a notice published in the provincial gazette.

CHAPTER 11 : ADMINISTRATIVE ENFORCEMENT PROVISIONS

Part 1: Authorised Officials

49. Designation of authorised officials

- (1) Municipalities must designate authorised officials vested with the power to exercise the powers of an authorised official under these by-laws and to discharge the municipalities' right of access to premises in terms of section 101 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
- (2) An authorised official is not a peace officer within the meaning of the Criminal Procedure Act, 1977 (Act 51 of 1977) and has no powers of arrest in respect of any offence created in these by-laws.
- (3) In designating an authorised official, municipalities must have regard to –
 - (a) a person's technical understanding and experience of matters relating to waste management; and
 - (b) any other factor that may be relevant to the supervision and enforcement of these by-laws, whether technical or administrative.
- (4) An authorised official may be an employee of a municipality or any service provider of that municipality.
- (5) Upon designation, authorised officials must be issued with a means of identification by the municipalities, which must state the name and function of the authorised official, and must include a photograph of the officer.
- (6) An authorised official acting within the powers vested in him by these by-laws is required to –
 - (a) present identification on demand by any member of the public; and
 - (b) liaise with and or coordinate action with any environmental management inspector designated in terms of the National Environmental Management Act, 1998 (Act 107 of 1998) in enforcing the National Environmental Management Act or specific environmental management act within the area of jurisdiction of such municipalities.

50. Powers to execute work and inspect vehicles and premises

- (1) In addition to the powers, an authorised official as an authorised representative of the relevant municipality under section 101 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) or any other legislation may –
 - (a) enter any land or premises to execute work or conduct an inspection and the occupier or owner of such land and premises will be obligated to grant such access provided the authorised official is properly identifiable as contemplated in section 49(5) and entry is required at reasonable hours of the day;
 - (b) may search any vehicle or other mode of conveyance with the consent of the owner or person in charge of the vehicle.

- (2) Where consent is not obtained in sub-section (1)(b), a vehicle or other mode of conveyance may be searched or stopped and searched only pursuant to a warrant issued in accordance with the law.
- (3) A search conducted in terms of these by-laws must be conducted in a manner that conforms to the requirements of the Bill of Rights and any other law and, in particular, must be conducted with strict regard to decency and order, respect for a person's dignity, freedom of security and personal privacy.
- (4) To the extent that access to premises does not fall within the scope of section 101 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) or any other legislation, an authorised official who has reasonable grounds to suspect that there is an environmental emergency and that any delay in obtaining a search warrant will cause harm to public health or damage to the environment may, without warrant, enter and search any premises associated with the emergency, provided that the entry and search be conducted in conformity with the requirements of the Bill of Rights and any other law and, in particular, with strict regard to decency and order, respect for the person's dignity, freedom and security and personal privacy.
- (5) Where, in the opinion of an authorised official, any search of a vehicle as contemplated in these by-laws, gives rise to the reasonable apprehension to the presence of waste in or on that vehicle is a serious and immediate danger to public health or to the environment, the authorised official must seize the vehicle in order to prevent, or where prevention is impossible, mitigate harm to public health or damage to the environment.
- (6) In the event of the seizure of any vehicle under sub-section (5), the relevant municipality must –
 - (a) forthwith take steps to dispose of such waste in order to prevent, and where prevention is impossible, mitigate harm to public health or damage to the environment and the cost of such disposal must be borne by the owner of the vehicle; and
 - (b) return the said vehicle within 48 (fortyeight) hours after disposing of such waste to the control of the accredited permit holder or person from whose possession or control it was taken.

51. Powers to question

- (1) In order to monitor or enforce compliance with these by-laws, an authorised official may, subject to the requirements of the Bill of Rights and any other law, including the common law, require an accredited permit holder or any other person to disclose information, either orally or in writing and either alone or in the presence of witnesses, on any matter to which these by-laws relate, require that the disclosure be made under oath or affirmation and exercise any other power of an authorised official.
- (2) An authorised official may be accompanied by an interpreter and any other person reasonably required in assisting the authorised official in conducting the inspection.
- (3) An authorised official must, on request, provide his identification as an authorised official.

52. Supervision of an accreditation permit

- (1) If an accreditation permit system has been established in terms of section 39 of these by-laws, authorised officials of the EDM must inspect the work place of an accredited permit holder not less than twice a year and an authorised official is entitled to enter the workplace of an accredited permit holder for this purpose.

- (2) Such an inspection must be conducted in conformity with the requirements of the Bill of Rights and any other law and in particular an authorised official must, in conducting an inspection under sub-section (1), do so with strict regard to decency and order, respect for a person's dignity, freedom and security and personal privacy.
- (3) If, after an inspection as contemplated in sub-section (1), an authorised official is of the opinion that an accredited permit holder is complying with these by-laws he may, subject to the provisions of sub-section (4) issue the accredited permit holder with a certificate confirming compliance, which must state –
 - (a) the name and residential and postal address of the accredited permit holder;
 - (b) the time, date and scope of the inspection; and
 - (c) any remarks which in the opinion of the authorised official may be relevant.
- (4) If the accredited permit holder fails to obtain a certificate confirming compliance at three (3) inspections conducted over a period of two (2) years, the authorised official may recommend that the EDM review the accreditation permit and, should there be reasonable grounds, the EDM may revoke the certificate in terms of section 47, but may do so only if the consecutive inspections occurred at no less than four (4) month intervals.
- (5) Authorised officials must keep a register recording each inspection that it has undertaken.

53. Supervision of owners and occupiers

Owners and occupiers must keep their premises clean and free from any waste, which in the opinion of an authorised official is likely to cause a nuisance, harm to public health or damage to the environment and must take reasonable steps to prevent an employee acting in the course of his employment from committing an act or emission that may cause a nuisance, harm to public health or damage to the environment.

54. Enforcement notices

- (1) If, in the opinion of the authorised official, a person is –
 - (a) causing a nuisance, harm to public health or damage to the environment; or
 - (b) a accredited permit holder is failing to comply with the terms of the accreditation permit granted in terms of these by-laws; or
 - (c) as owner or occupier has failed to satisfy an obligation in terms of section 52 of these by-laws, the relevant authorised official may issue or cause to be issued on that person an enforcement notice in terms of this section.
- (2) An enforcement notice issued under this section must state –
 - (a) the name and residential and postal, if either of both of these be known, of the affected person;
 - (b) the nature of the nuisance, harm to public health or damage to the environment that the affected person is causing or is likely to cause;
 - (c) the steps required to forestall or remediate the nuisance, harm to public health or damage to the environment in sufficient detail to enable compliance with the enforcement notice;
 - (d) that the affected person must, no later than 21 (twenty-one) calendar days from the date on which the enforcement notice is issued, take steps to comply with the notice;

- (e) that failure to comply with the requirements of the enforcement notice within the period contemplated in sub-section (d) may result in civil and criminal liability; and
 - (f) that written representations may be made to the relevant municipality, depending on which municipality's authorised official has issued the enforcement notice, in terms of section 56 or a designated committee or internal functionary to who powers under these by-laws have been delegated, at the specified place, within 21 (twenty-one) calendar days of receipt of the notice.
- (3) If an affected person fails to comply with an enforcement notice, the relevant municipality, or anyone authorised by the relevant municipality, may perform the steps required in the enforcement notice, provided that the relevant municipality does so in conformity with the requirements of the Bill of Rights and any other law, and, in particular, an authorised official must act with strict regard to decency and order, respect for a person's dignity, freedom and security and personal privacy.
 - (4) Where the relevant municipality incurs any expenditure as a result of performing such steps, the municipality may recover any reasonable and necessary expenditure from the person who failed to act as directed, or where criminal proceedings have not been instituted, by means of civil proceedings.
 - (5) If an accredited permit holder commits an offence in terms of these by-laws and has, within the last two years, been convicted of the same offence, the EDM may revoke his accreditation permit immediately.

55. Complaints

Any person may lodge a complaint with the EDM or its authorised official or through any other channel established by the EDM, that any other person is causing harm to public health or damage to the environment by engaging in basic services or commercial services, in which event the authorised official, unless he has reasonable grounds to believe that the complaint is frivolous, must investigate the complaint and may, if he is satisfied that such harm has or is likely to be caused, issue an enforcement notice.

56. Representations

- (1) Any affected person may make representations to the relevant municipality or a designated committee or internal functionary of such municipality to which the municipality has delegated its powers, in the manner specified in the enforcement notice.
- (2) Representations must be made by submitting a written statement, which has been sworn or affirmed to, to the relevant municipality, designated committee or internal functionary within 21 (twenty-one) calendar days of service of the notice.
- (3) Any representation not lodged within 21 (twenty-one) calendar days shall not be considered, except where the affected person has shown good cause and the relevant municipality, the designated committee or internal functionary condones the late lodging of the representations.
- (4) The relevant municipality, designated committee or internal functionary must duly consider the representations and any response therein by an authorised official or any other person if there be such a response and may, on its own volition, conduct any further investigation to verify the facts that, in its opinion, is necessary.
- (5) If the relevant municipality, designated committee or internal functionary should conduct any further investigations, the result of the investigations must be made available to the affected person, who must be given an opportunity of making a further response if he so wishes and

the relevant municipality, designated committee or internal functionary must also consider his further response.

