

# MINUTES

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

Date distributed

## **4<sup>th</sup> COUNCIL MEETING OF THE BREEDE VALLEY MUNICIPALITY**

**2020-07-28 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 10:10 and welcomed everyone present. The Speaker allowed a moment of silence for prayer and meditation.**

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**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 Cllrs C. Wilskut, K. Benjamin, S.J. Mei, N.P. Williams, C. Mohobo and T. Maridi.**

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**3. COMMUNICATION****3.1 INTERVIEWS OR PRESENTATIONS BY DEPUTATIONS**

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

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*“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 N.P. Mercur	2 August 2020
Cllr T. Wehr	9 August 2020
Cllr J. Robinson	13 August 2020

**The Speaker asked Cllr N. Nel to congratulate the Councillors on their respective birthdays.**

### **3.3 STATEMENTS BY THE SPEAKER**

**None**

### **3.4 STATEMENTS BY THE EXECUTIVE MAYOR**

The Executive Mayor offered her condolences to all the families that lost loved ones to Covid19 and thanked all Councillors for their hard work and serving the community during these difficult times.

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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.
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**4.2 Council Meeting held on 11 June 2020 (Copy enclosed)****RECOMMENDATION**

That in respect of

**CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING  
discussed by Council at the Council Meeting held on 28 July 2020:**

1. As the Minutes of the Council Meeting held on 11 June 2020 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 11 June 2020 be taken as read and confirmed.

**PROPOSED: CLLR J.F. VAN ZYL****SECONDED: CLLR E. VAN DER WESTHUIZEN****RESOLVED****C40/2020**

That in respect of

**CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING  
discussed by Council at the Council Meeting held on 28 July 2020:**

1. As the Minutes of the Council Meeting held on 11 June 2020 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 11 June 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**

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

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**5.2 MMC1: Cllr. M. Sampson**

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**5.3 MMC 3: Cllr. J.P. Kritzinger**

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**5.4 MMC 4: Cllr. R. Faroa**

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**5.5 MMC 5: Cllr. S.J. Mei**

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**5.6 MMC 6: Cllr. E.Y. Sheldon**

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**5.7 MMC 7: Cllr. W.R. Meiring****Mayco Meeting held on 18 November 2019****5.7.1 IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED  
OCTOBER 2019  
MFMA SECTION 71 Report****RESOLVED:****EX23/2019**

That in respect of  
**IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED  
OCTOBER 2019  
MFMA SECTION 71 Report**  
discussed by MayCo at the MayCo meeting held on 18 November 2019:

That MayCo takes note of the contents in the In-year monthly report for October 2019 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.

**Mayco Meeting held on 18 February 2020**

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**5.7.2 IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED  
NOVEMBER 2019  
MFMA SECTION 71 Report**

**RESOLVED:  
EX2/2020**

That in respect of  
**IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED  
NOVEMBER 2019  
MFMA SECTION 71 Report**

discussed by MayCo at the MayCo meeting held on 18 February 2020:

That MayCo takes note of the contents in the In-year monthly report for November 2019 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.

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

**RESOLVED: EX3/2020**

That in respect of

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

discussed by MayCo at the MayCo meeting held on 18 February 2020:

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That MayCo takes note of the contents in the In-year monthly report for January 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.

**5.7.4 ITEM TO MAYCO REGARDING COUNCIL RESOLUTION: C2/2020  
RECOMMENDATIONS 3.1 TO 3.7**

**RESOLVED:**

**EX4/2020**

**That in respect of  
ITEM TO MAYCO REGARDING COUNCIL RESOLUTION: C2/2020  
RECOMMENDATIONS 3.1 TO 3.7**

discussed by Mayco at the Mayoral committee meeting held on 18 February 2020:

That the recommendations be communicated to Council at the next Council meeting.

