

MINUTES

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

Date distributed

THE 8TH COUNCIL MEETING OF THE 2021/2022 FINANCIAL YEAR

2022-02-23 AT 10:00

APPROVED BY SPEAKER



DATE

2/03/2022



BREDE VALLEY
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1. OPENING AND WELCOME

In terms of the Rules of Order for Internal Arrangement By-Law 2012 (as amended) the chairperson must take the chair at the time stated in the notice of the meeting or as soon thereafter as is reasonably possible: provided that the meeting does not commence later than 30 (thirty) minutes after the time stated in the notice of the meeting and must proceed immediately with the business of the meeting.

The Speaker opened the meeting at 10:10 and welcomed everyone present. The MM confirmed that all Boardrooms utilised for the Council Meeting comply with Covid19 protocol.

The Speaker conducted a roll call of the Councillors present. The Speaker afforded a moment of silence for prayer and meditation for all religions.

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.

The Speaker disclosed that there is a Motion brought against him where he will recuse himself at Item 9.1.

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.

The Speaker received an Application for Leave from Ald. C. Ismail.

3. COMMUNICATION

3.1 INTERVIEWS OR PRESENTATIONS BY DEPUTATIONS

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

"A deputation seeking an interview with Council must give the Municipal Manager 6 (six) days written notice of its intention and furnish details of the representations to be made and the source of the deputation. The Municipal Manager must submit a request by a deputation for an interview with Council to the Speaker, who may decide to grant or refuse an interview and under what conditions

3.2 BIRTHDAYS OF COUNCILLORS

Ald. A. Steyn	27 February 2022
Cllr C. T. Nyithana	8 March 2022
Cllr L.R. Yayi	16 March 2022

The Speaker asked Cllr T. Manuel to congratulate the Councillors on their respective birthdays.

3.3 STATEMENTS BY THE SPEAKER

The Speaker thanked the Whips of all Political Parties for attending the meetings.

The Whips requested that the Council Meetings not be virtual anymore and therefore the next Council Meeting will be held in the Council Chambers of the Cape Winelands District Municipality.

The Section 80 Committee Meetings have commenced, and the Speaker requested that all political parties partake in these meetings which was resolved by resolution of Council.

3.4 STATEMENTS BY THE EXECUTIVE MAYOR

The community is requested to still be safe in terms of Covid 19 and everyone is urged to vaccinate. The Town Hall is open for vaccinations and boosters on Tuesday's and Thursday's.

Gift of Givers were in Touwsriver last weekend and rolled out a project in collaboration with the Department of Health. The Executive Mayor expressed her gratitude for this project.

The Executive Mayor welcomed Cllr F. Vaughan and congratulated her with her appointment as Mayco Member for Strategic Support Services.

The Executive Mayor also thanked Mr JP Myburgh and Director, Mr R Esau for continuously making important information available.

Council will be informed of a meeting that will be held urgently to discuss a plan to better the safety of the community.

The new Director: Public Services, Mr Naidoo, will commence with his employment on 1 March 2022. The Executive Mayor expressed her gratitude and applauded Mr J Pekeur and Mr P Hartzenberg for acting in this position in difficult times.

Sewerage is still a continuous problem which must be resolved. The Executive Mayor thanked everyone for assisting with sewerage issues.

The Executive Mayor congratulated the MM and Mr J. Steyn with the opening of the swimming pool at Zwelethemba later today.

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 January 2022 (Copy enclosed)

RECOMMENDATION

That in respect of

CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

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

1. As the Minutes of the Council Meeting held on 25 January 2022 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 25 January 2022 be taken as read and confirmed.

PROPOSED: CLLR E. VAN DER WESTHUIZEN

SECONDED: CLLR P.C. RAMOKHABI

RESOLVED

C21/2022

That in respect of

CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING**discussed by Council at the Council Meeting held on 23 February 2022:**

1. As the Minutes of the Council Meeting held on 25 January 2022 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 25 January 2022 be taken as read and confirmed.
-

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

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

The ANC requested a caucus at 10:40 which was approved by the Speaker. Meeting reconvened at 11:10.

6. CONSIDERATION OF AGENDA ITEMS**6.1 MID-YEAR ADJUSTMENTS BUDGET – FEBRUARY 2022**

The Executive Mayor tabled the Mid-Year Adjustments Budget- February 2022 before Council for approval.

File No. /s: 3/2/2/21

Responsible Official: A Crotz

Directorate: Financial Services

Portfolio: Financial Services

1. Purpose

This serves to submit an adjustments budget for the 2021/22 financial year:

- Adjust revenue and expenditure projections after the half yearly performance (section 72 report);
- Adjust the capital program to provide for amendments to current projects, new projects to be implemented and to remove / postpone projects that will not be implemented in the 2021/22 financial year.
- Include approved unspent conditional grants of 2020/21 financial year from National and / or Provincial Government.

2. Background:

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

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

- Must adjust the revenue and expenditure estimates downwards if there is a material under-collection of revenue during the year;
- May appropriate additional revenues that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmed already budgeted for;

- May, within the prescribed framework, authorize unforeseen and unavoidable expenditure recommended by the Mayor;
- May authorize the utilization of projected savings in one vote towards spending under another vote;
- May authorize the spending of funds that were unspent at the end of the past financial year where the under-spending could not reasonably have been foreseen at the time to include projected roll-overs when the annual budget for the current year was approved by council;
- May correct any errors in the annual budget, and
- May provide for any other expenditure within a prescribed framework.

Municipal Budget and Reporting Regulations further provides that;

B. Timeframes for tabling of adjustments budgets

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

3. Financial Implications:

Financial implications are contained in the detail in this report.

4. Applicable Legislation / Council Policy:

- The MFMA Section 28, 30 and 16(3)

- Municipal Budget and Reporting Regulations
 - Council Budget related Policies
-

**ADJUSTMENTS BUDGET -
SCHEDULE B REPORT
23 FEBRUARY 2022**



BREED VALLEY
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Adjustments Budget of the Municipality

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

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SECTION A – Part 1

1. Glossary

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

Allocations – Money received from Provincial and National Treasury.

Budget – The financial plan of a municipality.

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

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

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

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

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

GDFI - Gross Domestic Fixed Investment

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

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

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 Breede Valley Municipality remains committed to the cause of bringing respectable services to all households. We as a municipality acknowledge the fact that households are faced with numerous difficulties, ranging from social to economic challenges, which is worsened by the effect of COVID-19. The pandemic will leave consequences, of which many that will not be neutralised in the short term but will require combined and integrated strategies of all the various stakeholders.

We view our role in addressing these challenges are integral to improve quality of life and will therefor continue to play part in creating a conducive environment for job creation and social upliftment. It should be taken to heart that not all plans made will be completed within the timeframes, but we as a municipality is committed in ensuring that all projects commenced are completed.

This adjustments budget serves the purpose of reflecting on the past six months of the 2021/22 financial year, and to address the areas within the budget that is not performing as planned. In addition, this adjustments budget will also approve unspent conditional grant funds of previous financial year that have since been approved by the National and Provincial government.

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

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

3. Resolutions

That council approves the following:

- (a) To approve the adjustments budget as tabled in terms of section 28 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003).

- (b) The recommendations regarding resolutions are contained at the end of this report and have been prepared and presented according to the budget regulations.

4. Executive Summary

The Mid-year Adjustments Budget serves to address any budget amendments that require the approval of council. These amendments are imperative to service delivery to allow for unforeseen challenges to be attended to enable accelerated implementation plans.

The current economic climate of the Breede Valley Municipal area forced the municipality to relook at resource allocation to promote the optimal utilization of available resources in a prudent and financially viable manner.

The Mid-year Adjustments Budget includes provincial rollovers from the 2020/21 financial year amounting to the following per grant:

Approved Roll-overs (Operating)

- Financial Management Capacity Building Grant: R175 000.00
- Regional Socio-Economic Project Grant: R183 261.65
- Community Development Grant: R30 717.07
- Disaster Management Grant: R36 736.50
- Tittle Deeds Restoration Grant: R2 505 318.11

Additional / Amendment Funding (Operating and Capital)

- Cape Winelands District Municipality Grant: R420 000.00 (Operational)
- Cape Winelands District Municipality Grant: R428 755.00 (Capital)

5. Adjustments Budget Tables – refer to Annexure A

B1 Consolidated Adjustments Budget Summary

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

The table provides an overview of the amounts approved by Council for operating performance, resources deployed to capital expenditure, financial position, cash and funding

compliance, as well as the municipality's commitment to eliminating basic service delivery backlogs.

B2 Consolidated Adjustments Budget Financial Performance by Standard Classification

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

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

B3 Consolidated Adjustments Budget Financial Performance By Municipal Vote

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

B4 Consolidated Adjustments Budget Financial Performance (Revenue and Expenditure)

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

In line with the formats prescribed by the Municipal Budget and Reporting Regulations, capital transfers and contributions are excluded from the Total Revenue, as inclusion of these revenue sources would distort the calculation of the operating surplus/deficit.

B5 Consolidated Adjustments Budget Capital Expenditure Vote and Funding

Table B5 is a breakdown of the capital programme in relation to capital expenditure by municipal vote (multi-year and single-year appropriations); capital expenditure by standard

classification; and the funding sources necessary to fund the capital budget, including information on capital transfers from national and provincial departments.

B6 Consolidated Adjustments Budget Financial Position

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

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

B7 Consolidated Adjustments Budget Cash Flows

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

B8 Consolidated Cash Backed Reserves/Accumulated Surplus Reconciliation

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

B9 Consolidated Asset Management

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

B10 Consolidated Basic Service Delivery Measurement

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

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

The 2021/22 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 2021/22 Adjustments Budget remain consistent with the Long-Term Financial Plan to ensure continued synergy between long term planning and implementation planning.

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

Addition of approved rollover grant allocations from the 2020/21 financial year.

Adjustments to general expenditure to curb and eliminate non-priority spending.

Operational Revenue and Expenditure

The additions made to the capital and operational expenditure budget is due to an increased collection rate than initially anticipated. This was calculated on the budgeted versus actual collections over the first six months of the financial year. This trend is anticipated to continue for the remainder of the 2021/22 financial year.

1. Operational Revenue

Operational revenue and amendments made with the Adjustments Budget is informed by the performance trends over the past six months.

