

NOTICE

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

2023-01-24

**NOTICE OF THE 5th COUNCIL MEETING OF 2022/2023
FINANCIAL YEAR OF THE COUNCIL OF BREEDE VALLEY MUNICIPALITY
TUESDAY, 2023-01-24 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

COUNCILLORS

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	M. Jacobs
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 **5th COUNCIL MEETING** of the **2022/2023 FINANCIAL YEAR** of the **COUNCIL** of **BREEDE VALLEY MUNICIPALITY** will be held at the **CAPE WINELANDS DISTRICT MUNICIPALITY, TRAPPE STREET, WORCESTER** on **TUESDAY, 2023-01-24** at **10:00** to consider the items on the agenda.



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



BREEDE VALLEY
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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.

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

Cllr M.A. Goedeman	17 January 2022
Cllr I. J. Joseph	17 January 2022
Cllr E. N. Isaacs	23 January 2022
Cllr J.J. Von Willingh	2 February 2022
Cllr M.T. Williams	15 February 2022
Cllr D. Judge	19 February 2022

3.3 STATEMENTS BY THE SPEAKER

3.4 STATEMENTS BY THE EXECUTIVE MAYOR

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 12 December 2022

RECOMMENDATION

That in respect of

CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

discussed by Council at the Council Meeting held on 24 January 2023:

1. As the Minutes of the Council Meeting held on 12 December 2022 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 12 December 2022 be taken as read and confirmed.

4.3 Special Council Meeting held on 20 December 2022 (Copy enclosed)**RECOMMENDATION**

That in respect of

CONFIRMATION OF MINUTES OF PREVIOUS SPECIAL COUNCIL MEETING

discussed by Council at the Council Meeting held on 24 January 2023:

1. As the Minutes of the Special Council Meeting held on 20 December 2022 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Special Council meeting held 20 December 2022 be taken as read and confirmed.
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5. REPORT BY THE EXECUTIVE MAYOR ON DECISIONS TAKEN BY THE EXECUTIVE MAYOR, THE EXECUTIVE MAYOR TOGETHER WITH THE DEPUTY EXECUTIVE MAYOR AND THE MAYORAL COMMITTEE**5.1 The Deputy Executive Mayor: Cllr J.J. von Willingh**

5.2 MMC1: Alderman W.R. Meiring

5.3 MMC 2: Cllr. P.C. Ramokhabi

5.4 MMC 3: Cllr. N. Nel

5.5 MMC 4: Cllr. E. Van der Westhuizen

5.6 MMC 5: Cllr J.R. Jack

5.7 MMC 6: Cllr. V.A. Bedworth

5.8 MMC 7: Cllr. J.P. Kritzinger

5.9 MMC 8: Cllr F. Vaughan

6. COLLABORATOR OUTSTANDING RESOLUTIONS REPORT

Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment	
172625	<p>SUBMISSION OF BY-LAW RELATING TO THE MANAGEMENT AND CONTROL OF FLATS (rental housing units) OWNED OR ADMINISTERED BY THE BREEDE VALLEY MUNICIPALITY</p>	<p>RESOLVED C41/2015</p> <p>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:</p> <p>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;</p> <p>2. That the administration advertises said draft By-Law for public comments;</p> <p>3. That all comments be collated submitted to Council for final approval and promulgation in the Provincial Gazette.</p> <p>4. That the draft By-Law be workshopped with all the Councillors.</p>	2015-06-25	GMAYEKI	95	<p>The item will be submitted to the councillor in order 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.</p> <p>Covid-19 and the lockdown have delayed the submission. A new report we will be submitted Council when the normal business resume.</p>
767107	<p>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</p>	<p>RESOLVED C85/2018</p> <p>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;</p> <p>2. That Council resolve in respect of the occupants or owners as follows:</p> <p>2.4 Legitimate owners of the</p>	2018-10-30	HPOTGIETER	95	<p>25/03/2021: Erven for which no offers received to be included in the next auction.</p> <p>19/04/2021: Erven for which no offers received to be included in the next auction. Currently compiling list of all erven to be auctioned for submission. 23/04/2021: List of properties to be auctioned e-mailed to auctioneer. Linked with C909152.</p> <p>10/06/2021: Erven will be auctioned on 28 June 2021.</p> <p>06/07/2021: Auction scheduled for 28 June 2021 cancelled until further notice due to Covid-19 level 4 restrictions. 04/08/2021: Preliminary date for the auction was scheduled. Following completion of internal SCM processes the</p>

		<p>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 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</p>			<p>date will be confirmed for marketing purposes. 02/09/2021: Auction in process to be rescheduled. 04/10/2021: Confirmation of new date for auction in process. 25/10/2021: Offers received during auction held on 20 October 2021. Acceptance in process. 25/11/2021: Deeds of sales duly signed and provided to conveyancer. 18/01/2022: Deeds of sales duly signed and provided to conveyancer. Transfers in process. 08/01/2022: Deeds of sales duly signed and provided to conveyancer. Transfers in process. 07/03/2022: Deeds of sales duly signed and provided to conveyancer. Transfers in process. 06/04/2022: Transfers in process. Title deeds awaited from Transhex conveyancer. 23/05/2022: Transfers still in process. 15/07/2022: Transfers still in process. 11/08/2022: Transfers still in process. 13/10/2022: Section 137 application completed. Rate clearance certificates applied for. 06/12/2022: Rates clearances received. Lodgment at Deeds Office in process. 18/01/2023: Two further properties duly registered / transferred.</p>
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		<p>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 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</p> <p>7. 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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Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment
685303	<p>IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF ERF 1 WORCESTER, LOUIS LANGE STREET SITUATED ADJACENT TO ERF 5899, WORCESTER</p> <p>RESOLVED C59/2019</p> <p>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</p> <p>As discussed by Council at the Council Meeting held on 23 July 2019:</p> <p>That the direct alienation of a portion of Erf 1 Worcester (adjacent to Erf 5899), ±115m² 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</p>	2019-07-23	HPOTGIETER	97	<p>02/08/2019: The letter of the outcome of application communicated to Applicant. Awaiting acceptance of conditions 28/10/2019: Applicant accepted the conditions and a notice was placed in the newspaper to obtain inputs from the public 20/12/2019: Public Participation process was completed no comments or objection received. Applicant to apply for Town Planning processes 03/02/2020: The applicant applied for Town Planning processes 25/03/2021: Town Lanning processes pending 19/04/2021: Requested status report iro Town Planning processes 10/06/2021: Awaiting</p>

		<p>Thousand Rand (R15 000.00) be approved in principle;</p> <p>1. that Council take cognisance 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 erven 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</p>			<p>feedback iro Town Planning processes. 06/07/2021: Conveyancer advised that transfer of portion of Erf 1 to BVM to proceed prior to transfer to purchaser. 04/08/2021: The Purchaser must do a vesting transfer of the portion of Erf 1, once this is done the transfer can proceed. 02/09/2021: The Purchaser must do a vesting transfer of the portion of Erf 1, once this is done the transfer can proceed. 04/10/2021: Vesting transfer in process. 25/11/2021: Vesting transfer in process. 18/01/2022: Vesting transfer in process. 10/02/2022: Vesting transfer in process 07/03/2022: Vesting transfer in process. 06/04/2022: Vesting transfer in process. Diagrams awaited. 23/05/2022: Diagrams for vesting transfer still awaited. 15/07/2022: Transfer documents being drafted for submission to the Deeds Office. 11/08/2022: Transfer in process 08/09/2022: Town Planning advised that certain internal comments outstanding. Upon receipt item will be drafted and submitted by TP. 13/10/2022: Application for endorsement required. This application is due to the fact that the Municipality's name changed from Worcester Plaaslike Oorgangsrraad to Breede Valley Municipality. Deeds Office to change the name of the Municipality on the endorsement. 18/01/2023: One (1) internal comment awaited in order to proceed.</p>
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		<p>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>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.</p>				
728886	<p>IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF FARM 319, PORTION 64 WORCESTER, TWEE FONTEINEN SITUATED ADJACENT TO FARM 319 PORTION 43, WORCESTER.</p>	<p>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:</p> <p>1. That the direct alienation of Farm 319 Portion 64 Worcester (adjacent to Farm 319 Portion 43), ±4300m² 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;</p> <p>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;</p> <p>3. that Farm 319 Portion 64, Worcester be consolidated with the adjoining property of the Applicant, being Farm 319 Portion 43, Worcester;</p> <p>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;</p>	2019-10-29	HPOTGIETER	93	<p>25/03/2021: Applicant in process of applying for the rezoning and consolidation of the erf. 19/04/2021: Request status report iro rezoning and consolidation process 10/06/2021:Awaiting feedback iro Town Planning processes. 04/08/2021:The Purchaser has to bring an application with SANRAL for the relaxation of the building line over portion 64. 02/09/2021: The Purchaser has to lodge an application with SANRAL for the relaxation of the building line over portion 64. 04/10/2021: SANRAL approved the encroachment of the dam on 20 September 2021. Consent from Bondholder awaited. 25/11/2021: Vesting transfer in process. SANRAL approved the encroachment of the dam on 20 September 2021. Consent from Bondholder awaited. 18/01/2022: SANRAL approval received: Transfer to be followed up. 10/02/2022: SANRAL approval received: Transfer in process. 07/03/2022: SANRAL approval received: Transfer in process. 06/04/2022: Transfer in process. Approval from adjacent bond holders awaited. 23/05/2022: Transfer still in process. 15/07/2022: Surveyor advised that application for consolidation & subdivision is in process.</p>

