

6.

ENTERING INTO A GRANT AGREEMENT WITH DEVELOPMENT BANK OF SOUTH AFRICA, WESTERN CAPE PROVINCIAL GOVERNMENT AND OVERSTRAND MUNICIPALITY

15/1/3/10/4

R Kuchar

Senior Manager: Town & Spatial Planning

9 March 2020

(028) 313 8900

1. Executive Summary

The Department of Local Government Circular C44 of 2019 invited municipalities to express an interest in receiving technical assistance with the drafting of a Capital Expenditure Framework (CEF). Overstrand Municipality in a letter dated 12 December 2019 expressed its interest.

The Department has now in a letter dated 4 March 2020 confirmed that Overstrand Municipality was successful in its application for assistance.

In order to proceed to enter into a Grant Agreement (GA) with the Development Bank of South Africa (DBSA) the Council needs to approve its participation into the GA and to mandate the Municipal Manager (MM) to enter into the agreement on behalf of Overstrand Municipality.

2. Service Delivery and Budget Implementation Plan – IGNITE

Infrastructure and Planning
Town- and Spatial Planning

3. Compliance with Strategic Priorities

Promotion of Tourism, Economic and Social Development

4. Delegated Authority

None

5. Legal Requirements

Local Government Municipal Finance Management Act (Act 56 of 2002)
Local Government Municipal Systems Act (Act 52 of 2000)
Spatial Planning and Land Use Management Act (Act 16 of 2013)

6. Background/Discussion/Conclusion**Background/Discussion**

In terms of the Spatial Planning and Land Use Management Act (Act 16 of 2013) a Municipality as part of its Spatial Development Framework must have a CEF.

No regulation for drafting or content of such CEF currently exists.

The Western Cape Provincial Government in a Circular C44 of 2019 invited local municipalities to express their interest to receive technical assistance to draft a CEF (see Annexure A).

Overstrand Municipality, in a letter dated 12 December 2019 (see Annexure B), expressed interest to partake in the preparation of a CEF.

The Provincial Department, in a letter dated 4 March 2020 (see Annexure C), confirmed that Overstrand Municipality was successful in its application for a grant from the DBSA to draft a CEF.

In order for the Western Province and the DBSA to start the process, a Council's decision is required authorising the Municipal Manager (MM) to negotiate the terms of the agreement and after successful negotiation, to enter into such agreement with the DBSA who will provide the funding.

It is thus hereby requested that the MM be mandated to start such negotiations and if successful, to enter into a GA.

Should these negotiations not be successful and the MM not be able to enter into such agreement, an item will be brought to Council regarding the circumstances and reasons for not being able to enter into an agreement.

Conclusion

It is proposed that the Municipal Manager be mandated to enter into a grant agreement with the DBSA to develop a CEF.

7. Financial Implications

N/A

8. Staff Implications

N/A

9. Comments from other Departments, Divisions and Administrations

N/A

10. Annexures

- Annexure A: Department of Local Government Circular C44 of 2019
- Annexure B: Overstrand Municipality's letter dated 12 December 2019 expressed interest to partake in the preparation of a Capital Expenditure Framework
- Annexure C: Letter from Provincial Department confirmed Overstrand Municipality's success in its application for a grant from the DBSA to draft a Capital Expenditure Framework

RECOMMENDATION TO THE COUNCIL:

1. that the Municipal Manager be hereby authorised to:
 - (a) negotiate the terms of the Grant Agreement for purposes of drafting a Capital Expenditure Framework;
 - (b) after acceptance of the terms of the agreement, sign the agreement;
 - (c) enter into any other agreements, deeds or documents which may be incidental or related to the Grant Agreement or the transactions contemplated by or the agreements referred to in the Grant Agreement and any addenda to the Grant Agreement required to amplify and/or amend any of the provisions of the Grant Agreement (collectively referred to as the "Relevant Documents"); and
 - (d) act as the Municipality's representative to give effect to the above resolutions.

