

NOTICE

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

Date distributed:

**NOTICE OF THE 2nd COUNCIL MEETING OF 2023/2024
FINANCIAL YEAR OF THE COUNCIL OF BREEDE VALLEY MUNICIPALITY
TUESDAY, 2023-08-22 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
M.N. Bushwana
G.L. Daames
Alderman R. Farao
M.A. Goedeman
E.N. Isaacs
Alderman C. Ismail
J.R. Jack
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

N. Nel
C.T. Nyithana
J. Pieters
A. Pietersen
O. Ralehoko
P.C. Ramokhabi
Alderman M. Sampson
T.P. Sibozo
S.S.T. Steenberg
M. Swartz
H.C. Titus
E. Van der Westhuizen
F. Vaughan
M. Jacobs
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 2nd **COUNCIL MEETING** of the **2023/2024 FINANCIAL YEAR** of the **COUNCIL** of **BREEDE VALLEY MUNICIPALITY** will be held at **CAPE WINELANDS DISTRICT MUNICIPALITY, TRAPPE STREET WORCESTER** on **TUESDAY, 2023-08-22** 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 F. Vaughan

12 August 2023



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3.3 STATEMENTS BY THE SPEAKER**3.4 STATEMENTS BY THE EXECUTIVE MAYOR**

4. CONFIRMATION OF MINUTES**4.1** In terms of the Rules of Order for Internal Arrangement By-Law 2012 (as amended).

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

4.2 Council Meeting held on 25 July 2023**RECOMMENDATION**

That in respect of

CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

discussed by Council at the Council Meeting held on 22 August 2023:

1. As the Minutes of the Council Meeting held on 25 July 2023 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 25 July 2023 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. Ramokhabi



5.4 MMC 3: Cllr. N. Nel

5.5 MMC 4: Cllr. E. Van der Westhuizen

5.6 MMC 5: Cllr J.R. Jack

5.7 MMC 6: Cllr. V.A. Bedworth

5.8 MMC 7: Cllr. J.P. Kritzinger

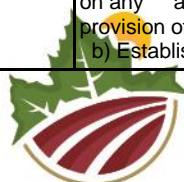
5.9 MMC 8: Cllr F. Vaughan

6. COLLABORATOR OUTSTANDING RESOLUTIONS REPORT

Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment
172625	<p>SUBMISSION OF BY-LAW RELATING TO THE MANAGEMENT AND CONTROL OF FLATS (rental housing units) OWNED OR ADMINISTERED BY THE BREEDE VALLEY MUNICIPALITY</p> <p>RESOLVED C41/2015 That in respect of the SUBMISSION OF BY-LAW RELATING TO THE MANAGEMENT AND CONTROL OF FLATS (rental housing units) OWNED OR ADMINISTERED BY THE BREEDE VALLEY MUNICIPALITY discussed by Council at the Council meeting held on 25 of June 2015:</p> <p>1. That Council approved the draft By-Law relating to the Management and Control of flats (rental housing units) owned or administer by the Breede Valley Municipality;</p> <p>2. That the administration advertises said draft By-Law for public comments;</p> <p>3. That all comments be collated submitted to Council for final approval and promulgation in the Provincial Gazette.</p> <p>4. That the draft By-Law be workshopped with all the Councillors.</p>	2015-06-25	GMAYEKI	95	The draft bylaw has been amended to reflect the most recent legislative changes. The modified draft paper is circulating throughout internal departments for comments before being submitted for debate at the next workshop. The workshop date has not been set, however, the consultation period for internal departments will close on August 31, 2023.

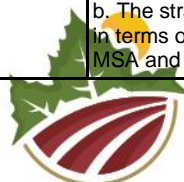


Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment
776194	ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS: CLLR. C.F. WILSKUT RESOLVED C21/2020 1. That Council appoint a Disciplinary Committee comprising of 11 members (6 DA members and one member of each other Political Party (i.e ANC; BO; FF+; PDM; EFF); 2. That Cllr J.F. van Zyl be appointed as the Chairperson of the Disciplinary Committee; 3. The names of members to the Disciplinary Committee should be submitted to the Speaker within 7 days from the date of the Council Meeting.	2020-02-25	JVANWYK	75	Compilation of Disciplinary Committee rescinded and reviewed and replaced by a committee comprising of 5 Councillors, inclusive of the Chairperson. The Prosecutor has been appointed and trial date is pending.
1155841	ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS: CLLR. MARGARET SWARTZ. ITEM FOR COUNCIL: 26 JULY 2022 RESOLVED C85/2022 In terms of Clause 16 of the Code of Conduct: a) A Municipal Council may – investigate and make a finding on any alleged breach of a provision of this Code; or b) Establish a Special Committee: i) to investigate and make a finding on any alleged breach of this code and ii) to make appropriate recommendations to the Council. And whereas a special committee, pertaining to the investigation of disciplinary matters, has already been established by Council per Council decision C40/2022. Cllr Nel proposed that Council recommends this motion to the established Special Committee to investigate and make a finding on any alleged breach of this code and to make appropriate recommendations to the Council, as stated above under point (b).	2022-07-26	JVANZYL	50	Finalization of trial date pending.
1185140	ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS: CLLR. C.F. WILSKUT. RESOLVED: That in respect of – ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS: CLLR.C.F. WILSKUT. as discussed by Council at the Council meeting held on 23 August 2022 with resolution number C98/2022 Council decide that: In terms of Clause 16 of the Code of Conduct : 1. a) A Municipal Council may – investigate and make a finding on any alleged breach of a provision of this Code ; or b) Establish a Special	2022-08-23	JVANZYL	50	Finalization date of trial pending. Prosecutor appointed.



		<p>Committee :</p> <p>i) to investigate and make a finding on any alleged breach of this code and</p> <p>ii) to make appropriate recommendations to the Council.</p> <p>And whereas a special committee, pertaining to the investigation of disciplinary matters, has already been established by Council per Council decision C40/2022.</p>				
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Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment
1352782	<p>2023 CUSTOMER SERVICE CHARTER</p> <p>RESOLVED: That in respect of - The 2023 Customer Service Charter tabled before Council at the Council meeting held on 30 May 2023 with resolution number C37/2023:</p> <p>1. That Council, having noted the content of the 2023 Customer Service Charter, provides in principle approval thereof subject to the following conditions: 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.</p>	2023-05-30	CMALGAS	75	All recommendations implemented apart from recommendation (d). Emanating from the Council Workshop, certain recommendations were made linked to the refinement of the final product before resubmission to Council. Resubmission is prioritised to occur within Q1 of the 2023/2024 financial period.
1352783	<p>2022/2023 COMMUNICATION STRATEGY</p> <p>RESOLVED: That in respect of - The 2022/2023 Communication Strategy tabled before Council at the Council meeting held on 30 May 2023 with resolution number C38/2023:</p> <p>1. That Council, having noted the content of the 2022/23 Communications Strategy, provides in principle approval thereof subject to the following conditions: a. The strategy be referred to a Council Workshop to be held on 8 June 2023 ; b. The strategy be made public in terms of section 21 of the MSA and submitted to the</p>	2023-05-30	CMALGAS	75	The Communication Strategy served before Council on 30 May 2023 and was workshopped with Council on 8 June 2023. The Strategy has also been circulated to the public for input. Upon receipt and consideration of the latter, the Strategy will be resubmitted to Council.



