

MINUTES

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

Date distributed

6th COUNCIL MEETING OF THE BREEDE VALLEY MUNICIPALITY

2020-10-27 AT 10:00

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1. OPENING AND WELCOME

In terms of the Rules of Order for Internal Arrangement By-Law 2012 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 10:15, welcomed everyone present and allowed a moment of silence for prayer and meditation.

The Speaker welcomed the newly elected and appointed Cllr F. Vaughn to Council.

2. OFFICIAL NOTICES**2.1 DISCLOSURE OF INTERESTS**

Item 5 of the Code of Conduct for councillors' states:

A councillor must –

- (a) disclose to the council, or any committee of which that councillor is a member, any direct or indirect personal or private business interest that that councillor or any spouse, partner or business associate of that councillor may have in any matter before the council or the committee; and
- (b) withdraw from the proceedings of the council or committee when that matter is considered by the council or committee, unless the council or committee decides that the councillors' direct or indirect interest in the matter is trivial or irrelevant.

2.2 APPLICATIONS FOR LEAVE OF ABSENCE

In terms of the Rules of Order for Internal Arrangement By-Law 2012;

- 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 Applications for Leave from Cllr T. Maridi and Alderman C. Ismail.

Absent without leave: Councillor K. Benjamin.

3. COMMUNICATION

3.1 INTERVIEWS OR PRESENTATIONS BY DEPUTATIONS

In terms of the Rules of Order for Internal Arrangement By-Law 2012;

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

3.2 BIRTHDAYS OF COUNCILLORS

Cllr P. Ramokhabi	31 October 2020
Alderman S. Goedeman	8 November 2020
Cllr W. R. Meiring	21 November 2020
Alderman E.Y. Sheldon	19 December 2020
Cllr V. Mngcele	21 December 2020
Cllr Z.M. Mangali	22 December 2020

The Speaker asked Alderman M. Sampson to wish the Councillors on their respective birthdays.

3.3 STATEMENTS BY THE SPEAKER

None

3.4 STATEMENTS BY THE EXECUTIVE MAYOR

- Extended condolences to the family and friends of deceased residents.
 - Wished the newly appointed Councillor good luck in her position.
 - Thanked the administration for the preparation of the meeting venue.
 - The Mayor announced that Cllr Evelyn Matjan was appointed as member of the Mayoral Committee. (Section of 60 of Structures Act, 1998.)
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4. CONFIRMATION OF MINUTES

4.1 In terms of the Rules of Order for Internal Arrangement By-Law 2012;

- (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 August 2020 (Copy enclosed)

RECOMMENDATION

That in respect of

CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

discussed by Council at the Council Meeting held on 27 October 2020:

1. As the Minutes of the Council Meeting held on 25 August 2020 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 25 August 2020 be taken as read and confirmed.

PROPOSED: CLLR E. VAN DER WESTHUIZEN

SECONDED: CLLR J.F. VAN ZYL

RESOLVED

C59/2020

That in respect of

CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

discussed by Council at the Council Meeting held on 27 October 2020:

1. As the Minutes of the Council Meeting held on 25 August 2020 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 25 August 2020 be taken as read and confirmed.
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4.3 Special Council Meeting held on 29 September 2020 (Copy enclosed)**RECOMMENDATION**

That in respect of

**CONFIRMATION OF MINUTES OF PREVIOUS SPECIAL COUNCIL MEETING
discussed by Council at the Council Meeting held on 27 October 2020:**

1. As the Minutes of the Special Council Meeting held on 29 September 2020 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Special Council Meeting held 29 September 2020 be taken as read and confirmed.

PROPOSED: CLLR E. VAN DER WESTHUIZEN**SECONDED: CLLR J.F. VAN ZYL****RESOLVED****C60/2020**

That in respect of

**CONFIRMATION OF MINUTES OF PREVIOUS SPECIAL COUNCIL MEETING
discussed by Council at the Council Meeting held on 27 October 2020:**

1. As the Minutes of the Special Council Meeting held on 29 September 2020 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Special Council Meeting held 29 September 2020 be taken as read and confirmed.
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**5. REPORT BY THE EXECUTIVE MAYOR ON DECISIONS TAKEN BY THE
EXECUTIVE MAYOR, THE EXECUTIVE MAYOR TOGETHER WITH THE DEPUTY
EXECUTIVE MAYOR AND THE MAYORAL COMMITTEE**

5.1 The Deputy Executive Mayor: Cllr. J.D. Levendal

5.2 MMC1: Alderman M. Sampson

5.3 MMC 3: Cllr. J.P. Kritzinger

5.4 MMC 4: Cllr. R. Faroa

5.5 MMC 5: Cllr. S.J. Mei

5.6 MMC 6: Alderman E.Y. Sheldon

5.7 MMC 7: Cllr. W.R. Meiring**Mayco Meeting held on 15 September 2020****5.7.1 IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED
JULY 2020
MFMA SECTION 71 Report****RESOLVED:****EX11/2020**

That in respect of

**IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED
JULY 2020
MFMA SECTION 71 Report**

discussed by MayCo at the MayCo meeting held on 15 September 2020:

That MayCo takes note of the contents in the In-year monthly report for July 2020 as set out in the schedules contained in Section 4 (In-year budget statement tables) as well as the supporting documentation in Section 6 to 13.