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

**Mayco Meeting held on 18 November 2019**

**5.8.1 AFRIMAT: CONSIDERATION OF APPLICATION IN RESPECT OF  
BREWELSKLOOF QUARRY, SITUATED AT A PORTION OF THE REMAINDER  
OF ERF 3604, WORCESTER**

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**RESOLVED:****EX24/2019**

**AFRIMAT: CONSIDERATION OF APPLICATION IN RESPECT OF BREWELSKLOOF QUARRY, SITUATED AT A PORTION OF THE REMAINDER OF ERF 3604, WORCESTER**

**as discussed by Mayco at the Mayco meeting held on 18 November 2019  
Mayco recommend to Council that:**

1. A proper assessment of the value of the said property be done taking into account intrinsic and profit value; and
2. that the findings and recommendations be re-submitted to Mayco before same is recommended to Council for consideration.

**5.8.2 AFRIMAT: CONSIDERATION OF APPLICATION IN RESPECT OF SMALBLAAR, SITUATED AT A PORTION OF ERF 2, RAWSONVILLE**

**RESOLVED:****EX25/2019**

**That in respect of –**

**AFRIMAT: CONSIDERATION OF APPLICATION IN RESPECT OF SMALBLAAR, SITUATED AT A PORTION OF ERF 2, RAWSONVILLE**

**as discussed by Mayco at the Mayco meeting held on 18 November 2019  
Mayco recommend to Council that:**

1. A proper assessment of the value of the said property be done taking into account intrinsic and profit value; and
2. that the findings and recommendations be re-submitted to Mayco before same is recommended to Council for consideration.

**5.8.3 CONSIDERATION FOR THE LEASE OF MUNICIPAL PROPERTY: PORTION OF ERF 1, SITUATED AT DISTILLERY ROAD LANGERUG, WORCESTER (“OVAL TRACK”)**

**RESOLVED:****EX26/2019**

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1. That approval for the lease of municipal property, portion of Erf 1, situated at Distillery Road Langerug, Worcester ("Oval Track") for purposes of a stockcar raceway facility **not be granted.**
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5.9 MMC 9: Cllr J.J. Von Willingh

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**6. CONSIDERATION OF AGENDA ITEMS**

The Speaker ruled that Item 6.5 be moved to Item 6.1.

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

**File No. /s:** 3/15/1

**Responsible Officials:** R. Ontong

**Directorate:** Financial Services

**Portfolio:** Financial Services

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

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

The mayor of a municipality—

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

### 3. Financial Implications

None

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**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 2019/2020**  
discussed by Council at the council meeting held on the 28 July 2020:

1. That council takes note of the in-year financial management report for the 2019/2020 financial year.

**PROPOSED: ALDERMAN A. STEYN**

**SECONDED: ALDERMAN E.Y. SHELDON**

**RESOLVED****C42/2020**

That in respect of

**SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT 2019/2020**  
discussed by Council at the council meeting held on the 28 July 2020:

1. That council takes note of the in-year financial management report for the 2019/2020 financial year.

**To Action**

R. Ontong

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**6.3 2020/2021 SERVICE DELIVERY BUDGET AND IMPLEMENTATION PLAN  
(SDBIP)****File No./s:** 3/15/1**Responsible Official:** C Malgas**Directorate:** Strategic Support Services**Portfolio:** Performance Management

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**1. PURPOSE**

To notify Council of the approval of the 2020/2021 Service Delivery Budget and Implementation Plan (SDBIP).

**2. BACKGROUND**

In terms of Section 1 of the Municipal Finance Management Act, Act no. 56 of 2003, the “service delivery and budget implementation plan” means a detailed plan approved by the mayor of a municipality in terms of Section 53 (1)(c)(ii) for implementing the municipality’s delivery of municipal services and its annual budget, and which must indicate—

(a) projections for each month of—

(i) revenue to be collected, by source; and

(ii) operational and capital expenditure, by vote;

(b) service delivery targets and performance indicators for each quarter; and

(c) any other matters that may be prescribed,

and includes any revisions of such plan by the mayor in terms of section 54(1)(c).

