

**10. CONSIDERATION OF THE 2020/21 ANNUAL REPORT AND ADOPTION OF AN OVERSIGHT REPORT**

5/15/1/1

RG Louw

Senior Manager: Strategic Services

14 March 2022

(028) 313 8071

**1. Executive Summary**

The purpose of this report is to consider the 2020/21 Annual Report and to adopt an Oversight Report. **FOR PURPOSES OF CONSIDERING THIS ITEM COUNCILLORS ARE REQUESTED TO ALSO REFER TO THE ANNUAL REPORT, WHICH WAS TABLED ON 26 JANUARY 2022.**

**2. Service Delivery and Budget Implementation Plan - IGNITE**

Management Services  
Strategic Services

**3. Compliance with Strategic Priority**

Provision of democratic, accountable and ethical governance

**4. Delegated Authority**

None

**5. Legal Requirements**

Local Government : Municipal Systems Act, 2000 (Act 32 of 2000)

Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA)

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

**Background**

In terms of the above legislation a Municipality must prepare an Annual Report for each financial year. The core components of such an annual report must include:

- a. a performance report;
- b. the financial statements;
- c. and audit report on the financial statements, and
- d. the audit report on the performance evaluation

The purpose of the annual report is to:

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

The draft audited annual report, taking cognisance of the above-mentioned requirements, was tabled by the Executive Mayor at the Special Council meeting of 26 January 2022.

The local community was in terms of section 127(5)(a)(ii) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA) invited to submit representations in connection with the draft Annual Report to the Municipality by submitting such representations to the Municipal Manager on or before 28 February 2022.

No comments provided by the public were received as at the date and time of closure.

Comments were received from Western Cape Government: Provincial Treasury, attached as **Annexure C**.

The Municipal Public Accounts Committee (MPAC) also considered the annual report on 8 March 2022. The minutes of the MPAC are attached as **Annexure A**.

The checklist for considering the annual report is attached as **Annexure B**.

Representatives of the Office of the Auditor-General and Provincial Departments of Local Government and Provincial Treasury have been invited to attend the council meeting. Likewise, the chairperson of the municipality's Joint Audit and Performance Audit Committee (JPAC) was also invited to attend the meeting. The MFMA furthermore provides for members of the local community, if any, to address the council.

For purpose of adopting an Oversight Report the MFMA requires the council to consider the annual report to state whether the council:

- approves the annual report, with or without reservations;
- rejects the annual report or;
- refers the annual report back for revision of those components that can be revised.

**7. Financial Implications**

Not applicable

**8. Staff Implications**

Report compiled in-house

**9. Comments from other Departments, Divisions and Administrations**

Various officials were interviewed and consulted during the information gathering phase.

**10. Annexures**

Annexure A: Minutes of the Municipal Public Accounts Committee (MPAC)

Annexure B: Checklist for considering the annual report

Annexure C: Comments received from Western Cape Government:  
Provincial Treasury

**(Note: The Final Annual Report for 2020/21 is distributed in hard copy)**

**RECOMMENDATION TO THE COUNCIL:**

that, in terms of Section 129 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (MFMA) and having duly considered the 2020/21 Annual Report of the Overstrand Municipality and the content of this item, the said report **be approved** without reservation.

**RESPONSIBLE OFFICIAL :**

**RG LOUW**

**TARGET DATE FOR IMPLEMENTATION :**

**NOT APPLICABLE**



## MEETING OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

### MINUTES

**DATE :** 8 MARCH 2022  
**VENUE :** VIRTUAL / BANQUETING HALL  
HERMANUS  
**TIME :** 14:00

**OVERSTRAND****MUNICIPALITY / MUNISIPALITEIT / U-MASIPALA****MINUTES OF A MEETING OF THE MUNICIPAL PUBLIC ACCOUNTS  
COMMITTEE HELD IN THE BANQUETING HALL / VIRTUALLY ON  
8 MARCH 2022 AT 14:00**

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**PRESENT:**

Cllr C Tafu-Nwonko  
Ald R de Coning  
Cllr K Ngqandana  
Cllr S Williams

**OFFICIALS PRESENT:**

Mr D O'Neill  
Ms D Arrison  
Ms S Reyneke-Naudé  
Ms R Louw  
Ms S Swart

**ALSO PRESENT:**

Mr D Swanson (Repr COGTA)  
Ms N Henge (Repr COGTA)  
Mr A Alie (Repr Auditor-General)  
Ms N Mlobeli (Repr Auditor-General)