- (6) After the relevant municipality, designated committee or internal functionary is satisfied that the requirements of sub-section (5) has been satisfied, the relevant municipality, designated committee or internal functionary must make an order in writing and give a copy of it to the affected person setting out its findings. Such an order must –
 - (a) confirm alter or set aside, in whole or in part, any enforcement notice; and
 - (b) if compliance with the order (or the altered order) is required, specify the period within which the affected person must comply with any order made by it.
- (7) If the enforcement notice is confirmed, in whole or in part, or is altered but not set aside, the relevant municipality, designated committee or internal functionary must inform the affected person that he must discharge the obligations set out in the enforcement notice.
- (8) If an affected person lodges a representation, any requirement in terms of section 54 of these by-laws requiring compliance with an enforcement notice is suspended, unless, in the opinion of the relevant municipality, the affected person has caused an environmental emergency, in which event and without derogation from any right that the affected person may have or may in the future have, in common law or under any other law, to any relief of whatever nature, the affected person must immediately comply with any such requirement on being ordered by the relevant municipality, orally or in writing, to do so.
- (9) If there is an environmental emergency and if the affected person, despite receiving a lawful order made in terms of sub-section (8) fails to comply with it, the relevant municipality may itself cause an environmental emergency to be stopped, reversed or abated, in which event the relevant municipality may institute civil proceedings for the recovery of any reasonable and necessary expenditure which it has incurred or may incur in effecting.

Part 2: Enforcement Provisions

57. Establishment of an administrative penalty system

- (1) The EDM may establish an administrative penalty system in terms of this section.
- (2) A decision to establish an administrative penalty system in terms of sub-section (1) must be published by notice in the provincial gazette and comes into operation on the date announced in the notice, which may not be less than 3 months from the date of its publication.

58. Infringement notices

- (1) If the EDM has established an administrative penalty system, an authorised official of the EDM may issue an infringement notice to any person whom he believes may have committed an offence listed in schedule 1.
- (2) The infringement notice must –
 - (a) specify, at the time when the notice is issued, the name and the residential and postal address, if either or both of these be known, of the person on whom the infringement notice is served;
 - (b) state the particulars of the infringement;
 - (c) specify the amount of the penalty payable in respect of that infringement designated in Schedule 1;

- (d) specify the place where the penalty may be paid; and
- (e) inform the person on whom the infringement notice is served that he may, no later than 21 days after the date of service of the infringement notice, -
 - (i) pay the penalty; or
 - (ii) inform the municipality in writing at an address set out in the notice that he elects to be tried in court on a charge having committed an offence in terms of these by-laws.
- (3) If it appears to the authorised official that an alleged offence cannot adequately be punished by the payment of an administrative penalty, then the authorised official may refrain from accepting the administrative penalty and may cause civil or criminal proceedings to be brought against the alleged offender in an appropriate court if, in his opinion, there are good grounds for doing so.

59. Trial

If a person who elects to be tried in court in terms of sub-section 58(2)(e)(ii) notifies the EDM of his election, the authorised official must, if he believes that there are sufficient grounds in law for doing so, within 10 calendar days, take all necessary steps as envisaged in the Criminal Procedure Act, 1977 (Act 51 of 1977) in order to secure the attendance and prosecution of the accused, or in the event of his considering that there are no grounds for taking further steps, ensure that the infringement notice is cancelled.

60. Withdrawal of infringement notice

- (1) Within 1 year after the infringement notice has been issued, the EDM or its authorised official may, whether or not the penalty has been paid, withdraw an infringement notice on the basis that new information has been received by the EDM or on any other good cause, by –
 - (a) sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn; and
 - (b) providing reasons to the municipal manager of the EDM for the withdrawal of the infringement notice.
- (2) Where an infringement notice is withdrawn after the penalty has been paid, the amount shall be refunded.

61. Infringement notice not an admission

Infringement of a penalty should not be regarded as an admission for purposes of any proceedings, whether civil or criminal.

Part 3: Judicial Enforcement Provisions

62. Offences

- (1) Subject to the provisions of these by-laws, any person –
 - (a) who contravenes or fails to comply with any provision of these by-laws, other than the provision relating to payment for municipal waste services;
 - (b) who fails to comply with any notice or order issued or condition imposed in terms of or for the purposes of these by-laws;
 - (c) who fails to comply with any lawful instruction given in terms of or for the purposes of these by-laws; or

- (d) who obstructs or hinders any authorised representative or employee of the EDM or any relevant local municipality in the execution of his or her duties under these by-laws;

is guilty of an offence and liable on conviction to a fine of R10,000.00 or, in default of payment, to imprisonment for a period not exceeding six (6) months and in the case of any continued offence, for a further fine not exceeding R1,000.00 or, in default of payment, to imprisonment not exceeding one (1) day for every day during the continuation of such offence after written notice has been issued by the EDM or relevant local municipality and served on the person concerned requiring the discontinuance of such an offence.

- (2) Any person committing a breach of the provisions of these by-laws shall be liable to recompense the EDM or relevant local municipality for any loss or damage suffered or sustained by it in consequence of the breach.

CHAPTER 12 : GENERAL PROVISIONS

63. Ownership

- (1) The person holding a waste management licence for a waste management activity or an accredited permit holder is deemed to be the owner of the waste disposed of at that facility or the owner of the waste transported respectively.
- (2) Domestic waste belongs to the generator of that waste until such time as it is placed in a bin and placed outside of the premises with the intention that the relevant local municipality collect of that waste, at which time the waste becomes the property of the relevant local municipality.
- (3) Waste transported by participating local municipalities to a bulk transfer station remains the property of such participating local municipality until such time as the waste is collected by the EDM or its service provider at which time the waste becomes the property of the EDM.
- (4) A person who abandons any article is liable for any damages which that article may cause, as well as for the cost of removing that article, notwithstanding that fact that such person may no longer be the owner thereof.

64. Service of documents and process

For the purposes of the service of any notice, order or other document relating to non-payment for the provision of municipal services as contemplated in CHAPTER 5 will be the address of the owner of the premises on which domestic waste and food waste are generated and in the event of participating local municipalities, their respective principal place of business.

65. Service of notices

- (1) A notice, instruction, order or other document which has been served for the purposes of these by-laws is regarded to have been properly served or delivered if –
 - (a) it has been served on or delivered to the person concerned personally;
 - (b) it has been sent by registered post or speed post to the person concerned at his or her last known address;
 - (c) it has been served on a person apparently not less than 16 (sixteen) years of age and apparently in charge of the premises at the addressee's last known address; or
 - (d) It has been sent via electronic mail to the known electronic mail address of the person concerned.

- (2) Any legal process is effectively and sufficiently served on the EDM or relevant local municipality when it is delivered to the relevant municipal manager or a person in attendance at the office of the municipal manager.
- (3) Any legal process is effectively and sufficiently served on a service provider when it is delivered to the managing director or a person in attendance at the office of the managing director of the service provider.

66. Date of commencement

These by-laws commenced on the date of their publication in the provincial gazette.

67. Short title

These by-laws are called the EDM Waste Management By-Laws 2017

SCHEDULE 1

| Column A: Offence Section | Column B: Administrative Penalty |
|----------------------------------|---|
| Section 38 | R1,000.00 |
| Section 31,32,33 | R1,000.00 |
| Section 35 | R1,000.00 |
| Section 37 | R1,000.00 |
| Section 45,46 | R400.00 |

NOTICE/KENNISGEWING

Eden, a future empowered through excellence



PROPOSED ADOPTION OF A BY-LAW ON DISTRICT WASTE MANAGEMENT IN THE EDEN DISTRICT MUNICIPAL JURISDICTION AREA

Notice Number 74/2016

Notice is hereby given in terms of Section 12(3)b of the Municipal Systems Act, 32 of 2000, that the Eden District Municipality intends to adopt the abovementioned proposed By-Law on District Waste Management. Full particulars of the By-Law are available for inspection at the following places.

Eden District Municipal Offices:

- George, 54 York Street;
- Mossel Bay, c/o Marlin and Sampson Street, Extension 23;
- Knysna, 24 A Queen Street ;
- Plettenberg Bay, 7 Gibb Street;
- Oudtshoorn, 15 Regent Street; and
- Riversdal, 24 Mitchell Street.

As well as on the municipal website at www.edendm.co.za

All written comments on or objection against the proposed By-Law, if any, must be lodged at:

Post: The District Waste Management Section, Eden District Municipality, 54 York Street, George, 6530, attention: Mr. Morton Hubbe.

Fax: 086 495 2100 or **E-mail:** morton@edendm.co.za

The closing date for all objections and comments is Friday, 30 September 2016.

Kindly note that individuals who are unable to read or write or individuals who want to present the municipality with their oral comments on the By-Laws, must do so by visiting the Communication Unit at 54 York Street, George, during office hours (07:30-16:00) in order to assist with the recording of all comments.

G.W. Louw
Municipal Manager.
Eden District Municipality
54 York Street
George
6530

Tel: 044 803 1300
Fax: 086 495 2100

VOORNEME VAN 'N VERORDENING TEN OPSIGTE VAN DISTRIK AFVALBESTUUR IN DIE EDEN DISTRIKSMUNISIPALE REGSGEBIED

Kennisgewingnommer 74/2016

Kennis geskied hiermee ingevolge Artikel 12(3)b van die Munisipale Stelselwet, 32 van 2000, dat die Eden Distriksmunisipaliteit van voorneme is om die bogenoemde verordening op Distrik Afvalbestuur te aanvaar. Volledige besonderhede aangaande die voorgestelde verordening is beskikbaar by die volgende plekke.

Eden Distriksmunisipale Kantore:

- George, Yorkstraat 54;
- Mosselbaai, h/v. Marlin en Sampsonstraat, Uitbreiding 23;
- Knysna, Queenstraat 24 A;
- Plettenbergbaai, Gibbstraat 7;
- Oudtshoorn, Regentstraat 15; en
- Riversdal, Mitchellstraat 24.

