



Ref no.2/1/4/4/2

Date distributed:

MINUTES

10TH COUNCIL MEETING OF THE BREEDE VALLEY MUNICIPALITY

2017-08-23 AT 10:00

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1. OPENING AND WELCOME

In terms of the Rules of Order for Internal Arrangement By-Law 2012 the chairperson must take the chair at the time stated in the notice of the meeting or as soon thereafter as is reasonably possible: provided that the meeting does not commence later than 30 (thirty) minutes after the time stated in the notice of the meeting and must proceed immediately with the business of the meeting.

The Speaker opens the meeting at 10:00, welcomes everyone present and requests a moment of silence for prayer and meditation.

2. OFFICIAL NOTICES**2.1 DISCLOSURE OF INTERESTS**

Item 5 of the Code of Conduct for councillors' states:

A councillor must –

- (a) disclose to the council, or any committee of which that councillor is a member, any direct or indirect personal or private business interest that that councillor or any spouse, partner or business associate of that councillor may have in any matter before the council or the committee; and
- (b) withdraw from the proceedings of the council or committee when that matter is considered by the council or committee, unless the council or committee decides that the councillors' direct or indirect interest in the matter is trivial or irrelevant.

2.2 APPLICATIONS FOR LEAVE OF ABSENCE

In terms of the Rules of Order for Internal Arrangement By-Law 2012;

- 2.2.1 Every Councillor attending a meeting of the Council must sign his or her name in the attendance register kept for such purpose.
- 2.2.2 A Councillor must attend each meeting except when –
 - (a) Leave of absence is granted in terms of Clause 10; or
 - (b) The Councillor is required to withdraw in terms of law.
- 2.2.3 The Attendance Registers will be available at the meeting.
- 2.2.4 A blank Application for Leave of Absence form is enclosed.

The Speaker received Applications for Leave from Cllr P. Marran, Cllr C. Ismail and Cllr V. Mngcele. Cllr N. Nel informed the Speaker that she will join the meeting later.

3. COMMUNICATION**3.1 INTERVIEWS OR PRESENTATIONS BY DEPUTATIONS**

In terms of the Rules of Order for Internal Arrangement By-Law 2012;

"A deputation seeking an interview with Council must give the Municipal Manager 6 (six) days written notice of its intention and furnish details of the representations to be made and the source

of the deputation. The Municipal Manager must submit a request by a deputation for an interview with Council to the Speaker, who may decide to grant or refuse an interview and under what conditions”

3.2 BIRTHDAYS OF COUNCILLORS

Cllr N. Mercur	2 August 2017
Cllr T. Wehr	9 August 2017
Cllr K. Van der Horst	16 August 2017
Cllr J. Robinson	13 August 2017
Cllr P. Tyira	29 August 2017
Cllr M. Sampson	30 August 2017
Cllr C.F. Wilskut	6 September 2017
Cllr N. Wullschleger	21 September 2017
Cllr T. Maridi	1 October 2017
Cllr R. Farao	5 October 2017
Cllr C. Ismail	10 October 2017
Cllr N. Nel	25 October 2017
Cllr P. Ramokhabi	31 October 2017
Cllr S. Goedeman	8 November 2017

The Speaker requests Cllr T. Maridi to congratulate all Councillors on their respective birthdays.

3.3 LONG SERVICE AWARDS TO EMPLOYEES

The following employees will be awarded with Long Service Awards:

Number	Name And Surname	Post Title as at the date of the Long Service Award	Long Service Years
1	Andre Olivier	Switch Board Operator	10
2	Carisa Simone Pieters	Manager Town Planning	10
3	Elizabeth Januarie	General Worker	20
4	Jerry Jacobus Olivier	Worker	30
5	Terence Julian Titus	Assistant Chief Law Enforcement	35

The Municipal Manager expresses a vote of thanks and appreciation to the above employees for their service to Breede Valley Municipality.

The Executive Mayor handed over the Long Service Awards to the above employees.

3.4 STATEMENTS BY THE SPEAKER

“Op 15 Augustus 2016 is hierdie Raad en ampsdraers formeel ingehuldig as die politieke verteenwoordigers van die BVM-kieserskorps.

Weens ‘n oorsig aan my kant as toe pasverkose Speaker, is nagelaat om die ampseed deur Raadslede te laat aflê, maar wil ek glo dat elke Raadslid in sy of haar hart en gedagtes wel ‘n eed afgelê het om die kiesers en publiek van die Breede Vallei, ten alle koste te dien.

Sedert ampsaanvaarding het ons as Raad gegroei en het ons in weerwil van politieke verskille tog daarin geslaag om met die hulp en ondersteuning van die Administrasie die munisipaliteit op die regte koers te hou en op ‘n volhoubare wyse, die nodige dienste aan ons inwoners te lewer.

Na net bietjie langer as ‘n jaar in die tuig, kan ons terugkyk op heelwat suksesse, vernuwings en aanpassings, maar moes ons ook ‘n aantal uitdagings en onaangenaamhede die hoof bied.

Een van die uitdagings was die waternood en instelling van waterbeperkings wat daarop gevolg het en ‘n ander was en is waarskynlik steeds, die geweldsituasie in Avianpark.

Die Uitvoerende Burgemeester het verskeie inisiatiewe geloods om die situasie in Avianpark hok te slaan waaronder:

- *gemeenskapsvergaderings en “walk-about” deur die Provinsiale Minister van Gemeenskapsveiligheid mnr Dan Plato en verskeie NRO’s.*
 - *gesprekvoering met kerkgenootskappe en geloofsvertenwoordigers om hulle ondersteuning te verkry en gespreks-platforms uit te brei.*
 - *Informele interaksie met die Menseregte Kommissie (‘n besoek deur mnr Chris Nissan)*
 - *Gesprekvoering met die Provinsiale Kommissaris van die SAPD (Wes-Kaap)*
 - *Inter-dissiplinêre gesprekke tussen onder andere Sosiale Dienste; Onderwys; Korrektiewe Dienste asook die GPF*
 - *Uitplaas van jeugdige (beweerde bendelede) na die Chrysalis-Akademie*
 - *Die skepping van ‘n spesiale taakspan bestaande uit Raadslede en ander rolspelers*
 - *Die bied van beradingsessies aan slagoffers van geweld*
 - *Die skep van werksgeleenthede deur spesiale projekte deur die munisipaliteit*
 - *Voortdurende kontak met die plaaslike SAPD*
-

Op 18 Julie is 'n skrywe aan die Portefeulje komitee vir Polisie diens gerig en op 1 Augustus 2017 is 'n skrywe ook aan Generaal Jula (Provinsiale Kommissaris : SAPD) gerig.

Op Maandag, 14 Augustus 2017 het die Adjunk Minister vir Polisie, Bongani Mkongi vergesel van Generaal Jula, Worcester besoek en is verskerpte polisie-optrede belowe.

Die Administrasie sal te gelegenertyd 'n volledige verslag oor die Avianpark situasie voorlê, maar moet nou reeds gemeld word dat die probleme nou oorgespoel het na Zwelethemba.

'n Verdere uitdaging is die implementering van die goedgekeurde Artikel 80 komitees. Hierdie komitees sal alleenlik suksesvol kan funksioneer indien Raadslede geskeduleerde vergaderings getrou sal bywoon. Dit word vertrou dat die wysiging aan die Reglement van Orde spoedig afgehandel sal wees sodat afwesigheid van vergaderings, beter aangespreek kan word.

Kollega's, ons is 41 diverse siele met uiteenlopende opinies en idees, maar bowenal is ons hier geplaas deur verskillende politieke partye. Nooit mag ons egter vergeet dat ons die kieserskorps van die Breedevallei verteenwoordig nie. Ons mag nie ons rol as lid van 'n politieke party, vermeng met ons rol as Raadslid en verteenwoordigers van ons kiesers nie. Ons moet die kiesers van die Breedevallei as 'n eenheid verteenwoordig en hulle belange ten beste dien.

Ek sluit af met 'n uittreksel uit 'n digbundel van Aberjhani:

“Discourse and critical thinking are essential tools when it comes to securing progress in a democratic society. But in the end unity and engaged participation are what make it happen”.

Baie Dankie.”

3.5 STATEMENTS BY THE EXECUTIVE MAYOR

“Goeie more aan al die Raadslede en ons besoekers. Eerstens wil ek al ons vroue, want dis Vroue maand, 'n besondere maand sal hê en ek weet u het al reeds sover 'n besondere maand gehad. Baie van u woon verskeie funksies by en daarvoor sê ek vir u baie dankie dat ons in die gemeenskap betrokke kan wees en 'n voorbeeld kan wees van wat ons in die Raad doen. Ek sal voor 30 Augustus 2017 'n sessie met alle vroue Raadslede hê en sal u die kennisgewing so ontvang.

Die Speaker het nou alreeds genoem van die verskeie Ministers wat ons dorp kom besoek het. Ek is baie dankbaar vir almal wat 'n rol gespeel het tot dusver om die ondersteuning daar te bied vanaf ons administratiewe komponent, Direkteure, Munisipale Bestuurder en ook ons Raadslede van verskeie politieke partye. Ek wil ook 'n dank aan die gemeenskap gee want baie van ons gemeenskap het ons gehelp met inligting om te kyk hoe ons dit beter kan maak daarbuite. Ek glo die pad wat vir ons voorlê is ons nog nie uit die moeilike omstandighede waarin ons onself tans bevind nie. Ek het wel 'n goeie gesprek saam met Mnr De Klerk wat ons kom besoek het en sien ek dat daar baie goeie projekte is wat ons sal kan implementer sodat ons die gemeenskap kan help met veiligheid. Ons moet tans in Avianpark voortgaan met dienslewering, ons moet ook seker maak dat dit oral in ons wyke uitgerol word. Ons sit in 'n moeilike situasie in Zwelethemba en wil ons graag daardie Raadslede aan die hand neem om ook so vir hulle te kan help en ondersteun met die proses wat ons in plek moet kry. Ek verstaan daar gaan nog 'n vergadering in hierdie week wees waar ons 'n interaksie met die gemeenskap sal hê van Wyk 16 en 18. Dit sal wees met ander rolspelers en die SAPD om te gaan kyk hoe kan ons as Raad die gemeenskap kan help sodat ons weer 'n gesonde en gelukkige gemeenskap kan hê. Dit is dus vir my belangrik dat ons nie 'n koue skouer wys teenoor ons gemeenskappe nie en dat ons altyd voorbereid sal wees om altyd die beste te kan doen daarbuite.

Ek is baie dankbaar dat Mnr J. Steyn my gereeld op hoogte hou van ons damme. U weet ons is een van die posisie waar ons gesond is waar ander Munisipaliteite bietjie swaarkry. Ek glo ons gaan nog altyd ons hand hou op ons water sodat ons sal seker maak dat ons nie vir onself probleme vir die pad vorentoe voorsien nie. Ek weet daar is baie uitdagings in De Doorns maar glo ek dat Mnr J. Steyn en die span aanbewind vir ons sal help sodat ons die nodige besluite kan neem en die nodige verskuiwings sal maak sodat ons al ons mense regoor die Breedevallei van die nodige water en dienslewering kan voorsien.

Speaker, soos wat u genoem het, gaan ons weer 'n vergadering reël met die Komitee wat aangestel is deur hierdie Raad om 'n kort opsomming te gee aan hulle en so ook by die volgende Raadsvergadering 'n verslag neer te lê van ons werksaamhede en wat ons plan is tot Desember 2017 en daarna.

Baie dankie."

AT THIS POINT THE SPEAKER RULED THAT THE AGENDA BE ADJUSTED AND PUT ITEM 10 TO THE ORDER.

SEE ITEM 10.1 FOR DISCUSSION AND RESOLUTION

4. CONFIRMATION OF MINUTES

- 4.1 In terms of the Rules of Order for Internal Arrangement By-Law 2012;
- (a) Minutes of the proceedings of meetings must be compiled in printed form and be confirmed by the Council at the next meeting and signed by the Speaker.
 - (b) The minutes shall be taken as read, for the purpose of confirmation, if a copy thereof was sent to each Councillor within forty-eight hours before the next meeting, subject to the provisions of sub-Clause (4).
 - (c) No motion or discussion shall be allowed on the minutes, except in connection with the correctness thereof.
 - (d) The minutes formulated and screened during meetings, shall constitute a resolution for purposes of implementation of decisions.

4.2 Council Meeting held on 29 May 2017 (Copy enclosed)**RECOMMENDATION****That in respect of****CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING****discussed by Council at the Council meeting held on 23 August 2017:**

1. As the Minutes of the Council Meeting held on 29 May 2017 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 29 May 2017 be taken as read and confirmed.

PROPOSED: CLLR E. VAN DER WESTHUIZEN**SECONDED: CLLR W. VROLICK****RESOLVED****C65/2017****That in respect of****CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING****discussed by Council at the Council meeting held on 23 August 2017:**

1. As the Minutes of the Council Meeting held on 29 May 2017 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 29 May 2017 be taken as read and confirmed.

4.3 Council Meeting held on 20 July 2017 (Copy enclosed)**RECOMMENDATION****That in respect of**

**CONFIRMATION OF MINUTES OF PREVIOUS SPECIAL COUNCIL MEETING
discussed by Council at the Council meeting held on 23 August 2017:**

1. As the Minutes of the Special Council Meeting held on 20 July 2017 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Special Council meeting held 20 July 2017 be taken as read and confirmed.

PROPOSED: CLLR E. VAN DER WESTHUIZEN**SECONDED: CLLR W.VROLICK****RESOLVED****C66/2017**

That in respect of

**CONFIRMATION OF MINUTES OF PREVIOUS SPECIAL COUNCIL MEETING
discussed by Council at the Council meeting held on 23 August 2017:**

1. As the Minutes of the Special Council Meeting held on 20 July 2017 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Special Council meeting held 20 July 2017 be taken as read and confirmed.
-

**5. REPORT BY THE EXECUTIVE MAYOR ON DECISIONS TAKEN BY THE EXECUTIVE
MAYOR, THE EXECUTIVE MAYOR TOGETHER WITH THE DEPUTY EXECUTIVE
MAYOR AND THE MAYORAL COMMITTEE**

5.1 The Deputy Executive Mayor: Cllr. J.D. Levendal

5.2 MMC1: Cllr. M. Sampson

5.3 MMC2: Cllr. G. Stalmeester**Mayco Meeting held on 19 June 2017****5.3.1 PROPOSED INFILL DEVELOPMENT OF VACANT MUNICIPAL LAND,
WORCESTER****RESOLVED:****EX16/2017**

1. That MayCo agrees to the commencement of the proposed infill development projects as set out in the infill development report, attached as Annexure A;
2. That projects be prioritised in accordance with the recommendations of the Town Planner:
 - Site A – Meiringspark (18 units)
 - Site D – Johnsons Park (37 units)
 - Site C – Somerset Park (29 units)
 - Site B – Panorama (3 units)
3. That (in accordance with prioritisation of projects) a detail costing of service installations, additional professional fees and survey and transfer costs is presented for inclusion in the budget, should there be allowance.
4. The investigation, assessment and communication of the potential impact of activities must follow the procedure as prescribed in regulation 21, 22, 23 and 24 of the Environmental Impact Assessment Regulations, 2014.
5. That, if MayCo support the item, the item be referred to Council for approval.