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The municipality's SDBIP is approved by the mayor within 28 days after the approval of the budget. According to Section 53 (3), the mayor must ensure—

(a) that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, as set out in the service delivery and budget implementation plan, are made public no later than 14 days after the approval of the service delivery and budget implementation plan; and

(b) that the performance agreements of the municipal manager, senior managers and any other categories of officials as may be prescribed, are made public no later than 14 days after the approval of the municipality's service delivery and budget implementation plan.

According to MFMA Circular 13 of National Treasury, the SDBIP provides the **vital link** between the mayor, council (executive) and the administration, and facilitates the process for holding management accountable for its performance. The SDBIP serves as a **management, implementation and monitoring tool** that will assist the mayor, councillors, municipal manager, senior managers and community to monitor in-year information, such as quarterly service delivery and monthly budget targets, and links each service delivery output to the budget of the municipality, thus providing credible management information and a detailed plan for how the municipality will provide such services and the inputs and financial resources to be used. A properly formulated SDBIP will ensure that appropriate information is circulated internally and externally for purposes of monitoring the execution of the budget, performance of senior management and achievement of the strategic objectives set by council.

### 3. COMMENT

A copy of the approved 2020/21 SDBIP is attached as Annexure "A"

### 4. FINANCIAL IMPLICATIONS

None

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**5. APPLICABLE LEGISLATION / COUNCIL POLICY**

Local government: Municipal Finance Management Act, Act no.56 of 2003

MFMA Circular 13 dealing with the SDBIP

**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

**Senior Manager: Legal Services:** Recommendation supported

**RECOMMENDATION:**

That in respect of -

**The 2020/2021 SDBIP**

as discussed by the Council at the Council meeting held on 28 July 2020:

1. That Council takes note of the approved 2020/2021 SDBIP as attached in the annexed schedule.

**PROPOSED:** ALDERMAN A. STEYN

**SECONDED:** CLLR J.P. KRITZINGER

**RESOLVED**

That in respect of -

**The 2020/2021 SDBIP**

as discussed by the Council at the Council meeting held on 28 July 2020:

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**C43/2020**

That Council takes note of the approved 2020/2021 SDBIP as attached in the annexed schedule.

**To Action**

C. Malgas

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#### 6.4 QUARTERLY PERFORMANCE REPORTS PERTAINING TO THE FOURTH QUARTER (1 APRIL 2020 –30 JUNE 2020)

**File No./s:** 3/15/1

**Responsible Official:** C Malgas

**Directorate:** Strategic Support Services    **Portfolio:** Performance Management

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### 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 2019/20 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. COMMENT

A copy of the Quarter 4 SDBIP Performance Report and Top-Layer KPI Report is attached as Annexures "A" and "B" respectively.

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#### 4. FINANCIAL IMPLICATIONS

None

#### 5. APPLICABLE LEGISLATION / COUNCIL POLICY

Municipal Finance Management Act, no. 56 of 2003

#### 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 FOURTH QUARTER (1 APRIL 2020  
– 30 JUNE 2020)**

as discussed by Council at the Council meeting held on 28 July 2020:

- 1. That Council takes note of the Quarter 4 SDBIP Performance Report and the Top-Layer KPI Report for the period 1 April 2020 – 30 June 2020.**

**PROPOSED: CLLR W.R. MEIRING**

**SECONDED: ALDERMAN A. STEYN**

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**RESOLVED**

**C44/2020**

That in respect of -

**THE QUARTERLY PERFORMANCE REPORT FOR THE FOURTH QUARTER (1 APRIL 2020  
– 30 JUNE 2020)**

as discussed by Council at the Council meeting held on 28 July 2020:

- 1. That Council takes note of the Quarter 4 SDBIP Performance Report and the Top-Layer KPI Report for the period 1 April 2020 – 30 June 2020.**

**To Action**

C. Malgas

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**6.5 2020/2021 PERFORMANCE AGREEMENTS OF THE MUNICIPAL MANAGER  
AND MANAGERS DIRECTLY ACCOUNTABLE TO THE MUNICIPAL MANAGER****File No./s:** 3/15/1**Responsible Official:** C Malgas**Directorate:** Strategic Support Services**Portfolio:** Performance Management

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**1. PURPOSE**

To notify Council of the annual Performance Agreements (for the period 2020/2021) pertaining to the Municipal Manager and Managers directly accountable to the Municipal Manager.