Asook op die munisipale webtuiste www.edendm.co.za

Alle skriftelike kommentaar op of besware teen die voorgestelde verordening, indien enige, moet ingedien word by:

Pos: Die Distrik Afvalbestuurder Afdeling, Eden Distriksmunisipaliteit, Yorkstraat 54, George, 6530, vir aandag: mnr. Morton Hubbe.

Faks: 086 495 2100 or **E-pos:** morton@edendm.co.za

Die sluitingsdatum vir alle kommentaar of besware is Vrydag, 30 September 2016.

Geliewe asseblief kennis te neem dat individue wat nie kan lees of skryf nie of enige mondelinge kommentaar wil lewer op die Verordening, versoek word om die Kommunikasie Eenheid te Yorkstraat 54, George, gedurende kantoorure (07:30-16:00) te raadpleeg om van hulp te wees met die notulering van alle kommentaar.

G.W. Louw
Munisipale Bestuurder
Eden Distriksmunisipaliteit
Yorkstraat 54
George
6530

Tel: 044 803 1300
Faks: 086 495 2100

DISTRICT COUNCIL

31 MARCH 2017

DC 138/03/17

**REPORT ON THE TERMS OF REFERENCE OF THE EDUCATION
TRAINING AND DEVELOPMENT COMMITTEE / *VERSLAG RAKENDE
DIE TERME VAN VERWYSSING VIR DIE ONDERWYS, OPLEIDING
EN ONTWIKKELINGSKOMITEE* / INGXELO NGEMITHETHO
NEMIGQALISELO YEBUTHO LEZEMFUNDO UQEQESHO KUNYE
NOPHUHLISO (566245)**

(9/4/4/1)

15 November 2016

**REPORT FROM THE EXECUTIVE MANAGER: CORPORATE/STRATEGIC
SERVICES (B HOLTZHAUSEN) / ASSISTANT HR MANAGER (C
SCHEEPERS)**

PURPOSE OF THE REPORT

The purpose of this report is to submit the Terms of Reference to the Education, Training and Development Forum for update after it was referred back to Council.
- DC71/12/16.

BACKGROUND

The following decision, DC71/12/16, at the Council meeting during December 2016 refers:

"That the report on the TOR for the Education, Training and Development forum be referred back to the Education Training and Development Forum and that Cllr BHJ Groenewald be invited to the meeting in order to submit his input/comments on the TOR to the Forum."

In terms of the Skills Development Act of 1998, Eden District Municipality has to establish a Training and Development Forum, which shall serve as a consultative structure that will make decisions based on consultation on all training and development matters.

The Forum will consist of 50% Employee Representatives (Labour) and 50% employer representatives (Councilors). The Chairperson of the Forum will rotate between Labour and Employer on an annual basis.

The Forum discussed and made changes to the Terms of Reference of the Education, Training and Development Forum during the last Forum meeting on 25 October 2016.

RELEVANT LEGISLATIONS

Skills Development Act 97 of 1998
Skills Development Levies act 9 of 1999

UITVOERENDE OPSOMMING

In terme van die Wet op Vaardigheidsontwikkeling moet Eden Distrikmunisipaliteit 'n Opleidings en Ontwikkelingsforum daarstel en bedryf vir konsultasie, besluitneming ten opsigte van alle opleiding en ontwikkeling aangeleenthede.

RECOMMENDATION

That the Terms of Reference (TOR) for the Education, Training and Development Committee be approved.

AANBEVELING

Dat die Terme van Verwysing (TVV) vir die Onderwys, Opleidng en Ontwikkelingskomitee goedgekeur word.

ISINDULULO

Sesokuba Imithetho Nemigqaliselo Yebutho Lezemfundo , uQeqesho kunye Nophuhliso iphunyezwe.



EDEN

DISTRICT MUNICIPALITY
UMASIPALA WESITHILI
DISTRICKSMUNISIPALITEIT

**TERMS OF REFERENCE OF THE EDUCATION,
TRAINING AND DEVELOPMENT COMMITTEE**

| |
|--|
| <p style="text-align: center;">TERMS OF REFERENCE OF THE EDEN DISTRICT EDUCATION TRAINING AND DEVELOPMENT COMMITTEE</p> |
|--|

PREAMBLE:

Education and Training underpins the success of the Eden District Municipality to provide efficient and effective service delivery to its community through a competent workforce. A formal structure is hereby established in terms of the Skills Development Act 97 of 1998 read with section 79 of the Local Government Municipal Structures Act 117 of 1998 to accomplish the municipality's vision and mission and encourage a culture of life-long learning within the organisation.

1. NAME OF COMMITTEE

Education, Training and Development Committee.

2. PARTIES

The parties to the Committee will be representatives from organised labour (SAMWU and IMATU) and the Employer.

3. PURPOSE

This Committee is constituted in terms of Skills Development Act no 97 of 1998.

- a. To realize the objectives of the Skills Development Act (Act 97 of 1998) and ensure consultation between the parties in developing and implementing the Workplace Skills Plan.
- b. That the Workplace Skills Plan will be developed in line with the Integrated Development Plan (IDP) and the approved budget.
- c. To develop the skills of the Eden DM workforce:
 - i. to improve the quality of life of workers, their prospects of work and labour mobility;
 - ii. to improve productivity in the workplace and the competitiveness of employers;
 - iii. to promote self-employment; and
 - iv. to improve the skills of employees to enhance the delivery of municipal services;

- d. To increase the levels of investment in education and training in the Eden District Municipality and to improve the return on that investment;
- e. To encourage the Eden DM employers -
 - i. to use the workplace as an active learning environment;
 - ii. to provide employees with the opportunities to acquire new skills;
 - iii. to provide opportunities for new entrants to the labour market to gain work experience; and
 - iv. to employ persons who find it difficult to be employed;
- f. To encourage workers to participate in learning programmes;
- g. To improve the employment prospects of persons historically disadvantaged and to redress those disadvantages through training and education; e.g. EPWP; CDWP Programmes, Learnerships etc.
- h. To ensure the quality of learning in the workplace;
- i. To make provision for employee participation in the development and implementation of the workplace skills plan.
- j. To ensure that the interests of all employees are accounted for irrespective of their affiliations/non-affiliations to organizations/unions.
- k. To ensure that the feedback received from the LGSETA and any audit findings are considered and implemented.

4. LEGISLATIVE FRAMEWORK

The following pieces of legislation will govern the Terms of Reference:

- Skills Development Act 81 of 1998;
- Skills Development Levy Act 28 of 1999;
- SAQA Act 58 of 1995;
- SAQA proposed Principles of Articulation;
- NQF Act 67 of 2008;
- The White Paper for Post-School Education and Training (WP): Building an expanded effective and integrated post-school system;
- The Draft Research report on Workplace-based learning;
- The National Development Plan (NDP);
- The Integrated Development Plan (IDP) for Eden District Municipality;

5. FUNCTIONS AND POWERS

- The Committee has a right to receive all training related reports, provide inputs and make recommendations to other committees/ forums and Council on its scope of work.

- To ensure compliance by promoting the objectives of the National Qualification Framework (NQF Framework).
- Evaluate and monitor the progress of the Workplace Skills Plan (WSP) and ensuring that all training initiatives comply with the signed Workplace Skills Plan (WSP) and departmental training plans.
- Prioritise the training needs of the municipality in line with the strategic objectives of the municipality, the Sector Skills plan, the Integrated Development Plan, the Employment Equity Plan and the National Skills Development Strategy.
- Ensure implementation of action plans of the findings of the LGSETA Audits or any other audits in relation to training & development.
- The committee ensures the implementation of action plans of the findings of the audit done by the LGSETA.
- To approve the process plans for the development of the Workplace Skills Plan.
- To approve the Workplace Skills Plan (WSP).
- To ensure compliance from all role players with the approved Workplace Skills Plan.
- The Committee will evaluate, consider and monitor all skills development / training initiatives.
- To make recommendations on internal bursary applications for approval to the Municipal Manager
- To make recommendation on external bursary application for approval to the Executive Mayor
- This Committee will submit reports, and make recommendations to Council

7. Composition

7.1 Representatives

7.1.1 Employer

Three (3) councilors appointed by Council
The Executive Manager Corporate & Strategic Services,

7.1.2 SAMWU

Two (2) representatives

7.1.3 IMATU

Two (2) representatives

7.1.4 Ex officio members

Training & Development Section

Executive Managers may attend meetings of the Committee if and when requested.

7.2 Chairperson and Deputy Chairperson

7.2.1 The position of Chairperson and Deputy Chairperson of the Committee meeting shall rotate annually between the Employer and Organised Labour.

7.2.2 The Chairperson and Deputy Chairperson shall be elected at the first meeting of the year.

7.2.3 The election of the Chairperson will be done by the Education, Training and Development Committee for a 12 month term. The chairperson shall chair all meetings of the committee at which he/she are present and in his/her absence the deputy chairperson shall act as chairperson. In the absence of both the Chairperson and deputy Chairperson, one committee member elected by the committee members present, shall act as Chairperson.

7.2.4 If the Chairperson is a representative of the employer, the Vice Chairperson should be a union representative.

7.2.5 If parties of the committee are dissatisfied with the Chairperson, the committee should be able/ allowed to request, in writing, that the Chairperson retire him/herself from the position as Chairperson.