5.3.2 AIR QUALITY MANAGEMENT PLAN 2017

RESOLVED:**EX17/2017**

That in respect of

AIR QUALITY MANAGEMENT PLAN FOR 2017

discussed by Mayco at the Mayco meeting held on 19 June 2017:

Mayco approves:

- The Air Quality Management Plan for 2017 – 2022, attached as Annexure A.

5.3.3 AUGMENTATION OF STETTYNSKLOOF DAM

RESOLVED:**EX18/2017**

That in respect of

THE HOLSLOOTWATERGEBRUIKERSVERENIGING'S REQUEST FOR AN INVESTIGATION REGARDING INCREASING THE CAPACITY OF THE STETTYNSKLOOF DAM

discussed by the MayCo at the MayCo meeting held on 19 June 2017:

MayCo approves:

- That the Directorate Technical Services may proceed with the proposed investigation regarding the increasing of the storage capacity of the Stettynskloof Dam,
 - That a process of prioritization will have to be used to ensure that the available budget is spent in those areas where the greatest needs are.
-

5.4 MMC 3: Cllr. J.P. Kritzinger
Mayco Meeting held on 19 June 2017

5.4.1 BREDE VALLEY LOCAL ECONOMIC DEVELOPMENT STRATEGY

RESOLVED:

EX19/2017

That in respect of

BREDE VALLEY LOCAL ECONOMIC DEVELOPMENT STRATEGY

Discussed by the MayCo at the MayCo meeting held on 19 June 2017:

- a) That the Mayoral Committee adopt 2017 Local Economic Development strategy as the official LED strategy for the next 5 years.
 - b) That the Mayoral committee will provide political leadership for the 2017 LED strategy.
-

5.5 MMC 4: Cllr. R. Faroa

5.5.1 BREDE VALLEY MUNICIPALITY SPORT FACILITIES INFRASTRUCTURE MASTER PLAN

RESOLVED:

EX11/2017

That in respect of

BREDE VALLEY MUNICIPALITY SPORT FACILITIES INFRASTRUCTURE MASTER PLAN

discussed by the MayCo at the MayCo meeting held on 16 May 2017:

1. That MayCo approves the Breede Valley Municipality Sport Facility Master Plan for implementation as and when sufficient funds become available, and
 2. That MayCo approve the registration of the Municipal Infrastructure Grant (MIG) projects that will form part of the medium term expenditure framework in accordance with the MFMA.
-

5.6 MMC 5: Cllr. S.J. Mei

5.7 MMC 6: Cllr. E.Y. Sheldon

5.8 MMC 7: Cllr. W.R. Meiring**Mayco Meeting held on 19 June 2017****5.8.1 mSCOA IMPLEMENTATION FOR THE PERIOD ENDING MARCH 2017****RESOLVED:****EX14/2017**

That in respect of -

MUNICIPAL REGULATIONS ON STANDARD CHART OF ACCOUNTS

discussed by MayCo at the MayCo meeting held on 19 June 2017:

1. That MayCo take cognisance of Breede Valley's progress with regard to the implementation of the mSCOA.

**5.8.2 IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED
APRIL 2017
MFMA SECTION 71 Report****RESOLVED:****EX15/2017**

That in respect of

**IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED
APRIL 2017****MFMA SECTION 71 Report**

discussed by MayCo at the MayCo meeting held on the 19 June 2017:

That MayCo takes note of the contents in the In-year monthly report for April 2017 as set out in the schedules contained in Section 4 (In-year budget statement tables) as well as the supporting documentation in Section 6 to 13.

1. Table C1 – Monthly Budget Statement Summary;
 2. Table C2 – Monthly Budget Statement – Financial Performance (Standard classification);
 3. Table C3 – Monthly Budget Statement – Financial Performance Standard classification (Revenue and expenditure by Municipal vote);
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4. Table C4 – Monthly Budget Statement – Financial Performance (Revenue by Source and Expenditure by Type);
 5. Table C5 – Monthly Budget Statement – Capital Expenditure;
 6. Table C6 – Monthly Budget Statement – Financial Position; and
 7. Table C7 – Monthly Budget Statement – Cash Flows.
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5.9 MMC 8: Cllr. J.F. Van Zyl**Mayco Meeting held on 19 June 2017****5.9.1 PROPOSED UNIFORM STANDING PROCEDURE: SANCTIONS FOR NON-ATTENDANCE OF MEETINGS BY COUNCILLORS****RESOLVED:****EX20/2017**

That in respect of

PROPOSED UNIFORM STANDING PROCEDURE: SANCTIONS FOR NON-ATTENDANCE OF MEETINGS BY COUNCILLORS

Discussed by the MayCo at the MayCo meeting held on 19 June 2017:

1. The Uniform Standing Procedure : Sanctions for non-attendance of meetings (attached hereto as Annexure A) be adopted by Council in terms of item 4(3) of the Code of Conduct for Councillors contained in Schedule 1 of the Local Government : Systems Act, 2000; and
2. The Rules of Order, which had been adopted by Council as a bylaw on 30 May 2012, be amended to include the Uniform Standing Procedure referred to in paragraph 1, and promulgated as such.
3. The Rules of Order further be amended as follows: {to insert paragraph 11(2.1)}

“If the committee finds that a member has breached Rule 11(1) the member must be fined 10% of his/her monthly salary. (gross salary, excluding allowances)”

6. CONSIDERATION OF AGENDA ITEMS

The Executive Mayor tabled the Roll Over from 2016/2017 Financial Year- Adjustments Budget 2017/2018 23 August 2017 before Council for approval.

**6.1 ROLL OVER FROM 2016/2017 FINANCIAL YEAR - ADJUSTMENTS BUDGET
2017/2018 23 AUGUST 2017****File No. /s:** 3/2/2/15**Responsible Official:** R Ontong**Directorate:** Financial Services**Portfolio:** Financial Services

1. Purpose

To submit an Adjustments budget for the 2017/2018 financial year as a result of roll-overs from the 2016/2017 financial year.

2. Background

Section 28 (2) (e) of the MFMA states the following: An Adjustments Budget – “may authorise the spending of funds that were unspent at the end of the past financial year where the under-spending could not reasonably have been foreseen at the time to include projected roll-overs when the annual budget for the current year was approved by the council;

In terms of the Budget and reporting regulations, Regulation 23(5) on Government Gazette No: 32142, Notice No: 393 of 2009 states; An adjustments budget referred to in section 28(2) (e) of the MFMA may only be tabled after the end of the financial year to which the roll-overs relate, and must be approved by the municipal council by 25 August of the financial year, following the financial year to which roll-overs relate.

Further, section 30 of the MFMA states that; “The appropriation of funds in an annual or adjustments budget lapses to the extent that those funds are unspent at the end of the

financial year to which the budget relates, except in the case of an appropriation for expenditure made for a period longer than that financial year in terms of section 16 (3).” Conditional grant funding must also be rolled-over or refunded to the allocating authority.

The roll-overs referred to, relate only to own funding. MFMA circular 72 paragraph 6.6 dictates the process for Grant Funding roll-overs.

“Municipalities may not rollover unspent conditional grant spending in terms of section 28(2) (e) of the MFMA (read together with regulation 23(5) of the Municipal Budget and Reporting Regulations) because they are national/provincial funds. The applicable rollover process is then given effect through the municipal adjustments budget in January/February each year for all the cash/transfers that had already been transferred to the bank accounts of municipalities prior to the end of the financial year. In this regard refer to MFMA Budget Circular No. 51 for more information.

Section 21 of the 2013 Division of Revenue Act requires that any conditional grants which are not spent at the end of the municipal financial year must revert to the National Revenue Fund, unless the receiving officer proves to the satisfaction of National Treasury that the unspent allocation is committed to identifiable projects, in which case the funds may be rolled over.”

3. Financial Implications

Financial implications are contained in the detail in this report.

4. Applicable Legislation / Council Policy

1. The MFMA Section 28, 30 and 16(3)
 2. Municipal Budget and Reporting Regulations
 3. Council Budget related Policies
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BREDE VALLEY

Municipality Munisipaliteit U Masipala wase



WORCESTER ▼ RAWSONVILLE ▼ DE DOORNS ▼ TOUWS RIVER

ADJUSTMENTS BUDGET

Tabled in Council on 23 August 2017

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SECTION A – Part 1

1. Glossary

Adjustments Budgets – Prescribed in section 28 of the Municipal Finance Management Act. It is the formal means by which a municipality may revise its budget during a financial year.

Allocations – Money received from Provincial and National Treasury.

Budget – The financial plan of a municipality.

Budget related policy – Policy of a municipality affecting or affected by the budget.

Capital Expenditure – Spending on municipal assets such as land, buildings and vehicles. Any capital expenditure must be reflected as an asset on a municipality's balance sheet.

Cash Flow Statement – A statement showing when actual cash will be received and spent by the Municipality, and the month end balances of cash and short term investments.

DORA – Division of Revenue Act. The annual piece of legislation that indicate the allocations from National Government to Local Government.

Equitable Share – A general grant paid to municipalities. It is predominantly targeted to assist with free basic services.

GDFI - Gross Domestic Fixed Investment

GFS – Government Finance Statistics. An internationally recognised classification system that facilitates comparisons between municipalities.

IDP – Integrated Development Plan. The main strategic planning document of a Municipality.

KPI – Key Performance Indicators. Measures of service output and/or outcome.

LM – Breede Valley Municipality.

MFMA - Municipal Finance Management Act (No 53 of 2003). The principle piece of legislation relating to municipal financial management.

MTREF – Medium Term Revenue and Expenditure Framework as prescribed by the MFMA sets out indicative revenue and projected expenditure for the budget year plus two outer financial years to determine the affordability level.

Operating Expenditure – Spending on the day to day expenses of a municipality such as general expenses, salaries & wages and repairs & maintenance.

Rates – Local Government tax based on assessed valuation of a property.

TMA – Total Municipal Account

SDBIP – Service Delivery Budget Implementation Plan. A detailed plan comprising quarterly performance targets and monthly budget estimates.

Strategic Objectives – The main priorities of a municipality as set out in the IDP Budgeted spending must contribute towards achievement of these strategic objectives.

Vote – One of the main segments into which a budget is divided, usually at department level.

2. Mayors Report

The 2017/18 roll-over Adjustment Budget serves the purpose of allocating unspent and underspent funds, which are committed to identifiable projects in the 2017/18 financial year budget. These projects, due to unforeseen circumstances could not be implemented during the 2016/17 financial year, and therefor need to be rolled over to the current (2017/18) financial year to ensure continued service delivery.

3. Resolutions

That council approves the following:

- (a) To approve the adjustments budget as tabled in terms of section 28 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003).
- (b) The recommendations with regard to resolutions are contained at the end of this report and have been prepared and presented according to the budget regulations.

4. Executive Summary

The 2017/18 Adjustment Budget was compiled in accordance with section 28 of the Municipal Finance Management Act and regulation 23 of the Municipal Budget and Reporting Regulations.

In compiling the 2016/2017 roll-over Adjustments Budget, the importance of credibility, sustainability, responsiveness and affordability remains integral in striving to achieve the desired outcome of effective and efficient service delivery.

The table below contains a list of projects to be rolled over from the 2016/17 financial year to the 2017/18 financial year:

Municipal Vote/Capital project	Program/Project description	Medium Term Revenue and Expenditure Framework		
		Budget Year 2017/18		
		Original Budget	Adjustment (Rollover)	Adjusted Budget
R thousand				
Parent municipality:				
	<u>Technical Services</u>			
	Worcester WwTW			
Technical Services	Beltpresses (3 of plus 1 standby)	-	9 711	9 711
			-	
	Surfacing of Roads		-	
Technical Services	Brede Valley : Roads	3 000	281	3 281
Technical Services	Paving of Municipal Roads	-	204	204
Technical Services	Zweletemba IDT Roads	-	1 438	1 438
			-	
	Networks		-	
Technical Services	Replacement of Water Network	1 750	3 268	5 018
Technical Services	Replacement of Sewer Network	5 000	1 068	6 068
Technical Services	Upgrading of Storm Water Network - All Wards	-	511	511
			-	
	<u>Municipal Manager</u>		-	
Municipal Manager	Containerised community facility		599	599
			-	
	<u>Community Services</u>		-	
	Mun Offices Rawsonville(3927)		-	
Community Services	Upgrading for canteen		41	41
	Fire Dept Admin - 4203		-	
Community Services	Completion of De Doorns Fire Station	2 500	1 477	3 977
			-	
	<u>Council and Mayco</u>		-	
	<u>Mayoral Office</u>		-	
Council	Furniture & Equipment	5	3	8
		12 255	18 600	30 855

5. Adjustments Budget Tables – refer to Annexure A

B1 Consolidated Adjustments Budget Summary

B2 Consolidated Adjustments Budget Financial Performance
By Standard Classification

B3 Consolidated Adjustments Budget Financial Performance
By Municipal Vote

B4 Consolidated Adjustments Budget Financial Performance
(Revenue and Expenditure)

B5 Consolidated Adjustments Budget Capital Expenditure
Vote and Funding

B6 Consolidated Adjustments Budget Financial Position

B7 Consolidated Adjustments Budget Cash Flows

B8 Consolidated Cash Backed Reserves/Accumulated Surplus
Reconciliation

B9 Consolidated Asset Management

B10 Consolidated Basic Service Delivery Measurement

SECTION A – Part 2

1. Adjustments to Budget Inputs and assumptions

The 2017/2018 roll-over Adjustments Budget was compiled in line with Chapter 4 Municipal Finance Management Act and Chapter 2 Part 4 of the Municipal Budget and Reporting Regulations.