**2. BACKGROUND**

In terms of section 57 of the Municipal Systems Act (Act 32 of 2000), hereafter referred to as the MSA, a person to be appointed as a Municipal Manager or Manager directly accountable to the Municipal Manager may only be appointed in that position in terms of a written employment contract and a separate performance agreement. In terms of Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, Notice 805 of 2006, the employment contract of Section 57 Managers, subject to labour legislation, specifically delineates the key components to be included in the contract such as:

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

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

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

Section 53(3)(b) of the Municipal Finance Management Act (Act 56 of 2003) inter alia determine that the mayor must ensure that the performance agreements of the municipal manager, senior managers and any other categories of officials as may be prescribed, are made public and that copies of such performance agreements be submitted to the Council and the MEC for local government in the province.

### **3. COMMENT**

Copies of the signed 2020/21 Performance Agreements are attached as Annexure "A - E"

### **4. FINANCIAL IMPLICATIONS**

None

### **5. APPLICABLE LEGISLATION**

Chapter 7 of the Local Government: Municipal Systems Act 32 of 2000

Local Government: Municipal Performance Regulations for Municipal Managers and Managers Directly Accountable to Municipal Managers, Notice 805 of 2006

Local Government Municipal Systems Amendment Bill, No 7 of 2011

Local Government: Municipal Finance Management Act 56 of 2003

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**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

**Senior Manager: Legal Services:** Recommendation Supported

**RECOMMENDATION**

That in respect of -

**The signed 2020/21 Performance Agreements of the Municipal Manager and Managers directly accountable to the Municipal Manager**

as discussed by Council at the Council meeting held on 28 July 2020:

1. **That Council takes note of the signed 2020/21 Performance Agreements of the Municipal Manager and Managers directly accountable to the Municipal Manager.**

**PROPOSED: ALDERMAN A. STEYN**

**SECONDED: CLLR W.R. MEIRING**

**RESOLVED****C45/2020**

That in respect of -

**The signed 2020/21 Performance Agreements of the Municipal Manager and Managers directly accountable to the Municipal Manager**

as discussed by Council at the Council meeting held on 28 July 2020:

1. **That Council takes note of the signed 2020/21 Performance Agreements of the Municipal Manager and Managers directly accountable to the Municipal Manager.**
-

**To Action**

C. Malgas

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**6.1 CONFERRAL OF ALDERMANSHIP ON COUNCILLORS M. SAMPSON AND E.Y. SHELDON****File No. /s:** 2/1/1/1**Responsible Official:** V. Amsterdam**Directorate:** Strategic Support Services **Portfolio:** Strategic Support Services

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**1. Purpose**

To consider applications for conferral of Aldermanship received from Councillors listed below in alphabetic order in terms of their surnames:

1. M. Sampson
2. E.Y. Sheldon

**2. Background**

Alderman means the historical title which is derived from the Anglo-Saxon position of ealdorman, literally meaning "elder man". In South Africa the term "Alderman" refers to senior members of municipal assemblies. They are distinguished from ordinary councillors for their long and distinguished service as a councillor. This can be achieved either via long term of service, or through alternative means such as point' systems. The title of Alderman is conferred for life and is only removed in terms of paragraph 3.3.5. of the Council's Conferment of Civic Honours Policy, 2017, when:

- i. such person is convicted of a criminal offence and sentenced to more than 12 months imprisonment without the option of a fine;
- ii. the actions of such Councillor brings the Council into disrepute; and
- iii. a Councillor has acted in a manner unbecoming the holder of the title of Alderman.