7.3 Quorums

7.3.1 A quorum for the Education, Training and Development Committee meetings shall exist, when at least one of each of the following representatives are present: Councilors, Executive Management, SAMWU and IMATU

7.3.1 If no quorum, a second meeting shall be convened, and any number of members present at the second meeting shall constitute a quorum.

7.4 Frequencies of meetings

Meet at least bi-monthly.

Ordinary meetings shall be convened within a period of five (5) working days and special meetings may be convened, where necessary within a period of 48 hours.

7.5 Agenda's

Agenda's will be delivered at least five (5) working days before meeting. Items from the representatives must reach the Chairperson or Executive Manager of Corporate Services at least ten (10) prior the meeting.

8. NON AGREEMENT SETTLEMENT PROCEDURE

- Where the parties do not agree a consultative process will be followed within seven (7) days.
- Where non-agreement arises, item(s) will be referred to next meeting.
- If not resolved, the Speaker will be requested to facilitate discussion between parties
- If item(s) remains unresolved after facilitation by Speaker, it will be referred to Council for decision.

9. REVIEW

9.1 Any amendment to this agreement must be in writing and signed and approved by all parties.

9.2 This Terms of Reference are subject to the approval of Council.

We hereby accept this agreement and commit to adhere to the stipulations as set out in the document. This document will be subject to annual review.

Signed on this the _____ day of _____ at _____

Chairperson: _____

Deputy Chairperson: _____

Committee Members:

Employer

Name: _____ Signature: _____

Name: _____ Signature: _____

Name: _____ Signature: _____

Name: _____ Signature: _____

Unions

Name: _____ Signature: _____

Name: _____ Signature: _____

Name: _____ Signature: _____

Name: _____ Signature: _____

DISTRICT COUNCIL

31 MARCH 2017

DC 139/03/17

**STAFF PLACEMENTS ON 2016/17 MICRO ORGANISATIONAL
STRUCTURE / *PERSONEELPLASINGS OP 2016/17 MIKRO ORGANISASIE*
STRUKTUUR / UKUBEKWA KWABASEBENZI KWISIMO SEZOLAWULO
KUNAYAKAMALI KA 2016/2017 (564449)**

(9/8/6)

11 November 2016

**REPORT FROM EXECUTIVE MANAGER: CORPORATE/STRATEGIC SERVICES (B
HOLTZHAUSEN) / (REWARD & RECOGNITION PRACTITIONER (L JANSE VAN
RENSBURG)**

PURPOSE OF THE REPORT

To report on the placement process of staff on the 2016/17 micro organizational structure.

BACKGROUND

The Placement Committee was established in terms of the Placement Policy and consisted of the following members:

| | | |
|------------------|---|-----------------------------------|
| MS L JV RENSBURG | - | CHAIRPERSON (HR) |
| MS AC GROBLER | - | SECRETARIAT (HR) |
| JC OTTERVANGER | - | EXECUTIVE MANAGER: ROADS |
| MS B HOLTZHAUSEN | - | EXECUTIVE MANAGER: CORP/STRAT SER |
| C AFRICA | - | EXECUTIVE MANAGER: COMMUNITY SER |
| MS L HOEK | - | EXECUTIVE MANAGER: FINANCIAL SERV |
| B DESHA | - | SAMWU |
| M APRIL | - | SAMWU |
| SG VAN DER MERWE | - | IMATU(since retired) |
| H HERWELS | - | IMATU |

All staff could be placed, except for the following staff placements:

- The Placement Committee decided that Ms MN Anthony, Environmental Health Practitioner at Mossel Bay, remain in the pool until an EHP post become vacant at Mossel Bay, where she will be automatically placed in the post. An administrative error was made where 5 x EHP's at the Mossel Bay Office should have been indicated and not four.

Her placement can now be considered as finalized with effect from 1 December 2016 as Mr R Carolus (EHP, Mossel Bay) resigned as on 30 November 2016.

- This same principle applies to the Roads Department. It was also determined that there should be 12 x Operators and not eleven as per structure in the Construction Section and VL Xhaso remains in the pool. An additional post of Operator: Construction is recommended to be added to the structure.
- The Fire Fighter staff will remain in the pool until the Platoon Commanders positions are filled, which will be advertised internally amongst the Fire Fighter staff.

The most challenging placements were that of Ms M Nyoka from Committee Services and the three contract staff from the Control Centre, V Windwaai, G Bekeer and S Henry. A meeting was held with them to also determine their interest and there after theyve accepted the Administrative Assistant positions offered permanently as from 1 October 2016:

| VACANCY | PLACEMENT | DEPARTMENT | SECTION |
|---------------------|------------|------------------------------|--|
| Administrative Asst | G BEKEER | COMMUNITY SERVICES | Disaster Management Services |
| Administrative Asst | S HENRY | COMMUNITY SERVICES | Property Management, Maintenance & Resorts (Administrative Services) |
| Administrative Asst | V WINDWAAI | CORPORATE/STRATEGIC SERVICES | Human Resources (Employee Relations) |
| Administrative Asst | M NYOKA | CORPORATE/STRATEGIC SERVICES | Human Resources (Recruitment) |

FINANCIAL IMPLICATIONS

As per budget for each position.

RELEVANT LEGISLATION

Section 66 of the Local Government Municipal Structures Act, 2000 (Act 32 of 2000)

RECOMMENDATION

1. That the placement process of staff on the 2016/17 micro organizational structure be noted.
2. That it be considered to remove the unfunded vacant posts from the structure.

3. That an additional post of Operator: Construction be added to the structure of the Road Services Department to have 12 x Operators and not 11 x Operators as previously approved.

AANBEVELING

1. *Dat kennis geneem word van die 2016/17 plasingsproses.*
2. *Dat oorweging geskenk word om die onbefondse vakatures vanaf die struktuur te verwyder.*
3. *Dat 'n addisionele Operateur: Konstruksie geskep word op die Paaie Dienste Departement se struktuur om sodoende die 11 x Operateurs na 12 x Operateurs te wysig.*

ISINDULULO

1. Sesokuba inkqubo yokubekwa kwabasebenzi kwisimo sezoalwilo sika 2-016/2017 kuthathelwe ingqalelo.
2. Sesokuba kucingwe ngokususwa kwezithuba zomsebenzi ezingekho kulwabiwo mali kwisimo sezolawulo.
3. Sesokuba kongezwe ngesikhundla Umsebenzi: Ulwakhiwo songezwe kwisimo sezolawulo kwiSebe Lenkonzo Zendlela kubekho Abasebenzi 12 hayi abayi 11 njengoko bekuphunyaziwe ngaphambili.

APPENDIX

DISTRICT COUNCIL

31 MARCH 2017

DC 140/03/17

**STATUS QUO REVISION OF EDEN DM SPATIAL DEVELOPMENT
FRAMEWORK (SDF) / *STATUS QUO HERSIENING VAN EDEN DM*
RUIMTELIKE ONTWIKKELINGS RAAMWERK / UKUQWALSELWA
NGOKUTSHA KWESIMO ESIKHOYO SOMASIPALA WE EDEN
KWINDEAL YOKUSEBENZA YOPHUHLISO OLUPHANGALELEYO
(572188)**

(8/3)

17 March 2017

**REPORT FROM THE EXECUTIVE MANAGER COMMUNITY SERVICES (C
AFRICA) / MANAGER PROPERTY DEVELOPMENT, PLANNING AND RESORTS
(W FOURIE)**

PURPOSE OF THE REPORT

To inform Council on the status of the revised Spatial Development Framework (SDF).

BACKGROUND / DISCUSSION

The 2009 SDF is currently being revised. The process started in October 2016 and should be completed by October 2017.

Attached per Annexure A is a background synopsis of the progress on the revision of the SDF.

A Council Workshop took place on 22 March 2017 where the SDF was discussed.

FINANCIAL IMPLICATIONS

R 1 060 792.00

RELEVANT LEGISLATION

Local Government: Municipal Systems Act 32 of 2000

Local Government: Municipal Finance Management Act 56 of 2003

COMMENTS: MUNICIPAL MANAGER

COMMENTS: CHIEF FINANCIAL OFFICER**COMMENTS: EXECUTIVE MANAGER CORPORATE STRATEGIC SERVICES****COMMENTS: COMMUNITY SERVICES****COMMENTS: SENIOR MANAGER ROADS SERVICES****COMMENTS: LEGAL SERVICES****UITVOERENDE OPSOMMING**

Om die Raad in te lig oor die vorderings status van die hersiening van die Ruimtelike Ontwikkelingsraamwerk.

RECOMMENDATION

That the status quo report on the progress in the revision of the Spatial Development Framework be noted.

AANBEVELING

Dat daar kennis geneem word van die status quo verslag rakende die vordering in die hersiening van die Ruimtelike Ontwikkelingsraamwerk.

ISINDULULO

Sesokuba ingxelo ngenkubelo yesimo esikhoyo kuqwalaselo Lwendlela Yokusebenza Yophuhliso Oluphangalelelyo ithathelwe ingqalelo.