The 2017/18 roll-over Adjustments Budget remain consistent with the Long Term Financial Plan to ensure continued synergy between long term planning and implementation planning.

As per the legislative prescript mentioned above, these underspending was not foreseen during the compilation of the 2017/18 annual budget. Only projects committed to identifiable projects as at the end of the 2016/17 financial year are included in the roll-over Adjustments Budget, unless determined otherwise by the Accounting Officer / Municipal Manager based on the merits of these related projects.

The roll-over of the abovementioned projects came about as a result of delays outside the control of the Municipality. The causes of these delays have been established and corrective measures have been put in place to monitor progress, which will promote effective and efficient implementation in the 2017/18 financial year. The most common reasons for underspending are as follow:

- Cancellation of tender by the successful bidder;
- Objections raised by unsuccessful bidders;
- Availability of contractors; and
- Construction and import delays.

2. Adjustments to Budget Funding

Budget funding in terms of operating and capital expenditure is set out on tables B4 and B5.

3. Adjustments to Expenditure on Allocations and Grant

Detailed particulars of budgeted allocations and grants can be found on SB8.

4. Adjustment to Allocations or Grants made by the Municipality

None.

5. Adjustment to Councillor Allowances and Employees

The changes to councillor allowances and employee related cost is provided on table B4.

6. Adjustment to Service Delivery and Budget

The monthly targets for revenue, expenditure and cash flows are provided in B10 - Section B Supporting Tables.

7. Adjustment to Capital Spending Detail

Information/detail regarding capital projects by vote is provided in Section B – Capital Budget, read with B5, B5B, SB16, SB17, SB18a, SB18b and SB19.

8. Other Supporting Documents

- National treasury electronic revised budget report, SB1-SB19 as **Annexure A**
- Signed quality certificate as **Annexure B**

Comment of Directorates / Departments concerned:

Municipal Manager:	Recommendation Supported
Director: Strategic Support Services:	Recommendation Supported
Director: Financial Services:	Recommendation Supported
Director: Technical:	Recommendation Supported
Director: Community Services:	Recommendation Supported

RECOMMENDATION

That in respect of Adjustments budget for 2017/18 – August 2017

Discussed by Council at the Council meeting held on 23 August 2017

- 1. Council resolves that the budget of Breede Valley Municipality for the financial year 2017/18 be adjusted and approved with amendments as set out in the following;**
 - a. Municipal Budget tables B1- B10**
 - b. Municipal Budget supporting documentation SB1 - SB19**
-

PROPOSED: CLLR A. STEYN

SECONDED: CLLR W.R.MEIRING

22 Councillors voted in favour of the recommendation.

RESOLVED

C67/2017

That in respect of Adjustments budget for 2017/18 – August 2017

Discussed by Council at the Council meeting held on 23 August 2017

- 1. Council resolves that the budget of Breede Valley Municipality for the financial year 2017/18 be adjusted and approved with amendments as set out in the following;**
 - a. Municipal Budget tables B1- B10**
 - b. Municipal Budget supporting documentation SB1 - SB19**

To Action:

R. Ontong

6.2 IDP/BUDGET TIME SCHEDULE 2018/2019

File No. /s: 10/3/8

Responsible Official: C September

Directorate: SSS

Portfolio: Strategic Support Services

1. Purpose

To table and obtain Council's approval for the Breede Valley 2018/2019 IDP/BUDGET Review Time Schedule and scheduled consultation plan with all relevant stakeholders within our municipal area of jurisdiction.

To obtain Council's approval and recommendation to Council for the scheduled engagements and advertisements of such engagements with all stakeholders and sector departments in terms of the 2018/2019 IDP Review Time Schedule.

2. Background

The Municipal Systems Act, Act 32 of 2000; Chapter 5, Section 28 (1), a municipal Council must;

- (1) Adopt a process, which is set out in writing, for the planning, formulation, adoption and revision of the Integrated Development Plan.
- (2) This **Time Schedule** must:
 - Include a programme setting out the timeframes for the various planning phases;
 - Determine and describe sufficient mechanisms, processes and procedures for consultation of and participation by local communities, government bodies and other role-players in the formulation of the IDP;
 - Identify planning and planning requirements, which in terms of national and provincial legislation, are binding on the municipality concerned.

The review of the IDP is done based on past financial and budgetary performance, but also taking into account future financial implications. The link between the Annual Budget and the IDP has been established through Section 21 of the Municipal Finance Management Act (56 of 2003) that stipulates that:

"The Mayor of a municipality must:

- *At least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for*
- *The preparation, tabling and approval of the annual budget;*
- *The annual review of –*
 - a. *The integrated development plan in terms of Section 34 of the Municipal Systems Act; and*
 - b. *The budget related policies.*
- *The tabling and adoption of any amendment to the integrated development plan and the budget related policies; and*
- *The consultative processes forming part of the processes referred to subparagraph (i), (ii) and (iii)".*

The budgetary requirements, processes and mechanisms are integrated in the IDP Time Schedule 2018/2019, as required by the MFMA.

3. COMMENT

A copy of the BVM IDP/BUDGET Review Time Schedule, and Schedule for Stakeholder engagement for the 2018/2019 BVM IDP Review is attached as Annexure "A"

4. Financial Implications

None

5. Applicable Legislation/Council Policy:

MFMA, Section 21

MSA, Chapters 4 & 5

Comment of Directorates/Departments concerned

Municipal Manager

Support recommendation.

Director: Strategic Support Services

Support recommendation.

Director: Financial Services

Support recommendation.

Director: Technical Services

Support recommendation.

Director: Community Services

Support the recommendation.

Senior Manager: Legal Services

Support the recommendation.

RECOMMENDATION:

That in respect of –

IDP Time Schedule 2018/19

discussed by Council at the Council meeting held on 23 August 2017:

That Council approves the 2018/2019 IDP/BUDGET Time Schedule inclusive of intended Breede Valley stakeholder engagements, as scheduled.

PROPOSED: CLLR W.R. MEIRING

SECONDED: CLLR E.Y. SHELDON

22 Councillors in favour of recommendation.

RESOLVED

C68/2017

That in respect of –

IDP Time Schedule 2018/19

discussed by Council at the Council meeting held on 23 August 2017:

That Council approves the 2018/2019 IDP/BUDGET Time Schedule inclusive of intended Breede Valley stakeholder engagements, as scheduled.

To Action

C. September

6.3 Amendment to the Final Integrated Development Plan (IDP) 2017/2022**File No./s:10/3/8****Responsible Official: C. September****Directorate: SSS****Portfolio: IDP/ PMS/ SDBIP**

1. Purpose

To request Council's approval to amend the 2017/2022 Final IDP, as recommended by the MEC for Local Government, Mr Anton Bredell.

2. Background

Breede Valley Municipal Council adopted the 2017/2022 Integrated Development Plan which came into effect from the 1st of July 2017. The Council must note that during the Provincial assessment of the final adopted 2017/2022 IDP, it was requested that the Municipality adjust the IDP in order to address shortcomings that were highlighted during the assessment.

3. Legal Framework

The above requested process is carried out in accordance with section 34 (a & b) of the Municipal Systems Act

(MSA) No 32 of 2000 which state that; A municipal council—

(a) Must review its integrated development plan —

(i) Annually in accordance with an assessment of its performance measurements in terms of section 4 (i); and

(ii) To the extent that changing circumstances so demand; and

(b) May amend its integrated development plan in accordance with a prescribed process.

4. Discussion

The adopted 2017/2022 Breede Valley Municipality IDP did not incorporate the municipality's Council resolution in respect of the adoption of the 2013 Spatial Development Framework that was adopted on 29 May 2017 as required by section 26 (e) of the MSA.

In addition, the adopted 2017/2022 Breede Valley Municipality IDP does not contain a financial plan which must include a budget projection for at least the next three years as a core component of the IDP as required by section 26 (h) of the MSA.

Also, the information reflected in terms of the key performance indicators and performance targets determined in terms of section 41 of the MSA does not meet the requirements in terms of section 26 (i) of the MSA.

A copy of the Assessment of the Breede Valley Municipality 2017 – 2022 Final Integrated Development Plan is attached as Annexure "A".

5. Financial Implications

None

6. Applicable Legislation

Municipal Systems Act, Act 32 of 2000

Comment of Directorates / Departments concerned

Municipal Manager

Support recommendation.

Director: Strategic Support Services

Support recommendation.

Director: Financial Services

Support recommendation.

Director: Technical Services

Support recommendation.

Director: Community Services

Support the recommendation.

Senior Manager: Legal Services

Support the recommendation.

RECOMMENDATION

That in respect of -

**the amendment of the 2017/2022 Final Integrated Development Plan (IDP)
discussed by Council at the Council meeting held on 23 August 2017:**

1. That Council approve the following amendments to the 2017/2022 final fourth generation IDP:
 - 1.1 The inclusion of the Council Resolution pertaining to the adoption of the 2013 SDF as part of the 2017/ 2022 IDP as required by section 26 (e) of the MSA. – **page 119 of the IDP.**
 - 1.2 The inclusion of the financial plan that contains a budget projection for at least the next three years as a core component of the IDP as required by section 26 (h) of the MSA. – **Pages 374 – 413 of the IDP.**
 - 1.3 The inclusion of the key performance indicators and performance targets determined in terms of section 41 of the MSA as required by section 26 (i) of the MSA. – It must be noted that it is not a legislated requirement for a municipality to outline key performance indicators and performance targets for a 5-year period as the SDBIP is reviewed on an annual basis and as such, the information will remain as is.

PROPOSED: CLLR W.R.MEIRING

SECONDED: CLLR M. SAMPSON

21 Councillors voted in favour of recommendation.

RESOLVED

C69/2017

That in respect of -

**the amendment of the 2017/2022 Final Integrated Development Plan (IDP)
discussed by Council at the Council meeting held on 23 August 2017:**

1. That Council approve the following amendments to the 2017/2022 final fourth generation IDP:
 - 1.1 The inclusion of the Council Resolution pertaining to the adoption of the 2013 SDF as part of the 2017/ 2022 IDP as required by section 26 (e) of the MSA. – **page 119 of the IDP.**
 - 1.2 The inclusion of the financial plan that contains a budget projection for at least the next three years as a core component of the IDP as required by section 26 (h) of the MSA. – **Pages 374 – 413 of the IDP.**
 - 1.3 The inclusion of the key performance indicators and performance targets determined in terms of section 41 of the MSA as required by section 26 (i) of the MSA. – It must be noted that it is not a legislated requirement for a municipality to outline key performance indicators and performance targets for a 5-year period as the SDBIP is reviewed on an annual basis and as such, the information will remain as is.

To Action

C. September

6.4 PROPOSED AMENDMENTS OF DELEGATED POWERS**File No.: 2/1/4/4/2****Responsible Official: H Potgieter****Directorate: Strategic Support Services Portfolio: Legal Services**

1. PURPOSE

The purpose of this item is to amend Council's approved delegation of powers in respect of the Municipal Manager.

2. BACKGROUND**1. Legal Framework**

The Municipal Asset Transfer Regulations (Regulations) apply to the transfer and disposal of capital assets and the granting by municipalities of rights to use, control or manage capital assets.

"Capital asset" is defined as –

- (a) any immovable asset such as land, property or buildings; or
- (b) any movable asset that can be used continuously or repeatedly for more than one year in the production or supply of goods or services, for rental to others or for administrative purposes, and from which future economic or social benefit can be derived, such as plant, machinery and equipment.

2. Granting of rights to use, control or manage municipal capital assets

Regulation 34(1) determine that a municipality may grant a right to use, control or manage a capital asset only after –

- (a) the accounting officer has in terms of regulation 35 conducted a public participation process regarding the proposed granting of the right; and
- (b) the municipal council has approved in principle that the right may be granted.

Sub-regulation 34(1)(a) must be complied with only if –

- (a) the capital asset in respect of which the proposed right is to be granted has a value in excess of R10 million; and
- (b) a long term right is proposed to be granted in respect of the capital asset.

“**Long term**” means a period of longer than three (3) years. It follows that a public participation process only has to be followed if both criteria are present, thus that the capital asset has a value in excess of R10 million and the proposed right to be granted would be for a period of longer than three (3) years.

Regulation 34(4) stipulates that the Council may delegate to the accounting officer (Municipal Manager) its approval power referred to in sub-regulation 34(1)(b) excluding the power to grant long-term rights to use, control or manage capital assets of a value in excess of R10 million.

In view of the large quantity of lesser value leases within the jurisdiction of the Municipality, it is proposed that Council delegates the granting of rights to use, control and manage municipal capital assets of not more than R10 million and for a period not longer than three years, to the Municipal Manager.

It is furthermore proposed to Council that in circumstances where the proposed period is for a short term, thus for shorter than three (3) years, no public participation process be followed to grant the right.

It is recommended that the Municipal Manager be delegated to frame appropriate terms and conditions in respect of formal lease agreements to be entered into. For sake of completeness, it is proposed that the Municipal Manager be duly authorized to approve and renew lease agreements, where the initial period and renewal period does not exceed three (3) years in total and to grant approval for the sub-letting of property leased from the Municipality. In addition, it is recommended that provision be made to finally decline or approve applications and that delegated powers be awarded to the Municipal Manager or his delegated authority accordingly.

The aforementioned will ensure that applications are dealt with in a shorter period of time and will also enhance service delivery to members of the public.

3. RELEVANT LEGISLATION

Local Government: Municipal Finance Management Act, No. 56 of 2003

Municipal Asset Transfer Regulations

4. FINANCIAL IMPLICATIONS

None

COMMENTS OF DIRECTORATES / DEPARTMENTS CONCERNED:

Municipal Manager:	Recommendation supported
Director: Community Services:	Recommendation supported
Director: Strategic Support Services:	Recommendation supported
Director: Financial Services:	Recommendation supported
Director: Technical Services:	Recommendation supported
Senior Manager: Legal Services:	Author of the item

RECOMMENDATION

That in respect of the

PROPOSED AMENDMENTS OF DELEGATED POWERS

discussed by Council at the Council meeting held on 23 August 2017:

1. That provision be made in the current system of delegations that the Municipal Manager be authorized to approve the public participation process for granting of rights to use, manage or control capital assets not exceeding R10 million and for a period longer than three years;
 2. that the Municipal Manager be delegated to approve the granting of rights to use, manage or control capital assets not exceeding R10 million and for a period not longer than three years;
 3. that where the proposed period is shorter than three (3) years, no public participation process be followed to grant the right;
 4. that the Municipal Manager be delegated to frame appropriate terms and conditions in respect of formal lease agreements to be entered into;
 5. that the Municipal Manager be delegated to approve and renew lease agreements, where the initial period and renewal period does not exceed three (3) years in total;
 6. that the Municipal Manager be delegated to grant approval for the sub-letting of property leased from the Municipality; and
-

7. that the Municipal Manager or his delegated authority be delegated to finally decline or approve applications to use, control or manage capital assets.