**Councillors obtaining a minimum of 20 (twenty) points:**

In compliance with paragraph 3.3.1.3. of Council's Conferment of Civic Honours Policy, 2017

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A Councillor who obtains a minimum of 20 (twenty) points on the following scale:

- 3.3.1.3.1. one point for each completed year (12 calendar months) served as a Councillor on any local governmental body;
- 3.3.1.3.2 one additional points for each completed year served as a Chairperson of a Portfolio/Standing Committee or as a member of the Executive Mayoral Committee of any local governmental body prior to 5 December 2000;
- 3.3.1.3.3 two additional points for each completed year served as the Mayor of any local governmental body prior to 5 December 2000;
- 3.3.1.3.4 one additional points for each completed year of service as the Deputy Mayor, Speaker, member of the Executive Committee/Mayoral Committee or Chief Whip of the Council of the Breede Valley Municipality subsequent to 5 December 2000;
- 3.3.1.3.5 one point for each completed year (12 months) of service to communities via a non-statutory organisation or body, prior to 1 February 1995. Such Councillors to provide proof to the satisfaction of the Municipal Manager of membership of the executive of such organisation or body by means of an affidavit or a letter from such organisation or body as proof of the actual number of year served, provided that this provision shall not apply to those Councillors who had access to municipal elections prior to 1 February 1995; and
- 3.3.1.3.6 one additional point for each completed year service as Chairperson of a Portfolio Committee for being a member of the Executive Mayoral Committee may be bestowed the title of Alderman.

Councillors M. Sampson and E.Y. Sheldon claim that they have obtained more than 20 (twenty) points and thus conforms to the determination as contained in paragraph 3.3.1.3 of the Conferment of Civic Honours Policy.

**Councillor Margaret Sampson** claim in her letter attached, that she was first elected as a councillor of the Breede Valley Municipality on 18 December 2006 until 30 June 2020, therefore obtaining 13 points and a further 8 points for being elected as Speaker and serving as Mayco Member from 2011 to 2020. Cllr M. Sampson therefore obtained a total of 21 points.

**Councillor Eileen Yvonne Sheldon** claim in her letter attached, that she was first elected as a councillor of the Breede Valley Municipality on 1 March 2006 until 30 June 2020, therefore obtaining 14 points and a further 9 points for serving as a Mayco Member from 31 May 2011 to 30 June 2020. Cllr E.Y. Sheldon therefore obtained a total of 23 points.

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All the above-mentioned Councillors letters submitted for Conferment of Aldermanship is attach as (Annexure A).

Paragraph 3.3.4 of the Conferment of Civic Honours Policy states that the recipient of the title of Alderman shall be issued with a suitable lapel badge or medal with neck ribbon which shall be presented to the recipient at a Council or Special Council Meeting.

### **3. Financial Implications**

Cost related to the certificates and lapel badges.

### **4. Applicable Legislation / Council Policy**

Conferment of Civic Honours Policy, 2017

#### **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

**Senior Manager: Legal Services:** Recommendation Supported

### **RECOMMENDATION**

That in respect of

#### **CONFERRAL OF ALDERMANSHIP ON COUNCILLORS M. SAMPSON AND E.Y. SHELDON**

discussed by Council at the Council meeting held on 28 July 2020 that:

- 1. In compliance with paragraph 3.3.1.3. of Council's Conferment of Civic Honours Policy, 2017, the title of Alderman is bestowed on Councillor Margaret Sampson;**
  - 2. In compliance with paragraph 3.3.1.3. of Council's Conferment of Civic Honours Policy, 2017, the title of Alderman is bestowed on Councillor Eileen Yvonne Sheldon.**
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**PROPOSED: ALDERMAN A. STEYN**  
**SECONDED: CLLR W.R. MEIRING**

**RESOLVED**

**C41/2020**

That in respect of

**CONFERRAL OF ALDERMANSHIP ON COUNCILLORS M. SAMPSON AND E.Y. SHELDON**

discussed by Council at the Council meeting held on 28 July 2020 that:

1. In compliance with paragraph 3.3.1.3. of Council's Conferment of Civic Honours Policy, 2017, the title of Alderman is bestowed on Councillor Margaret Sampson;
2. In compliance with paragraph 3.3.1.3. of Council's Conferment of Civic Honours Policy, 2017, the title of Alderman is bestowed on Councillor Eileen Yvonne Sheldon.