APPENDIX

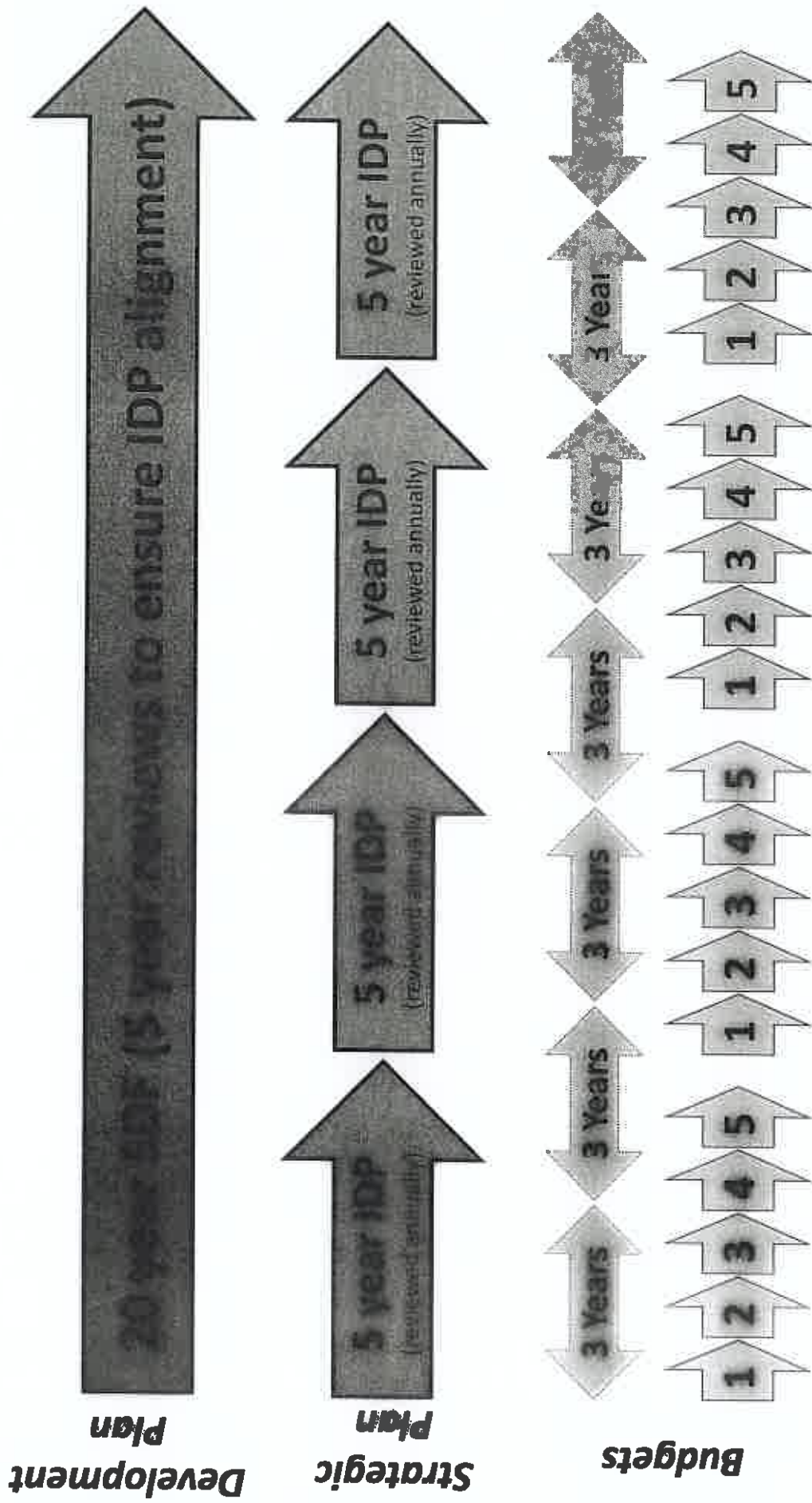
Annexure A

Eden Spatial Development Framework (SDF)

