

MINUTES

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

Date distributed

4th COUNCIL MEETING OF THE BREEDE VALLEY MUNICIPALITY

2021-04-28 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 10:20, welcomed everyone present including members of the public. The Speaker allowed a moment of silence for prayer and meditation.

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. Mohobo, N.P. Williams, J.F. Van Zyl and Alderman C. Ismail.

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 E. van der Westhuizen	28 April 2021
Cllr S.J. Mei	4 May 2021
Cllr J.P. Kritzinger	8 May 2021

The Speaker asked Cllr L. Willemse 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 appealed to all Councillors and members of the public to adhere to Covid-19 protocols as there is an increase as Covid-19 cases.

The Mayor applauded youth of the Valley for excellent achievements in sport and other events.

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 30 March 2021 (Copy enclosed)

RECOMMENDATION

That in respect of

CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

discussed by Council at the Council Meeting held on 28 April 2021:

-
1. As the Minutes of the Council Meeting held on 30 March 2021 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 30 March 2021 be taken as read and confirmed.

PROPOSED: CLLR E. VAN DER WESTHUIZEN
SECONDED: CLLR L. WILLEMSE

RESOLVED

C35/2021

That in respect of

CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

discussed by Council at the Council Meeting held on 28 April 2021:

1. As the Minutes of the Council Meeting held on 30 March 2021 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 30 March 2021 be taken as read and confirmed.

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

5.1 The Deputy Executive Mayor: Alderman E.Y. Sheldon

5.2 MMC1: Alderman M. Sampson

5.3 MMC 3: Cllr. J.P. Kritzinger

5.4 MMC 4: Cllr. R. Faraa

5.5 MMC 5: Cllr. S.J. Mei

5.6 MMC 6: Cllr. E.S.C Matjan

5.7 MMC 7: Cllr. W.R. Meiring

Mayco Meeting held on 16 February 2021

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

RESOLVED:

EX2/2021

That in respect of
**IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED
OCTOBER 2020
MFMA SECTION 71 Report**

discussed by MayCo at the MayCo meeting held on 16 February 2021:

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

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

RESOLVED:

EX3/2021

That in respect of
**IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED
NOVEMBER 2020
MFMA SECTION 71 Report**

discussed by MayCo at the MayCo meeting held on 16 February 2021:

That MayCo takes note of the contents in the In-year monthly report for November 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
Mayco Meeting held on 16 February 2021

**5.8.1 ERP: CONSIDERATION FOR THE IMPLEMENTATION OF AN INTEGRATED
ENTERPRISE RESOURCE PLANNING (ERP) SYSTEM**

RESOLVED:

EX4/2021

That in respect of –

**ERP: CONSIDERATION OF APPLICATION IN RESPECT OF THE IMPLEMENTATION
OF AN ERP SYSTEM**

as discussed by Mayco at the Mayco meeting held on 16 February 2021:

The item stands over until the next Mayco meeting.

5.9 MMC 9: Cllr J.J. Von Willingh

6. CONSIDERATION OF AGENDA ITEMS**6.1 ADDITIONAL / AMENDMENT ALLOCATIONS - ADJUSTMENTS BUDGET 2020/2021
– 28 April 2021**

The Executive Mayor tabled the Additional / Amendment Allocations- Adjustments Budget 2020/2021 before Council for approval.

File No. /s: 3/2/2/19

Responsible Official: R Ontong

Directorate: Financial Services

Portfolio: Financial Services

1. Purpose

To submit an Adjustments budget for the 2020/21 financial year as a result of amendments / adjustments to allocations from Provincial Government during the 2020/21 financial year.

2. Background

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

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

- Must adjust the revenue and expenditure estimates downwards if there is a material under-collection of revenue during the year;
- May appropriate additional revenues that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmed already budgeted for;
- May, within the prescribed framework, authorize unforeseen and unavoidable expenditure recommended by the Mayor;
- May authorize the utilization of projected savings in one vote towards spending under another vote;

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

Municipal Budget and Reporting Regulations further provides that;

B. Timeframes for tabling of adjustment budgets

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

3. Financial Implications

Financial implications are contained in the detail in this report.

4. Applicable Legislation / Council Policy

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

**ADJUSTMENTS BUDGET SCHEDULE B
REPORT 2020/21**



BREDE VALLEY

MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

28 April 2021

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SECTION A – Part 1

1. Glossary

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

Allocations – Money received from Provincial and National Treasury.

Budget – The financial plan of a municipality.

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

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

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

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

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

GDFI - Gross Domestic Fixed Investment

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

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

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

LM – Breede Valley Municipality.

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

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

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

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

TMA – Total Municipal Account

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

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

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

Abbreviations and Acronyms

AMR Automated Meter Reading

ASGISA	Accelerated and Shared Growth Initiative
BPC	Budget Planning Committee
CBD	Central Business District
CFO	Chief Financial Officer
CPI	Consumer Price Index
CRRF	Capital Replacement Reserve Fund
DBSA	Development Bank of South Africa
DoRA	Division of Revenue Act
DWA	Department of Water Affairs
EE	Employment Equity
EEDSM	Energy Efficiency Demand Side Management
EM	Executive Mayor
FBS	Free basic services
GAMAP	Generally Accepted Municipal Accounting Practice
GDP	Gross domestic product
GDS	Gauteng Growth and Development Strategy
GFS	Government Financial Statistics
GRAP	General Recognised Accounting Practice
HR	Human Resources
HSRC	Human Science Research Council
IDP	Integrated Development Strategy
IT	Information Technology
kℓ	kilolitre
km	kilometre
KPA	Key Performance Area
KPI	Key Performance Indicator
kWh	kilowatt-hour
ℓ	litre
LED	Local Economic Development
MEC	Member of the Executive Committee
MFMA	Municipal Financial Management Act
MIG	Municipal Infrastructure Grant