1. Table C1 – Monthly Budget Statement Summary;
 2. Table C2 – Monthly Budget Statement – Financial Performance (Standard classification);
 3. Table C3 – Monthly Budget Statement – Financial Performance Standard classification (Revenue and expenditure by Municipal vote);
 4. Table C4 – Monthly Budget Statement – Financial Performance (Revenue by Source and Expenditure by Type);
 5. Table C5 – Monthly Budget Statement – Capital Expenditure;
 6. Table C6 – Monthly Budget Statement – Financial Position; and
 7. Table C7 – Monthly Budget Statement – Cash Flows.
-
-

5.8 MMC 8: Cllr. J.F. Van Zyl

5.9 MMC 9: Cllr J.J. Von Willingh

The ANC requested a caucus.

Caucus started at 10:30

Meeting reconvened at 11:20

6. CONSIDERATION OF AGENDA ITEMS**6.1 ELECTION OF DEPUTY EXECUTIVE MAYOR****File No. /s:** 2/1/2/1**Responsible Officials:** R Esau**Directorate:** Strategic Support Services **Portfolio:** Strategic Support Services

1. Purpose

The purpose of the item is for Council to:

- Elect a Deputy Executive Mayor.
- Appoint a member (DA Councillor) to CWDM

2. Background:

Councillor John Daniël Levendal elected from a party list ceased to be a Councillor of Breede Valley Municipality when he unfortunately died on 16 September 2020. This created a vacancy in council. The municipal manager in compliance with Item 18(1)(b), Schedule 1 of the Municipal Structures Act 117 of 1998, declared the vacancy on 18 September 2020 and duly informed the chief electoral officer.

The Municipal Council must in terms of Section 55(2) and (3) of the Municipal Structures Act, elect Deputy Executive Mayor, from among its members.

The procedures set out in Schedule 3 of the Municipal Structures Act apply to the election of the Deputy Executive Mayor.

1. ELECTION PROCEDURE

“SCHEDULE 3

Election of municipal office-bearers

1. *Application*

The procedure set out in this Schedule applies whenever a municipal council meets to elect a speaker, an executive mayor, a deputy executive mayor, a mayor or a deputy mayor.

2. *Nominations*

The person presiding at a meeting to which this Schedule applies must call for the nomination of candidates at the meeting.

3. *Formal requirements*

- (1) A nomination must be made on the form determined by the municipal manager.*
 - (2) The form on which a nomination is made must be signed by two members of the municipal council.*
 - (3) A person who is nominated must indicate acceptance of the nomination by signing either the nomination form or any other form of written confirmation.*
-

4. Announcement of names of candidates

At a meeting to which this Schedule applies, the person presiding must announce the names of the persons who have been nominated as candidates but may not permit any debate.

5. Single candidate

If only one candidate is nominated, the person presiding must declare that candidate elected.

6. Election procedure

If more than one candidate is nominated—

- (a) a vote must be taken at the meeting by secret ballot;*
- (b) each councillor present at the meeting may cast one vote;*
and
- (c) the person presiding must declare elected the candidate who receives a majority of the votes.*

7. Elimination procedure

- (1) If no candidate receives a majority of the votes, the candidate who receives the lowest number of votes must be eliminated and a further vote taken on the remaining candidates in accordance with item 6. This procedure must be repeated until a candidate receives a majority of the votes.*
 - (2) When applying subitem (1), if two or more candidates each have the lowest number of votes, a separate vote must be taken on those candidates, and repeated as often as may be necessary to determine which candidate is to be eliminated.*
-

8. Further meetings

- (1) *If only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, a further meeting must be held within seven days at a time determined by the person presiding.*
- (2) *If a further meeting is held in terms of subitem (1), the procedure prescribed in this Schedule must be applied at that meeting as if it were the first meeting for the election in question.*
- (3) *If at the further meeting held in terms of subitem (1) only two candidates are nominated, or if only two candidates remain after an elimination procedure has been applied, and those two candidates receive the same number of votes, the person presiding at such meeting must determine by lot who of the two candidates will hold the office for which the election has taken place. [Sch 3 item 8(3) ins by s 34 of Act 51 of 2002.]*

In terms of 3(1) of Schedule 3, a nomination must be made on a form determined by the Municipal Manager. A pro-forma form for the nomination of a Deputy Executive Mayor is attached. Ballot papers will be available at the meeting.