		<p>5. 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>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 erven 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>				<p>11/08/2022: Surveyor advised that application for consolidation & subdivision is in process. 13/10/2022: Town Planning process underway. Confirmation awaited from Purchaser iro comments submitted by SANRAL with regards to compliance. 06/12/2022: Town Planning objection process pending. 18/01/2023: TP confirmed their processes still pending.</p>
886395	<p>IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF MUNICIPAL PROPERTY: ERF 5595, SITUATED AT 1 PHILLY MAPUTANE STREET, DE DOORNS</p>	<p>RESOLVED C20/2021 That in respect of – IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF MUNICIPAL PROPERTY: ERF 5595, SITUATED AT 1 PHILLY MAPUTANE STREET, DE DOORNS as discussed by Council at the Council meeting held on 23</p>	2021-02-23	HPOTGIETER	95	<p>25/03/2021: Notice placed in the Standard on 11 March 2021. Closing date for comments is 12 April 2021. 19/04/2021: No comments received during PP process. Compilation of list for erven to be auctioned being finalized. 23/04/2021: Property is</p>

		<p>February 2021 Council decide:</p> <ol style="list-style-type: none"> 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; 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; 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; 4. that the development of the erf be completed within two (2) years of registration and be included in the Deed of Sale; 5. that the following of a public participation process, be approved; 6. that an item will only be resubmitted to Council should any representations/objections be received; 7. that the administration be mandated to administer the process of disposal of the municipal property following the public participation process; 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; 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>included in list sent to auctioneer for next auction within this FY. Linked with C909152. 06/07/2021: Auction scheduled for 28 June 2021 cancelled until further notice due to Covid-19 level 4 restrictions. 04/08/2021: Preliminary date for the auction was scheduled. Following completion of internal SCM processes the date will be confirmed for marketing purposes. 02/09/2021: Auction in process to be rescheduled. 04/10/2021: Confirmation of new date for auction in process. 25/10/2021: Offer received during auction held on 20 October 2021. Acceptance in process. 25/11/2021: Deed of sale duly signed and provided to conveyancer. 18/01/2022: Deed of sale duly signed and provided to conveyancer. Transfer in process. 10/02/2022: Deed of sale duly signed and provided to conveyancer. Transfer in process. 07/03/2022: Deed of sale duly signed and provided to conveyancer. Transfer in process. 06/04/2022: Regulation 68 (Deeds Registry Act) in process due to lost title deed. 23/05/2022: Regulation 68 (Deeds Registry Act) still in process. 15/07/2022: Regulation 68 advertisement being placed in accordance with Deeds Registry Act. 01/08/2022: Regulation 68 advertisement duly placed in accordance with Deeds Registry Act. 13/10/2022: Awaiting further update from conveyancer. 06/12/2022: Regulation 68 process concluded. Rates clearance received, awaiting payment by purchaser. 18/01/2023: Upon receipt of payment, transfer documents will be lodged at Deeds Office.</p>
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		<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 subject property.</p>				
886398	<p>IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF THE REMAINDER OF ERF 5940, SITUATED AT CHURCH STREET, WORCESTER</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</p>	2021-02-23	HPOTGIETER	95	<p>25/03/2021: Notice placed in the Standard on 11 March 2021. Closing date for comments is 12 April 2021. 19/04/2021: No comments received during PP process. Compilation of list of erven to be auctioned being finalized. 23/04/2021: Property is included in list sent to auctioneer for next auction within this FY. Linked with C909152. 10/06/2021: Erf will be auctioned on 28 June 2021. 06/07/2021: Auction scheduled for 28 June 2021 cancelled until further notice due to Covid-19 level 4 restrictions. 04/08/2021: Preliminary date for the auction was scheduled. Following completion of internal SCM processes the date will be confirmed for marketing purposes. 02/09/2021: Auction in process to be rescheduled. 04/10/2021: Confirmation of new date for auction in process. 25/10/2021: Offer received during auction held on 20 October 2021. Acceptance in process. 25/11/2021: Deed of sale duly signed and provided to conveyancer. 18/01/2022:</p>

		<p>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 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</p>			<p>Deed of sale duly signed and provided to conveyancer. Transfer in process. 10/02/2022: Deed of sale duly signed and provided to conveyancer. Transfer in process. 07/03/2022: Deed of sale duly signed and provided to conveyancer. Transfer in process. 23/05/2022: Transfer still in process. 15/07/2022: Original title deed obtained. Instruction issued to conveyancer to proceed with application for original subdivision plan. 11/08/2022: Original title deed obtained. Instruction issued to conveyancer to proceed with application for original subdivision plan. 13/10/2022: Awaiting status report from conveyancer. 06/12/2022: Original subdivision plan still awaited. 18/01/2023: The documents for transfer in process of being completed. Queries arose regarding the extent of the erf as it does not correspond with the surveyor information. Meeting to be arranged.</p>
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		respective municipal properties.				
886399	IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF A PORTION OF ERF 1 (ALSO KNOWN AS YSSEL STREET THOROUGHFARE), SITUATED AT YSSEL STREET, WORCESTER	<p>RESOLVED C23/2021</p> <p>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</p> <p>as discussed by Council at the Council meeting held on 23 February 2021 Council decide:</p> <ol style="list-style-type: none"> 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; 2. that the erf be offered to first time homeowners with the means to purchase and develop the property; 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; 4. that the development of the erf be completed within two (2) years of registration and be included in the Deed of Sale; 5. that a suspensive condition in respect of the 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; 6. that the following of a public participation process, be approved; 7. that an item will only be resubmitted to Council should any representations/objections be received; 	2021-02-23	HPOTGIETER	90	<p>25/03/2021: Notice placed in the Standard on 11 March 2021. Closing date for comments is 12 April 2021. 19/04/2021: No comments received during PP process. Compilation of list of erven to be auctioned being finalized. 23/04/2021: Property is included in list sent to auctioneer for next auction within this FY. Linked with C909152. 10/06/2021: Erf will be auctioned on 28 June 2021. 06/07/2021: Auction scheduled for 28 June 2021 cancelled until further notice due to Covid-19 level 4 restrictions. 04/08/2021: Preliminary date for the auction was scheduled. Following completion of internal SCM processes the date will be confirmed for marketing purposes. 02/09/2021: Auction in process to be rescheduled. 04/10/2021: Confirmation of new date for auction in process. 25/10/2021: Offer received during auction held on 20 October 2021. Acceptance in process. 25/11/2021: Deed of sale duly signed and provided to conveyancer. 18/01/2022: Deed of sale duly signed and provided to conveyancer. Transfer in process. 10/02/2022: Deed of sale duly signed and provided to conveyancer. Transfer in process. 07/03/2022: Deed of sale duly signed and provided to conveyancer. Transfer in process. 06/04/2022: Transfers in process. Title deed awaited from Transhex conveyancer. 23/05/2022: Transfer still in process. 15/07/2022: Purchaser was duly informed that subdivision application should be submitted prior to transfer. 11/08/2022: Purchaser was duly informed that subdivision application should be submitted prior to transfer. 13/10/2022: No</p>

		<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>				<p>application received by Town Planning. Formal correspondence to be issued. 06/12/2022: Formal compliance notice issued to purchaser. 18/01/2023: Purchaser making installment payments. Transaction cannot be lodged until the purchase price paid. The purchaser also in process of applying for the subdivision of the erf.</p>
913139	<p>IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF A PORTION OF REMAINDER OF FARM 576 RHOODE HOOGTE OUTSPAN, WORCESTER</p>	<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), Worcester, ±15.2400ha in extent</p>	2021-04-28	HPOTGIETER	92	<p>30/04/2021: Notice to be placed in Standard on 6 May 2021. 06/05/2021: Notice placed in local newspaper 6 May 2021 edition. Closing date for comments is 4 June 2021. 10/06/2021: Objections to proposed disposal received. Item to be resubmitted to Council. 06/07/2021: Item to be resubmitted to Council. Public participation process concluded - closing date was 4 June 2021.</p>

		<p>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 Management Act (Act 56 of</p>			<p>04/08/2021: Resubmission item prepared and distributed for comments. To be tabled at next Council meeting</p> <p>02/09/2021: Resubmission item prepared and distributed for comments.</p> <p>04/10/2021: Matter in abeyance for consideration by newly elected Council.</p> <p>25/10/2021: Matter in abeyance for consideration by newly elected Council. Heleine Potgieter</p> <p>25/11/2021: Matter will be tabled for consideration by newly elected Council.</p> <p>18/01/2022: Item to be resubmitted to Council for consideration. 10/02/2022: Item to be resubmitted to Council for consideration, following in loco inspection.</p> <p>07/03/2022: Item to be resubmitted to Council for consideration, following in loco inspection.</p> <p>12/05/2022: Item to serve at sec 80 committee.</p> <p>23/05/2022: Further site inspection conducted on 13/05/2022. Internal action to be taken prior to resubmitting item.</p> <p>15/07/2022: Collaborative site inspection at the property proposed.</p> <p>11/08/2022:SAIV duly contacted to provide details of 3 valuers. 13/10/2022: None of the proposed valuers in a position to conduct independent valuation. Further e-mail sent to SAIV urgently requesting details of alternative valuers.</p> <p>06/12/2022: Details of alternative valuer received for consideration.</p> <p>18/01/2023: Alternative valuer appointed: Registration on BVM database in process.</p>
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		2003); and 10. that the Municipal Manager be authorized to sign all documents relating to the disposal and transfer of the municipal property.				
<u>977287</u>	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	RESOLVED C85/2021 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: 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; 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; 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; 4. that all costs pertaining to the transaction be borne by the Cape Winelands District Municipality; and	2021-09-28	HPOTGIETER	90	05/10/2021: As per uploaded file, resolution e-mailed to CWDM. Awaiting acceptance of conditions. 25/10/2021: Awaiting acceptance of offer from CWDM. Follow-up e-mail sent. 25/11/2021: CWDM to table the matter at their Council meeting for approval. 18/01/2022: CWDM advised item will be tabled at their Council for approval. Updated feedback to be obtained from CWDM. 10/02/2022: CWDM replied on 20 January 2022 that the item will serve at their next meeting, as due to the new council compilation it could not serve earlier. Confirmation received from CWDM on that the item will serve at their Council meeting scheduled for 28 February 2022. 07/03/2022: CWDM Council resolved on 28 February 2022 to purchase the BVM property. CWDM resolution ("file") duly uploaded on this resolution. 06/04/2022: Town planning following public participation process. 23/05/2022: Town Planning procedures in process. 15/07/2022: Matter pending decision from Municipal Planning Tribunal. 11/08/2022: Matter pending decision from Municipal Planning Tribunal. 13/10/2022: Matter pending decision from Municipal Planning Tribunal. 06/12/2022: Matter pending decision from Municipal Planning Tribunal. 18/01/2023: Municipal Planning Tribunal approved rezoning.

		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	IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF ERF 9048 WORCESTER, WERDA STREET SITUATED ADJACENT TO ERF 9047 AND 9049, WORCESTER	<p>RESOLVED C55/2022</p> <p>That in respect of –</p> <p>IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF ERF 9048 WORCESTER, WERDA STREET SITUATED ADJACENT TO ERF 9047 AND 9049, WORCESTER</p> <p>discussed by Council at the Council Meeting held on 26 April 2022:</p> <p>1. That the direct alienation of a Erf 9048, Worcester (adjacent to Erf 9047 and 9049), ±135m² 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;</p> <p>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.</p> <p>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;</p> <p>3. that Erf 9048, Worcester be consolidated with the adjoining properties of the Applicants, being Erf 9047 and 9049, Worcester respectively;</p> <p>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;</p> <p>5. that the alienation of Erf 9048, Worcester be subject to obtaining consolidation approvals as well as comply with the relevant internal departments</p>	2022-04-26	HPOTGIETER	65	<p>06/05/2022: Meeting scheduled with applicant.</p> <p>23/05/2022: Resolution duly conveyed: Meeting was had with respective owners / applicants. 15/07/2022: Public participation process followed, closing date was 11 July 2022. No objections / representations received. Purchasers to follow Town Planning processes (subdivision & consolidation). 11/08/2022: Public participation process followed. No objections / representations received. Purchasers to follow Town Planning processes (subdivision & consolidation) 13/10/2022: TP applications incomplete; formal correspondence drafted. 06/12/2022: Meeting held with purchasers. TP application submitted. 18/01/2023: Enquire from TP regarding latest developments.</p>

		<p>(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>				
1121580	CONSIDERATION FOR THE DIRECT ALIENATION OF A PORTION	<p>RESOLVED C63/2022 That in respect of – CONSIDERATION FOR THE</p>	2022-05-30	HPOTGIETER	70	15/07/2022: Council resolution communicated with applicant. Town Planning processes to be

	<p>ELIZABETH STREET, RAWSONVILLE</p>	<p>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"> 1. That the objections in respect of the proposed pedestrian thoroughfare is upheld; 2. that the direct alienation of a portion of Elizabeth Street, Rawsonville (adjacent to Erven 536 and 537), ±221.57m² 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; 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; 4. that the subject portion of Elizabeth Street, Rawsonville be consolidated with the adjoining property of the Applicant, being Erf 537, Rawsonville; 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; 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; 13. that all costs pertaining to the transaction be borne by the Purchaser, which may include survey, rezoning, consolidation and costs of transfer; 14. that a suspensive condition in respect of the consolidated properties be included stipulating that the subject erven be subject to approval in terms of land use planning legislation; 15. that it is confirmed that Council has taken cognisance of the fact that the Municipal 			<p>finalized. 11/08/2022: Council resolution communicated with applicant. Town Planning processes to be finalized. 13/10/2022: Town Planning process underway. Comments from certain internal departments awaited. 18/01/2023: Town Planning informed one (1) comment awaited.</p>
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		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 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."				
1185135	BREDE VALLEY 2022-2027 LOCAL ECONOMIC DEVELOPMENT STRATEGY	RESOLVED 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 with resolution number C94/2022 a) That Council adopts the 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.	2022-08-23	CJANUARY2	50	Action plan was submitted will table it in next Council meeting
1206095	JOHNSONS PARK INFILL DEVELOPMENT: PROPOSED ALIENATION OF THIRTY-SIX (36) ERVEN IN JOHNSONS PARK FOR RESIDENTIAL PURPOSES	RESOLVED That in respect of – JOHNSONS PARK INFILL DEVELOPMENT: PROPOSED ALIENATION OF THIRTY-SIX (36) ERVEN IN JOHNSONS PARK FOR RESIDENTIAL PURPOSES as discussed by Council at the Special Council meeting held on 27 September 2022, resolution C101/2022, Council, decided: 1. That the alienation of the thirty-six (36) erven as set out in Annexure A by means of a competitive process in the open market solely for Residential Zone I purposes be approved in principle; 2. that the following of a public	2022-09-27	HPOTGIETER	35	04/10/2022: Notice compiled, quotation received from CW Standard for placement on 6 October 2022, request captured to obtain an order. 06/10/2022: Notice duly placed on 6 October 2022 inviting comments / representations. 07/11/2022: Closing date for comments / representations is today, 7 November 2022. Ascertain if any were received during public participation process in order to proceed with matter. 18/01/2023: No objections received. General plan awaited.

		<p>participation process, be approved and that an item will only be resubmitted to the Council should any representations/comments be received;</p> <p>3. that the properties be alienated to persons from the Breede Valley Municipal jurisdiction. Proof of address or another applicable document to prove residency within the municipal area will be required;</p> <p>4. that only one (1) property per purchaser is sold subject to item (5) below;</p> <p>5. that the properties will not be alienated to developers, except in instances where an employer with registered offices in the Breede Valley municipal area purchase more than one property on behalf of and for the benefit of their employees. However, should the latter apply the property should be registered directly in the name of the beneficiary employees. The beneficiary employees must also comply with items 3 and 4 above;</p> <p>6. that a reversion condition be included in the Deed of Sale as well as the Title Deed that the disposed of properties be utilised for Residential Zone I purposes only and should the Purchaser fail to erect a building within two (2) years from the date of registration and not use the property as specified, the erf will revert back to the Municipality free of charge;</p> <p>7. that a special condition be included in the Deed of Sale which provides that:</p> <p>7.1 If the purchaser intent to dispose of the property within a period of two (2) years from the date of signing the Deed of Sale, the property will be offered to the Municipality for a purchase price at 5% less than the original purchase price;</p> <p>7.2 Should the Municipality accept the offer, the cost of the transfer shall be payable by the Purchaser; and</p> <p>7.3 if the Municipality decline the offer, the Purchaser will be</p>				
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		<p>permitted to dispose of the property to any other third party.</p> <p>8. that the purchasers will be responsible for the payment of all municipal services including rates and taxes in respect of the properties the following transfer;</p> <p>9. that the costs pertaining to the transaction, e.g., transfer costs be paid by the purchasers;</p> <p>10. 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 provisions 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 disposal and transfer of the respective municipal properties.</p>				
1224675	<p>AFRIMAT: CONSIDERATION OF COMPENSATION AGREEMENT IN RESPECT OF SMALBLAAR, SITUATED AT A PORTION OF ERF 2, RAWSONVILLE AND BREWELSKLOOF, SITUATED AT A PORTION OF THE REMAINDER OF ERF 3604, WORCESTER</p>	<p>RESOLVED</p> <p>That in respect of –</p> <p>AFRIMAT: CONSIDERATION OF COMPENSATION AGREEMENT IN RESPECT OF SMALBLAAR, SITUATED AT A PORTION OF ERF 2, RAWSONVILLE AND BREWELSKLOOF, SITUATED AT A PORTION OF THE REMAINDER OF ERF 3604, WORCESTER.</p> <p>as discussed by Council at the Council meeting held on 25 October 2022, the following recommendation was made by Council with resolution number C107/2022.</p> <p>1. That Council note the legal opinions obtained which determine that the Municipality cannot insist on a right to use under the Asset Transfer Regulations as a requirement for the mining right to be exercised under the Mineral and Petroleum Resources Development Act, Act 28 of 2002;</p> <p>2. That the compensation agreement in respect of a portion of Erf 2, Rawsonville (Smalblaar) and a portion of the remainder of</p>	2022-10-25	HPOTGIETER	30	<p>02/11/2022: Resolution allocated to my Coll. inbox. Resolution communicated to applicant's legal representative on 02/11/2022 - awaiting acceptance of conditions.</p> <p>04/11/2022: Written reply iro resolution duly received.</p> <p>18/01/2023: Resolution duly communicated with relevant internal departments. Draft agreement in process.</p>

		<p>erf 3604, Worcester (Brewelskloof) for mining purposes permitted under the departure be approved for a period of nine (9) years and eleven (11) months with commencement date of 1 November 2022;</p> <p>3. that the monthly compensation in the amount of Ten Thousand Six Hundred Rand (R10 600.00) for Smalblaar and Thirty Thousand Rand (R30 000.00) for Brewelskloof which shall escalate annually in accordance with the consumer price index (CPIX) be paid for the respective properties;</p> <p>4. that Afrimat honor their social upliftment obligation towards the community of Breede Valley Municipality by:</p> <p>4.1 Participating in projects that are aimed at addressing the needs of the community;</p> <p>4.2 on an annual basis liaise with the Breede Valley Municipality IDP Department for the purpose of establishing which ward priorities were identified within the community; and</p> <p>4.3 provide annual proof to the IDP Department and the Council of compliance with the social upliftment obligations;</p> <p>5 that all costs pertaining to the transaction be borne by Afrimat, e.g. survey, rezoning etc. where applicable;</p> <p>6 that Afrimat comply with the Municipal Planning By-law and the Integrated Zoning Scheme;</p> <p>7 that Afrimat be responsible for the payment of all municipal services; and</p> <p>8 that the Municipal Manager be authorized to negotiate the final terms of and sign the compensation agreements.</p> <p>9 That the administration report back to the ComSSS committee on the final terms of a settlement, including the payment pertaining to the period since expiry of the lease until 31 October 2022.</p>				
<u>1256002</u>	DEBT COLLECTION: MICRO ORGANOGRAM ALIGNMENT	<p>RESOLVED: That in respect of – DEBT COLLECTION: MICRO ORGANOGRAM ALIGNMENT</p>	2022-12-12	MMBIZA		

		<p>as discussed by Council at the Council meeting held on 12 December 2022, the following recommendation be made to Council, resolution number C124/2022:</p> <p>That Council:</p> <ol style="list-style-type: none"> 1. take cognizance of the Breede Valley Municipality's approved staff establishment; 2. That Council approve the alignment of the micro-organogram in that – <ol style="list-style-type: none"> 2.1 the two (2) Debt Collection positions as per the Legal Services organogram be moved to Directorate: Finance for recommendation to Council as set out in the table hereunder. 				
Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment	
776194	<p>ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS: CLLR. C.F. WILSKUT</p>	<p>RESOLVED C21/2020</p> <ol style="list-style-type: none"> 1. That Council appoint a Disciplinary Committee comprising of 11 members (6 DA members and one member of each other Political Party (i.e 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. 	2020-02-25	JVANWYK	50	Awaiting outcome of criminal case.
1155841	<p>ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS: CLLR. MARGARET SWARTZ. ITEM FOR COUNCIL: 26 JULY 2022</p>	<p>RESOLVED C85/2022</p> <p>In terms of Clause 16 of the Code of Conduct:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> i) to investigate and make a finding on any alleged breach of this code and ii) to make appropriate recommendations to the Council. <p>And whereas a special committee, pertaining to the investigation of disciplinary matters, has already been established by Council per Council decision C40/2022.</p> <p>Cllr Nel proposed that Council recommends this motion to the established Special Committee to investigate and make a finding on</p>	2022-07-26	JVANZYL	50	Await complainant outstanding input.

		any alleged breach of this code and to make appropriate recommendations to the Council, as stated above under point (b).				
1185143	SECTION 80 (MUNICIPAL STRUCTURES ACT 117 OF 1998 AS AMENDED) PARTICIPATION AS PER COUNCIL RESOLUTION C114/2021	<p>RESOLVED C100/2022 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.</p> <p>AND THUS Council herewith confirms and appoint the members of the various Section 80 Committees established by Council per aforementioned Resolution C114/2021 as follow : Finance Services Committee Ald. W.R. Meiring; Ald. R. Farao; Cllr. M.T. Williams; Cllr. N. Nel; Cllr. I.J. Joseph; Cllr. T. Manuel; Cllr. S.S.T. Steenberg and Cllr. N.J. Wullschleger. Engineering Services Committee Cllr. J.R. Jack; Cllr. A. Pietersen; Cllr. D. Judge; Cllr. N. Nel; Cllr. H. Titus; Cllr. T. Manuel; Cllr. S.S.T. Steenberg and Cllr. C. Ismail. Public Services Committee Cllr. E. van der Westhuizen; Cllr. G.L. Daames; Cllr. R. Johnson; Cllr. N. Nel; Cllr. I.J. Joseph; Cllr. T. Manuel; Cllr. S.S.T. Steenberg and Cllr. C.F. Wilskut. Strategic Services Committee Cllr. J.P. Kritzinger; Cllr. J. Pieters; Cllr. O. Ralehoko; Cllr. N. Nel; Cllr.</p>	2022-08-23	JVANZYL	90	Awaiting attendance on 1 Party .

Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment
1127524	<p>RECRUITMENT AND SELECTION OF DIRECTOR: PUBLIC SERVICES</p> <p>RESOLVED C69/2022 That in respect of RECRUITMENT AND SELECTION OF DIRECTOR: PUBLIC SERVICES discussed by the Council at the Special Council meeting held on 8 June 2022:</p> <p>1. That Council affirms that the position of Director: Public Services is vacant from 1 July 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 (herein after referred to as "The Regulations") Gazetted on 17 January 2014 (Gazette No. 37245) Council grant approval that the post of Director Public Services be filled;</p> <p>3. that Council confirm in compliance with Regulation 5 that:</p> <p>3.1 the municipality requires the post to meet its strategic objectives.</p> <p>3.2 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</p> <p>3.3 sufficient budgeted funds, including funds for the remaining period of the</p>	2022-06-08	HPOTGIETER	80	<p>28/06/2022: Post advertised, closing date is 28 June 2022. Procurement of recruitment agency in process.</p> <p>11/07/2022: Closed quotation process followed - recruitment agency duly appointed. Shortlisting scheduled for 18/07/2022.</p> <p>01/08/2022:: Shortlisting conducted on 18/07/2022. Way forward to be discussed internally. 08/09/2022 Item to remain in inbox until way forward is determined.</p> <p>13/10/2022: Item to remain in inbox until way forward is determined. 06/12/2022: Way forward discussed internally.</p> <p>18/01/2023: Process in abeyance due to review of staff establishment.</p>

		<p>medium-term expenditure framework, are available for filling the post;</p> <p>4. that the services of a competent and experience 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>5. that Council appoint the following members to the selection panel, for the recruitment and selection of the Director Public Services: 5.1 The Municipal Manager who is the Chairperson; 5.2 Councillor Wouter Meiring; 5.3 Mr Henry Prins (Cape Winelands District Municipality: Municipal Manager) who has expertise and experience in the area of the advertised post;</p> <p>6. that the selection panel submit a report and recommendation on the selection process to the Council on the suitable candidates who comply with the relevant competency requirements of the post in order of preference;</p> <p>7. that with regards to the acting appointment in position of Director Public Services: 7.1 that Council appoint Mr P Hartzenberg to act in the position of Director Public Services from 1 July 2022 to 30 September 2022; and 7.2 that Council appoint Mr J. Pekeur to act in the position of Director Public Services from 1 October 2022 to 31 December 2022 or until such date the position is filled which ever occur first.</p>				
1259162	SUBMISSION OF FINAL ANNUAL REPORT, ANNUAL FINANCIAL STATEMENTS, AUDITOR GENERAL'S REPORT, AUDIT AND	<p>RESOLVED That in respect of - SUBMISSION OF FINAL ANNUAL REPORT, ANNUAL FINANCIAL STATEMENTS, AUDITOR GENERAL'S REPORT, AUDIT AND PERFORMANCE AUDIT COMMITTEE REPORT; AND</p>	2022-12-20	DCTHOMAS		

	<p>PERFORMANCE AUDIT COMMITTEE REPORT; AND THE ADOPTION OF THE OVERSIGHT REPORT FROM THE MUNICIPAL PUBLIC COUNTS COMMITTEE FOR THE PERIOD 2021- 2022 FINANCIAL</p>	<p>THE ADOPTION OF THE OVERSIGHT REPORT FROM THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR THE PERIOD 2021-2022 FINANCIAL YEAR discussed by Council at the Council meeting held on 20 December 2022, resolution number C132/2022:</p> <p>1. That Council having considered the 2021-2022 Annual Report of the Breede Valley Municipality with representations thereon and the MPAC Oversight Report, Council approves the 2021- 2022 Annual Report without reservations.</p> <p>2. That Council approve the further matters recommended by MPAC as listed below:</p> <p>a) That all statistics regarding the Learner License Programmes be included in the next Annual Report.</p> <p>b) That Council review the MPAC Charter to be aligned to legislation in particular Section 79A of the Structures Act.</p> <p>c) That Ward Councillors should in future reports confirm the number of meetings held.</p> <p>d) That management provide feedback to council regarding the loan of R80 million.</p> <p>e) That management provide clarity in future annual reports on what constitute the housing backlog.</p> <p>f) That council note that MPAC is extremely concerned about the slow progress with regards to the Trans Hex Housing project and Council request the Provincial Department of Human Settlements to appear at Council to provide a progress report and an action plan on the way forward early in the new year.</p> <p>g) That council note the request from MPAC that whenever KPIs are drafted, Management and the Executive Mayor should consider adding in the Top Layer SDBIP indicator a measure that does not only</p>				
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		measure delivery or submission of documents, but also actual performance of operations. For example, management should not just state the submission of a water service plan by a due date but should also include specific operational matters that affect the community.				
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7. CONSIDERATION OF AGENDA ITEMS**7.1 ADDITIONAL / AMENDMENT ALLOCATIONS - ADJUSTMENTS BUDGET****2022/2023 – 24 JANUARY 2023****File No. /s:****Responsible Official:** A Crotz**Directorate:** Financial Services**Portfolio:** Financial Services

1. Purpose:

To submit an Adjustments budget for the 2022/23 financial year as a result of amendments / adjustments to allocations from Provincial Government during the 2022/23 financial year.

2. Background:

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

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

- Must adjust the revenue and expenditure estimates downwards if there is a material under-collection of revenue during the year;
- May appropriate additional revenues that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmed already budgeted for;
- May, within the prescribed framework, authorize unforeseen and unavoidable expenditure recommended by the Mayor;
- May authorize the utilization of projected savings in one vote towards spending under another vote;
- May authorize the spending of funds that were unspent at the end of the past financial year where the under-spending could not reasonably have been foreseen at the time to include projected roll-overs when the annual budget for the current year was approved by council;

- May correct any errors in the annual budget, and
- May provide for any other expenditure within a prescribed framework.

Municipal Budget and Reporting Regulations further provides that;

B. Timeframes for tabling of adjustment budgets

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

3. Financial Implications:

Financial implications are contained in the detail in this report.

4. Applicable Legislation / Council Policy:

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

ADJUSTMENTS BUDGET SCHEDULE B REPORT 2022/23



BREEDE VALLEY
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

24 JANUARY 2023

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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 allocations made to the Breede Valley Municipality were further amended from the allocations as published and approved with the compilation of the 2022/23 Original Budget. Provincial Government had the following amendments to the allocations of Breede Valley Municipality:

- Western Cape Financial Management Capability Grant: R200 000.00
- Human Settlements Development Grant (Beneficiaries): -R2 830 000.00
- Provincial Contribution Towards Acceleration of Housing Delivery: R3 400 000.00
- Informal Settlements Upgrading Partnership Grant: Provinces (Beneficiaries): - R2 175 000.00
- Title-Deeds Restoration: R2 505 000.00
- Municipal Water Resilience Grant: R700 000.00

All conditional grants / funds allocated and transferred to the Breede Valley Municipality has specific conditions in terms of the timeframes and the type of spending to be incurred by the municipality during the 2022/23 financial year.

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

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 budget of Breede Valley Municipality is adjusted to accommodate the amendments from Provincial Government.

The additional / amended allocations relate to the following grants:

NAME OF GRANT	Amount
Western Cape Financial Management Capability Grant: Prepare credible implementation plans that are aligned to grant outputs and outcomes and allocation criteria	R200 000.00
Human Settlements Development Grant (Beneficiaries): Amendment made in line with Provincial Departments implementation plans.	-R2 830 000.00
Provincial Contribution Towards Acceleration of Housing Delivery: Provide support to municipalities with regard to human settlement delivery as may be required in line with business plans.	R3 400 000.00
Informal Settlements Upgrading Partnership Grant: Provinces (Beneficiaries): Amendment made in line with Provincial Departments implementation plans.	-R2 175 000.00
Title-Deeds Restoration: To be implemented in line with business plans.	R2 505 000.00
Municipal Water Resilience Grant:	R700 000.00

Smart Water Meters and Leak Detection	
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The 2022/23 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 2022/23 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.

1. Adjustments Budget Tables – Please refer to Annexure A

B1 Consolidated Adjustments Budget Summary

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

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

B2 Consolidated Adjustments Budget Financial Performance by Standard Classification

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

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

B3 Consolidated Adjustments Budget Financial Performance by Municipal Vote

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

B4 Consolidated Adjustments Budget Financial Performance (Revenue and Expenditure)

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

B5 Consolidated Adjustments Budget Capital Expenditure Vote and Funding

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

B6 Consolidated Adjustments Budget Financial Position

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

This format of presenting the statement of financial position is aligned to GRAP1, which is generally aligned to the international version which presents Assets less Liabilities as

“accounting” Community Wealth. The order of items within each group illustrates items in order of liquidity; i.e. assets readily converted to cash, or liabilities immediately required to be met from cash, appear first.

B7 Consolidated Adjustments Budget Cash Flows

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

B8 Consolidated Cash Backed Reserves/Accumulated Surplus Reconciliation

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

B9 Consolidated Asset Management

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

B10 Consolidated Basic Service Delivery Measurement

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

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

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

The operational budget is adjusted in order to accommodate the amendments to allocations mentioned in this report. Please refer to table B4 and SB8 for all related amendments

2. Adjustments to Budget Funding

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

3. Adjustments to Expenditure on Allocations and Grant

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

Please refer to table SB8

4. Adjustment to Allocations or Grants made by the Municipality

None.

5. Adjustment to Councillor Allowances and Employees

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

6. Adjustment to Service Delivery and Budget

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

7. Adjustment to Capital Spending Detail

Information/detail regarding capital projects by vote is provided in Section B – Capital Budget, read with B5, B5B, SB16, SB17, SB18a, SB18b, SB18e and SB19.

8. Other Supporting Documents

- National treasury electronic revised budget report, SB1-SB19 as **Annexure A**
- Signed quality certificate as **Annexure B**
- Provincial Gazette Extraordinary 8699 Wednesday, 21 December 2022 **Annexure C**

Comment of Directorates / Departments concerned:

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

RECOMMENDATION:

That in respect of **Adjustments budget for 2022/23 – January 2023**

As discussed by Council at the Council meeting held on 24 January 2023

1. Council resolves that the Adjustment Budget of Breede Valley Municipality for the financial year 2022/23 be adjusted and approved with amendments as set out in the following.
 - a. Municipal Budget tables B1- B10
 - b. Municipal Budget supporting documentation SB1 - SB19

7.2 QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR THE 2ND QUARTER OF THE 2022/23 FINANCIAL YEAR

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

Responsible Official: R. Ontong

Directorate: Financial Services

Portfolio: Supply Chain Management

1. Purpose

The Local Government: Municipal Finance Management Act, no 56 of 2003 (MFMA), requires the municipality to have and implement a Supply Chain Management (SCM) Policy which gives effect to the provisions of Part 1 of Chapter 11 of the Act that deals with 'Supply Chain Management'.

2. Background

Although the MFMA prohibits a Councillor from being a member of a bid committee or any other committee evaluating or approving quotations or tenders, Council has an oversight role to ensure that the Accounting Officer implements all supply chain management activities in accordance with this policy. For the purposes of such oversight, Council's Supply Chain Management Policy, **paragraph 6.3** requires that the Accounting Officer must "**within 10 working days of the end of each quarter, submit a report on the implementation of the supply chain management policy to the mayor of the municipality.**" In addition, **paragraph 6.4** requires that the report referred to in paragraph 6.3 above **also to be tabled to council on a quarterly basis**. The report may be included as part of any other report to serve before council.

The SCM quarterly implementation report approved in terms of paragraph 6.3 for the 2nd quarter of the 2022/23 financial year, is attached as **Annexure A**.

3. Financial Implications

None

4. Applicable Legislation / Council Policy

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

Annexure

Annexures A: SCM quarterly implementation report (2nd quarter ending 31 December 2022) approved in terms of paragraph 6.3.

RECOMMENDATION

That in respect of **QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR THE 2nd QUARTER OF THE 2022/23 FINANCIAL YEAR**

as discussed by Council at the Council meeting held on 24 January 2023, the following recommendation be made to Council:

1. That the approved SCM quarterly implementation report for the 2nd quarter of the 2022/23 financial year, **be noted**.

7.3 SUBMISSION OF THE MID-YEAR PERFORMANCE ASSESSMENT AND IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 DECEMBER 2022. MFMA SECTION 71, 52 (d) & 72 Report**File No. /s:** 3/15/1**Responsible Officials:** R. Esau/R. Ontong**Directorate:** SSS**Portfolio:** Performance Management/
Services/ Financial

1. Purpose

To submit to Council the mid-year performance assessment and in-year financial management report to Council for adoption.

2. Background:**In terms of the Municipal Finance Management Act, 56 of 2003, section 71.**

(1) The accounting officer of a municipality must by no later than 10 working days after the end of each month submit to the mayor of the municipality and the relevant provincial treasury a statement in the prescribed format on the state of the municipality's budget reflecting the following particulars for that month and for the financial year up to the end of that month:

- (a) Actual revenue, per revenue source;
- (b) actual borrowings;
- (c) actual expenditure, per vote;
- (d) actual capital expenditure, per vote;
- (e) the amount of any allocations received;
- (f) actual expenditure on those allocations, excluding expenditure on
 - (i) its share of the local government equitable share; and
 - (ii) allocations exempted by the annual Division of Revenue Act from compliance with this paragraph; and
- (g) when necessary, an explanation of-
 - (i) any material variances from the municipality's projected revenue by source, and from the municipality's expenditure projections per vote;
 - (ii) any material variances from the service delivery and budget implementation plan; and
 - (iii) any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the municipality's approved budget.

(2) The statement must include-

-
- (a) a projection of the relevant municipality's revenue and expenditure for the rest of the financial year, and any revisions from initial projections; and
 - (b) the prescribed information relating to the state of the budget of each municipal entity as provided to the municipality in terms of section 87(10).
- (3) The amounts reflected in the statement must in each case be compared with the corresponding amounts budgeted for in the municipality's approved budget.
 - (4) The statement to the provincial treasury must be in the format of a signed document and in electronic format.
 - (5) The accounting officer of a municipality which has received an allocation referred to in subsection (1)(e) during any particular month must, by no later than 10 working days after the end of that month, submit that part of the statement reflecting the particulars referred to in subsection (1)(e) and (f) to the national or provincial organ of state or municipality which transferred the allocation.
 - (6) The provincial treasury must by no later than 22 working days after the end of each month submit to the National Treasury a consolidated statement in the prescribed format on the state of the municipalities' budgets, per municipality and per municipal entity.
 - (7) The provincial treasury must, within 30 days after the end of each quarter, make public as may be prescribed, a consolidated statement in the prescribed format on the state of municipalities' budgets per municipality and per municipal entity. The MEC for finance must submit such consolidated statement to the provincial legislature no later than 45 days after the end of each quarter.

In terms of the Municipal Finance Management Act, 56 of 2003, section 52(d).

The mayor of a municipality—

- (d) must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality.

In terms of the Municipal Finance Management Act, 56 of 2003, section 72.

- (1) The accounting officer of a municipality must by 25 January of each year—
 - (a) assess the performance of the municipality during the first half of the financial year, taking into account—
 - (i) the monthly statements referred to in section 71 for the first half of the financial year;
 - (ii) the municipality's service delivery performance during the first half of the financial year, and the service delivery targets, and performance indicators set in the service delivery and budget implementation plan;
 - (iii) the past year's annual report, and progress on resolving problems identified in the annual report; and

- (iv) the performance of every municipal entity under the sole or shared control of the municipality, taking into account reports in terms of section 88 from any such entities; and
- (b) submit a report on such assessment to—
 - (i) the mayor of the municipality;
 - (ii) the National Treasury; and
 - (iii) the relevant provincial treasury.
- (2) The statement referred to in section 71(1) for the sixth month of a financial year may be incorporated into the report referred to in subsection (1)(b) of this section.
- (3) The accounting officer must, as part of the review—
 - (a) make recommendations as to whether an adjustments budget is necessary; and
 - (b) recommend revised projections for revenue and expenditure to the extent that this may be necessary.

In terms of the Municipal Finance Management Act, 56 of 2003, section 54.

- (1) The mayor must, on receipt of a statement or report submitted by the accounting officer of the municipality in terms of section 71 and 72—
 - (a) consider the statement or report;
 - (b) check whether the municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan;
 - (c) consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following of and adjustment budget;
 - (d) issue any appropriate instructions to the accounting officer to ensure—
 - (i) that the budget is implemented in accordance with service delivery and budget implementation plan; and
 - (ii) that spending of funds and revenue collection proceed in accordance with the budget.

3. Financial Implications:

None

4. Applicable Legislation/ Council Policy:

Municipal Finance Management Act, 56 of 2003 (Section 52(d), 54, 71, 72 & 168);
Municipal Budget and Reporting Regulations, 2009

5. Comment of Directorates/ Departments concerned:

Municipal Manager:	Recommendation supported
Director: Strategic Support Services:	Recommendation supported
Director: Financial Services:	Recommendation supported
Director: Community Services:	Recommendation supported
Director: Engineering Services:	Recommendation supported
Acting Director: Public Services:	Recommendation supported

RECOMMENDATION

That in respect of

SUBMISSION OF MID-YEAR PERFORMANCE ASSESSMENT AND IN-YEAR FINANCIAL MANAGEMENT REPORT 2022/2023 discussed by Council at the Council meeting held on the 24 January 2023:

1. That Council takes note of the mid-year performance assessment and in-year financial management report for the 2022/2023 financial year.

7.4 REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF DECEMBER 2022**File No./s:** 2/1/1/1**Responsible Official:** R. Ontong**Directorate:** Financial Services**Portfolio:** Supply Chain Management

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 December 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 December 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

REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF DECEMBER 2022

as discussed by Council at the Council meeting held on 24 January 2023, the following recommendation be made to Council:

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

7.5 THE PREFERENTIAL PROCUREMENT POLICY, 2022 AND AMENDMENTS TO THE SUPPLY CHAIN MANAGEMENT POLICY TO GIVE EFFECT TO THE PREFERENTIAL PROCUREMENT REGULATIONS, 2022

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

Responsible Official: Snr Manager SCM

Directorate: Financial Services

Portfolio: Supply Chain Management

1. PURPOSE

The purpose of the item is to approve the new Draft Preferential Procurement Policy and amendments to the Supply Chain Management (SCM) Policy to give effect to the Preferential Procurement Regulations, 2022.

2. BACKGROUND AND LEGAL CONSIDERATIONS

On 2 November 2020, the Supreme Court of Appeal (SCA) in the case of Afribusiness NPC v The Minister of Finance¹ declared the Preferential Procurement Regulation, 2017 invalid and set it aside. The SCA suspended the declaration of invalidity for 12 months. The Minister of Finance appealed to the Constitutional Court against the SCA judgement. By operation of section 18(1)², the operation and execution of a decision of the SCA was automatically suspended pending the appeal.

On 16 February 2022, the Constitutional Court in a narrow majority in Minister of Finance v Afribusiness NPC³ dismissed the appeal against the SCA judgement. The Constitutional Court did not pronounce on the suspension of the SCA order nor on retrospectivity or prospectiveness.

On 25 February 2022, the Director-General at National Treasury issued an unprecedented communiqué to all organs of state wherein he inter alia “advised” all public tenders be held in abeyance and no new tenders be advertised.

¹ (Case no 1050/2019) [2020] ZASCA 140 (2 November 2020)

² Footnote 1 supra

³ [2022] ZACC 4

The above “advice” was based on the Director-General at NT’s erroneous view that there was uncertainty on the status of the SCA’s order of suspension. According to the communiqué, the uncertainty arose due to a footnote in the minority judgement of the Constitutional Court.

The municipality differed with that view and decided to implement the Preferential Procurement Regulations, 2017, for 12 months unless it is repealed sooner. The municipal manager sent a letter to the Director-General at NT setting out the view above as previously reported to the Council.

On 3 March 2022, the Director-General issued another communiqué to organs of state to inform that its communiqué of 28 February 2022 was an “advisory note”. It further advised that NT is developing draft regulations that will be published for comment during the week of 7 March 2022. It argued that organs of state who need any procurement above R30,000 must apply for an exemption to the Minister in compliance with section 3(c) of the Preferential Procurement Policy Framework Act, 2000. The municipality once again differed with this view of NT and did not apply for the exception which in our view would have been irregular.

On 10 March 2022, the Minister of Finance issued new draft Preferential Procurement Regulations⁴ for public comment. The deadline for public comments is 11 April 2022. The new draft regulations deal with the following matters:

1. Definitions
2. Application
3. Identification of preference point system
4. 80/20 preference point system for acquisition of goods or services with Rand value equal to or above R30 000 and up to R50 million
5. 90/10 preference point system for acquisition of goods or services with Rand value above R50 million

⁴ Government Gazette No. 46026 R.1851

6. 80/20 preference points system for tenders to generate income or to dispose of or lease assets with Rand value equal to or above R30 000 and up to Rand value of R50 million
7. 90/10 preference point system for tenders to generate income or to dispose of or lease assets with Rand value equal to or above R50 million
8. Criteria for breaking deadlock in scoring
9. Award of contracts to tenderers not scoring highest points
10. Remedies
11. Repeal of regulations
12. Short title and commencement

The new draft regulations deleted the unconstitutional provisions on pre-qualifying criteria, sub-contracting and local content.

A new feature introduced in the regulations is the preference point system for tenders to generate income or to dispose of or lease assets. These provisions were inserted due to the judgement of the SCA in *Airports Company South Africa SOC Ltd v Imperial Group Ltd & Others*⁵ where the court held that s217 of the Constitution and therefore the supply chain management prescripts are applicable when organs of state contracts for goods or services even where organ of state is not incurring an expenditure, like when it lease or dispose of assets.

On 30 May 2022, the Constitutional Court in *Minister of Finance v Sakeliga NPC*⁶ vindicated the municipality's earlier stance against the views of the National Treasury when it confirmed the position earlier adopted by the municipality. It held:

" For the reasons I have given, there is no need for this clear legal position to be confirmed

[17] As at 16 February 2022, of the 12-month period of suspension, less than a month had elapsed.

⁵ (1306/18) [2020] ZASCA 02 (31 January 2020)

⁶ (previously known as *Afribusiness NPC*) and *Others* (CCT 62/22) [2022] ZACC 17; 2022 (4) SA 401 (CC) (30 May 2022)

[18] With the legal position as plain as it is, I do not understand how the confusion we hear about from the Minister could have arisen. It could have arisen only if the Minister and the interest groups to which he refers interpreted the order without due regard to the law; that is, the provisions of section 18(1). Of course, there is no justification for interpreting the order in a vacuum.”

On 4 November 2022, The Minister of Finance issued the new Preferential Procurement Regulations 2022, effective from 16 January 2023. The regulations mirrored the draft regulations issued on 10 March 2022.

The municipality, therefore, had until 15 January 2023 to approve its Preferential Procurement Policy and to amend its Supply Chain Management Policy in line with the new regulations and the court judgements.

The objective of the Preferential Procurement Policy is to comply with the provisions of section 217(2) of the Constitution and section 2 of the Preferential Procurement Framework Act. This was best explained by Ponnar JA in *Airports Company South Africa SOC Ltd v Imperial Group Ltd and Others* when stated:

“The general rule under s 217 of the Constitution is that all public procurement must be affected in accordance with a system that is fair, equitable, transparent, competitive and cost-effective.

The only exception to that general rule is that envisaged by ss 217(2) and (3). Section 217(2) allows organs of state to implement preferential procurement policies, that is, policies that provide for categories of preference in the allocation of contracts and the protection and advancement of people disadvantaged by unfair discrimination.

Express provision to permit this needed to be included in the Constitution in order for public procurement to be an instrument of transformation and to prevent that from being stultified by appeals to the guarantee of equality and non-discrimination in s 9 of the Constitution.

The freedom conferred on organs of state to implement preferential procurement policies is however circumscribed by s 217(3), which states that national legislation must prescribe a framework within which those preferential procurement policies must be implemented. The clear implication therefore is that preferential procurement policies may only be implemented within a framework

prescribed by national legislation.⁷

Therefore, the only escape for Breede Valley Municipality from the reach of s 217(1) of the Constitution is to bring our Preferential Procurement Policy within ss (2) and (3).

The Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000)-[PPPFA] was promulgated in compliance with section 217(3) of the Constitution to create the framework within which the Municipality may develop its preferential procurement policy.

Section 2 (1) (d) (i) and (ii) of the Preferential Procurement Policy Framework Act, 2000 refers to specific goals which may include:

- (i) contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender or disability;
- (ii) implementing the programmes of the Reconstruction and Development Programme (RDP) as published in Government Gazette 16085 dated 23 November 1994.

Although the preferential procurement policy-specific goals are created as the only exception to section 217(1) of the Constitution, the preferential procurement-specific goals must still be compliant with and based on the objects of local government set out in section 152 of the Constitution and the developmental duties as required by section 153 of the Constitution as well as comply with applicable national legislation that sets standards and or guidelines for preferential procurement such as the Broad-Based Black Economic Empowerment Act, 2003.

The Minister of Finance has, in terms of section 5, read with sections 2(1)(b)(i) and (ii) and 2(1)(c), of the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000), and with effect from 16 January 2023, issued the Preferential Procurement Regulations, 2022 to provide for the preference point system that must be followed by organs of state in their preferential procurement policies.

In addition to adhering to the peremptory prescribed preference point system as set out in the Preferential Procurement Regulations, 2022 the municipality must add to this preference points system its 10 or 20 points for specific goals as set out in section 2(1)(d)(i) and(ii) of the Act.

In AllPay Consolidated Investment Holdings (Pty) Ltd and Others v Chief Executive

⁷ Airports Company South Africa SOC Ltd v Imperial Group Ltd and Others [2020] ZASCA 2; 2020 (4) SA 17 (SCA) para 64 also agreed to in Afribus NPC v The Minister of Finance (Case no 1050/2019) [2020] ZASCA 140 para 39

Officer of the South African Social Security Agency and Others⁸ the Constitutional Court held:

“The transformation that our Constitution requires includes economic redress⁹.”