**APOLOGIES:**




Cllr M Nomatiti

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OVERSTRAND MUNICIPALITY  
ATTENDANCE REGISTER

MEETING: MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

DATE OF MEETING: 8 MARCH 2022

CLLR C TAFU-NWONKWO	
ALD R DE CONING	On line
CLLR K NGQANDANA	
CLLR S WILLIAMS	
CLLR M NOMATITI	Apology
MR D O'NEILL	PHYSICAL
MS D ARRISON	Physical
MS S REYNEKE-NAUDE	Physical
MS R LOUW	On line
MS S SWART	Swart
Mr. Donovan Swanson	DLG Physical
Ms Nomfundo Henge	DLG. Physical
Ashiq Allie	AG ON LINE
NCEBAKAZI MUBISI	AG ON Line

**MINUTES OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE**  
**8 MARCH 2022**

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**1. OPENING**

The Chairperson, Cllr C Tafu-Nwonkwo, welcomed everyone present. The Municipal Manager, Mr D O'Neill, read the notice convening the meeting.

**2. APPLICATIONS FOR LEAVE OF ABSENCE**

**Cllr M Nomatiti**

**RESOLVED:**

that the above-mentioned leave of absence **be approved**.

**3. CONSIDERATION OF THE 2020/2021 ANNUAL REPORT**

The Municipal Public Accounts Committee considered the content of the Municipality's 2020/2021 Annual Report.

**RESOLVED TO RECOMMEND TO THE COUNCIL:**

that the draft Annual Report for the 2020/2021 financial year **be approved** without reservations.

**4. CLOSURE**

The meeting closed at 14:30



CHAIRPERSON



DATE

**ANNEXURE C TO MFMA CIRCULAR NO 32****CHECKLIST FOR CONSIDERING THE ANNUAL REPORT**

The MFMA provides that the purpose of the annual report of a municipality or a municipal entity for each financial year is:

- to provide a record of activities;
- to provide a report on performance against the budget; and
- to promote accountability to the local community for decisions made throughout the year.

The MSA provides that an annual *performance report* must be prepared for each financial year to report on the performance of the municipality and each external service provider, compared with targets set for performance.

The annual report requirements are provided in Chapter 12 of the MFMA, section 45 and 46 of the MSA and the annual Division of Revenue Act.

The following checklist summarises what must be included in the annual report and is designed to support and guide councillors and officials. It should be noted however, that this list is not exhaustive and from time to time other information requirements may be prescribed. Consideration must also be given to specific circumstances and conditions in which other questions may be appropriate. Councillors and officials are encouraged to make suggestions to enhance this checklist and send these to the National Treasury.

Council should verify that the required information is contained in the annual report and then consider the relevance and accuracy of information accordingly. The checklist provides guidance on how matters could be considered.

The oversight committee and the full council may use this checklist as a means to organise the report and to manage requests for additional information. The questions suggested may be used by all councillors to gain clarification on contents of reports and also to verify compliance with the MFMA and MSA. Responses to many of these questions should be provided by the accounting officer of the municipality and/or municipal entities.

Note that the views of the Audit Committee and the findings of the Auditor-General are primary sources of information to assist council in determining a decision on the annual report.



**CHECKLIST FOR CONSIDERING THE ANNUAL REPORT FOR THE 2020/21 FINANCIAL YEAR, OVERSTRAND MUNICIPALITY**

Information Required to be Included in Annual Reports	Council Considerations and Questions	Comments
<p><b>Financial Matters</b></p> <p>The annual financial statements (AFS) for the municipality and, if applicable, consolidated statements (with all entities) as submitted to the Auditor-General</p>	<p><b>Financial Reporting Matters to be Considered</b></p> <p>Where the municipality has sole or effective control of a municipal entity, consolidated financial statements are required. The AFS are to be in the form as required by the applicable accounting standards. MFMA Circular 18 with annexures, 23 June 2005 provides guidelines on the new accounting standards for municipalities.  <i>Have the required standards been met – refer audit report and report of audit committee for views on this?</i></p>	<p>Yes,                      Annexure A: Financial Statements (AFS) (pg.1 -87)</p>
	<p>The above applies also to the AFS of municipal entities.</p>	<p>n/a</p>
<p>The Auditor-General's reports on the financial statements of the municipality and the entities</p>	<p><i>Is the audit report included in the annual report as tabled?                      If not, when will the audit report be tabled?                      What are causes of the delays?                      What actions are being taken to expedite the report?</i></p>	<p>Yes,                      Annexure B: Report of the Auditor-General</p>
	<p>The above applies also to the AFS of municipal entities.</p>	<p>n/a</p>
<p>Any explanations that may be necessary to clarify issues in connection with the financial statements</p>	<p>The accounting standards require that notes accompany the statements to provide explanations of issues and matters reported. Refer also points below on information in notes to AFS.  <i>Taking into consideration the audit report and the audit committee comments, is sufficient explanation of financial issues contained in the notes to the statements?</i></p>	<p>Yes,                      Notes attached as part of Annexure A, (pg.34-77) of the AFS</p>
	<p>The above applies also to the AFS of municipal entities.</p>	<p>n/a</p>
<p>An assessment by the accounting officer on any arrears on municipal taxes and service charges including municipal entities.</p>	<p><i>Has an adequate assessment been included?                      Is there sufficient explanation of the causes of the arrears and of actions to be taken to remedy the situation?                      Is any other action required to be taken?</i></p>	<p>Yes,                      Chapter 5,                      Section 5.11-5.12 (pg.391-392)</p>