PROPOSED: CLLR J.F. VAN ZYL proposed that the amount of R10 million in paragraph 2 be amended to R1 Million.

SECONDED: CLLR E.S.C. MATJAN

RESOLVED

C70/2017

That in respect of the

PROPOSED AMENDMENTS OF DELEGATED POWERS

discussed by Council at the Council meeting held on 23 August 2017:

1. That provision be made in the current system of delegations that the Municipal Manager be authorized to approve the public participation process for granting of rights to use, manage or control capital assets not exceeding R10 million and for a period longer than three years;
2. that the Municipal Manager be delegated to approve the granting of rights to use, manage or control capital assets not exceeding R1 million and for a period not longer than three years;
3. that where the proposed period is shorter than three (3) years, no public participation process be followed to grant the right;
4. that the Municipal Manager be delegated to frame appropriate terms and conditions in respect of formal lease agreements to be entered into;
5. that the Municipal Manager be delegated to approve and renew lease agreements, where the initial period and renewal period does not exceed three (3) years in total;
6. that the Municipal Manager be delegated to grant approval for the sub-letting of property leased from the Municipality; and
7. that the Municipal Manager or his delegated authority be delegated to finally decline or approve applications to use, control or manage capital assets.

To Action

H. Potgieter

**6.5 PROPOSED APPROVAL OF THE ORGANISATIONAL STRUCTURE FOR
BREDE VALLEY MUNICIPALITY****File No./s:** 2/3/3/1**Directorate:** Strategic Support Services**Responsible Official:** M NELL**Portfolio:** Human Resources

1. Purpose

To obtain Council's approval for the amended organisational structure for Breede Valley Municipality, after it was consulted at a special Local Labour Forum meeting on 08 August 2017 and 10 August 2017.

2. Background

The proposed organisational structure for Breede Valley Municipality was approved by Council as per Council Resolution C27/2016 resolved at the Council meeting held on 17 May 2016.

In terms of section 66 of the Municipal Systems Act, act 32 of 2000, it states that:

"66 Staff establishments –

(1) A municipal manager, within a policy framework determined by the municipal council and subject to any applicable legislation, must –

- (a) develop a staff establishment for the municipality, and submit the staff establishment to the municipal council for approval;*
- (b) provide a job description for each post on the staff establishment;*
- (c) attach to those posts the remuneration and other conditions of service as may be determined in accordance with any applicable labour legislation; and*
- (d) establish a process or mechanism to regularly evaluate the staff establishment and, if necessary, review the staff establishment and the remuneration and conditions of service."*

(3) No person may be employed in a municipality unless the post to which he or she is appointed, is provided for in the staff establishment of that municipality.

(4) *A decision to employ a person in a municipality, and any contract concluded between the municipality and that person in consequence of the decision, is null and void if the appointment was made in contravention of subsection (3).*

(5) *Any person who takes a decision contemplated in subsection (4), knowing that the decision is in contravention of subsection (3), may be held personally liable for any irregular or fruitless and wasteful expenditure that the municipality may incur as a result of the invalid decision.*

According to the Local Government: Regulations on the appointment and conditions of employment of Senior Managers subsection 4 (3) relating to staff establishment, the municipal manager must review the municipality's staff establishment within 12 months in any of the following instances:

- (a) *The election of a new municipal council*
- (b) *The adoption of the integrated development plan of the municipality as contemplated in section 25 of the Act*
- (c) *Material changes to the functions of the municipality*
- (d) *The determination of new municipal boundaries*

A review process of the organisational structure of the Municipality was required to ensure that Breede Valley Municipality achieves sustainable and cost effective service delivery as envisaged by the specific strategic objectives identified in the Integrated Development Plan of the Municipality. The resultant amendments specifically addressed the streamlining of functional areas, the incorporation of newly created funded positions as well as all reparation work identified as a result of TASK job evaluation processes.

The amended organogram was drawn up based on the following principles:

1. Permanent and Fixed Term positions are reflected
2. The organogram should be fully funded
3. The incorporation of TASK job titles as per the TASK outcomes report of August 2007, where discrepancies were found
4. The incorporation of TASK job titles for positions evaluated during the period, 2016-2017

The amendments to the organogram was consulted at Local Labour Forum level on 08 August 2017 with a continuation on 10 August 2017 and it was recommended that the organogram in its entirety be submitted for the approval of Council. The minor amendments to the current organogram was made throughout the organogram with newly created funded vacant being highlighted clearly.

Breed Valley Municipality is committed to the finalisation of the TASK job evaluation process of each position on the organogram and the expected impact being that the job titles of the positions will be reviewed and amended in line with the sector norm. This will result in the review of the organogram on an annual basis.

3. Financial Implications

Newly created funded positions and all other funded vacant positions will be filled as a matter of urgency. The financial implications will be the total cost to company in line with the current approved staff budget.

4. Applicable Legislation / Council Policy

1. The Constitution of the Republic of South Africa
2. Municipal Systems Act, Act 32 of 2000 and Regulations
3. Municipal Finance Management Act

Comment of Directorates / Departments concerned:

Municipal Manager: Recommendation supported

Director: Strategic Support Services: Recommendation supported

Director: Financial Services: Recommendation supported

Director: Technical Services: The staff establishment will promote the efficient, economic and effective utilisation of employees and will also ensure efficient and effective service delivery. I support the item and recommendation

Director: Community Services: Recommendation supported

Senior Manager: Legal Services: Recommendation supported

RECOMMENDATION

The proposed organisational structure for Breed Valley Municipality, discussed at the council meeting held on 23 August 2017, the municipal council decide:

- a) That the staff establishment attached as Annexure A dated 23 August 2017, be approved.

PROPOSED: CLLR W.R.MEIRING

SECONDED: CLLR R. FARAO

RESOLVED

C71/2017

The proposed organisational structure for Breede Valley Municipality, discussed at the council meeting held on 23 August 2017, the municipal council decide:

- a) That the staff establishment attached as Annexure A dated 23 August 2017, be approved.

To Action

M. Nell

6.6 APPROVAL OF LEASE AGREEMENTS WITH RESPECTIVELY ASSOCIATION FOR PERSONS WITH DISABILITIES AND STEENVLIET CRÈCHE – UNREGISTERED PORTIONS OF ERF 843 TOUWSRIVER**File no.:** 9/2/3/1/**Responsible Official:** M Müller**Directorate:** SSS**Portfolio:** Legal Services

1. PURPOSE

To obtain approval from Council to enter into lease agreements respectively with

- 1) Association for Persons with Disabilities, hereinafter referred to as “APD”, in respect of Municipal Property, being unregistered portions of Erf 843 Touwsriver (currently known as Portions B and C) for the purpose of managing a crèche and other related activities to training and education of persons with disabilities as to be pre-approved in writing by the Municipality, and
- 2) Steenvliet Crèche, hereinafter referred to “Steenvliet”, in respect of Municipality Property, being an unregistered portion of Erf 843 Touwsriver (currently known as Portion A) for the purpose of managing a crèche for a period of 9 (NINE) years and 11 (ELEVEN) months.

2. BACKGROUND

An item served before the Mayoral Committee on 18 August 2015 after it was found that certain crèches faced difficulties in finding suitable property where they could be accommodated. This was then specifically having regard to their specific needs. The three crèches were as follows:

- 1) APD, specifically their project Caring and Sharing – is occupying a Wendy House as their application to use the Tennis clubhouse could not be processed as the clubhouse and grounds was envisaged for a project through which it would be upgraded.
 - 2) Steenvliet – they were and are still occupying the Steenvliet Sport Centre. This give rise to various difficulties as various sport institutions wishes to utilise the building and cannot as the building is currently occupied by the Crèche.
-

- 3) Emmanuel Crèche – they are situated in Topkamp and renders much needed services there.

Erf 843 Touwsriver, hereinafter referred to as “Erf 843”, was identified as being suitable to accommodate these crèches, having regard that in the event that the erven are made available to these crèches it would have had to be provided with services up to the erf boundary (erven boundaries after subdivision). This expenditure would have to be budgeted for.

Consequently, the following decision was made on 18 August 2015:

“AVAILING LAND FOR CRECHES IN NEED TO CONTINUE RENDERING CHILD CARE SERVICES

- 1) *That MayCo approves erf 843 (5882m²), or any part thereof as alluded to infra, to be developed for the use as child care facilities, which is close and adjacent to Steenvliet Crèche and Caring & Sharing Disabled Crèche.*
- 2) *That the cost of servicing these erven be budgeted for in the adjustment budget of 2015/16*
- 3) *That all the necessary town planning processes be followed and completed by the Town Planning department;*
- 4) *That the size of erven for crèches be determined according to unique requirement of creches and therefore that provision be made for more than one erf to be use for a pre-school facilities also that the said erf be subdivided, accordingly, at the expense of the municipality*
- 5) *That Crèches (Steenvliet, Caring & Sharing, Emmanuel) be offered a portion on the erf to relocate their child care facility on the submission of a business plan.*
- 6) *Progress as to implementation should be reported at the next Mayco meeting.”*

An item served before the Mayoral Committee on 21 February 2017 in order to convey the progress as was made in respect of the above decision. It was conveyed that the Municipal Planning and Building Control Department completed the subdivision process and that the subdivision of Erf 843 was approved on 8 July 2017. Erf 843 was subsequently subdivided as follows: Portion A, Portion B, Portion C and the Remainder of Erf 843. Kindly see the Locality Map attached hereto and marked as “Annexure A”.

It should be noted that these portions are unregistered as yet and that the procedure for the registration of these portions as individual erven is briefly as follows: The Surveyor will provide the diagram of the portions to the Surveyor-General for registration thereof. Once these are obtained instruction can be given to a conveyancer for the registration of the individual erven at the Deed’s Office.

Furthermore, it was also conveyed that due to budgetary implications the project as a whole was unfortunately delayed. However, clarity was gained in respect of the respective crèches choosing which Portion of Erf 843 they were to utilise and was conveyed as follows:

- 1) Steenvliet – Portion B;
- 2) APD – Portion C, and
- 3) Emmanuel Crèche – indicated that they will not participate in this project as the locality is not conducive to their needs. More so, having regard that if they were to move from Topkamp it would render Topkamp without a much needed childcare facility. This rendered that Portion A was not going to be utilised by any of the above crèches.

The Mayoral Committee made the following decision on 21 February 2017:

“PROGRESS AVAILING LAND FOR CRECHES IN NEED TO CONTINUE RENDERING CHILD SERVICES IN TOUWSRIVER

- 1) *That MayCo approves the use of the following erven for crèches by the following organizations:*
 - a. *Portion A of erf 843, approximately 1000m² not be lease as Emmanuel Crèche prefer its current location in Topkamp;*
 - b. *Portion B of erf 843 approximately 1008m² to Steenvliet Crèche; and*
 - c. *Portion C of erf 843 approximately 1060m² to Caring and Sharing Disabled Crèche.*
- 2) *That the Directorate Strategic Services (property administration) conclude lease agreement with the management bodies of the Steenvliet Crèche and APD, representing Caring & Sharing Disabled Crèche for a period of three years with renewal options;*
- 3) *That the lease amount be R400.00 per month, excluding the services that will be consumed (water, electricity refuse).*
- 4) *That the conditions of subdivision and rezoning dated 8 July 2016 be applicable to the lease agreements.”*

A request was made, and afforded to APD to place their containers and ablution facilities on the Portion (Portion C) that was going to be utilised by them. Unfortunately, the containers and facilities was placed on both Portion C and B. Since the placement, the area has also been fenced. Kindly see the site plan attached hereto and mark as “Annexure B”, in order for acquainting oneself with the placement of the containers and ablution facilities.

In light of the afore-mentioned it necessitated that consultations were held with both APD and Steenvliet. The outcome of these consultations were:

- 1) APD indicated that they wish to utilise Portion B and C and that the moving of the containers and facilities would be too costly for them to move and that they do not have the money as such.
- 2) Steenvliet indicated that they would be willing to occupy Portion A.
- 3) Both APD and Steenvliet indicated that in light of the cost involved for their account (kindly refer to the discussion under the heading evaluation and recommendation below) that they would apply for a longer period, specifically then for a 9 (NINE) year and 11 (ELEVEN) month period.
- 4) The purpose of the respective lease agreement are to be as follows:
 - a. APD: For the purpose of managing a crèche and other related activities to training and education of persons with disabilities as to be pre-approved in writing by the Municipality, and
 - b. Steenvliet: For the purpose of managing a crèche.

Kindly see attached hereto and marked as “Annexure B” locality map indicating the new recommended respective allocations to APD and Steenvliet. The proposed portions (Portion B and C) to be leased to APD will be approximately 2068m² and the portion (Portion A) to be leased to Steenvliet will be approximately 1000m².

Erf 843 (unregistered portions thus also) is currently zoned as Institutional Zone II. This entails that a rezoning process is still to be followed as the correct zoning for crèches (educational purposes) is that of Institutional Zone 1.

3. DISCUSSION

Even though the Municipality will have expenditure relating to this project as an outflow of the Mayoral Committee’s decisions (see the financial implications as discussed below), the project will be just as beneficial. This then, specifically having regard to the fact that APD and Steenvliet will deliver an essential service to the community of Touwsriver (Steenvliet). The children will receive food, care and education during the day while their parents will be able to work and earn an income for the family while they are assured that their children are well looked after in a safe environment. Community services will therefore definitely be enhanced.

The Municipality stands to gain improvement of the area concerned at no cost to it as APD and Steenvliet will be respectively responsible for the servicing of their lease areas (within the erf’s boundaries) and will also be responsible for the maintenance of the erven, as well as the payment of rates and taxes.