- It must also be noted that Councillor Evelyn Matjan has resigned as Council's representative to the Cape Winelands District Municipality. An alternative member (DA Councillor) must thus be appointed.
-

Financial Implications: Position are legally obliged and budgeted for.

Applicable Legislation/ Council Policy:

Section 55(2) and (3) of the Municipal Structures Act, 117 of 1998

Comment of Directorates/ Departments concerned are not applicable

RECOMMENDATION

In respect of

Election of Deputy Executive Mayor

discussed by Council at the Council Meeting held on 27 October 2020:

- **That Council elects a Deputy Executive Mayor in terms of the procedures set out in Schedule 3 of the Municipal Structures Act.**
- **That an alternative DA Councillor be appointed to replace councillor Matjan as BVM representative on the CWDM council.**

To Action

Mr R Esau

The Speaker announced that the IEC would conduct the election process in accordance with Schedule 3 of the Structures Act, 1998 (Act 117 of 1998)

Nominations forms were made available on request to the DA and ANC.

The following councillors were duly nominated for the position of Deputy Executive Mayor:

ANC: Councillor Margaret N. Bushwana

DA: Alderlady Eileen Y Sheldon

The IEC announced the result as follows after a secret ballot:

- Alderlady E.Y. Sheldon : 23 votes
 - Cllr M.N. Bushwana : 12 votes
 - Spoilt ballots : 3
-

The Speaker declared Alderlady EILEEN YVONNE SHELDON duly elected as Deputy Executive Mayor of the Breede Valley Municipal Council. C61/2020

ACCEPTANCE SPEECH BY NEWLY ELECTED DEPUTY EXECUTIVE MAYOR:

ACCEPTANCE SPEECH: DEPUTY EXECUTIVE MAYOR: 27/10/2020

Speaker, thank you for the opportunity to address Council.

I am not in the habit of making speeches, but today I will seize this moment to thank the Breede Valley Council for bestowing the honour of the Deputy Mayoral-ship upon me.

My sincere gratitude to Executive Mayor Alderman Antoinette Steyn for the trust that she portrayed in me and thank my colleagues for supporting my appointed.

Die dag in 2006 toe ek as raadslid aangestel het, het ek nie in my wildste drome gedink dat ek die voorreg sal hê om hierdie ampsketting en toga te dra nie. My werk as gewone wyksraadslid het my in konstante direkte aanraking met die publiek gebring en was ek gereeld meegevoer deur die uitdagende omstandighede waaronder sommige inwoners verkeer .

In my new role as Deputy Mayor, I have big shoes to fill. We all know what my predecessor, the late John Levendal brought to the table and what he contributed to serving the community. I will strive to keep his legacy alive by giving my best in my position as Deputy Executive Mayor.

When I was elected to the Town Council during 2006, I entered a new world of public service although I was in education, a teacher for a very long time. Becoming a Councillor fulfilled my dream of being a public servant and being able to work towards the well-being of my fellowman. I was fortunate to be entrusted with the portfolio of housing when I was appointed as a member of the Mayoral Committee after being appointed to the Mayco following the 2011 Local election, a portfolio which I retained after the 2016 elections.

Being appointed as Executive Deputy Mayor of this Council is indeed an honour, following shortly after receiving the honorary title of Alderlady during February of this year.

I will endeavour to serve the community, the BVM Council and all other governmental role-players to the best of my ability and I trust that I can count on the assistance of my fellow-councillors.

Ek sal daarna streef om die gemeenskap voluit te dien...Ek sal hierin die ondersteuning van die BVM Administrasie enalgemene publiek en sal ek ook staatmaak op die ondersteuning van u as kollegas.

Madam Mayor I pledge my support to you in your efforts in the upliftment of the people of the Breede Valley and will do my best to ease your executive burden.

May God bless.

Thank you.

DEPUTIVE EXECUTIVE MAYOR: ALDERLADY EILEEN Y SHELDON

**6.2 SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 30 SEPTEMBER 2020.
MFMA SECTION 71 & 52 (d) Report**

File No. /s: 3/15/1

Responsible Officials: R. Ontong

Directorate: Financial Services

Portfolio: Financial Services

1. Purpose

To submit to Council the In-year financial management report for adoption.

2. Background

In terms of the Municipal Finance Management Act, 56 of 2003, section 71.

