

## NOTICE

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

2022-08-23

**NOTICE OF THE 2<sup>nd</sup> COUNCIL MEETING OF 2022/2023  
FINANCIAL YEAR OF THE COUNCIL OF BREDE VALLEY MUNICIPALITY  
TUESDAY, 2022-08-23 AT 10:00**

**TO** The Speaker, Alderman J.F. Van Zyl [Chairperson]  
The Executive Mayor, Alderman A. Steyn (Ms)  
The Deputy Executive Mayor, Cllr J.J. von Willingh

<b>COUNCILLORS</b>	V.A. Bedworth	N.Nel
	W.M. Blom	C.T. Nyithana
	M.N. Bushwana	J. Pieters
	G.L. Daames	A. Pietersen
	Alderman R. Farao	O. Ralehoko
	M.A. Goedeman	P.C. Ramokhabi
	E.N. Isaacs	Alderman M. Sampson
	Alderman C. Ismail	T.P. Sibozo
	J.R. Jack	S.S.T. Steenberg
	R.T. Johnson	M. Swartz
	I.J. Joseph	H.C. Titus
	D. Judge	E. Van der Westhuizen
	J.P. Kritzinger	F. Vaughan
	S.K. Madlolo	L. Willemse
	Z.M. Mangali	M.T. Williams
	T. S. Manuel	C.F. Wilskut
	P.H. Marais	N.J. Wullschleger
	S.J. Mei	L.R. Yayi
	Alderman W.R. Meiring	
	J.M. Mokgosi	

Notice is hereby given in terms of Section 29, read with Section 18(2) of the *Local Government: Municipal Structures Act, 117 of 1998*, as amended, that the 2<sup>nd</sup> **COUNCIL MEETING** of the **2022/2023 FINANCIAL YEAR** of the **COUNCIL** of **BREDE VALLEY MUNICIPALITY** will be held at the **MAIN BUILDING BVM, VARIOUS LOCATIONS, 30 BARING STREET, WORCESTER** on **TUESDAY, 2022-08-23** at **10:00** to consider the items on the agenda.



**SPEAKER**  
**ALDERMAN J.F. VAN ZYL**



**BREDE VALLEY**  
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

*A caring valley of excellence.*

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## 1. OPENING AND WELCOME

In terms of the Rules of Order for Internal Arrangement By-Law 2012 (as amended) 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.

## 2. OFFICIAL NOTICES

### 2.1 DISCLOSURE OF INTERESTS

Item 6 of Schedule 7 of the Municipal Structures Amendment Act 3 of 2021 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 (as amended).

- 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.
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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 (as amended).

*“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

Ald M. Sampson	30 August 2022
Cllr C. F. Wilskut	06 September 2022
Cllr P. H. Marais	08 September 2022
Cllr G. L. Daames	16 September 2022
Cllr N. J. Wullschleger	21 September 2022

### 3.3 STATEMENTS BY THE SPEAKER

### 3.4 STATEMENTS BY THE EXECUTIVE MAYOR

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## 4. CONFIRMATION OF MINUTES

- 4.1** In terms of the Rules of Order for Internal Arrangement By-Law 2012 (as amended).
- (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 26 July 2022 (Copy enclosed)

#### RECOMMENDATION

That in respect of

#### CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

discussed by Council at the Council Meeting held on 23 August 2022:

1. As the Minutes of the Council Meeting held on 26 July 2022 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 26 July 2022 be taken as read and confirmed.

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

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**5.1 The Deputy Executive Mayor: Cllr J.J. Von Willingh**

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**5.2 MMC1: Alderman W.R. Meiring**

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**5.3 MMC 2: Cllr. P.C. Ramokhabi**

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**5.4 MMC 3: Cllr. N. Nel**

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**5.5 MMC 4: Cllr. E. Van der Westhuizen**

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**5.6 MMC 5: Cllr J.R. Jack**

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**5.7 MMC 6: Cllr. V.A. Bedworth**

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**5.8 MMC 7: Cllr. J.P. Kritzinger**

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**5.9 MMC 8: Cllr F. Vaughan**

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**6. COLLABORATOR OUTSTANDING RESOLUTIONS REPORT****6.1 OUTSTANDING COUNCIL RESOLUTIONS PER DIRECTORATE AS EXTRACTED  
ON 16 AUGUST 2022****OUTSTANDING COUNCIL RESOLUTIONS PER DIRECTORATE AS EXTRACTED ON  
16 AUGUST 2022 FOR THE MONTH OF JULY 2022:****OUTSTANDING COUNCIL RESOLUTIONS PER DIRECTORATE AS EXTRACTED ON  
16 AUGUST 2022 FOR THE MONTH OF JULY 2022:****1. COMMUNITY SERVICES****1.1 Council resolutions**

Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment	
172625	<b>SUBMISSION OF BY-LAW RELATING TO THE MANAGEMENT AND CONTROL OF FLATS (rental housing units) OWNED OR ADMINISTERED BY THE BREEDE VALLEY MUNICIPALITY</b>	RESOLVED C41/2015 That in respect of the SUBMISSION OF BY-LAW RELATING TO THE MANAGEMENT AND CONTROL OF FLATS (rental housing units) OWNED OR ADMINISTERED BY THE BREEDE VALLEY MUNICIPALITY discussed by Council at the Council meeting held on 25 of June 2015:  1. That Council approved the draft By-Law relating to the Management and Control of flats (rental housing units) owned or administer by the Breede Valley Municipality;  2. That the administration advertises said draft By-Law for public comments;  3. That all comments be collated submitted to Council for final approval and promulgation in the Provincial Gazette.  4. That the draft By-Law be workshopped with all the Councillors.	2015-06-25	GMAYEKI	95	The item will be submitted to the councillor to amend the recommendation as follows; 1. Human Settlements Plan must be completed first, and all related policy be updated. 2. Council must approve the policy after this process.  Covid-19 and the lockdown have delayed the submission. A new report we will be submitted Council when the normal business resume.

767107	<p><b>AVIAN PARK (439) HOUSING PROJECT: OCCUPIERS AND TRANSFER OF SUBSIDIES TO TRANSHEX HOUSING PROJECT AND PROPOSED ALIENATION OF TWENTY-FIVE (25) ERVEN IN AVIAN PARK FOR RESIDENTIAL PURPOSES</b></p>	<p>RESOLVED C85/2018 That in respect of – AVIAN PARK (439) HOUSING PROJECT: OCCUPIERS AND TRANSFER OF SUBSIDIES TO TRANSHEX HOUSING PROJECT AND PROPOSED ALIENATION OF TWENTY-FIVE (25) ERVEN IN AVIAN PARK FOR RESIDENTIAL PURPOSES as discussed by Council at the Council meeting held on 30 October 2018 council decide:</p> <p>1. That Council take cognizance of the negotiations with the respective effected stakeholders; 2. That Council resolve in respect of the occupants or owners as follows:</p> <p>2.4 Legitimate owners of the Volstruis- and Dikkop Street units to have their approved subsidies transferred to the Transhex Housing Development;</p> <p>2.5 Occupants of the Volstruis- and Dikkop Street Houses agreed to cancel the initial mediation agreement and a new agreement be concluded stipulating that they will remain in the aforementioned houses;</p> <p>2.6 Worcester West Informal Occupants cancelled the mediation agreement and application for a subsidy at the Transhex Housing Development project will be processed.</p> <p>3. That Council resolve that the alienation of the respective erven as set out in Annexure G by means of a competitive process in the open market solely for housing / residential purposes be approved in principle; subject to the following conditions:</p> <p>3.1 that the Municipal Manager be mandated to decide on the final erven to be disposed of prior to the</p>	2018-10-30	HPOTGIETER	85	11/08/2022: Transfers still in process.
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		<p>competitive process being followed;</p> <p>3.2 that the administration be mandated to administer the process of disposal of the properties;</p> <p>3.3 that the municipality will complete the outstanding engineering services (i.e. roads, stormwater and electricity) and the erven thereafter be alienated at the market related value, which will serve as the residual value;</p> <p>3.4 that a reversion condition be included in the Deed of Sale as well as the Title Deed that the disposed properties be utilised for residential purposes only and should the Purchaser fail to erect a building within two (2) years from date of registration and not use the property as specified, the erf will revert back to the Municipality free of charge;</p> <p>3.5 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;</p> <p>3.6 that the costs pertaining to the transaction, e.g. transfer costs be paid by the purchaser;</p> <p>3.7 that the relevant internal comments be incorporated in the Deed of Sale and the right be reserved to supplement such internal comments</p> <p>4. that the following of a public participation process, be approved and should no objections / comments be received, then the item would not be referred back to Council;</p> <p>5. That provision be made in the February 2019 adjustment budget for the provision of roads, stormwater and electrical reticulation to the amount of approximately One Million Rand (R1,000,000.00);</p> <p>6. that Council has taken cognisance of the fact that the Municipal property</p>				
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		herewith alienated is not required for the provision of basic municipal services in terms of the provisions Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003); and 7. that the Municipal Manager be authorized to sign all documents relating to the disposal and transfer of the respective municipal properties.				
1099838	<b>SAFETY PLAN FOR THE BREEDE VALLEY MUNICIPALITY</b>	RESOLVED C52/2022 That in respect of –  SAFETY PLAN FOR THE BREEDE VALLEY MUNICIPALITY  discussed by Council at the Council meeting held on 26 April 2022:  1. That the Council takes note of the proposed Safety Plan as encapsulated in “Annexure A – Breede Valley Municipal Safety Plan”  2. That Council considers and approves the draft Safety Plan encapsulated in Annexure A which is to be workshopped with Council and relevant roleplayers / stakeholders before final approval;	2022-04-26	DAPOLLIS		
1155826	<b>SAFETY PLAN FOR THE BREEDE VALLEY MUNICIPALITY</b>	RESOLVED That in respect of –  SAFETY PLAN FOR THE BREEDE VALLEY MUNICIPALITY  discussed by Council at the Council meeting held on 26 July 2022 with resolution number C83/2022:  1. That the Council takes note of the proposed Safety Plan as encapsulated in “Annexure A – Breede Valley Municipal Safety Plan” 2. That Council considers and approves the Safety	2022-07-26	DAPOLLIS		

		Plan encapsulated in Annexure A.				
1155838	<b>MUNICIPAL COURT OPERATIONS AND UPDATE ON THE PROGRESS OF THE MUNICIPAL COURT</b>	RESOLVED That in respect of – MUNICIPAL COURT OPERATIONS AND UPDATE ON THE PROGRESS OF THE MUNICIPAL COURT discussed by Council at the Council meeting held on 26 July 2022 with resolution number C84/2022:  1. That Council take cognisance of the operations and progress of the Municipal Court. 2. That the item will come back to the next Council meeting with the proposed amendments and additions of expenditures.	2022-07-26	SSCHROEDER		

## 2. **STRATEGIC SUPPORT SERVICES**

### 2.1 Council resolutions

Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment	
685303	<b>IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF ERF 1 WORCESTER, LOUIS LANGE STREET SITUATED ADJACENT TO ERF 5899, WORCESTER</b>	RESOLVED C59/2019 In respect of IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF ERF 1 WORCESTER, LOUIS LANGE STREET SITUATED ADJACENT TO ERF 5899, WORCESTER As discussed by Council at the Council Meeting held on 23 July 2019:  That the direct alienation of a portion of Erf 1 Worcester (adjacent to Erf 5899), ±115m <sup>2</sup> in extent, for business purposes, to the owner of the adjoining erf, Mr. Tait, at an amount of One Hundred and Thirty Rand (R130.00) per square metre (VAT exclusive) at the total purchase price of approximately Fifteen Thousand Rand (R15 000.00) be approved in principle;  1. that Council take cognisance	2019-07-23	HPOTGIETER	95	11/08/2022: Transfer in process

		<p>of the fact that the direct alienation is only approved as the subject portion, a portion of Erf 1, Worcester is classified as a non-viable property;</p> <p>2. that the subject portion, a portion of Erf 1, Worcester be consolidated with the adjoining property of the Applicant, being Erf 5899, Worcester;</p> <p>3. that the alienation of the subject portion, a portion of Erf 1, Worcester be subject to obtaining the necessary closure, rezoning and consolidation approvals as well as comply with the relevant internal departments (Directorates) comments and the right be reserved to supplement such internal comments;</p> <p>4. that a reversion condition be included in the Deed of Sale and 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;</p> <p>5. that all costs pertaining to the transaction be borne by the Purchaser, which may include survey, rezoning, consolidation and costs of transfer;</p> <p>6. that a suspensive condition in respect of the consolidated properties be included stipulating that the subject even be subject to approval in terms of land use planning legislation;</p> <p>7. that the following of a public participation process, be approved;</p> <p>8. that the above-mentioned approval in principle be subject to a public participation process being followed due to the non-viability of the property and that an item will only be tabled in Council again should any representations/comments be received;</p> <p>9. 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</p>				
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		Government: Municipal Finance Management Act (Act 56 of 2003), and  10. that the Municipal Manager be authorized to sign all documents relating to the alienation and transfer of the subject property, being a portion of Erf 1, Worcester and all necessary documents relating thereto.				
728886	<b>IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF FARM 319, PORTION 64 WORCESTER, TWEE FONTEINEN SITUATED ADJACENT TO FARM 319 PORTION 43, WORCESTER.</b>	RESOLVED C87/2019 That in respect of – IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF FARM 319, PORTION 64 WORCESTER, TWEE FONTEINEN SITUATED ADJACENT TO FARM 319 PORTION 43, WORCESTER Discussed by Council at the Council meeting held on 29 October 2019 council decide:  1. That the direct alienation of Farm 319 Portion 64 Worcester (adjacent to Farm 319 Portion 43), ±4300m <sup>2</sup> in extent, for the purpose of building a lined dam for irrigation, to the owner of the adjoining erf, De Wet Cellar (Pty) Ltd, at the total purchase price of approximately Thirty-Four Thousand Rand (R34 000.00) be approved in principle;  2. that Council take cognisance of the fact that the direct alienation is only approved as Farm 319 Portion 64, Worcester is classified as a non-viable property;  3. that Farm 319 Portion 64, Worcester be consolidated with the adjoining property of the Applicant, being Farm 319 Portion 43, Worcester;  4. that the alienation of Farm 319 Portion 64, Worcester be subject to obtaining the necessary rezoning and consolidation approvals as well as comply with the relevant internal departments (Directorates) comments and the right be reserved to supplement such internal comments;  5. that a reversion condition be included in the Deed of Sale and Council's pre-emptive right be	2019-10-29	HPOTGIETER	85	11/08/2022: Surveyor advised that application for consolidation & subdivision is in process.