From the comments, as obtained from the internal departments, the following is to be noted, and is recommended as such:

- 1) **Technical Services:** The necessary town planning procedures in respect of the respective portions (Portions A, B and C – unregistered portions of Erf 843 Touwsriver) are to be followed and will be for the account of APD and Steenvliet except in respect of the rezoning costs, which shall be borne by the Municipality. APD and Steenvliet will be responsible also for all services (connections *inter alia*) on their respective lease areas. The relocation and upgrade of the low voltage bulk services will also be for the account of the Municipality as it forms part of the subdivision's conditions. Other requirements stipulated will be adequately dealt within any lease agreement.
- 2) **Community Services:** The conditions of the subdivision as well as the lease agreement will make adequate provision to ensure compliance with these requirements.

A lease agreement will be drafted and provided to APD and Steenvliet once the conditions of the subdivision, attached hereto and marked as "Annexure C", has been fully met and the surveyor's diagrams can be provided to the Surveyor-General for the registration thereof.

4. EVALUATION

A. ASSET TRANSFER REGULATIONS

Regulation 34 of the Asset Transfer Regulation R878 determines as follows:

- “(1) **A municipality may grant a right to use, control or manage a capital asset only after –**
- a) **the accounting officer has in terms of regulation 35 conducted a public participation process regarding the proposed granting of the right; and**
 - b) **the municipal council has approved in principle that the right may be granted.**
- (2) **Subregulation (1)(a) must be complied with only if –**
- a) **the capital asset in respect of which the proposed right is to be granted has a value in excess of R10 million; and**
-

- b) a long term right is proposed to be granted in respect of the capital asset.
- (3) a) Only the municipal council may authorize the public participation process referred to in subregulation (1)(a)
- b) A request to the municipal council for authorization of a public participation process must be accompanied by an information statement stating –
 - i. the reasons for the proposal to grant a long term right to use, control or manage the relevant capital asset;
 - ii. any expected to the municipality that may result from granting of the right;
 - iii. any expected proceeds to be received by the municipality from the granting of the right; and
 - iv. any expected gain or loss that will be realized or incurred by the municipality arising from the granting of the right.
- (4) A municipal council may delegate to the accounting officer its approval power referred to in subregulation (1)(b) excluding the power to grant long term rights to use, control or manage capital assets of a value in excess of R10 million.

It is recommended that Council approve in respect of the long term right in respect of the capital asset, the following of a public participation process as well as approve in principle the right to use, i.e. the lease of the Portion A (an unregistered Portion of Erf 843) to Steenvliet and Portions B and C (unregistered Portions of Erf 843) to APD and that the approval will be regarded as final unless any comments/representations are received through the public participation process, in which case the matter will revert to Council for consideration again.

It can be confirmed that the Municipal valuation of the property is currently R25 000.00 (TWENTY FIVE THOUSAND RAND ONLY). This is then the value for Erf 843 before subdivisions.

More specifically it is recommended that a long term right for a period of 9 (NINE) years and 11 (ELEVEN) months be approved.

In terms of Regulation 36 of the Asset Transfer Regulation R878, the Municipal Council must, when considering approval for any proposed granting of a right to use, control or manage a capital asset, take into account -

- (a) **whether the capital asset may be required for the municipality's own use during the period for which the right is to be granted;**

The asset is not required for municipal use as can be seen from the comments of the Departments received. Here it is to be noted that the electrical services (low voltage bulk services), on Portions A,B and the Remainder of Erf 843 will have to be moved and upgraded at the cost of the Municipality. The purported lease agreement with APD is to make provision for safety measures regarding the high and low voltage bulk services running along the boundary line of Portion C as well as the right of way servitude.

- (b) **the extent to which any compensation to be received for the right together with the estimated value of any improvements or enhancements to the capital asset that the private sector party or organ of state to whom the right is granted will be required to make, will result in a significant economic or financial benefit to the Municipality;**

The respective Crèches will improve their respective lease areas, specifically through servicing the respective erven leased to them as the Municipality only provided services up to the boundary lines of the respective portions. More so, the surrounding community will be benefited, as institutional facilities will in all likelihood increase their property's value.

The general public will also benefit through the granting of the right as the children in the vicinity could be provided with early childhood development (APD and Steenvliet). Opportunities are also envisaged having regard to children with disabilities in respect with other activities relating to training and education (APD).

The Municipality will receive rental income monthly as well as applicable rates and taxes. More importantly, the community's children will be provided with education opportunities. This will then definitely be beneficial to the greater community.

- (c) **the risks and rewards associated with the use, control or management of the capital asset in relation to the municipality's interests;**

No risks are involved.

- (d) **any comments or representations on the proposed granting of the right received from the local community and other interested persons;**
-

A public participation process is to be followed after the necessary approval is obtained in this regard. Should there be any comments/representations the matter will revert to Council to consider same.

- (e) **any written views and recommendations on the proposed granting of the right by the National Treasury and the relevant provincial treasury;**

Should the comments be found necessary to be obtained same shall be obtained and shall the matter only revert back to council if any are received.

- (f) **the interests of any affected organ of state, the municipality's own strategic, legal and economic interests and the interests of the local community; and the rental of this asset is to the benefit of the local community; and**

The rental and use of these properties are to the benefit of the local community as well as the Municipality. More so, the services provided by these crèches are to the benefit of the community.

- (g) **compliance with the legislative regime applicable to the proposed granting of the right.**

The Asset Transfer Regulations has been complied with.

B. LAND MANAGEMENT AND DISPOSAL POLICY

The following conditions of said policy apply:

Paragraph 4.4.12.1: "The Municipality, as a rule, bearing in mind the provisions of this policy, with the exception of cases referred to in clauses 4.4.9 and 4.4.43, shall not:

&

Paragraph 4.4.12.1: "let immovable property at a lower rental than the rental determined;"

In light of the afore-mentioned discussion, it is recommended that Paragraph 4.4.12.1 be deviated from and that the respective lease areas (APD – Portions B and C & Steenvliet – Portion A) be leased at the rental amount of R400.00 (VAT excl.) per month, as was recommended by the Mayoral Committee.

Paragraph 4.4.18: “Immovable property sold or let by the Municipality shall be inspected at least one a year by the Municipality to ensure compliance with the terms and conditions of the agreement of sale or lease.”

The property will be inspected by the relevant Municipal Department at least once a year.

Paragraph 4.4.29: “All costs pertaining to a transaction, e.g. survey, advertisements, valuation. Relocation or provision of services where necessary, shall be borne by the Lessee. The Municipality may, however, waive its right to claim all or any portion of the costs. Where necessary a deposit to cover the costs may be required.”

It is to be noted that the survey costs of the subdivision of Erf 843 is for the account of the Municipality (in terms of the Mayoral Committee’s decision of 18 August 2015).

In light of the afore-mentioned discussion it is recommended that Paragraph 4.4.29 be deviated insofar as APD and Steenvliet will not be held liable for the cost relating to the rezoning of their respective portions (lease areas) to the correct zoning as well as in respect of the relocation and upgrade of the electrical services (low voltage bulk services) The cost of this shall be borne by the Municipality.

APD and Steenvliet will be responsible for all other cost in relation to this application, *inter alia* the advertisement cost as well as any Town Planning and Building Control procedures.

Paragraph 4.4.34: “Rental, except where it is decided otherwise by the Municipality shall escalate annually by a percentage fixed in accordance with the prevailing consumer price index (all items).

A clause to this effect will be inserted in the respective lease agreements.

Paragraph 4.4.35: “The lessee shall, as a rule, be liable for the payment of rates and service charges in respect of the properties listed in the current valuation role. In the case of leases to certain social care users at rentals lower than market value

the Municipality may consider granting a rebate on rates in accordance with the rates policy of the Municipality.”

In light of the aforementioned discussion a clause to the effect will be inserted in the respective lease agreements and the necessary will be conveyed to APD and Steenvliet.

It is further confirmed that the other Conditions of Lease as stipulated in paragraph 4.4.29 – 4.4.42 will be included in the lease agreement with APD and Steenvliet respectively, where applicable.

C. ADVERTISEMENT

It is recommended that approval be granted to follow a public participation process. Subsequently an advertisement is to be placed for the lease to APD for Portion B and C (unregistered portions of Erf 843) of Erf 843 Touwsriver for the above-mentioned purpose and to Steenvliet for Portion A (unregistered portion of Erf 843) of Erf 843 Touwsriver for the above-mentioned purpose, both for a 9 (NINE) year and 11 (ELEVEN) months period, respectively, in a local newspaper for a 30(THIRTY) day comments/representation period. Approval is to be further made subject to receiving no comments/representations, in which event the matter will revert to Council again for consideration. It is through this that the comments or any interests of the community will be solicited.

5. CONCLUSION

In light of the above discussion it is recommended:

- 1) That the lease agreements with:-
 - a. Association for Persons with Disabilities, in respect of Municipal Property, being unregistered portions of Erf 843 Touwsriver (currently known as Portions B and C), jointly measuring approximately 2068m², for the purpose of managing a crèche and other related activities to training and education of persons with disabilities as to be pre-approved in writing by the Municipality at a rental of R400.00 (FOUR HUNDRED RAND ONLY) (VAT excl.) per month, and
 - b. Steenvliet Crèche, hereinafter referred to “Steenvliet”, in respect of Municipality Property, being an unregistered portion of Erf 843 Touwsriver (currently known as Portion A), ±1000m² in extent, for the
-

purpose of managing a crèche at a rental of R400.00 (FOUR HUNDRED RAND ONLY) (VAT excl.) per month be approved for a period of 9 (NINE) years and 11 (ELEVEN) months. The lease amount will escalate every year on the 1st of July in accordance with the prevailing consumer price index (all items);

- 2) that the deviation from Paragraph 4.12.1 and 4.4.29 be approved in order to allow for a lower rental than a fair market related rental without obtaining such a valuation and allowing for certain costs to be borne by the Municipality (as stipulate in paragraph 2 below);
- 3) that the Municipality will be responsible for any cost involved with the rezoning of the proposed lease areas (Portions A, B and C – unregistered portions of Erf 843 Touwsriver) as well as the relocation of and the upgrade of electrical services (low voltage bulk services) (if deemed necessary) as a result of it being part of the subdivision's conditions (outflow of the Mayoral Committee's decision) and in confirmation that the Municipality will be responsible for the cost involved with the subdivision, registration of the respective portions at the Surveyor - General and the Deeds Office as well as for the provision of services to boundaries of each respective portion (Portions A, B and C – unregistered portions of Erf 843 Touwsriver).
- 4) that APD and Steenvliet will be responsible for all other expenses, *inter alia* the advertisement cost as well as any Town Planning and Building Control procedures pertaining to the proposed leases.

6. FINANCIAL IMPLICATIONS

The Municipality stands to gain a rental in respect of APD in the amount of R400.00 (FOUR HUNDRED RAND ONLY) (VAT excl.) per month as well as in respect of Steenvliet in the amount of R400.00 (FOUR HUNDRED RAND ONLY) (VAT excl.) per month, which amount will annually increase on the 1st of July by a percentage equal to the prevailing consumer price index (all items).

Furthermore, the Municipality stands to gain also the rates and taxes in relation to the erven leased to APD and Steenvliet.

Any cost involved with the rezoning of the proposed lease areas (Portions A, B and C – unregistered portions of Erf 843 Touwsriver) as well as the relocation of and the upgrade of electrical services (low voltage bulk services) (if deemed necessary) will be for the Municipality's account. It is also confirmed that the Municipality will be responsible for the cost involved with the subdivision, registration of the respective portions at the Surveyor - General and the Deeds Office as well as for the provision of services to boundaries of

each respective portion (Portions A, B and C – unregistered portions of Erf 843 Touwsriver).

All other expenses, *inter alia* the advertisement cost as well as any Town Planning and Building Control procedures pertaining to the proposed leases will be borne respectively by APD and Steenvliet.

7. ANNEXURES

Annexure A:	Locality Map
Annexure B:	Site Plan
Annexure C:	Conditions of Subdivision dated 8 July 2016

COMMENTS OF DIRECTORATES / DEPARTMENTS

MUNICIPAL MANAGER:

Recommendation supported.

DIRECTOR TECHNICAL SERVICES:

Recommendation supported. APD and Steenvliet will be responsible for all services (connections *inter alia*) on their respective lease areas.

Electrical Services: Mr Sedwill Hartman

SITE A - 843 Touws river

Service availability: Electrical services in close proximity

Electricity Red Flag Issues: No Capacity available : Bulk LV services to relocated and upgraded

Additional Capacity required: 55.42KVA – (4 x Institutional erven at 60Ampere Single phase)

Estimated Cost: To be calculated – As per application form submitted (within the 2017/18 financial year)

Conditions to Subdivision for site/erf 843 Touwsriver

The Electrical Engineering Department has no objection against the proposed subdivision, but will be

subject to the following conditions:

1. *All cost for the relocation, upgrading and new services (includes network charges, relocation and network upgrade to meet the required additional demand due to a lack of Capacity and infrastructure) will be for the applicants/councils(municipality) account . Please note : High cost implication.*
2. *Servitude to be registered to ensure maintenance to infrastructure.*
3. *Applicant responsible for all cost with regard to the total municipal infrastructure requirements.*
4. *Electrical bylaw "10. Right of admittance to inspect, test or do maintenance work" that clearly indicate our 24hour access to our metering.*
5. *Customer must be able to show to electricity department his valid certificate of compliance (coc) for the installation, before the commissioning of supply will commence.*
6. *Please note should any network extensions, maintenance or repairs on municipal infrastructure or equipment be required the municipality will not be responsible for any repairs or damages cause to the contributory value (fences, harden, pave, tar, concrete) added to the terrain.*
7. *The new regulations (Ref: 12/1/2/1 Circular 11/2012 Western Cape Government: Publish in GG 34586 NOTICE NUMBER 711, promote and set minimum requirements for energy efficiency for new buildings and extensions to existing buildings. Applicant to comply with energy efficiency requirements, as set by the municipality.*

DIRECTOR COMMUNITY SERVICES:

The recommendations supported. The cost of public participation / advertising must be known to the applicants in order for them to accept these costs. Crèches in most cases do not have an income to cater for these costs.

DIRECTOR FINANCIAL SERVICES:

Support recommendation.

DIRECTOR STRATEGIC SUPPORT SERVICES:

Recommendation supported.

Legal Services: Ms Heleine Potgieter

Co-author of this item.

RECOMMENDATION

That in respect of the

APPROVAL OF LEASE AGREEMENTS WITH RESPECTIVELY ASSOCIATION FOR PERSONS WITH DISABILITIES AND STEENVLIET CRÉCHE – UNREGISTERED PORTIONS OF ERF 843 TOUWSRIVER

discussed by Council at the Council meeting held on 23 August 2017:

1. That the lease agreements with respectively:-
 - a. Association for Persons with Disabilities, in respect of Municipal Property, being unregistered portions of Erf 843 Touwsriver (currently known as Portions B and C) (jointly ±2068m² in extent), for the purpose of managing a crèche and other related activities to training and education of persons with disabilities as to be pre-approved in writing by the Municipality, and
 - b. Steenvliet Crèche, hereinafter referred to “Steenvliet”, in respect of Municipality Property, being an unregistered portion of Erf 843 Touwsriver (±1000m² in extent) (currently known as Portion A) for the purpose of managing a crèchefor a period of 9 (NINE) years and 11 (ELEVEN) months, **be approved;**
 2. that the deviation from Paragraph 4.4.12.1 of the Land Management and Disposal Policy; in order to allow for a lower rental to be determined without appointing a valuer, be levied in the instance of APD and Steenvliet respectively and furthermore that the rental be the amount of R400.00 (FOUR HUNDRED RAND ONLY) (VAT excl.) per month for APD and Steenvliet respectively, **be approved;**
 3. that the lease amount annually increases on the 1st of July by a percentage equal to the prevailing consumer price index (all items);
-

4. that the deviation from Paragraph 4.4.29 of the Land Management and Disposal Policy, in order to allow for APD and Steenvliet respectively, to not be liable for the survey cost (in respect of the subdivision and registration thereafter of the respective portions of Erf 843 Touwsriver), relocation and upgrade of the electrical services running over Portions A and B (current depiction) (unregistered portions of Erf 843 Touwsriver) (if deemed necessary) and the rezoning of the respective portions (Portions A,B and C – unregistered Portions of Erf 843 Touwsriver), and thus to be borne by the Municipality, **be approved;**
3. that APD and Steenvliet, respectively, be responsible for all other cost relating to the application, *inter alia* the advertisement cost as well as any Town Planning and Building Control procedures;
4. that the conditions of the Approved Subdivision Application dated 8 July 2016 be conformed with in all aspects;
5. that the following of a public participation process, at the cost of the APD and Steenvliet respectively **be approved;**
6. that the item reverts back to Council following the public participation process for further consideration and decision if any comments/representations are received, and
7. APD and Steenvliet will be responsible for all services (connections *inter alia*) on their respective lease areas.

PROPOSED: CLLR J.F. VAN ZYL

SECONDED: CLLR S.J.MEI

RESOLVED

C72/2017

That in respect of the

**APPROVAL OF LEASE AGREEMENTS WITH RESPECTIVELY ASSOCIATION FOR
PERSONS WITH DISABILITIES AND STEENVLIET CRÉCHE – UNREGISTERED
PORTIONS OF ERF 843 TOUWSRIVER**

discussed by Council at the Council meeting held on 23 August 2017:

1. That the lease agreements with respectively:-
 - a. Association for Persons with Disabilities, in respect of Municipal Property, being unregistered portions of Erf 843 Touwsriver (currently known as Portions B and C) (jointly ±2068m² in extent), for the purpose of managing a crèche and other related activities to training and education of persons with disabilities as to be pre-approved in writing by the Municipality, and
 - b. Steenvliet Crèche, hereinafter referred to “Steenvliet”, in respect of Municipality Property, being an unregistered portion of Erf 843 Touwsriver (±1000m² in extent) (currently known as Portion A) for the purpose of managing a crèche
for a period of 9 (NINE) years and 11 (ELEVEN) months, **be approved;**

 2. that the deviation from Paragraph 4.4.12.1 of the Land Management and Disposal Policy; in order to allow for a lower rental to be determined without appointing a valuer, be levied in the instance of APD and Steenvliet respectively and furthermore that the rental be the amount of R400.00 (FOUR HUNDRED RAND ONLY) (VAT excl.) per month for APD and Steenvliet respectively, **be approved;**

 3. that the lease amount annually increases on the 1st of July by a percentage equal to the prevailing consumer price index (all items);

 4. that the deviation from Paragraph 4.4.29 of the Land Management and Disposal Policy, in order to allow for APD and Steenvliet respectively, to not be liable for the survey cost (in respect of the subdivision and registration thereafter of the respective portions of Erf 843 Touwsriver), relocation and upgrade of the electrical services running over Portions A and B (current depiction) (unregistered portions of Erf 843 Touwsriver) (if deemed necessary) and the rezoning of the respective portions (Portions A,B and C – unregistered Portions of Erf 843 Touwsriver), and thus to be borne by the Municipality, **be approved;**

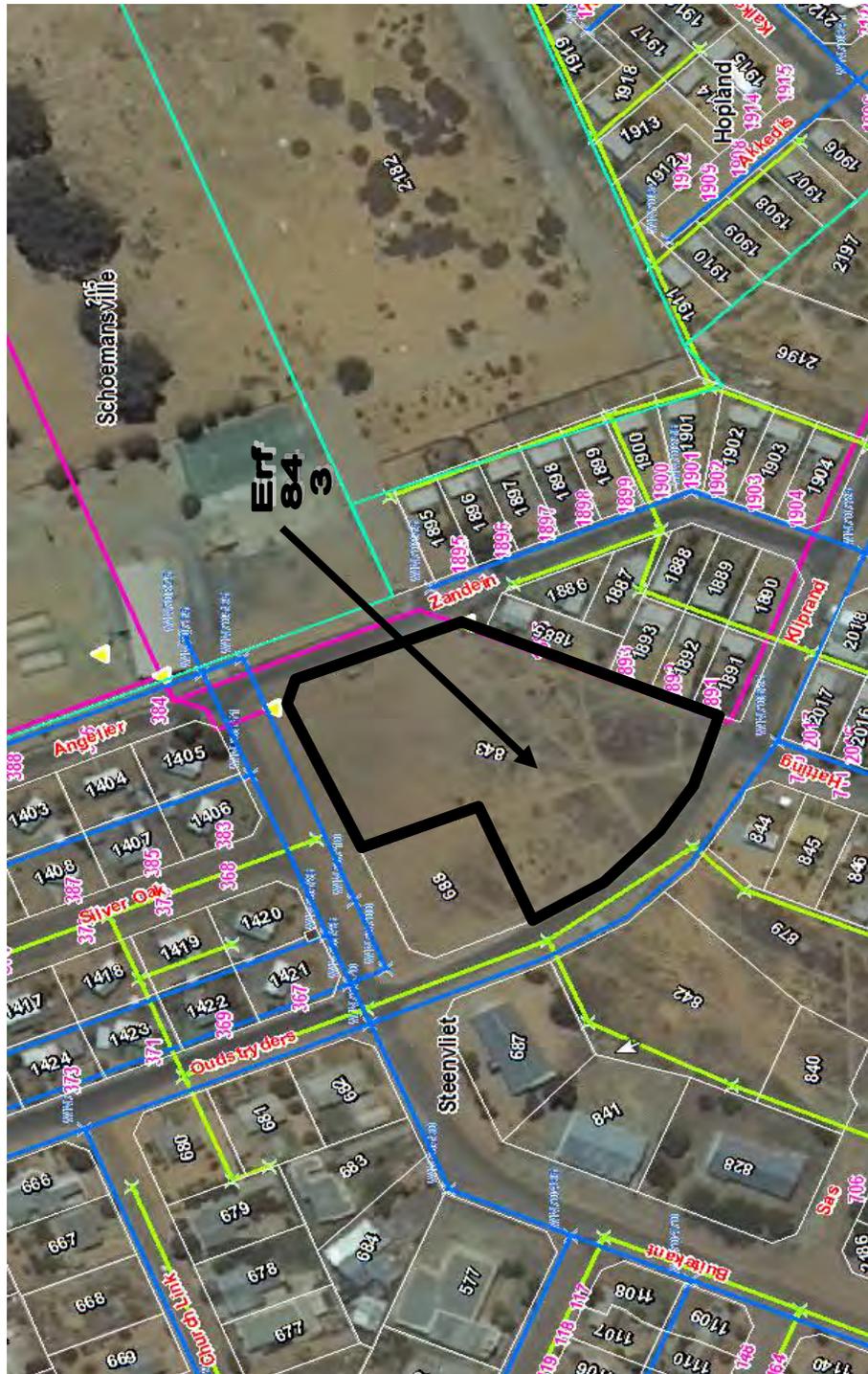
 5. that APD and Steenvliet, respectively, be responsible for all other cost relating to the application, *inter alia* the advertisement cost as well as any Town Planning and Building Control procedures;

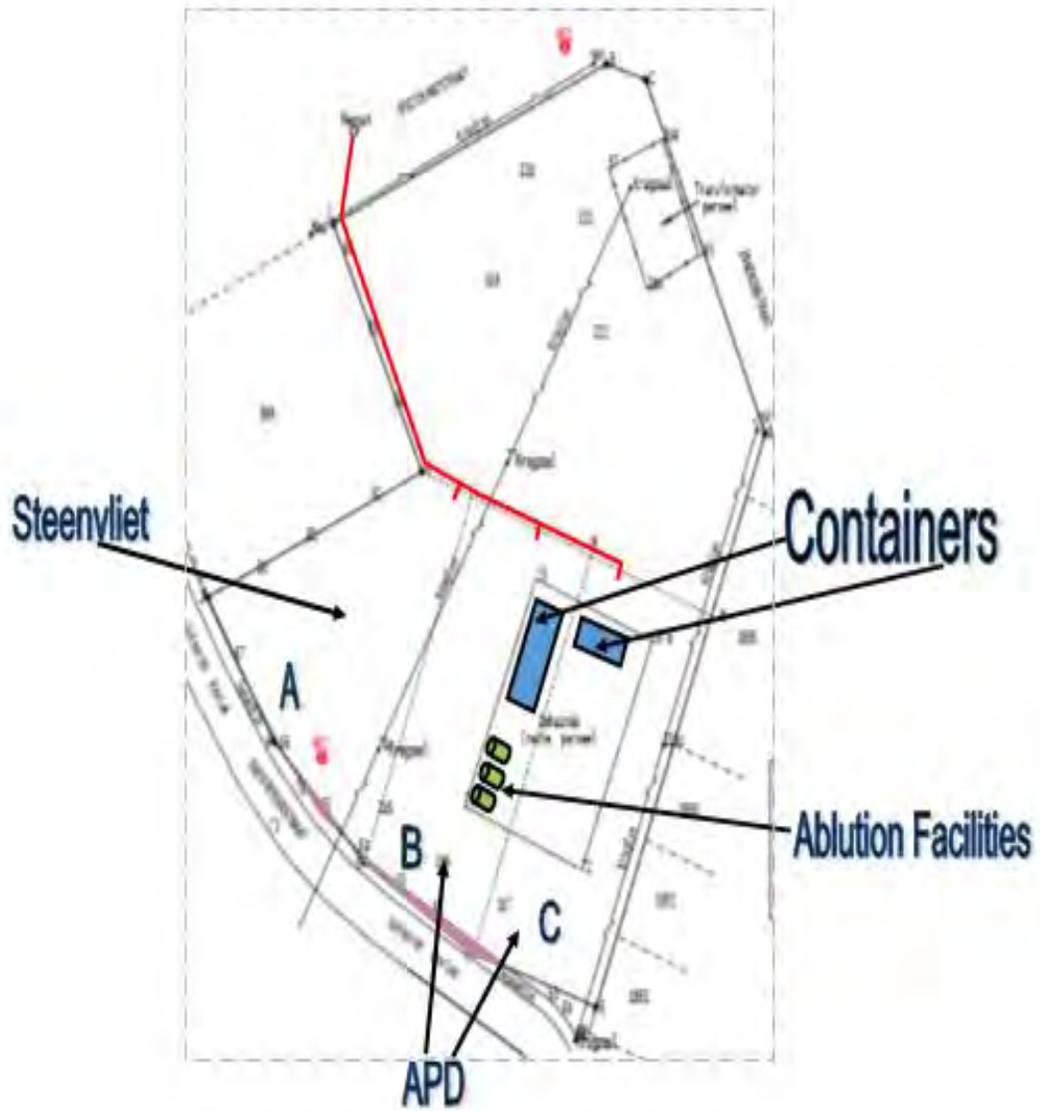
 6. that the conditions of the Approved Subdivision Application dated 8 July 2016 be conformed with in all aspects;
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7. that the following of a public participation process, at the cost of the APD and Steenvliet respectively **be approved**;
8. that the item reverts back to Council following the public participation process for further consideration and decision if any comments/representations are received, and
9. APD and Steenvliet will be responsible for all services (connections *inter alia*) on their respective lease areas.

To Action

M.Muller





APPLICATION FOR SUBDIVISION ERF 843, TOUWSRIVER

Your application refers.

Kindly be advised that Council has in terms of Section 25 of the Land Use Planning Ordinance No. 15 of 1985 approved the subdivision of Erf 843, Touwsriver into four portions, namely Portion A ($\pm 1000\text{m}^2$), Portion B ($\pm 1008\text{m}^2$), Portion C ($\pm 1060\text{m}^2$) and the Remainder of Erf 843 ($\pm 2814\text{m}^2$) in order to develop child care facilities on three erven (Portions A, B and C). The approval is subject to the following conditions:

1. The approval is subject to the conditions in terms of Section 42 (1) of Ordinance 15 of 1985 set in Annexure "A" and "B".
 2. Kindly note that this approval lapses unless separate registration of at least one erf, lot, plot or piece therein is effected in the Deed Registry within (5) five years of the date of this letter, in which case application may be made in writing to this Council for the extension of the validity thereof by way of issuing a fresh approval.
 3. It should be noted that the Surveyor-General will, when approving the diagrams of the newly created erven, indicate on the back thereof by means of a rubber stamp, the date and reference number of this approval. The Registrar of Deeds will not register the separate registration of the erven until the application for Certificate of Registered Title or Power of Attorney has been endorsed by this Council. This endorsement will be given on submission of proof that the conditions of establishment, as set out herein, have been complied with. Furthermore, the conditions of title to be imposed must be quoted in the Power of Attorney or Application for Certificate of Registered Title, which document must be submitted to this Council together with the diagrams for endorsement.
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“ANNEXURE” B**CONDITIONS LAID BY COUNCIL**

Council has in terms of Section 25 of the Land Use Planning Ordinance No. 15 of 1985 approved the subdivision of Erf 843, Touwsriver into four portions, namely Portion A ($\pm 1000\text{m}^2$), Portion B ($\pm 1008\text{m}^2$), Portion C ($\pm 1060\text{m}^2$) and the Remainder of Erf 843 ($\pm 2814\text{m}^2$) in order to develop child care facilities on three erven (Portions A, B and C). The approval is subject to the following conditions in terms of section 42(1) of the same Ordinance.