Eden Strategic Committee

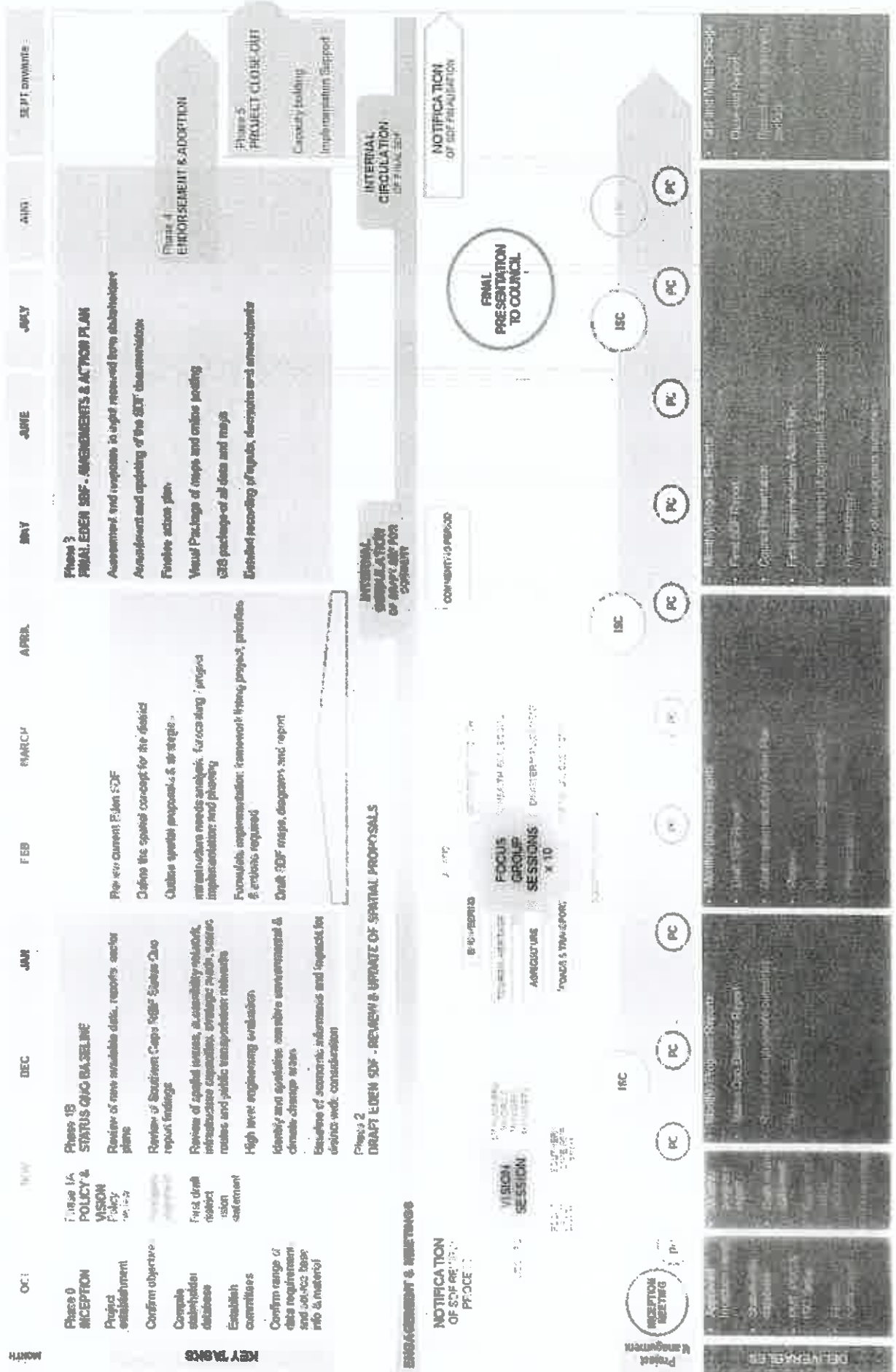
22 March 2017

Presenter : Willie Fourie

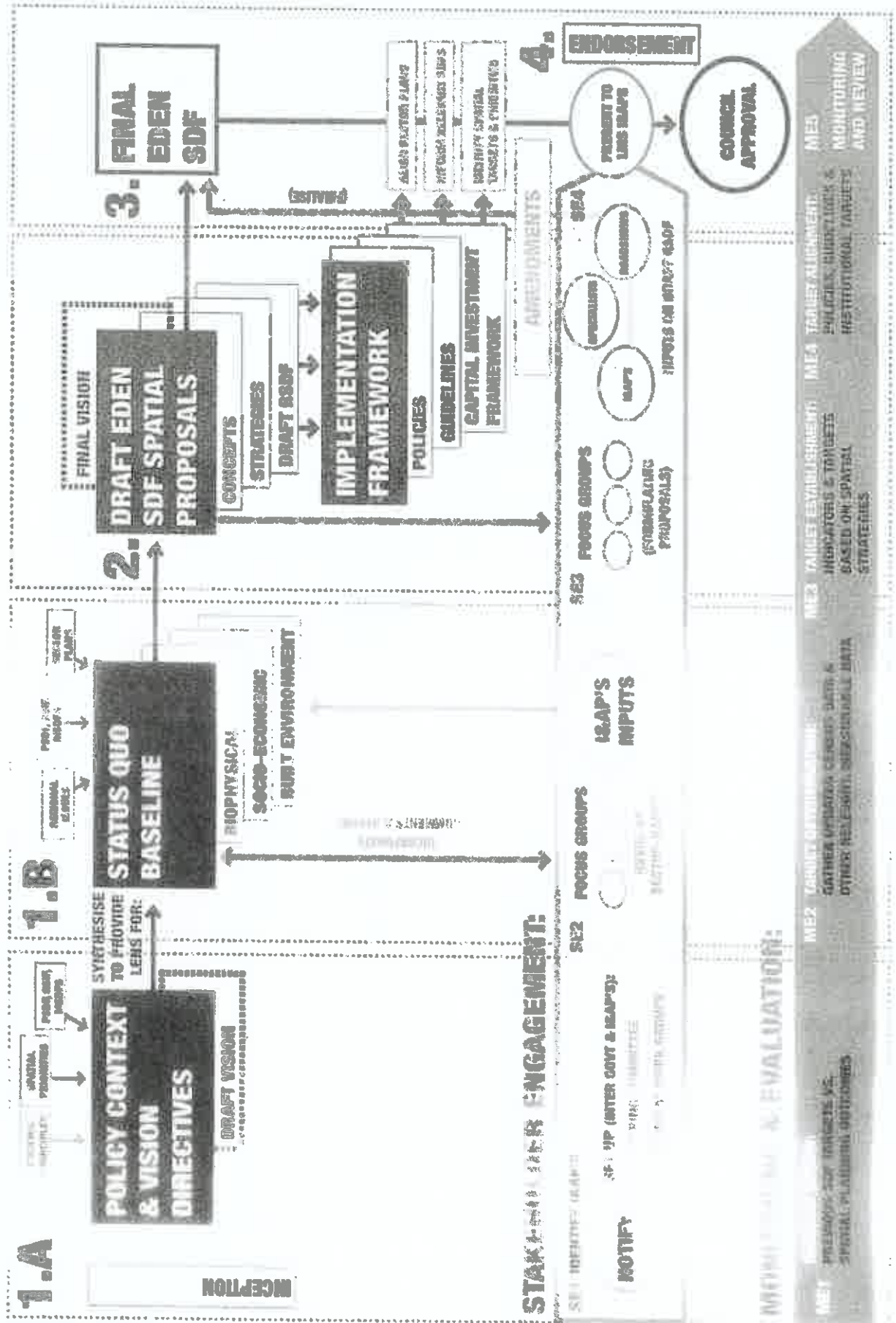


Service Delivery & Budget Implementation Plans (SDBIP's)

EDEN SDF : PROJECT PROCESS (Oct 2016 – Sept 2017)



EDEN DISTRICT SDF PROCESS:





Eden, a future-empowered through excellence.

www.edendistrict.com | Tel: +592-644-5555 | Fax: +592-644-5556 | Postal Address: PO Box 12, George, 6530

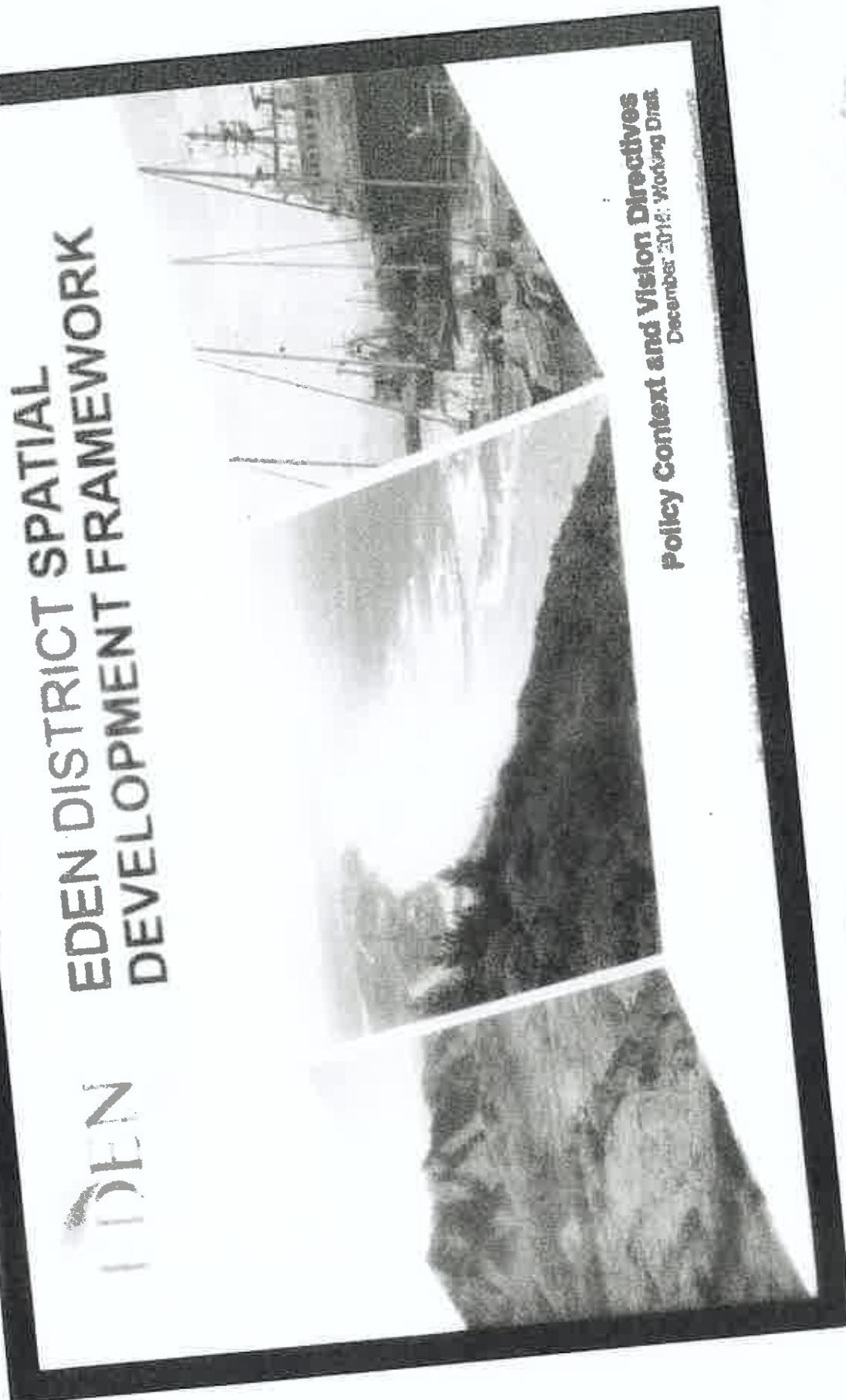
VISIONING SESSION - 29 NOV 2016 (MOSSEL BAY)



Eden, a future empowered through excellence

Head Office: 24 York Street, Canary Wharf, London E14 9AB

Postal Address: PO Box 12, Canary Wharf, London E14 9AB



COMPOSITION OF INTERGOVERNMENTAL STEERING COMMITTEE (ISC) (1st meeting - 12 Dec 2016 held in Cape Town & George next meeting to be scheduled during May 2017)

Venue : DEA&DP Ground Floor Boardroom (1 Dorp St, Cape Town) & tele-conference link with DEA&DP's York St office in George (for people not able to travel to CT..)

Eden DA representatives & GAPP Team :

- Social IDP office
- Economic Development & Tourism
- Social Development
- Municipal Health and Environmental Development
- Emergency Services
- Bulk Infrastructure
- Environmental Management
- Education and Human Capital Development

WCG Departments:

- WC Economic Development Partnership (EDP)
- Department of Environmental Affairs and Development Planning (DEA&DP)
- Department of Agriculture
- Department of Human Settlements
- Department of Transport and Public Works
- Department of Health (Infrastructure Planning)
- Department of Education (Infrastructure Planning)
- Department of Local Government (Infrastructure Planning)
- Department of Cultural Affairs and Sport (Libraries & Sports Facilities)
- Department of Economic Development & Tourism Cape Nature
- Department of Social Development

National Departments:

- Dept Rural Dev & Land Reform (DRDLR)

Representatives from each of the 7 Local

Municipalities:

- Knysna
- George
- Mossel Bay
- Bitou
- Oudtshoorn
- Kannaland
- Hessequa



FOCUS GROUPS (1-3 Feb 2017)

| | 1 Feb | 2 Feb | 3 Feb |
|---------------|--|---|---|
| 8:00 - 10:30 | | Engineering & Bulk Services 54 York Street Council Chambers | Environment & Cultural Landscapes 54 York Street Council Chambers |
| 10:30 - 13:00 | Business & Tourism 54 York Street Council Chambers | Roads & Transport 54 York Street Council Chambers | Agriculture 54 York Street Council Chambers |
| LUNCH | | | |
| 13:30 - 15:30 | Innovation 54 York Street Council Chambers | Health, Social Facilities 54 York Street Council Chambers | Disaster Risk Management 54 York Street Council Chambers |
| 15:30 - 17:30 | Oil, Gas & LNG 54 York Street Council Chambers | Aviation 54 York Street Council Chambers | |

10 EDEN SDF FOCUS GROUP SESSIONS (1-3 FEB 2017) - GEORGE



EDEN
P.O. Box 6530
Atlanta, GA 30306
Tel: 404.558.6303
Fax: 404.558.6304

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EDEN DISTRICT SPATIAL DEVELOPMENT FRAMEWORK

Status Quo Baseline: Part 1A and 1B
February 2017 Final Draft for Comment

1100 13th Street, Georgia • 404 555 6303 • www.edenproject.com/StatusQuoBaseline

EDEN
PROJECT
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IMPORTANT DATES GOING FORWARD

1. **17 March 2017** : Deadline for comments - Eden SDF Status Quo Report
2. **Mar / Apr 2017** : One-on-one engagements with 7 B Municipalities
3. **End April 2017** : Draft Eden SDF circulated for comments & alignment
4. **May 2017** : Intergovernmental Steering Committee (ISC) meeting nr 2
5. **August 2017** : Final Eden SDF & Implementation Framework circulated
6. **Sept 2017** : Intergovernmental Steering Committee (ISC) meeting nr 3
7. **Oct 2017** - if needed? : Intergovernmental Steering Committee meeting nr 4 (should there be significant changes made to the Final SDF document..)