		<p>registered in the title deed that the disposed property will only be utilized for the purpose stipulated in item 1 above;</p> <p>6. that all costs pertaining to the transaction be borne by the Purchaser, which may include survey, rezoning, consolidation and costs of transfer;</p> <p>7. that a suspensive condition in respect of the consolidated properties be included stipulating that the subject even be subject to approval in terms of land use planning legislation;</p> <p>8. that the following of a public participation process, be approved;</p> <p>9. that the above-mentioned approval in principle be subject to a public participation process being followed due to the non-viability of the property in that an item will only be tabled in Council again should any representations/comments be received;</p> <p>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</p> <p>11. that the Municipal Manager be authorized to sign all documents relating to the alienation and transfer of the subject portion of Farm 319 Portion 64 Worcester and all necessary documents relating thereto.</p>				
886395	<p><b>IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF MUNICIPAL PROPERTY: ERF 5595, SITUATED AT 1 PHILLY MAPUTANE STREET, DE DOORNS</b></p>	<p>RESOLVED C20/2021</p> <p>That in respect of –</p> <p><b>IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF MUNICIPAL PROPERTY: ERF 5595, SITUATED AT 1 PHILLY MAPUTANE STREET, DE DOORNS</b></p> <p>as discussed by Council at the Council meeting held on 23 February 2021 Council decide:</p>	2021-02-23	HPOTGIETER	85	11/08/2022: Regulation 68 advertisement duly placed in accordance with Deeds Registry Act. Transfer documents signed.

		<p>1. that the disposal of erf 5595, De Doorns for purposes permitted under Institutional Zone I be approved in principle by means of a competitive bidding process in the open market at the market related value as determined by HCB Property Valuations in the amount of R95 000.00 (Ninety-Five Thousand Rand), VAT Excluded, VAT Excluded;</p> <p>2. should the Purchaser be a registered social care organization/institution the purchase price be fixed at a minimum of 50% of the fair market value;</p> <p>3. that all costs pertaining to the transaction be borne by the Purchaser, e.g. transfer costs, survey, rezoning, provision of services and a direct access road;</p> <p>4. that the development of the erf be completed within two (2) years of registration and be included in the Deed of Sale;</p> <p>5. that the following of a public participation process, be approved;</p> <p>6. that an item will only be resubmitted to Council should any representations/objections be received;</p> <p>7. that the administration be mandated to administer the process of disposal of the municipal property following the public participation process;</p> <p>8. 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 utilised for the purpose stipulated in item 1 above;</p> <p>9. that the Purchaser be responsible for the payment of all municipal services including rates and taxes in respect of the property following transfer of the property;</p> <p>10. that the relevant internal comments be incorporated in the</p>				
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		<p>Deed of Sale and the right be reserved to supplement internal comments;</p> <p>11. 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 the community value as well as the economic value in exchange for the asset was weighed against the market related purchase price; and</p> <p>12. that the Municipal Manager be authorized to sign all documents relating to the disposal and transfer of the subject property.</p>				
886398	<p><b>IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF THE REMAINDER OF ERF 5940, SITUATED AT CHURCH STREET, WORCESTER</b></p>	<p>RESOLVED C22/2021 That in respect of – IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF THE REMAINDER OF ERF 5940, SITUATED AT CHURCH STREET, WORCESTER</p> <p>as discussed by Council at the Council meeting held on 23 February 2021 council decide:</p> <p>1. That, the disposal of the remainder of erf 5940 Worcester currently permitted under Transport Zone I be approved in principle by means of a competitive bidding process in the open market at the market related value as determined by HCB Property Valuations as HCB Property Valuations determined the market related value of the property in the amount of R300 000.00 (Three Hundred Thousand Rand), VAT Excluded.</p> <p>2. that the Purchaser be permitted to apply for the rezoning of the municipal property, provided that the application follows proper Town Planning procedures;</p> <p>3. that all costs pertaining to the transaction be borne by the Purchaser, e.g. transfer costs,</p>	2021-02-23	HPOTGIETER	85	<p>11/08/2022: Original title deed obtained. Instruction issued to conveyancer to proceed with application for original subdivision plan.</p>



		<p>survey, rezoning, provision of services and a direct access road;</p> <p>4. that the development of the erf be completed within two (2) years of registration and be included in the Deed of Sale;</p> <p>5. that the following of a public participation process, be approved;</p> <p>6. that an item will only be resubmitted to Council should any representations/objections be received;</p> <p>7. that the administration be mandated to administer the process of disposal of the municipal property following the public participation process;</p> <p>8. 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 utilised for the purpose stipulated in item 1 above;</p> <p>9. 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;</p> <p>10. that the relevant internal comments be incorporated in the Deed of Sale and the right be reserved to supplement internal comments;</p> <p>11. 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 the community value as well as the economic value in exchange for the asset was weighed against the market related purchase price; and</p> <p>12. that the Municipal Manager be authorized to sign all documents relating to the disposal and transfer of the respective municipal properties.</p>				
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886399	<p><b>IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF A PORTION OF ERF 1 (ALSO KNOWN AS YSSEL STREET THOROUGHFARE), SITUATED AT YSSEL STREET, WORCESTER</b></p>	<p>RESOLVED C23/2021 That in respect of – IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF A PORTION OF ERF 1 (ALSO KNOWN AS YSSEL STREET THOROUGHFARE) SITUATED AT YSSEL STREET, WORCESTER as discussed by Council at the Council meeting held on 23 February 2021 Council decide:</p> <ol style="list-style-type: none"> <li>1. That the disposal of a portion of erf 1 (also known as Yssel Street thoroughfare), Worcester for purposes permitted under Residential Zone I be approved in principle by means of a competitive bidding process in the open market at the market related value as determined by HCB Property Valuations in the amount of R105 500.00 (One hundred and Five Thousand Five Hundred Rand), VAT Excluded;</li> <li>2. that the erf be offered to first time homeowners with the means to purchase and develop the property;</li> <li>3. that all costs pertaining to the transaction be borne by the Purchaser, e.g. transfer costs, survey, rezoning, provision of services and a direct access road;</li> <li>4. that the development of the erf be completed within two (2) years of registration and be included in the Deed of Sale;</li> <li>5. that a suspensive condition in respect of the subdivision of the property be included in the Deed of Sale stipulating that the disposal of the property be made subject to approval of the subdivision (Town Planning) processes in terms of land use planning legislation;</li> <li>6. that the following of a public participation process, be approved;</li> <li>7. that an item will only be resubmitted to Council should any representations/objections be received;</li> </ol>	2021-02-23	HPOTGIETER	80	11/08/2022: Purchaser was duly informed that subdivision application should be submitted prior to transfer.

		<p>8. that the administration be mandated to administer the process of disposal of the municipal property following the public participation process;</p> <p>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 utilised for the purpose stipulated in item 1 above;</p> <p>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;</p> <p>11. that the relevant internal comments be incorporated in the Deed of Sale and the right be reserved to supplement internal comments;</p> <p>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 the community value as well as the economic value in exchange for the asset was weighed against the market related purchase price; and</p> <p>13. that the Municipal Manager be authorized to sign all documents relating to the disposal and transfer of the subject property.</p>				
913139	<b>IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF A PORTION OF REMAINDER OF FARM 576 RHOODE HOOGTE OUTSPAN, WORCESTER</b>	<p>RESOLVED C45/2021 That in respect of – IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF A PORTION OF REMAINDER OF FARM 576 (RHOODE HOOGTE OUTSPAN), WORCESTER</p> <p>as discussed by Council at the Council meeting held on 28 April 2021 Council decide:</p> <p>1. That the disposal of a portion of remainder of Farm 576 (Rhode Hoogte Outspan),</p>	2021-04-28	HPOTGIETER	85	11/08/2022:SA Institute if valuers duly contacted.

		<p>Worcester, ±15.2400ha in extent for purposes permitted under Agricultural Zone I be approved in principle by means of a competitive process in the open market at least at a fair market price as determined by HCB Valuers in the amount of Seventy-Five Thousand Rand (R75 000.00);</p> <p>2. That the prospective purchaser be liable for all costs related to the disposal, e.g. rehabilitation- and transfer costs, EIA if required, registration of a right of way and the installation of municipal services;</p> <p>3. that the following of a public participation process, be approved;</p> <p>4. that an item will only be resubmitted to Council should any representations/comments be received;</p> <p>5. that the administration be mandated to administer the process of disposal of the municipal properties following the public participation process;</p> <p>6. that a reversion clause be included in the Deed of Sale as well as the Title Deed that the disposed property be utilized for Agricultural Zone I Purposes only and should the Purchaser not use the property as specified, the erf will revert back to the Municipality free of charge;</p> <p>7. 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;</p> <p>8. that the relevant internal comments be incorporated in the Deed of Sale and the right be reserved to supplement internal comments;</p> <p>9. 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</p>				
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		<p>Management Act (Act 56 of 2003); and</p> <p>10. that the Municipal Manager be authorized to sign all documents relating to the disposal and transfer of the municipal property.</p>				
977287	<p><b>IN-PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION AND TRANSFER OF A PORTION OF ERF 4014 AND A PORTION OF ERF 4015, SITUATED ON THE R43 VILLIERSDORP ROAD, WORCESTER, TO CAPE WINELANDS DISTRICT MUNICIPALITY</b></p>	<p>RESOLVED C85/2021</p> <p>That in respect of – IN-PRINCIPLE, APPROVAL FOR THE DIRECT ALIENATION AND TRANSFER OF A PORTION OF ERF 4014 AND A PORTION OF ERF 4015, SITUATED ON THE R43 VILLIERSDORP ROAD, WORCESTER, TO CAPE WINELANDS DISTRICT MUNICIPALITY as discussed by Council at the Special Council meeting held on 28 September 2021, Council decide:</p> <p>1. That the capital asset to be transferred is not needed for the provision of the minimum level of basic municipal services and is considered to be surplus to the requirements of the municipality;</p> <p>2. That the direct alienation and transfer of the property being a portion of Erf 4014 and a portion of Erf 4015, situated on the R43 Villiersdorp Road, Worcester ±47.23 ha in extent, at the market-related value of R1 890 000.00 (One Million Eight Hundred And Ninety Thousand Rand), alternatively R40 000.00 (Forty Thousand Rand) per hectare, for the primary purpose of establishing a Regional Landfill Site or for alternative utilisation identified and approved by Breede Valley Municipality to the Cape Winelands District Municipality, be approved in principle;</p> <p>3. that the transfer of the property be subject to obtaining the necessary rezoning and subdivision approvals as well as compliance with the relevant internal departments (Directorates) comments with the right to supplement same;</p> <p>4. that all costs pertaining to the transaction be borne by the Cape</p>	2021-09-28	HPOTGIETER	80	11/08/2022: Matter pending decision from Municipal Planning Tribunal.

		Winelands District Municipality; and  5. that the Municipal Manager be authorized to sign all documents relating to the alienation and transfer of the property and all necessary documents relating to it.				
1099841	<b>IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF ERF 9048 WORCESTER, WERDA STREET SITUATED ADJACENT TO ERF 9047 AND 9049, WORCESTER</b>	RESOLVED C55/2022  That in respect of –  IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF ERF 9048 WORCESTER, WERDA STREET SITUATED ADJACENT TO ERF 9047 AND 9049, WORCESTER  discussed by Council at the Council Meeting held on 26 April 2022:  1. That the direct alienation of a Erf 9048, Worcester (adjacent to Erf 9047 and 9049), ±135m <sup>2</sup> in extent, for purpose allowed under Residential Zone I, to the owners of the adjoining erven, at an amount of Thirty Thousand Rand (R30 000.00) (VAT Excluded), be approved in principle;  1. That each Purchaser will be liable to pay an amount of Fifteen Thousand Rand (R 15 000.00) (VAT Excluded) towards the purchase price in item 1 above.  2. that Council take cognisance of the fact that the direct alienation is only approved as Erf 9048, Worcester is classified as a non-viable property;  3. that Erf 9048, Worcester be consolidated with the adjoining properties of the Applicants, being Erf 9047 and 9049, Worcester respectively;  4. Should one of the Purchasers be unable to proceed with the purchase of their respective portion of Erf 9048, the other purchaser be given the opportunity to purchase Erf 9048 in its entirety;	2022-04-26	HPOTGIETER	60	11/08/2022: Public participation process followed. No objections / representations received. Purchasers to follow Town Planning processes (subdivision & consolidation).

		<p>5. that the alienation of Erf 9048, Worcester be subject to obtaining consolidation approvals as well as comply with the relevant internal departments (Directorates) comments and the right be reserved to supplement such internal comments;</p> <p>6. that a reversion condition be included in the Deed of Sale and 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;</p> <p>7. that all costs pertaining to the transaction be borne by the Purchasers equally, which may include survey, rezoning, consolidation and costs of transfer;</p> <p>8. that a suspensive condition in respect of the consolidated properties be included stipulating that the subject erf be subject to approval in terms of land use planning legislation;</p> <p>9. that the following of a public participation process, be approved;</p> <p>10. that the above-mentioned approval in principle be subject to a public participation process being followed due to the non-viability of the property in that an item will only be tabled in Council again should any representations/comments be received;</p> <p>11. 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</p> <p>12. that the Municipal Manager be authorized to sign all documents relating to the alienation and transfer of Erf 9048, Worcester and all necessary documents relating thereto.</p>				
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1121580	<p><b>CONSIDERATION FOR THE DIRECT ALIENATION OF A PORTION ELIZABETH STREET, RAWSONVILLE</b></p>	<p>RESOLVED C63/2022 That in respect of –</p> <p>CONSIDERATION FOR THE DIRECT ALIENATION OF A PORTION ELIZABETH STREET, RAWSONVILLE</p> <p>discussed by Council at the Council Meeting held on 30 May 2022:</p> <ol style="list-style-type: none"> <li>1. That the objections in respect of the proposed pedestrian thoroughfare is upheld;</li> <li>2. that the direct alienation of a portion of Elizabeth Street, Rawsonville (adjacent to Erven 536 and 537), ±221.57m<sup>2</sup> in extent, for formal parking purposes, to the owner of the adjoining erven, at an amount of One Hundred and Ten Thousand Rand (R110 000.00), be approved;</li> <li>3. that Council take cognisance of the fact that the direct alienation is only approved as the subject portion of Elizabeth Street, Rawsonville is classified as a non-viable property;</li> <li>4. that the subject portion of Elizabeth Street, Rawsonville be consolidated with the adjoining property of the Applicant, being Erf 537, Rawsonville;</li> <li>11. that the alienation of the subject portion of Elizabeth Street, Rawsonville be subject to obtaining the necessary closure, rezoning, consolidation and deproclamation approvals within two (2) years, as well as comply with the relevant internal departments (Directorates) comments and the right be reserved to supplement such internal comments;</li> <li>12. that a reversion condition be included in the Deed of Sale and 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 2 above;</li> <li>13. that all costs pertaining to the transaction be borne by the Purchaser, which may include survey, rezoning, consolidation and costs of transfer;</li> <li>14. that a suspensive condition in respect of the consolidated</li> </ol>	2022-05-30	HPOTGIETER	50	11/08/2022: Council resolution communicated with applicant. Town Planning processes to be finalized.



		<p>properties be included stipulating that the subject even be subject to approval in terms of land use planning legislation;</p> <p>15. 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</p> <p>16. that the Municipal Manager be authorized to sign all documents relating to the alienation and transfer of the subject portion of Elizabeth Street, Rawsonville and all necessary documents relating thereto.”</p>				
1121587	<b>RECRUITMENT AND SELECTION OF MUNICIPAL MANAGER</b>	<p>RESOLVED C65/2022</p> <p>That in respect of – RECRUITMENT AND SELECTION OF MUNICIPAL MANAGER as discussed by Council at the Council meeting held on 30 May 2022 Council decide:</p> <p>1. That Council affirm that the position of Municipal Manager will be vacant on 1 November 2022;</p> <p>2. that in terms of Regulation 7(2)(a) of the Regulations on the Appointment and Conditions of Employment of Senior Managers (“The Regulations”) Gazetted on 17 January 2014 (Gazette No. 37245) Council approve that the post of the Municipal Manager be filled;</p> <p>3. That Council confirm in compliance with Regulation 5 that:</p> <p>3.1.1 the municipality requires the post to meet its strategic objectives;</p> <p>3.1.2 remuneration and other conditions of employment will be attached to the post in terms of the Upper Limits of Total Remuneration Package Payable to Municipal Managers and Managers Directly Accountable to the Municipal Managers once</p>	2022-05-30	HPOTGIETER	75	11/08/2022: Interviews conducted by recruitment agency.

		<p>a suitable candidate is recommended; and</p> <p>3.1.3 sufficient budgeted funds, including funds for the remaining period of the medium-term expenditure framework, are available for filling the post;</p> <p>3.2 that the administration must ensure that the post of the Municipal Manager is advertised in a newspaper circulating nationally and in this province within the legislative timeframe from the date of this resolution;</p> <p>3.3 that the services of a competent and experienced recruitment agency be used during the recruitment process, subject thereto that the advertising, recruitment, selection procedure and competency testing complies with the Regulations;</p> <p>3.4 that Council appoint the following members on the Selection Panel for the recruitment and selection of the Municipal Manager:          3.4.1 The Executive Mayor who is the Chairperson;          3.4.2 Councillor Wouter Meiring;          and          3.4.3 Mr Henry Prins (Cape Winelands District Municipality: Municipal Manager), who has expertise and experience in the area of the advertised post;</p> <p>3.5 that the selection panel submit a report and recommendation on the selection process to Council on the suitable candidates who comply with the relevant competency requirements of the post in order of preference;</p> <p>3.6 that the appointment shall be for a fixed term of five (5) years; and</p> <p>3.7 that each party is entitled to nominate one representative to attend and observe the proceedings;</p>				

**3. PUBLIC SERVICES****3.1 Council resolutions**

Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment
1155819	<p><b>THE PROPOSED APPOINTMENT OF MEMBERS FOR THE BREEDE VALLEY MUNICIPAL PLANNING TRIBUNAL</b></p> <p>RESOLVED</p> <p>That in respect of - THE APPOINTMENT OF MEMBERS FOR THE BREEDE VALLEY MUNICIPAL PLANNING TRIBUNAL discussed by Council at the Council meeting held on 26 July 2022 with resolution number C82/2022:</p> <p>1. That Council approves that, in compliance with Section 36(3) of The Spatial Planning And Land Use Management Act, 16 of 2013 (SPLUMA), that the Municipal Planning Tribunal shall consist of six (6) members;</p> <p>2. That in compliance with Section 71(1)(a) of Breede Valley Municipal planning By-Law (2015), the following officials who are in the full-time service of the municipality, are herewith appointed as members of the Municipal Planning Tribunal:</p> <p>a. The Senior Manager: Public Works; b. Legal Advisor c. Manager: Project Management (Registered Professional Town Planner)</p> <p>3. That the Municipal Manager is authorised to appoint the further members of the Municipal Planning Tribunal as required by Section 36(1)(b) of Breede Valley Municipal planning By-Law (2015), read with Regulation 3(2) of the Spatial Planning And Land Use Management Regulations: Land Use Management and General Matters, 2015, the further members appointed as indicated above shall have knowledge and experience of spatial planning, land use management and land development or the law related thereto;</p> <p>4. That in compliance with Section 71(3)(a) of the Breede</p>	2022-07-26	PIETER2		

		<p>Valley Municipal Planning By-Law (2015), Council appoint Manager: Project Management as the chairperson of the Municipal Planning Tribunal;</p> <p>5. That in compliance with Section 71(3)(b) of the Breede Valley Municipal planning By-Law (2015), Council appoint one of the internal members as deputy chairperson of the Municipal Planning Tribunal;</p> <p>6. That in compliance with Section 72(1) of the Breede Valley Municipal Planning By-Law (2015), the term of office of the members of the Municipal Planning Tribunal is three years which term will commence with the publication of the notice as required by Section 37(4) of SPLUMA;</p>				
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#### 4. ENGINEERING SERVICES

##### 4.1 Council resolutions

#### 5. FINANCIAL SERVICES

##### 5.1 Council resolutions

Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment	
1127521	<p><b>PROPOSED AMENDMENTS TO BIDS BV 566/2020; BV814/2020 AND BV816/2019 IN COMPLIANCE WITH SECTION 116(3) OF THE MFMA (The tender descriptions are within the report content)</b></p>	<p>RESOLVED C67/2022 In respect of PROPOSED AMENDMENTS TO BIDS BV 566/2020; BV814/2020 AND BV816/2019 IN COMPLIANCE WITH SECTION 116(3) OF THE MFMA as discussed by Council at the Special Council Meeting held on 8 June 2022: That cognisance be taken of the reasons for the proposed amendment of Contracts: 1. WEC CONSULT (PTY) LTD (BV566/2020 Professional</p>	2022-06-08	JGORDON		

		<p>Services for the Construction of Erosion Protection at Hex River, Worcester)</p> <p>2. BERGSTAN SOUTH AFRICA (PTY) LTD (BV814/2020 Professional services for the extension of Rawsonville Wastewater Treatment Works)</p> <p>3. WSP GROUP AFRICA (PTY) LTD (BV816/2019 Professional services for the construction of 20ML service Reservoir at Preloads</p> <p>for services of the above contracts, ending 30 June 2022, enabling provisions of Section 116(3) of the Local Government: Municipal Finance Management Act 2003 (Act 56 of 2003), and that the amendments of the contracts be consented to;</p> <p>And that the amendment of all above-mentioned contracts extended under the same terms and conditions for a period ending 30 June 2024, and that the amendments be subject to BVM financial capacity to utilise these contracts, including a one-month written notification for cancellation clause, applicable to for both parties.</p>				
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**6. MUNICIPAL MANAGER**

**6.1 Council resolution**

**7. MAYCO**

**7.1 Council resolution**

Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment
776194	<p><b>ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS: CLLR. C.F.</b></p> <p>RESOLVED C21/2020</p> <p>1. That Council appoint a Disciplinary Committee comprising of 11 members (6 DA members and one member of each other Political Party ( i.e</p>	2020-02-25	JVANWYK		Awaiting outcome of criminal case

	<b>WILSKUT</b>	ANC; BO; FF+; PDM; EFF); 2. That Cllr J.F. van Zyl be appointed as the Chairperson of the Disciplinary Committee; 3. The names of members to the Disciplinary Committee should be submitted to the Speaker within 7 days from the date of the Council Meeting.				
1155841	<b>ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS: CLLR. MARGARET SWARTZ. ITEM FOR COUNCIL: 26 JULY 2022</b>	RESOLVED C85/2022 In terms of Clause 16 of the Code of Conduct: a) A Municipal Council may – investigate and make a finding on any alleged breach of a provision of this Code; or b) Establish a Special Committee: i) to investigate and make a finding on any alleged breach of this code and ii) to make appropriate recommendations to the Council. And whereas a special committee, pertaining to the investigation of disciplinary matters, has already been established by Council per Council decision C40/2022.  Cllr Nel proposed that Council recommends this motion to the established Special Committee to investigate and make a finding on any alleged breach of this code and to make appropriate recommendations to the Council, as stated above under point (b).	2022-07-26	JVANZYL		
1155852	<b>ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS: CLLR. C.F. WILSKUT</b>	RESOLVED C86/2022 This motion will serve at the next Council Meeting.	2022-07-26	JVANZYL		
1155854	<b>ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS: CLLR. C.F. WILSKUT</b>	RESOLVED C87/2022 This motion will serve at the next Council Meeting.	2022-07-26	JVANZYL		

**7. CONSIDERATION OF AGENDA ITEMS****7.1 ROLL-OVER FROM 2021/2022 FINANCIAL YEAR – ADJUSTMENTS  
BUDGET 2022/2023 - 23 AUGUST 2022****File No. /s:** 3/15/1**Responsible Official:** R Ontong**Directorate:** Financial Services**Portfolio:** Financial Services

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**1. Purpose:**

To submit an Adjustments budget for the 2022/23 financial year as a result of roll-overs from the 2021/22 financial year.

**2. Background:**

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

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

Further, section 30 of the MFMA states that; “The appropriation of funds in an annual or adjustments budget lapses to the extent that those funds are unspent at the end of the financial year to which the budget relates, except in the case of an appropriation for expenditure made for a period longer than that financial year in

terms of section 16 (3).” Conditional grant funding must also be rolled over or refunded to the allocating authority.

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

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

### **3. Financial Implications:**

Financial implications are contained in the detail in this report.

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

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



## ROLL-OVER ADJUSTMENTS BUDGET 2022/23



**BREDE VALLEY**

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

**23 August 2022**

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**SECTION A – Part 1****1. Glossary**

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

**Allocations** – Money received from Provincial and National Treasury.

**Budget** – The financial plan of a municipality.

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

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

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

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

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

**GDFI** - Gross Domestic Fixed Investment

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

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

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

**LM** – Breede Valley Municipality.

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

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

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

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

**TMA** – Total Municipal Account

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

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

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

### **Abbreviations and Acronyms**

AMR Automated Meter Reading

ASGISA Accelerated and Shared Growth Initiative

BPC Budget Planning Committee

CBD Central Business District

CFO Chief Financial Officer

CPI Consumer Price Index

CRRF Capital Replacement Reserve Fund

DBSA Development Bank of South Africa

DoRA Division of Revenue Act

DWA	Department of Water Affairs
EE	Employment Equity
EEDSM	Energy Efficiency Demand Side Management
EM	Executive Mayor
FBS	Free basic services
GAMAP	Generally Accepted Municipal Accounting Practice
GDP	Gross domestic product
GDS	Gauteng Growth and Development Strategy
GFS	Government Financial Statistics
GRAP	General Recognised Accounting Practice
HR	Human Resources
HSRC	Human Science Research Council
IDP	Integrated Development Strategy
IT	Information Technology
kℓ	kilolitre
km	kilometre
KPA	Key Performance Area
KPI	Key Performance Indicator
kWh	kilowatt-hour
ℓ	litre
LED	Local Economic Development
MEC	Member of the Executive Committee
MFMA	Municipal Financial Management Act
MIG	Municipal Infrastructure Grant
MM	Municipal Manager
MMC	Member of Mayoral Committee
MPRA	Municipal Properties Rates Act
MSA	Municipal Systems Act
MTEF	Medium-term Expenditure Framework

MTREF Medium-term Revenue and Expenditure Framework

NERSA National Electricity Regulator South Africa

NGO Non-Governmental organisations

NKPIs National Key Performance Indicators

OHS Occupational Health and Safety

OP Operational Plan

PBO Public Benefit Organisations

PHC Provincial Health Care

PMS Performance Management System

PPE Property Plant and Equipment

PPP Public Private Partnership

PTIS Public Transport Infrastructure System

RG Restructuring Grant

RSC Regional Services Council

SALGA South African Local Government Association

SAPS South African Police Service

SDBIP Service Delivery Budget Implementation Plan

SMME Small Micro and Medium Enterprises

## **2. Mayors Report**

The 2022/23 Roll-over Adjustments Budget serves the purpose of allocating unspent and underspent funds, which are committed to identifiable projects in the 2021/22 financial year budget. These projects, due to unforeseen circumstances could not be fully implemented during the 2021/22 financial year, and therefore need to be rolled over to the current (2022/23) financial year to ensure continued service delivery.

## **3. Resolutions**

That council approves the following:

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

#### 4. Executive Summary

The 2022/23 Roll-over Adjustments Budget was compiled in accordance with section 28 of the Municipal Finance Management Act and regulation 23 of the Municipal Budget and Reporting Regulations.

In compiling the 2022/2023 Roll-over Adjustments Budget, the importance of credibility, sustainability, responsiveness and affordability remains integral in striving to achieve the desired outcome of effective and efficient service delivery.

Below is the list of projects to be rolled over from the 2021/22 financial year to the 2022/23 financial year:

Description	Roll overs from 2021/22
Refurbishment of substations	218 000
High Mast lights	496 378
Erosion Protection of Hex River : Phase 2 ( 300m @ R13,333.33/m)	50 000
Johnsons Park - Water	283 099
Johnsons Park - Stormwater	98 167
Johnsons Park - Electricity	222 992
Johnsons Park - Roads	677 489
SPORT: Esselen Park: Replacement of fence perimeter	300 000

Fleet - Major parts and components	300 000
Supply and Installation of Load Shedding Solution and Solar PV	428 476
Upgrading of municipal building	70 593
ICT - Computer Equipment	4 485 443
Call Center & Telephone (PBX) System	1 085 435

Contractual commitment is in place for all the above-mentioned projects, in line with the relevant criteria for this Adjustments Budget. The implementation or finalization of these projects prior to the end of the 2021/22 financial year is due to the following:

- Unresponsive bidders and / or lack of supply
- Supplier delays in the delivery of goods and delivering of services
- Extensive nature of SCM processes

### 1. Adjustments Budget Tables – refer to Annexure A

Please refer to Annexure A for the complete and visually enhanced / user friendly version of the Schedule B tables mentioned in this document.

B1 Consolidated Adjustments Budget Summary

B2 Consolidated Adjustments Budget Financial Performance by Standard Classification

B3 Consolidated Adjustments Budget Financial Performance by Municipal Vote

B4 Consolidated Adjustments Budget Financial Performance (Revenue and Expenditure)

B5 Consolidated Adjustments Budget Capital Expenditure Vote and Funding

B6 Consolidated Adjustments Budget Financial Position

B7 Consolidated Adjustments Budget Cash Flows

B8 Consolidated Cash Backed Reserves/Accumulated Surplus Reconciliation

B9 Consolidated Asset Management

B10 Consolidated Basic Service Delivery Measurement



**SECTION A – Part 2****1. Adjustments to Budget Inputs and assumptions**

The 2022/23 Roll-over Adjustments Budget was compiled in line with Chapter 4 Municipal Finance Management Act and Chapter 2 Part 4 of the Municipal Budget and Reporting Regulations.

The 2022/23 Roll-over Adjustments Budget remain consistent with the Long-Term Financial Plan to ensure continued synergy between long term planning and implementation planning.

As per the legislative prescript mentioned above, these underspending was not foreseen during the compilation of the 2022/23 annual budget. Only projects committed to identifiable projects as at the end of the 2021/22 financial year are included in the Roll-over Adjustments Budget, unless determined otherwise by the Accounting Officer / Municipal Manager based on the merits of these related projects.

The rollover of the abovementioned projects came about as a result of delays outside the control of the Municipality. The causes of these delays have been established and corrective measures have been put in place to monitor progress, which will promote effective and efficient implementation in the 2022/23 financial year.

**2. Adjustments to Budget Funding**

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

**3. Adjustments to Expenditure on Allocations and Grant**

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

**4. Adjustment to Allocations or Grants made by the Municipality**

None.

**5. Adjustment to Councillor Allowances and Employees**

The changes to councillor allowances and employee related cost is provided on table B4. None.

**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**

**Comment of Directorates / Departments concerned:**

Municipal Manager:	Recommendation Supported
Director: Strategic Support Services:	Recommendation Supported
Director: Financial Services:	Recommendation Supported
Director (Acting): Public Services:	Recommendation Supported
Director: Engineering Services:	Recommendation Supported
Director: Community Services:	Recommendation Supported

**RECOMMENDATION**

That in respect of-

**Adjustments budget for 2022/23 – August 2022,**

Discussed by Council at the Council meeting held on 23 August 2022

1. Council resolves that the Roll-over Adjustment Budget of Breede Valley Municipality for the financial year 2022/23 be adjusted and approved with amendments as set out in the Adjustments Budget tables and Adjustments Budget supporting tables as prescribed by the Municipal Budget and Reporting Regulations, as set out in Annexure A.
2. Council approves the Quality Certificate to the Adjustments Budget signed by the Accounting Officer, as per Annexure B.

**To action:**

R. Ontong

**7.2 2023/24 IDP & BUDGET TIME SCHEDULE & PROPOSED WARD COMMITTEE/PUBLIC ENGAGEMENT PLAN****File No./s:** 10/3/8**Responsible Official:** C. Malgas**Directorate:** SSS**Portfolio:** IDP/SDBIP/PMS

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**1. PURPOSE**

To submit the 2023/24 IDP & Budget Time Schedule, linked to the IDP & Budget planning- as well as the financial- and performance reporting cycle, to Council for notification purposes.

The following points (as depicted in the Annexure" A") are emphasised accordingly:

- That Council takes note of the planned activities earmarked for implementation from September 2022 – August 2023. The Time Schedule excludes activities relating to July- & August 2022 as these have been included in the Process Plan submitted to- and adopted by Council on the 25<sup>th</sup> of January 2022 (Resolution C16/2022). The Time Schedule serving before Council today, should therefore be read together with the adopted Process Plan.
- That Council takes note of the proposed ward committee/public engagement plan, scheduled in October/November 2022 and March/April 2023 respectively, and endorse that it be consulted with each Ward Councillor and applicable stakeholder(s) prior to finalisation and publication thereof.

**2. BACKGROUND**

Section 21(1) of the Municipal Finance Management Act (Act 56 of 2003) (MFMA) regulates the Budget preparation process; by stating that:

(1)The mayor of a municipality must:

- (a) co-ordinate the processes for preparing the annual budget and for reviewing the municipality's integrated development plan and budget-related policies to ensure that the tabled budget and any revisions of the integrated development plan and budget-related policies are mutually consistent and credible.

- (b) at least 10 months before the start of the budget year, table in the municipal council a time schedule outlining key deadlines for -
  - (i) the preparation, tabling and approval of the annual budget;
  - (ii) the annual review of -
    - (aa) the integrated development plan in terms of section 34 of the Municipal Systems Act; and
    - (bb) the budget-related policies;
  - (iii) the tabling and adoption of any amendments to the integrated development plan and the budget related policies; and
  - (iv) any consultative processes forming part of the processes referred to in subparagraphs (i), (ii) and (iii).

Section 53(1)(b) of the MFMA prescribes that:

(1) The mayor of a municipality must:

- (b) co-ordinate the annual revision of the integrated development plan in terms of section 34 of the Municipal Systems Act and the preparation of the annual budget, and determine how the integrated development plan is to be taken into account or revised for the purposes of the budget.

Section 34 of the Local Government Municipal Systems Act (Act 32 of 2000) requires the Municipal Council to annually review its IDP in accordance with an assessment of its performance and to the extent that changing circumstances require. The Municipality must inform the public of the particulars of the process it intends to follow.

### **3. COMMENT**

A copy of the 2023/24 IDP & Budget Time Schedule and proposed ward committee/public engagement plan, is attached as Annexure "A"

### **4. FINANCIAL IMPLICATIONS**

None

### **5. APPLICABLE LEGISLATION/COUNCIL POLICY**

Municipal Finance Management Act (Act 56 of 2003)

Municipal Systems Act (Act 32 of 2000)

**6. COMMENT OF DIRECTORATES/DEPARTMENTS CONCERNED**

<b>Municipal Manager:</b>	Recommendation Supported
<b>Director: Strategic Support Services:</b>	Recommendation Supported
<b>Director: Financial Services:</b>	Recommendation Supported
<b>Director: Engineering Services:</b>	Recommendation Supported
<b>Director: Community Services:</b>	Recommendation Supported
<b>Acting Director: Public Services:</b>	Recommendation Supported
<b>Senior Manager: Legal Services:</b>	Recommendation Supported

**RECOMMENDATION**

That in respect of –

**The 2023/24 IDP & Budget Time Schedule and proposed ward committee/public engagement plan** as discussed by Council at the Council meeting held on 23 August 2022:

1. That the 2023/24 IDP & Budget Time Schedule be noted in terms of Sections 21(1)(b) and 53(1)(b) of the Municipal Finance Management Act (Act 56 of 2003), read together with Sections 28 and 34 of the Local Government Municipal Systems Act (Act 32 of 2000), with specific emphasis on the following:
  - a. The planned activities earmarked for implementation from September 2022 – August 2023 be noted;
  - b. The proposed ward committee/public engagement plan, scheduled in October/November 2022 and March/April 2023 respectively, be noted coupled with the endorsement to consult it with each Ward Councillor and applicable stakeholder(s) prior to finalisation and publication thereof.

**To action:**

C. Malgas

**7.3 SIGNED 2022/2023 PERFORMANCE AGREEMENTS OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER****File No./s:** 3/15/1**Responsible Official:** C Malgas**Directorate:** SSS**Portfolio:** Performance Management

---

**1. PURPOSE:**

To notify Council of the signed 2022/2023 Performance Agreements for the Municipal Manager and Managers directly accountable to the Municipal Manager.

**2. BACKGROUND:**

In terms of section 57 of the Municipal Systems Act, Act no. 32 of 2000 (hereafter referred to as the MSA), a person to be appointed as a Municipal Manager or Manager directly accountable to the Municipal Manager may only be appointed in that position in terms of a written employment contract and a separate performance agreement. In terms of Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, Notice 805 of 2006, the employment contract of Section 57 Managers, subject to labour legislation, specifically delineates the key components to be included in the contract such as:

- a) details of duties;
- b) remuneration;
- c) benefits; and
- d) other terms and conditions of employment

The Performance Agreement provides assurance to the municipal Council of what can and should be expected from their Section 57 Managers. The purpose thereof is to:

- Comply with the provisions of Sections 57(1)(b), (4A), (4B) and (5) of the MSA as well as the employment contract entered between the parties.
- Specify objectives and targets defined and agreed with the employee and to communicate to the employee the employer's expectations of the employee's

performance and accountabilities in alignment with the IDP, SDBIP and the budget of the municipality.

- Specify accountabilities as set out in a performance plan, which forms an annexure to the performance agreement.
- Monitor and measure performance against set targeted outputs.
- Use the performance agreement as the basis for assessing whether the employee has met the performance expectations applicable to his or her job.
- In the event of outstanding performance, to appropriately reward the employee; and
- Give effect to the employer's commitment to a performance-orientated relationship with its employee in attaining equitable and improved service delivery.

Section 53(3)(b) of the Municipal Finance Management Act (Act 56 of 2003) inter alia determine that the mayor must ensure that the performance agreements of the municipal manager, senior managers and any other categories of officials as may be prescribed, are made public no later than 14 days after the approval of the municipality's SDBIP and that copies of such performance agreements be submitted to the Council and the MEC for local government in the province.

However, it is important to note that the municipality subscribes to Section 57 (2)(a)(ii) of the MSA, which prescribes that a separate performance agreement for municipal managers and managers directly accountable to municipal managers must be concluded annually, within one month after the beginning of each financial year of the municipality. On this premise, the 2022/2023 Performance Agreements has been concluded on the 28<sup>th</sup> of July 2022 and published on the 2<sup>nd</sup> of August 2022.



In accordance with this legislative provision, the publication process is summarised in the table below:

Description	Date	Action	Date of Website Upload & Publication
Finalisation & sign-off of the 2022/2023 Performance Agreements	28 July 2022	<ul style="list-style-type: none"> <li>• Signed Performance Agreements circulated to NT, PT and DLG;</li> <li>• Signed Performance Agreements uploaded onto the municipal website;</li> <li>• An electronic notification, confirming the approval, published on municipal website &amp; social media platforms</li> </ul>	2 August 2022
Signed 2022/2023 Performance Agreements to serve before Council for notification purposes	23 August 2022		

**Table 1: Publication Process**

**3. COMMENT:**

Copies of the signed 2022/2023 Performance Agreements are attached as Annexure "A - E". Council should note that a Performance Agreement for the Director: Public Services has not been prepared nor included in this submission as the position is currently vacant. As soon as the position is filled, a Performance Agreement will, within 60 days after appointment, be concluded with the incumbent as per Section 57 (2)(a)(i) of the MSA and submitted to Council for notification.

**4. FINANCIAL IMPLICATIONS:**

None

**5. APPLICABLE LEGISLATION:**

Chapter 7 of the Local Government: Municipal Systems Act 32 of 2000  
Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, Notice 805 of 2006  
Local Government Municipal Systems Act Amendment Bill, No 7 of 2011  
Local Government: Municipal Finance Management Act 56 of 2003

**6. COMMENT OF DIRECTORATES / DEPARTMENTS CONCERNED:**

<b>Municipal Manager:</b>	Recommendation Supported
<b>Director: Strategic Support Services:</b>	Recommendation Supported
<b>Director: Financial Services:</b>	Recommendation Supported
<b>Director: Engineering Services:</b>	Recommendation Supported
<b>Director: Community Services:</b>	Recommendation Supported
<b>Senior Manager: Legal Services:</b>	Recommendation Supported

**7. RECOMMENDATION**

That in respect of -

**SIGNED 2022/2023 PERFORMANCE AGREEMENTS OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER**

discussed by the Community and Strategic Support Services Committee at the Community and Strategic Support Services Committee meeting held on 16 August 2022:

1. That Council takes note of the signed 2022/2023 Performance Agreements of the Municipal Manager and Managers directly accountable to the Municipal Manager (Annexures A – E), coupled with the publication process depicted in table 1 above.

Proposed: Cllr. P.C. Ramokhabi

Seconded: Cllr. J. Pieters

**RESOLVED****CS27/2022**

That in respect of -

**SIGNED 2022/2023 PERFORMANCE AGREEMENTS OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER**

discussed by the Community and Strategic Support Services Committee at the Community and Strategic Support Services Committee meeting held on 16 August 2022:

1. That Council takes note of the signed 2022/2023 Performance Agreements of the Municipal Manager and Managers directly accountable to the Municipal Manager (Annexures A – E), coupled with the publication process depicted in table 1 above.

The Committee concurs with the recommendation made to Council.

**RECOMMENDATION**

That in respect of -

**SIGNED 2022/2023 PERFORMANCE AGREEMENTS OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER**

discussed by Council at the Council meeting held on 23 August 2022:

1. That Council takes note of the signed 2022/2023 Performance Agreements of the Municipal Manager and Managers directly accountable to the Municipal Manager (Annexures A – E), coupled with the publication process depicted in table 1 above.

**To action:**

C. Malgas

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**7.4 REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF JULY 2022****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 of July 2022.

**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 July 2022, are attached as **Annexure A**.

**3. Financial Implications**

Reference can be made to the total approved amount as reflected in annexure "A"

**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

**5. Comment of Directorates / Departments**

**Municipal Manager:** Noted

**Director Strategic Support Services:** Noted

**Director Financial Services:** Noted

**Director Engineering Services:** Noted

**Director Community Services:** Noted

**Acting Director Public Services:** Noted

**Senior Manager Legal Services:** Noted

**RECOMMENDATION**

That in respect of-

**THE REPORT ON DEVIATION FOR THE MONTH OF JULY 2022**

Discussed by Council at the Council meeting held on 23 August 2022:

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the month of July 2022, **be noted**.

**To action:**

R. Ontong

**7.5 BREDE VALLEY 2022-2027 LOCAL ECONOMIC DEVELOPMENT STRATEGY****File No.:** 7/1/1**Responsible Official:** Colin January**Directorate:** Strategic Support Services**Portfolio:** LED and Tourism

---

**1. Purpose**

To present the 2022-2027 BVM Local Economic Development strategy which will serve as sectoral plan of the 2022-2022 Integrated Development Plan that was already adopted and to request the Section 80 Committee to discuss the 2022-2027 Local Economic Strategy and recommend it for approval for the next Council meeting.

**2. Background**

Municipalities have a legislative obligation to facilitate and promote local economic development. In doing so, each respective Municipality must, at every 5-year interval, compile a Local Economic Develop strategy that will guide the implementation of economic development projects and programmes in support of a longer-term vision and strategic actions.

During the recent strategy formulation phase, we applied our internal capacities to develop the 2022-2027 LED strategy. Apart from roping in a brainstorming and strategy formulation specialist, Mr Wouter Danckaert from an agency called Exchange in Belgium, the LED section was responsible for the planning of the workshops, as well as for the drafting of this strategy document. We arranged various stakeholder workshops across the various sectors, and local towns within the BVM and we organised a specific session for Council to facilitate ownership and leadership for our LED strategy. We used various forms of brainstorming and idea generation techniques to develop actions that will be annually included in the Service Delivery Budget and Implementation Plans.

**3. Financial Implications:**

Capital and operational funds need to be allocated in future financial years to fund activities as contained in this strategy and it must reflect in a multi-year budget. There is already provisional support to make funding provisions in respect of some of the actions.

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

- a) The Constitution, Section 152 c) put an obligation of local authorities to promote economic development.
- b) Municipal Systems Act, Section 26(c) prescribes how local economic development must be a sectoral plan of the IDP.
- c) National Framework for Economic Development COCTA, which provide a guideline of how LED should be conceptualised and implemented.

Funding for the execution must form part of annual budget allocations from Council as well as grants as received from other spheres of Government.

**Comment of Directorates / Departments**

**Municipal Manager:** Item is supported

**Director: Strategic Support Services:** Item is supported

**Director: Community Services:** Item is supported

**Director: Financial Services:** Item is supported

**Director: Engineering Services:** Vote numbers pertaining to the roll out of the LED strategy are noted, but there are no budgets mentioned. The lack of financial resources has hampered the provision and upgrading of infrastructure to cope with the current services backlog, increasing influx of people from other areas and the natural growth in population. The availability of own funding for project implementation is limited.

The implementation of this strategy competes for funding with other essential services such as water, housing, sanitation, electricity, and health services.

In identifying the funding for the prioritised projects over the Medium-Term Revenue and Expenditure Framework (MTREF) period, funding sources include public contributions and donations, borrowing internally generated funds, capital transfers recognised and direct or indirect national and provincial grants (transfers). Funding should be provided for BREEDE VALLEY 2022-2027 LOCAL ECONOMIC DEVELOPMENT STRATEGY

**Acting Director: Public Services:** Item Supported

**Senior Manager Legal Services:** Item Supported



**RECOMMENDATION**

That in respect of

**BREDE VALLEY 2022-2027 LOCAL ECONOMIC DEVELOPMENT STRATEGY**

discussed by the Community and Strategic Support Services Committee at the Community and Strategic Support Services Committee meeting held on 16 August 2022:

The following recommendation is therefore proposed:

- a) That the Council adopts 2022-27 Local Economic Development Strategy and action plan as the strategic document that will guide LED facilitation and implementation
- b) That the Council continues to provide oversight for the 2022-2027 LED strategy.

**Proposed: Cllr. J. Pieters**

**Seconded: Cllr. T. Manuel**

**RESOLVED****CS24/2022**

That in respect of

**BREDE VALLEY 2022-2027 LOCAL ECONOMIC DEVELOPMENT STRATEGY**

discussed by the Community and Strategic Support Services Committee at the Community and Strategic Support Services Committee meeting held on 16 August 2022:

The following recommendation is therefore proposed:

- a) That the Council adopts 2022-27 Local Economic Development Strategy and action plan as the strategic document that will guide LED facilitation and implementation
- b) That Council workshops the 2022-2027 LED strategy.
- c) Administration be tasked to develop an implementation plan with key dates and financial sources.

**The Committee concurs with the recommendation made to Council.**

**RECOMMENATION**

That in respect of

**BREDE VALLEY 2022-2027 LOCAL ECONOMIC DEVELOPMENT STRATEGY**

discussed by Council at the Council meeting held on 23 August 2022:

The following recommendation is therefore proposed:

- a) That the Council adopts 2022-27 Local Economic Development Strategy and action plan as the strategic document that will guide LED facilitation and implementation
- b) That Council workshops the 2022-2027 LED strategy.
- c) Administration be tasked to develop an implementation plan with key dates and financial sources.

**To action:**

C. January

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**7.6 REVISION OF STAFF ESTABLISHMENT OF THE DIRECTORATE  
COMMUNITY SERVICES****File:** 4/1/1/1**Responsible Official:** S. Swartz**Directorate:** Community Services**Portfolio:** Sport & Fire Services

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**1. Purpose:**

To obtain Council's approval on the organisational changes in the staff of the Directorate: Community Services.

**2. Background:****1. Zweletemba Swimming Pool**

The Zweletemba Swimming Pool was constructed during the 2021/22 financial year at a cost of almost R29 million. The pool was officially opened on 26 February 2022 and opened its doors for the public on 1 March 2022. The department had to use its current staff employed at Grey Street Swimming Pool at Zweletemba Swimming Pool. The following structure is proposed for the Zweletemba Swimming Pool:

- Supervisor [permanent position]
- 2 x General Assistants

The following positions has been budgeted for during the 2022/23 financial year:

- Supervisor – T7 at R264 438 per annum – total cost to company
- 2 x General Assistants – T3 at R160 858 per annum – total cost to company  
[See Annexure A]

No operational budget has been budgeted for during this financial year. The operational expenditure will be covered from the operational budget of the other swimming pools. During the adjustment budget in February 2023, provision for the operational budget will be made.

The operational budget to operate the swimming pool, is included in Annexure B.

The JD's for these positions has already been evaluated and we will be able to start with the recruitment process immediately after the amendments are approved by Council.

## 2. Rawsonville and Touws River Satellite Fire Stations

The need for satellite fire stations in our outside towns have been on the IDP for many years. The Municipality has decided to establish satellite stations in Rawsonville and Touws River. The organogram needs to be amended to make provision for the following employees:

- 6 x Fire Fighters/Junior Fire Fighters in Rawsonville
- 6 x Fire Fighters/Junior Fire Fighters in Touws River
- 

Operational budget for the satellite stations will form part of the operational budget of the Worcester and De Doorns Stations. No separate operational budget will be allocated to the satellite stations.

## 3. FINANCIAL IMPLICATIONS

### 1.1. Zweletemba Swimming Pool

#### Personnel Cost

Supervisor	R264 438 p.a.
2 x General Assistants	R160 858 p.a. @ R321 716.00
Total personnel Cost	R 586 154.00

#### Seasonal Workers Cost

Temporary lifeguards x 6	R447 014.00
Cashiers x 2	R126 883.50
General Assistants x 2	<u>R112 722.50</u>
Total	<u>R686 620.00</u>

Future Cost

Trees and Braai Spots	R350 000.00
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Operational Cost

General Maintenance and other operational costs for 2022/23 = R164 200.00

1.2. Satellite Fire Stations1.2.1. RawsonvillePersonnel Cost

6 x Fire Fighters	R1 761 432.00
Overtime	R 146 786.00
Allowances	R 105 684.00
PPE	R 250 000.00

Operational Cost

Renovation of Building	R300 000
Vehicle Cost	R250 000
Maintenance and Expenditure	R150 000

Future Cost

Medium Fire Fighting Truck	R3 500 000
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1.2.2. Touws RiverPersonnel Cost

6 x Fire Fighters	R1 761 432.00
Overtime	R 146 786.00
Allowances	R 105 684.00

PPE R 250 000.00

Operational Cost

Renovation of Building R250 000

Vehicle Cost R250 000

Maintenance and Expenditure R150 000

Future Cost

Medium Fire Fighting Truck R3 500 000

**4. APPLICABLE LEGISLATION/COUNCIL POLICY**

Constitution

OHS Act

Fire Fighting Act

Brigade Services Act

Community Safety Act

SANS 10090

Disaster Management Act

**5. COMMENT OF DIRECTORATES / DEPARTMENTS CONCERNED**

**Municipal Manager:** Noted and Supported

**Director: Engineering Services:** Item and recommendation supported.

**Director Financial Services:** Supported.

**Director Strategic Support Services:** Noted and Supported

**Acting Director Public Services:** Supported.

**Acting HR Manager:** It was approved by the LLF on 1 July 2022

**RECOMMENDATIONS**

That in respect of

**REVISION OF STAFF ESTABLISHMENT OF THE DIRECTORATE COMMUNITY SERVICES**

discussed by the Community and Strategic Support Services Committee at the Community and Strategic Support Services Committee meeting held on 16 August 2022:

1. **That Council approves the amendments to the organisational structure to enable the Directorate to appoint suitable personnel to fill the positions.**

**Proposed:** Cllr. M. Goedeman

**Seconded:** Cllr. P.C. Ramokhabi

**RESOLVED****CS25/2022**

That in respect of

**REVISION OF STAFF ESTABLISHMENT OF THE DIRECTORATE COMMUNITY SERVICES**

discussed by the Community and Strategic Support Services Committee at the Community and Strategic Support Services Committee meeting held on 16 August 2022:

1. **That Council approve the amendments to the organisational structure to enable the Directorate to appoint suitable personnel to fill the positions.**

**The Committee concurs with the recommendation made to Council.**

**RECOMMENDATION**

That in respect of

**REVISION OF STAFF ESTABLISHMENT OF THE DIRECTORATE COMMUNITY SERVICES**

discussed by Council at the Council meeting held on 23 August 2022:

1. **That Council approves the amendments to the organisational structure to enable the Directorate to appoint suitable personnel to fill the positions.**

**To action:**

S. Swartz

**7.7 MUNICIPAL COURT OPERATIONS AND UPDATE ON THE PROGRESS OF THE MUNICIPAL COURT****File no.: 9/2/1/1/56****Responsible Official: S Schroeder****Directorate: Community Services****Portfolio: Municipal Court**

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**1. PURPOSE**

The purpose of the item is to:

- a) Inform the council of the operations of the Municipal (Additional) Court, and
- b) Provide an update on progress made at the Municipal Court since the establishment, and
- c) What matters are to be placed on the court roll.

**2. BACKGROUND / DISCUSSION**

The council gave approval for the establishment of a Municipal (Additional) Court for the Breede Valley Magisterial District during 2016.

The principle/goal of the Municipal Court has a direct link with the vision of the Breede Valley Municipality. The Municipal Court, through effective and efficient prosecuting of transgressors of Traffic offences, by-laws, National Building Regulations, and others, can fulfil the goal to empower the Breede Valley community to prosper in a safe and healthy environment.

The Municipal Court commenced with operations during July 2021. The Department of Justice appointed a Magistrate designated for the Municipal Court on 1 October 2021. The Municipal Court is fully operational and is sitting on a full-time basis.



**WORKFLOW TRAFFIC FINES**

Municipal Traffic Officer issues the fine. The traffic notice is in book form which is printed in triplicate. The first page is issued to the offender, second page (control document) is kept at court and the third page remains in the book.

The clerk of the Municipal Court enters all the information as it appears on the control document on the system, namely TCS.

All payments done without representations directly into the bank account and at the is processed by the cashier/clerk on the TCS system.

All representations received are processed by the clerk and handed to the Prosecutor for consideration. After consideration, the Prosecutor will amend the control document and hand all representations back to the clerk. The clerk informs the applicant of the outcome. Representations will only be considered before the court date.

The court roll is printed, and all control documents are submitted to the court from the traffic department.

The clerk removes all control documents that have been paid and affix the relevant proof of payment thereto. These payments are handed to the Magistrate who signs it off and allocate to the admission of guilt register. This admission of guilt register is kept up to date by the clerk.

A printout of the daily payments is handed to the clerk for processing, the clerk hands all proof of payments together with the control documents to the Magistrate for checking. Should the accused fail to appear in court as warned on the summons, the Magistrate will authorise a warrant of arrest for the contempt of court.

If after 14 days of such authorisation the fine attached to the summons is not yet paid, the warrant of arrest will be printed and issued by the Magistrate.

Once the warrants are printed, the court register together with the warrants and warrant register is handed to the Magistrate to sign all the warrants.

The warrants are handed to the clerk for placing an administration mark on the ENatis system.

Should the person then subsequently transact at any traffic department the administration mark will prevent them from doing so, unless all the fines are paid in full.

The warrants are handed to the law enforcement and traffic officers to execute.

Matters that proceed to trial's witnesses are subpoenaed by the Prosecutor to testify in court on the trial date.

The day after court proceedings, the court register is processed by the clerk of the court.

All the case results as noted by the Magistrate is entered onto the TCS system.

### **PROGRESS OF THE MUNICIPAL COURT SINCE OPENING IN JULY 2021:**

The Municipal court commenced with operations during July 2021. During this period, we operated with the assistance of a Magistrate from the Magistrates' Court in Worcester. The Magistrate allocated to the Municipal Court was appointed on the 1<sup>st</sup> of October 2021. The Municipal Court Magistrate is appointed by the Department of Justice and Constitutional Development on a contractual basis.

All relevant staff from the Court Section at the Traffic Department moved office to the new Municipal Court building at 23 Baring Street, Worcester. (Stofberg Huis)

Since its commencement, the Municipal Court has an important function in ensuring the compliance with the National Building Regulations and Municipal By-Laws.

The Municipal Court also adjudicates traffic related offences received from the Provincial and Municipal Traffic Departments that are committed within the jurisdiction of the Breede Valley Municipality.

The Municipal Court roll is also compiled of speeding fines deduced from speeding cameras. The tender for the administration of the speeding fines has been awarded.

The Municipality is also in the process of procuring the tender for the administration of parking meters.

Both the speeding and parking transgressions will be heard in the Municipal Court.

Building Regulations and By-Law matters:

The Municipal Court deals with Matters from the Directorate: Planning and Integrated Services, such as failure to submit building plans, failure to apply for occupancy certificates and failure to remove building rubble etc.

During this period 30 matters were received; 16 new matters were placed on the Municipal Court roll and 14 were withdrawn due to compliance.

Court appearances:

Total court days	105
Total matters on court roll	931
Guilty	440
Not Guilty	1
Withdrawn: Complied	14
Postponements	397
Warrants issued in court	79
Warrants appearing in court	136 *amount should not be added to total matters on court roll again.
Court hours	150
Representations	1477

\*136 warrants appearing in court:

This amount should not be added to the total matters on the court roll again.

Once the warrants are placed on the court roll, the result/outcome is recorded as guilty/not guilty/complied/postponement etc.

Finance, printed court rolls and warrants of arrest:

During the period of July 2021 to 31 May 2022 the monthly income, matters printed on the court roll and total warrants issued were as follows:

	<b>MONTHLY INCOME</b>	<b>MUNICIPAL FINES ON ROLL</b>	<b>PROVINCIAL FINES ON COURT ROLL</b>	<b>TOTAL WARRANTS ISSUED</b>
July 2021	R182 525	395	734	659
August 2021	R278 320	687	931	983
September 2021	R203 258	603	1018	1004
October 2021	R190 360	580	2090	1007
November 2021	R338 179	641	1735	936
December 2021	R95 686	541	927	1259
January 2022	R233 937	865	3022	1904
February 2022	R578 576	1504	4415	2044
March 2022	R359 579	2196	3078	2038
April 2022	R286 683	1138	3021	1477
May 2022	R278 664	1058	3589	994
<b>TOTAL</b>	<b>R3 025 767</b>	<b>10 208</b>	<b>24 560</b>	<b>14 305</b>

Municipal Court expenses (Budgeted personnel costs):

1. Magistrate annual remuneration: R 934 277
2. Prosecutor annual remuneration: R 882 294

**3. COMMENTS**

**Director Community Services:** Noted and Supported

**Municipal Manager:** Noted and Supported

**Director: Engineering:** Noted and Supported

**Director Financial Services:** Noted and Supported

**Director Strategic Support Services:** Recommendation to Council noted

**Acting Director Public Services:** Noted and Supported

**RECOMMENDATION**

That in respect of

**MUNICIPAL COURT OPERATIONS AND UPDATE ON THE PROGRESS OF THE MUNICIPAL COURT**

discussed by the Community and Strategic Support Services Committee at the Community and Strategic Support Services Committee meeting held on 16 August 2022:

1. That Council takes cognisance of the operations and progress of the Municipal Court.

**Proposed: Cllr. J. Pieters**

**Seconded: Cllr. M. Goedeman**

**RESOLVED****CS26/2022**

That in respect of

**MUNICIPAL COURT OPERATIONS AND UPDATE ON THE PROGRESS OF THE MUNICIPAL COURT**

discussed by the Community and Strategic Support Services Committee at the Community and Strategic Support Services Committee meeting held on 16 August 2022:

**That Council takes cognisance of the operations and progress of the Municipal Court.**

**The Committee concurs with the recommendation made to Council.**

**RECOMMENDATION**

That in respect of

**MUNICIPAL COURT OPERATIONS AND UPDATE ON THE PROGRESS OF THE MUNICIPAL COURT**

discussed by Council at the Council meeting held on 23 August 2022:

- 1. That Council takes cognisance of the operations and progress of the Municipal Court.**

**To action:**

S. Schroeder

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**7.8 RECRUITMENT AND SELECTION PROCESS FOR THE APPOINTMENT OF THE MUNICIPAL MANAGER****File no.:** 4/1/3/1**Responsible Official:** R Esau**Directorate:** SSS**Portfolio:** Human Resources

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**1. PURPOSE**

The purpose of this item is to obtain the approval of Council for the appointment of Mr. David McThomas as Municipal Manager for a fixed term of employment up to a maximum of five (5) years not exceeding a period ending one (1) year after the election of the next Council of the Municipality, in compliance with the Regulations on the Appointment and Conditions of Employment of Senior Managers (herein after referred to as “*The Regulations*”) Gazetted on 17 January 2014 (Gazette No. 37245) and sections 56, 56A, 57 and 57A of Municipal Systems Act 32, of 2000 (herein after referred to as “*the Act*”).

**2. BACKGROUND**

Council resolved on 30 May 2022:

**“RESOLVED****C65/2022**

*That in respect of –*

**RECRUITMENT AND SELECTION OF MUNICIPAL MANAGER**

*as discussed by Council at the Council meeting held on 30 May 2022 Council decide:*

1. *That Council affirm that the position of Municipal Manager will be vacant on 1 November 2022;*
2. *that in terms of Regulation 7(2)(a) of the Regulations on the Appointment and Conditions of Employment of Senior Managers (“The Regulations”) Gazetted on 17 January 2014 (Gazette No. 37245) Council approve that the post of the Municipal Manager be filled;*
3. *That Council confirm in compliance with Regulation 5 that:*

- 3.1.1 *the municipality requires the post to meet its strategic objectives;*
- 3.1.2 *remuneration and other conditions of employment will be attached to the post in terms of the Upper Limits of Total Remuneration Package Payable to Municipal Managers and Managers Directly Accountable to the Municipal Managers once a suitable candidate is recommended; and*
- 3.1.3 *sufficient budgeted funds, including funds for the remaining period of the medium-term expenditure framework, are available for filling the post;*
- 3.2 *that the administration must ensure that the post of the Municipal Manager is advertised in a newspaper circulating nationally and in this province within the legislative timeframe from the date of this resolution;*
- 3.3 *that the services of a competent and experienced recruitment agency be used during the recruitment process, subject thereto that the advertising, recruitment, selection procedure and competency testing complies with the Regulations;*
- 3.4 *that Council appoint the following members on the Selection Panel for the recruitment and selection of the Municipal Manager:*
- 3.4.1 *The Executive Mayor who is the Chairperson;*
- 3.4.2 *Councillor Wouter Meiring; and*
- 3.4.3 *Mr Henry Prins (Cape Winelands District Municipality: Municipal Manager), who has expertise and experience in the area of the advertised post;*
- 3.5 *that the selection panel submit a report and recommendation on the selection process to Council on the suitable candidates who comply with the relevant competency requirements of the post in order of preference;*
- 3.6 *that the appointment shall be for a fixed term of five (5) years; and*
- 3.7 *that each party is entitled to nominate one representative to attend and observe the proceedings.”*