1. That building plans be lodged with Council in the event of any structural changes to any existing buildings or in the event of the erection of any new structures. That the conditions of the Chief Building Control as per memorandum dated 24/11/2015 attached be adhered to.
2. That should water and sewer services be required to the erf a new water and sewer connection be applied for to service each subdivided erf.
3. That on-site parking facilities be provided as per the Planning Schedule, with permanent surfaces and layout to the satisfaction of the Directorate: Technical Services.
4. That the total cost of R68,701.00 (excluding P&G and VAT) as summarised in the table below be budgeted for to service the proposed three erven.

Service	Cost
Water connections	R19,668.00
Sewer pipeline and sewer connections	R43,033.00
Access	R6,000.00
TOTAL	R68,701.00

5. That the number of pupils per crèche be provided to the Department: Civil Engineering Services for the investigation of the impact of the development on civil infrastructure and determined of a service (e.g. water, sewer, storm water, roads, etc.) development contribution.
6. That the conditions of the Department Electrical Services as per memorandum dated 14/03/2016 attached be adhered to.
7. That the conditions of the Department Fire & Rescue Services as per memorandum dated 21/12/2015 attached be adhered to.

Your attention is drawn to the provisions of Section 62(4)(c)(ii) of the Municipal System Act, (Act 32 of 2000) whereby you have a right to appeal against the decision or conditions imposed by Council. A detailed motivational appeal should be directed to the Municipal Manager within 21 days from date of registration of this letter.

The appeal must be lodged in writing and addressed to:
 The Municipal Manager
 Breede Valley Municipality
 Private Bag X3046
 WORCESTER
 6849

6.7 AMENDMENT TO THE CONFERMENT OF CIVIC HONOURS POLICY**File No./s:** 2/1/1/1**Directorate:** Strategic Support Services**Responsible Official:** I Roos**Portfolio:** Strategic Support Services

1. Purpose

To obtain Council's approval for the amendments to the Conferment of Civic Honours Policy.

2. Background

At the Council Meeting of 27 June 2016 Council approved the Draft Conferment of Civic Honours Policy and also requested that the Policy be workshopped with the Councillors. The Policy was workshopped on 20 July 2017 and the following amendments were suggested:

1. Par: 3.3.1.3.2 : ~~TWO~~ **ONE** additional point for each completed year served as
a Chairperson of a Portfolio/Standing Committee or as a member of the Executive Mayoral Committee of any local governmental body prior to 5 December 2000;
2. Par: 3.3.1.3.4 : ~~TWO~~ **ONE** additional point for each completed year of service
as the Deputy Mayor, Speaker, member of the Executive Committee/Mayoral Committee or Chief Whip of the Council of the Breede Valley Municipality subsequent to 5 December 2000;

3. Financial Implications

No financial Implications

4. Applicable Legislation / Council Policy

Not applicable

Comment of Directorates / Departments**Municipal Manager**

Not applicable

Director: Strategic Support Services

Not applicable

Director: Financial Services

Not applicable

Director: Technical Services

Not applicable

Director: Community Services

Not applicable

RECOMMENDATION

That in respect of -

AMENDMENT TO THE CONFERMENT OF CIVIC HONOURS POLICY

as discussed by Council at the Council meeting held on 23 August 2017:

1. That the policy with the herein after mentioned amendments be adopted.
2. That Council approves the following amendments to the Conferment of Civic Honours Policy.
 - Par: 3.3.1.3.2 : ~~TWO~~ **ONE** additional point for each completed year served as a Chairperson of a Portfolio/Standing Committee or as a member of the Executive Mayoral Committee of any local governmental body prior to 5 December 2000;
 - Par: 3.3.1.3.4 : ~~TWO~~ **ONE** additional point for each completed year of service as the Deputy Mayor, Speaker, member of the Executive Committee/Mayoral Committee or Chief Whip of the Council of the Breede Valley Municipality subsequent to 5 December 2000;

PROPOSED: CLLR J.F. VAN ZYL**SECONDED: CLLR J. KRITZINGER**

RESOLVED**C73/2017**

That in respect of -

AMENDMENT TO THE CONFERMENT OF CIVIC HONOURS POLICY

as discussed by Council at the Council meeting held on 23 August 2017:

1. That the policy with the herein after mentioned amendments be adopted.
2. That Council approves the following amendments to the Conferment of Civic Honours Policy (as adopted on 27 June 2017)
 - Par: 3.3.1.3.2 : **ONE** additional point for each completed year served as a Chairperson of a Portfolio/Standing Committee or as a member of the Executive Mayoral Committee of any local governmental body prior to 5 December 2000;
 - Par: 3.3.1.3.4 : **ONE** additional point for each completed year of service as the Deputy Mayor, Speaker, member of the Executive Committee/Mayoral Committee or Chief Whip of the Council of the Breede Valley Municipality subsequent to 5 December 2000;

To action:I.Roos

**6.8 COMPLIANCE TO THE SPATIAL PLANNING AND LAND USE
MANAGEMENT ACT (SPLUMA) ACT 16 OF 2013: PROPOSED
AMENDMENT OF THE MUNICIPAL PLANNING TRIBUNAL****File No./s:** 10/3/R**Responsible Official:** PSJ Hartzenberg**Directorate:** Technical Services**Portfolio:** Technical Services

1. Purpose

The purpose of this Council Item is for Council to appoint a Chairperson for the established Municipal Planning Tribunal.

2. Background

A municipality must, in order to determine land use and development applications within its municipal area, establish a Municipal Planning Tribunal (MPT) in terms of Section 35 of SPLUMA and sections 2 and 3 of the SPLUMA regulations.

A MPT consist of at least 5 or more members (Section 36(3)) of whom a Chairperson and Deputy Chairperson must be appointed by the Council. The term of office for a MPT member is 5 years or such shorter period as the Council may determine and no MPT member may serve continuously for more than 10 years, i.e. two terms. (Section 37(1)).

In the establishment of the MPT, the following principles should be taken into account:

- The independence, objectivity and credibility of the MPT must be ensured and this can be assisted by enhanced capacity for responsible decision making.
- The system must not be too taxing on the capacity of existing staff to manage and participate in a MPT.
- Inherent control over administration of tribunal should remain with individual municipalities in order to cater for unique operational requirements and related costs with clear administrative accountability;

Council resolution C40/2015 appointed the following officials who are in the full-time service of the municipality as members of the Municipal Planning Tribunal:

- The Director: Technical Services (Mr. Eddie Delport);
- The Senior Manager Legal Services (Ms. H. Potgieter) and;
- The Civil Engineer (C. Posthumus);

ESTABLISHMENT OF THE MUNICIPAL PLANNING TRIBUNAL (Resolution)

Meeting	Council
Meeting Date	2015-06-25
Description of Resolution	RESOLVED C40/2015 That in respect of the REPORT ON THE IMPLEMENTATION OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (SPLUMA) ACT 16 OF 2013: PROPOSED ESTABLISHMENT OF THE MUNICIPAL PLANNING TRIBUNAL discussed by Council at the Council meeting held on 25 June 2015: Council resolved the following: Composition of the Municipal Planning Tribunal 1. That Council approves that in compliance with s36(3) of The Spatial Planning And Land Use Management Act, 16 of 2013 (SPLUMA) that the Municipal Planning Tribunal shall consists of six (6) members; 2. That in compliance with s36(1)(a) of SPLUMA, the following officials who are in the full-time service of the municipality or persons acting in the positions, are herewith appointed as members of the Municipal Planning Tribunal: a. The Director: Technical Services; b. The Senior Manager Legal Services; c. The Civil Engineer; 3. That the Municipal Manager is authorised to appoint the further members of the Municipal Planning Tribunal as required by s36(1)(b) read with reg3(2) of the Spatial Planning And Land Use Management Regulations: Land Use Management and General Matters, 2015, the further members appointed as indicated above shall have knowledge and experience of spatial planning, land use management and land development or the law related thereto; 4. That in compliance with s36(4)(a) of SPLUMA, council appoint The Director: Technical Services or a person acting in the position as the chairperson of the Municipal Planning Tribunal; 5. That in compliance with s36(4)(b) of SPLUMA, council appoint the Senior Manager Legal Services or a person acting in the position as the deputy chairperson of the Municipal Planning Tribunal; 6. That in compliance with s37(1) of SPLUMA, the term of office of the members of the Municipal Planning Tribunal is three years which term will commence with the publication of the notice as required by s37(4) of SPLUMA; Authorised Official / Employee 7. Council appoint in terms of Section 35(2) of SPLUMA, Mr.Pieter Hartzenberg which hold the required planning qualification as Authorised Official, in order to decide on an approved category of land use and land development applications; 8. That council approves the categorisation of land development applications as set out in Annexure A hereto; 9. That the municipal manager is authorised to take the necessary steps to refine such categorisation as set out in Annexure A hereto as required from time to time; 10. That the wording of delegations PSP5.01 to PSP5.13 where applicable, as approved by Council, be adapted to reflect the relevant sections in the Municipal Planning By-Law, and that the power or duties in the approved delegations be amended to reflect the Authorised Official as the duly delegated person; Appeals 11. That the Executive Mayor be designated as the appeal authority as stipulated in terms of Section 51(2) of SPLUMA; and 12. The Executive Mayor may appoint technical advisors to provide advice on the appeal subject to s39(1) of SPLUMA;
Due Date	2015-07-16

On 18 November 2015 the following external persons were appointed by the Municipal Manager to the Municipal Planning Tribunal for a term of 5 years:

- Berchwald Rode;
- Howitson Viljoen;
- Anelia Coetzee;
- Ronald Brunnings (secundi)
- Wilhelm Norkel De Kok (secundi)

With the resignation of Mr. Eddie Delport (also Chairperson of the MPT), Council now needs to appoint a new Municipal Official and a Chairperson for the Municipal Planning Tribunal) for the remainder of the term.

3. Financial Implications

Not applicable.

4. Applicable Legislation / Council Policy

Spatial Planning and Land Use Management, Act 16 of 2013

Land Use Planning Act (Act 3 of 2014)

Comment of Directorates / Departments concerned:

Municipal Manager: Supports the recommendation.

Director: Community Services: Supports the recommendation

Director: Strategic Support Services: Supports the recommendation

Director: Financial Services: Supports the recommendation

Director: Technical Services: Supports the recommendation

Senior Manager: Municipal Planning and Building Control

The Chairperson of the MPT is a key appointment required for the implementation of SPLUMA, LUPA and the Municipal Land Use Planning By – Law.

Requesting hereby that Council appoint a new Municipal Official and a Chairperson to manage and coordinate the MPT meetings.

Recommendation

In respect of

**COMPLIANCE TO THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT
(SPLUMA) ACT 16 OF 2013: PROPOSED AMENDMENT OF THE MUNICIPAL
PLANNING TRIBUNAL**

Discussed by Council at the Council Meeting held on 23 August 2017:

- That Council nominate and approve the appointment of Mr. J. Steyn (Director: Technical Services) as member of the Municipal Planning Tribunal (MPT) and Chairperson for the remainder of the term of the current Tribunal, i.e. until 30 November 2020.

PROPOSED: CLLR J. KRITZINGER

SECONDED: CLLR M. SAMPSON

RESOLVED

C74/2017

In respect of

**COMPLIANCE TO THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT
(SPLUMA) ACT 16 OF 2013: PROPOSED AMENDEMENT OF THE MUNICIPAL
PLANNING TRIBUNAL**

Discussed by Council at the Council Meeting held on 23 August 2017:

- That Council nominate and approve the appointment of Mr. J. Steyn (Director: Technical Services) as member of the Municipal Planning Tribunal (MPT) and Chairperson for the remainder of the term of the current Tribunal, i.e. until 30 November 2020.

To Action

P. Hartzenberg

7. **CONSIDERATION OF REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS DEALING WITH MATTERS OF URGENCY SUBMITTED BY THE MUNICIPAL MANAGER**

8. **CONSIDERATION OF MATTERS SUBMITTED BY THE CHAIRPERSON OF THE COUNCIL**

8.1 **ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS: CLLR. COLIN F. WILSKUT**

File No. /s: 2/1/1
Directorate: Mayco

Responsible Officials: Speaker
Portfolio: Mayco

1. PURPOSE

To report to Council on the alleged breach of the Code of Conduct for Councillors by Cllr. Colin F. Wilskut.

2. DISCUSSION

On 5 May 2017 the following individuals submitted affidavits to the Office of the Speaker:

- Jacoba Williams
- Jainah Rhode
- Severiano Van Rheenen

The affidavits (in Afrikaans) are attached hereto as ann.....

The following allegations stem from the affidavits:

1. Jacoba Williams:
 - On 28 April 2017 Cllr. Wilskut was a member of a march/procession in Neethling Street, Worcester.
 - Cllr. Wilskut was the leader of the march
 - Members of the march constructed 3 barricades which restricted the traffic-flow
-
-

- Police spoke to Cllr. Wilkut but he continued to incite (“aangehits”) the people

2. Jainah Rhode

- On 28 April 2017 Cllr. Wilskut incited (“aanhits”) people during a march in Neethling Street, Worcester to obstruct the road by placing stones.
- Cllr. Wilskut instructed people to set refuse bags alight on the roadway
- Cllr. Wilskut urged people to join the march
- Cllr. Wilskut ignored the police

3. Severiano Van Rheenen

- On 28 April 2017 Cllr. Wilskut incited (“aangehits”) people to obstruct the roadway in Neethling Street, Worcester.

The affidavits were submitted to Cllr. Wilskut for comment in terms of paragraph 13(b) of Schedule 1 of the Code of Conduct but the Councillor failed to reply to the allegations.

The Speaker, in terms of paragraph 13(a) of Schedule 1, authorized an investigation of the facts and circumstances of the alleged breach.

The preliminary report by Du Bois Attorneys is attached is attached hereto as annexure..... (in Afrikaans).

The report *inter alia* states that: (translated from Afrikaans)

“We are at this stage *prima facie* of the opinion that Cllr Wilskut has indeed breached the Code of Conduct in view of section 12 read together with section 8 of the Public Gatherings Act, 1993 (Act 205 of 1993)”

(Meaning of prima facie :[Latin, On the first appearance.] A fact presumed to be true unless it is disproved)

In terms of the provisions of paragraph 13(c) of Schedule 1 of the Systems Act, 2000 (act 32 of 2000) the matter is herewith reported to Council.

Paragraph 13(2) of the Code of Conduct stipulates that the report herewith submitted is open to the public.

Paragraph 14(1) determines how a **municipal council** may deal with a report submitted by the Chairperson (Speaker) namely:

- (a) Investigate and make a finding on any alleged breach of a provision of the Code;
-

OR

(b) Establish a **special committee**—

- (i) to investigate and make a finding on any alleged breach of this Code; and
- (ii) to make appropriate recommendations to the council

COMMENT BY DEPARTMENTS

Not applicable

FINANCIAL IMPLICATIONS

None

APPLICABLE LEGISLATION

Local Government Municipal Systems Act, 2000 (Act 32 of 2000): Schedule 1 Code of Conduct for Councillors

SUBMITTED FOR CONSIDERATION**PROPOSAL 1**

Cllr J. Robinson proposed that the Motion submitted by the Chairperson of Council not be considered and dismissed by Council.

Seconded: Cllr M.T. Williams

Cllr J. Robinson withdrew his proposal.**PROPOSAL 2**

Cllr J. F. Van Zyl proposed

1. That cognizance be taken of the report as received from the Speaker and that it be accepted;
 2. That the matter be referred to the Disciplinary Committee in compliance with paragraph 14 (1) (b) schedule I Municipal Systems Act 32/200:
 - (i) to investigate and make a finding on any alleged breach of this code; and
 - (ii) to make appropriate recommendations to the Council.
 3. That the Disciplinary Committee for this investigation consists of:
 - (a) Cllr R. Farao as Chairperson
 - (b) Cllr I. Tshabile (Chief Whip of the ANC)
 - (c) Cllr W.R. Meiring
-

4. Furthermore, that an initiator be appointed by SALGA to assist the aforesaid committee.

SECONDED: CLLR J. KRITZINGER

Cllr I. Tshabile requested that his name be withdrawn from Cllr J.F. Van Zyl's proposal and that his request be recorded in the Minutes.

Votes in favour of Cllr J.F. Van Zyl' s proposal: 21

Votes against Cllr J.F. Van Zyl' s proposal: 13

PROPOSAL 3

Cllr N. Ismail proposed that one member of each political party be appointed to serve on the Disciplinary Committee.

Seconded: Cllr N. Wullschleger

Cllr N. Ismail withdrew his proposal.

RESOLVED

C75/2017

1. That cognizance be taken of the report as received from the Speaker and that it be accepted;
2. That the matter be referred to the Disciplinary Committee in compliance with paragraph 14 (1) (b) schedule I Municipal Systems Act 32/2000:
 - (i) to investigate and make a finding on any alleged breach of this code; and
 - (ii) to make appropriate recommendations to the Council.
3. That the Disciplinary Committee for this investigation consists of:
 - (d) Cllr R. Farao as Chairperson
 - (e) Cllr I. Tshabile (Chief Whip of the ANC)
 - (f) Cllr W.R. Meiring
4. That an initiator be appointed by SALGA or alternatively procured by the Municipal Manager to assist the aforesaid committee.

The following Councillors requested that their votes against the resolution be recorded:

Cllr M.N. Bushwana

Cllr I. Thsabile

Cllr S. Mkhwane

Cllr Z.M. Mangali

Cllr N.P. Williams

Cllr M. Williams

Cllr P.B. Langata

Cllr E. Isaacs

Cllr C.F. Wilskut

Cllr J. Robinson

Cllr N. Wullschleger

Cllr N. Ismail

Cllr C. M. Mohobo

To Action

Cllr N. Mercur

9. **CONSIDERATION OF NOTICES OF MOTION AND NOTICES OF QUESTIONS WHICH SHALL APPEAR ON THE AGENDA IN THE ORDER IN WHICH THEY HAVE BEEN RECEIVED BY THE MUNICIPAL MANAGER**
-

10. **CONSIDERATION OF MOTIONS OF EXIGENCY**

The Speaker ruled that the Agenda be adjusted in order to consider items under this provision. The item was therefore immediately put to the order upon completion of item 3.5

10.1 **AVIAN PARK VIOLENCE**

Cllr I. Thsabile introduced a Motion of Exigency whereby the Executive Mayor is requested to report on the outcome of the investigations by the Committee appointed by Council in respect of the Avian Park violence.

Extended discussions ensued and all Councillors agreed that the matter should be dealt with in a manner derided of any party political influences.

Councillors extended their concern of the invasion of private land in Zwelethemba and it was noted that legal action against the intruders was initiated.

Director Marthinus informed Council that the report by the Special Committee will be submitted to the Executive Mayor on Friday, 1 September 2017.

Resolved

C64/2017

1. That, upon receipt of the report, the recommendations and findings by the Special Committee be considered at a meeting to be attended by Whips / representation of each political party represented in Council as well as the following Councillors:

Cllr S.M. Mkhwane (Ward 18)

Cllr Z.M. Mangali (ward 16)

Cllr T. Wehr (Ward 21)

Cllr T. Maridi (Ward 21)

Cllr S.J. Mei (Ward 21)

Cllr M. Sampson (Ward 21)

2. That the Executive Mayor act as Convener of the meeting;

3. That if required, a Special Council Meeting be convened by the Speaker.

11. CLOSURE

The Speaker closes the meeting in good order at 16:35.

11.1 COPY OF NOTICE PLACED ON NOTICE BOARDS

For information, a copy of the Notice follows:

NOTICE IS HEREBY GIVEN that a **COUNCIL MEETING**
of the **Breede Valley Municipality** will be held on
WEDNESDAY, 23 AUGUST 2017 at 10:00 in the
COUNCIL CHAMBERS, CWDM, 51 TRAPPE STREET, WORCESTER

Members of the media and the public wishing to attend the meeting must please contact **Mr. J.R. Botha (Public Relations Officer)** at **023 348 2807** during office hours to book one of the **16 (sixteen) seats available to the public** on a first come first served basis. The list will be closed at **16:30** on Tuesday, 22 August 2017 and will be handed to Security officials the morning of the meeting. Only persons whose names appear on the list will be allowed to attend the meeting and they must be seated at least five minutes before the scheduled start of the meeting. Once the meeting has started, no member of the public will be allowed into the meeting. If a member of the public leaves the meeting venue during the course of the meeting, he / she will not be allowed to return to the meeting.

KENNIS GESKIED HIERMEE dat 'n **RAADSVERGADERING**
van die **Breede Vallei Munisipaliteit** op
WOENSDAG, 23 AUGUSTUS 2017 om 10:00
gehou sal word in die
RAADSAAL, KWDM, TRAPPESTRAAT 51, WORCESTER

Lede van die media en die publiek wat graag die vergadering wil bywoon moet asseblief **Mnr. J.R. Botha (Skakelbeampte)** by **023 348 2807** gedurende kantoorure kontak om een van die **16 (sestien) sitplekke wat vir die publiek beskikbaar is** op 'n "first come first served basis" te bespreek. Die lys sal om **16:30** op Dinsdag, 22 Augustus 2017 sluit en sal aan Sekuriteitbeamptes die oggend van die vergadering gegee word. Alleenlik persone wie se name op die lys verskyn sal toegelaat word om die vergadering by te woon en hulle moet 'n sitplek inneem minstens vyf minute voor die geskeduleerde tyd van die vergadering. Niemand sal tot die vergadering toegelaat word wanneer dit reeds begin het nie. Indien 'n lid van die publiek die vergaderplek gedurende die duur van die vergadering verlaat sal hy / sy nie weer tot die vergadering toegelaat word nie.

D. MCTHOMAS
MUNICIPAL MANAGER/MUNISIPALE BESTUURDER

07 2017

11.2 COPY OF ADVERTISEMENT OF COUNCIL MEETING

BREDEVALLEI MUNISIPALITEIT (BVM) (WC025)
UMASIPALA WASE BREDE VALLEY (BVM) (WC025)
BREDE VALLEY MUNICIPALITY (BVM) (WC025)

'n Unieke en sorgsame vallei van uitmuntende dienslewering, geleenthede en groei.
Intlambo ekhethekileyo enenkathalo kuniko-zinkonzo ezigqwesileyo,
Ivulela amathuba kwaye ikhula.

A unique and caring valley of service excellence, opportunity and growth.

**KENNIS GESKIED HIERMEE dat RAADSVERGADERINGS van die BVM
gehou sal word soos in die tabel hieronder.**

Lede van die media en die publiek wat graag die vergadering wil bywoon moet asseblief die Kommunikasieafdeling gedurende kantoorure kontak by 023 348 2807/6. Daar is slegs 'n beperkte aantal sitplekke in die lokaal vir die publiek beskikbaar, dus is dit noodsaaklik om betyds te bespreek.

**ISAZISO SIYAKHUTSHWA malunga ne NTLANGANISO YEBHUNGA lase BVM
ezakuba ngezintsoke zikhankanywe ezantsi apha.**

Abasebenzi bezosasazo kwanamalungu asekuhlaleni abafuna ukuzimasa le ntlanganiso, bayacelwa ukuba bagqamshelane neCandelo lezonxibelelwano ngamaxesho onsebenzi kwa 023-3482807/6. Inani lezichopho lingongophele kule ndawo yendibano, kungoko kubalulekile ukuba wenze idinga kwangethuba.

**NOTICE IS HEREBY GIVEN that COUNCIL MEETINGS of the BVM
is scheduled as shown in the table underneath.**

Members of the media and the public wishing to attend the meeting must please contact the Communication Section at 023 348 2807/6 during office hours. The venue has limited seats available to members of the public and these will be booked on a first come, first served basis.

David McThomas

**MUNISIPALE BESTUURDER
MUNICIPAL MANAGER
UMPHATHI KA MASIPALA**



**Die volgende vergaderings vir 2017 is sò deur die raad goedgekeur:
IBhunga liphumeze ezintlanganiso zilandelayo:
The following meetings for 2017 have been approved by Council:**

No	Datum / Umhla / Date	Tyd / Ixesha / Time	Plek / Indawo / Venue
1	24 Januarie	10:00	KWDM Raadsaal, Trappesstraat 51 / CWDM Council Chambers, 51 Trappes Street, Worcester
2	28 Februarie		
3	28 Maart		
4	23 Mei		
5	23 Augustus		
6	21 November		

11.3 Attendance Registers

BREDE VALLEY MUNICIPALITY. ATTENDANCE REGISTER: COUNCILLORS
COUNCIL MEETING: 23 AUGUST 2017
COUNCIL CHAMBERS, CWDM, 51 TRAPPE STREET, WORCESTER

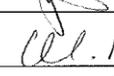
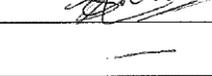
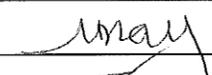
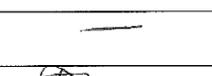
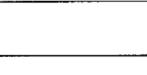
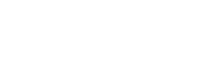
COUNCILLOR	SIGNATURE	COUNCILLOR	SIGNATURE
The Speaker: Mercur, N.P.		Mohobo, C.M. ✓	
The Executive Mayor: Steyn, A.		Nel, N.	
The Deputy Executive Mayor: Levendal, J.D.		Pietersen, A.	
✓ Bushwana, M.N.		Ramokhabi, P.C.	
Faroo, R.		Robinson, J.	
Goedeman, S.		Sampson, M.	
Isaacs, E.N.		Sheldon, E.Y.	
Ismail, C.	Apology	Stalmeester, G.	
Ismail, N.		Tshabile, I.L. ✓	
Jack, J.R.		Tyira, P.	
Jaftha, J.D.P.		Van der Horst, K.	
Kritzinger, J.P.		Van der Westhuizen, E.	
Langata, P.B.		Van Zyl, J.F.	
✓ Mangali, Z.M.		Von Willingh, J.J.	
Maridi, T.		Vrolick, W.	
Marran, P.	Apology	Wehr, T.M.	
Matjan, E.S.C.		Williams, N.P.	
Mei, S.J.		Williams, M.T. ✓	
Meiring, W.R.		Wilskut, C.F. ✓	
✓ Mkhwane, S.M.		Wullschleger, N.J.	
Mngcele, V.I.	Apology		

BREDE VALLEY MUNICIPALITY.

Attendance Register - Officials

COUNCIL MEETING: 23 AUGUST 2017

VENUE: CWDM, COUNCIL CHAMBER, Worcester

POSITION	OFFICIAL	SIGNATURE
Municipal Manager	D. McThomas	
Director: Financial Services	R. Ontong	
Director: Community Services	J. Marthinus	
Director: Strategic Support Services	R .Esau	
Director: Technical Services	J.Steyn	
Human Resources Manager	M.Nell	
Manager: I.D.P./PMS	C.September	
Chief Internal Auditor	W.F. Du Plessis	
Chief Risk Officer	E. Cloete	
Public Relations Officer	J.R. Botha	
Chief: Committees	V. May	
Committee Officer	L. Du Plessis	
Manager Legal Services	H. Potgieter	
Manager Town Planning	P. Hartzenberg	
Manager Administration	I. Roos	
Kommunikasie	H. Botha	
Town Planning	C. Pieters	

ATTENDANCE REGISTER.

DELEGATIONS; PRESENTATIONS; REPRESENTATIVES; MEMBERS OF THE PUBLIC; ETC.

COUNCIL MEETING

VENUE: CWDM COUNCIL CHAMBERS

DATE: 23 AUGUST 2017

TIME 10:00

<u>NAME</u>	<u>ORGANISATION</u>	<u>PHONE NO.</u>	<u>SIGNATURE</u>
FRECK MASIMALA			
AVRIL STEYN	W.D. - PARTY	023322816	
PIETER VERHOOG			
SAMMY PEKEUR	Public	082 5191500	
JOE MPANZA	Public	082 492780	
DONOVAN LANGIESA			
VERNON LE ROUX	Public	0997671697	
DORIS KONSTABEL	" "	0735231494	
LAURUZ JACOBS	" "	0117388701	
ANGELO JULIES			
JERRY OLIVIER	113VM	0763006805	
Jessica Olivier	Public	076141138	
Donovan Langisa	Public	076419367	
a Olivier	TRAFFIC	0233470959	
T. Titus	"	"	
S Booie	P.D.M - Public	0733738809	

H. Bosch Willemse 0729359189

M. Williams CHALMERS ANGELS 0640446739

A. Jantjes CAUTION ANGELS 0767744327

Joe Mpanza Community 0824927780