		relevant stakeholders (i.e. relevant National & Provincial Government Departments as well as the Cape Winelands District Municipality) for input; c. That such public comments (if any) be tabled at Council for consideration; and d. The strategy be resubmitted to Council for final consideration and approval.				
1364219	BREDE VALLEY MUNICIPALITY INVESTMENT INCENTIVE POLICY	<p>RESOLVED: That in respect of the BREDE VALLEY MUNICIPALITY INVESTMENT INCENTIVE POLICY Discussed by Council in the Council meeting held on 20 June 2023, resolution number C61/2023; the following recommendation is proposed:</p> <ol style="list-style-type: none"> 1. To present the initial discussion document "Draft BVM Investment Incentive Policy" to Council for notification that an internal administrative committee must be established to develop an Investment Incentive Policy for BVM. 2. That council task the municipal manager to establish an intra-municipal administrative committee of senior officials and internal specialists under the Director of Strategic Support Services chairmanship to draft the Investment Incentive Policy and table it to the council within four months. 3. At the minimum, the following key sections and departments, being the CFO, the Director of Engineering, the Director of Community Services, the Director of Public Services, the Senior Managers of Financial Planning, SCM, Electricity, Income, Planning and Public Services must serve on the committee and actively provide specialist detailed inputs in writing to the draft policy within the deadlines as set out by the committee chairperson and actively attend all meetings of the committee. 	2023-06-20	CJANUARY2	25	As per the Council resolution a series on internal consultation session is planned for the current financial year



7. CONSIDERATION OF MATTERS SUBMITTED BY THE ADMINISTRATION**7.1 ROLL-OVER FROM 2022/2023 FINANCIAL YEAR - ADJUSTMENTS BUDGET
2023/2024 - 22 AUGUST 2023****File No. /s:** 3/15/1**Responsible Official:** R Ontong**Directorate:** Financial Services**Portfolio:** Financial Services

1. PURPOSE

To submit an Adjustments budget for the 2023/24 financial year as a result of roll-overs from the 2022/23 financial year.

2. BACKGROUND

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

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

Further, section 30 of the MFMA states that; “The appropriation of funds in an annual or adjustments budget lapses to the extent that those funds are unspent at the end of the financial year to which the budget relates, except in the case of an appropriation for expenditure made for a period longer than that financial year in terms of section 16 (3).” Conditional grant funding must also be rolled over or refunded to the allocating authority.

“Municipalities may not rollover unspent conditional grant spending in terms of section 28(2) (e) of the MFMA (read together with regulation 23(5) of the Municipal Budget and Reporting Regulations) because they are national/provincial funds. The applicable rollover process is then given effect through the municipal adjustments budget in January/February each year for all the



cash/transfers that had already been transferred to the bank accounts of municipalities prior to the end of the financial year. In this regard refer to MFMA Budget Circular No. 51 for more information.

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

3. FINANCIAL IMPLICATIONS

Financial implications are contained in the detail in this report.

4. APPLICABLE LEGISLATION / COUNCIL POLICY

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



ADJUSTMENTS BUDGET 2023/24



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22 August 2023



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SECTION A – Part 1**1. Glossary**

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

Allocations – Money received from Provincial and National Treasury.

Budget – The financial plan of a municipality.

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

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

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

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

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

GDFI - Gross Domestic Fixed Investment

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

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

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



LM – Breede Valley Municipality.

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

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

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

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

TMA – Total Municipal Account

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

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

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

Abbreviations and Acronyms

AMR Automated Meter Reading
ASGISA Accelerated and Shared Growth Initiative
BPC Budget Planning Committee
CBD Central Business District
CFO Chief Financial Officer
CPI Consumer Price Index
CRRF Capital Replacement Reserve Fund
DBSA Development Bank of South Africa
DoRA Division of Revenue Act
DWA Department of Water Affairs
EE Employment Equity
EEDSM Energy Efficiency Demand Side Management



EM	Executive Mayor
FBS	Free basic services
GAMAP	Generally Accepted Municipal Accounting Practice
GDP	Gross domestic product
GDS	Gauteng Growth and Development Strategy
GFS	Government Financial Statistics
GRAP	General Recognised Accounting Practice
HR	Human Resources
HSRC	Human Science Research Council
IDP	Integrated Development Strategy
IT	Information Technology
kℓ	kilolitre
km	kilometre
KPA	Key Performance Area
KPI	Key Performance Indicator
kWh	kilowatt-hour
ℓ	litre
LED	Local Economic Development
MEC	Member of the Executive Committee
MFMA	Municipal Financial Management Act
MIG	Municipal Infrastructure Grant
MM	Municipal Manager
MMC	Member of Mayoral Committee
MPRA	Municipal Properties Rates Act
MSA	Municipal Systems Act
MTEF	Medium-term Expenditure Framework
MTREF	Medium-term Revenue and Expenditure Framework
NERSA	National Electricity Regulator South Africa
NGO	Non-Governmental organisations
NKPIs	National Key Performance Indicators
OHS	Occupational Health and Safety
OP	Operational Plan
PBO	Public Benefit Organisations
PHC	Provincial Health Care
PMS	Performance Management System
PPE	Property Plant and Equipment
PPP	Public Private Partnership
PTIS	Public Transport Infrastructure System
RG	Restructuring Grant
RSC	Regional Services Council
SALGA	South African Local Government Association
SAPS	South African Police Service
SDBIP	Service Delivery Budget Implementation Plan
SMME	Small Micro and Medium Enterprises



2. Mayors Report

The 2023/24 Roll-over Adjustments Budget serves the purpose of allocating unspent and underspent funds, which are committed to identifiable projects in the 2022/23 financial year budget. These projects, due to unforeseen circumstances could not be fully implemented during the 2022/23 financial year, and therefor need to be rolled over to the current (2023/24) financial year to ensure continued service delivery.

3. Resolutions

That council approves the following:

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

4. Executive Summary

The 2023/24 Adjustments Budget was compiled in accordance with section 28 of the Municipal Finance Management Act and regulation 23 of the Municipal Budget and Reporting Regulations.

In compiling the 2023/2024 Roll-over Adjustments Budget, the importance of credibility, sustainability, responsiveness and affordability remains integral in striving to achieve the desired outcome of effective and efficient service delivery.

Below is the list of projects to be rolled over from the 2022/23 financial year to the 2023/24 financial year:

Description	Finance Code	Roll overs from 2022/23
Rawsonville WwTW: Extension of WwTW (0,24 Ml/day)	External Loan	3 090 772
Reservoirs: Pre-loads	External Loan	13 000 000
Upgrading of Sewer Network	External Loan	6 930 332
Traffic Circle: (High and Louis Lange)	CRR	6 976 970
Pipe cracking (all wards)	CRR	518 796



Refurbishment of electrical system	CRR	3 788 868
Robertson Road Substation	External Loan	4 322 827
Alternative Electricity Supply Zwelethemba	External Loan	11 682 618
Roux Park capacity/equipment upgrade	External Loan	3 200 000
Worc Town Hall – Airconditioner	CRR	1 969 303
Upgrading of Open space – Kleigat	CRR	100 000
Erosion Protection of Hex River : Phase 2 (300m @ R13,333.33/m)	CRR	6 620 406
High Mast Light -Ward 17	CRR	331 193
Fencing of Rawsonville Graveyard	CRR	75 000
WWTW Pump station upgrading and refurbishment	External Loan	1 487 000
Fencing of Cemeteries - De Wet Str.	CRR	100 000
Upgrading of Offices (Fairbairn Street)	CRR	1 309 970
Upgrading of various sewer pumpstations	External Loan	6 871 686
Construction of Kwinana Street Bypass sewer	External Loan	2 800 000
Replacement of fence perimeter (Esselen Park)	CRR	352 306
Fire Services - De Doorns Communication Equipment	CRR	75 162