The **Regulations** set out strict compliance requirements for the recruitment process. The table below provide an easy reference to ascertain whether certain key legislative compliance prescripts were met:

<u>Legislative Timeline:</u>		<u>Municipal Compliance:</u>	
Regulation number	Regulation requirements	Council Action:	Complied Yes / No
7(2)	(2) A vacant senior manager post may not be filled, unless - (a) approval to fill the post has been granted by the municipal council; and (b) the post has been budgeted for.	Council on <b>30 May 2022 approved</b> the <b>filling</b> of the post and confirmed that the post has been budgeted for.	Yes
10(1)	(1) The municipal manager must, <b>within 14 days</b> of receipt of the approval referred to in regulation 7, ensure that the <b>vacant post is advertised</b> .	Council approval to fill the vacant post in compliance with regulation 7 was obtained on <b>30 May 2022</b> . The municipality therefore had to advertise the post on or before <b>13 June 2022</b> .  <b>The vacant post was advertised on 12 June 2022.</b>	Yes
10(2)	(2) A vacant senior manager post must be advertised in a newspaper circulating nationally and in the province where the municipality is located.	The vacant senior manager post was advertised in the <b>Sunday Times</b> which is a newspaper circulating nationally and in the province where the municipality is located.	Yes
10(3)	3) An advertisement for a vacant senior manager post must specify the – (a) job title; (b) term of appointment; (c) place to be stationed;	The advertisement contained all the details listed in regulation 10(3).	Yes

	<p>(d) annual total remuneration package;</p> <p>(e) competency requirements of the post, including minimum qualifications and experience required;</p> <p>(f) core functions;</p> <p>(g) need for signing of an employment contract, a performance agreement and disclosure of financial interest;</p> <p>(h) the need to undergo security vetting;</p> <p>(i) contact person;</p> <p>(j) address where applications must be sent or delivered; and</p>		
10(3)(k)	<p>(k) closing date which must be a minimum of 14 days from the date the advertisement appears in the newspaper and not more than 30 days after such date.</p>	<p>The closing date was <b>28 June 2022</b> which was a minimum of 14 days from the date the advertisement appeared in the newspaper and not more than 30 days after such date.</p>	Yes
11(1)&(3)	<p>(1) An application for the vacant post of a senior manager must be submitted on an official application form, attached as Annexure C, accompanied by a detailed curriculum vitae.</p> <p>(3) An application not made on the official form, as contemplated in sub</p>	<p>The official application form, Annexure C, was duly placed on the website for completion by all candidates and all candidates were also required in terms of the advertisement to submit a detailed curriculum vitae.</p> <p>During shortlisting, no candidates were considered who did not complete Annexure C.</p>	<p>Yes</p> <p>Yes</p>

	regulations (1) or (2) must not be considered.		
12(1)	(1) A municipal council must appoint a selection panel to make recommendations for the appointment of candidates to vacant senior manager posts.	Council appointed the selection panel at its meeting held on <b>30 May 2022</b> .	Yes
12(3)	The selection panel for the appointment of a municipal manager must consist of at least three and not more than five members, constituted as follows: (a) the mayor, who will be the chairperson; (b) a member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio; and (c) at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.	(a) The executive mayor, was duly appointed as the chairperson; (b) Alderman Meiring was appointed as member of the mayoral committee and the portfolio head of the relevant portfolio; (c) Mr. Henry Prins the municipal manager of Cape Winelands District Municipality was appointed as the person who has expertise or experience in the area of the advertised post.	Yes
12(5)	A panel member must disclose any interest or relationship with shortlisted candidates during the shortlisting process.	This was done during the shortlisting process	Yes
12(7)	(7) A panel member and staff member must sign a declaration of confidentiality as set out in Annexure D to these regulations, to	This was done during the shortlisting process	Yes

	avert the disclosure of information to unauthorised persons.		
13(2)	(2) The shortlisting must be finalised within <b>30 days</b> of the closing date of the advertisement.	The shortlisting was finalised on <b>18 July 2022</b> thus within the 30 days of the closing date of <b>28 June 2022</b> .	Yes
14(1)	(1) Screening of the shortlisted candidates must take place within 21 days of the finalisation of the shortlisting by – (a) conducting the necessary reference checks; (b) contacting a candidate's current or previous employer; (c) determining the validity of a candidate's qualifications; and (d) verifying whether a candidate has been dismissed previously for misconduct or poor performance by another employer.	The Screening of the shortlisted candidates was conducted within the 21 days of the finalisation of the shortlist. The screening report does contain: (a) Reference checks (b) contacting a candidate's current or previous employer; (c) determining the validity of a candidate's qualifications; and (d) verifying whether a candidate has been dismissed previously for misconduct or poor performance by another employer.	Yes
14(2)	A written report on the outcome of the screening process must be compiled by the mayor, in the case of the municipal manager before the interviews take place.	This report was compiled by the Mayor in conjunction with the recruitment agency.	Yes
15(1)	The selection panel must conduct interviews within 21 days of screening the candidates.	Interviews were conducted on <b>2 August 2022</b> , within the 21 days of the screening.	Yes

## DISCUSSION

It is reiterated that the process for the recruitment and selection of senior managers is entirely legislated and the relevant legislative provisions set out various peremptory requirements which cannot be deviated from.

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**Regulation 6** sets out the principles for the recruitment of senior managers as follows:

1. *“The recruitment, selection and appointment of senior managers must take place in accordance with the municipal systems and procedures contemplated in section 67 of the Act that are consistent with sections 54A, 56, 57A and 72 of the Act.*
2. *A senior manager post must be filled through public advertising, in accordance with the procedures contemplated in regulation 10.*
3. *Selection must be competence-based to enhance the quality of appointment decisions and to ensure the effective performance by municipalities of their functions.”*

The Municipal Systems Act 32 of 2000 states the following:

**“54A. Appointment of municipal managers and acting municipal managers**

- (1) *The municipal council must appoint-*
  - (a) *a municipal manager as head of the administration of the municipal council; or*
  - (b) *an acting municipal manager under circumstances and for a period as prescribed.*
- (2) *A person appointed as municipal manager in terms of subsection (1) must at least have the skills, expertise, competencies and qualifications as prescribed.*
  - (a) *A person appointed in terms of subsection (1)(b) may not be appointed to act for a period that exceeds three months.*
  - (b) *A municipal council may, in special circumstances and on good cause shown, apply in writing to the MEC for local government to extend the period of appointment contemplated in paragraph (a), for a further period that does not exceed three months.*

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- (3) *A decision to appoint a person as municipal manager, and any contract concluded between the municipal council and that person in consequence of the decision, is null and void if-*
- (a) *the person appointed does not have the prescribed skills, expertise, competencies or qualifications; or*
  - (b) *the appointment was otherwise made in contravention of this Act.*
- (4) *If the post of municipal manager becomes vacant, the municipal council must-*
- (a) *advertise the post nationally to attract a pool of candidates nationwide; and*
  - (b) *select from the pool of candidates a suitable person who complies with the prescribed requirements for appointment to the post.*
- (5) *The municipal council must re-advertise the post if there is no suitable candidate who complies with the prescribed requirements.*
- (6)(a) *The municipal council may request the MEC for local government to second a suitable person, on such conditions as prescribed, to act in the advertised position until such time as a suitable candidate has been appointed.*
- (b) *If the MEC for local government has not seconded a suitable person within a period of 60 days after receipt of the request referred to in paragraph (a), the municipal council may request the Minister to second a suitable person, on such conditions as prescribed, until such time as a suitable candidate has been appointed.*
- (7)(a) *The municipal council must, within 14 days, inform the MEC for local government of the appointment process and outcome, as may be prescribed.*
- (b) *The MEC for local government must, within 14 days of receipt of the information referred to in paragraph (a), submit a copy thereof to the Minister.*

- (8) *If a person is appointed as municipal manager in contravention of this section, the MEC for local government must, within 14 days of receiving the information provided for in subsection (7), take appropriate steps to enforce compliance by the municipal council with this section, which may include an application to a court for a declaratory order on the validity of the appointment, or any other legal action against the municipal council.*
- (9) *Where an MEC for local government fails to take appropriate steps referred to in subsection (8), the Minister may take the steps contemplated in that subsection.*
- (10) *A municipal council may, in special circumstances and on good cause shown, apply in writing to the Minister to waive any of the requirements listed in subsection (2) if it is unable to attract suitable candidates.*
- (11) *A person who has been appointed as acting municipal manager before this section took effect, must be regarded as having been appointed in accordance with this section for the period of the acting appointment.*
- (12) *Any pending legal or disciplinary action in connection with an appointment made before this section took effect, will not be affected by this section after it took effect”.*

**“56A. Limitation of political rights of municipal managers and managers directly accountable to municipal managers**

- (1) *A municipal manager or manager directly accountable to a municipal manager may not hold political office in a political party, whether in a permanent, temporary or acting capacity.*
- (2) *This section does not apply to a person appointed as municipal manager or a manager directly accountable to the municipal manager when subsection (1) takes effect”.*

**Regulation 8** determines that “no person may be appointed as a senior manager on a fixed term contract, on a permanent basis or on probation, to any post on the approved staff establishment of a municipality, unless he or she-

- (a) is a South African citizen or permanent resident; and
- (b) possesses the relevant competencies, qualifications, experience and knowledge set out in the regulations”.

According to **Regulation 17** the resolution of a municipal council on appointment of senior managers and reporting should be as follows:

“17. (1) Before making a decision on an appointment, a municipal council must satisfy itself that:

- (a) the candidate meets the relevant competency requirements for the post;
- (b) screening of the candidates has been conducted in terms of the regulation 14; and
- (c) the candidate does not appear on the record of staff members dismissed for misconduct as set out in Schedule 2 to these regulations.

(2) A municipal council must, subject to subregulation (1), take a decision on the appointment of a suitable candidate.

(3) A municipal council must –

- (a) inform all interviewed candidates, including applicants who were unsuccessful, of the outcome of the interview; and
- (b) within 14 days of the decision referred to in subregulation (2), submit a written report to the MEC for local government regarding the appointment process and outcome.

(4) The report contemplated in subregulation (3) (b) must contain –



- (a) details of the advertisement, including date of issue and the name of the newspapers in which the advert was published, and proof of the advertisement or a copy thereof;*
- (b) a list of all applicants*
- (c) a report contemplated in regulation 14 (2) on the screening process and the outcome thereof;*
- (d) the municipal council's resolution approving the selection panel and the shortlisted candidates;*
- (e) competency assessment results;*
- (f) the minutes of the shortlisting meeting;*
- (g) the minutes of the interviews, including scoring;*
- (h) the recommendations of the selection panel submitted to the municipal council*
- (i) the details of the executive committee members and recommendations, if the selection panel comprised of all members of the executive committee*
- (j) the recommendation of the executive committee or executive mayor to the municipal council, if any;*
- (k) the municipal council resolution approving the appointment of the successful candidate;*
- (l) the application form, curriculum vitae, proof of qualifications and other supporting documentation of the successful candidate;*
- (m) A written confirmation by the successful candidate that he or she does not hold political office as contemplated in section 56A of the Act, as at the date of appointment*
- (n) the letter of appointment, outlining the term of contract, remuneration and conditions of employment of the senior manager; and*
- (o) any other information relevant to the appointment.*

### 3. INTERVIEW PROCESS AND COMPETENCY ASSESSMENTS

**Regulation 15** determine that the selection panel must conduct interviews within 21 days of screening the candidates. The same selection panel must be maintained throughout the process. The interviews were conducted on **2 August 2022**. During the selection process candidates were also subjected to a competency assessment. The report by the recruitment service provider reflects on the competency assessments.

### 4. SELECTION REPORT

It's confirmed that in compliance with Council resolution **C65/2022**, the service of a competent and experienced recruitment agency was duly procured. The report of ODS Consultants, namely Mr. Roy Steele, is accordingly attached to this item. The report sets out that of the four (4) candidates interviewed and whose competencies were assessed, Mr David McThomas is the best candidate.

### 5. APPLICABLE LEGISLATION:

1. The Constitution of the Republic of South Africa
2. Local Government: Municipal Systems Act, No. 32 of 2000 and Regulations
3. Local Government: Municipal Finance Management Act, No. 56 of 2003

### 6. FINANCIAL IMPLICATIONS

The financial implication for Council consists of the remuneration of the advertised vacancy as well as the cost of recruitment. The Upper Limits of Total Remuneration Package Payable to Municipal Managers and Managers Directly Accountable to the Municipal Managers, will prescribe the remuneration respectively on minimum-, mid- and maximum points. Item 2 of the Upper Limits sets out the criteria to determine at what point the remuneration will be.

### 7. ANNEXURE

Annexure A: Selection Report

**7. COMMENTS OF DIRECTORATE****DIRECTOR STRATEGIC SUPPORT SERVICES: Author of the item****RECOMMENDATION**

That in respect of –

**RECRUITMENT AND SELECTION PROCESS FOR THE APPOINTMENT OF THE MUNICIPAL MANAGER**

as discussed by Council at the Council meeting held on 23 August 2022 Council decide that:

- (1) Mr. David McThomas be appointed as Municipal Manager for a fixed term of employment up to a maximum of five (5) years not exceeding a period ending one (1) year after the election of the next Council of the Municipality;
- (2) that the commencement date of the contract be 1 November 2022;
- (3) that the Executive Mayor extends an offer of employment to Mr. David McThomas for the appointment as Municipal Manager;
- (4) that should Mr. David McThomas not accept the offer of employment, the post be re-advertised;
- (5) that the contract of employment and the all-inclusive remuneration package be negotiated and finalized by the Executive Mayor within the statutory maximum of the upper limits;
- (6) that it be noted that, within 14 days of the Council Decision, a written report including all necessary documents in compliance with Regulation 17(4) be submitted to the MEC for local government regarding the appointment process and outcome for notification purposes: and
- (7) that the Human Resources Department, as a matter of courtesy inform the unsuccessful candidates formally of the outcome of the selection process and thank them for their application and participation in the process.

**To action:**

R. Esau

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

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

**9.1 ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS: CLLR. C.F. WILSKUT.**

**File No:** 2/11

**Directorate:** Council

**Responsible Official:** Ald. J.F. Van Zyl

**Department:** Office of the Speaker

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**1. PURPOSE**

To inform Council of the alleged breach of the Code of Conduct for Councillors by Cllr. Colin Frederick Wilskut.

For Council to, if so resolved, appoint a special Committee as contemplated by Clause 16(1)(b) of Schedule 7 of the Structures Act 117 of 1998, as amended (Act 3 of 2021).

**2. BACKGROUND**

The Speaker's office received a complaint by a member of the public Ms. Sophie Marcus and Ms. Salomie Colette Solomons-Saul. Attached please find their respective affidavits marked "SM1" and "SCS2" respectively.

The complaints were put to Cllr. Wilskut per letter from the Speaker's Office, attached hereto marked "JFVZ3". The Response of Councillor Wilskut is attached and marked "CFW4".

Casus Position:

It is evident from the response of Cllr. Wilskut that his defense is a denial of wrongfulness in that he relies for justification on the Prevention of Illegal Eviction from and Unlawful

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Occupation of Land Act (19 of 1998) wherein it is inter alia depicted that it may lead to prosecution if the owner of a property acted unlawfully. Apart from the fact that it must be reiterated the demeanor of the owner (complainant in this matter) does not necessarily warrants such prosecution and such decision can only be determined after careful scrutiny of the facts by the investigating officer (SAPS) and decision taken by the National prosecuting authority, it must be stated that no one has the right to threaten with arrest (opsluit) in casu (Section 40 et al of Acts 51 of 1977 finds application.)

A Councillor should not interfere in alleged transgressions of the Law which are an exclusive SAPS and NPA competency. Hence, whilst it is the mandate of SAPS to investigate and collate evidence, it is the exclusive mandate of the national prosecuting authority to decide on prosecuting the case. It thus appears prima facie unlawful to threaten with “opsluit”.

This is the basis of the “Rule of Law” and it will be arbitrary and irrational to act otherwise to promote “vigilante” and or so called “bundu courts” to operate. Prosecution per se should not be conflated with arrest and incarceration. It cannot, in casu, be argued that we are dealing with a schedule I offence (Act 51 of 1977), which would justify an arrest without a warrant by a peace officer, therefore, to threaten with “opsluit” is unlawful.

Furthermore, no evidence was presented of a criminal charge being made against the complainant and or other justification provided, for the presence of a SAPS member.

It is furthermore evident from the councillor’s response that he does not deny the use of the word “opsluit” against complainant and in fact confirms that he “I agreed with the SAPD members assessment of the situation, and the risks of arrest and criminal charges Ms. Solomons faced.” The mere presence of a SAPS member does not render justification for an unlawful threat and or demeanor.

Therefore, it appears that such act of the councillor may have constituted a transgression of the Code of Conduct alluded to herein, to threaten a citizen of the community and landowner with “opsluit”.

In this regard the preamble in Schedule 7 of the Structures Act (117/1998, as amended finds application).

“Councillors are elected to represent local municipalities on municipal councils, to ensure that municipalities have structured mechanisms of accountability to local communities, and to meet the priority needs of communities by providing services equitably, effectively and sustainably within the means of the municipality. In fulfilling this role councillors must be accountable to local communities and report back at least quarterly to constituencies

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on council matters, including the performance of the municipality in terms of established indicators. In order to ensure that councillors fulfil their obligations to their communities and support the achievement by the municipality of its objectives set out in section 19 of the Municipal Structures Act, the following Code of Conduct is established”.

as well as Section 19 of the Municipal Structures Act, depicted therein:

(1) “A Municipal Council must strive within its capability to achieve that objective set out in Section 152 of the Constitution”.

**Therefore**, on the available evidence the matter is referred to Council in terms of Clause 15(1)(c) of Schedule 7, alluded to above, after Sub Sections (a) and (b) of Clause 15(1) have been complied with. (Structures Act 117/1998, as amended)

**Therefore, it is furthermore** respectfully submitted that such alleged conduct pertains to a transgression of Clause 2 of Schedule 7, supra referred to and which reads as follows:

**General conduct of Councillors:**

- a) perform the functions of office in good faith, honesty and in a transparent matter; and
- b) at all times act in the best interest of the Municipality and in such a way that the credibility and integrity of the Municipality are not compromised”.

#### **4. LEGAL FRAMEWORK**

- Constitution of the Republic of South Africa, 1996
- The Municipal Structures Act 117/1998 as amended and Schedule 7 thereof
- The Municipal Systems Act, 2000, as amended
- BVM Ethics Policy

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

Legal fees

#### **6. CONCLUSION**

In terms of Clause 16 of the Code of Conduct :

1. a) A Municipal Council may – investigate and make a finding on any alleged breach of a provision of this Code ; or

- b) Establish a Special Committee :
  - i) to investigate and make a finding on any alleged breach of this code and
  - ii) to make appropriate recommendations to the Council.

And whereas a special committee, pertaining to the investigation of disciplinary matters, has already been established by Council per Council decision C40/2022.

**NOW THEREFORE IT IS SUBMITTED FOR CONSIDERATION**

## 9.2 ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS: CLLR. C.F. WILSKUT

**File No:** 2/11

**Directorate:** Mayco

**Responsible Official:** Ald. J.F. Van Zyl

**Department:** Office of the Speaker

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### 1. PURPOSE

To inform Council of the alleged breach of the Code of Conduct for Councillors by Cllr. Colin Frederick Wilskut, investigation of which is still outstanding per Council decision C21/2020, alluded to infra.

### 1. BACKGROUND

There is an outstanding implementation of a Council Resolution with reference to alleged breach of conduct investigation pertaining to a sexual misconduct charge made by women of this community against Cllr. Colin Frederick Wilskut, per Council Resolution C21/2020 see attached hereto as Annexure "A" with findings of Attorney H. Du Bois.

**And whereas**, there is a criminal case pending and which is still continuously postponed in the Magistrate Court Worcester, with the latest date of the 13<sup>th</sup> of February 2022 and wherein the said Councillor appears as the accused.

**And, further**, whereas it has now become an imperative to finalise this matter bearing in mind the adagium "Justice delayed, is Justice denied" and which accounts for all the parties implicated herein.

**Now, therefore**, it is ex abundanti cautela respectfully submitted, to reaffirm the aforesaid Resolution for implementation herewith, with immediate effect.

### 3. LEGAL FRAMEWORK

- Constitution of The Republic of South Africa, 1996
- The Municipal Structures Act, 1998 as amended and Schedule 7 thereof
- The Municipal Systems Act, 2000, as amended.

### 4. FINANCIAL IMPLICATIONS



Legal fees

## **5. CONCLUSION**

The Council decision C21/2020 is hereby reaffirmed in terms of Clause 16(1)(b) of the Code of Conduct (Schedule 7 of Act 117 of 1998), as amended, relating to this alleged breach of Conduct by Cllr. C.F. Wilskut and is referred to the Disciplinary Committee of Council:

1) to investigate and make a finding on any alleged breach of this code

**and**

2) to make appropriate recommendations to the Council.

## **SUBMITTED FOR CONSIDERATION**

**9.3 SECTION 80 (MUNICIPAL STRUCTURES ACT 117 OF 1998 AS AMENDED) PARTICIPATION AS PER COUNCIL RESOLUTION C114/2021****File No:** 2/11**Responsible Official:** Ald. J.F. Van Zyl**Directorate:** Mayco**Department:** Office of the Speaker

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**1. PURPOSE**

The purpose of this item is to obtain a resolution from Council for the nomination of Councillors from the Breede Valley Onafhanklik Party to serve on the various Section 80 Committees established by Council, alluded to infra and to which said Party/Councillors hitherto refuse to participate in.

**2. BACKGROUND**

1. Resolution of Council taken per Resolution C114/2021:

***“RESOLVED******C114/2021***

***PROPOSED: Ald. W.R. Meiring proposed that each party nominate one Councillor to serve on the above Committees and submit their names on or before 10 December 2021 at the Speaker’s office.***

***SECONDED: Cllr. J.R. Jack***

**RECOMMENDED:**

(a) that Council appoint the following Section 80 Portfolio Committees:

- Finance Committee;
- Engineering Services Committee;
- Public Services Committee;
- Strategic Services Committee;
- Community Services Committee;

(b) that Council appoints the members of the above-mentioned Section 80 Committees; and

- 
- (c) that the Executive Mayor, in terms of Section 80(3) of the Municipal Structures Act, appoints a Chairperson for each of the Section 80 Committees from the Mayoral Committee.
  2. On 2022/07/21 a letter was written requesting the Councillors to supply reasons why refusal to participate in Committees established by Council should not be seen as transgression of the Code of Conduct (Sections 3 and 4 of Schedule 7 to the amended Structures Act of 117/1998, has reference) see Annexure "A".
  3. On the 3<sup>rd</sup> of August 2022 another letter was again send to the said Party, asking for names and inviting them to cooperate and participate, but to no avail. See Annexure "B", attached hereto.

### 3. APPLICABLE LAW:

1. The Preamble to Schedule 7 of the Structures Act 117/1998 finds application:

*"Councillors are elected to represent local municipalities on municipal councils, to ensure that municipalities have structured mechanisms of accountability to local communities, and to meet the priority needs of communities by providing services equitably, effectively and sustainably within the means of the municipality. In fulfilling this role councillors must be accountable to local communities and report back at least quarterly to constituencies on council matters, including the performance of the municipality in terms of established indicators. In order to ensure that councillors fulfil their obligations to their communities, and support the achievement by the municipality of its objectives set out in section 19 of the Municipal Structures Act, the following Code of Conduct is established".*

#### **Section 3 (Schedule 7 Municipal Structures Act)**

##### **Attendance at meeting**

A councillor must attend each meeting of the municipal council and of a committee of which that councillor is a member, except when –

- (a) *leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the council; or*
- (b) *that councillor is required in terms of this Code to withdraw from the meeting.*

#### **Section 4 (Schedule 7 Municipal Structures Act)**

##### **Sanctions for non-attendance of meetings**

- (1) A municipal council may impose a fine as determined by the standing rules and orders of the municipal council on a councillor for :
- (a) *Not attending a meeting which that councillor is required to attend in terms of item 3; or*
- (b) *Failing to remain in attendance at such a meeting.*
- (2) A councillor who is absent from three or more consecutive meetings of a municipal council, or from three or more consecutive meetings of a committee, which that councillor is required to attend in terms of item 3, must be removed from office as a councillor.
- (3) Proceedings for the imposition of a fine or the removal of a councillor must be conducted in accordance with a uniform standing procedure which each municipal council must adopt for the purposes of this item. The uniform standing procedure must comply with the rules of natural justice.
2. Constitution of RSA, 1998;
3. Municipal Structures Act (117/1998, as amended).
4. Municipal Systems Act (32 of 2000) and regulations.
5. Schedule 7 to the Structures Act (117/1998) re Code of Conduct for Councillors read with the Standing Rules of Order (adopted by this Council on the 20<sup>th</sup> July 2017).

#### 4. FINANCIAL IMPLICATIONS

None

#### RECOMMENDATION:

**Whereas** Council resolved per Council Resolution C114/2021 that Section 80 Committees be established, nl.

- Finance Committee;
- Engineering Services Committee;
- Public Services Committee;
- Strategic Services Committee;
- Community Services Committee;

**And further whereas** the following Councillors of the Breede Valley Onafhanklik is therefor nominated and indicated to partake and serve on the said Committees as follow:

- (a) Cllr. C.F. Wilskut to serve as a Section 80 Committee member on the Public and Community Services Committees;
- (b) Cllr. M. Swartz to serve as a Section 80 Committee member on the Strategic Services Committee;
- (c) Cllr. N.J. Wullschleger to serve as a Section 80 Committee member on the Finance Services Committee; and
- (d) Cllr. C. Ismail to serve as a Section 80 Committee member on the Engineering Services Committee.

**SUBMITTED FOR CONSIDERATION**

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- 10. 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**
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- 11. CONSIDERATION OF MOTIONS OF EXIGENCY**
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- 12. CLOSURE**
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