**TO ACTION:**

R Esau

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**6.6 REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH: June 2020****File No./s:** 2/1/1/1**Responsible Official:** R. Ontong**Directorate:** Financial Services**Portfolio:** Supply Chain Management

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**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: June 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 June 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

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**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: June 2020**

As discussed by Council at the Council Meeting held on 28 July 2020:

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

**PROPOSED: CLLR W.R. MEIRING**

**SECONDED: CLLR E.S.C. MATJAN**

**RESOLVED****C46/2020**

In respect of

**REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH: June 2020**

As discussed by Council at the Council Meeting held on 28 July 2020:

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

**To Action**

M. Potgieter

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**6.7 QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT  
FOR THE FOURTH QUARTER OF THE 2019/20 FINANCIAL YEAR**

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

Responsible Official: R. Ontong

Directorate: Financial Services

Portfolio: Supply Chain Management

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**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 fourth quarter of the 2019/20 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

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**Annexure**

Annexures A: SCM quarterly implementation report (4<sup>th</sup> quarter ending 30 June 2020) approved in terms of paragraph 6.3.

**RECOMMENDATION**

In respect of

**QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR THE FOURTH QUARTER OF THE 2019/20 FINANCIAL YEAR**

as discussed by Council at the Council Meeting held on 28 July 2020:

**1. That the approved SCM quarterly implementation report for the fourth quarter of the 2019/20 financial year, be noted.**

**PROPOSED: CLLR W.R. MEIRING**

**SECONDED: CLLR M. JACOBS**

**RESOLVED****C47/2020**

In respect of

**QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR THE FOURTH QUARTER OF THE 2019/20 FINANCIAL YEAR**

as discussed by Council at the Council Meeting held on 28 July 2020:

**1. That the approved SCM quarterly implementation report for the fourth quarter of the 2019/20 financial year, be noted.**

**To Action**

M. Potgieter

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## 6.8 INTEGRATED WASTE MANAGEMENT PLAN

**File No. /s:** 11/4/B

**Responsible Official:** S. Visagie

**Directorate:** Technical Services

**Portfolio: Manager:** Solid Waste

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### 1. Purpose

The purpose of tabling this item to Council is for the approval of the Breede Valley Municipality's 4<sup>th</sup> Generation Integrated Waste Management Plan. It is a five-year plan for 2021 – 2025 that is aligned with the IDP process.

### 2. Background

The Integrated Waste Management Plan (IWMP) is a statutory requirement of the National Environmental Act: Waste Act, 2008 (Act No. 59 of 2008) that has been promulgated and came into effect on 1 July 2009. The primary goal of the IWMP is for the transformation of the historic methodology of waste

management, i.e. collection and disposal, to a sustainable practice, focussing on waste avoidance and environmental sustainability.

Sustainable integrated waste management refers to the integrated planning, implementation, monitoring and review of those waste management measures to ensure sustainability and to prevent harmful impacts on human health and the environment. Sustainability can only be achieved if energy and resources are conserved by reducing waste and resources are protected by the prevention and control of pollution.

This IWMP will be facilitated through the municipal by-laws and in accordance with the implementation schedule. The development of the IWMP is necessary as it is an essential tool for the identification of needs and acts as a guide towards waste management in a sustainable manner. The IWMP shows alignment of its goals to achieve an effective waste management system.