Contractual commitment is in place for all the abovementioned project, in line with the relevant criteria for this Adjustments Budget. The implementation or finalization of these projects prior to the end of the 2022/23 financial year is due to the following:

- Unresponsive bidders and / or lack of supply
- Adverse weather conditions
- Extensive nature of SCM processes

1. Adjustments Budget Tables – refer to Annexure A

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



B1 Consolidated Adjustments Budget Summary

B2 Consolidated Adjustments Budget Financial Performance by Standard Classification

B3 Consolidated Adjustments Budget Financial Performance by Municipal Vote

B4 Consolidated Adjustments Budget Financial Performance (Revenue and Expenditure)

B5 Consolidated Adjustments Budget Capital Expenditure Vote and Funding

B6 Consolidated Adjustments Budget Financial Position

B7 Consolidated Adjustments Budget Cash Flows

B8 Consolidated Cash Backed Reserves/Accumulated Surplus Reconciliation

B9 Consolidated Asset Management

B10 Consolidated Basic Service Delivery Measurement

SECTION A – Part 2

1. Adjustments to Budget Inputs and assumptions

The 2023/24 Roll-over Adjustments Budget was compiled in line with Chapter 4 Municipal Finance Management Act and Chapter 2 Part 4 of the Municipal Budget and Reporting Regulations.

The 2023/24 Roll-over Adjustments Budget remain consistent with the Long-Term Financial Plan to ensure continued synergy between long term planning and implementation planning.

As per the legislative prescript mentioned above, these underspending was not foreseen during the compilation of the 2023/24 annual budget. Only projects committed to identifiable projects as at the end of the 2022/23 financial year are included in the roll-over Adjustments Budget, unless determined otherwise by the Accounting Officer / Municipal Manager based on the merits of these related projects.



The roll-over of the abovementioned projects came about as a result of delays outside the control of the Municipality. The causes of these delays have been established and corrective measures have been put in place to monitor progress, which will promote effective and efficient implementation in the 2023/24 financial year.

2. Adjustments to Budget Funding

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

3. Adjustments to Expenditure on Allocations and Grant

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

4. Adjustment to Allocations or Grants made by the Municipality

None.

5. Adjustment to Councillor Allowances and Employees

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

6. Adjustment to Service Delivery and Budget

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

7. Adjustment to Capital Spending Detail

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

8. Other Supporting Documents

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



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

RECOMMENDATION:

That in respect of

ROLL-OVER ADJUSTMENTS BUDGET FOR 2023/24 – AUGUST 2023

discussed by Council at the Council meeting held on 22 August 2023

1. Council resolves that the budget of Breede Valley Municipality for the financial year 2023/24 be adjusted and approved with amendments as set out in the following Municipal Budget tables B1- B10 and Municipal Budget supporting documentation SB1 - SB19, as per Annexure A.
2. Council approves the Quality Certificate to the Adjustments Budget signed by the Accounting Officer, as per Annexure B.

TO ACTION:

R Ontong



7.2 SIGNED 2023/2024 PERFORMANCE AGREEMENTS OF THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER

File No./s: 3/15/1

Responsible Official: C Malgas

Directorate: Strategic Support Services

Portfolio: Performance Management

1. PURPOSE

To notify Council of the signed 2023/2024 Performance Agreements for the Municipal Manager and Managers directly accountable to the Municipal Manager.

2. BACKGROUND

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

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

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

- Comply with the provisions of Sections 57(1)(b), (4A), (4B) and (5) of the MSA as well as the employment contract entered 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 assessing whether the employee has met the performance expectations applicable to his or her job;
- In the event of outstanding performance, to appropriately reward the employee; and
- Give effect to the employer's commitment to a performance-orientated relationship with its employee in attaining equitable and improved service delivery.

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

However, it is important to note that the municipality subscribes to Section 57 (2)(a)(ii) of the MSA, which prescribes that a separate performance agreement for municipal managers and managers directly accountable to municipal managers must be concluded annually, within one month after the beginning of each financial year of the municipality. The table below depicts the schedule of key deliverables pertaining to the conclusion and publication of the 2023/2024 performance agreements.

Deliverable Description	Date
Finalisation & sign-off of the 2023/2024 Performance Agreements	28 July 2023
Circulation to NT, PT and DLG	2 August 2023
Signed 2023/2024 Performance Agreements to serve before Council for notification purposes	22 August 2023



Publication of the signed 2023/2024 Performance Agreements onto the municipal website	Within 5 days after the Council meeting (i.e no later than 27 August 2023)
---	--

Table 1: Publication Process

3. COMMENT

Copies of the signed 2023/2024 Performance Agreements are attached as Annexure “A - E”. Council should note that a Performance Agreement for the Director: Public Services has not been prepared nor included in this submission as the position is currently vacant. As soon as the position is filled, a Performance Agreement will, within 60 days after appointment, be concluded with the incumbent as per Section 57 (2)(a)(i) of the MSA and submitted to Council for notification.

4. FINANCIAL IMPLICATIONS

Payment of performance bonuses in accordance with the performance outcome achieved for the financial period to which the agreement relates. Council should not that the qualification criteria and procedure of pay-out are clearly defined within each performance agreement as well as the Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers (Regulation 805, sub-regulation 8 in particular).

5. APPLICABLE LEGISLATION

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

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
- Senior Manager: Legal Services:** Recommendation Supported



RECOMMENDATION

That in respect of -

THE SIGNED 2023/2024 PERFORMANCE AGREEMENTS FOR THE MUNICIPAL MANAGER AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER,

as discussed by Council at the Council meeting held on 22 August 2023:

1. That Council takes note of the signed 2023/2024 Performance Agreements of the Municipal Manager and Managers directly accountable to the Municipal Manager (Annexures A – E), coupled with the publication process depicted in table 1 above

TO ACTION:

C. Malgas



**7.3 2024/25 IDP & BUDGET TIME SCHEDULE & PROPOSED WARD
COMMITTEE/PUBLIC ENGAGEMENT PLAN****File No./s:** 10/3/8**Responsible Official:** C. Malgas**Directorate:** Strategic Support Services**Portfolio:** IDP/SDBIP/PMS

1. PURPOSE

To submit the 2024/25 IDP & Budget Time Schedule, linked to the IDP & Budget planning- as well as the financial- and performance reporting cycle, to Council for approval.

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

- That Council takes note of the planned activities earmarked for implementation from September 2023 – August 2024, excluding July- and August 2023 as planned activities applicable to these periods have been reported in the 2023/24 Time Schedule (Council Resolution C91/2022). Council should specifically note that the 2024/25 Time Schedule includes activities relating the review/amendment of the Spatial Development Framework (SDF) which, due to its strategic importance in terms of the IDP, may trigger the need for an IDP amendment process in terms of regulation 3 of the Municipal Planning and Performance Management Regulations. The Time Schedule serving before Council today, should therefore be read together with the 2023/24 Time Schedule as well as the Process Plan adopted in terms of Resolution C16/2022.
- That Council takes note of the proposed ward committee/public engagement plan, scheduled in October/November 2023 and March/April 2024 respectively, and endorse that it be consulted with each Ward Councillor and applicable stakeholder(s) prior to finalisation and publication thereof.

2. BACKGROUND

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

- (1) The mayor of a municipality must:



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

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

(1) The mayor of a municipality must:

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

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

3. COMMENT

A copy of the 2024/25 IDP & Budget Time Schedule and proposed ward committee/public engagement plan, is attached as Annexure "A"



4. FINANCIAL IMPLICATIONS

None

5. APPLICABLE LEGISLATION/COUNCIL POLICY

Municipal Finance Management Act (Act 56 of 2003)

Municipal Systems Act (Act 32 of 2000)

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

Senior Manager: Legal Services: Recommendation Supported

RECOMMENDATION

That in respect of –

THE 2024/25 IDP & BUDGET TIME SCHEDULE AND PROPOSED WARD COMMITTEE/PUBLIC ENGAGEMENT PLAN

as discussed by Council at the Council meeting held on 22 August 2023:

1. That the 2024/25 IDP & Budget Time Schedule be approved in terms of Sections 21(1)(b) and 53(1)(b) of the Municipal Finance Management Act (Act 56 of 2003), read together with Sections 28 and 34 of the Local Government Municipal Systems Act (Act 32 of 2000), with specific emphasis on the following:
 - a. The planned activities earmarked for implementation from September 2023 – August 2024 be noted;
 - b. The proposed ward committee/public engagement plan, scheduled in October/November 2023 and March/April 2024 respectively, be noted coupled with the endorsement to



consult it with each Ward Councillor and applicable stakeholder(s) prior to finalisation and publication thereof.

TO ACTION:

C. Malgas



7.4 REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF JULY 2023**File No./s:** 2/1/1/1**Responsible Official:** R. Ontong**Directorate:** Financial Services**Portfolio:** Supply Chain Management

1. PURPOSE

To report to Council on all deviations and their reasons, approved by the delegated authority in terms of paragraph 36(2) of the Supply Chain Management Policy, for the month of July 2023.

2. BACKGROUND

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

Deviations approved in terms of paragraph 36(1)(a) for the month of July 2023, are attached as **Annexure A**.

3. FINANCIAL IMPLICATIONS

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

4. APPLICABLE LEGISLATION / COUNCIL POLICY

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

Comment of Directorates / Departments

Municipal Manager Noted

Director: Strategic Support Services Noted

Director: Financial Services Noted



Director: Engineering Services	Noted
Director: Community Services	Noted
Acting Director: Public Services	Noted
Senior Manager: Legal Services	Noted

RECOMMENDATION:

That in respect of

REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF JULY 2023
discussed by Council at the Council meeting held on 22 August 2023:

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the month of July 2023, **be noted**.

TO ACTION

M. Potgieter



**7.5 SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 JULY 2023.
MFMA SECTION 71 Report****File No. /s:** 3/15/1**Responsible Officials:** R. Ontong**Directorate:** Financial Services**Portfolio:** Financial Services

1. PURPOSE

To submit to Council 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

COMMENT OF DIRECTORATES/ DEPARTMENTS CONCERNED:

Municipal Manager: Recommendation supported

Director: Strategic Support Services: Recommendation supported

Director: Financial Services: Recommendation supported

Director: Community Services: Recommendation supported

Director: Engineering Services: Recommendation supported



RECOMMENDATION:

That in respect of

SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 JULY 2023,

discussed by Council at the Council meeting held on the 22 August 2023:

1. That Council take note of the in-year financial management report for the period ended 31 July 2023.

TO ACTION:

M. Potgieter



7.6 COMMUNITY SERVICES: BREDE VALLEY FOURTH QUARTER TITLE DEED RESTORATION PROGRAMME (TRP) REPORT: 2022/2023 FINANCIAL YEAR**File No./s:** 12/8/3/4/6**Responsible Official:** Simphiwe Mayeki**Directorate:** Community Services **Portfolio:** Human Settlements

1. PURPOSE

1. To note of the quarterly report (4th quarter) of the Title Deeds Restoration Programme (TRP) for 2022/2023 financial year.
2. To report back to council on the progress made on the alienation of the Municipal rental housing to the current legal tenants.

2. BACKGROUND

The National Department of Human Settlements and the Western Cape Provincial Department of Infrastructure, Branch Human Settlements is working together with various municipalities located within their Province, are in a process of ensuring home ownership by the rightful beneficiaries of state subsidized properties. This programme covers both pre and post 94 housing projects. The objectives of the programme are to secure tenure and clear property rights; Improved participation in property market, as means of poverty alleviation and wealth creation. The goal of the programmes is to ensure that that rightful occupier of state housing receive legal proof of property ownership in a timely and affordable manner.

The purpose of the programme is to enable households to use Title to raise finance and transact with their property; To ensure that the State maintains a cadastre and Deeds Registry with has integrity. To ensure that Municipalities can effectively manage land use installation and maintenance of services and amenities and maintain a rates base.

In the Council of 06 December 2017, Council approved the final report of the Multi-Party Council Committee for the alienation of council owned properties (Rental Housing Stock) to current qualifying tenants. Transferred municipal rental units were identified. A total sum of one thousand (1000) properties were approved for transfer to the current occupiers that are legal tenants. The



areas approved includes all the previously disadvantaged settlements (old townships houses and Community Residential Units).

All the beneficiary administration as well as concluding consultation with affected occupiers is conducted internally. Two administration clerks have been appointed on a fixed contract of twelve (12) months. The conveyancing of the pre-1994 (most previously municipal owned rental properties) is conducted Free - Market Foundation (FMF). Breede Valley has recently appointed Matthysen & Van Vuuren Attorneys conduct the post – 1994 (state subsidies housing projects). The subsequent annexures contain detailed reports that comprehensively outline the progress made in pre- and post-1994 projects. Annexure A

These reports delve into specific project objectives, strategies employed, notable achievements, challenges encountered, and overall outcomes. The annexures offer a thorough and meticulous overview of each project's development, facilitating informed decision-making and future planning. see, (Annexure A: Pre – 1994 Housing projects, Annexure B: Post – 1994 Housing projects, Annexure C: Detailed report of Transfers 4th Quarter (22/23) and Annexure D: Overview report).

Memorandum of Understanding (MOU) with Free- Market Foundation

Breede Valley Municipality entered a memorandum of understanding “MOU” with the Free-Market Foundation that renders a service as an independent contractor. Free Market Foundation approached the Municipality in respect of Low -Cost Housing developments which were completed before 1994 as part of the Housing Schemes of the Municipality. The parties entered a formal partnership on 03 January 2020. FMF undertook to fulfil the following functions. Upon receiving instructions from the Municipality, ensure that such pre- 1994 properties developed as part of housing Schemes of the Municipality are transferred to the rightful subsidy beneficiaries.

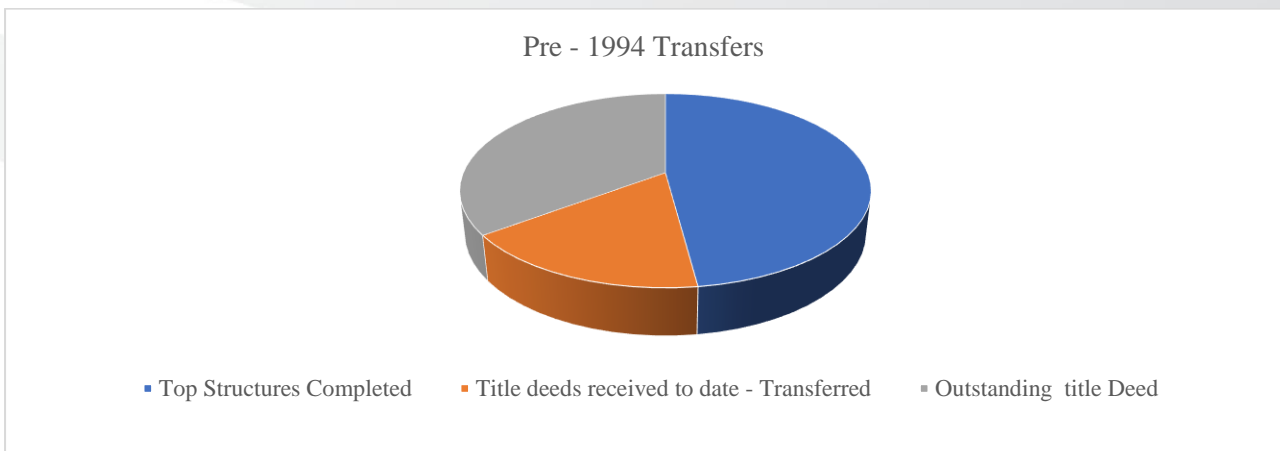
- (a) To assist registered homeowners within Breede Valley Municipal to of Mortgages still under local authority's names (Bond Cancelations).
- (b) To assist Breede Valley Municipality with unregistered properties, Deregistration due to administrative or technical errors.
- (c) Ensure that even are transferred to the occupier having rightful claims by means of amongst others. Beneficiary verification and visits at premises to obtain personal details and interview occupier.



This report presents the accumulative totals achieved in both pre- and post-1994 projects, providing a concise overview of their combined progress. Annexures detailing comprehensive reports will follow, offering in-depth insights into the achievements, challenges, and overall status of each project.

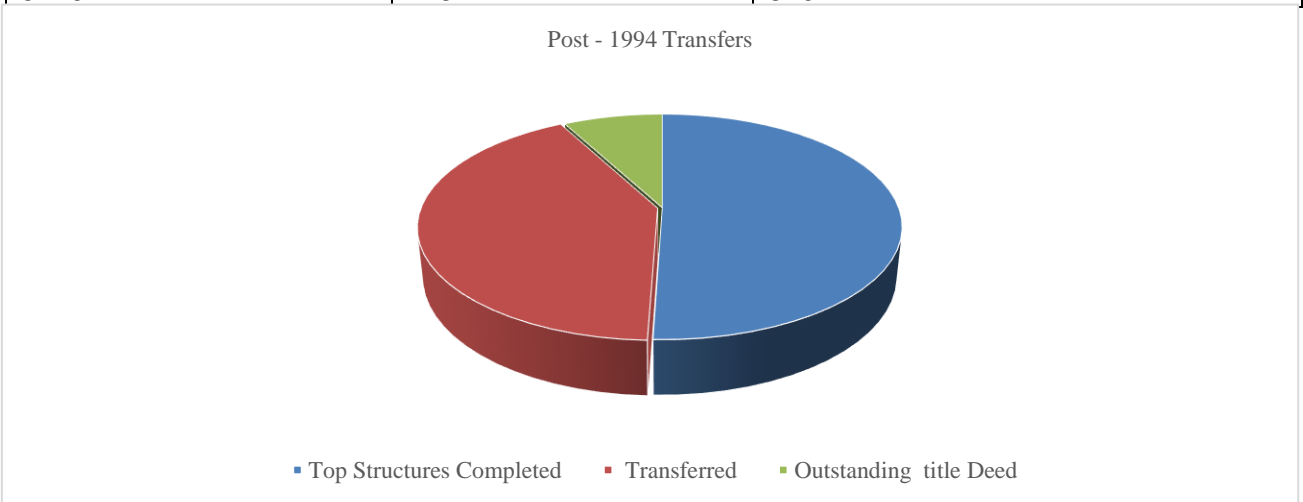
The following are summarized progress on all pre-1994 projects.

Top Structures Completed	Title deeds received to date - Transferred	Outstanding title Deed
970	343	712



The following are summarized progress on all post-1994 projects.

Top Structures Completed	Transferred	Outstanding title Deed
5210	4292	810



Current Risks/ Threats with Legal Consequences

There are several legal and operational challenges in the process. The most prominent legal challenges are in conveyancing and legal title issues. In South African law conveyancing, is governed by the Transfer of Property Act (the Act). The Alienation of Land Act provides that no transaction relating to purchase or sale of immovable property will be valid unless it is in writing and signed. Common problems that arise during property transactions such as missing document and unresolved disputes leads to prolonged delays. The informal sales of these properties create a huge discrepancy between current occupants and owners. These discrepancies are extremely difficult to Title Correction and make this make it difficult in confirming ownership. Unconfirmed ownership is the biggest contributor to unresolved estates.

The potential of expanding end-user finance in secondary housing market curtailed and in turn the ability of the and other lender to operate at lower end of the market is severely limited. This remains the threat to the working class and retired state employee.

Current Conjuncture: Pre- 94 Challenge:

There are several challenges that impacts the programme and can be summaries as follows:

- Town Establishment that results delays in proclamation and township register.
- Delays in conveyancing as incorrect house allocation vis-à-vis deed registration.
- The current Human Settlement policy, the inclusion of the pre-emptive clause in the title deeds. Delinking of the subsidy from beneficiaries and removal of sequential milestone payment on Housing Subsidy Human Settlements System Only (HSS)

Outdated beneficiary information on the Housing Subsidy Portal (HSS) necessitates updating before registration can proceed. National Department of Human Settlements is the custodian of the system therefore this is beyond the municipalities control. The following projects are the most complicated namely, Avian Park (708) and Zwelethemba (331 & 351) housing projects. Majority of the original beneficiaries cannot be traced; therefore, a complete beneficiary process must be conducted. This process requires a re-evaluation of the current occupiers and withdrawal of the original beneficiaries.



3. FINANCIAL IMPLICATIONS

There are no direct financial implications to Council. The programme is funded by the Western Cape Department of Human Settlements, an amount of Two Thousand Rands (R2 000.00) is allocated per title deed transactions of which half is allotted for administration related costs such as surveying and processing to contracts. The services of the Free-Market Foundation come at no cost to Council.

4. APPLICABLE LEGISLATION / COUNCIL POLICY

Constitution of the Republic of South Africa, 1996
Municipal Systems Act No 32 Of 2000 (The Systems Act)

Spatial Planning and Land Use Management Act, (Act No. 16 Of 2013) (SPLUMA)

Western Cape Land Use Planning Act, 2014 (LUPA)

Brede Valley Spatial Development Framework (2012)

Brede Valley Integrated Human Settlement Plan (2012)

Housing Act, Act 107 of 1997

National Housing Code, 2009

National Environment Management Act, Act 107 of 1998 and its Regulations (EIA)

Transfer of Property Act

The Alienation of Land Act

Consumer Protection Act of 2008

Rental Housing Act of 1999 as amended

FICA (Financial Intelligent Centre Act)

COMMENT OF DIRECTORATES / DEPARTMENTS CONCERNED

Municipal Manager: Noted.

Director: Community Services: Noted.

Manager: Human Settlements and Housing Management: Author of report



Director: Strategic Support:	Noted.
Senior Manager: Legal Services:	Noted.
Director: Financial Services:	Noted.
Director: Engineering Services:	Noted.

RECOMMENDATION:

That in respect of the

BREDE VALLEY FOURTH QUARTER REPORT ON THE TITLE DEED RESTORATION PROGRAMME (TRP): 2022/2023 FINANCIAL YEAR.

discussed by Council at the Council meeting held on 22 August 2023:

1. Council notes of the quarterly report (3rd quarter) of the Title Deeds Restoration Programme (TRP) for 2022/2023 financial year.
2. Council takes note of the current progress made in the alienation of the Municipal Owned Rental Properties to the current legal tenants.

TO ACTION:

S. Mayeki



7.7 PROPOSED AMENDMENTS TO BID BV 956/2022: PROVISION OF SPEED LAW ENFORCEMENT AND BACK-OFFICE SERVICES FOR A PERIOD ENDING 30 JUNE 2025 IN COMPLIANCE WITH SECTION 116(3) OF THE MFMA**File No./s:** 5/3/1/146**Responsible Official:** D. Maart**Directorate:** Community Services**Portfolio:** Traffic Law Enforcement

1. PURPOSE

The purpose of this report is to provide the necessary information and motivation on the proposed amendment of the following contract:

TMT SERVICES AND SUPPLIES (PTY) LTD – (BV 956/2022: Provision of speed law enforcement and back-office services for a period ending 30 June 2025)

In terms of section 116(3) of the Local Government: Municipal Finance Management Act, Act No. 56 of 2003 (MFMA), Council to make an informed decision whether to consent to the amendment of the contracts.

2. LEGAL REQUIREMENTS

Section 116(3) of the MFMA provides as follows:

“(3) A contract or agreement procured through the supply chain management policy of the municipality or municipal entity may be amended by the parties, but only after -

- (a) the reasons for the proposed amendment have been tabled in the council of the municipality or, in the case of a municipal entity, in the Council of its parent municipality; and
- (b) The local community-
 - (i) has been given reasonable notice of the intention to amend the contract or agreement and
 - (ii) has been invited to submit representations to the municipality or municipal entity.”

The following three things as set out below must therefore be done before the accounting officer can amend a procurement contract:

- a) The contracts must have been procured through the supply chain management policy of the Municipality.
- b) The reasons for the proposed amendment have been tabled in the Council. And
- c) The local community has been given reasonable notice of the intention to amend the contract or agreement, and they have been invited to submit representations to the Municipality.



3. CONTRACTS PROCURED THROUGH THE SUPPLY CHAIN MANAGEMENT POLICY

It is confirmed that the contract as set out below were procured in compliance with the Municipality supply chain management policy.

BV 956/2022: PROVISION OF SPEED LAW ENFORCEMENT AND BACK-OFFICE SERVICES FOR A PERIOD ENDING 30 JUNE 2025

It is further confirmed that the contract above is still valid and enforceable and may be amended.

4. BACKGROUND/ MOTIVATION

The Breede Valley Municipal (BVM) Area (Worcester, Rawsonville, De Doorns and Touws River) appointed a service provider to supply and maintain speed law enforcement equipment and a back-office service (inclusive of speed measuring equipment) in terms of legislative framework of the Administrative Adjudication of Road Traffic Offences (AARTO) Act, 1998.

The Traffic Department of BVM required a service provider to provide digital traffic speed measuring cameras, a number plate recognition system and back office (speed camera offence only) for fine collection. This need has been identified for speed law enforcement and back-office services to assist the municipality with speed law enforcement.

The original tender made provision for all categories of speeding limit transgressions. However, on the receipt of the bid from preferred bidder, it was established that the profit margins on the lower categories was not value for money for BVM and needed to be renegotiated. This negotiation was done not to the detriment of any other bidder.

The tender made provision that the the Local Authority will pay TMT a service fee of R205,85, for each infringement notice paid. However, consensus was reach between the two parties to ad a condition/ clause to the contract scope which allows **all infringements paid within the speed limit range of 71km/h to 75 km/h committed within a 60km/h speed zone, the local authority will pay TMT R160.00**. This condition/ clause will provide a high financial income to the BVM Council and save costs.

Furthermore, the tender also required the service provider to have two (2) Speed entrapment support panel vans (white in colour) to be used by officials of the Breede Valley Municipal Traffic Department. However, it was indicated that the service provider was unable to secure these vans as the manufacturers in South Africa did not have stock. Therefore, it was agreed that a similar or equivalent vehicles be allowed to address the need.

Consensus was reach between both parties and was implemented as such.

5. FINANCIAL IMPLICATIONS

The expenditure on the proposed amended contract, will be based on the current terms and conditions of contract, inclusive of existing escalation terms, currently governing expenditure of the contract.



By amending the proposed contract (BV956/2022) will provide a high financial income to the BVM Council, due to the corrected value for money categories

Operational expenditure to these amended contracts, will be managed and monitored by the relevant budget holders, ensuring control of expenditure.

6. APPLICABLE LEGISLATION / COUNCIL POLICY

Local Government: Municipal Finance Management Act, 2003(Act 56 of 2003)
Circular 57, National Treasury Practise note
Circular 62, National Treasury Practise note
Circular 73 National Treasury Practise note
Circular 102, National Treasury Practice note
Breede Valley Municipality Supply Chain Management Policy, as amended
Breede Valley Municipality Contract Management Framework as part of the SCM Policy, as amended

Section 116 (3) of the Municipal Finance Management Act 56 of 2003 determines as follows—

“A contract or agreement procured through the supply chain management policy of the municipality or municipal entity may be amended by the parties, **but only after**— (*own highlight and underlining*)

- (a) the reasons for the proposed amendment have been tabled in the council of the municipality or, in the case of a municipal entity, in the council of its parent municipality; and
- (b) the local community—
 - (i) has been given reasonable notice of the intention to amend the contract or agreement; and
 - (ii) has been invited to submit representations to the municipality or municipal entity.”

In order to comply with section 116 (3) of the Municipal Finance Management Act, a public participation process was followed, whereby the intention to amend this contract was advertised as follow:

Section 116(3) Notification for Public Participation

Date of Advertising: 10 March 2023
Method of Advertising: Notice Boards; Breede Valley Municipality Website
Closing Date for Comments: 11 April 2023 @11:00am

During closing date of the advertisement, which was on the **11th of April 2023**, no comments were received from the public (reference can be made to annexure “C” attached to this report).

COMMENT OF DIRECTORATES / DEPARTMENTS

Municipal Manager: Supported.

Director: Strategic Support Services: Supported.



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Director: Financial Services:	Supported.
Senior Manager Supply Chain Management Unit:	Supported.
Director: Engineering Services:	Supported.
Director: Community Services:	Author of the item
Legal Services:	Supported.

7. ANNEXURES

Annexure A: Intent to amend document

Annexure B: Bill of Quantities

Annexure C: Proof of Advertisement

RECOMMENDATION

That in respect of

PROPOSED AMENDMENTS TO BID BV 956/2022: PROVISION OF SPEED LAW ENFORCEMENT AND BACK-OFFICE SERVICES FOR A PERIOD ENDING 30 JUNE 2025 IN COMPLIANCE WITH SECTION 116(3) OF THE MFMA

discussed by Council at the Council meeting held on 22 August 2023:

1. That **cognisance be taken** of the reasons for the proposed amendment of **Contract BV 956/2022: PROVISION OF SPEED LAW ENFORCEMENT AND BACK-OFFICE SERVICES FOR A PERIOD ENDING 30 JUNE 2025**, enabling provisions of Section 116(3) of the Local Government: Municipal Finance Management Act 2003 (Act 56 of 2003), and that the amendments of the contract be consented to.

TO ACTION:

D. Maart



7.8 APPOINTMENT OF AUDIT COMMITTEE MEMBERS DUE TO VACANCY

File No. /s: 2/1/1/3/2

Responsible Official: W du Plessis

Directorate: Municipal Manager

Portfolio: Internal Audit

1. PURPOSE

To obtain Council's approval for:

The appointment of three (3) new members to the Audit and Performance Audit Committee due to vacancies that occurred in the committee.

2. BACKGROUND

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

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

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

2.1 Functioning of the Audit and Performance Audit Committee

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

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



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

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

2.2 Current Breede Valley Municipality Audit and Performance Audit Committee

The 3 vacancies arose in the current Audit and Performance Audit Committee which was advertised during July 2023. The applications received was discussed with the Accounting Officer and Executive Authority, and compliance with the relevant requirements have been confirmed in relation to the relevant skills, experience and committee membership required.

The appointment of the recommended three (3) successful candidates complies with the relevant legislative prescripts and possess a vast array of skills and experience applicable to audit committee functionality. The individuals have indicated their willingness to serve on the Audit and Performance Audit Committee respectively, and their CV's are available for inspection.

In order to ensure business continuity and skills transfer the APAC Charter prescribes that there be a staggered approach to the appointment of audit committee members, and for this purpose it is recommended that two (2) members be appointed initially to ensure compliance with legislative requirements relating to membership, and a third member, from the pool of successful candidates, be appointed from the start of the new year (i.e. January 2024).

3. FINANCIAL IMPLICATIONS

Meeting rate as determined by Council approved Audit Committee Charter.

4. APPLICABLE LEGISLATION / COUNCIL POLICY

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

National Treasury Internal Audit Framework 2nd Edition (March 2009)

MFMA Circular No. 65(November 2012)

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

Audit and Performance Audit Committee (APAC) Charter



COMMENT OF DIRECTORATES / DEPARTMENTS CONCERNED

Municipal Manager:	Supported
Director: Community Services:	Supported
Director: Strategic Support Services:	Supported
Director: Financial Services:	Supported
Director: Engineering Services:	Supported
Senior Manager: Water Services:	Support
Senior Manager: Planning and Development:	Recommendation supported
Senior Manager: Legal Services:	Recommendation to council noted

RECOMMENDATION:

That in respect of

APPOINTMENT OF AUDIT COMMITTEE MEMBERS DUE TO VACANCY

discussed by Council at the Council meeting held on 22 August 2023:

That **Mr E. Abrahams and Ms L. Smit** be appointed as the new Audit and Performance Audit Committee members with effect from 1 September 2023, and that a staggered approach be followed in the appointment of the third member, from the pool of successful candidates, as from the start of the new year (i.e., January 2024).

TO ACTION:

W. du Plessis

7.9 APPROVAL OF THE AUDIT & PERFORMANCE AUDIT COMMITTEE CHARTER

File No. /s: 2/1/1/3/2

Responsible Official: W du Plessis

Directorate: Municipal Manager

Portfolio: Internal Audit

1. PURPOSE

To gain Council approval of the amended Charter of the Audit & Performance Audit Committee of the Breede Valley Municipality.

2. BACKGROUND

The purpose, roles, responsibilities, and authority of the Audit Committee must be clearly defined in an Audit Committee Charter. The Audit Committee is an independent advisory committee of Council whose function is to provide an oversight role to Council.

The Audit & Performance Audit Committee amended Charter with relevant track changes, are hereby submitted to Council as prescribed. *Attached as annexure A respectively.*

The Audit & Performance Audit Committee amended their Charter to be in line with the relevant prescripts at an Audit Committee meeting held on 19 June 2023 and resolved as follows:

“RESOLVED

That in respect of

REVIEW AND APPROVAL OF AUDIT COMMITTEE CHARTER

discussed by the Audit Committee at the Audit Committee meeting held on 19 June 2023:

The Audit & Performance Audit Committee Charter is recommended for approval to Council.”

3. FINANCIAL IMPLICATIONS

N/A



4. APPLICABLE LEGISLATION / COUNCIL POLICY

Municipal Finance Management Act (Section 166)
 Municipal Planning & Performance Management Regulations (Section 14)
 National Treasury Internal Audit Framework 2nd Edition (March 2009)
 MFMA Circular 65(November 2012)
 Audit & Performance Audit Committee Charter

COMMENT OF DIRECTORATES / DEPARTMENTS CONCERNED

Municipal Manager:	Supported
Director: Community Services:	Supported
Director: Strategic Support Services:	Supported
Director: Financial Services:	Supported
Director: Engineering Services:	Supported
Senior Manager: Water Services:	Support
Senior Manager: Planning and Development:	Recommendation supported
Senior Manager: Legal Services:	Recommendation to council noted

RECOMMENDATION

That in respect of

APPROVAL OF THE AUDIT & PERFORMANCE AUDIT COMMITTEE CHARTER

discussed by Council at the Council meeting held on 22 August 2023:

The amended Audit Committee Charter is approved.

TO ACTION:

W. du Plessis



7.10 STAFF ESTABLISHMENT REVIEW AND PROPOSED CHANGES FOR IMPLEMENTATION ON 1 SEPTEMBER 2023

File No./s: 2/3/3/1

Responsible Official: G Cook

Directorate: Strategic Support Services

Portfolio: Human Resources

1. Purpose

The purpose of this item is to obtain Council's approval of the Staff Establishment for Breede Valley Municipality in terms of the Local Government: Municipal Staff Regulations No. 890 of 2021 for implementation on 1 September 2023.

2. Background

In terms of the Local Government: Municipal Staff Regulations ("**MSR**") a municipal council must determine the municipality's Staff Establishment, which will provide the basis for each directorates' strategic workforce and human resource planning.

The municipality's current staff establishment was approved on 26 January 2021. Review processes of the staff establishment of the municipality was finalized as required by legislation. On 20 June 2023 the reviewed staff establishment, attached as **Annexure A**, was tabled in the municipal council for in principle approval subject to consultation with the MEC. The proposed Staff Establishment was submitted to the MEC on 4 July 2023 and the MEC's deadline for comments expired on 3 August 2023. Municipal officials met with the administrative staff of the MEC's office on 2 August 2023 and further detailed information was provided to the MEC on 7 August 2023. To date, the office of the MEC has not provided input on the proposed Staff Establishment. The MSR provide that if input by the MEC is not provided within one (1) month, the municipal council may proceed to finally approve the Staff Establishment without such comments.

During the review of the Staff Establishment and in compliance with Chapter 2, sub-regulations 6(1)(d)(iii) and 6(5)(d) of the MSR, regard was had to the integrated development plan of the municipality.

Furthermore, as per Chapter 2, sub-regulation 6(1)(iv) of the MSR, the draft Staff Establishment is aligned to the powers and function of the municipality. According to the MSR, the municipal manager must review the municipality's staff establishment within 12 months in any of the following instances:

- (a) The election of a new municipal council; or



- (b) the adoption of the integrated development plan of the municipality as contemplated in section 25 of the Act;
- (c) material changes to the functions of the municipality; and
- (d) the determination of new municipal boundaries.

Further, the municipal manager must submit a report and the proposed staff establishment for approval by the municipal council.