Property Rates: Additional revenue, over and above the initially anticipated budget amount will be realized in the current financial year.

Service Charges – Electricity: Revenue from this source is adjusted downwards in line the performance trends over the first six months of the current financial year, and also in line with the anticipated performance over the remainder of the 2021/22 financial year. This is attributed to decreased consumption levels.

Service Charges – Water – Based on the performance trends, higher than initially anticipated revenue performance will be realized at the end of the financial year. This is attributed to increased consumption levels.

Transfers subsidies: Increased with the rollover grant allocations from the 2021/22 financial year.

2. Operational Expenditure

Employee Related Cost – Similar to the previous financial year, a significant number of positions on the approved organogram were unfunded in the 2021/22 financial year. However, given the demand for service delivery, these positions are to a significant extent being re-financed in a very conservative manner to carefully balance service delivery and financial sustainability.

Debt Impairment – This budgeted amount relates mainly to traffic fines, and to a lesser extent to service debtor accounts. Current and improved credit control and debt collection mechanisms and strategies are in place to minimize the risk over unauthorized expenditure on the 2021/22 contribution towards the provision for debt impairment.

Other Materials – The additions to the Other Materials budget relates largely to Consumables and Materials and Supplies needed for service delivery functions and to a lesser extent fuel cost.

Contracted Services – Significant additions to Contracted Services are in the form of additional EPWP workers, Maintenance of Equipment, Maintenance of Buildings and Facilities, Maintenance of Electrical Infrastructure, and Burials.

Other Expenditure – Significant additions to the expenditure category is in the form of Software Licenses, Operating Leases (printers and photocopiers) and Rental of Chemical Toilets.

Capital Expenditure

Amendments to the capital budget:

- Reprioritization of Municipal Infrastructure Grant in line with the revised Detailed Project Implementation Plan (DPIP). Please refer to the table below. Finance Source 8,0 and Finance Code CNMIG).
- Additional R428 755.00, funded by Cape Winelands District Municipality for the Erosion Protection of Hex River Project.
- Other projects adjusted and / or moved to finance other projects and / or in line with the anticipated implementation plans for the current financial year.

Detailed Capital Budget

The table below outlines all amendments from the Original Budget to the Total Funded Budget (Adjustments Budget).

Description	Finance Source	Finance Code	Final Budget	Roll overs from 2021/22	Virements	Other Adjustments/ Additional funding	Adjustments Feb 2022	Total Fundec budget 2021/22
Engineering and Public Services								
Rawsonville WwTW								
Extension of WwTW (0,24 Ml/day)	8,0	CNMIG	6 296 742					6 296 7

Reservoirs								
Pre-loads	8,0	CNMIG					15 971 780	15 971 7
Klipvlakte/ Transhex Residential Development (13 000 erven)								
Electrical Reticulation	8,2	CNINE	21 000 000					21 000 0
Resealing of Roads								
Resealing of Municipal Roads - Rawsonville	3,2	CRR	500 000					500 0
Resealing of Municipal Roads - Worcester								
MIG	8,0	CNMIG	25 776 248		-6 250 157		-19 526 091	
CRR	3,0	CRR	2 000 000					2 000 0
Resealing of Municipal Roads - Avian Park	8,0	CNMIG	1 124 263				45 512	1 169 7
Resealing of Municipal Roads - Touwsrivier	8,0	CNMIG					3 339 937	3 339 9
Resealing of Municipal Roads - Rawsonville	8,0	CNMIG					2 941 699	2 941 6
Resealing of Municipal Roads - De Doorns	3,0	CRR	1 000 000					1 000 0
Traffic Circles								
Traffic Circles: (High and Louis Lange)	3,0	CRR	6 000 000					6 000 0
Networks								
Replacement of Water Network (Roll-over)	3,0	CRR	1 000 000		-1 000 000			
Electricity (8112)								
Refurbishment of electrical system	3,0	CRR	4 500 000	1 209 135	-2 800 000		-650 000	2 259 1
Refurbishment of substations	3,0	CRR					650 000	650 0
Cherry Picker vehicles	3,0	CRR	3 860 114		-655 000			3 205 1
Quality of supply data loggers and monitoring equipment.	3,0	CRR	1 000 000					1 000 0
Altona new Electrical Substation	3,0	CRR	6.000 000		2 800 000			8 800 0
Electricity - Vehicles	3,0	CRR	750 000		-42 000			708 0

Electricity - Machinery and Equipment	3,0	CRR	500 000		42 000			542 0
Civil Engineering								
LDV	3,0	CRR	250 000				-25 000	225 0
Survey Equipment	3,0	CRR	50 000		-6 530		-462	43 0
Office Furniture	3,0	CRR	30 000		-30 000			
SOLID WASTE MANAGEMENT								
WORCESTER								
Wheeliebins	3,0	CRR	1 000 000				-627 500	372 5
Ward Priorities								
Speed Humps	3,0	CRR	2 000 000		-253 470			1 746 5
High Mast lights	3,0	CRR	3 900 000					3 900 0
Development of Playparks	3,0	CRR	1 000 000				-20 000	980 0
Fencing of Substations	3,0	CRR	250 000					250 0
Bus Stop / Shelter	3,0	CRR	100 000					100 0
Outdoor Gym	3,0	CRR	98 000				20 000	118 0
Ward 2								
De Doorns : Transfer Station	8,0	CNMIG	516 145				-516 145	
De Doorns Water Purification Works : Augmentation of DAF Unit (MIG funding)	8,0	CNMIG	2 546 602				-2 546 602	
Ward 7								
High to Protea Str. slip lane	3,0	CRR		640 000			-31 115	608 8
Ward 8								
Upgrading of Gravel Roads	3,0	CRR	3 000 000					3 000 0
Replace 11 Kv cable from Mc Allistor to Field Sub (1 600 m @ 185 mm Al PILC)	3,1	CRR		1 054 390				1 054 3
Erosion Protection of Hex River (Zweletemba)								
Erosion Protection of Hex River : Phase 2 (300m @ R13,333.33/m)	3,0	CRR	3 150 000	678 081	4 000 000			7 828 0
Erosion Protection of Hex River : Phase 2 (300m @ R13,333.33/m)	5,0	CGRDM					428 755	428 7
Ward 12								

Upgrading of Gravel Road	3,0	CRR	6 000 000	123 233	-3 000 000			3 123 2
Upgrading of gravel roads	8,0	CNMIG			6 250 157			6 250 1
Ward 21								
Upgrading of gravel roads	3,0	CRR	1 000 000		-1 000 000			
High Mast Light	3,0	CRR	600 000					600 0
High Mast Light	8,0	CNMIG					289 910	289 9
SERVICE CONNECTIONS (Depending on Public Contr)								
Sewer Connections	3,3	CRR	1 120 000					1 120 0
Electricity Connections	3,3	CRR	1 000 000					1 000 0
Water Connections	3,3	CRR	2 719 200					2 719 2
Water & Sewer Networks								
Machinery and Equipment	3,0	CRR	1 000 000		-26 000			974 0
Municipal Vehciles (LDV)	3,0	CRR	1 500 000		1 660 000			3 160 0
Upgrading of Sewer Network	3,0	CRR					200 000	200 0
ROADS AND STORMWATER								
Machinery and Equipment	3,0	CRR	1 000 000		-173 000			827 0
Public Services - Vehicles	3,0	CRR	1 500 000		-702 000			798 0
Building Control								
Furniture and Office Equipment	3,0	CRR					15 000	15 0
Airconditioner	3,0	CRR					25 000	25 0
Land Infill Developments								
Johnsons Park - Water	3,0	CRR	292 085				98 981	391 0
Johnsons Park - Sewer	3,0	CRR	876 009				274 183	1 150 1
Johnsons Park - Stormwater	3,0	CRR	189 856				68 058	257 9
Johnsons Park - Electricity	3,0	CRR	1 980 000		-1 060 000			920 0
Johnsons Park - Roads	3,0	CRR					824 487	824 4
Site D - Avian Park (25 Erven)Roads	3,0	CRR		257 109			-257 109	
Site D - Avian Park (25 Erven)Stormwater	3,0	CRR		275 000			-275 000	
Avian Park Industrial - Water	3,0	CRR	100 000				-100 000	

Avian Park Industrial - Sewer	3,0	CRR	100 000				-100 000	
Avian Park Industrial - Stormwater	3,0	CRR	100 000				-100 000	
Avian Park Industrial - Electricity	3,0	CRR	100 000				-100 000	
Avian Park Industrial - Sewer Pumpstation	3,0	CRR	600 000				-333 600	266 4
Somerset Park - Water	3,0	CRR	50 000					50 0
Somerset Park - Sewer	3,0	CRR	50 000					50 0
Somerset Park - Stormwater	3,0	CRR	100 000					100 0
Somerset Park - Electricity	3,0	CRR	50 000					50 0
SWIMMING POOL: Zwelethemba - 5125								
Zwelethemba - New Swimming Pool	3,0	CRR	15 500 000					15 500 0
Municipal Manager								
Admin -0603								
Furniture and Equipment	3,0	CRR	5 000			45 000		50 0
Community Services								
ADMIN - 0903								
Furniture & Equipment	4,0	CRR	5 000			-2 043		2 9
SPORT: Esselen Park								
Replacement of fence perimeter	3,0	CRR	6 000 000			-1 000 000	-4 700 000	300 0
SPORT: Steenvliet								
Machinery and Equipment	3,0	CRR	100 000					100 0
WATERLOO LIBRARY - 4506								
Replace equipment	3,0	CRR	30 000			29 747		59 7
Replace equipment	6,1	CPLIB	100 000				-100 000	
Upgrade ramp	6,1	CPLIB					100 000	100 0
TRAFFIC								
Machinery and Equipment	3,0	CRR	100 000			-27 704	1 000 000	-185 040
Traffic - Vehicles	3,0	CRR	500 000			1 000 000		1 500 0
FIRE DEPARTMENT: ADMIN - 4203								

Machinery and Equipment	3,0	CRR	500 000					500 0
HOUSING : ADMIN - 7503								
Machinery and Equipment	3,0	CRR					80 000	80 0
FINANCIAL SERVICES								
Admin								
Furniture and Equipment	4,0	CRR	5 000			750 000		755 0
Computer Equipment	4,0	CRR		200 000	-15 000			185 0
Financial Planning								
Safeguarding of Assets	12,0	IF	400 000					400 0
Insurance claims	12,0	IF	400 000	584 000				984 0
Vehicle Distribution								
Fleet - Major parts and components	3,0	CRR					300 000	300 0
COUNCIL & MAYCO								
MAYORAL OFFICE - 0306								
Furniture and Equipment	3,0	CRR	5 000					5 0
STRATEGIC SUPPORT SERVICES								
STRATEGIC SUPPORT - ADMIN - 2103								
Furniture and Equipment	4,0	CRR	5 000					5 0
CIVIC CENTRE WORCESTER - 3903								
Solar pannel - conversion	3,0	CRR	500 000					500 0
OTHER BUILDINGS - 3915								
Upgrading of municipal building	3,0	CRR					50 000	50 0
INFORMATION TECHNOLOGY - 2114								
ICT - Computer Equipment	3,0	CRR	3 000 000		2 261 000	572 220	630 000	6 463 2
Call Center & Telephone (PBX) System	3,0	CRR	2 500 000					2 500 0
Biometric system	3,0	CRR	150 000					150 0
Fire Alarm (DR site)	3,0	CRR	150 000					150 0
Airconditioner (DR Site)	3,0	CRR	50 000					50 0

2. Adjustments to Budget Funding

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

3. Adjustments to Expenditure on Allocations and Grant

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

4. Adjustment to Allocations or Grants made by the Municipality

None.