MM	Municipal Manager
MMC	Member of Mayoral Committee
MPRA	Municipal Properties Rates Act
MSA	Municipal Systems Act
MTEF	Medium-term Expenditure Framework
MTREF	Medium-term Revenue and Expenditure Framework
NERSA	National Electricity Regulator South Africa
NGO	Non-Governmental organisations
NKPIs	National Key Performance Indicators
OHS	Occupational Health and Safety
OP	Operational Plan
PBO	Public Benefit Organisations
PHC	Provincial Health Care
PMS	Performance Management System
PPE	Property Plant and Equipment
PPP	Public Private Partnership
PTIS	Public Transport Infrastructure System
RG	Restructuring Grant
RSC	Regional Services Council
SALGA	South African Local Government Association
SAPS	South African Police Service
SDBIP	Service Delivery Budget Implementation Plan
SMME	Small Micro and Medium Enterprises

2. Mayors Report

The allocations made to the Breede Valley Municipality were again amended from the allocations as published and approved with the compilation of the 2020/21 Original Budget. Provincial Government and Cape Winelands District Municipality had the following amendments to the allocations of Breede Valley Municipality:

- Department of Cultural Affairs and Sport (Library Services Grant): R2 011 000.00
- Cape Winelands District Municipality: R100 000.00

All conditional grants / funds allocated and transferred to the Breede Valley Municipality has specific conditions in terms of the timeframes and the type of spending to be incurred by the municipality during the 2020/21 financial year.

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

3. Resolutions

That council approves the following:

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

4. Executive Summary

The 2020/21 budget of Breede Valley Municipality is adjusted to accommodate the amendments from Provincial Government.

The additional / amended allocations relate to the following grants:

NAME OF GRANT	R
Library Services Grant	R2 011 000.00
Contribution towards the employee related costs.	

Cape Winelands District Municipality	R100 000.00
Development of a township tourism route in Zwelethemba.	

The 2020/21 Adjustments Budget was compiled in accordance with section 28 of the Municipal Finance Management Act and regulation 23 of the Municipal Budget and Reporting Regulations.

In compiling the 2020/21 Adjustments Budget, the importance of credibility, sustainability, responsiveness and affordability remains integral in striving to achieve the desired outcome of effective and efficient service delivery.

1. Adjustments Budget Tables – refer to Annexure A

B1 Consolidated Adjustments Budget Summary

Please refer to B1 Annexure A.

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

The table provides an overview of the amounts approved by Council for operating performance, resources deployed to capital expenditure, financial position, cash and funding compliance, as well as the municipality's commitment to eliminating basic service delivery backlogs.

B2 Consolidated Adjustments Budget Financial Performance by Standard Classification

Please refer to B2 Annexure A.

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

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

[B3 Consolidated Adjustments Budget Financial Performance by Municipal Vote](#)

Please refer to B3 Annexure A.

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

[B4 Consolidated Adjustments Budget Financial Performance \(Revenue and Expenditure\)](#)

Please refer to B4 Annexure A.

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

[B5 Consolidated Adjustments Budget Capital Expenditure Vote and Funding](#)

Please refer to B5 Annexure A.

Table B5 is a breakdown of the capital programmed in relation to capital expenditure by municipal vote (multi-year and single-year appropriations); capital expenditure by standard classification; and the funding sources necessary to fund the capital budget, including information on capital transfers from national and provincial departments

[B6 Consolidated Adjustments Budget Financial Position](#)

Please refer to B6 Annexure A.

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

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

B7 Consolidated Adjustments Budget Cash Flows

Please refer to B7 Annexure A.

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

B8 Consolidated Cash Backed Reserves/Accumulated Surplus Reconciliation

Please refer to B8 Annexure A.

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

B9 Consolidated Asset Management

Please refer to B9 Annexure A.

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

B10 Consolidated Basic Service Delivery Measurement

Please refer to B10 Annexure A.

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

SECTION A – Part 2

1. Adjustments to Budget Inputs and assumptions

The 2020/21 Adjustments Budget was compiled in line with Chapter 4 Municipal Finance Management Act and Chapter 2 Part 4 of the Municipal Budget and Reporting Regulations.

The 2020/21 Adjustments Budget remain consistent with the Long-Term Financial Plan to ensure continued synergy between long term planning and implementation planning.

The operational budget is adjusted in order to accommodate the amendments to allocations mentioned in this report. Please refer to table B4 and SB8 for all related amendments

2. Adjustments to Budget Funding

Please refer to B4 Annexure A.

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

3. Adjustments to Expenditure on Allocations and Grant

Please refer to SB8 Annexure A.

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

Please refer to table SB8

4. Adjustment to Allocations or Grants made by the Municipality

None.

5. Adjustment to Councillor Allowances and Employees

Please refer to B4 Annexure A.

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

6. Adjustment to Service Delivery and Budget

Please refer to B10 Annexure A.