RESPONSIBLE OFFICIAL :**R KUCHAR****TARGET DATE FOR IMPLEMENTATION :****8 APRIL 2020****TARGET DATE TO INFORM APPLICANT :****N/A****TARGET DATE TO INFORM OBJECTOR :****N/A**



OFFICE OF THE HEAD OF DEPARTMENT

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REFERENCE: WCG-201912103936624

LOCAL GOVERNMENT CIRCULAR C44 OF 2019

THE MUNICIPAL MANAGER, MATZIKAMA MUNICIPALITY: MR G SEAS (ACTING)
 THE MUNICIPAL MANAGER, CEDERBERG MUNICIPALITY: MR L VOLSCHENK
 THE MUNICIPAL MANAGER, BERGRIVIER MUNICIPALITY: ADV H LINDE
 THE MUNICIPAL MANAGER, SALDANHA BAY MUNICIPALITY: MR H METTLER
 THE MUNICIPAL MANAGER, SWARTLAND MUNICIPALITY: MR J SCHOLTZ
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 CHIEF TOWN PLANNER, PRINCE ALBERT MUNICIPALITY: VACANT
 CHIEF TOWN PLANNER, BEAUFORT WEST MUNICIPALITY: MR A MITCHELL

TECHNICAL ASSISTANCE FOR THE PREPARATION OF CAPITAL EXPENDITURE FRAMEWORKS

Municipalities are required to have Municipal Spatial Development Frameworks (MSDF) in terms of the Spatial Planning and Land Use Management Act 16 of 2013. The same Act requires MSDFs to include Capital Expenditure Frameworks (CEF). This requirement is reinforced by the Municipal Systems Act.

A Capital Expenditure Framework is a comprehensive, high-level, integrated **long-term infrastructure plan** that flows from a spatial development framework. The capital expenditure framework **estimates the level of affordable capital investment by the municipality over the long term**. It is a tool that aims to bridge the implementation gap between MSDFs, infrastructure planning and financial planning and budgeting processes. In so doing, it strives to establish a realistic understanding of the affordability levels of the municipalities whilst putting in place a clear investment pathway to facilitate the implementation of the MSDF proposals to spatially transform our settlements.

CEFs present an opportunity to put in place a clear inter-governmental pipeline of investment that will empower municipalities to understand whether, year-on-year, their budgets are implementing their plans. Importantly, it will also provide prospective public and private sector partners and investors with a clear view of what investment is required in the municipality. This will also better position municipalities to leverage grants in the future.

Many municipalities have MSDFs that do not as yet include a CEF. In a number of cases the Directorate: Spatial Planning has been approached for assistance on how to prepare these CEFs.

The Western Cape Government, in partnership with the Development Bank of South Africa (DBSA), is putting together a specialist technical team to assist and partner with municipalities to prepare CEFs. We would therefore like to invite municipalities to express interest in benefitting from this technical assistance to be made available.

The specialist team that would work in collaboration with the municipality to prepare their CEF will include the Western Cape Government's spatial planners, as well as municipal finance and municipal infrastructure planning expertise. Broadly the methodology to be followed will align with the draft guideline on the preparation of CEFs by the Department of

Cooperative Governance. However, the process will be adapted so that it is relevant and practical for smaller municipalities and sufficiently simple to update on an ongoing basis by the municipality itself. The intention is to supplement the technical capacity and expertise of the municipality, but also to capacitate the municipality through the process of preparing the CEF.

The prioritisation of municipalities will be based on the following criteria:

- The municipality has an adopted, up to date MSDF or a MSDF is currently in the active process of being compiled/ reviewed and amended.
- A municipal technical champion is identified to lead the municipality's participation in the process
- Senior officials from the Finance, Infrastructure and Planning functions are identified to participate in the process
- Alignment with municipalities who have also requested assistance from the WCG for the preparation of LTFFPs.

The expression of interest should include the following information:

- The status of the MSDF
- The infrastructure master plans that the municipality has and in what year these were compiled
- The year in which the municipality's Long Term Financial Plan was prepared/ updated.
- The nominated municipal technical champion to lead the partnership with the WCG's specialist team
- The nominated senior financial, infrastructure and planning officials to form the core team to partner with the WCG's specialist team

There will be no financial implications to the municipality other than the time of their officials and the cost of travel for the occasional attendance of meetings in Cape Town. Most of the engagements will take place in the municipality.

Municipalities who are interested should express their interest in writing, by Friday 13 December 2019, addressed to:

Ms Catherine Stone
Director: Spatial Planning

Department of Environmental Affairs and Development Planning
Western Cape Government
c/o laurel.robertson@westerncape.gov.za

Any questions can be directed to Catherine Stone (021 483 4796) or Laurel Robertson (021 483 0767).