DISTRICT COUNCIL

31 MARCH 2017

DC 141/03/17

**EDEN DRAFT 2017/2018 – 2021/2022 FOURTH GENERATION
INTEGRATED DEVELOPMENT PLAN (IDP) / EDEN KONSEP 2017/2018 -
2021/2022 VIERDE GENERASIE GEÏNTEGREERDE
ONTWIKKELINGSPLAN (GOP) / UYILO LWE EDEN LUKA 2017/2018-
2021/2022 ISICWANGCISO SESIZUKULWANA SESINE
SENDIBANISELWANO YOPHUHLISO (570902)**

(16/8/2)

10 March 2017

**REPORT FROM THE EXECUTIVE MANAGER: CORPORATE/STRATEGIC
SERVICES (B HOLTSHAUZEN) / DISTRICT IDP MANAGER (C DOMINGO)**

PURPOSE OF THE REPORT

For the Eden District Municipal Council to consider the Draft 2017/2018 – 2021/2022 Integrated Development Plan (IDP) for the Eden District Municipality in compliance with Chapter 5 of the Local Government Municipal Systems Act, 2000 (Act 32 of 2000).

BACKGROUND

Section 25 (1) of the Municipal Systems Act, 2000 (Act 32 of 2000) mandates municipalities to "within a prescribed period after the start of its elected term, adopt a single, inclusive and strategic plan for the development of the municipality, which:

- a) Links, integrates and coordinates plans and takes into account proposals for the development of the municipality;
- b) Aligns the resources and capacity of the municipality with the implementation of the plan;
- c) Forms the policy framework and general basis on which budgets must be based;
- d) Complies with the provisions of this chapter and; and
- e) Is compatible with National and Provincial Development Plans and planning requirements binding on the municipality in terms of legislation."

THE THIRD GENERATION 2012/13 – 2016/17 IDP

The Eden District Council's 2012/2013 – 2016/2017 Third Generation five year plan was developed and adopted on 31 May 2012 as per council resolution. This process was followed by an annual review of the IDP, with the 2016/2017 review being the final review of the 2012/13 – 2016/17 IDP.

Key to the strategic plan was council's vision of 'Eden, a future empowered through excellence', a mission statement and the identification of seven strategic objectives as the drivers to the achievement of the municipality's functions as outlined in Section 84 of the Municipal Structures Act.

THE 2016 LOCAL GOVERNMENT ELECTIONS

The 2016 Local Government Elections of 3 August 2016 has not only introduced a new political executive and re – demarcated municipal boundaries, but also, as per the Municipal Systems Act, designated the responsibility of the newly elected municipal council to formulate and adopt the Fourth Generation IDP for the district as a whole by 31 May 2017.

THE FOURTH GENERATION 2017/18 – 2021/22 IDP

As the principle strategic plan, the Fourth Generation IDP will define the District Council's vision, priorities, goals and strategies to further intensify the development of the district during the course of its elected term. It will provide a policy framework for the council adopted budget, links closely to the performance monitoring and evaluation and promotes the horizontal and vertical alignment with global (Sustainable Development Goals), national (National Development Plan), provincial (Provincial Strategic Goals) and B – municipal legislation, policies, strategies, programmes and sustainable developmental imperatives.

A copy of the Draft 2017/2018 – 2021/2022 IDP is included in CD format.

FINANCIAL IMPLICATIONS

Vote 10 14 04 5040 of the council adopted 2016/2017 budget is being utilized for the formulation of Eden DM's 2017/2018 – 2021/2022 IDP.

RELEVANT LEGISLATION

Constitution of the Republic of South Africa, 1996 (Act 108 of 1996)

The Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)

The Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003)

COMMENTS: MUNICIPAL MANAGER

COMMENTS: CHIEF FINANCIAL OFFICER

COMMENTS: EXECUTIVE MANAGER: CORPORATE/STRATEGIC SERVICES

COMMENTS: EXECUTIVE MANAGER: ROADS SERVICES

COMMENTS: EXECUTIVE MANAGER: COMMUNITY SERVICES

COMMENTS: MANAGER: LEGAL SERVICES**UITVOERENDE OPSOMMING**

Die Munisipale Sisteem Wet, 2000 (Wet 32 van 2000) verplig elke nuut gekose munisipaleraad om 'n langer termyn strategiese plan saam te stel vir die ontwikkeling van sy munisipale area. Die Eden Distriksmunisipalraad was formeel ingehuldig in September 2016 en is tans besig met die samestelling van die raad se Vierde Generasie GOP vir die periode 2017/2018 – 2021/2022. Hierdie dokument poog om as riglyn vir die munisipale begroting te dien, om prestasie beoordeling te dryf en te belyn met all internasionale, nasionale, provinsiale en plaaslike wetgewing, strategiese planne en beleide en moet aanvaar word deur die nuut gekose munisipale raad voor 31 Mei 2017.

RECOMMENDATION TO COUNCIL

That Council considers the Draft 2017/2018 – 2021/2022 IDP in terms of the Municipal Systems Act 2000 (Act 32 of 2000).

AANBEVELING AAN DIE RAAD

Dat die Raad die Konsep 2017/2018 – 2021/2022 GOP oorweeg in terme van die Munisipale Sisteemewet, 2000 (Wet 32 van 2000).

ISINDULULO

Sesokuba uMasipala Wesithili se Eden uqwalasele u Yilo luka 2017/2018-2021/2022 lwe IDP ngokwemiqathango yoMthetho Wezimo zoMasipala umthetho 200(Umthetho 32 wango 2000)

APPENDIX

First Draft 2017/2018 – 2021/2022 IDP ON CD INCLUDED

DISTRICT COUNCIL

31 MARCH 2017

DC 142/03/17

DRAFT MULTI YEAR BUDGET FOR 2017/18; 2018/19; 2019/20 / *KONSEP MEERJARIGE BEGROTING VIR 2017/18; 2018/19; 2019/20* / UYILO LOHLAHLA-LWABIWOMALI OLUPHINDAPHINDENEYO KU 2017/2018; 2018/2019; 2019/2020 (572263)

(6/1/1/1-16-17)

16 MARCH 2017

REPORT FROM THE ACCOUNTING OFFICER (MG STRATU)
PURPOSE OF THE REPORT

To table the final draft multiyear budget for Eden District Municipality for consideration in terms of Section 16 of the MFMA.

BACKGROUND

1. INTRODUCTION

Chapter 4 of the Municipal Finance Management Act (Act no 56 of 2003) (MFMA) regulates the process and existence of a municipal budget. Section 16 (2) of the MFMA determines that a Municipality must at least 90 days before the start of the budget year consider the approval of the annual budget:

Section 16 of the MFMA states:

(1) The council of a municipality must for each financial year approve an annual budget for the municipality before the start of the financial year

(2) In order for a municipality to comply with subsection (1), the mayor of the municipality must table the annual budget at a council meeting at least 90 days before the start of the budget year.

Regulation (9) of the Municipal Budget and Reporting Regulations dated April 2009 states:

The annual budget and supporting documentation of a municipality must be in the format specified in Schedule A and include all the required tables, charts and explanatory information, taking into account any guidelines issued by the Minister in terms of section 168(1) of the Act.

Regulation 14(1) states – an annual budget and supporting documentation tabled in a municipal council in terms of section 16(2) and 17(3) of the Act –

(a) Be in the format in which it will eventually be approved by council.

With the compilation of the 2014/15 MTREF already, it became clear that very limited scope exists for the municipality with regard to the ability to afford further operating and capital projects from own funds. This situation still exists and EDM is still highly reliant on government grants.

All requests received from the public via the IDP process were summarized, but due to limited funding, it was not included in the budget. During April and May various work sessions will be held in order to identify savings or alternative revenue sources, to enable Eden District Municipality to fund a portion of the operating projects as well as capital budget applications received.

FINANCIAL IMPLICATIONS

As per report

NATIONAL AND PROVINCIAL CIRCULARS

- 1) MFMA Circular No 82, (Annexure K)
- 2) MFMA Circular No 85, (Annexure L)
- 3) Provincial Circular No 5, (Annexure M)
- 4) MFMA Circular No 86, (Annexure N)

RELEVANT LEGISLATION

Chapter 7 of the Constitution Act 108/1996
Municipal Finance Management Act, Act 56 of 2003
Municipal Budget and Reporting Regulations - April 2005

UITVOERENDE OPSOMMING

Hoofstuk 4 van die Wet op Munisipale Finansiële Bestuur, (Wet 56 van 2003) reguleer en bepaal die proses en bestaan van 'n munisipale begroting. Artikel 16 van die Wet op Munisipale Finansiële Bestuur, bepaal dat:

- (1) Die raad van die Munisipaliteit vir elke Finansiële Jaar, 'n begroting goedkeur alvorens die finansiële jaar in aanvang neem.*
- (2) Die raad van 'n munisipaliteit moet ten minste 90 dae voor die aanvang van die begrotingsjaar goedkeuring van die jaarlikse begroting oorweeg:*
'n Jaarlikse begroting:
 - (a) Moet voor die aanvang van die begrotingsjaar goedgekeur word;*
 - (b) Word goedgekeur deur die aanname deur die raad van 'n resoluë, soos nodig, wat-*
 - (i) Enige munisipale belasting vir die begrotingsjaar hef;*
 - (ii) Enige tariewe vir die begrotingsjaar vasstel;*
 - (iii) Vasstelbare prestasie- doelwitte , vir die Inkomste uit elke bron, en vir elke begrotingspos in die begroting, goedkeur;*

(iv) Enige wysigings van die munisipaliteit se begrotingsverwante beleidsdokumente goedkeur.