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

7. Adjustment to Capital Spending Detail

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

8. Other Supporting Documents

- National treasury electronic revised budget report, SB1-SB19 as **Annexure A**
- Signed quality certificate as **Annexure B**
- Cape Winelands District Municipality and Breede Valley Municipality Service Level Agreement as **Annexure C**
- Provincial Government Allocation Letter as **Annexure D**

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

Adjustments budget for 2020/21 – April 2021

discussed by Council at the Council Meeting held on 28 April 2021:

1. **Council resolves that the Adjustment Budget of Breede Valley Municipality for the financial year 2020/21 be adjusted and approved with amendments as set out in the following.**
 - a. **Municipal Budget tables B1- B10**
 - b. **Municipal Budget supporting documentation SB1 - SB19**

PROPOSED: ALDERMAN A. STEYN

SECONDED: CLLR W.R. MEIRING

VOTES IN FAVOUR OF RECOMMENDATION: 26

RESOLVED**C36/2021**

That in respect of

Adjustments budget for 2020/21 – April 2021

discussed by Council at the Council Meeting held on 28 April 2021:

1. **Council resolves that the Adjustment Budget of Breede Valley Municipality for the financial year 2020/21 be adjusted and approved with amendments as set out in the following.**
 - a. **Municipal Budget tables B1- B10**

- b. Municipal Budget supporting documentation SB1 - SB19

To Action

R. Ontong

**6.2 SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 MARCH 2021.
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.

(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: Engineering Services: Recommendation supported

Director: Technical Services: Recommendation supported

Director: Community Services: Recommendation supported

Acting Director: Public Services: Recommendation supported

RECOMMENDATION

That in respect of

SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 MARCH 2021

discussed by council at the council meeting held on the 28 April 2021:

1. That council takes note of the in-year financial management report for the period ended 31 March 2021.

PROPOSED: CLLR W.R. MEIRING

SECONDED: CLLR F. VAUGHN

RESOLVED

C37/2021

That in respect of

SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 MARCH 2021

discussed by council at the council meeting held on the 28 April 2021:

1. That council takes note of the in-year financial management report for the period ended 31 March 2021.

To Action:

R. Ontong

6.3 QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR THE THIRD QUARTER OF THE 2020/2021 FINANCIAL YEAR

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

Responsible Officials: 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 third 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

5. Annexure

Annexures A: SCM quarterly implementation report (3^d quarter ending 31 March 2021) approved in terms of paragraph 6.3.

RECOMMENDATION

In respect of

**QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR
THE THIRD QUARTER OF THE 2020/2021 FINANCIAL YEAR**

As discussed by Council at the Council Meeting held on 28 April 2021:

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

PROPOSED: CLLR W.R. MEIRING

SECONDED: ALDERMAN S. GOEDEMAN

RESOLVED

C38/2021

In respect of

**QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR
THE THIRD QUARTER OF THE 2020/2021 FINANCIAL YEAR**

As discussed by Council at the Council Meeting held on 28 April 2021:

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

To Action

M. Potgieter

6.4 REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF: MARCH 2021**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 March 2021.

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 March 2021, 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: MARCH 2021

as discussed by Council at the Council Meeting held on 28 April 2021:

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the month of March 2021, **be noted**.

PROPOSED: CLLR W.R. MEIRING

SECONDED: CLLR A. PIETERSEN

RESOLVED

C39/2021

In respect of

REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF: MARCH 2021

as discussed by Council at the Council Meeting held on 28 April 2021:

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the month of March 2021, **be noted**.

To Action

M. Potgieter

ClIr C.F. Wilskut asked for 10 minutes caucus.

Caucus started at 12:06

Meeting reconvened at 12:30.

6.5 SUBMISSION OF FINAL ANNUAL REPORT, ANNUAL FINANCIAL STATEMENTS, AUDITOR GENERAL'S REPORT, AUDIT AND PERFORMANCE AUDIT COMMITTEE REPORT; AND THE ADOPTION OF THE OVERSIGHT REPORT FROM THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR THE PERIOD 2019-2020 FINANCIAL YEAR

File No/s: 3/15/1

Responsible person: N Nel

Directorate: Municipal Manager

Portfolio: Municipal Public Account
Committee

1. Purpose

To submit to Council the final Annual Report, Financial Statements, Auditor General's Report, Audit and Performance Audit Committee Report and Oversight report for the period 2019-2020, for approval.

2. Background

In terms of the Municipal Finance Management Act, 56 of 2003, section 127 (2), the Mayor of a municipality must, within seven months after the end of a financial year, table in the municipal council the annual report of the municipality.

Section 129(1) of the MFMA prescribes that the council of a municipality must consider the Annual Report (as tabled) and by no later than two months from the date on which the Annual Report was tabled, adopt an oversight report containing the council's comments on the Annual Report. In the event that a municipality chose to table the Annual Report earlier, the adoption moves forward by two months from the date of tabling the Annual Report in Council.

This section should however be read together with exemption notice number 851 (as issued by National Treasury due to the impact of Covid-19 on the applicable timeframes) which exempted municipalities and municipal entities from complying with the deadlines in sections 127(1) and (2), 129(1) and 133(2) of the MFMA. The exemption was granted on condition that municipalities and municipal entities comply with the provisions referred to above, within two months after the respective deadline stipulated in the applicable provision(s). The exemption is only applicable to the 2019/20 period under review.

We have therefore drafted the said document with relevant submissions received from our respective departments in accordance with the applicable legal prescripts. The said draft document was advertised for community inputs and the Municipal Public Accounts Committee (MPAC) has exercised its oversight role in terms of the roles and responsibilities.