Information Required to be Included in Annual Reports	Council Considerations and Questions	Comments
<p>Particulars of any corrective action taken or to be taken in response to issues raised in the audit reports</p>	<p>The conclusions of the annual audit may be either –</p> <ul style="list-style-type: none"> <li>• an unqualified audit opinion with or without management issues, which means that the financial statements are acceptable;</li> <li>• a qualified audit opinion setting out reasons for qualification, which means that certain issues need to be addressed before an unqualified opinion can be achieved; or</li> <li>• the auditor will disclaim the statements and not offer an opinion. In this case there may be serious financial issues to be addressed.</li> </ul> <p>The objective of the municipality should be to achieve an unqualified audit opinion.  <i>Taking into account the audit report, audit opinion and the views of the audit committee, council should consider:</i></p> <ul style="list-style-type: none"> <li>• <i>To what extent does the report indicate serious or minor financial issues?</i></li> <li>• <i>To what extent are the same issues repeated from previous audits?</i></li> <li>• <i>Is the action proposed considered to be adequate to effectively address the issues raised in the audit report?</i></li> <li>• <i>Has a schedule of action to be taken been included in the annual report, with appropriate due dates?</i></li> </ul> <p>Note that actions taken on audit issues are to be reported to the provincial legislature, the MEC's for local government and finance to report on any omissions by municipalities in addressing issues. Council should confirm that the audit report has been forwarded to the MEC's.</p>	<p>Yes,                      Chapter 6 (section 6.2), pg. 397                      Annexure B- AG report, paragraph 2 (opinion)</p>
<p>An assessment by the municipality's accounting officer of the municipality's performance against measurable performance objectives for revenue collection from each revenue source and for each vote in the approved budget</p>	<p>The above applies also to the AFS of municipal entities.</p> <p>The budget of the municipality must contain measurable performance objectives for revenue from each source and for each vote in the budget, taking into account the IDP (MFMA's 17(3)(b)). The accounting officer must include these objectives in the annual report and report on performance accordingly.  <i>Has the performance met the expectations of council and the community?                      Have the objectives been met?                      What explanations have been provided for any non-achievement?</i></p>	<p>n/a</p> <p>Yes,                      Chapter 3, Service delivery performance, (pg. 94 -338)</p>

Information Required to be Included in Annual Reports	Council Considerations and Questions	Comments
	<p><i>What was the impact on the service delivery and expenditure objectives in the budget?</i></p> <p>Council should comment and draw conclusions on performance and explanations provided.</p>	
<p>An assessment by the municipal entity's accounting officer of the entity's performance against any measurable performance objectives set in terms of the service delivery agreement or other agreement between the entity and the municipality</p>	<p>Agreements between the municipality and its entities for service delivery are to include measurable performance objectives. This will include measures of services delivered to the community, financial targets, expenditure targets, etc. The entity's annual report must include an assessment by the accounting officer, or performance against these objectives. In order to show the linkage between the entity and the municipality, the report of the municipality should also include the performance of entities.</p> <p><i>Has the performance met the expectations of council and the community?</i></p> <p><i>Have the performance objectives been met?</i></p> <p><i>What explanations have been provided for any non-achievement?</i></p> <p><i>What was the impact on the service delivery and expenditure objectives in the budget?</i></p> <p>Council should comment and draw conclusions on performance and explanations provided.</p>	<p>n/a- no municipal entities</p>
<p>Any information as determined by the municipality, the entity or its parent municipality</p>	<p>Review any other information that has been included in regard to the AFS.</p>	
	<p>The above applies also to the AFS of municipal entities.</p>	<p>n/a- no municipal entities</p>
<p>Recommendations of the audit committee in relation to the AFS and audit reports of the municipality and its entities.</p>	<p><i>Have the recommendations of the audit committee in regard to the AFS been adequately addressed by the municipality and/or the entity?</i></p> <p><i>What actions need to be taken in terms of these recommendations?</i></p> <p>Conclusions on these recommendations and the actions required should be incorporated in the oversight report.</p>	<p>Yes, Annexure C: Report of the Audit Committee Pg. 2-3. Paragraphs 4, 5, 6</p>

Information Required to be Included in Annual Reports	Council Considerations and Questions	Comments
<p><i>Allocations received and made</i></p> <p>Allocations received by <u>and</u> made to the municipality</p>	<p><b>Considerations</b></p> <p>The report should disclose:</p> <ul style="list-style-type: none"> <li>• Details of allocations received from another organ of state in the national or provincial sphere.</li> <li>• Details of allocations received from a municipal, entity or another municipality.</li> <li>• Details of allocations made to any other organ of state, another municipality or a municipal entity.</li> <li>• Any other allocation made to the municipality under Section 214(1)(c) of the Constitution.</li> </ul> <p><i>Have these allocations been received and made?</i>  <i>Does the audit report confirm the correctness of the allocations received in terms of DORA and provincial budgets?</i>  <i>Does the audit report or the audit committee recommend any action?</i>  Council should comment and draw conclusions on information and explanations provided.</p>	<p><b>Comments</b></p> <p>Yes,  Chapter 5: Financial performance,  Section 5.3.1 – grant performance (pg. 364-368); Section 5.13.3 (pg.393-395)  Also- notes of AFS provides detail of government grants and subsidies</p>
<p>Allocations received and made to the municipal entity</p>	<p>The report should disclose:</p> <ul style="list-style-type: none"> <li>• Details of allocations received from any municipality or other organ of state.</li> <li>• Details of any allocations made to a municipality or other organ of state.</li> <li>• Other information as may be prescribed.</li> </ul> <p><i>Have these allocations been received and made?</i>  <i>Does the audit report confirm the correctness of the allocations received in terms of DORA and provincial budgets?</i>  <i>Does the audit report or the audit committee recommend any action?</i>  Council should comment and draw conclusions on information and explanations provided.</p>	<p>n/a</p>
	<p>Section 123 of the MFMA and MFMA guidance circular 11, require that the municipality provide information per allocation received per vote and include:</p>	<p>Yes,  Chapter 5: Financial performance,  Section 5.3.1 – grant performance</p>

Information Required to be Included in Annual Reports	Council Considerations and Questions	Comments
<p><i>Allocations received and made</i></p> <p>Information in relation to the use of allocations received</p>	<p><b>Considerations</b></p> <ul style="list-style-type: none"> <li>• The current year and details of spending on all previous conditional grants, for the previous two financial years. Information is to be provided per vote. (For example, municipalities must report on all transfers received from provincial housing departments for housing subsidy grants for three financial years, and indicate how such funds were spent, and for what projects.</li> <li>• Information stating whether the municipality has complied with the conditions of the grants, allocations in terms of section 214(1)(c) of the Constitution and allocations received from other than another organ of state. Where there is non-compliance, details of the reasons for non-compliance are to be provided.</li> <li>• Information on whether allocations under the DORA were delayed or withheld and the reasons advanced for this.</li> </ul> <p>This information is required on all allocations excluding the municipality's portion of the equitable share and where prescribed otherwise by the nature of the allocation.</p> <p>The Auditor-General will ensure that the audit process includes a proper assessment (and reconciliation) on all national grants received by a municipality. Council should consider this aspect of the audit report and comments by the audit committee on the use of allocations received.</p> <p><i>Council should be satisfied that –</i></p> <ul style="list-style-type: none"> <li>• <i>the information has been properly disclosed;</i></li> <li>• <i>conditions of allocations have been met; and</i></li> <li>• <i>that any explanations provided are acceptable.</i></li> </ul> <p>The comments of the Auditor-General and the views of the audit committee should be used to determine the accuracy and appropriateness of this information.</p>	<p><b>Comments</b></p> <p>(pg. 364-368); Section 5.13.3 (pg.393-395)</p>
	<p>Municipalities and entities are reminded of the requirements to include, in their annual financial statements, amounts owed to them and persistently</p>	<p>Pg. 391-392, only cites debtors per service. The differentiation by national and provincial is available, but not included</p>

Information Required to be Included in Annual Reports	Council Considerations and Questions	Comments
<p><b>Allocations received and made</b></p> <p>Information in relation to outstanding debtors and creditors of the municipality and entities</p>	<p><b>Considerations</b></p> <p>delayed beyond 30 days, by national or provincial departments and public entities.</p> <p>It is also a requirement to report on whether the municipality or entity has met its statutory commitments, included the payment of taxes, audit fees, and contributions for pension and medical aid funds.</p> <p><i>Council should be satisfied that –</i></p> <ul style="list-style-type: none"> <li>• <i>the information has been properly disclosed;</i></li> <li>• <i>conditions of allocations have been met; and</i></li> <li>• <i>also that any explanations provided are acceptable</i></li> </ul> <p>The comments of the Auditor-General and the views of the audit committee should be used to determine the accuracy and appropriateness of this information.</p>	<p><b>Comments</b></p> <p>because it's not a requirement for inclusion in the AR by neither the MFMA, GRAP nor the AG.</p>
<p><b>Disclosures in notes to AFS</b></p> <p>Information relating to benefits paid by municipality and entity to councillors, directors and officials</p>	<p><b>Considerations relating to section 124</b></p> <p>Information on the following items is to be included in the notes to the annual report and AFS:</p> <ul style="list-style-type: none"> <li>• salaries, allowances and benefits of political office bearers, councillors and boards of directors, whether financial or in kind;</li> <li>• any arrears owed by individual councillors to the municipality or entity for rates and services, which at any time were outstanding for more than 90 days, including the names of councillors;</li> <li>• salaries allowances and benefits of the municipal manager, CEO of a municipal entity, CFO and every senior manager;</li> <li>• contributions for pensions and medical aid;</li> <li>• travel, motor car, accommodation, subsistence and other allowances;</li> <li>• housing benefits and allowances;</li> <li>• overtime payments;</li> <li>• loans and advances; and</li> <li>• any other type of benefit or allowance related to staff.</li> </ul>	<p><b>Comments</b></p> <p>Yes,</p> <p>Notes 30 and 31 in AFS (pg. 58- 60 of AFS, Annexure A)</p>

<b>Disclosures in notes to AFS</b>	<b>Considerations relating to section 124</b>	<b>Comments</b>
	<p>Council should be satisfied that –</p> <ul style="list-style-type: none"> <li>• the information has been properly disclosed;</li> <li>• conditions of allocations have been met; and</li> <li>• that any explanations provided are acceptable.</li> </ul> <p>The comments of the Auditor-General and the views of the audit committee should be used to determine the accuracy and appropriateness of this information.</p>	

<b>Municipal Performance</b>	<b>Considerations</b>	<b>Comments</b>
<p>The annual performance reports of the municipality and entities</p>	<p>Section 46, MSA requires municipalities to submit a performance report reflecting the performance of the municipality and each service provider, a comparison of the performance with targets set for the previous year and measurers taken to improve performance. The report must form part of the annual report. Questions that may be considered are –</p> <p><i>Has the performance report been included in the annual report?</i>  <i>Have all the performance targets set in the budgets, SDBIP, service agreements, etc. been included in the report?</i>  <i>Does the performance evaluation in the annual report compare actual performance with targets expressed in the budgets and SDBIP approved for the financial year?</i>  <i>In terms of key functions or services, how has each performed? E.g., have backlogs for water, sanitation and electricity been reduced? What are the refuse collection volumes, library usage statistics, etc.?</i>  <i>To what extent has performance achieved targets set by council?</i>  <i>Is the council satisfied with performance? Has a customer satisfaction survey been undertaken and, if so, how do the results align with the annual report contents? What were the outcomes of public consultation and public hearings?</i>  <i>What actions have been taken and planned to improve performance?</i>  <i>Is the council satisfied with actions to improve performance?</i>  <i>Did the targets set in the budgets, SDBIP agree with the targets set in the performance contracts of the municipal manager and each senior manager?</i></p>	<p>Yes,                      Chapter 3, Service delivery performance, pg.94 -338)</p>

<b>Municipal Performance</b>	<b>Considerations</b>	<b>Comments</b>
	<p>Does the report evaluate the efficiency of mechanisms applied to deliver the performance outcomes?                      Taking into account the audit report and opinion and the views of the audit committee, is performance considered to be efficient and effective?                      To what extent have actions planned for the previous year been carried over to the financial year reported upon?                      Have any actions planned in the reported year been carried over to the current or future years? If so, are any explanations been provided by the municipal manager and are these satisfactory?</p> <p>Council should comment and draw conclusions on information and explanations provided.</p>	
<p>Audit reports on performance</p>	<p>Section 45, MSA requires that the Auditor-General must audit the results of performance measurements, as part of the internal auditing processes and annually.</p> <p>Have the recommendations of internal audit been acted on during the financial year?                      Have recommendations by internal audit and/or the auditor-general been included in action plans to improve performance in the following year?</p>	<p>Yes,                      Chapter 2: Good Governance,                      Pg. 81-83 - Section 2.11 (Internal Auditing)</p> <p>Chapter 6: Section 6.2- AG report 2020/21 (pg.398)</p> <p>Annexure C- Report of the AC- pg.3 paragraph 6</p>
<p>Performance of municipal entities and municipal service providers</p>	<p>The annual report of the municipality should provide an assessment of the performance of the municipal entities and all contracted service providers. This is in addition to the separate annual reports of the entities.                      The report should evaluate the effectiveness of these services and whether alternative mechanisms should be considered.</p> <p>Is the council satisfied with the evaluation and conclusions of the municipality?                      What other actions are considered necessary to be taken by the accounting officers?</p>	<p>Yes, only for contracted service providers,                      Chapter 3,                      Section 3.2.3 (pg. 119-163)</p> <p>No municipal entities.</p>
	<p>This is the separate report of the municipal entity and should contain details of service delivery agreements with the municipality and the performance measures therein.                      Council should consider similar issues to that outlined above for municipal performance to determine a view on the performance of municipal entities.</p>	<p>No municipal entities- not applicable</p>

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<b>Municipal Performance</b>	<b>Considerations</b>	<b>Comments</b>
<p>For municipal entities – an assessment of the entity's performance against any measurable performance objectives set in terms of the service delivery agreement or other agreement between the entity and municipality</p>	<p>To what extent were the objectives and performance measures of the entity aligned to the overall strategic objectives of the municipality and its IDP?  Is the report of the municipal entity consistent with the conclusions on performance evaluation by the municipality?  What specific actions should be taken by the entity and the municipality to improve performance?</p>	
<b>General Information</b>	<b>The following general information is required to be disclosed in the annual report</b>	<b>Comments</b>
<p>Relevant information on municipal entities</p>	<p>The municipality should disclose all information relating to the municipal entities under the sole or effective control of the municipality. Information to be disclosed includes names and types of entities, members of the board, addresses and contact details for entities, the purpose of the entity, the functions and services provided, the type and term of service level agreements with the entities.</p>	<p>No municipal entities - not applicable</p>
<p>The use of any donor funding support</p>	<p>What donor funding has the municipality received?  Have the purpose and the management agreements for the funding been properly agreed upon?  Have the funds been used in accordance with agreements?  Have the objectives been achieved?  Has the use of funds been effective in improving services to the community?  What actions need to be taken to improve utilisation of the funds?</p>	<p>Yes,  Chapter 5, Section 5.3.3- Grants received from sources other than the DORA (pg.367-368)</p>
<p>Agreements, contracts and projects under Private-Public Partnerships</p>	<p>Information similar to the details of municipal entities should be provided. Council should ensure that all details have been supplied.</p>	<p>No municipal entities - not applicable</p>
<p>Service delivery performance on key services provided</p>	<p>This may be a high level summary, in addition to detailed information on performance, which sets out overall performance under the strategic objectives of the municipality.  Overall results on the strategic functions and services should be summarised.  This should cover all services whether provided by the municipality, entities or external mechanisms.</p>	<p>Yes,  Chapter 3- Service Delivery performance, Figure 10: Overall performance per Strategic objective (pg.103)</p>

<b>General Information</b>	<b>The following general information is required to be disclosed in the annual report</b>	<b>Comments</b>
	Council may draw conclusions on the overall performance of the municipality. This information may be found in an executive summary section of the annual report and or in statistical tables.	
Information on long-term contracts	Details of all long-term contracts including levels of liability to the municipality should be included. Council should ensure all information is correctly supplied.	Yes, Chapter 5- Financial Performance, Section 5.13- Borrowings and Investments (pg. 392-393)
Information technology and systems purchases and the effectiveness of these systems in the delivery of services and for ensuring compliance with statutory obligations	Details of significant IT activities should be outlined indicating the effectiveness of the IT projects and the quality of IT services. Council should consider how effectively the IT services support and facilitate performance of the municipality and whether value for money has been obtained. Details of any future IT proposals should be summarised. Council should comment and draw conclusions on the information provided.	Yes, Chapter 3- Section 3.10.4 ICT services (pg.327-330)
Three year capital plan for addressing infrastructure backlogs in terms of the Municipal Infrastructure Grant (MIG) framework	A summary of the long-term capital plans and how these address the backlogs of services in the municipality should be provided. This should include details of types and scale of backlogs, projected cost implications, strategies to address the backlogs and plans proposed and/or approved. The summary here should cross reference to the performance reports in the annual report and also will be highlighted in the coming budgets. Council should consider whether the plans appropriately address the backlogs and are consistent with the strategic policy directions of council and needs of the community.	Pg. 379-389- MIG spending for 2020/21

<b>Other considerations recommended</b>		<b>Comments</b>
Timing of reports	Was the report in the time prescribed? Has a schedule for consideration of the report been adopted?	Yes, draft audited tabled at Special Council meeting on 26 January 2022,

<b>Other considerations recommended</b>		<b>Comments</b>
		<p>1-month public comments period, Final report to Council on 30 March 2022</p>
<p>Oversight committee or other mechanisms</p>	<p><i>What mechanisms have been put in place to prepare the oversight report? Has a schedule for its completion and tabling been adopted?</i></p>	<p>MPAC meeting scheduled, 8 March 2022</p>
<p>Payment of performance bonuses to municipal officials</p>	<p>Refer to Section 57 MSA as amended. Bonuses based on performance may be awarded to a municipal manager or a manager directly accountable to the municipal manager after the end of the financial year and only after an evaluation of performance and approval of such evaluation by the municipal council. Preferably such evaluation should be considered along with the annual report. The basis upon which performance is evaluated for payment of bonuses should be reconciled with the municipal performance reported in the annual report. <i>Have bonuses been paid based on achievements of agreed outputs and after consideration of the annual report by council? If so, has a proper evaluation of performance been undertaken? Was the evaluation approved by council? Does the performance evaluation align and reconcile with the performance reported in the annual report? If not, what reasons have been given for non-reporting of the basis of evaluation in the annual report? Are the payments justified in terms of performance reported in the annual report?</i></p> <p>Conclusions and comments on the evaluation and payment of performance bonuses of council should be included in the oversight report.</p>	<p>Overstrand municipality pays no performance bonuses for Section 56 appointees.</p> <p>The Municipal Manager (Section 54A appointee) is entitled to a bonus for 2020/21</p>

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The Municipal Manager  
Overstrand Municipality  
P.O. Box 20  
HERMANUS  
7200

Dear Mr O'Neill

### **PROVINCIAL TREASURY COMMENTS ON THE TABLED 2020/21 ANNUAL REPORT**

Section 121(1) of the Municipal Finance Management Act (MFMA) (Act No. 56 of 2003) states that every municipality and every municipal entity must prepare an annual report for each financial year. The council of a municipality must within nine months after the end of the financial year deal with the annual report of the municipality and of any municipal entity under the municipality's sole or shared control in accordance with section 129.

MFMA sections 121(3) and (4) sets out the framework relating to the content of the annual reports for both municipalities and municipal entities. National Treasury has further introduced the new annual report template and MFMA Circular No. 63 on 26 September 2012. MFMA Circular 63 aims to provide guidance to municipalities and municipal entities on the Annual Report format and its contents.

The municipal council is obliged to consider any views of the local community; the National Treasury, the relevant provincial treasury and any provincial or national organs of state or municipalities which made submissions on the Annual Report.

Provincial Treasury reminded all municipalities of these responsibilities in Treasury Circular No 1 of 2022 (25 January 2022).



## 1. LEGISLATIVE COMPLIANCE

The conformance assessment highlights compliance by the **Overstrand Municipality** with the MFMA and MFMA Circular 63 as follows:

- a) The Municipality submitted the draft 2020/21 Annual Performance Report/Annual Report together with the Annual Financial Statements (AFS) to the Auditor General by the 31<sup>st</sup> of August 2021.
- b) It could not be determined whether the unaudited Annual Report was tabled before Council at least two months after the end of the budget year in accordance with MFMA Circular 63. The Municipality should in future disclose this matter as part of the Annual Report information statement placed on the municipal website.  
*Municipality response: Yes, it was, as stated on page 46 of the draft Annual Report.*
- c) The Annual Report was tabled before Council on 26 January 2021 which is within 7 months after the end of the financial year in accordance with section 127(2) of the MFMA.
- d) The draft Annual Report was placed on the website on 31 January 2022 which is in line with section 75 of the MFMA i.e., 5 days after being tabled in council. The annual report was also made available for public consideration via placement at sub-council offices and public libraries. A notification calling for written comments before 28 February 2022, was also published on the municipal website and in the local press.
- e) The tabled annual report has fully been compiled in line with the format proposed by MFMA Circular 63.