“Economic redress for previously disadvantaged people also lies at the heart of our constitutional and legislative procurement framework”¹⁰

In *Afribus NPC v The Minister of Finance* the SCA confirmed the transformative imperatives as obliged by the Constitution when it stated:

“What section 217(2) seeks to achieve is consonant with the transformative nature of our Constitution. And its provisions dovetail with those of section 9(2) of the Constitution. Without provisions of this nature, true or substantive equality would forever be pie in the sky for the vast majority of South Africans and the transformative agenda of the Constitution would be unrealisable.”¹¹

Both the majority and minority judgements in *Minister of Finance v Afribus NPC* agreed on the application of transformation and the B-BBEE Act on public procurement.

The minority in *Minister of Finance v Afribus NPC* stated:

“The Supreme Court of Appeal held in ACSA, that it is undisputed that the Procurement Act and the B-BBEE Act constitute the legislative scheme envisaged in section 217(3), giving effect to section 217(2)”¹²

The majority judgement stated:

“The debate between the first judgment and this judgment is not about these transformative imperatives. We both agree on them. And we must.”¹³

Section 10 of the B-BBEE Act instruct in obligatory terms that every organ of state **must** apply any relevant code of good practice issued in terms of the Act in developing and implementing a preferential procurement policy.

⁸ [2013] ZACC 42; 2014 (1) SA 604 (CC)

⁹ Para 46

¹⁰ Para 47

¹¹ (Case no 1050/2019) [2020] ZASCA 140 (2 November 2020) Para 99

¹² *Minister of Finance v Afribus NPC* supra para 80

¹³ Para 100

A key feature of the judgement in Minister of Finance v Afribusines NPC is that regulations and by implications policies that exceed to scope given in legislation for such regulations will be unlawful. The municipal Preferential Procurement Policy can thus lawfully only deal with matters of preferential procurement as other matters such as cancellation of tenders, functionality and subcontracting can only be addressed in the Supply Chain Management Policy and not the Preferential Procurement Policy.

On 12 December 2022, the Council decided that:

1. *“The draft Preferential Procurement Policy, 2022 and the amendments to the Supply Chain Management Policy be approved in principle subject to a public participation process.*
2. *The draft Preferential Procurement Policy, 2022 and the amendments to the Supply Chain Management Policy be made public and the views of the public be solicited.*
3. *The draft Preferential Procurement Policy, 2022 and the amendments to the Supply Chain Management Policy be workshopped with the Council prior to the date of final approval.*
4. *That the draft Preferential Procurement Policy, 2022 and the amendments to the Supply Chain Management Policy be tabled again in Council in January 2023 for final approval.”*

On 15 December 2022 a public notice was placed in the Worcester Standard and the website to solicit the input of the community by 15 January 2023. No input was received.

On 17 January 2023 a workshop was held with Council members and the following changes to the Draft Preferential Procurement Policy was proposed.

1. That with regards to paragraph 10.3 the words “at least” be replaced with the words “a maximum. Thus, meaning that BBBEE points are limited to 10 points under the 80/20 points system and limited to 5 points under the 90/10 point system.
2. That with regards to “Locality” it only be applicable to businesses head or principle office and not its satellite office or regional office. Thus column 3 and 4 in table 10.4.2 are deleted

3. FINANCIAL IMPLICATIONS

None

4. APPLICABLE LEGISLATION

- a) Constitution of the Republic of South Africa, Sections 217, 9, 33, 152 and 153
- b) Local Government: Municipal Systems Act, No. 32 of 2000 and Regulations, section 55
- c) Local Government: Municipal Finance Management Act, No. 56 of 2003, Section 186 and section 61
- d) Preferential Procurement Policy Framework Act, 2000, sections 2, 3 and 5
- e) Superior Courts Act, 10 of 2013, Section 18
- f) Preferential Procurement Regulation, 2017 (entire regulations)
- g) Draft Preferential Procurement Regulation, 2022. Government Gazette No. 46026 R.1851 (entire regulations)
- h) Preferential Procurement Regulations, 2022. Government Gazette No. No. 47452 dated 4 November 2022. (entire regulations)

5. COMMENT OF DIRECTORATES / DEPARTMENTS CONCERNED

Municipal Manager:	Item supported
Director: Strategic Support Services:	Co-Author
Director: Financial Services:	Item supported
Director: Engineering Services:	Item and recommendation supported
Director Community Services:	Supported
Acting Director: Public Services:	Supported
Senior Manager Legal Services:	Supported
Senior Manager Supply Chain Management:	Supported

RECOMMENDATION

That in respect of –

**THE PREFERENTIAL PROCUREMENT POLICY, 2022 AND AMENDMENTS TO THE
SUPPLY CHAIN MANAGEMENT POLICY TO GIVE EFFECT TO THE PREFERENTIAL
PROCUREMENT REGULATIONS, 2022**

as discussed by the Council at the meeting held on 24 January 2023,

1. Council approves the Preferential Procurement Policy, 2022 and the amendments to the Supply Chain Management Policy.

7.6 MUNICIPAL COURT OPERATIONS AND UPDATE ON THE PROGRESS OF THE MUNICIPAL COURT**File No./s:** 9/2/1/1/56**Responsible official:** S. Schroeder**Directorate:** Community Services**Portfolio:** Municipal Court

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.
- d) to inform council on the progress and functions of the Municipal Court for the past 18 months.

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 ultimate 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. The court is now sitting 5 days a week.

3. 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 in order 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.

4. 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 1st 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: July 2021 to December 2022

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 72 matters were received, 46 new matters were placed on the Municipal Court roll and 26 were withdrawn due to compliance.

Court appearances: July 2021 to December 2022

Total court days	195
Total matters on court roll	1 811
Guilty	807
Not Guilty	1
Withdrawn: Complied	37
Postponements	702
Warrants issued in court	132
Warrants appearing in court	276 *amount should not be added to total matters on court roll again.
Court hours	280
Representations	2 223

*276 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 December 2022 the monthly income, matters printed on the court roll and total warrants issued were as follows:

	MONTHLY INCOME	MUNICIPAL FINES ON ROLL	PROVINCIAL FINES ON COURT ROLL	TOTAL WARRANTS ISSUED
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
June 2022	R378 381	430	1 067	1 170
Julie 2022	R137 652	541	1 560	1 413
August 2022	R483 384	354	939	923
September 2022	R409 756	773	1 136	1 583
Oktober 2022	R485 117	534	1 581	1 888
November 2022	R849 321	499	2 842	3 067
Desember 2022	R302 022	160	518	640
TOTAL	R6 071 400	13 499	34 203	25 648

Municipal Court expenses (Budgeted personnel costs):

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

COMMENTS

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

RECOMMENDATION

That in respect of –

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

as discussed by the Council at the meeting held on 24 January 2023,

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

7.7 REPLACEMENT OF CLLR L WILLEMSE AS SECUNDI ON THE WORKING GROUPS OF SALGA**File No./s:** 2/1/4/3**Responsible Person:** Speaker**Directorate:** Municipal Manager**Portfolio:** Municipal Manager

1. PURPOSE OF REPORT

For Council to elect a DA Councillor to replace Cllr L. Willemse as representative on the various committees of SALGA.

2. BACKGROUND

At the Council meeting held on 01 December 2021, Council resolved the following on the appointment of SALGA's representatives:

RESOLVED**C115/2021****PROPOSED: Ald. W.R. Meiring proposed the following:**

1. Economic Development and Planning: Cllr J. Kritzinger (Secundi - Cllr L. Willemse)
2. Municipal Finance: Ald. WR Meiring (Secundi - Cllr J. Pieters)
3. Community Development: Cllr N. Nel (Secundi - Cllr P. Ramokhabi)
4. Human Resources: Ald. WR Meiring (Secundi - Ald. R. Farao)
5. Municipal Infrastructure: Cllr E. Van der Westhuizen (Secundi - Cllr J.R. Jack)
6. Governance: Cllr V. Bedworth (Secundi - Cllr F. Vaughan)

SECONDED: Cllr J. R. Jack

3. DISCUSSION

By virtue of the resignation of Cllr L Willemse as a DA Councillor on 21 November 2022, Council is obliged to replace Councillor L Willemse with another DA Councillor to serve on the various working groups of SALGA as listed below:

1. Economic Development and Job Creation
2. Emergency Services and Disaster Management
3. Health Services

RECOMMENDED

That in respect of – **REPLACEMENT OF CLLR L WILLEMSE AS SECUNDI ON THE WORKING GROUPS OF SALGA**; discussed by Council at the Council meeting held on 24 January 2023:

1. That Council elects a DA Councillor to replace Councillor L Willemse, who resigned on 21 November 2022, to serve as secundi on the following working groups of SALGA:
 - a) Economic Development and Job Creation
 - b) Emergency Services and Disaster Management
 - c) Health Services

- 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**
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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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