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

- (a) Actual revenue, per revenue source;
 - (b) actual borrowings;
 - (c) actual expenditure, per vote;
 - (d) actual capital expenditure, per vote;
 - (e) the amount of any allocations received;
 - (f) actual expenditure on those allocations, excluding expenditure on
 - (i) its share of the local government equitable share; and
 - (ii) allocations exempted by the annual Division of Revenue Act from compliance with this paragraph; and
 - (g) when necessary, an explanation of-
 - (i) any material variances from the municipality's projected revenue by source, and from the municipality's expenditure projections per vote;
 - (ii) any material variances from the service delivery and budget implementation plan; and
 - (iii) any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the municipality's approved budget.
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- (2) The statement must include-
- (a) a projection of the relevant municipality's revenue and expenditure for the rest of the financial year, and any revisions from initial projections; and
 - (b) the prescribed information relating to the state of the budget of each municipal entity as provided to the municipality in terms of section 87(10).
- (3) The amounts reflected in the statement must in each case be compared with the corresponding amounts budgeted for in the municipality's approved budget.
- (4) The statement to the provincial treasury must be in the format of a signed document and in electronic format.
- (5) The accounting officer of a municipality which has received an allocation referred to in subsection (1)(e) during any particular month must, by no later than 10 working days after the end of that month, submit that part of the statement reflecting the particulars referred to in subsection (1)(e) and (f) to the national or provincial organ of state or municipality which transferred the allocation.
- (6) The provincial treasury must by no later than 22 working days after the end of each month submit to the National Treasury a consolidated statement in the prescribed format on the state of the municipalities' budgets, per municipality and per municipal entity.
- (7) The provincial treasury must, within 30 days after the end of each quarter, make public as may be prescribed, a consolidated statement in the prescribed format on the state of municipalities' budgets per municipality and per municipal entity. The MEC for finance must submit such consolidated statement to the provincial legislature no later than 45 days after the end of each quarter.

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

The mayor of a municipality—

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

3. Financial Implications

None

4. Applicable Legislation/ Council Policy:

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

Comment of Directorates/ Departments concerned:**Municipal Manager:** Recommendation supported**Director: Strategic Support Services:** Recommendation supported**Director: Financial Services:** Recommendation supported**Director: Technical Services:** Recommendation supported**Director: Community Services:** Recommendation supported**RECOMMENDATION:**

That in respect of

SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 30 SEPTEMBER 2020

discussed by council at the council meeting held on the 27 October 2020:

1. That council takes note of the in-year financial management report for the period ended 30 September 2020.

PROPOSED: CLLR W.R. MEIRING
SECONDED: ALDERMAN M. SAMPSON**RESOLVED****C62/2020**

That in respect of

SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 30 SEPTEMBER 2020

discussed by council at the council meeting held on the 27 October 2020:

1. That council takes note of the in-year financial management report for the period ended 30 September 2020.

To ActionR. Ontong

**6.3 QUARTERLY PERFORMANCE REPORTS PERTAINING TO THE FIRST
QUARTER (1 JULY 2020 – 30 SEPTEMBER 2020)****File No./s:** 3/15/1**Responsible Official:** C Malgas**Directorate:** Strategic Support Services**Portfolio:** Performance Management

1. PURPOSE

To inform Council on the implementation of the budget and the financial state of affairs of the Municipality and assess performance against the performance indicators set in the approved 2020//2021 Top-Layer SDBIP.

2. BACKGROUND

According to Section 52(d) of the MFMA, the Mayor must, submit a report to the Council on the implementation of the budget and the financial state of affairs of the Municipality. Effective in-year reporting provides municipal management with an opportunity to analyse performance and address shortcomings and improve internal controls and service delivery.

All quarterly reports tabled in the Council in terms of section 52(d) must be placed on the website not later than five days after its tabling in the Council or on the date on which it must be made public, whichever occurs first.

3. DISCUSSION

3.1 Motivation for amending TL72

The KPI TL72 required that the approved financial statements for 2019/20 financial year be submitted to the Auditor General South Africa by 31 August 2020. The deadline of 31 August 2020 was based on section 126(1) (a) of the Municipal Finance Management Act, 56 of 2003 (MFMA) that obliges the accounting officer of a municipality to prepare the annual financial statements of the municipality and, within two months after the end of the financial year to which those statements relate, submit the statements to the Auditor-General for auditing.

The prescribed MFMA deadline for the submission of inter alia the annual financial statements was amended to 31 October 2020 by National Treasury through Notice 851 issued on the 6 August 2020. It therefore follows that our KPI TL72 pegged to section 126(1)(a) of the MFMA must similarly be extended. To wait for such an amendment until the tabling of an adjustment budget in February 2021 will not be sensible as the legislative deadline of 31 October 2020 would have already passed.

It is therefore recommended that Council, based on the rational and legislative reasons stated above, amend TL72 with immediate effect so that the new submission date of the annual financial statements accord with the legislative deadline for the 2019/20 financial year.

A copy of the Quarter 1 SDBIP Performance Report and Top-Layer KPI Report is attached as Annexures "A" and "B" respectively.

4. FINANCIAL IMPLICATIONS

None

5. APPLICABLE LEGISLATION / COUNCIL POLICY

- Municipal Finance Management Act, no. 56 of 2003
- National Treasury Notice 851 - Local Government: Municipal Finance Management Act, 2003 Exemption from Act

COMMENTS OF DIRECTORATES CONCERNED:

Municipal Manager: Recommendation Supported

Director Strategic Support Services: Recommendation Supported

Director Financial Services: Recommendation Supported

Director Technical Services: Recommendation Supported

Director Community Services: Recommendation Supported

Senior Manager Legal Services: Recommendation Supported

RECOMMENDATION:

That in respect of -

The Quarterly Performance Report for the First Quarter (1 July 2020 – 30 September 2020)

as discussed by Council at the Council meeting held on 27 October 2020:

1. That Council takes note of the Quarter 1 SDBIP Performance Report and the Top-Layer KPI Report for the period 1 July 2020 – 30 September 2020 and;
2. That Council amend TL72 that the date for the submission of the annual financial statements to the Auditor General South Africa be 31 October 2020.

PROPOSED: CLLR W.R. MEIRING

SECONDED: ALDERMAN M. SAMPSON

RESOLVED**C63/2020**

That in respect of -

The Quarterly Performance Report for the First Quarter (1 July 2020 – 30 September 2020)

as discussed by Council at the Council meeting held on 27 October 2020:

- 1. That Council takes note of the Quarter 1 SDBIP Performance Report and the Top-Layer KPI Report for the period 1 July 2020 – 30 September 2020 and;**
- 2. That Council amend TL72 that the date for the submission of the annual financial statements to the Auditor General South Africa be 31 October 2020.**

To Action

C. Malgas

6.4 QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR THE 1st QUARTER OF THE 2020/21 FINANCIAL YEAR

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

Responsible Official: R. Ontong

Directorate: Financial Services

Portfolio: Supply Chain Management

1. PURPOSE

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

2. BACKGROUND

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

The SCM quarterly implementation report approved in terms of paragraph 6.3 for the 1st quarter of the 2020/21 financial year, is attached as **Annexure A**.

3. FINANCIAL IMPLICATIONS

None

4. APPLICABLE LEGISLATION / COUNCIL POLICY

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

ANNEXURE

Annexure A: SCM quarterly implementation report (1st quarter ending 30 September 2020) approved in terms of paragraph 6.3.

RECOMMENDATION

In respect of

QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR THE 1st QUARTER OF THE 2020/21 FINANCIAL YEAR

As discussed by Council at the Council Meeting held on 27 October 2020:

1. That the approved SCM quarterly implementation report for the 1st quarter of the 2020/21 financial year, be noted.

PROPOSED: CLLR W.R. MEIRING

SECONDED: ALDERMAN M. SAMPSON

RESOLVED**C64/2020**

In respect of

QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR THE 1st QUARTER OF THE 2020/21 FINANCIAL YEAR

As discussed by Council at the Council Meeting held on 27 October 2020:

1. That the approved SCM quarterly implementation report for the 1st quarter of the 2020/21 financial year, be noted.

To Action

R. Ontong

6.5 REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH: AUGUST 2020**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: August 2020

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 August 2020, 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: Technical Services: Noted

Director: Community Services: Noted

Senior Manager: Legal Services: Noted

RECOMMENDATION

In respect of

REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH: AUGUST 2020

As discussed by Council at the Council Meeting held on 27 October 2020:

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the month of August 2020, be noted.

PROPOSED: CLLR W.R. MEIRING

SECONDED: ALDERMAN M. SAMPSON

RESOLVED

C65/2020

In respect of

REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH: AUGUST 2020

As discussed by Council at the Council Meeting held on 27 October 2020:

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the month of August 2020, be noted.

To Action

R. Ontong

6.6 REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF: SEPTEMBER 2020**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: September 2020.

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 September 2020, 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: Technical Services: Noted

Director: Community Services: Noted

Senior Manager: Legal Services: Noted

RECOMMENDATION

In respect of

REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF: SEPTEMBER 2020

As discussed by Council at the Council Meeting held on 27 October 2020:

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the month of September 2020, be noted.

PROPOSED: CLLR W.R. MEIRING

SECONDED: ALDERMAN M. SAMPSON

RESOLVED**C66/2020**

In respect of

REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF: SEPTEMBER 2020

As discussed by Council at the Council Meeting held on 27 October 2020:

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the month of September 2020, be noted.

To Action

R. Ontong

**6.7 HEX VALLEY WATER USER ASSOCIATION: APPOINTMENT OF A MEMBER
ON THE MANAGEMENT COMMITTEE****File No./s:** 11/1/R**Responsible Official:** J. D. Pekeur**Directorate:** Technical Services**Portfolio:** Water Services

1. PURPOSE

The purpose of this item is for Council to consider the appointment of a member on the management committee of the Hex Valley Water User Association ("*the Association*") to represent the municipality.

2. BACKGROUND / DISCUSSION

In terms of Section 98(6) of the National Water Act, 1998 (Act No.36 of 1998), the Hex Valley Irrigation Board, the Groothoek Irrigation Board, the Matroosberg Irrigation Board, Bovenstewater Irrigation Board and Drie Riviere Irrigation Board, were transformed into the Hex Valley Water User Association, with its head office in De Doorns.

The area of operation of the Association is the area within the watershed where water is being diverged into the following rivers: Volchatkloof River, Spek River, Sandriftkloof River, Amandel River, Bulshoek River and the Hex River.

The Association manage, operate and control water use from its resources. The town of De Doorns receives its water from the Association.

The Department: Water and Forestry approved the Association's constitution attached as **Annexure A**. Paragraph 13 of said constitution provides for the composition of the management committee and stipulate that there will be one (1) member from the local authority.

The Senior Manager: Water Services on a regular basis attended meetings of the Association in the past. It is proposed that Council formalise the membership of this official on the management committee of the Association and thus resolve on the appointment. In addition, it is proposed that the Manager: Water and Waste Water Treatment be appointed as secundi.

3. ANNEXURE

Annexure A: Hex Valley Water User Association Constitution

4. FINANCIAL IMPLICATIONS

None

5. APPLICABLE LEGISLATION / COUNCIL POLICY

National Water Act, 1998 (Act No.36 of 1998)

6. COMMENTS FROM DIRECTORATES / DEPARTMENTS

MUNICIPAL MANAGER: Recommendation Supported

DIRECTOR TECHNICAL SERVICES: Recommendation Supported

CHIEF FINANCIAL OFFICER: Recommendation Supported

DIRECTOR COMMUNITY SERVICES: Recommendation Supported

DIRECTOR STRATEGIC SUPPORT SERVICES: Recommendation Supported

SENIOR MANAGER LEGAL SERVICES: Recommendation Supported

RECOMMENDATION

That in respect of –

HEX VALLEY WATER USER ASSOCIATION: APPOINTMENT OF A MEMBER ON THE MANAGEMENT COMMITTEE

as discussed by Council at the Council meeting held on 27 October 2020 council decide:

1. **To appoint the Senior Manager: Water Services as a member on the Hex Valley User Association management committee; and**
2. **that the Manager: Water and Wastewater be appointed as secundi.**

PROPOSED: ALDERMAN M. SAMPSON

SECONDED: CLLR L. WILLEMSE

RESOLVED

C67/2020

That in respect of –

HEX VALLEY WATER USER ASSOCIATION: APPOINTMENT OF A MEMBER ON THE MANAGEMENT COMMITTEE

as discussed by Council at the Council meeting held on 27 October 2020 council decide:

1. **To appoint the Senior Manager: Water Services as a member on the Hex Valley User Association management committee; and**
2. **that the Manager: Water and Wastewater be appointed as secundi.**

To Action

J. Pekeur

**6.8 PROPOSED AMENDMENT: REMUNERATION LEVEL OF THE DIRECTOR:
COMMUNITY SERVICES****File no.:** 4/1/3/1**Responsible Official:** H Potgieter**Directorate:** SSS**Portfolio:** Legal Services

1. PURPOSE

The purpose of this item is for Council to consider the adjustment of the remuneration package of the Director: Community Services, Mr. Seon Swartz.

2. BACKGROUND / DISCUSSION

The Director: Community Services was duly appointed by Council on 23 August 2018 in compliance with the Regulations on the Appointment and Conditions of Employment of Senior Managers and the Local Government: Municipal Systems Act (No. 32 of 2000).

The salaries of Managers directly accountable to the Municipal Manager, are prescribed by the Upper limits of Total Remuneration packages payable to Municipal Managers and Managers Directly accountable to Municipal Managers.

The Upper limits make provision for Minimum-, Midpoint- and Maximum Remuneration packages and in terms thereof, an *“offer of remuneration on appointment will be determined by the competencies, qualifications, experience and knowledge of the candidate considered for appointment”*.

In all three categories, minimum requirements are set. The Director: Community Services was appointed and is currently remunerated at the Midpoint level. The two requirements that differentiates between the Midpoint and Maximum levels, are the years of relevant experience and acquired competency achievement. The Midpoint Remuneration level requires 5 to 10 years' relevant experience and persons who have acquired an advanced competency achievement level as measured against the competency framework.

The Maximum Remuneration level require the relevant qualification and is applicable to persons who have more than 10 years experience and the necessary competencies as measured against the competency framework.

The Director: Community Services was appointed on the basis of the findings and consensus of the selection committee which resulted in the Director: Community Services being remunerated on the midpoint remuneration package. As the Director: Community Services holds the necessary qualifications, gained the "*more than 10 years' experience*" and have the requisite competencies to be remunerated on the Maximum Level, it is requested that Council give due consideration to amend his salary from the Mid- to Maximum Level.

3. RELEVANT LEGISLATION

Local Government Systems Act, 2000 (Act No. 32 of 2000).

Local Government: Upper Limits of Total Remuneration Packages payable to Municipal Managers and Managers directly accountable to Municipal Managers.

4. FINANCIAL IMPLICATIONS

The financial implications would be the difference between the Midpoint level and the maximum level remuneration package

CONCLUSION

It is proposed that Council consider the adjustment of the remuneration of the Director: Community Services, Mr. Seon Swartz to be increased to the maximum remuneration package in terms of the Local Government: Municipal Systems Act, No. 32 of 2000, Upper Limits of Total Remuneration Packages payable to Municipal Managers and Managers directly accountable to Municipal Managers, with effect from 1 November 2020.

RECOMMENDATION

That in respect of –

PROPOSED AMENDMENT: REMUNERATION LEVEL OF THE DIRECTOR: COMMUNITY SERVICES

as discussed by Council at the Council Meeting held on 27 October 2020 Council decide:

1. That the remuneration of the Director: Community Services, Mr. Seon Swartz be increased to the maximum remuneration package with effect from 1 November 2020.

PROPOSED: CLLR W.R. MEIRING

SECONDED: ALDERMAN A. STEYN

RESOLVED**C68/2020**

That in respect of –

PROPOSED AMENDMENT: REMUNERATION LEVEL OF THE DIRECTOR: COMMUNITY SERVICES

as discussed by Council at the Council Meeting held on 27 October 2020 Council decide:

1. That the remuneration of the Director: Community Services, Mr. Seon Swartz be increased to the maximum remuneration package with effect from 1 November 2020.

TO ACTION:

R. Esau/ R. Ontong

6.9 WATER SERVICES AUDIT REPORT FOR 2019/2020**File No./s:** 11/1/R**Responsible Official:** J. D. Pekeur**Directorate:** Technical Services**Portfolio:** Water Services

1. Purpose

To obtain Council's approval of the Water Services Audit Report for 2019/2020.

2. Background

Section 62 of the Water Services Act requires the Minister to monitor every WSA in order to ensure compliance with the prescribed national standards. This regulation requires a WSA to complete and submit a water services audit every year.

The water services audit is designed to monitor the compliance of the WSA and other WSIs with these regulations. It allows the water services audit to be used as a tool to compare actual performance of the WSA against the targets and indicators set in their WSDP. It also assists local communities and DWS to assess how well WSAs are performing relative to their stated intentions and their capacity.

The Water Services Audit Report will give an overview of the implementation of the previous years' WSDP of Breede Valley Municipality and can be seen as an annexure to Breede Valley Municipality's Annual Report. The Annual Report is compiled as required by the Local Government: Municipal Systems Act, Act no 32 of 2000 (Section 46) and the Local Government: Municipal Finance Management Act, Act no 56 of 2003 (Section 121).

Methodology followed: The Service Delivery Budget Implementation Plan (SDBIP) of Breede Valley Municipality for 2019/2020 was used to report on the KPIs for water and sewerage services. The previous WSDP was further used as basis to compile the report. The latest water usage figures and WWTWs flows up to June 2020 were obtained from Breede Valley Municipality, analysed and included under the various sections of the Water Services Audit Report.

Availability of the Water Services Audit Report: The Water Services Audit Report is a public document and must be made available within four months after the end of each financial year and must be available for inspection at the offices of the Municipality. It is also recommended that the

document be placed on the Municipality's website and that copies of the document be placed at the public libraries. The Water Services Audit Report must also be made available to DWS for their comments as required by legislation.

3. Financial Implications

No financial implications.

4. Applicable Legislation / Council Policy

Water Services Act:

Section 18 of the Water Services Act stipulates the following with regard to the water services audit on the implementation of the WSDP.

- (1) A water services authority must report on the implementation of its development plan during each financial year,
- (2) The report-
 - a) must be made available within four months after the end of each financial year; and
 - b) must be given to the Minister, the Minister for Provincial and Local Government, the Member of the Executive Council responsible for local government in the relevant province and all the organisations representing municipalities having jurisdiction in the area of the water services authority.
- (3) The water services authority must publicise a summary of its report.
- (4) A copy of the report and of its summary must be-
 - a) Available for inspection at the offices of the water services authority; and
 - b) Obtainable against payment of a nominal fee.

Regulations under Section 9 of the Water Services Act, which include the water services audit as Section 10 of the Guidelines for Compulsory National Standards stipulates the following:

- (10) (2) A water services audit must contain details for the previous financial year and, if available, comparative figures for the preceding two financial years of-
 - (a) the quantity of water services provided, including at least –
 - (i) the quantity of water used by each sector;
-

- (ii) the quantity of water provided to the water services institution by another water services institution;
 - (iii) the quantity of effluent received at sewage treatment plants; and
 - (iv) the quantity of effluent not discharged to sewage treatment plants and approved for use by the water services institution;
- (b) the levels of services rendered, including at least –
- (i) the number of user connections in each user sector;
 - (ii) the number of households provided with water through communal water services works;
 - (iii) the number of consumers connected to a water reticulation system where pressures rise above 900 kPa at the consumer connection;
 - (iv) the number of households provided with sanitation services through consumer installations connected to the sewerage system;
 - (v) the number of households with access to basic sanitation services;
 - (vi) the number of new water supply connections made; and
 - (vii) the number of new sanitation connections made;
- (c) the numbers provided in compliance with paragraph (b) expressed as a percentage of the total number of connections or households;
- (d) cost recovery, including at least –
- (i) the tariff structures for each user sector;
 - (ii) the income collected expressed as a percentage of total costs for water services provided; and
 - (iii) un-recovered charges expressed as a percentage of total costs for water services provided;
- (e) meter installation and meter testing, including at least –
- (i) the number of new meters installed at consumer installations; and
 - (ii) the number of meters tested and the number of meters replaced expressed as a percentage of the total number of meters installed at consumer connections;
- (f) the water quality sampling programme contemplated in regulation 5(1), the results of the comparison set out in regulation 5(3) and any occurrence reported in compliance with regulation 5(4);

Guidelines for Compulsory National Standards and Norms and Standards for Water Services Tariffs: Sections 5(1), 5(3) and 5(4) stipulates the following:

- 5 (1) *Within two years of the promulgation of these Regulations, a WSA must include a suitable programme for sampling the quality of potable water provided by it to consumers in its WSDP.*
- 5(2) *The water quality sampling programme contemplated in sub regulation (1) must specify the points at which potable water provided to consumers will be sampled, the frequency of sampling and for which substances and determinants the water will be tested.*
- 5 (3) *A water services institution must compare the results obtained from the testing of the samples with SABS241: Specifications for Drinking Water, or the South African Water Quality Guidelines published by the Department of Water Affairs and Forestry.*
- 5 (4) *Should the comparison of the results as contemplated in sub regulation (3) indicate that the water supplied poses a health risk, the water services institution must inform the Director-General of the Department of Water Affairs and Forestry and the head of the relevant Provincial Department of Health and it must take steps to inform its consumers-*
- (a) that the quality of the water that is supplied poses a health risk;*
 - (b) of the reasons for the health risk;*
 - (c) of any precautions to be taken by the consumers; and*
 - (d) of the time frame, if any, within which it may be expected that water of a safe quality will be provided.*
- (g) water conservation and demand management, including at least –
- (i) the results of the water balance as set out in regulation 11;
 - (ii) the total quantity of water unaccounted for;
 - (iii) the demand management activities undertaken; and
 - (iv) the progress made in the installation of water efficient devices.

Guidelines for Compulsory National Standards and Norms and Standards for Water Services Tariffs: Section 11 stipulates the following:

- 11 (1) *Within two years of the promulgation of these Regulations, a water services institution must every month-*
- (a) Measure the quantity of water provided to each supply zone within its supply area;*
 - (b) Determine the quantity of unaccounted for water by comparing the measured quantity of water provided to each supply zone with the total measured quantity of water provided to all user connections within that supply zone;*
-

- (c) *Measure the quantity of effluent received at each sewage treatment plant; and*
- (d) *Determine the quantity of water supplied but not discharged to sewage treatment plants by comparing the measured quantity of effluent received at all sewage treatment plants with the total measured quantity of water provided to all user connections.*

11 (2) *A water services institution must-*

- (a) *Take steps to reduce the quantity of water unaccounted for; and*
- (b) *Keep record of the quantities of water measured and of the calculations made.*

Strategic Framework for Water Services (September 2003):

“A WSA must report annually and in a public way on progress in implementing the plan.” The requirement that WSAs regularly update their plans and report annually on progress against their plans will assist local communities and DWA to assess how well WSAs are performing relative to their stated intentions and their capacity.

Comment of Directorates / Departments concerned:

Municipal Manager: The item and recommendation are supported.

Director: Community Services: Noted.

Director: Strategic Support Services: Noted.

Senior Manager: Legal Services: The item and recommendation are supported.

Manager: IDP: The item and recommendation are supported.

Director: Financial Services: The item and recommendation are supported.

Director: Technical Services: The item and recommendation are supported.

RECOMMENDATION

That in respect of

The Water Services Audit Report for 2019/2020

discussed by the Council at Council meeting held on 27 of October 2020.

1. Council approves:

- The Water Services Audit Report for 2019/2020.

PROPOSED: ALDERMAN M. SAMPSON

SECONDED: CLLR E. VAN DER WESTHUIZEN

RESOLVED

C69/2020

That in respect of

The Water Services Audit Report for 2019/2020

discussed by the Council at Council meeting held on 27 of October 2020.

1. Council approves:

- The Water Services Audit Report for 2019/2020.

To Action

J. Pekeur

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

10. CONSIDERATION OF MOTIONS OF EXIGENCY
-
-

11. CLOSURE
-
-