### 3. Financial Implications

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Yes, there have been financial cost to the Value of R 149 383.85 for the development of the IWMP. The Breede Valley Municipality appointed Delta Built Environmental Consultants (Delta BEC) for the development of the 4th Generation Integrated Waste Management Plan.

IDP and Medium-Term Expenditure Framework (MTEF) should be aligned with project plan.

#### **4. Applicable Legislation / Council Policy**

The South African Constitution (Act No 108 of 1996),  
The National Environmental Management Act (Act No. 107 of 2008),  
The National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008),  
The Municipal Systems Act (Act No. 32 of 2000),  
The Municipal Structures Act (Act No. 117 of 1998).

#### **Comment of Directorates / Departments concerned**

**Municipal Manager:** Recommendation, Supported.

**Director: Community Services:** Item Supported.

**Director: Strategic Support Services:** The item and recommendation are supported.

**Director: Financial Services:** Support recommendation.

**Senior Manager: Legal Services:** Recommendation to Council supported.

**Manager: IDP:** The tabling of the item (as presented) is supported.

**Manager: Risk Management:** Item supported.

**Director: Technical Services:** A process of project prioritization should be used to ensure that the available budget is spent in those areas where the greatest needs are. The item and recommendation are supported.

**Manager Solid Waste:** Author of the item.

#### **RECOMMENDATION**

That in respect of

#### **INTEGRATED WASTE MANAGEMENT PLAN, 2021 - 2025**

discussed by the Council at the Council meeting held on 28 July 2020:

**1. The Integrated Waste Management Plan 2021 to 2025 be accepted as the Integrated Waste Management Plan for the Breede Valley Municipality.**

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**PROPOSED: ALDERMAN M. SAMPSON**

**SECONDED: CLLR J.R. JACK**

**RESOLVED**

**C48/2020**

That in respect of

**INTEGRATED WASTE MANAGEMENT PLAN, 2021 - 2025**

discussed by the Council at the Council meeting held on 28 July 2020:

- 1. The Integrated Waste Management Plan 2021 to 2025 be accepted as the Integrated Waste Management Plan for the Breede Valley Municipality.**

**To Action**

S. Visagie

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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**

9.1 **ANNUAL SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT: 1 JULY 2019 TO 30 JUNE 2020**

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

**Responsible Official:** R. Ontong

**Directorate:** Finance

**Portfolio:** Finance

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## **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'.

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 6.2(a)** requires that the Accounting Officer must **"Within 30 calendar days of the end of each financial year, submit a report on the implementation of the policy to Council."**

## **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

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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 6.2** requires that the Accounting Officer must "**within 30 working days of the end of year, 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 6.2 above **also to be tabled to council on an annual basis**. The report may be included as part of any other report to serve before council.

The SCM annual implementation report approved in terms of paragraph 6.2 for the financial year 2019/20, is attached as **Annexure A**.

### **3. FINANCIAL IMPLICATIONS**

None

### **4. APPLICABLE LEGISLATION / COUNCIL POLICY**

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

### **ANNEXURE**

Annexures A: SCM annual implementation report (1 July 2019 TO 30 June 2020) approved in terms of paragraph 6.2.

### **RECOMMENDATION**

That in respect of

**ANNUAL SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT: 1 JULY 2019  
TO 30 JUNE 2020**

discussed by Council at the Council Meeting held on 28 July 2020:

**1. That the approved SCM annual implementation report for the 2019/20 financial year, be noted.**

**PROPOSED: CLLR W.R. MEIRING**

**SECONDED: CLLR E. VAN DER WESTHUIZEN**

### **RESOLVED**

**C49/2020**

That in respect of

**ANNUAL SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT: 1 JULY 2019  
TO 30 JUNE 2020**

discussed by Council at the Council Meeting held on 28 July 2020:

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1. That the approved SCM annual implementation report for the 2019/20 financial year, be noted.

**To Action**

M. Potgieter

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**10. CONSIDERATION OF MOTIONS OF EXIGENCY**

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**11. CLOSURE**

**The Speaker closed the meeting at 14: 20**

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