## 2. SERVICE DELIVERY PERFORMANCE

Strategic Objective	SDBIP Targets	Target Achieved	Targets not achieved	% achieved
<b>SO1:</b> The provision of democratic, accountable and ethical governance.	19	19	0	100,0%
<b>SO2:</b> The provision and maintenance of municipal services.	19	15	4	78,9%
<b>SO3:</b> The encouragement of structured community participation in the matters of the municipality.	1	1	0	100,0%
<b>SO4:</b> The creation and maintenance of a safe and healthy environment.	4	3	1	75,0%
<b>SO5:</b> The promotion of tourism, economic and social development.	6	4	2	66,7%
<b>TOTAL</b>	<b>49</b>	<b>42</b>	<b>7</b>	<b>85,7%</b>

- The Municipality overall achieved 85.7 per cent of the targets set for the year under review. Although there is room for improvement, Provincial Treasury (PT) does take note of the impact of COVID-19 and the subsequent lockdowns on the Municipality's ability to spend its capital budget.
- TL2: *m<sup>2</sup> of roads patched and resealed according to Pavement Management System within available budget.* The Annual Report only states that the target was almost met and that it is a multi-year contract. No actual reasons are however provided for under-performance during the year under review.  
*Municipality response: Tender adjudicated December 2020, but contractor could only start in March 2021, due to challenges with Department of Labour (late issue of a safety permit).*

- TL3: *Quality of effluent comply 90% with general or special limit in terms of the Water Act (Act 36 of 1998).* The Annual Report states that the process design of the Pearly Beach wastewater treatment works (WWTW) is of such a nature that it cannot fully comply with the general standards. It is not clear why the target was therefore not set lower if the Municipality knew that the prescribed standard cannot be achieved.  
*Municipality response: A lower target was set for 2021/22.*
- TL5: *Limit unaccounted water to less than 20% {(Number of kilolitre water purified - Number of kilolitre water sold)/Number of kilolitre purified x 100}*. No detailed explanation provided for under-performance.  
*Municipality response: - KPI Not Met, due to Operational/Technical Losses = 16.71% (1228569kl) Usage for Fire Fighting = 908350kl It was determined that the unit of measure for technical losses regarding firefighting was in liters instead of kiloliters. After the preliminary AFS of 13 August 2021 the comments are that the sale of greywater is excluded from water sales. The actual remains unchanged.*
- TL26: *Review Community Safety Plan in three-year cycle by end of June 2021 in conjunction with the Department of Community Safety.* Although the Annual Report indicates that the target will be rolled over to 2021/22, no reasons are provided as to why the target was not achieved in 2020/21.  
*Municipality response: Plan could not be reviewed due to Covid-19 resurgence, therefor target was moved to the 2021/22 financial year.*

### 3. BROAD-BASED BLACK ECONOMIC EMPOWERMENT DISCLOSURES

Information on compliance with the Broad-based Black Economic Empowerment (B-BBEE) Act (Act 53 of 2003) is included in the Annual Report under the section titled B-BBEE Compliance Performance Information on pages 163 – 166.

### 4. AUDITOR GENERAL FINDINGS

The Municipality received a clean audit for 2020/21 and no material findings on the audit of pre-determined objectives (PDOs) were identified.

### 5. CONCLUSION AND RECOMMENDATIONS

- The Municipality maintains an impeccable performance reporting track-record. The Annual Report was strictly compiled and tabled before the municipal council in line with the provisions of the MFMA after which it is timeously submitted to PT within the prescribed timeframes.
- It is clear that the Municipality compiles its reports not for the mere sake of legislative compliance, but as a commitment towards transparent financial and non-financial reporting. This is evident from not only the level of detail disclosed, but from the manner in which the report provides an overview of the whole performance management process. It makes for easy and informative reading, to stakeholders both within and outside of the local government space.
- Provincial Treasury does however recommend that the Municipality also disclose in the Annual Report, if and when, changes were made to the top-layer service delivery and budget implementation plan (SDBIP).  
*Municipality response: Noted.*
- The Municipality should consider –
  - disclosing more information on the economic recovery plan as alluded to on page 33. It is unclear when, where and how the Municipality will report on progress against the outcome of the recovery plan;

Municipality response: Reporting on the economic recovery is done through the District Municipality for submission to Cabinet, Department of Local Government both National and Provincial including the Department of Economic Development and Tourism. We shall consider having a section for reporting in the annual reporting.

- adding an organisational organogram to Section 2.4.2: *Administrative Governance Structure*; Municipality response: Adequately addressed in Table 26, page 53 of the draft Annual Report.
- adding its Service Level Standards (Charter) to the Annual Report; and Municipality response: Noted.
- providing more information on how indigent households are registered for free basic services. It is recommended that the Municipality elaborate in section 3.3.6. (Free Basic Services and Indigent Support) on whether public awareness campaigns or registration drives were held during the period under review to inform poor communities that they can access such services. Municipality response: Noted.

In conclusion, the Municipality is reminded of its responsibility to finalise and adopt the Annual Report and the Oversight Report by no later than two months from the date on which the annual report was tabled before council in terms of section 127 of the MFMA.

Kind regards



**MR M BOOYSEN**  
**DIRECTOR: LOCAL GOVERNMENT BUDGET OFFICE**  
**DATE: 28 FEBRUARY 2022**