

NOTICE

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

Date distributed: 28/11/2024.

**NOTICE OF THE 4th COUNCIL MEETING OF 2024/2025
FINANCIAL YEAR OF THE COUNCIL OF BREEDE VALLEY MUNICIPALITY
WEDNESDAY, 2024-12-04 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
W.M. Blom
E. Botha
M.N. Bushwana
G.L. Daames
Alderman R. Farao
M.A. Goedeman
E.N. Isaacs
Alderman C. Ismail
J.R. Jack
M. Jacobs
R.T. Johnson
I.J. Joseph
D. Judge
J.P. Kritzinger
S.K. Madlolo
Z.M. Mangali
T. S. Manuel
P.H. Marais

S.J. Mei
Alderman W.R. Meiring
J. M Mokgosi
P.C. Moso
N. Nel
C.T. Nyithana
J. Pieters
A. Pietersen
O. Ralehoko
Alderman M. Sampson
T. P. Sibozo
S. S. T. Steenberg
M. Swartz
H.C Titus
F. Vaughan
M.T. Williams
C.F. Wilskut
N.J. Wullschleger
L.R. Yayi

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 **4th COUNCIL MEETING** of the **2024/2025 FINANCIAL YEAR of the COUNCIL** of **BREEDE VALLEY MUNICIPALITY** will be held at **CAPE WINELANDS DISTRICT MUNICIPALITY, TRAPPE STREET WORCESTER** on **WEDNESDAY, 2024-12-04** at **10:00** to consider the items on the agenda.



SPEAKER: ALDERMAN J.F. VAN ZYL

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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 S. S. T Steenberg	14 November 2024
Ald W. R. Meiring	21 November 2024
Cllr M. Swartz	20 December 2024
Cllr Z. M Mangali	22 December 2024
Cllr H. C Titus	26 December 2024
Cllr R. T Johnson	27 December 2024

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 Minutes of Council Meeting held on 22 October 2024. (Copy enclosed)**RECOMMENDATION**

That in respect of

CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS

discussed by Council at the Council Meeting held on 4 December 2024:

- 1. As the Minutes of the Council Meeting held on 22 October 2024 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 22 October 2024 be taken as read and confirmed.

5. REPORT BY THE EXECUTIVE MAYOR ON DECISIONS TAKEN BY THE EXECUTIVE MAYOR, THE EXECUTIVE MAYOR TOGETHER WITH THE DEPUTY EXECUTIVE MAYOR AND THE MAYORAL COMMITTEE**5.1 THE DEPUTY EXECUTIVE MAYOR: CLLR J.J. Von Willingh**

5.2 MMC1: Alderman W. R. Meiring

5.3 MMC 2: Cllr. P.C. Moso

5.4 MMC 3: Cllr. N. Nel

5.4.1 LIBRARY SERVICES QUARTERLY UPDATE: THE PROGRESS OF THE LIBRARY SERVICES OUTREACH PROGRAMS PLANNED AND COMPLETED (July 2024 – September 2024)

RESOLVED:

That in respect of –

LIBRARY SERVICES QUARTERLY UPDATE: THE PROGRESS OF THE LIBRARY SERVICES OUTREACH PROGRAMS PLANNED AND COMPLETED (July 2024 – September 2024)

as discussed by Mayco at the meeting held on 19 November 2024 with **resolution number EX58/2024:**

That Mayco take cognisance of the progress update and statistics of the outreach programs of the Library Service.

5.5 MMC 4: Cllr. E. Botha

5.6 MMC 5: Cllr J.R. Jack

5.7 MMC 6: Cllr. V.A. Bedworth

5.8 MMC 7: Cllr. J.P. Kritzinger

5.8.1 JEAN WELZ AND HUGO NAUDÉ MUSEUM: PROPOSED ESTABLISHMENT OF AN ART LEGACY PANEL

RESOLVED:

That in respect of –

JEAN WELZ AND HUGO NAUDÉ MUSEUM: PROPOSED ESTABLISHMENT OF AN ART LEGACY PANEL

as discussed by the **Mayco** during the meeting held on **19 November 2024**, with **resolution number EX59/2024** the following recommendation be made to Council:

1. That Council hereby resolves to establish the Jean Welz and Hugo Naudé Museum Art Legacy Panel for a term of three (3) years. The primary mandate of this Panel is to ensure the safekeeping, preservation, and public exhibition of high-value artworks and to spearhead the revitalization of performance arts at the “*Klein Teater*”;
2. that the composition of the Panel shall be as follows:
 - a. The Portfolio Councillor for Arts and Culture (Ex officio);
 - b. The Manager of LED and Tourism (Ex officio);
 - c. A minimum of three (3) and a maximum of five (5) external specialist members, with expertise in visual or performance art management and preservation;
3. that an advertisement be placed inviting eligible applicants to submit CV’s to serve on the Panel;
4. that following the closing date for applications, an item be resubmitted to council to consider the CV’s / applications submitted and establish the Jean Welz and Hugo Naudé Museum Art Legacy Panel; and
5. that the appointed Panel members, excluding the *ex officio* members, be compensated per meeting in accordance with the Minister of Finance- National Treasury’s maximum remuneration payable per day / hour to members of committees as announced from time to time.

5.9 MMC 8: Cllr F. Vaughan

6. COLLABORATOR OUTSTANDING RESOLUTIONS REPORT

COMMUNITY SERVICES

Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment	
172625	SUBMISSION OF BY-LAW RELATING TO THE MANAGEMENT AND CONTROL OF FLATS (rental housing units) OWNED OR ADMINISTERED BY	RESOLVED C41/2015 That in respect of the SUBMISSION OF BY-LAW RELATING TO THE MANAGEMENT AND CONTROL OF FLATS (rental housing units) OWNED OR ADMINISTERED BY THE BREEDE VALLEY	2015-06-25	GMAYEKI	96	The draft by-law has been circulated to the Directorates for comments/review. The final document will be submitted to the Council for approval. It is anticipated that the entire process will be completed by 30 March 2025.

	THE BREEDE VALLEY MUNICIPALITY	<p>MUNICIPALITY discussed by Council at the Council meeting held on 25 of June 2015:</p> <ol style="list-style-type: none"> 1. That Council approved the draft By-Law relating to the Management and Control of flats (rental housing units) owned or administer by the Breede Valley Municipality; 2. That the administration advertises said draft By-Law for public comments; 3. That all comments be collated submitted to Council for final approval and promulgation in the Provincial Gazette. 4. That the draft By-Law be workshopped with all the Councillors. 				
1591078	LAND FOR HUMAN SETTLEMENTS RAWSONVILLE: CONSIDERATION TO PURCHASE PRIVATELY OWNED LAND	<p>RESOLVED That in respect of –</p> <p>LAND FOR HUMAN SETTLEMENTS RAWSONVILLE: CONSIDERATION TO PURCHASE PRIVATELY OWNED LAND</p> <p>as discussed by Council at the Council meeting held on 20 August 2024, resolution number C68/2024 council decide:</p> <ol style="list-style-type: none"> 1. The Council should note the content of the report as an update of progress 2. That the administration be mandated to follow a public participation process to invite expressions of interest from additional private landowners in Rawsonville to potentially sell land for human settlement purposes to the Breede Valley Municipality; 3. that following the public participation process, an internal stakeholder's engagement be undertaken to consider the submissions received; 4. that after the implementation of item 2, an item be resubmitted to Council to resolve on the most suitable offer received during the expression of interest process; and 5. that upon council resolving 	2024-08-23	GMAYEKI	20	The invitation to express interest will be published in October 2024. The advertisement will be published for a period not exceeding 21 days.

		on the most suitable offer, the administration be authorised to submit a project application to the Western Cape Department of Infrastructure as part of the Land Acquisition Process.				
1625643	7.13 NAMING OF THE STAND AT ESSELEN PARK STADIUM	<p>RESOLVED</p> <p>That in respect of-</p> <p>NAMING OF THE STAND AT ESSELEN PARK STADIUM</p> <p>Discussed by Council at the Council meeting held on 22 October 2024, resolution number C82/2024:</p> <ol style="list-style-type: none"> 1. Council notes the proposal to name the stand at Esselen Park Stadium after Mr. Thomas van Noie 2. The public be invited to submit comments regarding the intention of Council. 3. The item will then be brought before Council for approval. 	2024-10-22	MPLANGA	50	The public was invited to submit comments regarding the intention of Council and comments have been gathered.

STRATEGIC SUPPORT SERVICES

Council		Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment
1352782	2023 CUSTOMER SERVICE CHARTER	<p>RESOLVED:</p> <p>That in respect of -</p> <p>The 2023 Customer Service Charter tabled before Council at the Council meeting held on 30 May 2023 with resolution number C37/2023:</p> <ol style="list-style-type: none"> 1. That Council, having noted the content of the 2023 Customer Service Charter, provides in principle approval thereof subject to the following conditions: <ol style="list-style-type: none"> a. The Customer Service Charter be referred to a Council Workshop to be held on 8 June 2023; b. The Customer Service Charter be made public in terms of section 21 of the MSA; c. That such public comments (if any) be tabled at Council for consideration; and d. The Customer Service Charter be resubmitted to Council for final consideration and approval. 	2023-05-30	CMALGAS	95	The Revised Customer Service Charter (2024) has been duly consulted and is scheduled to serve before Council on 4 December 2024. This Collaborator item will be marked as 100% completed after the item has served.
1352783	2022/2023 COMMUNICATION STRATEGY	<p>RESOLVED:</p> <p>That in respect of -</p> <p>The 2022/2023 Communication Strategy tabled before Council at the Council meeting held on 30 May 2023 with resolution number C38/2023:</p>	2023-05-30	CMALGAS	90	The revision of the Municipal Communications Strategy remains work in progress. On 8 November 2024, the Communications Department facilitated an engagement with local media stakeholders to (amongst

		<p>1. That Council, having noted the content of the 2022/23 Communications Strategy, provides in principle approval thereof subject to the following conditions:</p> <p>a. The strategy be referred to a Council Workshop to be held on 8 June 2023 ;</p> <p>b. The strategy be made public in terms of section 21 of the MSA and submitted to the relevant stakeholders (i.e. relevant National & Provincial Government Departments as well as the Cape Winelands District Municipality) for input;</p> <p>c. That such public comments (if any) be tabled at Council for consideration; and</p> <p>d. The strategy be resubmitted to Council for final consideration and approval.</p>				<p>others) allow for stakeholder input on the policy. The recommendations and key points emanating from the engagement, are being reviewed and considered by the unit to determine the veracity for inclusion and/or influencing of the final policy.</p> <p>Resultantly, the timeline for submission to Council must be revised. The Communications Strategy will thus be dealt with as part of the sectoral planning review, which runs concurrently with the IDP-review process. The final Communications Strategy will thus be tabled to Council by no later than 31 May 2025.</p>
1584189	7.12 UPDATE ON THE DRAFT STAFF ESTABLISHMENT	<p>RESOLVED</p> <p>That in respect of – UPDATE ON THE DRAFT STAFF ESTABLISHMENT as discussed by the Council at the Council Meeting held on 30 July 2024, resolution number C59/2024:</p> <p>1. that Council note the feedback on the draft staff establishment.</p>	2024-07-30	NM MONYELA	90	The Staff Establishment will be tabled before Council on 4 December 2024.

MUNICIPAL MANAGER

Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment	
1625636	<p>7.10 EXTEND THE TERM OF OFFICE OF THE MEMBERS OF THE DISCIPLINARY BOARD: MUNICIPAL REGULATIONS ON FINANCIAL MISCONDUCT PROCEDURES AND CRIMINAL PROCEEDINGS</p>	<p>RESOLVED</p> <p>That in respect of EXTEND THE TERM OF OFFICE OF THE MEMBERS OF THE DISCIPLINARY BOARD: MUNICIPAL REGULATIONS ON FINANCIAL MISCONDUCT PROCEDURES AND CRIMINAL PROCEEDINGS as discussed by Council at the Council meeting held on 22 October 2024, resolution number C79/2024:</p> <ul style="list-style-type: none"> • That Council takes note that the establishment of the current Disciplinary Board was done for a three-year period. This was in accordance with Council Resolution C102/2021, dated 17/11/2021. • That Council notes that the Audit Committee Chairperson appointed in the previous year has been replaced by a new Chairperson, and thus the appointment follows the position rather than the individual. • That extension of three years be considered and approved for the Disciplinary Board, in accordance 	2024-10-22	ECLOETE	75	Still awaiting on feedback from Provincial Treasury.

		<p>with the revised MFMA Circular No. 76 Municipal Finance Management Act No. 56 of 2003 "Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings", which would expire on 17 November 2024.</p> <ul style="list-style-type: none">• That the only remuneration payable to the Disciplinary Board will be in respect of the Chairperson of the Audit Committee in accordance with Council's approved Audit Committee Charter.• That the Disciplinary Board execute their duties in accordance with the prescripts of the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings.• That the appointed Disciplinary Board members receive appointment letters of extension under the hand of the Municipal Manager and the appointments be accepted in writing.				
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7. CONSIDERATION OF AGENDA ITEMS**7.1 SUBMISSION AND (1st) TABLING OF THE ANNUAL REPORT
PERTAINING TO THE 2023/24 FINANCIAL YEAR****File No./s:**3/15/1**Responsible Official:** C. Malgas**Directorate:** SSS**Portfolio:** IDP/SDBIP/PMS

1. PURPOSE

To table the Annual Report for the 2023/24 financial year, as prescribed by sections 121 and 127 of the Municipal Finance Management Act 56 of 2003 (hereafter referred to as the MFMA), to Council; with specific reference to the following:

- 1) That Council takes note of the 2023/24 Annual Report (draft);
- 2) That Council instruct the accounting officer to-
 - (a) in accordance with section 21A of the Municipal Systems Act:
 - (i) make public the annual report; and
 - (ii) invite the local community to submit representations in connection with the annual report;
 - (b) submit the Annual Report to the Auditor-General, the relevant provincial treasury and the provincial department responsible for local government in the province;
- 3) That Council refer the 2023/24 Annual Report (draft) to MPAC for the purpose of compiling an Oversight Report as prescribed by section 129 of the MFMA; and
- 4) That Council takes note that the Oversight Report and 2023/24 Annual Report (final) will (after closure of the public input period and conclusion of the MPAC oversight process) be submitted to Council for adoption and approval respectively.

2. BACKGROUND

In terms of Section 121 (1) of the MFMA, every municipality must for each financial year prepare an Annual Report. Furthermore, the Council of a municipality must within nine months after the end of a financial year deal with the Annual Report of the municipality.

Section 121 (2) of the MFMA states that the purpose of the annual report is:

- a) to provide a record of the activities of the municipality or municipal entity during the financial year to which the report relates;
- b) to provide a report on performance against the budget of the municipality or municipal entity for that financial year; and
- c) to promote accountability to the local community for the decisions made throughout the year by the municipality or municipal entity.

Section 127 (2) of the MFMA states that the Mayor of a municipality must, within seven months after the end of a financial year, table in the municipal council the Annual Report of the

municipality. In addition, sub-section 5 prescribes that, immediately after the annual report has been tabled in council, the accounting officer of the municipality must:

- a) in accordance with section 21A of the MSA:
 - i. make public the annual report; and
 - ii. invite the local community to submit representations in connection with the annual report; and
- b) submit the annual report to the Auditor-General, the relevant provincial treasury and the provincial department responsible for local government in the province.

Section 129 (1) of the MFMA (amongst others) states that the council of a municipality must consider the annual report of the municipality, and by no later than two months from the date on which the annual report was tabled in the council in terms of section 127, adopt an oversight report containing council's comments on the annual report.

On this premise, the 2023/24 Annual Report (draft) is attached as Annexure 1 for Council's perusal. The annexures to the 2023/24 Annual Report (final) shall include:

- **Annexure A** - Financial Statements
- **Annexure B** - Report of the Auditor-General
- **Annexure C** - Report of the Audit and Performance Audit Committee

In accordance with the provisions above, the table below summarises the key activities and timelines pertaining to the submission and finalisation of the 2023/24 Annual Report:

Nr	Date	Activity	Description/Comment
1	Wednesday 4 December 2024	<ul style="list-style-type: none"> • Tabling of 2023/24 Annual Report (draft) to Council 	<ul style="list-style-type: none"> • As specified in section 127 of the MFMA
2	Wednesday, 4 December 2024	<ul style="list-style-type: none"> • Publish the 2023/24 Annual Report (draft) and call for public representations thereon • Distribute the 2023/24 Annual Report (draft) to the Provincial Treasury, Provincial Department of Local Government and Auditor-General • Submission of the 2023/24 Annual Report (draft) to MPAC 	<ul style="list-style-type: none"> • On municipal website & at all municipal libraries and town offices • A notification calling for input will be / has been published in the Standard & Breederivier Gazette (Thursday, 28 November 2024), whilst reminders will be published on the municipal social media platforms on a weekly basis from 4 – 11 December 2024 • Proof of submission (electronic e-mail) to the mentioned stakeholders • In order to commence with the oversight process as specified in section 129 of the MFMA
3	<ul style="list-style-type: none"> • Wednesday 18 September 2024 • Tuesday 26 November 2024 • Monday – Tuesday & Thursday 2 – 3 & 5 December 2024 	<ul style="list-style-type: none"> • MPAC oversight engagements on the 2023/24 Annual Performance Report & Annual Report 	<ul style="list-style-type: none"> • As specified in section 129 of the MFMA

4	Wednesday, 11 December 2024	<ul style="list-style-type: none"> Closing date for public representations on the 2023/24 Annual Report 	<ul style="list-style-type: none"> All input/representation on the 2023/24 Annual Report (draft) will be included in the final submission to Council
5	Thursday 12 December 2024	<ul style="list-style-type: none"> Tabling of the Oversight Report and 2023/24 Annual Report (final) to Council for adoption and approval respectively 	<ul style="list-style-type: none"> As specified in section 129 of the MFMA
6	Friday 13 December 2024	<ul style="list-style-type: none"> Publish the documentation (as per nr 5) on the municipal website, municipal libraries and municipal offices per town, and circulate to all stakeholders mentioned in nr 2 	<ul style="list-style-type: none"> As specified in section 129 of the MFMA

3. FINANCIAL IMPLICATIONS

None

4. APPLICABLE LEGISLATION

- Municipal Systems Act, 32 of 2000;
- Municipal Finance Management Act, 56 of 2003;
- MFMA Circular 11 (Annual Report Guidelines – 14 January 2005);
- MFMA Circular 32 (The Oversight Report – 15 March 2006);

5. 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 Planning, Development & Integrated Services:	Recommendation Supported
Senior Manager: Legal Services:	Recommendation Supported

RECOMMENDATION

That in respect of –

The 2023/24 Annual Report (as attached in Annexure 1),

tabled to Council during the Council meeting held on 4 December 2024:

1. That Council takes note of the 2023/24 Annual Report (draft);
2. That Council instruct the accounting officer to-
 - (a) in accordance with section 21A of the Municipal Systems Act:
 - (i) make public the annual report; and
 - (ii) invite the local community to submit representations in connection with the annual report;
 - (b) submit the Annual Report to the Auditor-General, the relevant provincial treasury and the provincial department responsible for local government in the province;
3. That the 2023/24 Annual Report (draft) be referred to MPAC for the purpose of compiling an Oversight Report on the Annual Report; and
4. That the Oversight Report and 2023/24 Annual Report (final) be submitted to Council at the earliest ensuing Council meeting (after implementation/conclusion of recommendations 2 and 3) for adoption and approval respectively.



**7.2 2023/2024 YEAR-END PERFORMANCE EVALUATION REPORT
OF THE MUNICIPAL MANAGER AND DIRECTORS**

FILE NO. /S: 3/15/1

RESPONSIBLE OFFICIAL: C. MALGAS

DIRECTORATE: SSS

PORTFOLIO: IDP/PMS/SDBIP

1. PURPOSE

To notify Council of the performance evaluation outcomes achieved by the Section 57 Managers (as per the Year-end Evaluation Report), as prescribed by the applicable legislative prescripts.

2. BACKGROUND**2.1 Employment Contracts & Performance Agreements:**

In terms of section 57 of the Municipal Systems Act, Act 32 of 2000 (hereafter referred to as the MSA), a person to be appointed as a Municipal Manager or Director may only be appointed in that position:

- (a) in terms of a written employment contract with the municipality; and
- (b) a separate performance agreement concluded annually.

The Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, notice 805 of 2006 (hereafter referred to as the MPRMM&M), stipulates that the Employment Contract of Section 57 Managers, subject to labour legislation, specifically delineates the terms of employment such as:

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

The Performance Agreements on the other hand, provides assurance to the Municipal Council of what can and should be expected from their Municipal Manager and Directors. The purpose thereof is to:

- Comply with the provisions of Sections 57(1)(b), (4A), (4B) and (5) of the Systems Act as well as the employment contract entered into between the parties;
- Specify objectives and targets defined and agreed with the employee and to communicate to the employee the employer's expectations of the employee's performance and accountabilities in alignment with the IDP, SDBIP and the budget of the municipality;
- Specify accountabilities as set out in a performance plan, which forms an annexure to the performance agreement;
- Monitor and measure performance against set targeted outputs;
- Use the performance agreement as the basis for the subsequent performance evaluation to assess whether the employee has met the performance expectations applicable to his or her job;
- In the event of outstanding performance, to appropriately reward the employee; and
- Give effect to the employer's commitment to a performance-orientated relationship with its employee in attaining equitable and improved service delivery.

The following conditions should be noted when considering the employment contract and performance agreement respectively:

Type	Validity Period	Position	Parties	
			Employer	Employee
Employment Contract	5-year contract	Municipal Manager	Executive Mayor	Municipal Manager
	10-year contract	Directors	Municipal Manager	Directors
Performance Agreement	1-year agreement	Municipal Manager	Executive Mayor	Municipal Manager
		Directors	Municipal Manager	Directors

All compilations and revisions of the 2023/24 Performance Agreements and annexures, conducted throughout the 2023/24 financial period, has served before Council. For ease of reference, the resolutions numbers and descriptions are depicted in the table below:

Description	Approval Date / Council Resolution	Comment
Initial Performance Agreements and Annexures (A, B & C) - Municipal Manager and Directors	28 July 2023 / C78/2023	All Section 57 Managers, excluding the Director: Planning, Development & Integrated Services (vacancy not filled at the time)
Initial Performance Agreement and Annexures (A, B & C): Director: Planning, Development & Integrated Services	13 June 2024	The agreement did not serve before Council for notification purposes, due to the close proximity to year-end. Notwithstanding, the standard conditions of the agreement, in accordance with the prescribed legislative prescripts and regulations were applied. The annexures to the agreement were drafted on the premise of the revised 2023/24 TL SDBIP (Annexure A), standard core competencies (Annexure B) and Director's input on the Personal Development Plan (Annexure C).
Amendment of the Annexure A's of each Performance Agreement - Municipal Manager and Directors	C10/2024	All Annexure A's were revised in accordance with the Council-approved amendments to the 2023/24 TL SDBIP, which is an inherent component of the applicable Annexure. The Director: Planning, Development & Integrated Services did not sign a revised Annexure A, as he was appointed in May 2024. The Annexure A included in his agreement (referenced above) was thus aligned to the revised 2023/24 TL SDBIP

2.2 Monitoring & Evaluation of Performance:

Monitoring and evaluation of performance is conducted frequently, and in line with the applicable legislative prescripts. Regulation 26 (5) of the MPRMM&M states that performance must be measured against the Key Performance Area's/Indicators (KPA's/KPI's) and Core Competency Requirements, based on an 80:20 weighting respectively.

KPA's/KPI's – 80% of Performance Outcome

The KPA's/KPI's are encapsulated in the Service Delivery and Budget Implementation Plan (SDBIP) and approved by the Executive Mayor (in terms of Section 53 of the Municipal Finance Management Act and Circular 13 of the MFMA) prior to the commencement of a particular financial year. In addition, the approved SDBIP is submitted to Council for notification. The KPI's, as encapsulated in the SDBIP, are split between top-layer and departmental KPI's. These KPI's, as stated in bullet 3 of the preceding section, are incorporated into the Performance Agreement of each Section 57 Manager and serves as basis for the performance monitoring and evaluation conducted throughout a particular year in review.

As the KPA/KPI component contributes 80% to the overall performance outcome, various monitoring and evaluation mechanisms are implemented to verify performance. These include:

- Quarterly/mid-yearly and yearly reporting to Council on the performance realised in relation to each top-layer KPI
- Monthly monitoring and reporting on departmental KPI's (Section 57 Managers and appointed line Managers)
- Independent internal scrutiny and auditing of top-layer KPI's by Internal Audit as well as the Municipal Audit & Performance Audit Committee, coupled with report back to Management and Council which specifically elaborates on:
 - the KPI's degree of compliance with the SMART-principles (i.e. Specific, Measurable, Achievable, Relevant and Time-based); and
 - each KPI's performance status/progress
- Independent external scrutiny and auditing of top-layer KPI's by the Auditor-General, coupled with report back to Management which specifically elaborates on the Auditor-General's:
 - evaluation of the usefulness and reliability of the reported performance information in accordance with the criteria developed from the performance management and reporting framework;
 - procedures to determine whether performance information was properly presented and whether performance was consistent with the approved performance planning documents;
 - procedures to determine whether the indicators and related targets were measurable and relevant; and
 - assessment of the reliability of the reported performance information to determine whether it was valid, accurate and complete
- Informal & formal performance evaluations conducted as follows:
 - Informal Evaluations: Quarters 1 & 3 – evaluations conducted by Section 57 Manager, with the applicable Management team
 - Formal Evaluations: Quarters 2 (mid-year) & 4 (year-end) – evaluations conducted by a panel as constituted in terms of regulation 27 (4)(d) of the MPRMM&M. The outcomes of the year-end performance evaluation (quarter 4) is used to determine the overall performance score for a particular year under review. The mid-year evaluation serves as opportunity to reflect on performance progress realised within the first half of a particular financial year, primarily to institute proactive corrective measures as and where applicable. Amendment(s) made to the TL KPI's as a result of this evaluation, will constitute a corresponding amendment of the Performance Agreements (only Annexure A thereof). The year-end evaluation is utilised to determine the final/overall performance outcome achieved by each Section 57 Manager in that particular financial year.

- Oversight exercised by the Municipal Public Accounts Committee on the 2023/24 Annual Report, inclusive of the top-layer KPI's contained in the Annual Performance Report component (yet to be conducted).

Core Competency Requirements – 20% of Performance Outcome

Annexure A of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, notice 21 of 2014, provides a competency framework that should be portrayed by all Section 57 Managers. Consequently, Section 57 Managers are assessed, during the formal performance evaluations, on the backdrop of this competency framework. The outcome obtained during the year-end performance evaluation will contribute 20% to the overall performance outcome.

The table below, presents the performance outcomes of the Section 57 Managers as obtained at the end of the 2023/24 financial year (based on the year-end performance review)

Employee	Operational % (80%)	Competencies % (20%)	Final Score (100%)	Comment
Mr D McThomas	64.80%	19.67%	84.47%	-
Mr R Esau	66.00%	19.67%	85.67%	-
Mr R Ontong	67.60%	18.67%	86.27%	-
Mr J Steyn	66.40%	18.00%	84.40%	-
Mr S Swartz	61.89%	18.67%	80.56%	Pro-rata performance result for the period (1 July 2023 – 29 February 2024)
Mr J De Villiers	58.80%	16.33%	75.13%	Pro-rata performance result for the period (1 May 2024 – 30 June 2024)

2.3 Payment of Performance Bonusses:

Section 57 (4B) of the MSA states that bonuses based on performance, be awarded to Section 57 Managers after the end of the financial year and only after an evaluation of performance and approval of such evaluation of the municipal council concerned. This section is underpinned by regulation 8 of the MPRMM&M, which states (amongst others) that performance bonuses be paid to the employee after:

- The annual report for the financial year under review has been tabled and adopted by the municipal council;
- an evaluation of performance in accordance with the provisions of regulation 23 (which elaborates on the purpose and of the performance agreement); and
- approval of such evaluation by the municipal council as a reward for outstanding performance

With regards to bullet 3 above, Council has (in terms of Section 59 of the MSA coupled with delegation P.1.05.1 of the Breede Valley Municipality's approved System of Delegations - Council Resolution C99/2021), delegated the authority of approving the performance evaluation

to the Executive Mayor of Breede Valley Municipality. The performance outcome as per this report was approved by the Executive Mayor in line with this delegated authority.

Council should further note that to date, no performance bonuses have been paid for the 2023/24 financial year under review.

3. COMMENT:

Copies of the following supporting documents are attached for Council's perusal:

- Annexure A – Extract of the Service Delivery Performance Report as per the 2023/24 Draft Annual Report
- Annexure B - The 2023/24 Section 57 Year-end Performance Evaluation Report & Supporting Documents

4. FINANCIAL IMPLICATIONS:

Payment of performance bonuses to Section 57 Managers based on the performance outcome achieved in the 2023/24 financial year are subject to- and aligned with the applicable legislative prescripts, contractual agreements stipulating (amongst others) the % to be paid based on performance outcomes, approval of the performance outcomes by the Executive Mayor and Council, and the approved budget.

Council should note that the Director: Community Services qualifies for a pro-rata bonus, in accordance with the performance result stipulated in the preceding table and employment term within the 2023/24 financial year (i.e. 8 months). The Director: Planning, Development and Integrated Services does not qualify for a pro-rata performance bonus, as his employment term within the referenced financial period (2023/24) was less than 3 months.

The actual calculation and payment of performance bonuses will be facilitated by the Salary Department (Financial Planning), subject to compliance with all the conditions stated above and in preceding sections. The transaction's compliance with the mentioned provisions, will be audited by the Auditor-General.

5. APPLICABLE LEGISLATION/COUNCIL POLICY:

- Chapter 7 of the Local Government: Municipal Systems Act 32 of 2000
- Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, Notice 805 of 2006 Local Government Municipal Systems Amendment Bill, No 7 of 2011
- Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, notice 21 of 2014

6. COMMENT OF DIRECTORATES/DEPARTMENTS CONCERNED:

Municipal Manager:	Recommendation Supported
Chief Audit Executive:	Recommendation Supported
Senior Manager Legal Services:	Recommendation Supported

RECOMMENDATION:

That in respect of-

THE 2023/24 SECTION 57 YEAR-END PERFORMANCE EVALUATION REPORT OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER,

tabled before Council at the Council meeting held on 4 December 2024:

1. That Council takes note of the performance outcomes achieved by the respective Section 57 Managers (as per the 2023/24 Section 57 Year-end Performance Evaluation Report) as endorsed by the Executive Mayor.

**7.3 SUBMISSION OF THE QUARTERLY OVERSIGHT REPORT TO COUNCIL
PERIOD JULY 2024 – 14 NOVEMBER 2024****File No/s:** 3/15/1**Responsible person:** Cllr. H.C Titus**Directorate:** Municipal Manager**Portfolio:** Municipal Public Account
Committee

PURPOSE

To submit to Council the Quarterly Oversight Report for period July 2024 – 14 November 2024.

BACKGROUND

In terms of the Local Government: Municipal Structures Amendment Act, 2021, section 79 (4), Reports of the municipal public accounts committee must be submitted to the speaker who must table such reports in the next meeting of the municipal council.

The Oversight Report are therefore in accordance with the legislative requirements.

Attached hereto are the following documents:

- **Annexure 1** – MPAC Oversight Report for the period July 2024 – 14 November 2024.

FINANCIAL IMPLICATIONS

- MPAC logistical costs.

APPLICABLE LEGISLATION / COUNCIL POLICY

- Municipal Systems Act, 32 of 2000 (as amended 2021).
- Municipal Finance Management Act, 56 of 2003.
- MFMA Circular 11 (Annual Report Guidelines – 14 January 2005).
- MFMA Circular 32 (The Oversight Report – 15 March 2006).
- MFMA Circular 68 (Unauthorised, irregular, fruitless and wasteful expenditure).
- MFMA Circular 92 (Municipal Public Accounts Committees (MPAC) – Guide and Toolkit);
and
- Local Government, National Treasury & Salga's Guidelines on the functioning of the MPAC.
- MPAC Policy and System of Delegation.

RECOMMENDATION

That in respect of –

**SUBMISSION OF THE QUARTERLY OVERSIGHT REPORT TO COUNCIL
PERIOD JULY 2024 – 14 NOVEMBER 2024**

discussed by Council at the Council meeting held on 04 December 2024

1. MPAC recommended that Council take note of this report as per the legislative mandate delegated to the Municipal Public Account Committee.
2. That the Administration provide more detail on the progress of the Top Layer Key Performance Indicators and rollovers with a financial implication that have no target requirements as in the 1st quarter.

7.4 SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORTS FOR THE PERIOD ENDED 31 OCTOBER 2024 MFMA SECTION 71 Report

File No. /s: 3/15/1

Responsible Officials: R. Ontong

Directorate: Financial Services

Portfolio: Financial Services

1. PURPOSE

To submit the in-year financial management report 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.

3. FINANCIAL IMPLICATIONS

None

4. APPLICABLE LEGISLATION/ COUNCIL POLICY

Municipal Finance Management Act, 56 of 2003 (Section 71)

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

Acting Director: Community Services: Recommendation supported

Director: Engineering Services: Recommendation supported

Director: Planning Development and Integrated Services: Recommendation supported

RECOMMENDATION

That in respect of

SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 OCTOBER 2024: MFMA SECTION 71 Report.

discussed by Council at the Council meeting held on the 4 December 2024:

1. That Council take note of the in-year financial management report for the periods ended 31 October 2024.

**7.5 AMENDMENT TO THE MUNICIPAL FINANCIAL POLICIES: SUPPLY
CHAIN MANAGEMENT POLICY****File No./s:** 2/1/1/1**Responsible Official:** D.R.M. POTGIETER**Directorate:** FINANCE**Portfolio:** SCM

1. PURPOSE

To obtain Council's approval of the amended Supply Chain Management Policy drafted in accordance with the requirements as contained in the Local Government: Municipal Supply Chain Management Regulations, No. 868, GG27636 (hereinafter referred to as "*the Regulations*"), as published on 1 July 2005 and as amended on 14 December 2023.

2. BACKGROUND

The SCM Regulations were promulgated setting uniform application for the procedures to apply when following Public Invitations for competitive bids and came into operation 1 July 2005.

In terms thereof, municipalities are required to draft their SCM Policies in alignment with the promulgated Municipal Supply Chain Management Regulations as contained in the SCM Regulations.

Since Cost Containment Regulations was implemented, BVM decided to reduce the administrative expenditure on advertisements and therefore, only advertise on the BVM website and other legislative compliant public sector media platforms (CIDB, Notice Boards, NT's E-portal etc).

Due to a COMAF 7 raised by the Auditor General on 7 November 2024, BVM gives acknowledgement to the following Management Recommendation from the AG and is committed to take immediate corrective action:

"If management does not consider advertising in the local newspaper a viable and effective option by the municipality, then management should amend the policy accordingly and table it to the council for approval."

The following reviewed SCM policy, with specific reference to Paragraph 21 of the SCM Policy and Paragraph 22 of the SCM regulations, was reviewed and amended to give full compliance to the SCM Regulation 22, notwithstanding the fact that the existing policy was executed in compliance to the SCM regulations.

Refer to the Supply Chain Management Policy of Breede Valley Municipality: Annexure A

3. FINANCIAL IMPLICATIONS

None

4. APPLICABLE LEGISLATION

- a) Constitution of the Republic of South Africa, Sections 217.
- b) Local Government: Municipal Supply Chain Management Regulations, No. 868, GG27636, as amended on 14 December 2023

5. COMMENT OF DIRECTORATES / DEPARTMENTS CONCERNED

Municipal Manager:	Item supported
Director: Strategic Support Services:	Item supported
Director: Financial Services:	Item supported
Director: Engineering Services:	Item supported
Director Community Services:	Item Supported
Director Planning, Development and Integrated services:	Item Supported
Senior Manager Legal Services:	Item Supported
Senior Manager Supply Chain Management:	Item Supported

RECOMMENDATION

That in respect of –

AMENDMENT TO THE MUNICIPAL FINANCIAL POLICIES: SUPPLY CHAIN MANAGEMENT POLICY

Discussed by Council at the Council meeting held 04 December 2024,

1. Proposed and recommended to consider the approval of the amendments made to paragraph 21.1 of the Supply Chain Management Policy
2. Council approves the amendments to the Supply Chain Management Policy, 2024/2025.

**7.6 REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF
OCTOBER 2024****File No./s:** 2/1/1/1**Responsible Official:** R. Ontong**Directorate:** Financial Services**Portfolio:** Supply Chain Management

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 October 2024.

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 October 2024, are attached as **Annexure A**.

FINANCIAL IMPLICATIONS

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

APPLICABLE LEGISLATION / COUNCIL POLICY

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

COMMENT OF DIRECTORATES / DEPARTMENTS

Municipal Manager	Noted
Director: Strategic Support Services	Noted
Director: Planning, Development and Integrated Services	Noted
Director: Financial Services	Noted
Director: Engineering Services	Noted
Director: Community Services	Noted
Senior Manager: Legal Services	Noted

RECOMMENDATION

That in respect of

REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF OCTOBER 2024

Discussed by Council at the Council meeting of 4 December 2024:

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the month of October 2024, **be noted**.

7.7 BREDE VALLEY MUNICIPALITY INVESTMENT INCENTIVE POLICY AS WELL AS THE BREDE VALLEY INVESTMENT PROFILE GUIDE**File No.:** 7/1/1/2**Responsible official:** Colin January**Directorate:** SSS**Portfolio:** LED, Tourism & EPWP

PURPOSE

To present the Breede Valley Investment Incentive Policy to the Council for final approval.
To present the Breede Valley Municipality (BVM) Investment Profile Guide to the Council for information.
To inform the Council of a collaborative initiative with the South African Local Government Association (SALGA) in developing the Investment Profile Guide, which will be used to effectively market the BVM.

INVESTMENT INCENTIVE POLICY

As per section 152 of the RSA Constitution municipalities have an obligation to facilitate and promote economic development, which is also crucial for funding municipal services and supporting the local economic ecosystems. Economic challenges, worsened by the COVID-19 pandemic (2020-2022) and the ongoing electricity supply crisis, have impacted negatively on business viability in South Africa and within the Breede Valley Municipality. In response, the Breede Valley Municipality looks to implement innovative strategies to attract additional investments to the local economy, increase employment, and support a growing population by reducing unemployment.

An investment incentive policy is a vital tool for attracting businesses to our industrial and commercial zones. While responsive and cost-effective municipal services are still a primary attraction for businesses, investor perception is equally critical. A strong investment incentive policy, combined with high standards of municipal service delivery, will provide greater assurance to prospective investors. Such a policy must include clear qualification criteria and a well-defined administrative process to ensure fairness and accountability.

Investment incentives are policy instruments that should be applied uniformly by the municipality to encourage the establishment of new businesses. Three main categories of investment incentives are relevant to the municipal sector:

- i. **Financial Incentives:** These may include reduced or deferred payments for service charges or other cost incentives, provided they are both financially feasible and in compliance with the relevant policies and legislation.
- ii. **Subsidized Infrastructure:** Market preferences are achieved through spatial targeting strategies.
- iii. **Non-Financial Incentives:** These include regulatory concessions and business support programs aimed at assisting businesses.

In March 2024, the Local Economic Development (LED) department organized a session at Nekkie to gather input on this policy. This was a challenging yet insightful process, highlighting the importance of establishing qualifying criteria, specifying target sectors upfront,

and ensuring fairness in implementation. This policy will outline the incentives offered, processing procedures, and delegations across committees to handle its execution effectively.

INVESTMENT PROFILE GUIDE

The Investment Profile Guide will be deployed on online platforms and regularly updated to showcase investment opportunities of the Breede Valley industrial and commercial zones. While responsive and cost-effective municipal services are essential attractions for businesses, the Investment Profile Guide will enhance BVM's ability to communicate the capacity and advantages of our bulk infrastructure to potential investors.

This guide must portray the Breede Valley Municipality as business-friendly and open to external investment. The Investment Profile Guide will be available on the BVM website, shared with Wesgro, and included on related online portals, promoting our municipality as welcoming and approachable for new business opportunities.

FINANCIAL IMPLICATIONS

The financial impact for the BVM investment profile is minimal, limited to hosting fees, which the LED operational budget will cover. However, the impact of the Investment Incentive Policy on potential revenue must always be weighed against the future benefits any investment can have on job creation, the municipal economy, and wealth creation in general.

APPLICABLE LEGISLATION / COUNCIL POLICY:

Section 152(c) of the Constitution mandates local authorities to promote economic development.

Section 26(c) of the Municipal Systems Act requires local economic development to be a sectoral plan within the Integrated Development Plan (IDP).

National Framework for Economic Development (COGTA), providing guidelines for conceptualizing and implementing LED.

COMMENTS FROM DIRECTORATES / DEPARTMENTS:

Municipal Manager: Item supported

Director: Strategic Support Services: Item supported

Director: Community Services: Item supported

Director: Financial Services: Item supported

Director: Engineering Services: Item supported

Director: Planning, Development and Integrated Services: Item supported

Senior Manager: Legal Services: Item supported

RECOMMENDATION:

That in respect of

BREDE VALLEY MUNICIPALITY INVESTMENT INCENTIVE POLICY AS WELL AS THE BREDE VALLEY INVESTMENT PROFILE GUIDE

Discussed by Council at the Council meeting held on 4 December 2024, considering the earlier discussion at the Council meeting in March 2024, the following recommendations are proposed:

- a) The Council in principle approves the Breede Valley Investment incentive policy.
- b) Delegate the accounting officer to appoint the various committees and administrative components to process investment applications that meet the stated criteria.
- c) That the Council takes note of the finalization of the BVM Investment Profile Guide.
- d) That the Council is informed that this document will be utilized by our investment promotion partners to market the BVM as a business-friendly destination
- e) A follow-up workshop with the Councillors to be held after the Council meeting, which will present a final opportunity where policy proposal can still be considered.

**7.8 JEAN WELZ AND HUGO NAUDÉ MUSEUM: PROPOSED
ESTABLISHMENT OF AN ART LEGACY PANEL****File no.:** 2/3/2/65**Responsible Official:** C January**Directorate:** SSS**Portfolio:** LED / TOURISM

1. PURPOSE

The purpose of this item is for council to consider the establishment of an Art Legacy Panel (*“the Panel”*) in respect of the Jean Welz and Hugo Naudé Museum.

2. BACKGROUND AND DISCUSSION

The Jean Welz and Hugo Naudé Museum as well as the *“Klein Teater”* are situated at 113 and 115 Russel Street, Worcester. Amongst others, permanent collections of artworks by Hugo Naudé and Jean Welz are displayed at the subject property, as well as sculptures by Bill Davis.

A lease agreement (*“the agreement”*) was entered into in respect of the municipal property on 31 July 1989. The purpose of the agreement was for the Lessee to operate the municipal premises as a museum, inclusive of the *“Klein Teater”*.

The agreement cites the duly authorized representative of the Lessee, on behalf of the Governing Body of the museum, as one Mr. Petrus Albertus Venter. It was ascertained that the then *“Governing Body”* and unfortunately also the current entity, is defunct.

An independent valuation was recently conducted, and the estimated replacement cost of the artworks was determined as approximately Fourteen Million Rand (±R14 000 000.00). The aforementioned necessitates urgent intervention by the Municipality, in an effort to protect our most valuable artworks, it being high-value assets.

It is proposed that council consider the establishment of the Panel for a period of three (3) years, to be registered as a Non-Governmental Organization, for purposes of adequately preserving the precious artworks.

The primary role of the Panel would be to ensure the safekeeping of all the assets that were bequeathed to the Municipality. Secondly, the Panel will be responsible for the daily operations at the premises, including overseeing the curator and all other staff, which the Panel will be permitted to appoint, at its own cost. Thirdly, the Panel will be responsible for the maintenance of the interior and exterior of the buildings, and the municipality may consider grant-in-aid funding for this purpose.

The consequential intention of this item is for the duly appointed Panel to ensure that the Jean Welz and Hugo Naudé Museum be restored to the former glory which she deserves. The Panel will accordingly also be required to host art exhibitions at the art gallery on a regular basis, and to have theatrical productions showcased at the “*Klein Teater*”. The aforementioned must include the soliciting of, and involvement of the local community.

Furthermore, it is suggested that the Panel be obliged to hold formal monthly meetings, and to provide bi-annual operational reports to the council.

Should council resolve to appoint the Panel, the administration will be mandated to compile and develop the Terms of Reference applicable to the Panel, for consideration and approval by council.

The suggested composition of the Panel:

1. The Portfolio Councillor for Arts and Culture (*Ex officio*);
2. Manager: LED and Tourism (*Ex officio*);
3. A minimum of three (3) and maximum of five (5) external specialist members (Art and Culture experts)

3. PUBLIC PARTICIPATION PROCESS: ADVERTISEMENT / APPLICATION TO SERVE ON THE PANEL

It is recommended that an advertisement inviting applications to serve on the Panel be placed on the municipal website and in a newspaper circulating locally. In addition, the advertisement is to be published on all media platforms utilized by the Breede Valley Municipality.

The suggested minimum requirements, which should reflect in the Curriculum Vitae (“*the CV*”) of the applicants:

- 3.1 Eighteen (18) years or older; and
- 3.2 At least ten (10) years proven relevant experience and expertise in the field of Visual Art or Performance Art, including but not limited to the management of Art or performance art centers or visual art galleries and or tasked with the preservation of Arts.

Following the closing date stipulated in the advertisement, an item will be resubmitted to council to consider all the CV's received and to formally establish the Panel.

4. FINANCIAL IMPLICATIONS

It is proposed that the appointed Panel members, excluding the *ex officio* members, be compensated per meeting in accordance with the Minister of Finance- National Treasury's maximum remuneration payable per day / hour to members of committees as announced from time to time.

5. CONCLUSION

It is envisaged that the establishment of the Panel will result in proper control over the high-value artworks at the Jean Welz and Hugo Naudé Museum and the revitalization of the "*Klein Teater*".

6. COMMENTS OF MUNICIPAL MANAGER AND DIRECTORS

MUNICIPAL MANAGER:	Supported
DIRECTOR: FINANCIAL SERVICES:	Supported
DIRECTOR: ENGINEERING SERVICES	Item and recommendation, supported
DIRECTOR: PLANNING, DEVELOPMENT AND INTEGRATED SERVICES:	Item and recommendation supported.
DIRECTOR: COMMUNITY SERVICES:	Supported
DIRECTOR: STRATEGIC SUPPORT SERVICES:	Co-Author of the item
SENIOR MANAGER: LEGAL SERVICES:	Author of the item

RECOMMENDATION

That in respect of –

JEAN WELZ AND HUGO NAUDÉ MUSEUM: PROPOSED ESTABLISHMENT OF AN ART LEGACY PANEL

as discussed by Council during the Council meeting held on 4 December 2024, the following recommendation be made to Council:

1. That Council hereby resolves to establish the Jean Welz and Hugo Naudé Museum Art Legacy Panel for a term of three (3) years. The primary mandate of this Panel is to ensure the safekeeping, preservation, and public exhibition of high-value artworks and to spearhead the revitalization of performance arts at the “*Klein Teater*”;
2. that the composition of the Panel shall be as follows:
 - a. The Portfolio Councillor for Arts and Culture (Ex officio);
 - b. The Manager of LED and Tourism (Ex officio);
 - c. A minimum of three (3) and a maximum of five (5) external specialist members, with expertise in visual or performance art management and preservation;
3. that an advertisement be placed inviting eligible applicants to submit CV's to serve on the Panel;
4. that following the closing date for applications, an item be resubmitted to council to consider the CV's / applications submitted and establish the Jean Welz and Hugo Naudé Museum Art Legacy Panel; and
5. that the appointed Panel members, excluding the *ex officio* members, be compensated per meeting in accordance with the Minister of Finance- National Treasury's maximum remuneration payable per day / hour to members of committees as announced from time to time.

**7.9 IN PRINCIPLE APPROVAL FOR THE PROPOSED DISPOSAL OF ERVEN
8645 AND 194, WORCESTER, COMMONLY KNOWN AS “KLEINPLASIE”****File no.:** 7/1/4/14**Responsible Official:** H Potgieter**Directorate:** SSS**Portfolio:** Legal Services

1. PURPOSE

The purpose of this item is to obtain in principle approval for the disposal of Erven 8645 and 194, Worcester, commonly known as “Kleinplasia”.

2. BACKGROUND / DISCUSSION

The current lease agreement between the Breede Valley Municipality and the Lessee will terminate on 31 July 2025. It is thus imperative for Council to resolve on the future of the subject property.

The municipal property is zoned as **Open Space Zone II**, described below and indicated on the locality map attached to this item, as “**Annexure A**”:

2.1 Erf 8645, Worcester, ±206 176.84m² in extent

2.2 Erf 194, Worcester, ±3 598.90m² in extent

The comments solicited from the relevant internal departments didn’t indicate that the property is needed for the provision of minimum level of basic municipal services, nor for operational purposes. (subject to existing municipal services e.g. water, irrigation, sewer, stormwater, electricity, etc. to be protected by means of servitudes).

3. EVALUATION**A. LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, NO 56 OF
2003****“14. *Disposal of capital assets***

-
- (1) *A municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.*
 - (2) *A municipality may transfer ownership or otherwise dispose of a capital asset other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public—*
 - (a) *has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and*
 - (b) *has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.*
 - (3) *A decision by a municipal council that a specific capital asset is not needed to provide the minimum level of basic municipal services, may not be reversed by the municipality after that asset has been sold, transferred or otherwise disposed of.*
 - (4) *A municipal council may delegate to the accounting officer of the municipality its power to make the determinations referred to in subsection (2)(a) and (b) in respect of movable capital assets below a value determined by the council.*
 - (5) *Any transfer of ownership of a capital asset in terms of subsection (2) or (4) must be fair, equitable, transparent, competitive and consistent with the supply chain management policy which the municipality must have and maintain in terms of section 111.*
 - (6) *This section does not apply to the transfer of a capital asset to another municipality or to a municipal entity or to a national or provincial organ of state in circumstances and in respect of categories of assets approved by the National Treasury, provided that such transfers are in accordance with a prescribed framework.”*

In respect of subsection 2(a) and (b) above, the comments from the internal departments confirmed that the municipal property is not needed for the provision of basic municipal services.

B. MUNICIPAL ASSET TRANSFER REGULATIONS

In accordance with the provisions of Regulation 7 of the Municipal Asset Transfer Regulations, R878 of 2008 the municipal council must, when considering any proposed transfer or disposal of a non-exempted capital asset, take into account -

- (a) whether the capital asset may be required for the Municipality's own use at a later date;**

The asset will not be required for Municipal use.

- (b) the expected loss or gain that is expected to result from the proposed transfer or disposal;**

Should council eventually resolve to dispose of the municipal property, a competitive process will be followed, and the indicative value will be the market related value thereof.

- (c) the extent to which any compensation to be received in respect of the proposed transfer or disposal will result in a significant economic or financial cost or benefit to the Municipality;**

The Municipality will receive payment of the purchase price which will be a financial benefit to the Municipality.

- (d) the risks and rewards associated with the operation or control of the capital asset that is to be transferred or disposed of in relation to the Municipality's interests;**

The reward for the Municipality would be receipt of the purchase price.

- (e) the effect that the proposed transfer or disposal will have on the credit rating of the Municipality, its ability to raise long-term or short-term borrowings in the future and its financial position and cash flow;**

No detrimental effect will be experienced on the credit rating.

-
- (f) **any limitations or conditions attached to the capital asset or the transfer or disposal of the asset, and the consequences of any potential non-compliance with those conditions;**

There are no limitations attached to the capital asset or the transfer of the disposal of the asset.

- (g) **the estimated costs of the proposed transfer or disposal;**

The transfer costs will be for the purchaser's account.

- (h) **the transfer of any liabilities and reserves funds associated with the capital asset;**

No transfer of reserve funds is associated with the asset.

- (i) **any comments or representations on the proposed transfer or disposal received from the local community and other interested persons;**

Comments or representations on the proposed transfer or disposal will be obtained by means of a public participation process.

- (j) **any written views and recommendations on the proposed transfer or disposal by the National Treasury and the relevant Provincial Treasury;**

The written views and recommendations of National Treasury and the relevant Provincial Treasury will be obtained if required.

- (k) **the interests of any affected organ of state, the Municipality's own strategic, legal and economic interests and the interests of the local community; and**

The interests of the local community will be addressed, as availing the municipal property would most likely result in employment opportunities for the local community.

- (l) **compliance with the legislative regime applicable to the proposed transfer or disposal.**

It will be ensured that the potential subsequent transfer and disposal be in compliance with:

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

Asset Transfer Regulations

It can be summarised that the municipal property is not required by the municipality for own use as can be seen from the internal departments' comments below. The risks are limited, and a fair market related purchase price will serve as the indicative value during the eventual competitive process.

Regulation 13 of the Asset Transfer Regulations furthermore determine:

“13. Compensation for transfer of non-exempted municipal assets

(1) The compensation payable to a municipality or municipal entity for the transfer of a non-exempted capital asset must, subject to regulation (2) –

(a) be consistent with criteria applicable to compensation set out in the disposal management system of the municipality or municipal entity; and

(b) if regulation 12(2)(b) applies to the transfer, reflect fair market value.

(2) If a municipality or municipal entity on account of the public interest, in particular in relation to the plight of the poor, intends to transfer a non-exempted capital asset for less than its fair market value, the municipality or entity must, when considering the proposed transfer, take into account –

(a) the interest of –

(i) the State; and

(ii) the local community;

(b) the strategic and economic interest of the municipality or municipal entity, including the long-term effect of the decision on the municipality or entity;

(c) the constitutional rights and legal interest of all affected parties;

-
- (d) *whether the interest of the parties to the transfer should carry more weight than the interest of the local community, and how the individual interest is weighed against the collective interest; and*
- (d) *whether the local community would be better served if the capital asset is transferred at less than its fair market value, as opposed to a transfer of the asset at fair market value.”*

It is proposed that the municipal property be alienated at the fair market value as indicated above.

C. ADVERTISEMENT

The necessary advertisement/ notice in terms of legal prescripts will be published should Council in principle resolve to dispose of the subject property.

4. FINANCIAL IMPLICATIONS

The financial implications will be the placement of a notice inviting comments. The municipality will generate income by receiving the purchase price should it be resolved to alienate the municipal property.

5. ANNEXURES

Annexure A: Locality map

APPLICABLE LEGISLATION

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

Local Government: Municipal Asset Transfer Regulations, 2008

6. COMMENTS OF INTERNAL DEPARTMENTS

7.1 FINANCIAL SERVICES**7.1.1 Senior Accountant: Rates and General (Mr. Denovan Wagner)**

No objection

7.1.2 Senior Accountant: Assets (Mr. Howard Cupido)

With reference to the proposed disposal of Kleinplasia erf 8645 (File no.: 7/1/4/14), I would like to draw your attention to the following:

- There are buildings on erf 194 totally surrounded by erf 8645.
- The museum on erf 10414 (belonging to the department Cultural Affairs) makes use of the entrances on erf 8645 and the road to the entrance from the R60 (Robertson road) seems to be on erf 14017 belonging to the department Transport & Public works.
- Kleinplasia, though currently recorded as investment property, may also be a heritage asset therefore both GRAP 16 and GRAP 103 may apply.
- The National Heritage Resources Act, 25 of 1999 may therefore also apply to Kleinplasia.
- Below are the assets that may also be affected by the proposal.

Asset ID	Description	Erf No.	Book Value
13699 1	FLOODLIGHT : MOTOR RACE TRACK- KLEINPLASIE	0	115 732.28
15520 9	ELECTRIC FENCE- KLEINPLASIE	0	183 024.43
TOTAL INFRASTRUCTURE & OTHER ASSETS			298 756.71
13709 1	Kleinplasia Showground - Land- erf 8645	8645	5 800 000.00
13709 3	Kleinplasia Winehouse - Land erf 194	194	1 850 000.00

14007 3	Kleinplasia Showground - Buildings- erf 8645	8645	10 000 000.00
14007 4	Kleinplasia Winehouse -Buildings- erf 194	194	1 500 000.00
TOTAL INVESTMENT PROPERTY			19 150 000.00
TOTAL ASSETS RELATED TO KLEINPLASIE.			19 448 756.71

7.1.3 **Senior Manager: Revenue: (Mr. Mzwakhe Magadla)**

No objection

7.2 **COMMUNITY SERVICES**

7.2.1 **Station Commander: Fire Safety (Mr. Derek Pedersen)**

This is to highlight the responsibility of the owner in satisfying the intent of the Fire Protection Regulations as contemplated in Part T of the SABS 0400 Code of Practice, promulgated under the National Building Regulations and Standards Act, 103 of 1977.

Then also communicate the Fire Services statutory role in ensuring that the property complies with the Fire Protection Regulations and any other concomitant regulations.

The following will count for the fire department:

1. Any future structures/buildings being erected on the above-mentioned premises as well as existing structures/buildings, must conform with the provisions of the National Building Regulations, SANS 10400-A:2020, Part T.
2. Access for firefighting and rescue purposes, must be provided in accordance with Regulation T1(1)(e) of the National Building Regulations, read with the Deemed to Satisfy rules, Rule T4.54 of SANS 10400 - 2020, Part T, and in accordance to the Fire Brigade By-Laws of the Breede Valley Municipality. A width of 3.5 meter and a height of 4.2 meter must be maintained for emergency vehicles to enter premises.

-
3. Provision must be made for fire-fighting equipment (fire extinguishers), in accordance with SANS 10400 -2020 Part T 4.37 Table 10.
 4. Escape routes must also not be blocked so people can escape in case of emergency.

7.2.2 **Manager: Traffic Services: (Mr. Danvin Maart)**

This office has no objection against the proposed disposal of the property. We can confirm that there will be sufficient entrances and exits to and from the proposed project, being the traffic light at the crossing of Leipoldt Avenue and Robertson Road. However, in Perkins Street at the back of Kleinplasia, there is also an entrance and the successful bidder / lessee should ensure that there are also sufficient means of control into and out of the property to ensure that the traffic flow at the crossing of Leipoldt Avenue and Robertson Road do not get congested.

7.3 ENGINEERING SERVICES

7.3.1 **Director: Engineering Services (Mr. Jaco Steyn)**

Municipal services are available to the property. Should the land be disposed, and redevelopment takes place, the applicant must submit a site development plan to Council for approval and comply with the conditions and policies (i.e. The Breede Valley Municipality, Development Charges Policy for Engineering Services, etc.) as imposed by Council.

That existing municipal services (i.e. water, irrigation, sewer, stormwater, electricity, etc.) be protected by means of servitudes.

7.3.2 **Senior Manager: Electrical Services (Mr. Fabian Geduldt)**

Electrical Services has no objections of the disposal of the municipal property under the following conditions –

Existing Notified Maximum Demand (NMD) of 315 kVA bulk supply will remain the same including existing metering installation.

For any requirements of electrical capacity upgrades/extensions due to internal developments, a separate application to be submitted by the responsible entity.

Further approvals for upgrades will depend on availability of the capacity on the existing network.

Certificate of Compliance (CoC) of the internal electrical installation to be issued by the responsible entity.

7.4 PLANNING, DEVELOPMENT AND INTEGRATED SERVICES

7.4.1 Senior Manager: Municipal Planning and Building Control

Municipal Planning and Building Control has no objection to the proposed sale of the property, subject to the following conditions:

- i. That the property in question be alienated to accommodate the following uses:
 - a. Partial light industrial;
 - b. Mixed use commercial as well as tourist facilities; and
 - c. Open Space Zone II (Sports and recreational use).
- ii. That the spatial principles for any development proposals be refined during the process of alienation.

7.4.2 Manager: Building Control (Mr. Reggie Jansen)

Building Control has no objection to the application.

All relevant buildings plans must be submitted for approval by the Building Control Officer.

7.4.3 Manager: Water Services and Networks (Mr. Wilfred Titus)

The Water Services section has no objection to the proposed sale of the property, subject to the following conditions:

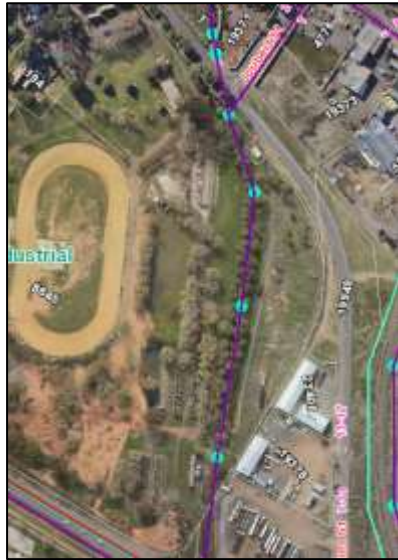
- i. That, as a municipal main sewer line is located across the property (see diagram below), the existing municipal sewer line be protected by means of servitudes.
- ii. That no development will be allowed over the relevant servitudes.
- iii. That for any requirements of water supply and / or network upgrades / extensions due to internal developments, separate applications must be submitted by the responsible entity.
- iv. That application must be made for separate water and sewer connections to service the property. All costs will be for the developer's account.
- v. That further approvals for upgrades will depend on availability of capacity in the existing network.



7.4.4 **Manager: Roads and Stormwater (Mr. Ammaar Moerat)**

The Roads and Stormwater section has no objection to the proposed sale of the property, subject to the following conditions:

- i. That, as an existing stormwater canal is located on the property, a suitable servitude must be registered over the stormwater canal .
- ii. That access by the municipality to the municipal storm water canal must be provided at all times for maintenance purposes.
- iii. That, should the proposed development discharge / generate additional runoff which will put additional strain on the existing system and warrant that the existing stormwater infrastructure be upgraded, all costs for such upgrade will be for the account of the applicant.
- iv. That a Traffic Impact Assessment (TIA) be submitted prior to any development. Any alterations/improvements to the existing road network required in line with the TIA will be for the account of the applicant.
- v. That, as the Western Cape Government (WCG) Department of Infrastructure is the Controlling Authority for the Robertson Road (R60), a planning application must be submitted to WCG.



7.5 STRATEGIC SUPPORT SERVICES

7.5.1 Manager: LED and Tourism (Mr. Colin January)

The disposal of the asset is supported, provided that it happens in accordance with the relevant transfer regulations, as we don't need it for basic services, and the future use can contribute to the local economic development. Asset such as land and water must always be optimally used to grow the local economic system.

7.5.2 Manager: IDP/PMS/IGR and Communication: (Mr. Chad Malgas)

The proposed disposal of "Kleinplasië" aligns closely with the Breede Valley Municipality's strategic objectives outlined in the Integrated Development Plan (IDP). Specifically, the envisioned development directly supports Strategic Objective 2 (SO2): To create an enabling environment for employment and poverty eradication through proactive economic development and tourism, and Strategic Objective 3 (SO3): To ensure a safe, healthy, clean and sustainable external environment for all Breede Valley's people.

A Light Industrial designation at this site presents an opportunity to further economic diversification in the area, which would strengthen local employment and stimulate broader economic activity. Importantly, encouraging premises inclusive of SMMEs, particularly those operating at the lower end of the industrial value chain, will create a robust and sustainable economic ecosystem, ensuring long-term value addition within

the local economy. To ensure that the strategic goals of the IDP are fully realised through this development, the formulation of viable, outcome-oriented key performance indicators (KPIs) is recommended to track the key actions and procedures applicable to the disposal process.

In conclusion, this in-principle approval represents a vital step towards achieving a balanced, inclusive, and vibrant economic environment within the Breede Valley, resonating with the overarching strategic intent of the IDP.

7. COMMENTS OF MUNICIPAL MANAGER AND DIRECTORS

MUNICIPAL MANAGER: Supported

DIRECTOR: FINANCIAL SERVICES: Supported

DIRECTOR: ENGINEERING SERVICES: Item and recommendation, supported.

DIRECTOR: PLANNING, DEVELOPMENT AND INTEGRATED SERVICES: Item supported

DIRECTOR: COMMUNITY SERVICES: Supported

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

SENIOR MANAGER: LEGAL SERVICES: Author of the item

RECOMMENDATION

That in respect of –

IN PRINCIPLE APPROVAL FOR THE PROPOSED DISPOSAL OF ERVEN 8645 AND 194, WORCESTER, COMMONLY KNOWN AS “KLEINPLASIE”

as discussed by Council at the Council meeting held on 4 December 2024 Council decide:

1. That the disposal of Erven 8645 and 194, Worcester, commonly known as “Kleinplasia” by means of a competitive process in the open market be **approved in principle**;
2. that the following of a public participation process, **be approved**;
3. that an item will be resubmitted at the next Council meeting to table the representation / comments received inclusive of a market-related valuation report;
4. that Council note the envisaged intention is to ultimately call for development proposals in order to identify the most suitable future utilisation of the subject property;
5. that all the costs pertaining to the proposed disposal e.g. rezoning, transfer costs and installation of municipal services, will be borne by the Purchaser;
6. 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;
7. that the relevant internal comments be incorporated in the Deed of Sale and the right be reserved to supplement internal comments;
8. that the purchaser *inter alia* be responsible at its cost for the registration of any relevant servitudes over the subject property to accommodate and protect all applicable municipal services thereon; and
9. that Council has taken cognisance of the fact that the Municipality 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).

Annexure A



7.10 LIBRARY SERVICE: LIBRARY OUTREACH ACTIVITIES PLANNED AND COMPLETED: (July 2024 – September 2024)**File no.:** 14/14/2/3**Responsible Official:** C Gerber**Directorate:** Community Services**Portfolio:** Library Service

PURPOSE

The purpose of the item is to:

- a) Provide an update on progress made re outreach activities planned and completed at Library Services.
- b) Statistics of the outreach activities for the period July 2024 to September 2024.

BACKGROUND

The principle/goal of the Library Service in our communities is to provide essential information (written and electronic), reading material (written and electronic) to patrons to assist with the increase in literacy levels and social development enhancement.

The Library Service, on local municipal level, is executed via a signed implementation protocol with the Western Cape Department of Cultural Affairs and Sport (Library Service) in respect of the intergovernmental co-operation regarding the operation of public libraries in the Western Cape.

The municipality is regarded as a B 2 municipality and is therefore only partially funded by a conditional grant from the Provincial Library Service.

The municipality currently operates 13 libraries on a fulltime basis.

The municipality has 50 permanently employed library staff members. The Library Service forms part of a YearBeyond program – organised between the Western Cape Government and several partner organisations.

The program aims to provide unemployed youth (18 – 25 years) with a meaningful work experience and a pathway to further studies or work, while at the same time encouraging a culture of service to your community. All libraries were included to take part in this program again during 2024. Candidates applied online and the interviews were held, during March 2024, to choose candidates to be Reading Champions or ICT Champions. Candidates were recommended by Librarians and these candidates registered at libraries during the second week of April 2024. Candidates had orientation via the provincial department from 23 – 26

April 2024 and started with duties at libraries on 29 April 2024. Candidates will serve the community and take part in library outreach activities until 29 November 2024. They receive a daily stipend from the Western Cape Government.

PROGRESS OF OUTREACH LIBRARY ACTIVITIES FROM JULY 2024 – SEPTEMBER 2024:

The Library Service continuously organise educational outreach programs at the libraries, in co-operation with other government departments, NGO’s and NPO’s and other individual organisations/members of the community.

The Library Service does not have a special budget for outreach programs and only make use of limited budget to cover costs for outreach programs/reading competitions.

Month	Nr of awareness programmes from July 2023 to June 2024	Nr. of awareness programmes from July 2024 to June 2025
July	58	67
August	37	42
September	31	60

STATISTICS AND HIGHLIHTS OF THE CURRENT PERIOD:

July 2024	August 2024	September 2024
67 activities	42 activities	60 activities
All libraries focused on Mandela Day outreach activities and many children and adults were reached. The Yeboneers at Zwelethemba Library, in co-operation with Give Hope Foundation, started with a successful tutoring program	Most libraries focused on Women’s Day and Women’s Month outreach activities. On 30 August the Zwelethemba Library collaborated with Give Hope Foundation and hosted a grade 6 semi-final reading competition with 35 learners from PJB Cona,18 from Alfred	Most libraries focused on Heritage month and Heritage Day (24 September 2024) celebrations. Worcester Library organised a special program with Worcester Museum. Learners were taught how to make your own paper, and a

<p>with matriculants from Vusisizwe and Zwelethemba High Schools. It will continue until the final examination in October/November 2024.</p>	<p>Stamper and 14 from Siyafuneka Primary School. They selected 10 learners from each Primary School to participate in the final reading competition.</p> <p>On 8 August 2024, Esselen Library, in collaboration with SASKO, the Department of Social Development, 6th Sense Events, Mahdies Catering, 5 Star, Amy's Events, and Rebirth Dance Company, celebrated Women's Day by donating sanitary towels to learners from Moslem and De Tuinen Primary schools. Sixty-three learners, ages 12 to 14, attended the event at the Esselen Library.</p> <p>They were treated to an afternoon filled with music, dance and motivational messages from various stakeholders.</p> <p>On 28 August 2024 Steenvliet Library staff invited female library users to a book sharing High Tea. Three local poets/authors shared their books.</p>	<p>group of women were taught how to make your own traditional, natural ointment from indigenous plants.</p> <p>Staff at Touwsrivier Library demonstrated and taught learners to do the traditional "rieldans".</p> <p>Zwelethemba Library concluded the reading competition between learners from local primary schools. It was done on Literacy Day - 6 September 2024.</p>
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COMMENTS

- Municipal Manager** : Supported.
- Director Community Services** : Noted.
- Director: Engineering** : Item Noted.

Director Financial Services : Noted.

Director Strategic Support Services : The content of the report is noted.

Director Planning, Development and Integrated Services: Noted.

RECOMMENDATION

That in respect of –

**LIBRARY SERVICES QUARTERLY UPDATE: THE PROGRESS OF THE
LIBRARY SERVICES OUTREACH PROGRAMS PLANNED AND COMPLETED
(July 2024 – September 2024)**

as discussed by Council at the Council meeting held on 4 December 2024:

That Council take cognisance of the progress update and statistics of the outreach programs of the Library Service.

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

PURPOSE

The purpose of the item is to:

- a) Provide an update on progress made at the Municipal Court since the establishment
- b) What matters are to be placed on the court roll
- c) Statistics of the Municipal (Additional) Court relating to court appearances.

BACKGROUND / DISCUSSION

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.

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.

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; these matters are placed on the court roll once a week.

The Municipal court process all representations received by the public.

By -Law Matters, such as public nuisance, was also received and placed on the court roll. These matters were postponed for compliance by the accused.

The relevant Municipal departments are engaging and forwarding their matters to the Municipal Court.

By-Law Matters received from the legal department was complied with.

Traffic Violations issued for the period of January 2024-June 2024:

Fines issued:

January 2024:

1. Municipal fines: 1 429 – R 1 263 550
2. Provincial fines: 43 – R 64 800 Captured: 3513
3. TMT fines: 4 097 – R 1 947 900
4. ASOD – 299 – R111 100

February 2024:

1. Municipal fines: 1 206– R 1 143 200
2. Provincial fines: 91 – R 118 000 Captured: 5335
3. TMT fines: 2 546 – R 1 023 400
4. ASOD: 294 – R 116 500

March 2024:

1. Municipal fines: 1192 – R 1 187 500
2. Provincial fines: 515 – R 631 000 Captured: 5544

- 3. TMT fines: 3 789 – R 1 748 600
- 4. ASOD: 447 – R 178 800

April 2024:

- 1. Municipal fines: 1 137 – R 1 079 600
- 2. Provincial fines: 1 322 – R1 641 350 Captured: 4739
- 3. TMT fines: 2 284 - R1 125 600
- 4. ASOD: 86 – R133 800

May 2024:

- 1. Municipal fines :1 103 – R972 500
- 2. Provincial fines: 1 047– R1 446 400 Captured: 3229
- 3. TMT fines: 2 996 – R1 263 600
- 4. ASOD: 297 – R121 400

June 2024:

- 1. Municipal fines: 827 – R813 150
- 2. Provincial fines: 1 269 – R1 803 350 Captured: 2747
- 3. TMT fines: 425– R180 600
- 4. ASOD: 0– R0

Building Regulations and By-Law matters:

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

During this period 20 matters were received, 20 new matters were placed on the Municipal Court roll and 10 was withdrawn due to compliance.

Finance and warrants of arrest:

During the period of 1 January 2024 to 30 June 2024 the Municipal Court received an income of R 8 435 895

	MONTHLY INCOME	MUN FINES ON ROLL	PROVINCIAL FINES ON COURT ROLL	TOTAL WARRANTS ISSUED

January 2024	R 1 166 998	408	2036	1 455
February 2024	R 1 056 305	709	4891	2 991
March 2024	R 1 072 283	373	1429	981
April 2024	R849 145	853	2049	1 571
May 2024	R 2 789 860	797	1780	1373
June 2024	R 1 501 304	675	1294	1188
TOTAL	<u>R8 435 895</u>	<u>3 815</u>	<u>13 179</u>	<u>9 559</u>

Municipal Court expenses (Budgeted personnel costs):

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

Statistics relating to court appearances:

During the period of January 2024 to June 2024 the Municipal Court sat for 98 days and heard the following matters:

Total matters in court	900
Guilty	529
Not guilty	0
Withdrawn: Complied	10
Postponements	294
Bench warrants issued in court	64
warrants placed on court roll	227
Court hours	62 hours
New building/By law matters on court roll	20
Representations	3 080

Comment of Directorates / Departments concerned:

Municipal Manager:	Noted.
Director: Community Services:	Noted.
Director: Strategic Support Services:	Noted.
Director: Financial Services:	Noted.
Director: Engineering Services:	Noted.
Director: Planning, Development and Integrated Services:	Noted.

RECOMMENDATION

That in respect of –

**MUNICIPAL COURT UPDATE: THE PROGRESS OF THE MUNICIPAL COURT
AND STATISTICS**

Discussed by Council at the Council meeting held on 04 December 2024, the following recommendation be made to Council:

That Council take cognisance of the progress update and statistics of the Municipal Court.

7.12 SPORT AND RECREATION POLICY**File No. /s:** 3/9/1C1**Responsible Official:** M. Planga**Directorate:** Community Services**Portfolio:** Sport and Culture

Purpose:

To request Council to take note of the contents of the draft Sport Policy.

Background:

The Breede Valley seeks to enhance the quality of life of its inhabitants through the facilitation of sport as a mechanism to increase active citizenship and quality of life. BVM is the major provider of a range of sports facilities and programmes in its area of operation. The policy seeks to ensure that municipal facilities are accessible to all regardless of their origin. Further the policy seeks to provide clear guidelines for BVM's relationship with the professional sport and recreation fraternity.

Financial Implications:

There will be financial implications.

Applicable Legislation / Council Policy:

The Constitution of the RSA

Comment of Directorates / Departments concerned:

Municipal Manager:	Supported.
Director: Community Services:	Author of the item.
Director: Strategic Support Services:	Supported.
Director: Financial Services:	Supported.
Director: Engineering Services:	Noted.
Director: Planning, Development and Integrated Services:	Supported

RECOMMENDATION:

That in respect of,

SPORT AND RECREATION POLICY

Discussed by Council at the Council meeting held on 4 December 2024:

1. Council notes the contents of the Sport and Recreation Policy.
2. The draft Sport and Recreation Policy will be advertised for public comment.

7.13 COUNCILLOR CAPACITY BUILDING POLICY

File No./s: 3/2/20

Responsible Official: R Esau

Directorate: Strategic Support Services

Portfolio: SSS

1. PURPOSE

To submit the Councillor Capacity Building Policy developed in terms of Item 16 of Government Gazette No. 51419, dated 21 October 2024 to Council for approval.

2. BACKGROUND AND DISCUSSION

The Minister of Cooperative Governance and Traditional Affairs promulgated the Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils in Government Gazette No. 51419, dated 21 October 2024 (herein referred to as the Notice).

Council in its sitting on 22 October 2024 through Council Resolution Number **C85/2024** resolved, –

- “(1). That Council note that sufficient budgetary provision is made in the 2024/2025 budget to implement the maximum of the upper limit salaries, allowances and benefits retrospectively with effect from **1 July 2023**, respectively.*
- (2) That Council approve the annual adjustments of the upper limit salaries, allowances and benefits for municipal council members as per Government Gazette No. 51407, dated 17 October 2024 and Government Gazette No. 51419 dated 21 October 2024, respectively for implementation with retrospective effect from **1 July 2023 for the 2023/2024 financial year and 1 July 2024 for the 2024/2025 financial year.***
- (3) That Council mandate the Executive Mayor to obtain the concurrence of the MEC for local government before implementing the provisions of the two Notices.*

-
- (4) *That the upper limits of the salaries, allowances and benefits be implemented immediately after the concurrence has been received from the MEC for local government.*
- (5) *That Council note draft Councillor Capacity Building Policy that includes criteria to provide for the education, training and development of councillors and will be workshopped with council members.*
- (6) *That Provision be made in the municipal adjustment budget for councillors' education, training, and development".*

In compliance with the provision of the Notice and Council resolution, the Executive Mayor, as authorized by Council requested concurrence of the MEC for local government in a letter dated 24 October 2024. Concurrence was granted by the MEC in a letter dated 1 November 2024.

In accordance with the aforementioned Council resolution, the draft Councillor Capacity Building Policy was workshopped with council members on 25 November 2024, and council members welcomed and supported the draft policy.

3. FINANCIAL IMPLICATIONS

There is sufficient budgetary allocation for Councillors' educational, training, and development needs.

4. APPLICABLE LEGISLATION

Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998)

Municipal Finance Management Act, 2003 (Act No. 5 of 2003)

Government Gazette No. 51419, dated 21 October 2024

5. COMMENTS OF DIRECTORATES / DEPARTMENTS

MUNICIPAL MANAGER:	SUPPORTED
DIRECTOR: STRATEGIC SUPPORT SERVICES/ AUTHOR:	AUTHOR/SUPPORTED
DIRECTOR: FINANCIAL SERVICES:	SUPPORTED
DIRECTOR: ENGINEERING SERVICES:	SUPPORTED

DIRECTOR: COMMUNITY SERVICES:

SUPPORTED

DIRECTOR: PLANNING, DEVELOPMENT AND INTEGRATED SERVICES: SUPPORTED

SENIOR MANAGER LEGAL SERVICES:

SUPPORTED

7. ANNEXURES

Annexure A: Councillor Capacity Building Policy

RECOMMENDATION

That in respect of -

COUNCILLOR CAPACITY BUILDING POLICY

as discussed by Council at the Council meeting held on 4 December 2024:

1. The Council notes and approves the Councillor Capacity Building Policy developed in terms of Item 16 of Government Gazette No. 51419, dated 21 October 2024, with effect from the date of approval.

**7.14 PROPOSED APPROVAL OF STAFF ESTABLISHMENT IMPLEMENTATION
ON 1 JANUARY 2025****File No./s** 2/3/3/1**Responsible Official:** N Monyela**Directorate:** Strategic Support Services**Portfolio:** Human Resources

1. PURPOSE

The purpose of this item is to –

- (a) provide an update to Council on the draft Staff Establishment for Breede Valley Municipality; and
- (b) obtain Council's approval of the Staff Establishment for Breede Valley Municipality in terms of the Local Government: Municipal System Act, 2000 read in conjunction with Local Government: Municipal Staff Regulations No. 890 of 2021, for implementation on 1 January 2025 ("**Annexure A**").

2. BACKGROUND

In terms of the Local Government: Municipal Staff Regulations No. 890 of 2021 ("**MSR**") a municipal council must determine the municipality's Staff Establishment, which will provide the basis for each directorate's strategic workforce and human resource planning.

The MSR requires the municipal manager to review the municipality's staff establishment within 12 months in any of the following instances:

- a) The election of a new municipal council; or
- b) the adoption of the integrated development plan of the municipality as contemplated in section 25 of the Local Government: Municipal System Act, 2000;
- c) material changes to the functions of the municipality; and
- d) the determination of new municipal boundaries.

The staff establishment was reviewed having regard to the integrated development plan and is aligned to the powers and functions of the municipality. The staff establishment was consulted with key stakeholders within the municipality, organised labour, including Councillors.

In reviewing the staff establishment, the municipal manager has ensured that the administration of the municipality is organised—

- a) according to the powers and functions of a municipality;
- b) in such a manner that the municipality —
 - (i) is responsive to the needs of the local communities;
 - (ii) facilitate a culture of performance and accountability amongst its employees;and
 - (iii) perform its functions with operationally effective and efficient administrative directorates and departments.

After following due processes, the Municipal Manager, on 20 June 2023, 22 August 2023, 31 October 2023 and 14 December 2023 respectively, tabled the proposed Staff Establishment and report before the municipal council. The proposed Staff Establishment was submitted to the MEC for local government (MEC) on 4 July 2023, accompanied by further detailed submission of information on 7 August 2023 and 13 October 2023. In response, MEC indicated that BVM is not compliant with the organisational design metrics and that the Municipal Staff Regulations in its current form does not provide for deviation. Taking into consideration the MEC's response, Council on 14 December 2023 –

“RESOLVED

That in respect of –

STAFF ESTABLISHMENT REVIEW AND PROPOSED CHANGES FOR IMPLEMENTATION ON 1 MARCH 2024

as discussed by the Council at the Council Meeting held on 14 December 2023, resolution number C115/2023:

1. *that Council note the input of the MEC on the draft Staff Establishment as per Annexure A .*
2. *that the Municipal Manager refer the MEC's input to the Minister of Local Government for her consideration and reply; and*
3. *That the response from the Minister of Local Government be tabled at the next Council meeting following the reply for consideration”.*

3. DISCUSSION

On 10 January 2024, a letter was sent to the National Minister, requesting that the Minister advise on mechanisms that could be explored to ensure that the Municipality can be exempted from complying with the prescribed design metrics as explained in the letter to the MEC due to financial constraints. Despite numerous calls and emails with National CoGTA, BVM has yet to obtain a response. HR eventually received an email containing an "approved draft letter" on May 10, 2024, indicating that the letter is awaiting the Minister's signature. However, the draft letter does not specify whether Council should adopt and implement the staff establishment.

Follow-ups were made with National CoGTA, 17 July 2024; 13 August 2024; and 18 August 2024. The issue was escalated to the Ministry, the Director-General's Office, and the Deputy Director-General on 1 October 2024, by the Director of Strategic Support Services. The last email correspondence was received on 1 October 2024, with the Deputy Director-General committing to attend to the enquiry urgently. A follow-up call was also made to the Deputy Director-General on 25 October 2024.

On 28 November 2024, the Human Resources Department received a letter from National CoGTA ("**Annexure B**"). In summary, the National Minister has identified that the structural layers and span of control within several Directorates in BVM are not in line with the MSR, as detailed below:

- (a) *"Structural layers: the Office of the Municipal Manager does not have sufficient reporting layers as prescribed by sub-regulation 5(2) of the MSR.*
- (b) *Span of control: currently there are manager and supervisory levels which have 1:1 direct reports instead of the prescribed 5:6 thus creating redundant management layers especially at Financial Services and Engineering Services, which ultimately leads to a top heavy staff establishment".*

The National Minister recommends that the Council adopt a plan of action to address the identified non-compliant sections.

As previously tabled before Council, the staff establishment was reviewed within the Municipality's administrative and financial capacity in an attempt to adhere to the organisational design metrics as prescribed in the MSR. An implementation / action plan will be developed in accordance with the National Minister's recommendations to ensure

compliance with the required requirements. The implementation plan will include the phases and timeframes within which BVM will be able to comply, taking into account its annual financial resources.

4. FINANCIAL IMPLICATIONS

It is confirmed that sufficient budgetary provision was made to fund the Staff Establishment and same is thus fully funded for the remainder of the 2024/2025 financial year.

5. APPLICABLE LEGISLATION / COUNCIL POLICY

- (a) The Constitution of the Republic of South Africa
- (b) Local Government: Municipal Systems Act (No. 32 of 2000)
- (c) Local Government: Municipal Staff Regulations (No. 890 of 2021)
- (d) Local Government: Municipal Finance Management Act (No. 56 of 2003)

6. COMMENT OF DIRECTORATES / DEPARTMENTS CONCERNED:

Municipal Manager:	SUPPORTED
Director: Strategic Support Services:	AUTHOR: SUPPORTED
Director: Financial Services:	SUPPORTED
Director: Engineering Services:	
Director: Community Services:	SUPPORTED
Director: Planning, Development and Integrated Services:	SUPPORTED
Senior Manager: Legal Services:	Recommendation supported

RECOMMENDATION

That in respect of –

PROPOSED APPROVAL OF STAFF ESTABLISHMENT IMPLEMENTATION ON 1 JANUARY 2025

as discussed by the Council at the Council Meeting held on 4 December 2024:

1. That the Council notes the response from the National Minister on the draft staff establishment.
2. That the Council notes that the draft staff establishment does not comply with organisational metrics as prescribed by the MSR.
3. That the administration compiles an Implementation Plan of how the municipality will achieve compliance with the MSR, Structural layers and Span of control and submit the Implementation Plan at the Council meeting in February 2025.
4. That the Council approves the Staff Establishment for Breede Valley Municipality in terms of the MSR for implementation on 1 January 2025.
5. That the Municipal Manager initiates the review of the approved staff establishment in preparation for the next financial year, 2025/2026.

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

9. CONSIDERATION OF MATTERS SUBMITTED BY THE CHAIRPERSON OF COUNCIL

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

11. CONSIDERATION OF MOTIONS OF EXIGENCY

12. CLOSURE