Kind Regards


MARIUS BRAND
DIRECTOR

DATE: 10/12/2019

ANNEXURE B 1/3

Navrae:
Enquiries: Riaan Kuchar (Senior Manager: Town & Spatial Planning)

Lêervenywysing:
File Reference: Capital Expenditure Frameworks

U Verwy:
Your Ref: DLG Circular No. C44 of 2019

Datum:
Date: 12 December 2019

Hermanus Administrasie
Hermanus Administration

Ms Catherine Stone
Director: Spatial Planning
Department of Environmental Affairs and
Development Planning
Western Cape Government
Private Bag X9076
CAPE TOWN
8000

laurel.robertson@westerncape.gov.za

Dear MS Stone

CIRCULAR NO. C44 OF 2019

The above circular dated 10 December 2019 refers.

Overstrand Municipality would like to express its interest in technical assistance for the preparation of a Capital Expenditure Framework.

The following information regarding the Status of Overstrand SDF and Infrastructure and Master Plans:

Status of the Overstrand SDF

Overstrand is currently reviewing its SDF. The draft SDF to be advertised for public comments during February 2020 and adoption by Council in May 2020.

Infrastructure Master Plan

- Water and Sewerage Masterplan was compiled in 2016. It is currently being reviewed.
- Stormwater and roads masterplans were done for most towns in Overstrand areas and updated yearly.
- Electricity Masterplan is updated on a yearly basis. The latest update of masterplan is 2019.

Tel: 028 3138087
Fax: 028 3122093

PO Box 20 / Posbus 20
HERMANUS
7200

➤ **Long Term Financial Plan**

Overstrand Long Term Financial Plan is updated on an ongoing basis.
The last Long Term Financial Plan update is 2019.

➤ **Technical Champion**

Director : Infrastructure & Planning
Mr Stephen Müller
Tel No. (028) 313 8019
e-mail smuller@overstrand.gov.za

➤ **Nominated Partner Teams**

Finance

Mr Bernard King Tel No. (028) 313 8040
e-mail: bking@overstrand.gov.za
Ms Georgia Bucchianeri Tel No. (028) 313 8913
e-mail: gbucchianeri@overstrand.gov.za
Mr Hannes Vorster Tel No. (028) 8046
e-mail: jvorster@overstrand.gov.za
Mr Carl Oppelt Tel No. (028) 313 8960
e-mail: coppelt@overstrand.gov.za

➤ **Infrastructure**

Stormwater Mr Dennis Hendriks Tel No. (028) 313 5059
e-mail: dhendriks@overstrand.gov.za

Water & Sewer Mr Hanré Blignaut Tel No. (028) 313 5047
e-mail: hblignaut@overstrand.gov.za

Electricity Mr Koos du Plessis Tel No. (028) 313 8264
e-mail: kduplessis@overstrand.gov.za
Mr Danie Maree Tel No. (028) 384 8311
e-mail: dmaree@overstrand.gov.za

Operational Services To be communicated.

Town Planning Mr Riaan Kuchar Tel No. (028) 313 8087
e-mail: rkuchar@overstrand.gov.za
Ms Hanneen van der Stoep
Tel No. (028) 313 8900
e-mail: hvdstoep@overstrand.gov.za

Overstrand Municipality also took part in a recent review to align its infrastructure requirement with its SDF. An Infrastructure & Growth Plan dated March 2019 study was undertaken by Mr John Frame.

Attached is a copy of the report which could serve as a basis to creating an Infrastructure Framework Plan for Overstrand.

I hope that Overstrand can form part of your initiative.

Should you have any further queries you can contact Mr Riaan Kuchar directly.

Yours faithfully



S. MÜLLER
DIRECTOR : INFRASTRUCTURE & PLANNING



Department of Environmental Affairs and Development Planning
Catherine Stone
Spatial Planning Directorate
Catherine.Stone@westerncape.gov.za | Tel: 021 483 4796

REFERENCE:

Mr C Groenewald
Municipal Manager
Overstrand Municipality
PO Box 20
HERMANUS
7200

Sent per e-mail: cgroenewald@overstrand.gov.za

Dear Sir

TECHNICAL ASSISTANCE FOR THE PREPARATION OF CAPITAL EXPENDITURE FRAMEWORKS

Department of Local Government Circular C44 of 2019 refers.

Thank you for your expression of interest in receiving technical assistance to prepare your Capital Expenditure Framework as a component of your Municipal Spatial Development Framework.

We are pleased to confirm that, subject to finalization of the DBSA funding allocation and procurement processes, your Municipality has been prioritized for assistance in the 2020/21 – 2021/22 period.

In order to proceed, the DBSA require a Council resolution agreeing to enter into a 'grant' agreement with the DBSA. A model Council resolution is attached for your convenience.