5. Adjustment to Councilor Allowances and Employees

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

6. Adjustment to Service Delivery and Budget

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

7. Adjustment to Capital Spending Detail

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

8. Other Supporting Documents

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

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
Acting Director: Public Services:	Recommendation Supported

RECOMMENDATION:

That in respect of Adjustments budget for the Financial Year 2021/22 discussed by council at the Council meeting held on 23 February 2022

1. Council resolves that the budget of Breede Valley Municipality for the financial year 2021/22 be adjusted and approved with amendments as set out in the following Municipal Budget tables B1- B10 and Municipal Budget supporting documentation SB1 - SB19.
2. Council resolves that the Detailed Project Implementation Plan (DPIP) relating to the Municipal Infrastructure Grant (MIG) be revised as per approved budget.

PROPOSED: ALDERMAN A. STEYN

SECONDED: ALD. W.R. MEIRING

VOTES IN FAVOUR OF ALD. A. STEYN'S RECOMMENDATION: 28

RESOLVED

C22/2022

That in respect of Adjustments budget for the Financial Year 2021/22 discussed by council at the Council meeting held on 23 February 2022

1. Council resolves that the budget of Breede Valley Municipality for the financial year 2021/22 be adjusted and approved with amendments as set out in the

following Municipal Budget tables B1- B10 and Municipal Budget supporting documentation SB1 - SB19.

2. Council resolves that the Detailed Project Implementation Plan (DPIP) relating to the Municipal Infrastructure Grant (MIG) be revised as per approved budget.

To Action:

A. Crotz

6.2 PROPOSED AMENDMENTS OF THE TOP-LAYER KEY PERFORMANCE INDICATORS (TL KPI's) AS INDICATED IN THE 2021/22 SERVICE DELIVERY & BUDGET IMPLEMENTATION PLAN (SDBIP)**File No./s:** 3/15/1**Responsible Official:** C. Malgas**Directorate:** Strategic Support Services **Portfolio:** Performance Management

1. PURPOSE

To submit the proposed amendments of the TL KPI's, as encapsulated in the "***Annexure A - 2021-22 Top Layer SDBIP - Proposed Amendments***", to the Section 80 Committee for consideration and recommendation of approval to Council.

2. BACKGROUND

In terms of Section 54 (1)(c) of the Municipal Finance Management Act (Act 56 of 2003), read together with MFMA Circular 13, the mayor (on receipt of a statement or report submitted by the accounting officer of the municipality in terms of section 71 or 72) must:

- consider and, if necessary, make any revision to the SDBIP, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustments budget.

By exercising its oversight role in this regard, the Committee and Council can effectively ensure that service delivery targets and indicators are not revised downwards as a result of poor performance that are not justifiable. The proposed amendments of the TL KPI's (as per the 2021/22 SDBIP) are encapsulated in "***Annexure A – 2021-22 Top Layer SDBIP - Proposed Amendments***".

A summary of the key proposed amendments is depicted in the table below:

Directorate	TL KPI Ref	Summary of Proposed Changed
Directorate: CS	TL1 - 11	<ul style="list-style-type: none"> • Baseline performance (TL1 & 4 - 11) amended in accordance with the 2020/21 audited actuals and new KPI additions in 2021/22; • TL3 – “KPI” & “Unit of Measurement” descriptions have been amended, as the MRUMP has not been compiled and/or submitted to Council in the previous financial year. The compilation & submission of the initial MRUMP to Council, precedes subsequent reviews thereof. In conclusion, the wards have been amended to solely depict wards that have municipal rental units; • TL6 – “KPI” & “Unit of Measurement” descriptions have been amended to align with the corresponding plan as adopted by Council (i.e. Sport Facilities Infrastructure Master Plan); • TL10 – “Portfolio of Evidence” description amended as the Library Services Conditional Grant includes a capital as well as operating component; and • TL11 – Annual & Q4 target amended from 100 to 1 as the intention of the KPI is to review and submit 1 Municipal Housing Strategy to Council.
Directorate: ES	TL12 - 17	<ul style="list-style-type: none"> • Baseline performance (TL12 – 17) amended in accordance with the 2020/21 audited actuals and new KPI additions in 2021/22
Directorate: FS	TL18 - 35	<ul style="list-style-type: none"> • Baseline performance (TL18 – 30, 32 & 34 - 35) amended in accordance with the 2020/21 audited actuals and new KPI additions in 2021/22; • Annual & corresponding quarterly targets (TL18 – 25 & 29) amended in accordance with departmental input (baseline performance utilised as point of reference to amend targets accordingly); • TL32 – Spelling error corrected in “Portfolio of Evidence” column; and

		<ul style="list-style-type: none"> • TL33 – Semantical amendment made to the targeted submission date, as reflected in the “KPI” column
Municipal Manager	TL36 - 38	<ul style="list-style-type: none"> • TL37 – recommended that the targeted submission date to Council be amended from June 2022 to May 2022; and • TL38 – Baseline performance amended in accordance with the 2020/21 audited actuals.
Directorate: PS	TL39 - 42	<ul style="list-style-type: none"> • Baseline performance (TL39 & 42) amended in accordance with the 2020/21 audited actuals
Directorate: SSS	TL43 - 52	<ul style="list-style-type: none"> • Baseline performance (TL43 - 52) amended in accordance with the 2020/21 audited actuals and new KPI additions in 2021/22; and • TL51 – removal recommended as the staff establishment will only be reviewed within 12 months after adopting the 5th Generation IDP.

Council's approval of the proposed amendments to the 2021/22 TL SDBIP, will have a direct impact on the latest 2021/22 S57 Performance Agreements (particularly the Annexure A's which – amongst others – include the TL KPI's initially approved in the 2021/22 SDBIP). As a result, the Annexure A's (Municipal Manager, Director: SSS, Director: FS, Director ES & Director: CS) will be revised in accordance with the amendments made to the TL KPI's (subject to Council's approval). The Performance Agreement of the Director: Public Services, will be submitted to Council as soon as the position has been filled.

3. FINANCIAL IMPLICATIONS

None

4. APPLICABLE LEGISLATION / COUNCIL POLICY

Local government: Municipal Systems Act.

Local Government: Municipal Finance Management Act.

MFMA Circular 13

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

Acting Director: Public Services: Recommendation supported

Senior Manager Legal Services: Recommendation supported

DECISION OF SECTION 80 COMMITTEE:

RESOLVED

CS1/2022

That in respect of:

The proposed amendments of the TL KPI's as indicated in the 2021/22 SDBIP, tabled before the Community and Strategic Services Committee at the meeting held on Thursday, 17 February 2022:

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

DECISION BY MAYORAL COMMITTEE:**RESOLVED:****EX2/2022**

That in respect of:

The proposed amendments of the TL KPI's as indicated in the 2021/22 SDBIP, tabled before Mayco at the Mayco meeting held on Friday, 18 February 2022:

1. That Mayco takes note of the proposed amendments of the TL KPI's as encapsulated in "Annexure A – 2021-22 Top Layer SDBIP - Proposed Amendments"
2. That Mayco recommends that Council considers and approves the TL SDBIP Amendments encapsulated in Annexure A.

RECOMMENDATION

That in respect of:

The proposed amendments of the TL KPI's as indicated in the 2021/22 SDBIP**as discussed by Council at the Council Meeting held on 23 February 2022:**

1. That Council takes note of the proposed amendments of the TL KPI's as encapsulated in "Annexure A – 2021-22 Top Layer SDBIP - Proposed Amendments"
2. That Council considers and approves the TL SDBIP Amendments encapsulated in Annexure A.

PROPOSED: ALD. W.R. MEIRING**SECONDED: CLLR J.J. VON WILLINGH****Unanimously resolved by Council.****RESOLVED****C23/2022**

That in respect of:

The proposed amendments of the TL KPI's as indicated in the 2021/22 SDBIP**as discussed by Council at the Council Meeting held on 23 February 2022:**

1. That Council takes note of the proposed amendments of the TL KPI's as encapsulated in "**Annexure A – 2021-22 Top Layer SDBIP - Proposed Amendments**"
2. That Council considers and approves the TL SDBIP Amendments encapsulated in Annexure A.

To Action
C. Malgas

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

1. Purpose

To report to Council on all deviations and their reasons, approved by the delegated authority in terms of paragraph 36(2) of the Supply Chain Management Policy, for the month of January 2022.

2. Background

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

Deviations approved in terms of paragraph 36(1)(a) for the month of January 2022, are attached as **Annexure A**.

3. Financial Implications

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

4. Applicable Legislation / Council Policy

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

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

In respect of

REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF JANUARY 2022

as discussed by Council at the Council Meeting held on 23 February 2022:

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

PROPOSED: ALD. W.R. MEIRING

SECONDED: ALD. A. STEYN

Unanimously resolved by Council.

RESOLVED

C24/2022

In respect of

REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF JANUARY 2022

as discussed by Council at the Council Meeting held on 23 February 2022:

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

To Action:

K. Moteetee

**6.4 MINUTES OF THE AUDIT & PERFORMANCE AUDIT COMMITTEE
SUBMITTED TO COUNCIL FOR INFORMATION AND NOTIFICATION****File No. /s:** 2/1/1/3/2**Responsible Official:** W du Plessis**Directorate:** Municipal Manager**Portfolio:** Internal Audit

1. Purpose

To submit the minutes of the Audit & Performance Audit Committee to Council for information and notification.

2. Background

Since the initial appointment date, the Audit & Performance Audit Committee is fully functional and have met regularly as prescribed.

The members of the Audit & Performance Audit Committee requested that the minutes of the committee be submitted to Council as part of their communication to Council as prescribed by legislation and the approved Audit Committee Charter.

The Audit & Performance Audit Committee minutes for the relevant quarters are hereby submitted to the Council as prescribed. *Attached as annexure A.*

3. Financial Implications:

N/A

4. Applicable Legislation / Council Policy:

Municipal Finance Management Act (Section 166)
Audit & Performance Audit Committee Charter

Comment of Directorates / Departments concerned:

Municipal Manager:	Item Supported
Director: Community Services:	Supported
Director: Strategic Support Services:	Supported
Director: Financial Services:	Item Supported
Director: Engineering Services	Item supported
Director: Public Services (Acting):	Supported
Senior Manager: Legal Services:	Noted

RECOMMENDATION:

That in respect of

MINUTES OF THE AUDIT & PERFORMANCE AUDIT COMMITTEE SUBMITTED TO COUNCIL FOR INFORMATION AND NOTIFICATION

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

1. Council notes the content of the Minutes of the Committee.

PROPOSED: ALD. W.R. MEIRING

SECONDED: ALD. A STEYN

Unanimously resolved by Council.

RESOLVED

C25/2022

That in respect of

MINUTES OF THE AUDIT & PERFORMANCE AUDIT COMMITTEE SUBMITTED TO COUNCIL FOR INFORMATION AND NOTIFICATION

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

1. Council notes the content of the Minutes of the Committee.

TO ACTION:

W. du Plessis

6.5 IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF ELIZABETH STREET, RAWSONVILLE

File no.: 9/2/1/1/72

Responsible Official: H Potgieter

Directorate: SSS

Portfolio: Legal Services

1. PURPOSE

The purpose of this item is to obtain in principle approval for the direct alienation of a portion of Elizabeth Street, Rawsonville.

2. BACKGROUND / DISCUSSION

An application was received from the owner of Erf 537 (hereinafter referred to as "*the Applicant*") to purchase a portion of Elizabeth Street, ±221.57m², Rawsonville.

The subject properties to this application are as follows:

1. A portion of Elizabeth Street (municipal road) ± 221,57m², Rawsonville, hereinafter referred to as "our property". This is indicated as "A" on the Locality Map attached hereto and marked as "**Annexure A**".
2. A portion of Erf 536 (sectional title) situated at Van Riebeeck Street, Rawsonville, hereinafter referred to as the "Applicants property" This is indicated as "B" on the Locality Map attached hereto and marked as "**Annexure A**".
3. Erf 537 situated at Van Riebeeck Street, Rawsonville, hereinafter referred to as the "Applicants' property" This is indicated as "C" on the Locality Map attached hereto and marked as "**Annexure A**".

The Applicant plan to develop his property by building small node of shops that will be centered around a courtyard on erf 537, Rawsonville. The Applicant investigated alternative options that does not include Elizabeth Street; however, these were not feasible. The Parking requirements are 1 parking bay per 25m² of rentable shop space. A site plan of the proposed development is attached hereto as “**Annexure B**”.

The Applicant is willing to demolish the structures currently erected on his portion of Erf 536 for additional parking, however Elizabeth Street is dividing the two erven. Elizabeth Street is currently an under utilised gravel road where no access to the main street, Van Riebeeck Street, Rawsonville can be obtained. The Applicant consulted with Transport Engineers and they have indicated that Elizabeth Street cannot be opened to provide access to Van Riebeeck Street due to Provincial road policy reasons.

Should this application be approved the Applicant will utilise this portion of Elizabeth street as a formal parking area that will be rezoned and consolidated with Erf 537, which is currently zoned Business Zone I. Provision is also made on the site plan for a cul-de-sac that will be used as a turning location in the street.

Factors such as the locality, use and size of the portion of the subject property applied for, renders that it can be classified as a non-viable property, allowing it to be alienated directly to the adjoining property owner. The Breede Valley Land Management and Disposal Policy define non-viable property as follows:

“Non-viable property” means property that, owing to urban planning, physical constraints or extent cannot be developed on its own function as a separate entity and that can therefore become functional only if used by an adjoining owner in conjunction with such owners’ property”

A clause should also be included in the Deed of Sale that should payment or transfer be delayed due to an action or failure on the part of the Applicant the Municipality must charge interest on the purchase price (prima plus 2%) and that a 10% (TEN PERCENT) deposit of the purchase price will be due and payable by the Applicant within 10 (TEN) days of date of request in writing thereof by the Municipality. Furthermore, a suspensive condition will be included in the Deed of Sale in respect of the immovable property (subject property) being sold subject to the approval in terms of land use planning legislation.

Subsequent costs from this direct alienation, for which the Applicant will be responsible entails *inter alia* the following: Town planning procedures e.g. consolidation and rezoning, transfer cost as well as the required advertisement to be published for comments and / objections.

3. EVALUATION

A. LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, NO 56 OF 2003 ("MFMA")

"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.”*

Adherence to this section is sought through obtaining in principle approval from Council to directly alienate the subject property to the Applicants.

In respect of subsection 2(a) and (b) above the internal departments' comments confirmed that the subject portion of municipal property is not needed for the provision of basic municipal services. HCB Property Valuations determined the market related value of the property in the amount of R110 000.00 (One hundred and Ten Thousand Rand), VAT Excluded.

In recent case law [*Oranje Watersport CC v Dawid Kruiper Local Municipality and Others (397/2019) [2020] ZASCA 75 (30 June 2020)*], the court held that when disposing municipal owned property, the community value as well as the economic value that will be received in exchange for the property must be taken into consideration. Furthermore, the court held that section 14(2)(b) requires that once the market value of the property is ascertained, the market value should be weighed against the community value as well as the economic value of the asset.

In this instance, the subject property is under utilised and it does not provide access to the main street, which is Van Riebeeck Street. The proposed development of Erf 537 and 536 will bring business opportunities to Rawsonville. This will stimulate the economy of the town and result in job creation for the local community. The upgrade of the gravel road into a formal parking area will also improve the aesthetics of the area.

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;**

The property will be disposed of at the market related value of approximately R110 000.00 (One hundred and Ten Thousand Rand), VAT Excluded.

- (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;**

The property is intended to be utilized by the Applicant for purposes of a formal parking area.

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

The transfer and related 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;**

The required public participation process will be followed in order to obtain comments or representations on the proposed transfer.

- (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**

None to report on.

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

The proposed disposal and transfer is in compliance with:

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

Asset Transfer Regulations

It can be summarised that the erf is not required by the municipality for own use as can be seen from the internal departments' comments.

The risks are limited and a fair market related purchase price will be obtained as well as future rates and taxes as income. The representations and comments from the local community will be sought in terms of the advertisement to be placed. Compliance with the applicable legislative regime is sought with this item.

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."

C. ADVERTISEMENT

The necessary advertisement / notice in terms of legal prescripts will be published should it be resolved that the erf may be alienated. This is to obtain any representations / objections from the local community in respect of the proposed disposal of the erf. An item will only be resubmitted to Council should representations / objections be received.

4. CONCLUSION

It is recommended that a portion of Elizabeth Street, ±221.57m² be alienated for parking purposes.

5. FINANCIAL IMPLICATIONS

The Municipality stand to gain the market related valuation of the municipal property. More so, the Municipality will also receive rates and taxes following the transfer of the subject property.

6. ANNEXURES

Annexure A: Locality Map.

Annexure B: Site Plan.

Annexure C: Photo of development.

COMMENTS OF DIRECTORATES / DEPARTMENTS

MUNICIPAL MANAGER: Supported

DIRECTOR ENGINEERING SERVICES: Item supported

Civil Engineering Services:

1. Municipal services (water and sewer) are located on within the Elizabeth road reserve.



2. Encroachment onto the Elizabeth road reserve may have an impact on the maintenance and operation of these services.

Electrical Services:

1. The Engineering section has no objection against the application.

ACTING DIRECTOR PUBLIC SERVICES: Item supported

Senior Manager Town Planning and Building Control:

1. No objection to the proposal as the closure of this street will reduce direct access from the main road, physical access is currently impossible and the closure of the street front will contribute to the functionality of the current activity corridor.
2. Applicant to apply for closure, rezoning, subdivision and consolidation and conditions imposed will be binding.

Manager Building Control:

1. Building Control has no objection to this application: Plans must be handed in at Building Control if any structures are to be erected for formal approval.