The MPAC has met on the following dates to dispense its mandate:

- 06 April 2021 – 1st Meeting (Analysis of Annual Report);
- 07 April 2021 – 2nd Meeting (Analysis of Annual Report);
- 08 April 2021 – 3rd Meeting (Analysis of Annual Report);
- 19 April 2021 – 4th Meeting (Conclude and Compile Oversight Report).

Members of the MPAC unanimously agreed to recommend that the Council approve the Annual Report, Annual Financial Statements, Auditor General's Report and the Oversight Report, without reservations.

The MPAC also want to congratulate the Council and Administration on the achievement of a clean audit report for the financial year 2019-2020.

Attached hereto are the following documents: Annual Report (AR), Annual Financial Statements (AFS), Auditor General's Report, Audit and Performance Audit Committee Report and the Oversight Report 2019-2020:

- **Annexure 1** – Inclusive Annual Report 2019-2020 (AR, AFS, AGSA Report, Audit and Performance Audit Committee); and
- **Annexure 2** – Municipal Public Accounts Committee (MPAC) Oversight Report 2019-2020.

3. Financial Implications

- Compilation of the Annual Report;
- Quality review on the Annual Financial Statements;
- Oversight review from the Audit Committee;
- Oversight from the Municipal Public Accounts Committee; and
- Audit fee for the period under review 2019-2020 financial year.

Applicable Legislation / Council Policy

Municipal Systems Act, 32 of 2000 (as amended);

Municipal Finance Management Act, 56 of 2003;

MFMA Circular 11 (Annual Report Guidelines – 14 January 2005);

MFMA Circular 32 (The Oversight Report – 15 March 2006);

MFMA Circular 68 (Unauthorised, irregular, fruitless and wasteful expenditure);

MFMA Circular 92 (Municipal Public Accounts Committees (MPAC) – Guide and Toolkit); and
Local Government, National Treasury & Salga's Guidelines on the functioning of the MPAC.

Comment of Directorates / Departments concerned

Municipal Manager: Supported

Director: Strategic Support Services: Supported

Director: Financial Services: Supported

Director: Engineering Services: Item and recommendation supported

Acting Director: Public Services: Supported

Director: Community Services: Supported

Senior Manager: Legal Services: Supported

RECOMMENDATION

That in respect of -

SUBMISSION OF FINAL ANNUAL REPORT, ANNUAL FINANCIAL STATEMENTS, AUDITOR GENERAL'S REPORT, AUDIT AND PERFORMANCE AUDIT COMMITTEE REPORT; AND THE ADOPTION OF THE OVERSIGHT REPORT FROM THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR THE PERIOD 2019-2020 FINANCIAL YEAR

discussed by Council at the Council meeting held on 28 April 2021:

1. That MPAC, having fully considered the 2019-2020 Annual Report of the BVM and the representations thereon, recommends the adoption of the Oversight Report and the approval of the Annual Report without reservations.
2. To improve the levels of morale of the workers corps, administration led by the office of the Municipal Manager should identify the gaps and implement formal employee wellness programme, while developing a system to recognise employee excellence from Council decision.
3. To improve service delivery, management must improve the level of supervision and communication with regards to time, quality and standard of services to communities.

4. To ensure the effective functioning of the ward committees in support of the Ward Councillor and the municipality, we recommend that the Speakers Office investigate non-functioning or underperforming committees and put corrective measures in place.

5. Since Local Economic Development (LED) is such a critical function of the municipality, especially considering the impact of COVID-19 on the economic wellbeing of the residents of the Breede Valley and their ability to pay for services, LED component should be requested to submit a programme which will facilitate LED focused on the development of informal economy and SMME's.

6. Due to low levels of skills and high levels of youth unemployment, we recommend that all wards must be consulted and be provided with equal training and development opportunities.

7. We recommend council be provided with an interim report on COVID-19 spending and programmes.

8. Assistance provided to residents in need by means of the emergency housing kit should be improved through a policy review.

PROPOSED: CLLR N. NEL

SECONDED: CLLR L. WILLEMSE

RESOLVED

C41/2021

That in respect of -

SUBMISSION OF FINAL ANNUAL REPORT, ANNUAL FINANCIAL STATEMENTS, AUDITOR GENERAL'S REPORT, AUDIT AND PERFORMANCE AUDIT COMMITTEE REPORT; AND THE ADOPTION OF THE OVERSIGHT REPORT FROM THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE FOR THE PERIOD 2019-2020 FINANCIAL YEAR

discussed by Council at the Council meeting held on 28 April 2021:

1. That MPAC, having fully considered the 2019-2020 Annual Report of the BVM and the representations thereon, recommends the adoption of the Oversight Report and the approval of the Annual Report without reservations.

2. To improve the levels of morale of the workers corps, administration led by the office of the Municipal Manager should identify the gaps and implement formal employee wellness programme, while developing a system to recognise employee excellence from Council decision.
3. To improve service delivery, management must improve the level of supervision and communication with regards to time, quality and standard of services to communities.
4. To ensure the effective functioning of the ward committees in support of the Ward Councillor and the municipality, we recommend that the Speakers Office investigate non-functioning or underperforming committees and put corrective measures in place.
5. Since Local Economic Development (LED) is such a critical function of the municipality, especially considering the impact of COVID-19 on the economic wellbeing of the residents of the Breede Valley and their ability to pay for services, LED component should be requested to submit a programme which will facilitate LED focused on the development of informal economy and SMME's.
6. Due to low levels of skills and high levels of youth unemployment, we recommend that all wards must be consulted and be provided with equal training and development opportunities.
7. We recommend council be provided with an interim report on COVID-19 spending and programmes.
8. Assistance provided to residents in need by means of the emergency housing kit should be improved through a policy review.

To Action

E. Cloete / C. Malgas

NOTE : The MPAC recommendations will be referred to a councillor workshop for further deliberations.

**6.6 REPLACEMENT OF CLLR. WILSKUT ON THE MUNICIPAL PUBLIC
ACCOUNTS COMMITTEE (MPAC) BO COUNCILLOR COMPONENT****File No./s:** 3/15/1**Responsible Official:** E Cloete**Directorate:** Municipal Manager**Portfolio:** Municipal Public Accounts
Committee

1. Purpose

To present an item to Council to consider the replacement of Cllr. Wilskut on the MPAC.

2. Background

Correspondence were received from the Speaker, regarding the replacement of Councillor Wilskut, on the Municipal Public Accounts Committee. **See annexure attached.**

Council Resolution - RESOLVED: C64/2016 That in respect of the MPAC Committee discussed by the Council at the Council Meeting held on 23 August 2016: 1) MPAC consist of 10 (ten) members as follows: • 5 DA Councillors • 1 Councillor of each other parties/independent. 2) Cllr N. Nel be appointed as the MPAC Chairperson 3) that the position of Chairperson of MPAC be remunerated in accordance with Government Notice 1271 dated 21 December 2015 (Determination of Upper Limits of salaries, allowances and benefits of Councillors) as a part-time Councillor Chairperson of section 79 Committee. Cllr N. Nel accepted the Nomination of Chairperson of MPAC.

RESOLVED C15/2017 That in respect of SUBMISSION OF THE NAMES OF COUNCILLORS DELEGATED BY COUNCIL TO SERVE ON THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC). Discussed by Council at the Council meeting held on 28 February 2017: 1. Council to take note of the submission of the names from the various political parties and condone the names of the following Councillors to serve on the Municipal Public Accounts

Committee: • Councillor Naomi Nel (Chairperson); • Councillor Vanessa Ida Mngcele; • Councillor Joffrey Rumark Jack; • Councillor Juben J Von Willingh; • Councillor Torique Moegammad Wehr; • Councillor Esme van der Westhuizen; • Councillor Evelyn Sophia Christine Matjan; • Councillor Jerrie Robinson; • Councillor Nobantu Margaret Bushwana; and • Councillor Colin Frederick Wilskut. 2. That the request for Secundi's be considered and tabled at a future Council Meeting.

RESOLVED C51/2017 That in respect of FILLING OF VACANCY ON THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) DA COUNCILLOR VACANCY discussed by Council at the Council meeting held on 20 July 2017: 1. Council to take note of the resignation from Cllr. Matjan and the DA political party to nominate a Councillor to serve in the MPAC. 2. Council to condone the name of Cllr. Wilfred Vrolik as the DA representative on the Municipal Public Accounts Committee.

RESOLVED C68/2018 That in respect of FILLING OF VACANCY ON THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) DA COUNCILLOR VACANCY As discussed by Council at the Council meeting held on 23 August 2018: 1. Council to take note of the vacancy and the DA political party to nominate a Councillor to serve in the MPAC. 2. Council to condone the name of the DA representative Cllr. Mac-Lisia Jacobs on the Municipal Public Accounts Committee.

RESOLVED C8/2019 That in respect of FILLING OF VACANCY ON THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) DA COUNCILLOR VACANCY discussed by Council at the Council meeting held on 21 January 2019: 1. Council to take note of the correspondence received from the Speaker and the DA political party to nominate a Councillor to serve in the MPAC. 2. Council to condone the name of Cllr. Lluwellen Willemse as the DA representative on the Municipal Public Accounts Committee.

The Speaker informed the Municipal Public Accounts Committee that Cllr. Wilskut will be replaced by Cllr. NJ Wullschleger as the BO representative on the MPAC.

3. Financial Implications

- Logistical costs applicable.

4. Applicable Legislation / Council Policy

Municipal Structures Act, 117 of 1998 (as amended);

Municipal Systems Act, 32 of 2000 (as amended);

Municipal Finance Management Act, 56 of 2003 (section 129); as well as

MFMA Circular 32 (The Oversight Report – 15 March 2006),

MFMA Circular 11 (Annual Report Guidelines – 14 January 2005);

MFMA Circular 18 (New Accounting Standards – 23 June 2005);

MFMA Circular 28 (Budget Content and Format – 12 December 2005).

Comment of Directorates / Departments concerned

Municipal Manager: Noted.

Director: Strategic Support Services: Noted

RECOMMENDATION

That in respect of

**REPLACEMENT OF CLLR. WILSKUT ON THE MUNICIPAL PUBLIC ACCOUNTS
COMMITTEE (MPAC) BO COUNCILLOR COMPONENT**

discussed by Council at the Council meeting held on 28 April 2021:

- 1. Council to take note of the correspondence received from the Speaker and the BO political party to nominate a Councillor to serve in the MPAC.**
- 2. Council to condone the name of Cllr. NJ Wullschleger as the BO representative on the Municipal Pubic Accounts Committee.**

Council took note of the Item.

RESOLVED

C42/2021

That in respect of

**REPLACEMENT OF CLLR. WILSKUT ON THE MUNICIPAL PUBLIC ACCOUNTS
COMMITTEE (MPAC) BO COUNCILLOR COMPONENT**

discussed by Council at the Council meeting held on 28 April 2021:

- 1. Council to take note of the correspondence received from the Speaker and the BO political party to nominate a Councillor to serve in the MPAC.**
- 2. Council to condone the name of Cllr. NJ Wullschleger as the BO representative on the Municipal Pubic Accounts Committee.**

To Action

E. Cloete

**6.7 QUARTERLY PERFORMANCE REPORTS PERTAINING TO THE THIRD
QUARTER (1 JANUARY 2021 – 31 MARCH 2021)****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. COMMENT

A copy of the Quarter 3 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

COMMENTS OF DIRECTORATES CONCERNED

Municipal Manager: Recommendation Supported

Director Strategic Support Services: Recommendation Supported

Director Financial Services: Recommendation Supported

Director Engineering Services: Recommendation Supported

Director Community Services: Recommendation Supported

Acting Director: Public Services: Recommendation Supported

Senior Manager Legal Services: Recommendation Supported

RECOMMENDATION

That in respect of -

The Quarterly Performance Report for the Third Quarter (1 January 2021 – 31 March 2021)

as discussed by Council at the Council meeting held on 28 April 2021:

1. That Council takes note of the Quarter 3 SDBIP Performance Report and the Top-Layer KPI Report for the period 1 January 2021 – 31 March 2021.

PROPOSED: CLLR W.R. MEIRING

SECONDED: CLLR J.D P.JAFTHA

RESOLVED

C43/2021

That in respect of -

The Quarterly Performance Report for the Third Quarter (1 January 2021 – 31 March 2021)

as discussed by Council at the Council meeting held on 28 April 2021:

1. That Council takes note of the Quarter 3 SDBIP Performance Report and the Top-Layer KPI Report for the period 1 January 2021 – 31 March 2021.

To Action

C. Malgas

**6.8 DEVOLUTION OF 34 WESTERN CAPE HUMAN SETTLEMENTS RENTAL
UNITS: ROUX PARK WORCESTER TO BREEDE VALLEY MUNICIPALITY****File No. /s:** 12/8/3/4/6**Responsible Official:** Simphiwe Mayeki**Directorate:** Community Services**Portfolio:** Human Settlements

1. Purpose

To get approval to accept the devolution of 34 housing units owned by the Department of Human Settlements Western Cape and incorporate same as BVM rental stock in Worcester.

2. Background

The Department of Human Settlements has, in terms of the Western Cape Housing Development Act, Act No 6 of 1999, approved the devolution of 34 flats on erven 2678,2669,2691,2731,2738,2696,2708,2709 and 2733 Worcester, to Breede Valley Municipality.

The department has provided the municipality with the draft Deed of Alienation for our perusal and signature. Subsequently to the signing of the Deed of Alienation, Breede Valley Municipality is to take possession and occupation of the properties on the date of transfer, after which the properties shall be at the sole risk, loss, and profit of the municipality. An amount of Three Million and Four only (R 3.4 million) amounting to Hundred Thousand rands (R 100.000.00) per unit regarding upgrading and maintenance requirements, as once-off payment will be paid over to on the date of the transfer.

Before transfer, the municipality is to provide the Department with a programme on its intended upgrading and maintenance plan, and after the transfer, quarterly reports on the status of the upgrading and maintenance programme must be submitted to the Department.

MAYCo resolved on 19 March 2018 to accept the devolution of the units to BVM,

Provided that all contracts are updated, verified and in place concerning inter alia,

1.1.1 Rent payable and whether inclusive of services; (electricity, sewerage, rubbish removal).

1.1.2 Yearly escalation.

1.1.3 Lesser details and whether categorised as a pensioner or employed.

1.1.4 Rent payable, whether differentiate regarding income.

1.1.5 Duration of Lease and or whether such rights accrue to extended family members in case of death and the consequent continuation of a Rental Relationship.

1.2 Lease properties and their respective state of repair to be updated and renovated to an acceptable standard.

1.3 Invoking of a clause that further breakages, excluding normal wear and tear, as well as maintenance are to be borne by lessee.

2. The properties be included as part of the Breede Valley Social housing programme.

3. Western Cape Department of Human Settlements Departmental Rental Policy used on the Management, Maintenance and Allocation of the Department's rental properties which was approved by the Minister in 2015 apply in these properties"

Progress and the status of implementing the MAYCo resolution on 19 March 2018; -

- We have included the properties as part of the Breede Valley Social Housing Programme and in the Breede Valley Pipeline.

- The department has provided the municipality with the draft Deed of Alienation for our perusal and signature.
- The Department has approved an amount of Three point Four Million rands (R 3.4 million) an amount of Hundred Thousands and only (R 100.000.00) per unit regarding upgrading and maintenance requirements, will be made as a once-off payment to Breede Valley on date of transfer. (see the attached letter from the Head of Department).

Below please find the profile of the rental properties in Worcester owned by Western Provincial Department of Human Settlements and which stand to be transferred to BVM in execution of the envisaged agreement:

NO	YEAR FOR INCOME	TYPE OF UNIT	TENANT PROFILE	RENTAL AMOUNT PER MONTH	INCOME PER ANNUM	MAINTENANCE COST
1	Year 2016 / 2017	2 Bedroom = 33	Pensioners = 11	R 350 & R400	R 120 033.65	R 1 432 873.47
2	Year 2017 / to date	3 Bedroom = 01	Unemployed = 10	R 250	R 66 882.00	R 57 858.72
			Employed = 12	From 25% - 32%		
			Illegally occupied = 01	R 0.00		
3.	Year 2020 to date	2 Bedroom = 33	Pensioners = 10 Unemployed = 10 Employed = 10		R165 126.00	R57 330.00
		3 Bedroom = 01				
			Illegal occupied = 1			
	Vacant units	6 and 8 Olive 23 Oak = 03 units				
	TOTAL	34	34		R 352 041.65	R 1 548 062.19

The details of the assets are listed below and are all situated in Worcester. (See the layout)



3. Financial Implications

The devolution of units will be free to the municipality however the maintenance cost in the long term will be the responsibility of BVM. The municipality will have to budget for the maintenance from the second financial year onwards. A once-off payment of R 3.4 million (at R 100.000.00 per unit) will be available to Breede Valley for the upgrading and maintenance requirements.

Included is a letter with reference: Devolution 34 flats to Breede Valley Municipality dated 11 December 2020 from Ms J Samson, Head of Department: Human Settlements (Western Cape) regarding Worcester: Devolution of Rental Stock, for attention and consideration.

4. Applicable Legislation / Council Policy

Western Cape Housing Development Act, Act No 6 of 1999 - approval of the devolution of rental stock.

National Housing Code (2009) - to facilitate the creation of human settlement programmes and improve the quality of life. Breede Valley Integrated Human Settlement Plan (2012) - outline the Breede Valley Human Settlement strategy and the delivery of projects.

Social Housing Act. (No. 16 of 2008) - to establish and promote a sustainable social housing environment, to define the functions of national, provincial and local governments in respect of social housing institutions obtaining or having obtained public funds, to allow for the undertaking of approved projects by other delivery agents with the benefits of public money, to give statutory recognition to social housing institutions and to provide for matters connected therewith.

Rental Units Act. & amendments - to create mechanisms to promote the provision of rental housing property, to promote access to adequate housing through the renting.

The Comprehensive Plan for Development of Sustainable Human Settlements - Breaking New Ground (BNG) (2004) - aims to promote an integrated society by developing sustainable human settlements and quality housing within a subsidy system for different income groups.

Municipal Finance Management Act 56 of 2003 (ss63) – Asset and liability management

- (1) The accounting officer of a municipality is responsible for the management of –
 - (a) The assets of the municipality, including the safeguarding and the maintenance of those assets; and
 - (b) The liabilities of the municipality.
- (2) The accounting officer must for the purpose of subsection (1) take all reasonable steps to ensure –
 - (a) That the municipality has and maintains a management, accounting and information system that accounts for the assets and liabilities of the municipality.
 - (b) That the municipality's assets and liabilities are valued in accordance with the standards of general recognized accounting practice.

Comment of Directorates / Departments concerned:

Municipal Manager: the item is supported

Director: Strategic Services: Noted

Senior Manager: Legal Services: the item is supported

Director: Financial Services: Noted

Director: Community Services: the item is supported

Manager: Human Settlements and Housing: the author of the report

Director: Engineering Services: Maintenance budget of existing stock is insufficient. The new rental stock will put addition pressure on the maintenance budget.

Acting Director: Public Services: the item is supported

Recommendation

That in respect of

**DEVOLUTION OF 34 WESTERN CAPE HUMAN SETTLEMENTS RENTAL UNITS: ROUX
PARK WORCESTER TO BREEDE VALLEY MUNICIPALITY**

as discussed by Council at the Council Meeting held on 28 April 2021:

1. That Council approve and accept the devolution of the units indicated above and that the Western Cape Department of Human Settlements be informed of the decision.
2. That the Municipal Manager be authorised to negotiate and finalize the terms of the proposed Deed of Alienation
3. That it be noted that an amount of R3.4m will be transferred by the Department to BVM as a once-off contribution in respect of upgrading and maintenance of the 34 units.

PROPOSED: CLLR C.F WILSKUT

SECONDED: ALDERMAN E.Y. SHELDON

RECOMMENDATION**C44/2021**

That in respect of

**DEVOLUTION OF 34 WESTERN CAPE HUMAN SETTLEMENTS RENTAL UNITS: ROUX
PARK WORCESTER TO BREEDE VALLEY MUNICIPALITY**

as discussed by Council at the Council Meeting held on 28 April 2021:

1. That Council approve and accept the devolution of the units indicated above and that the Western Cape Department of Human Settlements be informed of the decision.
 2. That the Municipal Manager be authorised to negotiate and finalize the terms of the proposed Deed of Alienation
-

3. That it be noted that an amount of R3.4m will be transferred by the Department to BVM as a once-off contribution in respect of upgrading and maintenance of the 34 units.

To Action:

S. Swartz/ S. Mayeki

**6.9 IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF A PORTION OF
REMAINDER OF FARM 576 RHOODE HOOGTE OUTSPAN, WORCESTER****File no.:** 9/2/3/1/53**Responsible Official:** H Potgieter**Directorate:** SSS**Portfolio:** Legal Services

1. PURPOSE

The purpose of this item is to obtain in principle approval for the disposal of a portion of remainder of farm 576 (Rhoode Hoogte Outspan), Worcester, ±15.2400ha in extent.

2. BACKGROUND / DISCUSSION

During the Council meeting held on 29 October 2019, it was resolved as follows.