RECOMMENDATION

These are the recommendations being presented to Council in terms of Municipal Finance Management Act, in respect of the annual budget and related information:

- (1) That the annual budget of Eden District Municipality for the financial year 2017/18; 2018/19; 2019/20 as set out in the schedules contained in Section 4 (Annexure A) be approved:
 - (i) Table A1 Consolidated Budget Summary;
 - (ii) Table A2 Consolidated Budget Financial Performance (by standard classification);
 - (iii) Table A3 Consolidated Budget Financial Performance (by municipal vote);
 - (iv) Table A4 Consolidated Budget Financial Performance (revenue and expenditure); and
 - (v) Table A5 Consolidated Budget Capital Expenditure (by municipal vote and funding source)
 - (vi) Table A6 Consolidated Budget Financial Position;
 - (vii) Table A7 Consolidated Budget Cash Flows
 - (viii) Table A8 Consolidated Cash backed reserves/ accumulated surplus
 - (ix) Table A9 Consolidated Asset Management
 - (x) Table A10 Consolidated basic service delivery measurement
- (2) That council approves the Operating Revenue Budget of R 341,028,670.84.
- (3) That council approves the Operating Expenditure budget of R 338,570,071.25.
- (4) That council approves the Capital budget of R 2,458,500.00.
- (5) That council takes note that R 145,000,000.00 operating income and expenditure as approve by Department of Public Transport for the Roads agency function has been included in the Total Operating budget as per recommendation 1 – 4.
- (6) That council approves and adopts the tariffs for all services. (Annexure B)
- (7) That council takes note that the following policies have been reviewed and there are no changes:
 - Banking, Cash Management and Investment Policy (Annexure C)
 - Credit Control and Debt Collection Policy and Bylaw (Annexure D)
 - Funds and Reserve Policy (Annexure E)
 - Budget policy (Annexure F)
 - Borrowing Policy (Annexure H)

- Longterm Financial Management Policy (Annexure I)
- Asset Management Policy (Annexure J)

(8) That council approves the amended budget related policies, namely:

- Supply Chain Management Policy (Annexure G)

(9) That council takes note of the following Budget Circulars, namely:

- MFMA Circular No 82 (Annexure K)
- MFMA Circular No 85 (Annexure L)
- Provincial Circular No 5 (Annexure M)
- MFMA Circular No 86 (Annexure N)

AANBEVELING

Hierdie is die aanbevelings wat aan die Raad voorgelê word in terme van die Munisipale Finansiële Bestuurswet 56 van 2003 met betrekking tot die jaarlikse begroting en verwante inligting.

(1) Dat die jaarlikse begroting van die Eden Distriksmunisipaliteit vir die MTREF 201/17; 2017/18; 2018/19; 2019/20, soos uiteengesit in die skedules soos vervat in Aanhangsel A, goedgekeur word:

- (i) Tabel A1 Gekonsolideerde Begroting Opsomming*
- (ii) Tabel A2 Gekonsolideerde Begrote Finansiële prestasie (standaard klassifikasie)*
- (iii) Tabel 3 Gekonsolideerde Begrote Finansiële prestasie (munisipale departemente)*
- (iv) Tabel A4 Gekonsolideerde Begrote Finansiële prestasie (inkomste en uitgawes)*
- (v) Tabel A5 Gekonsolideerde Begrote Kapitale uitgawes (munisipale departement en finansierings bron)*
- (vi) Tabel A6 Gekonsolideerde Begrote Finansiële posisie*
- (vii) Tabel A7 Gekonsolideerde Begrote Kontantvloei*
- (viii) Tabel A8 Gekonsolideerde Kontant Gesteunde Reserwes/Opgespaarde Surplus*
- (ix) Tabel A9 Gekonsolideerde Bate Bestuur*
- (x) Tabel A10 Gekonsolideerde Basiese Diensleweringse Meganisme*

(2) Dat die Raad die inkomste begroting van R341,028,670.84 goedkeur.

(3) Dat die Raad die uitgawe begroting van R338, 570, 071.25 goedkeur

(4) Dat die Raad die Kapitale begroting van R2, 458,500.00 goedkeur

- (5) *Dat die Raad kennis neem van die R145, 000, 000.00 inkomste en uitgawes soos goedgekeur deur die Departement van Vervoer ten opsigte van die Paaie Agentskap Funksie, wat ingesluit is in die totale begroting soos per resoluie 1 - 4*
- (6) *Dat die Raad alle Tariewe soos per Aanhangsel B goedkeur.*
- (7) *Dat die Raad kennis neem van die onderstaande begrotingsverwante beleide wat hersien is en waar geen veranderinge aangebring is nie:*
- *Kontant – en Beleggingsbeleid (Aanhangsel C)*
 - *Kredietbeheer en skuldinvorderingsbeleid en Verordening (Aanhangsel D)*
 - *Fonds en Reserwe Beleid(Aanhangsel E)*
 - *Begrotingsbeleid (Aanhangsel F)*
 - *Leningsbeleid(Aanhangsel H)*
 - *Langtermyn Finansiële Bestuursbeleid (Aanhangsel I)*
 - *Bate Bestuur Beleid (Aanhangsel J)*
- (8) *Dat die Raad die onderstaande hersiene beleide goedkeur, naamlik:*
- *Verkryging en Voorsieningskanaalbeleid (Aanhangsel G)*
- 9) *Dat die raad kennis neem van die volgende begroting omsendbriewe, naamlik:*
- *MFBW Omsendbrief Nr 82 (Aanhangsel K)*
 - *MFBW Omsendbrief Nr 85 (Aanhangsel L)*
 - *Provinsiale Omsendbrief Nr 5 (Aanhangsel M)*
 - *MFBW Omsendbrief Nr 86 (Aanhangsel N)*

ISINDULULO

Ezi zizindululo ezithiwe theca kwiBhunga ngokwemiqathango yoMthetho Wolawulo Lwemali zoMaisipala, ngokuphathelele nolwabiwo-mali lonyaka kunye nolwazi olwayamanisiweyo.

- (1) Sesokuba ulwabiwo-mali lonyaka loMasipala wesithili se Eden kunyakamali ka 2017/18;2018/19;2019/20 ngokudandalaziswe luluhlu oluqulathwe nguMhlathi 4(isifakelo A) luphunyezwe:
- (i) Table A1 uShwakanthetho Lolwabiwo-Mali Olulungelelanisiweyo;
 - (ii) Table A2 Ulungelelwaniso Lolwabiwo-Mali Umsebenzi Wezemali (ngokumiselwa ngokufanelekileyo);
 - (iii) Table A3 Ulungelelwaniso Lolwabiwo-Mali Umsebenzi Wezemali (ngokwevoti yomasipala);
 - (iv) Table A4 Ulungelelwaniso Lolwabiwo-Mali Umsebenzi Wezemali (ingeniso kunye nencitho); kunye

- (v) Table A5 Ulungelelwaniso Lolwabiwo-Mali Lwencitho Oluyinkunzi (ngokwevoti yomasipala kunye novimba bezibonelelo)
 - (vi) Table A6 Ulungelelwaniso Lolwabiwo-Mali Isikhundla Ngokwezemali;
 - (vii) Table A7 Ulungelelwaniso Lolwabiwo-Mali Ukusetyenziswa Kwemali
 - (viii) Table A8 Ulungelelwaniso Lwemali nencendiswa ngoovimba/nenzala eyenziweyo
 - (ix) Table A9 Ulungelelwaniso Lolawulo Lwempahla
 - (x) Table A10 Ulungelelwaniso lokuqwalaselwa konikezelo lwenkonzo ezingundoqo
- (2) Sesokuba iBhunga liphumeze Ulwabiwo-Mali Lwengeniso Oluqhubayo lwe R 341,028,670.84.
- (3) Sesokuba iBhunga liphumeze ulwabiwo-mali Lwencitho Oluqhubayo lwe R 338,570,071.25.
- (4) Sesokuba iBhunga liphumeze ulwabiwo-mali Oluyinkunzo lwe R 2,458,500.00.
- (5) Sesokuba iBhunga lithathele ingqalelo okokuba i R145,000,000.00 nenyingeniso eqhubayo kunye nencitho njengokuphunyezwa liSebe Lezothuhtho Loluntu lenzela imisebenzi yobuarhente kwezeNdlela iya yabandakanywa kulwabiwo-mali Olupheleleyo olurhubayo ngokwesindululo 1-4.
- (6) Sesokuba iBhunga liphumeze lwaye lamkele amaxabiso azo zonke iinkozo. (Isifakelo B)
- (7) Sesokuba iBhunga lithathele ingqalelo lemigaqo ilandelayo sele iqwalaselwe kwaye akukho zinguqu:
- Banking, Cash Management and Investment Policy (Annexure C)
 - Credit Control and Debt Collection Policy and Bylaw (Annexure D)
 - Funds and Reserve Policy (Annexure E)
 - Budget policy (Annexure F)
 - Borrowing Policy (Annexure H)
 - Longterm Financial Management Policy (Annexure I)
 - Asset Management Policy (Annexure J)
- (8) Sesokuba iBhunga liphumeze ulungiso lolwabiwo-mali kwimiqathango, neyile:
- Supply Chain Management Policy (Annexure G)

(9) Sesokuba iBhunga lithathele ingqalelo iZazinge zoMlwabiwo-Mali eziilandelayo, neziyile:

- MFMA Circular No 82 (Annexure K)
- MFMA Circular No 85 (Annexure L)
- Provincial Circular No 5 (Annexure M)
- MFMA Circular No 86 (Annexure N)

ANNEXURES

Budget – included in CD format.