It should be emphasized that the technical assistance will be provided both by the DBSA's appointed professional service providers and the Western Cape Government, working as a team in partnership with the Municipality. The professional service providers will be jointly supervised by a Project Steering Committee consisting of representatives of the DBSA, the Western Cape Department of Environmental Affairs & Development Planning, the Department of Local Government and the Provincial Treasury, as well as representatives of the participating municipalities.



Your assistance with obtaining this resolution as a matter of priority would be appreciated as this will enable the procurement process to proceed with the DBSA for the professional service providers to supplement the Western Cape Government's technical support team.

Should you have any questions, you are welcome to contact:

Catherine Stone

Tel: 021 483 4796

E-mail: Catherine.Stone@westerncape.gov.za

or Laurel Robertson

Tel: 021 483 0767

E-mail: Laurel.Robertson@westerncape.gov.za

Please acknowledge receipt of this letter and confirm that you remain interested in participating in this programme and that you will proceed to obtain the Council resolution.

We look forward to working with you on this exciting project.

Sincerely



Catherine Stone
Director Spatial Planning
Date: 04 March 2020

CC: Stephen Muller (email: smuller@overstrand.gov.za)
Riaan Kuchar (email: riaan@overstrand.gov.za)
Marius Brand DLG: Municipal Infrastructure (email: Marius.Brand@westerncape.gov.za)
Ralph Links DLG: Municipal Infrastructure (email: Ralph.Links@westerncape.gov.za)
Tania de Waal DEA&DP: Spatial Planning (email: Tania.DeWaal@westerncape.gov.za)
Laurel Robertson DEA&DP: Spatial Planning (email: Laurel.Robertson@westerncape.gov.za)

EXTRACT OF MINUTES OF THE COUNCIL MEETING OF [X]LOCAL MUNICIPALITY (THE "MUNICIPALITY") HELD ON [•] IN TERMS OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT NO 56 OF 2003 (THE "ACT") AND/OR ANY OTHER RELEVANT LEGISLATION

1. WHEREAS:

- 1.1 The Municipality undertakes to develop and implement a Capital Expenditure Framework (a component of the Municipal Spatial Development Framework) (the "**Project**") and requested technical assistance from the Western Cape Government and the Development Bank of Southern Africa Limited ("**DBSA**").
- 1.2 Accordingly, the Municipality wishes to enter into a grant agreement with the DBSA (the "**Grant Agreement**"), in terms of which the DBSA will make available a grant to the Municipality in amount of R 2 000 000 (the "**Grant Amount**").
- 1.3 Pursuant to the Grant Agreement, the Municipality shall agree and acknowledge that the Grant Amount shall be paid directly to the professional services provider, appointed or to be appointed by the DBSA and to work with and be managed by the Western Cape Government, to provide the services relating to the Project for the benefit of the Municipality.
- 1.4 It is a condition precedent in the Grant Agreement that the Municipality shall pass a council resolution:
 - 1.4.1 Authorising the Municipal Manager of the Municipality (as the Accounting Officer in terms of the Act) to sign and execute the Grant Agreement or any other agreement required to implement the Project.

2. RESOLVED THAT

- 2.1 **Municipal Manager** be hereby authorised to:
 - 2.1.1 enter into the Grant Agreement; and
 - 2.1.2 enter into any other agreements, deeds or documents which may be incidental or related to the Grant Agreement or the transactions contemplated by or the agreements referred to in the Grant Agreement and any addenda to the Grant Agreement required to amplify and/or amend any of the provisions of the Grant Agreement; (collectively referred to as the "**Relevant Documents**")
 - 2.1.3 negotiate, settle the final terms of, sign and implement the Relevant Documents on behalf of the Municipality;
 - 2.1.4 act as the Municipality's representative to give effect to the above resolutions; and
 - 2.1.5 do all acts and things so as to give effect to the resolutions contained herein and/or to give or execute all notices, communications,

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acknowledgements, resolutions or other documents or agreements on behalf of the Municipality in connection with the transactions contemplated thereby.

- 2.2 To the extent that the Municipal Manager has already signed any other documents or done any act or thing so as to give effect to the resolutions contained herein, the actions of such Municipal Manager in this regard (to the extent legal possible) be and are hereby retrospectively approved and are ratified and adopted in their entirety.

CERTIFIED AS A TRUE REFLECTION AND EXACT EXTRACT FROM THE MINUTES OF THE COUNCIL MEETING HELD ON [●].

[Insert name]

Mayor

Date: