

# MINUTES

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

Date distributed

## **2<sup>nd</sup> COUNCIL MEETING OF THE BREEDE VALLEY MUNICIPALITY**

**2019-02-26 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 opened the meeting at 10:05, welcomed everyone present and allowed a moment of silence for prayer and meditation.**

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**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 an Application for Leave from Cllr E. Isaacs.**

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

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

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*“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 C.M. Mohobo                      23 February 2019  
Alderman A. Steyn                      27 February 2019

**The Speaker asked Alderman C. Ismail to congratulate the Councillors on their respective birthdays.**

### 3.3 LONG SERVICE AWARDS: EMPLOYEES

NUMBER	NAME AND SURNAME	POST TITLE AS AT DATE OF LONG SERVICE AWARD	LONG SERVICE YEARS
1	Salmon Martin	General Assistant	10
2	Jacqueline Sekoe	Principle Clerk	10
3	Paul Victor	Senior Systems Administrator	10
4	Andre Christiaans	Laboratory Aid	15
5	Salmon Lakay	Head Expenditure / Logistics	15
6	Roseline Van Wyk	Library Assistant	15
7	Lebohang Modisie	Inspector Learners Licence	20
8	Ra'eezah Sahabodien	Cashier/ Clerk	20
9	Karel Smith	Senior Clerk Resorts	20
10	Mtutuzeli Sukani	Inspector Learner Licence	20
11	Edward Matolla	Supervisor / Driver	25
12	Isaac Muller	General Worker	25
13	Ephraim Tseuoa	General Assistant	25
14	Frank Franse	Compactor Attendant	30
15	Rej Grootboom	Distribution Official	30

### 3.4 STATEMENTS BY THE SPEAKER

The Speaker had no statements.

### 3.5 STATEMENTS BY THE EXECUTIVE MAYOR

**Alderman Steyn welcomed all councillors and officials at the second meeting of 2019.**

The Mayor conveyed messages of condolences to all councillors, officials and the general public who lost family and friends during the course of the council recess.

The Mayor thanked all Councillors and officials working together to a better Breede Valley Municipality.

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#### **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 21 January 2019 (Copy enclosed)**

##### **RECOMMENDATION**

That in respect of

##### **CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING**

**discussed by Council at the Council meeting held on 26 February 2019:**

1. As the Minutes of the Council Meeting held on 21 January 2019 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 21 January 2019 be taken as read and confirmed.

**PROPOSED: ALDERMAN A. STEYN**

**SECONDED: CLLR E. VAN DER WESTHUIZEN**

##### **RESOLVED**

**C10/2019**

That in respect of

##### **CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING**

**discussed by Council at the Council meeting held on 26 February 2019:**

1. As the Minutes of the Council Meeting held on 21 January 2019 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 21 January 2019 be taken as read and confirmed.
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**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**

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

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**5.2 MMC1: Cllr. M. Sampson**

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**5.3 MMC 3: Cllr. J.P. Kritzinger**

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**5.4 MMC 4: Cllr. R. Faroa**

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**5.5 MMC 5: Cllr. S.J. Mei**

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**5.6 MMC 6: Cllr. E.Y. Sheldon**

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**5.7 MMC 7: Cllr. W.R. Meiring**

**Mayco Meeting held on 19 February 2019**

**5.7.1 IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED OCTOBER 2018**  
**MFMA SECTION 71 Report**

**RESOLVED**

**EX2/2019**

That in respect of  
**IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED OCTOBER 2018**  
**MFMA SECTION 71 Report**

discussed by MayCo at the MayCo meeting held on the 19 February 2019:

That MayCo takes note of the contents in the In-year monthly report for October 2018 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.

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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);
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.

**5.7.2 IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED NOVEMBER 2018**  
**MFMA SECTION 71 Report**

**RESOLVED**

**EX3/2019**

That in respect of

**IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED NOVEMBER 2018**  
**MFMA SECTION 71 Report**

discussed by MayCo at the MayCo meeting held on the 19 February 2019:

That MayCo takes note of the contents in the In-year monthly report for November 2018 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);
  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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**5.7.3 PROGRESS REPORT ON THE IMPLEMENTATION OF THE mSCOA FOR THE PERIOD JUNE 2018 – OCTOBER 2018****RESOLVED****EX4/2019**

That in respect of -

**MUNICIPAL REGULATIONS ON STANDARD CHART OF ACCOUNTS**

discussed by MayCo at the MayCo meeting held on the 19 February 2019:

1. The Mayco take cognisance of Breede Valley's progress with regard to the implementation of the mSCOA.
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**5.8 MMC 8: Cllr. J.F. Van Zyl**

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**5.9 MMC 9: Cllr J.J. Von Willingh**

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**6. CONSIDERATION OF AGENDA ITEMS**

The Executive Mayor, Alderman A. Steyn tabled the Mid- Year Adjustments Budget-February 2019 before Council for approval.

**6.1 MID-YEAR ADJUSTMENTS BUDGET – FEBRUARY 2019**

**File No. /s:** 3/2/2/17

**Responsible Official:** R Ontong

**Directorate:** Financial Services

**Portfolio:** Financial Services

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**1. Purpose**

This serves to submit an adjustments budget for the 2018/19 financial year:

- Adjust revenue and expenditure projections after the half yearly performance (section 72 report);
- Adjust the capital program to provide for amendments to current projects, new projects to be implemented and to remove / postpone projects that will not be implemented in the 2018/19 financial year.
- Adjust the funding sources in the capital program to align with the useful lives of assets; and
- Include approved unspent conditional grants of 2017/18 financial year from National and / or Provincial Government.

**2. Background:**

In terms of the MFMA (Section 28) the approved budget may be revised through an adjustments budget.

A. Section 28(2) further provides that; An Adjustments budget -

- Must adjust the revenue and expenditure estimates downwards if there is a material under-collection of revenue during the year;
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- May appropriate additional revenues that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmed already budgeted for;
- May, within the prescribed framework, authorize unforeseen and unavoidable expenditure recommended by the Mayor;
- May authorize the utilization of projected savings in one vote towards spending under another vote;
- May authorize 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 council;
- May correct any errors in the annual budget, and
- May provide for any other expenditure within a prescribed framework.

Municipal Budget and Reporting Regulations further provides that;

**B. Timeframes for tabling of adjustments budgets**

- An adjustments budget referred to in section 28(2)(b), (d) and (f) of the Act may be tabled in the Municipal Council at any time after the mid-year budget and performance assessment has been tabled in the council, but not later than 28 February of the current year;
- Only one adjustments budget referred to in sub regulations (1) may be tabled in the municipal council during a financial year, except when the additional revenues contemplated in section 28(2)(b) of the Act are allocations to a Municipality in a National or Provincial adjustments budget, in which case sub regulation (3) applies. If a National or provincial adjustments budgets allocates or transfer additional revenue to a Municipality, the Mayor of the Municipality must, at the next available council meeting, but within 60 days of the approval of the relevant National or Provincial adjustments budget, table an adjustments budget referred to in section 28(2) (b) of the Act in the Municipal council to appropriate these additional.

**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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# ADJUSTMENTS BUDGET - SCHEDULE B REPORT 26 FEBRUARY 2019

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**BREDE VALLEY**  
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

## **Adjustments Budget of the Municipality**

Prepared in terms of Section 28 of the Local Government:  
Municipal Finance Management Act (56/2003) and Municipal  
Budget and Reporting Regulations

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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 recognized classification system that facilitates comparisons between municipalities.

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

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**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 Breede Valley Municipality remains committed to the cause of bringing respectable services to all households. We as a municipality acknowledge the fact that households are faced with numerous difficulties, ranging from social to economic challenges. We view our role in addressing these challenges are integral to improve quality of life and will

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therefor continue to play part in creating a conducive environment for job creation and social upliftment. It should be taken to heart that not all plans made will be completed within the timeframes, but we as a municipality is committed in ensuring that all projects commenced are completed.

This adjustments budget serves the purpose of reflecting on the past six months of the 2018/19 financial year, and to address the areas within the budget that is not performing as planned. In addition, this adjustments budget will also approve unspent conditional grant funds of previous financial year that have since been approved by the National and Provincial government.

We as a municipality will continuously strive to successfully implement all projects, especially the projects funded from external sources such as grants. These projects add great value given the challenging economic environment faced by municipalities to ultimately deliver better services within the Breede Valley Municipality.

Breede Valley municipality has made significant progress in fighting service delivery backlogs, but also acknowledges that there is still a lot to be done. We will continue with the good work and improve wherever improvement is needed to ensure that this municipality improve on the quality of life for the people within Breede Valley municipal area.

### 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 Mid-year Adjustments Budget serves to address any budget amendment that require the approval of council. These amendments are imperative to service delivery as unforeseen challenges can attended to and accelerated implementation can be facilitated.

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The current economic climate of the Breede Valley Municipal area forced the municipality to relook at resource allocation to promote the optimal utilization of available resources.

The Mid-year Adjustments Budget includes provincial rollovers from the 2017/18 financial year amounting to the following per grant:

- Financial Management Capacity Building Grant: R240 000.00;
- Community Library Service Grant: R4 115 001.42;
- Western Cape Financial Management Support Grant: R44 153.94;
- Regional Socio-economic project / violence prevention through urban upgrading (RSEP/VPUU): R2 008 418.41;
- Local Government Graduate Internship Grant: R26 800.04; and
- Fire Service Capacity Building Grant: R1 500 000.00.

5. Adjustments Budget Tables – refer to Annexure A

### **B1 Consolidated Adjustments Budget Summary**

The table is a budget summary and provides a concise overview of Breede Valley Municipality's budget from all of the major financial perspectives (operating, capital expenditure, financial position, cash flow, and MFMA funding compliance).

The table provides an overview of the amounts approved by Council for operating performance, resources deployed to capital expenditure, financial position, cash and funding compliance, as well as the municipality's commitment to eliminating basic service delivery backlogs.

### **B2 Consolidated Adjustments Budget Financial Performance by Standard Classification**

Table B2 is a view of the budgeted financial performance in relation to revenue and expenditure per standard classification. The GFS standard classification divides the municipal services into 15 functional areas.

Total Revenue on this table includes capital revenues (Transfers recognized – capital) and so does not balance to the operating revenue shown on Table B4.

### **B3 Consolidated Adjustments Budget Financial Performance By Municipal Vote**

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Table B3 above is a view of the budgeted financial performance in relation to the revenue and expenditure per municipal vote. This table facilitates the view of the budgeted operating performance in relation to the organizational structure Breede Valley Municipality. This means it is possible to present the operating surplus or deficit of a vote.

#### **B4 Consolidated Adjustments Budget Financial Performance (Revenue and Expenditure)**

Table B4 above is a view of the budgeted financial performance in relation to the revenue by source and expenditure by type.

#### **B5 Consolidated Adjustments Budget Capital Expenditure Vote and Funding**

Table B5 is a breakdown of the capital programmed in relation to capital expenditure by municipal vote (multi-year and single-year appropriations); capital expenditure by standard classification; and the funding sources necessary to fund the capital budget, including information on capital transfers from national and provincial departments.

#### **B6 Consolidated Adjustments Budget Financial Position**

Table B6 is consistent with international standards of good financial management practice and assist stakeholders in understanding the impact of the budget on the statement of financial position (balance sheet).

This format of presenting the statement of financial position is aligned to GRAP1, which is generally aligned to the international version which presents Assets less Liabilities as “accounting” Community Wealth. The order of items within each group illustrates items in order of liquidity; i.e. assets readily converted to cash, or liabilities immediately required to be met from cash, appear first.

#### **B7 Consolidated Adjustments Budget Cash Flows**

The budgeted cash flow statement is the first measurement in determining if the budget is funded. It shows the expected level of cash in-flow versus cash out-flow that is likely to result from the implementation of the budget.

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**B8 Consolidated Cash Backed Reserves/Accumulated Surplus Reconciliation**

The cash backed reserves/accumulated surplus reconciliation is aligned to the requirements of MFMA Circular 42 – Funding a Municipal Budget. In essence the table evaluates the funding levels of the budget by firstly forecasting the cash and investments at year end and secondly reconciling the available funding to the liabilities/commitments that exist.

**B9 Consolidated Asset Management**

Table B9 provides an overview of municipal capital allocations to building new assets and the renewal of existing assets, as well as spending on repairs and maintenance by asset class.

**B10 Consolidated Basic Service Delivery Measurement**

Table B10 provides an overview of service delivery levels, including backlogs (below minimum service level), for each of the main services

**SECTION A – Part 2**

- Adjustments to Budget Inputs and assumptions

The 2018/2019 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 2018/19 Adjustments Budget remain consistent with the Long-Term Financial Plan to ensure continued synergy between long term planning and implementation planning.

Revenue and Expenditure (operational and capital) projections to be revised in line with current and anticipated performance for the current year.

Addition of approved rollover grant allocations from the 2017/18 financial year.

Decrease in general expenditure to curb and eliminate non-priority spending

Inclusion of additional funding from Cape Winelands District Municipality.

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## 1. Operational Revenue

Operational revenue and amendments made with the Adjustments Budget is informed by the performance trends over the past six months. A significant decrease in property rates and the generation water revenue are noted, whereas electricity revenue, refuse revenues and sanitation revenues are performing slightly better than anticipated.

Fines revenue has also been adjusted to account for the provincial traffic fines that need to be included as part of the municipality's revenue.

Transfers subsidies (operational and capital) increased with the rollover grant allocations from the 2017/18 financial year.

## 2. Operational Expenditure

The decrease noted in employee related cost is reflective of the savings realised due to vacancies being filled later than the start of the financial year. This implies that the salary budget is sufficient to carry personnel expenditure for the remainder of the financial year.

Debt Impairment increased as per B4 to accommodate the anticipated shortfall in the provision as calculated at the end of January 2019. This increased contribution mainly relates to traffic fines, and to a lesser extent service debtors. Current and improved credit control and debt collection mechanisms and strategies are in place in order to minimise the risk over unauthorised expenditure on the 2018/19 contribution towards the provision for debt impairment.

### **Significant additional Operating Expenditure requirements:**

- Litter Picking and Street Cleaning (CWDM Funding): R500 000.00
  - Insurance Premiums: R1 000 000.00
  - Excess Payments: R1 000 000.00
  - Maintenance of Provincial Cache Equipment: R120 000.00
  - Third Party Vendors: R400 000.00
-

**Capital Expenditure****Significant amendments to the capital budget:**

- Municipal Infrastructure Grant:**

Program/Project description	F i n a n c e	Budget Year 2018/19	Adjustments Feb 2019	Total Funded budget 2018/19
Upgrading of Stettynskloof Supply Pipe Line - Phase 3 (MIG 164422)	8.0	200 000.00	-	200 000.00
New Sewer Pump Station & Rising Main (MIG number 236184)	8.0	12 184.00	-	12 184.00
Langerug	8.0	25 933 727.00	-457 866.00	25 370 157.00
Pre-loads	8.0	302 684.00	-	408 388.00
Worcester Material Recovery Facility (MIG Form ID 237066)	8.0		7 188 000.00	7 188 000.00
De Doorns: New High Mast Lighting (MIG Form ID 153221)	8.0		431 271.00	431 271.00
New Swimming Bath	8.0	7 161 405.00	-7 161 405.00	-
		<b>33 810 000.00</b>	-	<b>33 810 000.00</b>

The table above sets out the reprioritization of the Municipal Infrastructure Grant (MIG). The MIG funding for New Swimming Bath project in Zwelethemba has been reallocated to finance other projects during the 2018/19 financial year due to the current progress with implementation. It should be noted that an amount of R100 000.00 has been made available from own funds to finance the work to be done on the New Swimming Bath project during the current year. This project will continue in the 2019/20 financial year and appropriate funding from MIG will be made available for implementation.

**Regional Socio-economic project – Capital**

Program/Project description	F i n a n c e	Budget Year 2018/19	Roll overs from 2017/18	Adjustments Feb 2019	Total Funded budget 2018/19
<b>Project Management -0615</b>					
Construction of tar-surfaced playing areas in Touwsrivier	6.4	650 000.00		143 811.00	793 811.00
Construction of pedestrian bridge over Donkies River in Touwsrivier	6.4	350 000.00		-	350 000.00
Shared Economic Infrstr Facility for inf traders in Zwelethemba	6.4	2 200 000.00	1 213 891.00	-143 811.00	3 270 080.00
Steel playground equipment Touwsrivier	6.4		53 987.00		53 987.00
Sewer connection for Riverview neighbourhood centre	6.4		170 000.00		170 000.00
Equipment	6.4		60 540.00		60 540.00
		<b>3 200 000.00</b>	<b>1 498 418.00</b>	-	<b>4 698 418.00</b>

The table above accounts for only the capital projects relating to the grant.

- **Internal Funding and External Loans:**

The table below sets out the reprioritization of internal and external loan funds of the Technical Services directorate. The table displays how funds were moved from existing projects to new projects to be completed before 30 June 2019.

The municipality also had unallocated external loans funds which has also been allocated to relevant projects and thereby decreasing the internal funding. The virements column displays only the effect of the projects in the table below.

### Technical Services: Capital Budget Amendments

Program/Project description	F i n a n c e	Budget Year 2018/19	Roll overs from 2017/18	Virements/ Additional funding	Adjustments Feb 2019	Total Funded budget 2018/19
<b>Technical Services</b>						
Sewer pumpstation and rising main (MIG Conter funding)	3.2	40 000.00		4 531 482.00	-4 571 482.00	-
Sewer pumpstation and rising main (MIG Conter funding)	1.4				4 571 482.00	4 571 482.00
<b>Resealing of Municipal Roads - Touws River</b>	3.2	250 000.00			-50 000.00	200 000.00
Replacement of old VTS and CTS at Robertson Substation.	3.0	2 000 000.00		-23 400.00	-1 976 600.00	200 000.00
Escape stairs and blinding at electrical new offices	1.4				180 000.00	180 000.00
Small Equipment	3.0				223 000.00	223 000.00
Worcester Material Recovery Facility (MIG Counter Funding)	1.4				50 000.00	50 000.00
Erosion Protection of Hex River : (EIA)	3.0				50 000.00	50 000.00
Tractors (x2) replacement Parks	3.0				800 000.00	800 000.00
LDV 1 Ton 4x2 (Replacement of BVM 263)	3.0				190 000.00	190 000.00
Plate Compactor - Heavy Duty	3.0				36 900.00	36 900.00
Furniture & Equipment ( 12 x Operators Chair-Midback)	3.0				18 000.00	18 000.00
Steel rods for stormwater renewal	3.0				7 000.00	7 000.00
Replacement of fridge	3.0				3 500.00	3 500.00
BRUSHCUTTERS	3.0				73 500.00	73 500.00
Chainsaw (Replacement)	3.0				20 700.00	20 700.00
Ride-on lawn mower	3.0				62 000.00	62 000.00
Steel boxes - Cementries (x10)	3.0				170 000.00	170 000.00
Blower mower en bossieslaner (x2)	3.0				70 000.00	70 000.00
Furniture & Equipment	3.0				6 000.00	6 000.00
Giftenk	3.0				42 000.00	42 000.00
2 Way Radios (x8)	3.0				24 000.00	24 000.00
		<b>2 290 000.00</b>	-	<b>4 508 082.00</b>	-	<b>6 998 082.00</b>

## Community Services: Capital Budget Amendments

Program/Project description	F i n a n c e	Budget Year 2018/19	Roll overs from 2017/18	Adjustments Feb 2019	Total Funded budget 2018/19
<b>Community Services</b>					-
<b>SWIMMING BATH: De La Bat - 5118</b>					-
Upgrade of filters and pump	3.0	600 000.00		-600 000.00	-
Entrance gate and Ticket Booth	3.0	300 000.00		-300 000.00	-
					-
<b>SWIMMING BATH: Grey Street - 5121</b>					-
upgrade of basket rooms	3.0	400 000.00		-400 000.00	-
					-
<b>SWIMMING BATH: Zweletemba - 5125</b>					-
New Swimming Bath	3.0			100 000.00	100 000.00
					-
<b>NEKKIES - 6315 / 6318</b>					-
Sit-on lawn mower	3.0	100 000.00		-5 700.00	94 300.00
Equipment & small items for resorts	3.0	100 000.00		-45 600.00	54 400.00
					-
<b>SPORT: Rawsonville - 5135</b>					-
New Security Fences	3.0	200 000.00		-42 000.00	158 000.00
					-
<b>SPORT: Zweletemba - 5136</b>					-
Entrance gate and Ticket Booth	3.0	600 000.00		-540 000.00	60 000.00
					-
<b>SPORT: De Wet -</b>					-
Upgrade cricket pitch	3.0	180 000.00		-24 000.00	156 000.00
					-
<b>SPORT: Esselen Park</b>					-
Replacement of fence perimeter	3.0	1 600 000.00		-1 430 783.00	169 217.00
					-
<b>SPORT: De Doorns East - 5142</b>					-
New Fencing - Sunny Side Orchard	3.0	100 000.00		-15 000.00	165 000.00
					-
<b>WATERLOO LIBRARY - 4506</b>					-
Upgrade library	3.0	400 000.00	650 000.00	450 000.00	1 500 000.00
Replace equipment	3.0	45 000.00		-2 856.78	42 143.22
					-
<b>TRAFFIC</b>					-
<b>Buildings</b>					-
Patrol Vehicles	3.0	600 000.00		-40 000.00	560 000.00
Speed calming	3.0	500 000.00		-300 000.00	200 000.00
Road marking machines	3.0	40 000.00		-40 000.00	-
Municipal Court Furniture and Equipment	3.0	113 000.00		-113 000.00	-
Municipal Court Airconditioners	3.0	100 000.00		-100 000.00	-
Upgrading of building - Municipal Court	3.0	1 650 000.00		-1 547 358.00	102 642.00
					-
<b>FIRE DEPARTMENT: ADMIN - 4203</b>					-
Fire Engine Superstructure	6.6		1 500 000.00	-	1 500 000.00
Vehicles (Donated Assets)	30.0			500 000.00	500 000.00
					-
			<b>2 150 000.00</b>	<b>-4 496 297.78</b>	<b>5 361 702.22</b>

The following projects / part thereof have been removed from the 2018/19 budget and will be allocated to the 2019/20 budget:

- Upgrade filters and pumps (De La Bat swimming pool);
- Entrance Gate and Ticket Booth (De La Bat swimming pool);
- Upgrade of Basket Room (Grey Street swimming pool and Zwelethemba swimming pool);
- Replacement of fence perimeter (Esselen Park);
- Road Marking Machines;
- Municipal Court Furniture and Equipment, Air conditioners and Upgrading of Building;

#### Other amendments to the capital budget:

Upgrade of Library: Additional amount added to the project is the interest earned by the municipality on the unspent portion of the grant as per the agreement with the transferring department.

The majority of the other amendments relates to savings.

#### Financial Services: Capital Budget Amendments

Program/Project description	F i n a n c e	Budget Year 2018/19	Roll overs from 2017/18	Adjustments Feb 2019	Total Funded budget 2018/19
<b>FINANCIAL SERVICES</b>					
<b>Financial Planning</b>					-
Safeguarding of Assets	12.0	400 000.00		500 000.00	900 000.00
Furniture and Equipment	3.0			15 000.00	15 000.00
Upgrading of offices	3.0			500 000.00	500 000.00
<b>Revenue</b>					-
Motor vehicles	3.0			200 000.00	200 000.00
Airconditioner	3.0			50 000.00	50 000.00
CCTV camera system	3.0			50 000.00	50 000.00
Computer Equipment	3.0			20 000.00	20 000.00
		<b>400 000.00</b>	-	<b>1 335 000.00</b>	<b>1 735 000.00</b>

The increase in safeguarding of assets is based on the current trend in damage to municipal properties. An amount of R500 000.00 is allocated to the upgrading of offices, which includes various amendments to the office space will result in a more conducive working environment. The items under Revenue are needs identified for the Credit Control offices, except for the vehicle which is for meter reading services.



**Strategic Services: Capital Budget Amendments**

Program/Project description	F i n a n c e	Budget Year 2018/19	Roll overs from 2017/18	Adjustments Feb 2019	Total Funded budget 2018/19
<b>STRATEGIC SUPPORT SERVICES</b>					
<b>WORCESTER TOWN HALL</b>					
Airconditioner	3.0	1 000 000.00		-635 375.00	364 625.00
Town Hall Roof	3.0	1 000 000.00		-950 000.00	50 000.00
Furniture and Equipment	4.0	800 000.00		635 375.00	1 435 375.00
<b>HUMAN RESOURCES - 2112</b>					
ERP HR System	3.0	975 000.00	350 000.00	2 000 000.00	3 325 000.00
Motor Vehicle	3.0			200 000.00	200 000.00
<b>INFORMATION TECHNOLOGY - 2114</b>					
Infrastructure Replacement (Servers and Storage)	3.0	4 800 000.00		-4 000 000.00	800 000.00
Computer Equipment	4.0	2 166 800.00		-666 800.00	1 500 000.00
Wi-Fi Access Points	3.0	150 000.00		600 000.00	750 000.00
Internet Services (DR site)	3.0			750 000.00	750 000.00
Mounting and Safeguarding of Generator (DR Site)	3.0			150 000.00	150 000.00
Rewiring Network cables	3.0			150 000.00	150 000.00
Airconditioner	3.0			120 000.00	120 000.00
<b>COMMUNICATIONS- 2106</b>					
Machinery and Equipment	3.0			80 000.00	80 000.00
Furniture and equipment	3.0			40 000.00	40 000.00
<b>LOCAL ECONOMIC DEVELOPMENT - 1545</b>					
Security & CCTV safety cameras	3.0	432 000.00		-432 000.00	-
		<b>11 323 800.00</b>	<b>350 000.00</b>	<b>-1 958 800.00</b>	<b>9 715 000.00</b>

The following project(s) / part thereof have been removed from the 2018/19 budget and will be allocated to the 2019/20 budget:

- Town Hall roof;

**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 Councilor Allowances and Employees**

The changes to councilor 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, SB18e and SB19.

**8. Other Supporting Documents**

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

**DELETING A NOTE ON COUNCIL'S APPROVED TARIFFS FOR THE FINANCIAL YEAR 2018/2019****PURPOSE**

The purpose of this item is to recommend that council delete a note relating to the additional fee for posters on its approved tariffs for the financial year 2018/2019.

**BACKGROUND / DISCUSSION**

The municipal tariffs on page 44 state the following with regards to the fee for hanging of posters. For completeness sake the entire paragraph dealing with posters is quoted:

TARIEWE VAN DIE JAAR/TARRIFS FOR THE YEAR 1 JULIE 2018 TOT 30 JUNIE 2019/ 1 JULY 2018 TO 30 JUNE 2019						
BESKRYWING/DESCRIPTION	2017/2018 Exc. Vat R.cc	2018/2019 Exc. Vat R.cc	2018/2019 Vat R.cc	2018/2019 Incl. Vat R.cc	% change	

15.4	PLAKKATE/POSTER					
15.4.1	Deposito/Deposit					
a	Political party	2 150.00	2 150.00		2 150.00	0.00
b	Non Profit organisations	1 000.00	1 000.00		1 000.00	0.00
c	Organisations for profit	2 150.00	2 150.00		2 150.00	0.00
d	Government and Chapter 9 Institutions (IEC,etc)	Free	Free		Free	
Nota/Note	<i>Return of deposit is subject to:</i> 1. <i>Any damage to Council property being deducted first;</i> 2. <i>The posters being removed on or before the due date;</i>					
15.4.2	Koste/Fee					
a	Political Party	929.82	986.09	174.91	1 134.00	6.05
b	Non Profit Organisations	184.21	195.65	29.35	225.00	6.21
c	Organisations for profit	929.82	986.09	147.91	1 134.00	6.05
d	Government and Chapter 9 Institutions (IEC,etc)	Free	Free		Free	
Nota/Note	<i>The fee is subject to:</i> 1. <i>A maximum of 50 per application; and</i> 2. <i>Additional posters @ R50.00 per poster</i>					

Verbal request was received from all political parties at the IEC's PLC meetings, for council to consider deleting the note to item 15.4.2 of the approved 2018/2019 tariffs of council.

The current note to item 15.4.2 has the result that political parties, non-profit organisation, and organisations for profit must pay R1134 to hang 50 posters. Each additional poster after the 50 posters, will cost R50 per poster. The additional cost per poster, it is argued is onerous and overly expensive.

If council delete only the note to item 15.4.2 it will mean that applicants only pay the deposit as per item 15.4.1 and the fee as per 15.4.2.

## LEGAL CONSIDERATIONS

Section 160(2)(c) of the Constitution state *inter alia*:

*"The following functions may not be delegated by a Municipal Council –*

*(c) the imposition of rates and other taxes, levies and duties."*

Section 75A of the Municipal Systems Act state:

*“75A. General power to levy and recover fees, charges and tariffs*

*(1) A municipality may-*

*(a) levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and*

*(b) recover collection charges and interest on any outstanding amount.*

*(2) The fees, charges or tariffs referred to in subsection (1) are levied by a municipality by resolution passed by the municipal council with a supporting vote of a majority of its members.*

*(3) After a resolution contemplated in subsection (2) has been passed, the municipal manager must, without delay-*

*(a) conspicuously display a copy of the resolution for a period of at least 30 days at the main administrative office of the municipality and at such other places within the municipality to which the public has access as the municipal manager may determine;*

*(b) publish in a newspaper of general circulation in the municipality a notice stating-*

*(i) that a resolution as contemplated in subsection (2) has been passed by the council;*

*(ii) that a copy of the resolution is available for public inspection during office hours at the main administrative office of the municipality and at the other places specified in the notice; and*

*(iii) the date on which the determination will come into operation; and*

*(c) seek to convey the information referred to in paragraph (b) to the*

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*local community by means of radio broadcasts covering the area of the municipality.*

- (4) *The municipal manager must forthwith send a copy of the notice referred to in subsection (3)(b) to the MEC for local government concerned.”*

(parts underlined writers emphasis)

Although section 24 of the Municipal Finance Management Act (MFMA) requires that the annual budget be approved inclusive of municipal tariffs for the budget year, the amendment of the note will not have a material impact on the income of the municipality and is writer of the view that the municipality need not table an adjustments budget in compliance with section 28 of the MFMA. An adjustments budget as per section 28 must be tabled if the municipality adjust *inter alia* its expenditure estimates downwards as a result of a “material under-collection” of revenue. Which will most certainly not be the case in the current matter.

#### **FINANCIAL IMPLICATIONS**

The financial impact of the deleting the note of item 15.4.2 is unclear as its uncertain how many posters persons / organisations will hang for the remainder of the financial year. However, such financial impact will not be material as the cost recovered form poster is very minimal and insignificant.

#### **COMMENT OF DIRECTORATES / DEPARTMENTS CONCERNED:**

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

**POST SCRIPT:** Please note that this item does not deal with the conditions for the hanging of posters. Such conditions are set out in Schedule 11 of council’s Outdoor Advertising and Signage By-law, 2008, which is available on request. Further clarity on the conditions and applications for the hanging of posters

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must be directed to Tessel Crotz at [tcrotz@bvm.gov.za](mailto:tcrotz@bvm.gov.za) and telephone 023 348 2645.

**RECOMMENDATION:**

**That in respect of Adjustments budget for 2018/19 and in respect of ‘Deleting a Note on Council’s Approved Tariffs for the Financial Year 2018/2019’ discussed by council**

**Discussed by Council at the Council meeting held on 26 February 2019**

1. Council resolves that the budget of Breede Valley Municipality for the financial year 2018/19 be adjusted and approved with amendments as set out in the following Municipal Budget tables B1- B10 and Municipal Budget supporting documentation SB1 - SB19.
2. Council resolves that the Detailed Project Implementation Plan (DPIP) relating to the Municipal Infrastructure Grant (MIG) be revised as per approved budget.
3. That Council delete only the note to item 15.4.2 of the approved tariffs 2018/2019.
4. That the deletion of the note to item 15.4.2 will come into operation on 1 January 2019.
5. That the municipal manager must, without delay-
  - (a) conspicuously display a copy of the resolution for a period of at least 30 days at the main administrative office of the municipality in Worcester and at such other places within the municipality to which the public has access as the municipal manager may determine;
  - (b) publish in a newspaper of general circulation in the municipality a notice stating-
    - i. that a resolution in 1 above has been passed by the council;
    - ii. that a copy of the resolution is available for public inspection during office hours at the main administrative office of the municipality in Worcester and at the other places specified in the notice; and
    - iii. the date on which the determination will come into operation; and
  - (c) seek to convey the information referred to in paragraph (b) to the local community by means of radio broadcasts covering the area of the municipality.
6. The municipal manager must also forthwith send a copy of the notice referred to in subsection (3)(b) above to the MEC for local government concerned.

**PROPOSED: ALDERMAN A. STEYN**  
**SECONDED: CLLR W.R. MEIRING**

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Votes in favour of Alderman A. Steyn's proposal: 22

RESOLVED (22 votes in favour, none against)

C11/2019

That in respect of

**ADJUSTMENTS BUDGET FOR THE FINANCIAL YEAR 2018/2019'**

**Discussed by Council at the Council meeting held on 26 February 2019**

1. Council resolves that the budget of Breede Valley Municipality for the financial year 2018/19 be adjusted and approved with amendments as set out in the following Municipal Budget tables B1- B10 and Municipal Budget supporting documentation SB1 - SB19.
2. Council resolves that the Detailed Project Implementation Plan (DPIP) relating to the Municipal Infrastructure Grant (MIG) be revised as per approved budget.
3. That Council delete only the note to item 15.4.2 of the approved tariffs 2018/2019.
4. That the deletion of the note to item 15.4.2 will come into operation on 1 January 2019.
5. That the municipal manager must, without delay-
  - (a) conspicuously display a copy of the resolution for a period of at least 30 days at the main administrative office of the municipality in Worcester and at such other places within the municipality to which the public has access as the municipal manager may determine;
  - (b) publish in a newspaper of general circulation in the municipality a notice stating-
    - iv. that a resolution in 1 above has been passed by the council;
    - v. that a copy of the resolution is available for public inspection during office hours at the main administrative office of the municipality in Worcester and at the other places specified in the notice; and
    - vi. the date on which the determination will come into operation; and
  - (c) seek to convey the information referred to in paragraph (b) to the local community by means of radio broadcasts covering the area of the municipality.
6. The municipal manager must also forthwith send a copy of the notice referred to in subsection (3)(b) above to the MEC for local government concerned.

**To Action**  
R. Ontong

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**6.2 AMENDMENTS TO 2018/2019 TOP – LEVEL SDBIP****File No./s:** 3/15/1**Responsible Official:** C. Malgas**Directorate:** Strategic Support Services**Portfolio:** Performance Management

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**1. Purpose:**

To Seek the approval of Council that the items listed in the annexure attached hereto can be amended.

**2. Background:**

In terms of the MFMA, Budget and Reporting Regulations and MFMA Circular 13 the Top Layer SDBIP may be adjusted and submitted with the Adjustments Budget for Council approval.

**3. Financial Implications:**

None

**4. Applicable Legislation / Council Policy:**

Local government: Municipal Systems Act.

Local Government: Municipal Finance Management Act.

Relevant MFMA Circulars dealing with the SDBIP, Annual Report and Oversight Reports.

**Comment of Directorates / Departments concerned:****Municipal Manager: Support Recommendation**

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**Director: Strategic Support Services: Support Recommendation**

**Director: Financial Services: Support Recommendation**

**Director: Technical Services: Support Recommendation**

**Director Community Services: Support Recommendation**

**Senior Manager Legal Services: Recommendation Noted**

**RECOMMENDATION:**

That in respect of:

**AMENDMENTS TO THE 2018/2019 TOP – LEVEL SDBIP**

Discussed by Council at the Council meeting held on Tuesday, 26 February 2019

- 1. That Council approves the amendments to the Top – Level SDBIP as proposed in the annexed schedule.**

**PROPOSED: ALDERMAN A. STEYN**

**SECONDED: CLLR W.R. MEIRING**

**RESOLVED**

**C12/2019**

That in respect of:

**AMENDMENTS TO THE 2018/2019 TOP – LEVEL SDBIP**

Discussed by Council at the Council meeting held on Tuesday, 26 February 2019

- 1. That Council approves the amendments to the Top – Level SDBIP as proposed in the annexed schedule.**

**To Action**

C. Malgas

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**6.3 APPOINTMENT OF AUDIT COMMITTEE MEMBERS DUE TO VACANCY****File No. /s:** 2/1/1/3/2**Responsible Official:** W du Plessis**Directorate:** Municipal Manager**Portfolio:** Internal Audit

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**1. Purpose**

To obtain Council's approval for:

The appointment of two (2) new members to the Audit and Performance Audit Committee, due to a vacancy that occurred in the current committee.

**2. Background**

In terms of Section 166 of the Municipal Finance Management Act(MFMA), Act 56 of 2003, each municipality must have an Audit and Performance Audit Committee. The Audit and Performance Audit Committee is an independent advisory body which must advise Council, the political office bearers, the accounting officer and the management staff of the municipality on matters relating to:

- internal financial control and internal audits;
- risk management;
- accounting policies;
- adequacy, reliability and accuracy of financial reporting and information;
- performance management;
- effective governance;
- compliance with the MFMA and other applicable legislation;
- performance evaluation; and
- any issues referred to it by the municipality

The Audit and Performance Audit Committee will also review the annual financial statements in order to advise Council whether its finances are managed efficiently and effectively. Furthermore the Audit and Performance Audit Committee may respond to Council on issues raised by the Auditor-General in the audit report and carry out investigations into the financial affairs of the municipality if requested to do so by Council.

**2.1 Functioning of the Audit and Performance Audit Committee**

In order to execute its responsibilities effectively the Audit and Performance Audit Committee will have access to the financial records and other relevant information of the municipality.

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Section 166 of the MFMA provides for a minimum requirement for the composition of an audit & performance audit committee. The Committee must have at least 3 members with appropriate experience who must be appointed by Council. The Audit and Performance Audit Committee must meet as often as is required to perform its functions, but at least four times per year. No councillor may be a member of the Audit and Performance Audit Committee.

In terms of best practice, the number and/or size of audit & performance audit committees can be increased to address the requirements, peculiarities, and needs of the municipality which will also be guided by the approved charter.

The Audit and Performance Audit Committee must according to the Municipal Planning and Performance Management Regulations, 2001 include at least one (1) performance management expert, as the Committee of Breede Valley Municipality performs a dual role as Audit and Performance Audit Committee.

## **2.2 Current Breede Valley Municipality Audit and Performance Audit Committee**

A vacancy arose in the current Audit and Performance Audit Committee which was advertised during the latter part of 2018(see attached as annexure A the advertisement). The applications received was discussed with the Municipal Manager, Executive Mayor and Portfolio Councillor, and after careful consideration and vetting of the relevant skills and experience required, it was decided that two (2) members be appointed, bringing the total committee members to four (4). In order to ensure continuity and skills transfer it is recommended that there be a staggered approach to audit committee members, and for this purpose the member size has been increased.

The recommended two (2) successful candidates, **Ms June Williams & Mr Shahied Allie**, comply with the relevant legislative prescripts and possess a vast array of skills and experience applicable to audit committee functionality. The two individuals have indicated their willingness to serve on the Audit and Performance Audit Committee respectively, and their CV's are available for inspection.

## **3. Financial Implications:**

Meeting rate as determined by Council approved Audit Committee Charter.

## **4. Applicable Legislation / Council Policy:**

Section 166 of the Municipal Finance Management Act (No. 56 of 2003)

National Treasury Internal Audit Framework 2<sup>nd</sup> Edition (March 2009)

MFMA Circular No. 65(November 2012)

Section 14 of the Local Government: Municipal Planning and Performance Management Regulations, 2001

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Audit and Performance Audit Committee (APAC) Charter

**5. Comment of Directorates / Departments concerned:**

<b>Municipal Manager:</b>	Recommendation supported
<b>Director: Community Services:</b>	Supported
<b>Director: Strategic Support Services:</b>	Noted
<b>Director: Financial Services:</b>	Supported
<b>Director: Technical Services:</b>	Support the item and recommendation
<b>Senior Manager: Legal Services:</b>	Recommendation to Council supported

**RECOMMENDATION:**

That in respect of

**APPOINTMENT OF AUDIT COMMITTEE MEMBERS DUE TO VACANCY**

discussed by Council at the Council meeting held on 26 February 2019:

- 1. That Ms. June Williams and Mr. Shahied Allie be appointed as the new Audit and Performance Audit Committee members with effect from 1 March 2019.**

**UNANIMOUSLY ACCEPTED BY COUNCIL**

**RESOLVED**

**C13/2019**

That in respect of

**APPOINTMENT OF AUDIT COMMITTEE MEMBERS DUE TO VACANCY**

discussed by Council at the Council meeting held on 26 February 2019:

- 1. That Ms. June Williams and Mr. Shahied Allie be appointed as the new Audit and Performance Audit Committee members with effect from 1 March 2019.**

**To Action:**

W. du Plessis

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**6.4 REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH: JANUARY 2019****File No./s:** 2/1/1/1**Responsible Official:** R. Ontong**Directorate:** Financial Services**Portfolio:** Supply Chain Management

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**1. Purpose**

To report to Council on all deviations and their reasons, approved by the delegated authority in terms of paragraph 36(2) of the Supply Chain Management Policy, for the month: January 2019.

**2. Background**

The purpose of this report is to ensure that Council maintains oversight over the implementation of the Supply Chain Management Policy. In terms of paragraph 36(2) of the said policy, the Accounting Officer must record the reasons for any deviations in terms of paragraph 36(1)(a) of the policy and report them to Council. However, it must be noted that these deviations also serve on the **monthly Section 71** (MFMA) report/s to Mayco and **quarterly Section 52** (MFMA) report/s to Council.

Deviations approved in terms of paragraph 36(1)(a) for the month of January 2019, are attached as **Annexures A**.

**3. Financial Implications**

None

**4. Applicable Legislation / Council Policy**

Municipal Finance Management Act. 2003, (Act 56 of 2003)  
Breede Valley Supply Chain Management Policy, as amended.  
Supply Chain Management Regulations

**COMMENT OF DIRECTORATES / DEPARTMENTS****Municipal Manager**

Recommendation is supported

**Director: Strategic Support Services**

Recommendation is supported

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**Director: Financial Services**

Recommendation is supported

**Director: Technical Services**

Recommendation is supported

**Director: Community Services**

Recommendation is supported

**Senior Manager: Legal Services**

Recommendation is supported

**Annexures**

Annexures A: Schedule of deviations from the procurement processes approved in terms of sub-delegations

**RECOMMENDATION**

In respect of

**REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH: JANUARY 2019**

Discussed by Council at the Council meeting held on 26 February 2019:

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the month of January, **be noted**.

**PROPOSED: CLLR W.R. MEIRING****SECONDED: ALDERMAN A. STEYN****RESOLVED****C14/2019**

In respect of

**REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH: JANUARY 2019**

Discussed by Council at the Council meeting held on 26 February 2019:

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the month of January, **be noted**.

**To Action**D. R.M. Potgieter

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**6.5 CONSIDERATION OF THE DISPOSAL OF ERVEN 13953 AND 13954, WORCESTER****File no.:** 9/2/1/1/51**Responsible Official:** H Potgieter**Directorate:** SSS**Portfolio:** Legal Services

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**1. PURPOSE**

The purpose of this item is for Council to consider the disposal of erven 13953 and 13954, Worcester.

**2. BACKGROUND / DISCUSSION**

During the Council meeting held on 30 October 2018 it was resolved as follows:

***“RESOLVED C86/2018***

***That in respect of –***

***IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF ERVEN 13953 AND 13954, WORCESTER***

*as discussed by Council at the Council meeting held on 30 October 2018 Council decide:*

- 1. That the disposal of erven **13953 and 13954** for **purposes** permitted under **Institutional Zone III** be **approved in principle** by means of a **competitive process in the open market** at **50% of the market related valuation of the municipal properties;***
  - 2. that the erven be offered as a unit and accordingly be consolidated by the sole Purchaser to be utilised and developed as one (1) erf;*
  - 3. that all costs pertaining to the transaction be borne by the Purchaser, eg. transfer costs, survey, rezoning, provision of services and a direct access road;*
  - 4. that the development of the erven be completed within two (2) years of registration and be included in the Deed of Sale;*
  - 5. that a suspensive condition in respect of the consolidated properties be included stipulating that the subject erven be subject to approval in terms of land use planning legislation;*
  - 6. that the following of a public participation process, **be approved;***
-

7. *that an item will only be resubmitted to Council should any representations/comments be received;*
8. *that the administration be mandated to administer the process of disposal of the municipal properties following the public participation process;*
9. *that a reversion condition be included in the Deed of Sale and that Council's pre-emptive right be registered in the title deed that the disposed property will only be utilized for the purpose stipulated in **item 1** above;*
10. *that the Purchaser will be responsible for the payment of all municipal services including rates and taxes in respect of the property following transfer of the property;*
11. *that the relevant internal comments be incorporated in the Deed of Sale and the right be reserved to supplement internal comments;*
12. *that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provision Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003), and*
13. *that the Municipal Manager be authorized to sign all documents relating to the disposal and transfer of the respective municipal properties."*

### **3. PUBLIC PARTICIPATION**

The necessary notice in terms of legal prescripts was published in the Worcester Standard (attached as **Annexure A**) and was also displayed on the website of Breede Valley Municipality. The closing date for comments was 31 January 2019.

Comments were received from Breedevallei Onafhanklik, attached hereto as **Annexure B**.

### **4. RELEVANT LEGISLATION**

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

Municipal Asset Transfer Regulations, R 787 of 2008

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**5. FINANCIAL IMPLICATIONS**

1. The Municipality stands to gain 50% of the market related valuation for the subject property upon disposal thereof. More so, the Municipality will also gain rates and taxes after transfer of the subject property.
2. The Purchaser will be liable for the installation of the required municipal services, which is estimated as follows:
  - 2.1 Water connection (to the erf boundary): Approximately R80 000.00
  - 2.2 Sewerage connection (to the erf boundary): Approximately R50 000.00
  - 2.3 Electrical single phase per erf (bulk meters): Approximately R700.00.00

**ANNEXURES**

- Annexure A: Public participation notice
- Annexure B: Breedevallei Onafhanklik

**COMMENTS FROM DIRECTORATES**

**MUNICIPAL MANAGER:** Recommendation supported

**DIRECTOR TECHNICAL SERVICES:** Support the item and recommendation

**CHIEF FINANCIAL OFFICER:** Recommendation supported

**DIRECTOR COMMUNITY SERVICES:** Recommendation supported

**DIRECTOR STRATEGIC SUPPORT SERVICES:** Co-Author of the item

**SENIOR MANAGER: LEGAL SERVICES:** Author of the item

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**CONCLUSION**

It is proposed that Council consider the comments submitted during the public participation process and accordingly resolve on the disposal of erven 13953 and 13954, Worcester.

**RECOMMENDATION**

That in respect of –

**CONSIDERATION OF THE DISPOSAL OF ERVEN 13953 AND 13954, WORCESTER**

as discussed by Council at the Council Meeting held on 26 February 2019 Council decide:

1. That it be noted that a public participation process was followed and that comments were received;
  2. that Council considers the comments received during the public participation process;
  3. that Council resolve on the disposal of erven **13953 and 13954** for **purposes** permitted under **Institutional Zone III** by means of a **competitive process in the open market at 50% of the market related valuation of the municipal properties;**
  4. that the erven be offered as a unit and accordingly be consolidated by the sole Purchaser to be utilised and developed as one (1) erf;
  5. that all costs pertaining to the transaction be borne by the Purchaser, eg. transfer costs, survey, rezoning, provision of services and a direct access road;
  6. that the development of the erven be completed within two (2) years of registration and be included in the Deed of Sale;
  7. that a suspensive condition in respect of the consolidated properties be included stipulating that the subject erven be subject to approval in terms of land use planning legislation;
  8. that the administration be mandated to administer the process of disposal of the municipal properties;
-

9. that a reversion condition be included in the Deed of Sale and that Council's pre-emptive right be registered in the title deed that the disposed property will only be utilized for the purpose stipulated in **item 3** above;
10. that the Purchaser will be responsible for the payment of all municipal services including rates and taxes in respect of the property following transfer of the property;
11. that the relevant internal comments be incorporated in the Deed of Sale and the right be reserved to supplement internal comments;
12. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provision Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003), and
13. that the Municipal Manager be authorized to sign all documents relating to the disposal and transfer of the respective municipal properties.

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

**SECONDED: CLLR J. KRITZINGER**

**COUNTER PROPOSAL: CLLR C.F. WILSKUT proposed that Council do not enter into a long-term lease agreement but that the possibility to utilize the erven for housing purposes be investigated.**

**SECONDED: CLLR P. MARRAN**

**Votes in favour of Cllr C.F. Wilskut's proposal: 17**

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

**RESOLVED**

**C15/2019**

That in respect of –

**CONSIDERATION OF THE DISPOSAL OF ERVEN 13953 AND 13954, WORCESTER**

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as discussed by Council at the Council Meeting held on 26 February 2019 Council decide:

1. That it be noted that a public participation process was followed and that comments were received;
  2. that Council considers the comments received during the public participation process;
  3. that Council resolve on the disposal of erven **13953 and 13954** for **purposes** permitted under **Institutional Zone III** by means of a **competitive process in the open market at 50% of the market related valuation of the municipal properties**;
  4. that the erven be offered as a unit and accordingly be consolidated by the sole Purchaser to be utilised and developed as one (1) erf;
  5. that all costs pertaining to the transaction be borne by the Purchaser, eg. transfer costs, survey, rezoning, provision of services and a direct access road;
  6. that the development of the erven be completed within two (2) years of registration and be included in the Deed of Sale;
  7. that a suspensive condition in respect of the consolidated properties be included stipulating that the subject erven be subject to approval in terms of land use planning legislation;
  8. that the administration be mandated to administer the process of disposal of the municipal properties;
  9. that a reversion condition be included in the Deed of Sale and that Council's pre-emptive right be registered in the title deed that the disposed property will only be utilized for the purpose stipulated in **item 3** above;
  10. that the Purchaser will be responsible for the payment of all municipal services including rates and taxes in respect of the property following transfer of the property;
  11. that the relevant internal comments be incorporated in the Deed of Sale and the right be reserved to supplement internal comments;
  12. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the
-

provision Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003), and

13. that the Municipal Manager be authorized to sign all documents relating to the disposal and transfer of the respective municipal properties.

**To Action**

H. Potgieter

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**6.6 CONSIDERATION OF THE LEASE OF MUNICIPAL PROPERTY: PORTION OF ERF 1, CORNER OF HIGH- AND ROBERTSON ROAD (R60), WORCESTER****File no.:** 9/2/3/1/33**Responsible Official:** H Potgieter**Directorate:** SSS**Portfolio:** Legal Services

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**1. PURPOSE**

The purpose of this item is for Council to consider the long-term lease in respect of a portion of Erf 1, corner of High- and Robertson Road (R60), Worcester also known as “Murray Square” for a period of nine (9) years and eleven (11) months.

**2. BACKGROUND / DISCUSSION**

During the Special Council meeting held on 12 November 2018 it was resolved as follows:

*“RESOLVED C88/2018 That in respect of – IN PRINCIPLE APPROVAL FOR THE LEASE OF MUNICIPAL PROPERTY: PORTION OF ERF 1, CORNER OF HIGH- AND ROBERTSON ROAD (R60), WORCESTER as discussed by Council at the Special Council meeting held on 12 November 2018 Council decide:*

- 1. That the lease at market related rental of Municipal Property, being a portion of Erf 1, situated at the corner of High- and Robertson Road (R60), also known as Murray Square, for a period of nine (9) years and eleven (11) months, be approved in principle for the purposes of utilizing the subject property for different school sports / codes as permitted under Open Space Zone II: Private open space; by means of a competitive process in the open market;*
  - 2. That the lease be for purposes permitted under the zoning Open Space Zone II, and that structures may only be erected with the permission of the municipality which structures will revert to the municipality upon termination of the lease;*
-

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 following of a public participation process, be approved;*
5. *that an item will only be resubmitted to Council should any representations / comments be received during the public participation process;*
6. *that the administration be mandated to administer the process of the lease of the municipal property following the public participation process by means of a competitive process in the open market;*
7. *that all the associated costs in respect of the lease, including but not limited to Town Planning procedures, e.g. rezoning and installation of municipal services be paid by the Lessee;*
8. *that the Lessee will be responsible for the payment of all municipal services including rates and taxes in respect of the property;*
9. *that the Lessee will comply with all internal departmental requirements to be incorporated in the subsequent Lease Agreement and the right be reserved to supplement such comments;*
10. *that Directorate: Technical Services be mandated to approve the site plan for the lease area; and*
11. *that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith leased is not required for the municipality's own use in terms of the provision Regulation 36 of the Asset Transfer Regulations."*

### **3. PUBLIC PARTICIPATION**

The necessary notice in terms of legal prescripts was published in the Worcester Standard (attached as **Annexure A**) and was also displayed on the website of Breede Valley Municipality. The closing date for comments was 31 January 2019.

Comments were received from:

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1. De Vries, De Wet & Krouwkam Attorneys, attached hereto as **Annexure B**.
2. Breedevallei Onafhanklik, attached as **Annexure C**.

#### **4. RELEVANT LEGISLATION**

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

Municipal Asset Transfer Regulations, R 787 of 2008

#### **5. FINANCIAL IMPLICATIONS**

The Municipality stands to gain the market related rental which will increase annually on the 1<sup>st</sup> of July by a percentage equal to the prevailing consumer price index (all items). More so, the Municipality will also gain rates and taxes in relation to the leased property.

The Lessee would be responsible for any service connections to the property if so required. For the 2018 / 19 financial year, the costs for a sewer connection would be R11 350.00 (VAT inclusive).

#### **ANNEXURES**

Annexure A:	Public participation notice
Annexure B:	Comments from De Vries, De Wet & Krouwkam Attorneys
Annexure C:	Comments from Breedevallei Onafhanklik

#### **COMMENTS FROM DIRECTORATES**

**MUNICIPAL MANAGER:** Recommendation supported

**DIRECTOR TECHNICAL SERVICES:** Support the item and recommendation

**CHIEF FINANCIAL OFFICER:** Recommendation supported

**DIRECTOR COMMUNITY SERVICES:** Recommendation supported

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**DIRECTOR STRATEGIC SUPPORT SERVICES:** Co-Author of the item

**SENIOR MANAGER: LEGAL SERVICES:** Author of the item

## CONCLUSION

It is proposed that Council consider the comments submitted during the public participation process and accordingly resolve on the long-term lease in respect of a portion of Erf 1, corner of High- and Robertson Road (R60), Worcester also known as "*Murray Square*" for a period of nine (9) years and eleven (11) months.

## RECOMMENDATION

That in respect of –

### **CONSIDERATION OF THE LEASE OF MUNICIPAL PROPERTY: PORTION OF ERF 1, CORNER OF HIGH- AND ROBERTSON ROAD (R60), WORCESTER**

as discussed by Council at the Council meeting held on 26 February 2019 Council decide:

1. That it be noted that a public participation process was followed and that comments were received;
  2. that Council considers the comments received during the public participation process;
  3. that Council resolve on the **lease at market related rental** of Municipal Property, being a **portion of Erf 1, situated at the corner of High- and Robertson Road (R60), also known as Murray Square**, for a period of **nine (9) years and eleven (11) months**, for the purposes of **utilizing the subject property for different school sports / codes as permitted under Open Space Zone II: Private open space**; by means of a **competitive process in the open market**;
  4. that the lease be for purposes permitted under the zoning Open Space Zone II, and that structures may only be erected with the permission of the municipality which structures will revert to the municipality upon termination of the lease;
  5. that the lease amount annually increases on the 1st of July by a percentage equal to the prevailing consumer price index (all items);
-

6. that the administration be mandated to administer the process of the lease of the municipal property by means of a competitive process in the open market;
7. that all the associated costs in respect of the lease, including but not limited to Town Planning procedures, e.g. rezoning and installation of municipal services be paid by the Lessee;
8. that the Lessee will be responsible for the payment of all municipal services including rates and taxes in respect of the property;
9. that the Lessee will comply with all internal departmental requirements to be incorporated in the subsequent Lease Agreement and the right be reserved to supplement such comments;
10. that Directorate: Technical Services be mandated to approve the site plan for the lease area;  
and
11. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith leased is not required for the municipality's own use in terms of the provision Regulation 36 of the Asset Transfer Regulations.

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

**SECONDED: CLLR J.P. KRITZINGER**

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

**RESOLVED**

**C16/2019**

That in respect of –

**CONSIDERATION OF THE LEASE OF MUNICIPAL PROPERTY: PORTION OF ERF 1,  
CORNER OF HIGH- AND ROBERTSON ROAD (R60), WORCESTER**

as discussed by Council at the Council meeting held on 26 February 2019 Council decide:

1. That it be noted that a public participation process was followed and that comments were received;
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2. that Council considers the comments received during the public participation process;
3. that Council resolve on the **lease at market related rental** of Municipal Property, being a **portion of Erf 1, situated at the corner of High- and Robertson Road (R60), also known as Murray Square**, for a period of **nine (9) years and eleven (11) months**, for the purposes of **utilizing the subject property for different school sports / codes as permitted under Open Space Zone II: Private open space**; by means of a **competitive process in the open market**;
4. that the lease be for purposes permitted under the zoning Open Space Zone II, and that structures may only be erected with the permission of the municipality which structures will revert to the municipality upon termination of the lease;
5. that the lease amount annually increases on the 1st of July by a percentage equal to the prevailing consumer price index (all items);
6. that the administration be mandated to administer the process of the lease of the municipal property by means of a competitive process in the open market;
7. that all the associated costs in respect of the lease, including but not limited to Town Planning procedures, e.g. rezoning and installation of municipal services be paid by the Lessee;
8. that the Lessee will be responsible for the payment of all municipal services including rates and taxes in respect of the property;
9. that the Lessee will comply with all internal departmental requirements to be incorporated in the subsequent Lease Agreement and the right be reserved to supplement such comments;
10. that Directorate: Technical Services be mandated to approve the site plan for the lease area;  
and
11. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith leased is not required for the municipality's own use in terms of the provision Regulation 36 of the Asset Transfer Regulations.

**To Action**H. Potgieter

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**6.7 CONSIDERATION OF THE DISPOSAL OF MUNICIPAL PROPERTY: ERF  
4319, WORCESTER****File no.:** 9/2/1/1/51**Responsible Official:** H Potgieter**Directorate:** SSS**Portfolio:** Legal Services

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**1. PURPOSE**

The purpose of this item for Council to consider the disposal of Erf 4319, Worcester situated at the corner of Somerset- and Distillery Road, also known as the "Samee Hall" as well as the "Somerset Clinic".

**2. BACKGROUND / DISCUSSION**

During the Special Council meeting held on 12 November 2018 it was resolved as follows:

*"RESOLVED C89/2018 That in respect of - IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF MUNICIPAL PROPERTY: ERF 4319, WORCESTER as discussed by Council at the Special Council meeting held on 12 November 2018 council decide:*

- 1. That the disposal of municipal property, Erf 4319, Worcester for Educational purposes permitted under Institutional Zone I be approved in principle by means of a competitive process in the open market, subject to Council rescinding Resolution C93/2016;*
  - 2. that all costs pertaining to the transaction be borne by the Purchaser, eg. survey, rezoning and transfer costs;*
  - 3. that a suspensive condition in respect of the property be included stipulating that the subject property be subject to approval in terms of land use planning legislation;*
  - 4. that the following of a public participation process, be approved;*
  - 5. that an item will only be resubmitted to Council should any representations/comments be received;*
-

6. *that the administration be mandated to administer the process of disposal of the municipal property following the public participation process;*
7. *that a reversion condition be included in the Deed of Sale and that Council's pre-emptive right be registered in the title deed that the disposed property will only be utilized for the purpose stipulated in item 1 above;*
8. *that the Purchaser will be responsible for the payment of all municipal services including rates and taxes in respect of the property following transfer of the property;*
9. *that the relevant internal comments be incorporated in the Deed of Sale and the right be reserved to supplement internal comments;*
10. *that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provision Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003), and*
11. *that the Municipal Manager be authorized to sign all documents relating to the disposal and transfer of the respective municipal properties."*

### **3. PUBLIC PARTICIPATION**

The necessary notice in terms of legal prescripts was published in the Worcester Standard (attached as **Annexure A**) and was also displayed on the website of Breede Valley Municipality. The closing date for comments was 31 January 2019.

Comments were received from Worcester Community Policing Forum, attached hereto as **Annexure B**.

### **4. RELEVANT LEGISLATION**

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

Municipal Asset Transfer Regulations, R 787 of 2008

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**5. FINANCIAL IMPLICATIONS**

The Municipality stands to gain the market related valuation for the subject property upon disposal thereof. More so, the Municipality will also gain rates and taxes after transfer of the subject property.

**ANNEXURES**

Annexure A: Public participation notice

Annexure B: Comments from Worcester Community Police Forum

**COMMENTS FROM DIRECTORATES**

**MUNICIPAL MANAGER:** Supported

**DIRECTOR TECHNICAL SERVICES:** Support the item and recommendation

**CHIEF FINANCIAL OFFICER:** Recommendation supported

**DIRECTOR COMMUNITY SERVICES:** Recommendation supported

**DIRECTOR STRATEGIC SUPPORT SERVICES:** Co-Author of the item

**SENIOR MANAGER: LEGAL SERVICES:** Author of the item

**CONCLUSION**

It is proposed that Council consider the comments submitted during the public participation process and accordingly resolve on the disposal of Erf 4319, Worcester situated at the corner of Somerset- and Distillery Road, also known as the "*Samee Hall*" as well as the "*Somerset Clinic*".

**RECOMMENDATION**

That in respect of –

**CONSIDERATION OF THE DISPOSAL OF MUNICIPAL PROPERTY: ERF 4319, WORCESTER**

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as discussed by Council at the Council meeting held on 26 February 2019 Council decide:

1. That it be noted that a public participation process was followed and that comments were received;
  2. that Council considers the comments received during the public participation process;
  3. that Council resolve on the disposal of municipal property, Erf 4319, Worcester for **Educational purposes permitted under Institutional Zone I** by means of a **competitive process in the open market**;
  4. that all costs pertaining to the transaction be borne by the Purchaser, eg. survey, rezoning and transfer costs;
  5. that a suspensive condition in respect of the property be included stipulating that the subject property be subject to approval in terms of land use planning legislation;
  6. that the administration be mandated to administer the process of disposal of the municipal property;
  7. that a reversion condition be included in the Deed of Sale and that Council's pre-emptive right be registered in the title deed that the disposed property will only be utilized for the purpose stipulated in **item 3** above;
  8. that the Purchaser will be responsible for the payment of all municipal services including rates and taxes in respect of the property following transfer of the property;
  9. that the relevant internal comments be incorporated in the Deed of Sale and the right be reserved to supplement internal comments;
  10. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provision Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003), and
  11. that the Municipal Manager be authorized to sign all documents relating to the disposal and transfer of the respective municipal properties.
-

The DA requested a 10 minute caucus which the Speaker approved.

Caucus started: 14:40

Meeting reconvened: 14:50.

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

**SECONDED: CLLR W.R. MEIRING**

**COUNTER PROPOSAL: CLLR P. MARRAN** proposed that the item be withdrawn, and that further investigation be done with regards to the use of the Saame Hall as a possible Youth Centre and that a report be submitted to Council after the investigation.

**SECONDED: CLLR N. WULLSCHLEGER**

**Votes in favour of Cllr P. Marran's proposal: 15**

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

**RESOLVED**

**C17/2019**

That in respect of –

**CONSIDERATION OF THE DISPOSAL OF MUNICIPAL PROPERTY: ERF 4319, WORCESTER**

as discussed by Council at the Council meeting held on 26 February 2019 Council decide:

1. That it be noted that a public participation process was followed and that comments were received;
  2. that Council considers the comments received during the public participation process;
-



3. that Council resolve on the disposal of municipal property, Erf 4319, Worcester for **Educational purposes permitted under Institutional Zone I** by means of a **competitive process in the open market**;
  4. that all costs pertaining to the transaction be borne by the Purchaser, eg. survey, rezoning and transfer costs;
  5. that a suspensive condition in respect of the property be included stipulating that the subject property be subject to approval in terms of land use planning legislation;
  6. that the administration be mandated to administer the process of disposal of the municipal property;
  7. that a reversion condition be included in the Deed of Sale and that Council's pre-emptive right be registered in the title deed that the disposed property will only be utilized for the purpose stipulated in **item 3** above;
  8. that the Purchaser will be responsible for the payment of all municipal services including rates and taxes in respect of the property following transfer of the property;
  9. that the relevant internal comments be incorporated in the Deed of Sale and the right be reserved to supplement internal comments;
  10. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provision Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003), and
  11. that the Municipal Manager be authorized to sign all documents relating to the disposal and transfer of the respective municipal properties.
  12. That the Municipal Manager be authorized to investigate the possibility of a youth facility to be made available to NPO's with a proper business plan pertaining to youth empowerment
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and to follow due process to appoint the best Applicant. Such facility also to be made available for the improvement and upliftment of the youth of Breede Valley and can be utilized therefore in liaison with the Municipal Manager.

**To Action**

H. Potgieter

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**6.8 MANDATE TO ADOPT A PROCESS TO IMPLEMENT AN INTEGRATED ZONING SCHEME BYLAW****File No./s:** 10/3/R**Responsible Official:** PSJ Hartzenberg**Directorate:** Technical Services**Portfolio:** Technical Services

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**1. PURPOSE**

The purpose of this report is to obtain a mandate from council to adopt a process to commence with the implementation of an Integrated Zoning Scheme Bylaw for the Breede Valley Municipality.

**2. BACKGROUND**

The Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2014) [SPLUMA], stipulates in Section 24(1) that a municipality must adopt a single land use scheme for its entire municipal area within 5 years from the commencement of said Act. Municipalities thus have until 30 June 2020 to implement such integrated zoning scheme.

Currently the Breede Valley Municipal area is covered by 3 different zoning schemes. Notwithstanding the requirement of SPLUMA, these different zoning schemes are also outdated and did not kept track with the changing development context of the area. As a consequence, these zoning schemes complicate development management to the extent that they hamper development.

Consequently, it is necessary to consolidate the different zoning schemes into a single integrated zoning scheme, as well as to modernise the zoning scheme into an innovative tool which is more suited for managing the challenges of development.

A zoning scheme is however a complex legal document that affects the rights of all properties and to develop and introduce a new zoning scheme is a laborious task which requires specialised expertise and can result in a costly exercise.

**PROPOSED ZONING SCHEME**

In order to assist municipalities, the Western Cape Provincial Government (WCPG) has embarked on a process to develop a Proposed Standard Draft Zoning Scheme By-law (SZSB). During this process many professionals from across the Provincial, Local

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Government and private sector spheres have participated to develop such model SZSB, which was also fully vetted by a legal team of the PGWC. The SZSB was also already advertised once and all the inputs received were processed.

Municipalities in the Western Cape therefore have three options to adopt an integrated zoning scheme, namely:

- Draft their own unique Integrated Zoning Scheme
- To use the Proposed Draft SZSB as a basis and make any amendments and additions to this scheme to suite any specific needs that the municipality may have;
- To adopt and implement the SZSB without any amendments.

The main objectives of the SZSB were the following:

- To integrate the existing zoning schemes applicable in a municipal area into a single Integrated Zoning Scheme
- To make provision for the present-day challenges of land use management in terms of new and modern land use functions
- To devise modern mechanisms to facilitate and fast track desirable development outcomes
- To give recognition to the diversity of communities and areas and its corresponding needs and to make provision to accommodate these scenarios.

A brief overview of the zoning provisions of the SZSB are as follows:

- (a) A variety of single residential zonings which caters for:
- variable development parameters in accordance with erf sizes which will allow smaller erven to have more relaxed building lines and other restrictions in order to develop the full potential of such properties;
  - different sets of user rights and potential consent rights in accordance with the different needs of communities;
- (b) A variety of General Residential Zones with varying bulk and height factors for different density zones according to locality considerations.
- (c) Business Zones with different objectives in accordance with locality considerations and its functional role.
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- (d) A variety of Industrial, Community, Conservation and Agricultural Zones to match the needs of a modern society,
- (e) And lastly, the IZS includes the provision of Overlay Zones which provides a mechanism with which the Municipality can pro-actively facilitate change.

Whilst the development of this SZSB benefited to a great extent from such collective effort, it also carries the advantage that there are many municipalities who have already indicated that they will adopt the SZSB. It is consequently proposed that the Breede Valley Municipality use the Proposed Draft SZSB (**attached as Annexure A**) as a basis and make any amendments and additions to this scheme to suite any specific needs that the municipality may have.

This process will be done in-house which implicates the following advantages:

- The savings in cost and time to minorly amend and adopt the SZSB;
- The SZSB has gone through a laborious process with wide consultation during which many planning professionals from the WCPG, municipalities and consultants have contributed towards the SZSB, and includes the legal vetting of the product by the PGWC legal team.
- Consultants and developers serving the planning profession will be more readily acquainted with a Standardised Zoning Scheme which will be in force at a number of municipalities, and the adoption of such SZSB may contribute to improve effective and efficient service delivery to all stake holders.
- The municipality will also benefit from any legal action or legal opinions based on the SZSB which any of the participating municipalities may solicit.

### **OVERVIEW OF PROPOSED PROCESS**

Following the required mandate from Council, the following process and associated timeframes to finalise and implement the SZSB will be followed in three phases:

#### **Finalise SZSB – From present up to March 2019**

- Scrutinize the content of the SZSB to consider and make sure that it covers any specific needs or challenges that the municipality faces
  - Develop zoning transition tables to determine the new zonings
  - Prepare Land Use Registers and determine a new zoning in terms of the SZSB for every property with the finalisation of a new associated zoning map.
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**Public Participation process for SZSB – May 2019 – August 2019**

- Submit draft SZSB to Council for mandate to release same for purpose of public participation, including the proposed public participation process.
- Undertake Public participation and advertisement campaign, incl. Council workshops
- Evaluate any inputs on SZSB and finalise draft SZSB
- Communicate responses to parties who provided inputs.

**Approval and Implementation of SZSB – September 2019 – November 2019**

- Finalise SZSB and submit report to Council for final adoption.
- Publish adoption of SZSB [MSA s13(a) promulgation]
- Continue to address any bona fide zoning disputes

**WAY FORWARD**

Following the mandate of the Council to proceed with the process as proposed, the Administration will immediately start with the survey of existing land use rights and uses in order to develop a zoning register and the associated map. This exercise in itself holds great value to the municipality for the following reasons:

- It will provide an accurate land use register to facilitate the effective management of land uses
- It will identify illegal land uses and where appropriate, such illegal land uses can be accommodated and legalised with the appropriate zoning
- The new zonings will result in higher value user rights and the municipality will accordingly capitalize on new revenue sources from:
  - Application fees for land use applications to rectify illegal land uses;
  - Associated building plan fees;
  - Capital contribution payments, as well as higher property rates and service charges for higher value properties.

**3. Applicable Legislation / Council Policy:**

Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2014) [SPLUMA]. Section 24(1) stipulates in that a municipality must adopt a single land use scheme for its entire municipal area within 5 years from the commencement of said Act. Municipalities thus have until 30 June 2020 to implement such integrated zoning scheme.

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**4. Financial Implications:**

The project is undertaken in-house at no additional financial costs to the normal annual departmental operational cost.

**5. Applicable Legislation / Council Policy:****Comment of Directorates / Departments concerned:**

**Municipal Manager:** Support the item and recommendation

**Director: Community Services:** A Single Zoning Scheme By-Law are being Supported

**Director: Strategic Support Services:** No objections received

**Director: Financial Services:** Support the item and recommendation

**Director: Technical Services:** Support the item and recommendation.

**Recommendation**

That in respect of

**PROPOSED MANDATE TO ADOPT A PROCESS TO IMPLEMENT AN INTEGRATED ZONING  
SCHEME BYLAW**

discussed by Council at the Council meeting held on 26 February 2019:

1. That **APPROVAL BE GRANTED** to use the Proposed Draft SZSB as a basis and make any amendments and additions to this scheme to suite any specific needs that the municipality may
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have and to commence a process as depicted in the subject report for the approval and implementation.

**PROPOSED: CLLR J.F. VAN ZYL proposed**

- 1. That Council take note of the Item and BVM's intention to commence with the process of drafting and integrated zoning scheme.**
- 2. The proposed Draft Standard Zoning Scheme By-Law as compiled by Western Cape Provincial Government will be utilized as a basis to suite any specific need that the municipality may have.**

**SECONDED: CLLR J.R. JACK**

**RESOLVED (21 votes in favour, none against)**

**C18/2019**

That in respect of

**PROPOSED MANDATE TO ADOPT A PROCESS TO IMPLEMENT AN INTEGRATED ZONING SCHEME BYLAW**

discussed by Council at the Council meeting held on 26 February 2019:

1. That Council take note of the Item and BVM's intention to commence with the process of drafting and integrated zoning scheme.
2. The proposed Draft Standard Zoning Scheme By-Law as compiled by Western Cape Provincial Government will be utilized as a basis to suite any specific need that the municipality may have.

**To Action**

P. Hartzenberg

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**6.9 REVIEW AND ALIGNMENT OF THE RECORDS MANAGEMENT POLICY OF BREDE VALLEY MUNICIPALITY WITH THE RECORDS MANAGEMENT POLICY OF WESTERN CAPE GOVERNMENTAL BODIES, 2017****File No./s:** 2/2/4/5**Responsible Official:** I ROOS**Directorate:** Strategic Support Services**Portfolio:** Strategic Support Services

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**1. Purpose**

The purpose of the report is that Council approves the revision and alignment of the Records Management Policy for Breede Valley Municipality with the Records Management Policy of Western Cape Governmental Bodies, 2017.

**2. Background**

With a recent records audit done by the Western Cape Archives and Record Services of the Records and Archives Section of Breede Valley Municipality, it was recommended by them in their audit report that the Records Management Policy of Breede Valley Municipality be revised and aligned to the Records Management Policy of Western Cape Governmental Bodies, 2017.

The Records Management Policy of Western Cape Governmental Bodies, 2017 is applicable to management of records regardless of form or media, created or received in all governmental bodies, that is any legislative, executive, judicial or administrative organ of state at Provincial, Regional and Local level in the Western Cape Province.

Administration has made additions to the existing policy to align it with the records Management Policy of Western Cape Governmental Bodies, 2017. These additions are highlighted in the attached policy document (annexure A).

**3. Financial Implications**

No financial Implications

**4. Applicable Legislation / Council Policy**

Electronic Communications and Transactions Act, 2002 (Act No 25 of 2002)

National Archives and Records Service of South Africa Act, 1996 (Act No 43 of 1996 as amended)

Public Finance Management Act, 1999 (Act No 1 of 1999)

Promotion of Access to Information Act, 2000 (Act No 2 of 2000)

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Promotion of Administrative Justice Act, 2000 (Act No 3 of 2000)  
Protection of Personal Information Act, 2013 (Act No 4 of 2013)  
Provincial Archives and Records Service of the Western Cape Act (Act No 3 of 2005)  
South African Constitution, 1996 (Act No 108 of 1996)

## COMMENT OF DIRECTORATES / DEPARTMENTS

**Municipal Manager:** Recommendation supported.

**Director: Strategic Support Services:** Recommendation supported.

**Director: Financial Services:** Recommendation supported.

**Director: Technical Services:** Support the item and recommendation.

**Director: Community Services:** Recommendation supported.

**Senior Manager: Legal Services:** Recommendation supported.

## RECOMMENDATION

That in respect of -

### **REVIEW AND ALIGNMENT OF THE RECORDS MANAGEMENT POLICY OF BREDE VALLEY MUNICIPALITY WITH THE RECORDS MANAGEMENT POLICY OF WESTERN CAPE GOVERNMENTAL BODIES, 2017**

as discussed by Council at the Council meeting held on 26 February 2019:

1. That Council approves the review and alignment of the Records Management Policy of Breede Valley Municipality with the Records Management Policy of Western Cape Governmental Bodies, 2017.
2. That the contents of the Policy be communicated to all staff members who have a responsibility for ensuring good records management practices.

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

**SECONDED:**        **CLLR J.R. JACK**

**RESOLVED (20 votes in favour, none against)**

**C19/2019**

That in respect of -

### **REVIEW AND ALIGNMENT OF THE RECORDS MANAGEMENT POLICY OF BREDE VALLEY MUNICIPALITY WITH THE RECORDS MANAGEMENT POLICY OF WESTERN CAPE GOVERNMENTAL BODIES, 2017**

as discussed by Council at the Council meeting held on 26 February 2019:

1. That Council approves the review and alignment of the Records Management Policy of Breede Valley Municipality with the Records Management Policy of Western Cape Governmental Bodies, 2017.
2. That the contents of the Policy be communicated to all staff members who have a responsibility for ensuring good records management practices.

**To Action:**

Ivy Roos

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

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

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**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**

**9.1 SELF VERRYKING EN/OF KORRUPTIEWE OPTREDE VAN RAADSLEDE UIT WYKSGEBASEERDE PROJEKTE 2017/2018 BOEKJAAR**

Council resolution C95/2018 dated 12 November 2018 reads as follows:

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1. That an investigation be lodged by MPAC into the expenditure of the R100 000.00 allocated to each ward for ward-based projects;
  2. That MPAC's findings be submitted to the Speaker and Municipal Manager for further investigation;
  3. That a full report be submitted to Council in respect of the findings.

**The Notice of Motion as submitted by Cllr J.F. Van Zyl is below attached.**

**The Notice of Motion was submitted as prescribed by Rule 51 read together with Rule 31 of the Rules of Order.**

**Submitted for consideration.**

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**KENNISGEWING VAN MOSIE**

Ek gee hiermee kennis van my voorneme om by die Raadsvergadering gehou te word op 26 Februarie 2019, die Mosie soos hieronder uiteengesit word aan die Raad voor te lê : (in terme van Klousule 51 van die Orde Reëls en saamgelees met Klousule 31 daarvan, gepromulgeer op 12 April 2013 asook saamgelees met Artikel 162 van die Grondwet van RSA [1996].

**MOSIE**

Dat Raadsbesluit nr. C95/2018 gedateer 12 November 2018 hersien en herroep word.

Ek stel voor dat die besluit as volg gewysig word :

1. Dat die Raad kennis neem van bewerings dat gelde wat vir wyksprojekte toegeken is, in sommige gevalle nie na behore aangewend is nie.
2. Dat enige Raadslid van die Breedevallei Munisipaliteit of 'n lid van die publiek wat oor bewyse van enige beweerde wanspandering van fondse beskik, sodanige bewyse aan die Speaker en Munisipale Bestuurder voorlê vir verdere ondersoek. (*Artikel 13 van Wet 32 van 2000, Stelselwet*)
3. Dat 'n volledige verslag met aanbevelings deur die Speaker en Munisipale Bestuurder, aan die Raad voorgelê word ten opsigte van die bevindinge wat uit die ondersoek mag voortspruit.

**MOTIVERING**

1. Sodanige besluit impakteer op die korrekte prosedure ("due process") en blyk "in Fraudem Legis" te wees wat die gevolg kan hê dat die bewyswaarde ("probative value") van die getuienis impakteer word.
2. Vanweë die bewerings van korrupsie en beweerde wanaanwending van fondse, is dit noodsaaklik dat die wetlik korrekte prosedure gevolg moet word.
3. Enige "ondersoek" beteken nie net die versameling van getuienis nie, maar ook die toepassing van die Reëls van Natuurlike Geregtheid nl. audi et alterem partem beginsel. Dit val buite die bevoegdheid / jurisdiksie van MPAC om sodanige ondersoek teen Raadslede te doen. Artikel 13 van Stelselwet 32 vind toepassing en word 'n spesifieke protokol deur genoemde Wet vasgelê.
4. MPAC is daar gestel in terme van Artikel 79 van die Munisipale Strukture Wet 117 van 1998 en beoefen 'n oorsig funksie namens die Raad en is nie 'n duplisering van die ander Komitees van die Raad nl. Dissiplinêre komitee asook rapporteer MPAC slegs aan die Raad aangaande sy aktiwiteite.

Derhalwe blyk dit noodsaaklik te wees om gemelde besluit van die Raad te hersien en herroep, indien ons werklik erns het om die bewerings te ondersoek.

GEDATEER te WORCESTER hierdie 12de dag van Februarie 2019.

RAADSLID .....  
J.F. VAN ZYL

**Proposed:** Cllr J.F. Van Zyl proposed the attached Notice of Motion.  
**Seconded:** Cllr J.P. Kritzinger

**RESOLVED (20 votes in favour of Notice of Motion, none against)**

**C20/2019**

In terms of

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**SELFVERRYKING EN OF KORRUPTIEWE OPTREDE VAN RAADSLEDE UIT**

**WYKSGEBASEERDE PROJEKTE 2017/2018 BOEKJAAR**

Discussed by Council at the Council Meeting held on 26 February 2019:

1. Dat die Raad kennis neem van bewerings dat gelde wat vir wyksprojekte togeken is, in sommige gevalle nie na behore aangewend is nie;
  2. Dat enige Raadslid van die Breedevallei Munisipaliteit of 'n lid van die publiek wat oor bewyse van enige beweerde wanspandering van fondese beskik, sodanige bewyse aan die Speaker en Munisipale Bestuurder voorlê vir verdere ondersoek ( Artikel 13 van Wet 32 van 2000, Stelselwet);
  3. Dat 'n volledige verslag met aanbevelings deur die Speaker en Munisipale Bestuurder, aan die Raad voorgelê word ten opsigte van die bevindinge wat uit die ondersoek mag voortspruit.
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## **10. CONSIDERATION OF MOTIONS OF EXIGENCY**

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## **11. CLOSURE**

**The Speaker closed the meeting at 16:05.**

### **11.1 COPY OF NOTICE PLACED ON NOTICE BOARDS**

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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  
**TUESDAY, 26 FEBRUARY 2019 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 **Wednesday, 20 February 2019** 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  
**DINSDAG, 26 FEBRUARIE 2019 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

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bespreek. Die lys sal om **16:30** op **Woensdag, 20 Februarie 2019** 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**

**FEBRUARY 2019**

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