CHIEF FINANCIAL OFFICER: Supported

DIRECTOR COMMUNITY SERVICES: Item supported

Fire and Rescue Services:

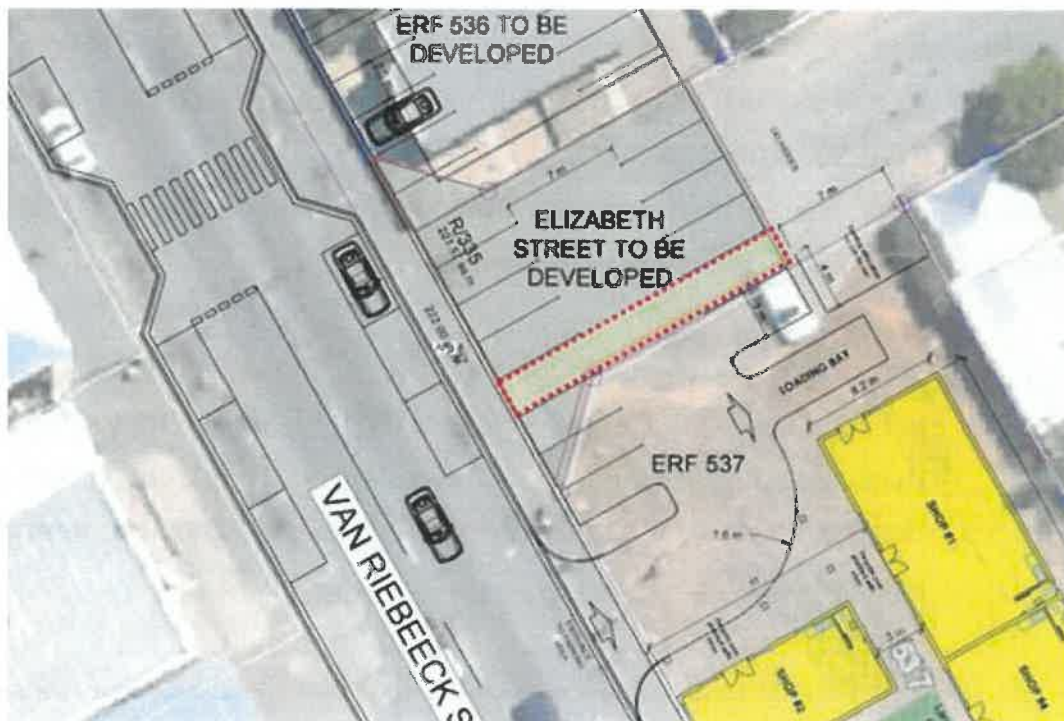
1. Any future structures/buildings being erected on the above-mentioned premises as well as existing structures/buildings, must conform with the provisions of the National Building Regulations, SANS 10400-A:2010, Part T.
2. Access for fire-fighting and rescue purposes, must be provided in accordance with Regulation T1(1)(e) of the National Building Regulations, read with the Deemed to Satisfy rules, Rule T4.54 of SANS 10400 - 1990, 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 -2010 Part T 4.37 Table 10.
4. Escape routes must also be not be blocked so people can escape in case of emergency.

Traffic Services:

Traffic cannot support the application:

1. Citizens of the neighborhoods utilized Elizabeth Street as a thoroughfare to the main street.
In case of emergency the street offers a safe escape route to and from the Main Street.

Following the above comments provided by Traffic Services, the Applicant redesigned the layout and proposed the below pedestrian passage indicated by the red dotted lines between Elizabeth Street and Van Riebeeck Street:



Traffic Services indicated that they support this and have no further objections to the application.

DIRECTOR STRATEGIC SUPPORT SERVICES: Co-Author of the item

Senior Manager: Legal Services : Author of the item

DECISION OF SECTION 80 COMMITTEE:

RESOLVED

CS3/2022

That in respect of:

IN-PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF ELIZABETH STREET, RAWSONVILLE

tabled before the Community and Strategic Services Committee at the meeting held on Thursday, 17 February 2022:

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

DECISION BY MAYORAL COMMITTEE:**RESOLVED:****EX3/2022**

That in respect of –

**IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF
ELIZABETH STREET, RAWSONVILLE**

**as discussed by Mayco at the Mayco meeting held on 18 February 2022, the
following recommendation be made to Council:**

1. That the direct alienation of a portion of Elizabeth Street, Rawsonville (adjacent to Erven 536 and 537), $\pm 221.57\text{m}^2$ in extent, for **formal parking purposes**, to the owner of the adjoining erven, at an amount of One Hundred and Ten Thousand Rand (R110 000.00), be **approved in principle**;
2. that Council take cognisance of the fact that the direct alienation is only approved as the subject portion of Elizabeth Street, Rawsonville is classified as a non-viable property;
3. that the purchaser make provision for a pedestrian thoroughfare from Elizabeth Street to Van Riebeeck Street, Rawsonville;
4. that the subject portion of Elizabeth Street, Rawsonville be consolidated with the adjoining property of the Applicant, being Erf 537, Rawsonville;
5. that the alienation of the subject portion of Elizabeth Street, Rawsonville be subject to obtaining the necessary closure, rezoning, consolidation and deproclamation approvals within **two (2) years**, as well as comply with the relevant internal departments (Directorates) comments and the right be reserved to supplement such internal comments;

6. that a reversion condition be included in the Deed of Sale and Council's pre-emptive right be registered in the title deed that the disposed property will only be utilized for the purpose stipulated in **item 1** above;
7. that all costs pertaining to the transaction be borne by the Purchaser, which may include survey, rezoning, consolidation and costs of transfer;
8. that a suspensive condition in respect of the consolidated properties be included stipulating that the subject even be subject to approval in terms of land use planning legislation;
9. that the following of a public participation process, **be approved**;
- 10.that the above-mentioned in principle approval be subject to a public participation process being followed due to the non-viability of the property and that an item will only be tabled in Council again should any representations/comments be received;
- 11.that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provision Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003), and
- 12.that the Municipal Manager be authorized to sign all documents relating to the alienation and transfer of the subject portion of Elizabeth Street, Rawsonville and all necessary documents relating thereto.

RECOMMENDATION

That in respect of –

IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF ELIZABETH STREET, RAWSONVILLE

as discussed by Council at the Council Meeting held on 23 February 2022:

1. That the direct alienation of a portion of Elizabeth Street, Rawsonville (adjacent to Erven 536 and 537), $\pm 221.57\text{m}^2$ in extent, for **formal parking purposes**, to the owner of the adjoining erven, at an amount of One Hundred and Ten Thousand Rand (R110 000.00), be **approved in principle**;
2. that Council take cognisance of the fact that the direct alienation is only approved as the subject portion of Elizabeth Street, Rawsonville is classified as a non-viable property;
3. that the purchaser make provision for a pedestrian thoroughfare from Elizabeth Street to Van Riebeeck Street, Rawsonville;
4. that the subject portion of Elizabeth Street, Rawsonville be consolidated with the adjoining property of the Applicant, being Erf 537, Rawsonville;
5. that the alienation of the subject portion of Elizabeth Street, Rawsonville be subject to obtaining the necessary closure, rezoning, consolidation and deproclamation approvals within **two (2) years**, as well as comply with the relevant internal departments (Directorates) comments and the right be reserved to supplement such internal comments;
6. that a reversion condition be included in the Deed of Sale and Council's pre-emptive right be registered in the title deed that the disposed property will only be utilized for the purpose stipulated in **item 1** above;
7. that all costs pertaining to the transaction be borne by the Purchaser, which may include survey, rezoning, consolidation and costs of transfer;

8. that a suspensive condition in respect of the consolidated properties be included stipulating that the subject even be subject to approval in terms of land use planning legislation;
9. that the following of a public participation process, **be approved**;
10. that the above-mentioned in principle approval be subject to a public participation process being followed due to the non-viability of the property and that an item will only be tabled in Council again should any representations/comments be received;
11. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provision Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003), and
12. that the Municipal Manager be authorized to sign all documents relating to the alienation and transfer of the subject portion of Elizabeth Street, Rawsonville and all necessary documents relating thereto.

PROPOSED: ALD. W.R. MEIRING

SECONDED: CLLR A. PIETERSEN

Unanimously resolved by Council.

RESOLVED

C26/2022

That in respect of –

**IN PRINCIPLE APPROVAL FOR THE DIRECT ALIENATION OF A PORTION OF
ELIZABETH STREET, RAWSONVILLE**

as discussed by Council at the Council Meeting held on 23 February 2022:

That the direct alienation of a portion of Elizabeth Street, Rawsonville (adjacent to Erven 536 and 537), ±221.57m² in extent, for **formal parking purposes**, to the owner of the adjoining erven, at an amount of One Hundred and Ten Thousand Rand (R110 000.00), be **approved in principle**;

1. that Council take cognisance of the fact that the direct alienation is only approved as the subject portion of Elizabeth Street, Rawsonville is classified as a non-viable property;
2. that the purchaser make provision for a pedestrian thoroughfare from Elizabeth Street to Van Riebeeck Street, Rawsonville;
3. that the subject portion of Elizabeth Street, Rawsonville be consolidated with the adjoining property of the Applicant, being Erf 537, Rawsonville;
4. that the alienation of the subject portion of Elizabeth Street, Rawsonville be subject to obtaining the necessary closure, rezoning, consolidation and deproclamation approvals within **two (2) years**, as well as comply with the relevant internal departments (Directorates) comments and the right be reserved to supplement such internal comments;
5. that a reversion condition be included in the Deed of Sale and Council's pre-emptive right be registered in the title deed that the disposed property will only be utilized for the purpose stipulated in **item 1** above;
6. that all costs pertaining to the transaction be borne by the Purchaser, which may include survey, rezoning, consolidation and costs of transfer;
7. that a suspensive condition in respect of the consolidated properties be included stipulating that the subject erven be subject to approval in terms of land use planning legislation;
8. that the following of a public participation process, **be approved**;

9. that the above-mentioned in principle approval be subject to a public participation process being followed due to the non-viability of the property and that an item will only be tabled in Council again should any representations/comments be received;

10. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provision Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003), and

11. that the Municipal Manager be authorized to sign all documents relating to the alienation and transfer of the subject portion of Elizabeth Street, Rawsonville and all necessary documents relating thereto.

To Action

H. Potgieter

6.6 APPROVAL OF THE WARD COMMITTEE ESTABLISHMENT REPORT**File No./s:** 2/1/1/3/4**Responsible Official:** W. Thys**Directorate:** Community Services**Portfolio:** Community Development

1. PURPOSE

To inform council of the results of the ward committee establishment process.

2. BACKGROUND

The Local Government Structures Act (1998) Chapter 4, Section 72 – 78 provides the legal framework for the establishment, elections, and operations of ward committees. Breede Valley Municipality rolled-out the establishment of the ward committees from 17 January to 03 February 2022. Each Ward Councillor together with the relevant communities were consulted about the date time and venue for the meetings.

3. COMMENT

A copy of the Ward Committee Establishment report is attached as Annexure “A”.

4. FINANCIAL IMPLICATIONS

None

5. APPLICABLE LEGISLATION

The Local Government Structures Act (1998) Chapter 4, Section 72 – 78

COMMENT OF DIRECTORATES / DEPARTMENTS CONCERNED**Municipal Manager:****Director: Strategic Support Services:****Director: Financial Services:**

Director: Engineering Services:
Director: Community Services: Supported
Acting Director: Public Services:
Senior Legal Manager:
Community Development Officer: Supported

DECISION BY SECTION 80 COMMITTEE:

RESOLVED

CS1/2022

That in respect of:
The Ward Committee Establishment Report
tabled before the Community and Strategic Services Committee at the meeting held
on Thursday, 17 February 2022:

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

DECISION BY MAYORAL COMMITTEE:

RESOLVED:

EX5/2022

That in respect of –
The Ward Committee Establishment report
as discussed by Mayco at the Mayco meeting held on 18 February 2022, the
following recommendation be made to Council:

1. That Council take note of the Ward Committee Election results
2. That Council approve the results and report.

RECOMMENDATION

That in respect of –
The Ward Committee Establishment report
as discussed by Council at the Council Meeting held on 23 February 2022:

1. That Council take note of the Ward Committee Election results
2. That Council approve the results and report.

PROPOSED: ALD. J.F. VAN ZYL

SECONDED: CLLR P.C. RAMOKHABI

Unanimously resolved by Council.

RESOLVED

C27/2022

That in respect of –

The Ward Committee Establishment report

as discussed by Council at the Council Meeting held on 23 February 2022:

1. That Council take note of the Ward Committee Election results
2. That Council approve the results and report.

To Action

W. Thys

6.7 OBTAINING MOBILITY DEVICES IN TERMS OF THE POLICY ON TOOLS OF TRADE FOR COUNCILLORS**File No./s:** 2/1/1/1**Responsible Official:** VV AMSTERDAM**Directorate:** SSS**Portfolio:** Administration & Support Services

1. Purpose

To notify Council of the challenges to assist Councillors in obtaining mobility devices in terms of the Policy on Tools of Trade for Councillors.

2. Discussion

Brede Valley Municipality's Policy on Tools of Trade for Councillors, as adopted by Council on 23 August 2018 (resolution number C69/2018) provides in clause 3 the following:

- 3.4.1 *The municipal administration will assist to facilitate for each councillor to get access to a mobility device for their ownership.*
- 3.4.2 *The device must have at least 2GB data Simcard / with 4G LTE broadband cellular network technology.*
- 3.4.3 *The municipality will setup specific network or non-network drives to distribute agendas and other documents electronically to create a paperless environment.*
- 3.4.4 *The mobility device are primarily to allow easy access of councillors to emails as well as internet mobility and will enable councillors to create blogs, Facebook pages and other forms of social media and generally to help fulfil their mandate, further to interact with their constituents and achieve the strategic objectives of the municipality.*
- 3.4.5 *Each councillor will sign a contract with the service provider of his/her choice for the provision of the mobility device and data. The municipality will co-sign such agreement as commitment that the municipality will pay over such amounts agreed between the councillor and the service provider on a monthly basis which amount shall be deducted from the councillor's data allowance.*

Administration facilitated to assist Councillors to get access to a mobility device for their

ownership as prescribed by the Tools of Trade Policy. However, during consultations with different Service Providers, it was made clear that Councillors must enter into the agreement in their own capacity and be responsible for the payment thereof. The Service Providers were also not willing to enter into an agreement with Councillors and allow the municipality to co-sign such agreement as commitment that the municipality will pay over such amounts agreed between the councillor and the service provider on a monthly basis which amount shall be deducted from the Councillor's data allowance.

The consequences of the above means that all Councillors will be responsible to enter into an agreement with the Service Provider of their choice but before this will realise, all Councillors will be susceptible to credit checks and for some Councillors, the outcome may not be favourable.

In conclusion, the administration is not in any position to assist Councillors any further in obtaining a mobile device.

3. Financial Implications

In terms of item 12 of the Determination of Upper Limits of Salaries, Allowances and Benefits of different Members of Municipal Councils per Government Gazette 1465 No. 43246 dated 24 April 2020, a councillor may, in addition to the annual total remuneration packages provided for in terms of this schedule, be paid an allowance on the use of data bundles not exceeding R300 per month.

4. Applicable Legislation / Council Policy

Policy on Tools of Trade for Councillors.

Comment of Directorates / Departments:

Municipal Manager: Supported

Director: Strategic Support Services: Supported

Director: Financial Services: Supported

Director: Engineering Services: Supported

Acting Director: Public Services: Supported

Director: Community Services: Supported

Senior Manager: Legal Services: Supported

DECISION OF SECTION 80 COMMITTEE:**RESOLVED****CS4/2022**

That in respect of:

COUNCILLORS TO OBTAIN MOBILITY DEVICES IN TERMS OF THE POLICY ON TOOLS OF TRADE FOR COUNCILLORS**tabled before the Community and Strategic Services Committee at the meeting held on Thursday, 17 February 2022:**

1. The Committee concurs with the recommendation to Council.

DECISION BY MAYORAL COMMITTEE:**RESOLVED:****EX4/2022**

That in respect of -

COUNCILLORS TO OBTAIN MOBILITY DEVICES IN TERMS OF THE POLICY ON TOOLS OF TRADE FOR COUNCILLORS**as discussed by Mayco at the Mayco meeting held on 18 February 2022, the following recommendation be made to Council:**

1. That Councillors be paid the allowance on the use of data bundles of R300 per month to enter into an agreement with any Service Provider of their choice to ensure that they are equipped with a device compatible for Council work and to be able to receive all official communications via their devices.

RECOMMENDATION

That in respect of -

OBTAINING MOBILITY DEVICES IN TERMS OF THE POLICY ON TOOLS OF TRADE FOR COUNCILLORS**as discussed by Council at the Council Meeting held on 23 February 2022:**

1. That Councillors be paid the allowance on the use of data bundles of R300 per month to enter into an agreement with any Service Provider of their choice to ensure that they

are equipped with a device compatible for Council work and to be able to receive all official communications via their devices.

PROPOSED: ALD. W. R. MEIRING

SECONDED: CLLR P.C. RAMOKHABI

Unanimously resolved by Council.

RESOLVED

C28/2022

That in respect of -

**OBTAINING MOBILITY DEVICES IN TERMS OF THE POLICY ON TOOLS OF TRADE
FOR COUNCILLORS**

as discussed by Council at the Council Meeting held on 23 February 2022:

1. That Councillors be paid the allowance on the use of data bundles of R300 per month to enter into an agreement with any Service Provider of their choice to ensure that they are equipped with a device compatible for Council work and to be able to receive all official communications via their devices.

To Action:

VV Amsterdam

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

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

9. **CONSIDERATION OF NOTICES OF MOTION AND NOTICES OF QUESTIONS WHICH SHALL APPEAR ON THE AGENDA IN THE ORDER IN WHICH THEY HAVE BEEN RECEIVED BY THE MUNICIPAL MANAGER**

The Speaker excused himself from the meeting before the discussion of Item 9.1.

Cllr N. Nel proposed that Cllr J.P Kritzinger act as Speaker for the discussion of Item 9.1 which is seconded by Cllr V. Bedworth.

Cllr M.T Williams proposed that Cllr Z.M. Mangali act as Speaker for the discussion of Item 9.1 which is seconded by Cllr L.R. Yayi.

Votes in favour of Cllr M. T. Williams' proposal: 10 votes

Votes in favour of Cllr N. Nel's proposal: 24

The proposal by Cllr N. Nel carries. Cllr J.P. Kritzinger acts as Speaker for the discussion of Item 9.1.

- 9.1 **MOTION FOR A REQUEST FOR DISCIPLINARY INVESTIGATION AND / OR ALTERNATIVELY RESCISSION OF COUNCIL RESOLUTION GRANTING LEAVE TO UNDERTAKE PAID WORK AGAINST ALD. J.F. VAN ZYL**

NOTICE: MOTION IN TERMS OF SECTION 31(2).

I, Councillor Colin F Wilskut hereby give notice in terms of Section 31(2) of the Rules of Order as promulgated in the Provincial Gazette No. 7118 of 12 April 2013, that I intend, during the Council Meeting scheduled for the 23 February 2022, to table a motion as set out below:

MOTION: SEEKS TO CALL FOR DISCIPLINARY ACTION AGAINST ALDERMAN FRANK FERDINAND VAN ZYL AS HE IS A FULL-TIME COUNCILLOR WHILE UNDERTAKING PAID WORK WITHOUT COUNCIL PERMISSION,

ALTERNATIVELY, IF APPLICABLE, WE SEEK TO RECALL AND RESCIND THE COUNCIL DECISION AS PER COUNCIL RESOLUTION, GIVING CLLR VAN ZYL PERMISSION TO UNDERTAKE OTHER PAID WORK AS A FULL-TIME COUNCILLOR.

By way of motivating the motion, I submit the following:

- A full-time councillor is defined in terms of section 18(4) of the Structures Act, Act 32 of 2002, and by definition, the Speaker of Council is a full time councillor.
- Schedule 1 Paragraph 8 of the Local Government: Municipal Systems Act (Act 32 of 2000) states: "A councillor who is a full-time councillor may not undertake any other paid work except with the consent of a municipal council which consent shall not unreasonably be withheld."
- It is our submission that the duties and functions of the Speaker of Council in terms of the Municipal Structures Act (Act 118 of 1998), as well as the delegated authority afforded to him in terms of Section 59 of the Local Government Systems Act (Act 32 of 2000), place significant responsibility and duty on the Speaker.
- It is also our submission that it is unfair towards the tax-payers, considering that the Speaker of Council earns R760,000 per year, just over R63,000 per month.
- In order perform these duties, as described, with due diligence and care, it is of utmost importance that the Speaker of Council should give his undivided attention towards his duties.
- In this particular instance, Mr Van Zyl, as a lawyer in practice is required to meet and consult with his clients on a daily basis, his own office hours as advertised at his private business premises.
- Furthermore, Mr Van Zyl, is required to appear in court, in person, between 9am and 4pm to represent his clients. Mr Van Zyl has been noted on a very regular basis at the Worcester Magistrates Courts during work hours.
- It is also questionable as to whether Alderman Van Zyl is not in contravention of Schedule 1 paragraph 6 of the Municipal Systems Act (Act 32 of 2000), which states



Personal Gain (1) A councilor may not use the position of privileges of a councilor or confidential information obtain as a councilor, for private gain or to improperly benefit another person." We assert that Alderman Van Zyl is misusing his position, as well as public resources like municipal personnel, office space, telephone, fax, email, computers, printers and tax payer's time for private gain.

- Finally, we motivate that considering Mr Van Zyl's workload as a full time legal practitioner, meeting clients and appearing in court most days, it is very likely that he will not give his undivided attention to perform his duties as the Speaker in a diligent manner.

I therefore submit the following Resolution to Council:

That Council instruct the Executive Mayor to:

- Investigate the possible misuse of the Speaker's position of privilege and of public resources for personal gain by Alderman Van Zyl.
- Provide access to timesheets and telephone records of the Alderman Van Zyl and his Personal Assistant / Secretary, for the period he was member of the Mayoral Committee (2019, 2020 and 2021), as well as the period as Speaker of Council to date.
- That Council establish a Disciplinary Committee to investigate whether Alderman Frank Van Zyl did indeed do "other unpaid work" without the consent of Council and if so, for how long. Should this committee find Alderman Van Zyl guilty of misuse of his position and public resources for private gain, he should be required to pay back the money and Council should consider laying criminal charges against him for theft.
- That council hereby recall its previous decision (if applicable) to give consent to Alderman Van Zyl to do other paid work.

Considering the above, I move that the motion as tabled be accepted by Council

Signed: 

SECONDED: 

Received: 

Date: 14/02/2022

Date: 14/02/2022

21 H 08

AMENDAMENT VAN MOSIE

Met verwysing na die Mosie soos voorgestel deur Rdl. C. Wilskut en gedateer 14 Februarie 2022, en aangesien sodanige Mosie gebrekking is in velerlei opsigte, soos infra gemotiveer en onder andere :

- Steun op wetgewing wat herroep is;
- Strydig met die Regsbeginsel dat wetgewing nie terugwerkende regsrag het en dat daar 'n vermoede daarteen is;
- Huidige Raad het wetlike beslag op 17 November 2021 ontvang en ontbreek jursduksie ten opsigte van voorafgaande termyne.
- Die Mosie is op sigself inherent teenstrydig met betrekking tot erkenning en ontkenning van bestaande Raadsbesluit C82/2011;
- Hersiening of herroeping van Raadsbesluite in terme van Reël 31 is ontoepaslik en strydig met genoemde Ordereëls.
- Deurspek is van leuens en kwelsugtige stellings.

Nou dientengevolge word die volgende wysiging voorgestel tot die voornoemde Mosie in terme van die bepalings van Artikel 44 van die Ordereëls van hierdie Raad, soos gepubliseer in die Provinsiale Koerant No. 7118 en gedateer Vrydag, 12 April 2013 en verder met inagneming van die volgende :

Nademaal vermeldde Mosie soos ingedra deur Rdl. Wilskut handel met Ald. J.F. Van Zyl se toestemming deur hierdie Raad om sy Prokureursberoep voort te sit en welke toestemming verleen is deur middel van 'n Raadsbesluit hierby aangeheg gemerk "JFVZ1" No. C82/2011.


Verder Nademaal gemelde Raadsbesluit nie 'n termyn en/of tydskduur daarstel, en op geen stadium hersien en/of herroep was en dit gemeensaak is dat sodanige besluit steeds geldig is;

En verder Nademaal die toestemming ook verleen was en na die verkryging van 'n regsopinie wat sodanige besluit geoorloof naamlik dat voltydse Raadslede betaalde werk mag verrig en welke opinie dit duidelik stel dat sodanige toestemming nie onredelik geweler mag word,

Asook verder Nademaal op 'n onlangse Raadsbesluit die Raad toestemming verleen het dat die Hoofswep van die Vryheidsfront Plus sy praktyk mag voortsit terwyl hy dien as voltydse Raadslid en die betrokke Wetgewing slegs vereis dat "voltydse raadslede" sodanige aansoek kan bring en nie onderskeid tref.

En verder Nademaal u voorsteller reeds langer as 40 jaar in hierdie gemeenskap diens as Regspraktisyn verrig en respekvol asook nederlig submitteer dat deur middel van vakkundige

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-2-

kennis en ervaring waarde toegevoeg word tot die Gemeenskap. Hierdie Mosie is andermaal 'n bewys van die betrokke party en Raadslid Wilskut se politieke opportunisme en waar die belange van die gemeenskap op die agtergrond geplaas word. Die gemeenskap sal direk benadeel word indien u voorsteller nie meer as prokureur mag praktiseer nie.

Ironies en ter verdere illustrasie van sodanige opportunisme inherent in die teenkating van u voorsteller as Prokureur het die betrokke partye in die verlede, 2011 en 2015, ook sodanig reageer terwyl in hul opposisie geledere twee raadslede, een in onderwys en ander in korrektiewe dienste, gesit het en wat uitdruklik deur die Grondwet van die Republiek van Suid-Afrika verbied word om as Raadslede te dien (Artikel 158(1)(b)). Die verdere vermetelheid was dat die besondere Raadslede teen u voorsteller se regmatige aansoek gestem het. Daar het ook nooit 'n haan oor hul teenwoordigheid in die Raad gekraai nie.

U voorsteller het in 2010 bedank as Direkteur in die Praktijk Conradie en Vennote en voortgegaan om op klein skaal op sy eie te praktiseer, hoofsaaklik na-ure en met uitsondering 'n hofsak hanteer. Die oorweging was om as voltydse Raadslid te dien. Op geen stadium het dit ingemeng of sal dit inmeng met my werk as Voorstter van die Raad. Die teendeel is eerder waar en dat dit my beter toerus as Speaker om in voeling te bly met die Regspraktyk. Dit sal voorts 'n onregverdige gevolg hê omdat ek nie sodanige beroep kan beoefen om 'n inkomste vir my gesin te verskaf wanneer my loopbaan as politikus tot 'n einde kom.

Verder Nademaal die bewerings wat onderliggend aan die versoek om dissiplinêre stappe die volgende is :

1. Die verwysing na die Strukture Wet wat toestemming van die Raadsvergadering vir 'n voltydse Raadslid vereis.
- Die Raadsbesluit na verwys in Aanhangsel "JFVZ1" spreek vanself naamlik "...the application of Cllr. J.F. Van Zyl to undertake other paid work as described in his application be approved".
2. Dat dit onregverdig is teenoor die belastingbetalers, is 'n bewering wat gemaak word met verwysing na inkomste skaal.
- Die inkomste skaal word deur Nasionale Wetgewing vasgestel. As ek nie Prokureur is sal dit steeds betaal word en maak die stelling geen sin.

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3. Dat "due dillgence and care" vereis word.
 - Daar is geen getuënis dat ek nie my werk met die nodige aandag en verantwoordelikheid kan doen as ek toegelaat word om te praktiseer. Soos reeds gekonstateer, my konsultasies is na-ure en is dit by uitsondering wat ek vir 'n kliënt in die Hof sal verskyn en waar ek op sigself groot sorg dra dat dit nie inmeng met my werk nie.

4. Dit is bloot onwaar dat ek op 'n gereëlde basis in die Hof verskyn.
 - Die spesifieke dag, die 4de Februarie 2022 wat ek Raadslid Wilskut in die Hof gekry het, was onder andere om die saak wat teen hom gemaak is en wat gebaseer is op "gender violence" waarvan 2 vroue die klaagster is te ondersoek. Hul het 'n versoek gerig om deur middel van 'n tussenganger te getuig omdat hul geïntimideer word deur sy teenwoordigheid. As Speaker is dit my plig om beweerde oortredings teen Raadslede te ondersoek en nadat dit onder my aandag gebring is.

5. Die bewering van verryking na verwys as synde oortreding van Skedule 1 para 6 van die Stelselwet (32/2000) en wat terloops herroep is, is bloot 'n bewering van ex confessu "questionable" omvang soos die mosiedraer self te kenne gee. Dit blyk 'n kwelsugtige en kwaadwillige bewering te wees.

6. Die bewerings van misbruik van inligting, infrastruktuur word gemaak sonder enige felte om dit te staaf
 - Die Raad word respekvol verwys na die ondersoek van beweerde misbruik van telefone by Mayco, wat op die teendeel gedui het. Dit was en is valse kwelsugtige bewerings. Die geskiedenis herhaal homself wat betref die Raadslid se kwelsugtige optrede. Sien hierby aangeheg die beëdigde verklaring van Me. J.G. Van Wyk wat die valsheid daarvan ontbloot gemerk "JFVZ2". Die bewering van sogenaamde "undivided attention" is 'n herhaling van die vorige en bevat geen substans.

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Aangesien die mosiedraer ook alternatiewelik handel met die Raadsbesluit van 2011 wat my toestemming verleen om my beroep te beoefen, alhoewel die aansoek gebrekkig is soos voornoemd ag ek dit nodig om uit oormaat van voorsorg, sonder benadeling van my regte, 'n motivering en aansoek aan te heg waarom toestemming wel verleen word. Welke dokument ook dien as ter ondersteuning vir die Resolusie onderaan na verwys, naamlik, dat ek wel toestemming verleen word en die bestaande Raadsbesluit bevestig word. Sien Aanhangel "JFVZ3".

Verder Nademaal dit duidelik blyk dat die agtergrond van hierdie Mosie kwaadwillig en kwetsend is veral gesien in die lig daarvan dat die betrokke partye nou in 'n derde termyn eers gewag maak hiervan. Wat is dan nou anders as die termyn van 2016.

Nou derhalwe word submitteer dat daar geen prima facie getuenis aan die Raad voorgehou is vir enige beweerde oortreding van die Gedragskode deur Alderman J.F. Van Zyl en word die volgende Wysiging aan die Mosie voorgestel. :

That Council resolves, as follow, with reference to the Motion against Alderman J.F. Van Zyl :

1. That no evidence exists which warrants an investigation of Ald. J.F. Van Zyl or which warrant the appointment and/or investigation by a disciplinary committee.
and
2. That Ald. J.F. Van Zyl is granted consent by this Council to persist with his practise as Legal Practitioner and the Resolution of this Council alluded to in Annexure "JFVZ1" be hereby reaffirmed.

DATED ON THIS 15TH DAY OF FEBRUARY 2022.

Signed :



Seconded :



1
Aamh E.

114

Brede Valley Municipality
Council Minutes
29 July 2011

CB2/2011

RESOLVED:

That in respect of
**APPLICATIONS BY FULL TIME COUNCILLORS TO UNDERTAKE OTHER PAID
WORK:**
discussed by Council at the Council meeting held on 29 July 2011:
the application of Cllr. J.F. Van Zyl to undertake other paid work as described in his
application be approved.

Cllrs. L. Richards, H. Willemse, P. Marran, B.W. Ntshingila, S.B. Mfutwana, M. N. Bushwana, S.E. James, L. Dyabool, J.J. Januarie, P. Tyira, N. Jali, N.V Steto, P.B. Januarie, B.V. Klein all made statements registering their vote against the resolution taken so that it can be noted in the minutes and captured on the recording of the meeting (sound file).

" JFVZ 1 "

"JFVZ 2"

AFFIDAVIT

JULIANA GERDELENE VAN WYK,

state under oath :

1.

I am the Personal Assistant of Alderman J.F. Van Zyl, and has been so since 2011, and I make this statement freely and voluntarily as such I am duly able and capable to make this statement.


2.

I have noted the allegations by Cllr. C. Wilskut in a Notice of Motion dated the 14 February 2022 and wherein he makes the following statement "...We assert that Alderman Van Zyl is misusing his position as well as public resources like municipal personnel, office space, telephone, fax, email, computers, printers and tax payers time for private gain".

I am Ald. J.F. Van Zyl's Personal Assistant as aforementioned and hereby state that at no time during my work since 2011 to date hereof was the aforesaid assertion true.

I would have known and seen if any of such allegations happened. At no time was I asked and or instructed to do other work than my portfolio work for the Breede Valley Municipality.

DATED AT WORCESTER ON THIS 17th DAY OF February 2022.



JULIANA GERDELENE VAN WYK

SWORN TO AND SIGNED before me at WORCESTER on this 17th DAY of FEBRUARY 2022 by the above mentioned Deponent, who I certify, acknowledged that she knows and understands the contents of this Affidavit and that she has

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no objection to taking the prescribed oath which she read as follows: "I swear that the contents of this Affidavit is true so help me God", and further that I acknowledges that I regards the prescribed oath as binding on my conscience, which oath was duly administered by me as required by law.

JEAN-CHRISTO OTTO
KOMMISSARIS VAN EDE
PRAKTISERENDE PROKUREUR
R.S.A
RUSSELSTRAAT 75
WORCESTER, 6850



COMMISSIONER OF OATHS

Qw.

"JKV 23"

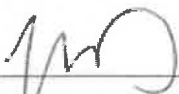
AAN: DIE MUNISIPALE BESTUURDER

INSAKE : AANSOEK OM VERLOF OM BEROEP AS REGSPRAKTISYN VOORT
TE SIT

Geliewe kennis te neem dat Alderman Johannes Ferdinand Van Zyl, hiermee aansoek doen om my beroep as Regspraktisyn te mag voortsit vir onder andere die volgende redes :

1. Ek het in 2011 as voltydse Raadslid toestemming gekry by hierdie Raad om my beroep as Regspraktisyn voort te sit.
2. Ek besit 'n eenman praktyk en sien kliënte slegs na-ure op afspraak asook by uitsondering sal ek kliënt in Hof verteenwoordig. Op geen manier kan dit argumenteer word dat dit my werk as Speaker beïnvloed.
3. Dit is noodsaaklik dat ek as Regspraktisyn deel van Regsberoep bly om op hoogte te bly van regspraak, toepassing en verwickelinge en sodoende waarde toe te voeg tot my werk as publieke verteenwoordiger.
4. Verdermeer sal dit onredelik wees om toestemming te weier aangesien die huidige beroep slegs tydelik is. Dit sal onredelik wees as u aansoeker nie toegelaat word om sy beroep te beoefen en nadat hy reeds voorheen toegelaat was. U aansoeker sal na die afloop van Raadslidskap aangewese wees op die inkomste uit sy beroep as Regspraktisyn. Sodanige inkomste word benodig om my gesin te versorg wat insluit 'n gestremde dogter waaromheen uitgawes geverg word en sy nie elders versorg kan word.
5. Verdermeer word dit respekvol aangevoer dat na 40 jaar se praktiseer ek verskeie huishoudings en regssake bedien wat haas onmoontlik is om summier te staak en/of oor te gee en wat insluit verskeie pro bono projekte wat ek in die gemeenskap hanteer as Prokureur. Dit sal tot direkte benadeling lei indien ek nie toestemming verleen word nie.

GEDATEER TE WORCESTER OP HIERDIE 15de DAG VAN FEBRUARIE 2022.


ALD. J.F. VAN ZYL
SPEAKER

Cllr P.H. Marais requested that the matter be voted on in terms of Rule 49 of the Rules of

Order. The proposal was seconded by Cllr N. Nel.

Votes in favour of Amandament of Ald. J.F. Van Zyl: 21 votes

Votes in favour of Notice of Motion by Cllr C.F. Wilskut: 4 votes

The amandament of Ald. J.F. Van Zyl is carried.

RESOLVED

C29/2022

- 1. That no evidence exists which warrants an investigation of Ald. J.F. Van Zyl or which warrant the appointment and / or investigation by a disciplinary committee; and**
- 2. That Ald. J.F. Van Zyl is granted consent by this Council to persist with his practice as Legal Practitioner and the resolution of this Council alluded to in Annexure "JFVZ1" be reaffirmed.**

Ald. J.F. Van Zyl re-joined the meeting as Speaker.

9.2 INVESTIGATION INTO THE STATE OF THE SEWERAGE SYSTEM IN THE BREDE VALLEY MUNICIPALITY

NOTICE: MOTION IN TERMS OF SECTION 31(2).

I, Councillor **NIK WULLSCHLEGER** hereby give notice in terms of Section 31(2) of the Rules of Order as promulgated in the Provincial Gazette No. 7118 of 12 April 2013, that I intend, during the Council Meeting scheduled for the **23 February 2022**, to table a motion as set out below and will propose a resolution that:

MOTION: "ONIE ONVERWACHT FIEUES LIFE MATTERS" THIS MOTION SEEKS TO CALL FOR AN INVESTIGATION INTO THE STATE OF SEWAGE SYSTEM IN THE BREED VALLEY, THE CAUSES AND IMPACTS, ESPECIALLY WHERE COMMUNITIES FACE AN ALMOST DAILY DELUGE OF FLOODING SEWAGE WATER FROM BLOCKED DRAINS.

That Council urgently request the Administration to investigate and report back to Council within two (2) months on the following:

- 1) the causes of sewage blockages,
- 2) identify the health risks to the inhabitants, particularly those people at risk ie the young, the elderly and the sick,
- 3) develop and budget for soft (social) and hard (engineering) interventions to prevent sewage spills in short-term, and
- 4) develop a detailed medium- to long-term plan and budget to repair and /or upgrade the entire sewage system.

By way of motivating the motion, I submit the following summary:

- i) I am the duly nominated Councillor representing the Breedevallei Onafhanklik (BO) Party.
- ii) The Breedevallei Onafhanklik, as a community based organization, is contacted on a daily basis by residents seeking assistance, with the majority of these requests deal with blocked drains and spilling sewers.
- iii) We have reported more than 60 sewage spills in the past 44 days (from the 1st January 2022), these spills tend to concentrate in the poorer, sub-economic suburbs of Worcester of Roodewal, Riverview, Avian Park and Zwelethemba, we have also recently started receiving requests for help from Rawsonville, De Doorns and Touwsrivier.
- iv) A concern to us is the press-releases issued by the Breede Valley Municipality often blame communities for the blockages and use terms like "sabotage" and "vandalism". It should be recognized that a municipality is nothing more than an expression or extension of the community it serves, and these labels can have long lasting negative impacts.



- v) Many of the solutions to the "softer" problems are present in the community and the municipality should recognize and acknowledge the role the community can play as a developmental partner. Greater awareness should be created to inform residents of their rights and obligations to help prevent sewer blockages and spills. In turn the municipality should try its utmost to empower and capacitate local people, especially unemployed youth, to understand the problems and to work on possible solutions, interventions like "Community Based Plumbers" should be investigated, costed and implemented if possible.
- vi) To stress the urgency and importance of this matter, we wish to highlight the recent death of a resident in the L Block, Roodewal. Mr Fielies who suffered a severe asthmatic attack which was very likely was aggravated by the stench of rotting sewerage surrounding his home. Many people, mostly children, living in these areas also suffer from diarrhea.

I therefore submit the following Resolution to Council:

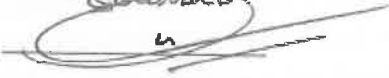
That Council urgently request the Administration to investigate and report back to Council within two (2) months on the following:

- 5) the causes of sewage blockages,
- 6) identify the health risks to the inhabitants, particularly those people at risk ie the young, the elderly and the sick,
- 7) develop and budget for soft (social) and hard (engineering) interventions to prevent sewage spills in short-term, and
- 8) develop a detailed medium- to long-term plan and budget to repair and /or upgrade the entire sewage system.

Considering the above, I move that motion as tabled be accepted by Council

Signed: 

Date: 14/02/2022

Received: 

Date: 14/02/2022
21 H 08

Cllr N. Nel proposed that the Notice of Motion tabled by Cllr N. Wullschleger be dismissed.

Seconded: Ald. W.R. Meiring

Votes in favour of Cllr N Nel's proposal: 25

The proposal of Cllr N. Nel's carries.

RESOLVED

C30/2022

The Notice of Motion tabled by Cllr N. Wullschleger is dismissed.

10. CONSIDERATION OF MOTIONS OF EXIGENCY

Proposal by Speaker: That Ald. M. Sampson attends the National Conference of Salga and Ald. W.R. Meiring and Cllr E. van der Westhuizen attends the Conference Virtually.

Seconded by Ald. A. Steyn

Unanimously resolved by Council.

RESOLVED

C31/2022

That Cllr M. Sampson attends the National Conference for Salga with voting rights and that Ald. W.R. Meiring and Cllr E. van der Westhuizen attend the National Conference virtually.

11. CLOSURE

The Speaker closed the meeting at 15:10.