The municipal manager's report to the municipal council must include:

NUMBER	DESCRIPTION	ACTIVITY
1	Process followed in drafting the staff establishment	Consultations with Senior Management, Mayco, Unions, Directorates per sections.
2	The proposed posts that will materially change; change to a limited or non-material degree; be abolished; and not affected by the changes	As per Annexure B attached hereto.
3	Proposed changes and link it to the strategic drivers within the Integrated Development Plan, including an analysis of the strengths, motivate any weaknesses and limitations of the current establishment.	As per Annexure C attached hereto.
4	Provide details of the financial implications of the changes, including but not limited to the outcomes of job evaluation processes, staff remuneration costs, costs for the relocation of staff, if any, and costs of new facilities and equipment, if any; outline the non-financial implications of the changes, including the impact on existing staff and key stakeholders within the municipality.	The Staff Establishment will be funded from the personnel budget.
5	Propose an implementation plan with specific timeframes within which the new staff establishment will take effect; and outline the stakeholder and change management requirements.	The Staff establishment will be implemented from 1 September 2023. Where post have changed or new post were created and current staff need to be placed in terms of the Placement Policy, such placement must be finalized within six months from the date of commencement. Change management sessions with applicable staff will be facilitated.



The process followed to draft the staff establishment was very involved and comprehensive involving various phases.

3. Financial Implications

The staff establishment will be funded from the personnel budget.

4. Applicable Legislation / Council Policy

1. The Constitution of the Republic of South Africa
2. Local Government: Municipal Systems Act (No. 32 of 2000)
3. Local Government: Municipal Staff Regulations (No. 890 of 2021)
4. Local Government: Municipal Finance Management Act (No. 56 of 2003)

5. ANNEXURES

Annexure A:	Staff Establishment
Annexure B:	Post changes
Annexure C:	BVM HR Strategy

6. Comment of Directorates / Departments concerned:

Municipal Manager:	Supported
Director: Strategic Support Services:	Author of the item
Director: Financial Services:	Supported
Director: Engineering Services:	

In terms of the Local Government: Municipal Staff Regulations No. 890 of 2021, Chapter 2, sub-regulation 6 (5) The municipal manager's report to the municipal council must –

- (e) provide details of the financial implications of changes, including but not limited to the outcome of job evaluation processes, staff remuneration cost, cost for the relocation of staff, if any, and cost of new facilities and equipment, if any;
- (f) outline the non-financial implications of the changes, including existing staff and key stakeholders within the municipality:

FINANCIAL IMPLICATIONS above, do not meet the requirements of MSR, Chapter 2, sub-regulation 6(5)(e) and (f). It is not confirmed that The Staff Establishment is fully funded.



Confirmation that The Staff Establishment is fully funded and approved as part of MTREF (salary budget), is required.

On confirmation that The Staff Establishment is fully funded, this Item and recommendation are supported.

Director: Community Services: Item supported

RECOMMENDATION

That in respect of -

STAFF ESTABLISHMENT REVIEW AND PROPOSED CHANGES FOR IMPLEMENTATION ON 1 SEPTEMBER 2023

as discussed by Council at the Council Meeting held on 22 August 2023:

1. That Council finally approve the Staff Establishment as per **Annexure A** for implementation **from 1 September 2023**; and
2. that once input from the MEC is received on the Staff Establishment that recommend changes thereto, that such input with the response from the municipal manager thereto be tabled at council for consideration within sixty (60) days.



7.11 RECRUITMENT AND SELECTION OF THE DIRECTOR: PLANNING, DEVELOPMENT AND INTEGRATED SERVICES**File No./s:** 2/3/3/1**Responsible Official:** D McThomas**Directorate:** Municipal Manager**Portfolio:** Municipal Manager

1. PURPOSE

The purpose of this item is to recommend to Council that the process for the recruitment and selection of the Director: Planning, Development and Integrated Services position commence.

2. BACKGROUND

The relevant section of the Local Government: Municipal Systems Amendment Act, 2022 determines:

“56 Appointment of managers directly accountable to municipal managers

- (1) (a) *A municipal council, after consultation with the municipal manager, must appoint-*
- (i) a manager directly accountable to the municipal manager; or*
 - (ii) an acting manager directly accountable to the municipal manager under circumstances and for a period as prescribed.*
- (b) *A person appointed in terms of paragraph (a)(i) or (ii) must at least have the skills, expertise, competencies and qualifications as prescribed.*
- (c) *A person appointed in terms of paragraph (a)(ii) may not be appointed to act for a period that exceeds three months: Provided that a municipal council may, in special circumstances and on good cause shown, apply in writing to the MEC for local government to extend the period of appointment contemplated in paragraph (a), for a further period that does not exceed three months.*
- (2) *A decision to appoint a person referred to in subsection (1)(a)(ii) or (ii), and any contract concluded between the municipal council and that person in consequence of the decision, is null and void if-*
- (a) the person appointed does not have the prescribed skills, expertise, competencies, or qualifications; or*
 - (b) the appointment was otherwise made in contravention of this Act, unless the Minister, in terms of subsection (6), has waived any of the requirements listed in subsection (1)(b).*



3. APPLICABLE LEGISLATION / COUNCIL POLICY

5. The Constitution of the Republic of South Africa
6. Local Government: Municipal Systems Amendment Act (No. 3 of 2022) and Regulations
7. Local Government: Municipal Staff Regulations (No. 890 of 2021)
8. Local Government: Municipal Finance Management Act (No. 56 of 2003)

4. FINANCIAL IMPLICATIONS

The position is funded. The financial implications will be the total cost to company, the advertisement costs and payment to the recruitment agency.

5. COMMENT OF DIRECTORATES / DEPARTMENTS CONCERNED:

Municipal Manager:	Co-Author of the item
Director: Strategic Support Services:	Author of the item
Director: Financial Services:	Supported
Director: Engineering Services:	Item and recommendation supported
Director: Community Services:	Item supported

RECOMMENDATION

That in respect of

RECRUITMENT AND SELECTION OF THE DIRECTOR: PLANNING, DEVELOPMENT AND INTEGRATED SERVICES

discussed by the Council at the Council meeting held on 22 August 2023:

1. That Council affirms that the position of the Director: Planning, Development and Integrated Services is on the council approved final staff establishment which will be implemented on **1 September 2023**;
2. that the newly created post of the Director: Planning, Development and Integrated Services will be vacant on **1 September 2023**;



3. that in terms of Regulation 7(2)(a) of the Regulations on the Appointment and Conditions of Employment of Senior Managers (herein after referred to as "The Regulations") Gazetted on 17 January 2014 (Gazette No. 37245) Council grant approval that the budgeted post of the Director: Planning, Development and Integrated Services be filled;
4. that the contract of employment of the Director: Planning, Development and Integrated Services will be on a permanent basis as per the Local Government: Municipal Systems Amendment Act, 2022, subsection 57(7);
5. that the Municipal Manager must ensure compliance with the Local Government: Municipal Staff Regulations (No. 890 of 2021), Chapter 2;
6. that the Municipal Manger must ensure that the post of the Director: Planning, Development and Integrated Services is advertised in a newspaper circulating nationally and in this province within fourteen (14) days from Council resolving to fill the vacancy, **but only after 1 September 2023**;
7. that the services of a competent and experienced recruitment agency be used during the recruitment process, subject thereto that the advertising, recruitment, selection procedure and competency testing complies with the Regulations;
8. that Council appoint the following members to the selection panel, for the recruitment and selection of the Director: Planning, Development and Integrated Services:
 - 8.1 The Municipal Manager who is the Chairperson;
 - 8.2 Alderman Wouter Meiring; and
 - 8.3 Mr Henry Prins (Cape Winelands District Municipality: Municipal Manager) who has expertise and experience in the area of the advertised post;
9. that the selection panel submit a report and recommendation on the selection process to the Council on the suitable candidates who comply with the relevant competency requirements of the post in order of preference.



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