“RESOLVED

C89/2019

That in respect of –

*IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF A PORTION OF REMAINDER OF ERF
576 (RHOODE HOOGTE OUTSPAN), WORCESTER.*

Discussed by Council at the Council meeting held on 29 October 2019 council decide:

- 1. That the disposal of a portion of remainder of Erf 576 (Rhoode Hoogte Outspan), Worcester for purposes permitted under Agricultural Zone I be approved in principle by means of a competitive process in the open market;*
-

2. *that the following of a public participation process, be approved;*
 3. *that an item will only be resubmitted to Council should any representations/comments be received;*
 4. *that the administration be mandated to administer the process of disposal of the municipal property following the public participation process;*
 5. *that a reversion condition be included in the Deed of Sale as well as the Title Deed that the disposed property be utilized for Agricultural Zone I Purposes (bona fide agricultural purposes) only and should the Purchaser not use the property as specified, the erf will revert back to the Municipality free of charge;*
 6. *that all the costs pertaining to the transaction, e.g. transfer costs and installation of municipal services, be paid by the Purchaser;*
 7. *that the Purchaser will be responsible for the payment of all municipal services including rates and taxes in respect of the property following transfer of the property;*
 8. *that the relevant internal comments be incorporated in the Deed of Sale and the right be reserved to supplement internal comments;*
 9. *that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provision Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003), and*
-

10. *that the Municipal Manager be authorized to sign all documents relating to the disposal and transfer of the municipal property”.*

However, upon approval of the Council minutes on 9 December 2019, the following was conveyed:

“It was also agreed by Council that Item 6.16 be revisited to ascertain whether the final resolution included the call for a new valuation of the subject property”.

Legal Services: Property Administration subsequently requested an amended valuation bearing in mind that the subject property is an unrehabilitated quarry. Furthermore, it should be considered that there are high rehabilitation costs involved that the prospective purchaser will be liable for.

The amended fair market related valuation was determined by HCB Valuations as follows:

- | | |
|--------------------------|---|
| 1. Extent: | ±15.2400ha |
| 2. Market related price: | R 75 000.00 (Seventy-Five Thousand Rand). |

Should Council resolve in principle to this disposal, the use of the property is to conform to the usage allowed in terms of the zoning **Agricultural Zone I**. This zoning provides for:

1. Primary use – Agriculture
 2. Consent use – Additional dwelling units, farm store, farmstall, intensive feed farming, riding school, nursery, service trade, tourist facilities.
-

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

- (1) *A municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of basic municipal services.*
- (2) *A municipality may transfer ownership or otherwise dispose of a capital asset other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public—*
- (a) *has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services; and*
- (b) *has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.*
- (3) *A decision by a municipal council that a specific capital asset is not needed to provide the minimum level of basic municipal services, may not be reversed by the municipality after that asset has been sold, transferred or otherwise disposed of.*
-

- (4) *A municipal council may delegate to the accounting officer of the municipality its power to make the determinations referred to in subsection (2)(a) and (b) in respect of movable capital assets below a value determined by the council.*
- (5) *Any transfer of ownership of a capital asset in terms of subsection (2) or (4) must be fair, equitable, transparent, competitive and consistent with the supply chain management policy which the municipality must have and maintain in terms of section 111.*
- (6) *This section does not apply to the transfer of a capital asset to another municipality or to a municipal entity or to a national or provincial organ of state in circumstances and in respect of categories of assets approved by the National Treasury, provided that such transfers are in accordance with a prescribed framework.”*

Adherence to this section is sought through obtaining in principle approval from Council to alienate the subject property by means of a competitive process.

In respect of subsection 2(a) and (b) above the internal departments' comments confirmed that the subject portion of municipal property is not needed for the provision of basic municipal services. The valuation was done taking into consideration the size, locality, zoning, and proposed use of the property. The valuer also considered the fact that the property is an unrehabilitated quarry and the potential purchaser will be liable for the high rehabilitation costs involved. Thus, the fair market price amounts to approximately Seventy-Five Thousand Rand (R75 000.00).

In recent case law [*Oranje Watersport CC v Dawid Kruijer Local Municipality and Others (397/2019) [2020] ZASCA 75 (30 June 2020)*], the court held that when disposing municipal owned property, the community value as well as the economic value that will be received in exchange for the property must be taken into consideration. Furthermore, the court held that

section 14(2)(b) requires that once the market value of the property is ascertained, the market value should be weighed against the community value as well as the economic value of the asset.

Subsection 14(2)(b) of the MFMA is articulated in the Breede Valley Land Management and Disposal Policy which relevant portion determines that the purchase price for registered social care organizations/institutions shall be fixed at a minimum of 50% of the fair market value. This provision in the Land Management and Disposal Policy only focus on specific types of organizations/institutions, however in light of the cited case above it is clear that this consideration should be applied to all disposals in terms of section 14 of the Municipal Finance Management Act. The community value and economic valley may however differ from the type of property as well as the purpose the property is made available for.

In this instance, the property is proposed to be made available for purposes permitted under Agricultural Zone I. Legal Services: Property Administration receives numerous requests from the public to make available Agricultural land. The disposal of the subject property will provide an opportunity for farmers to part take in Agricultural activities which promotes economic development and job creation.

B. MUNICIPAL ASSET TRANSFER REGULATIONS

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

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

The asset will not be required for Municipal use.

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

The property will be disposed by means of a competitive process and the indicative value will be the market related value thereof.

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

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

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

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

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

No detrimental effect will be experienced on the credit rating.

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

The property is only to be utilized for bona fide Agricultural zone I purposes.

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

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

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

No transfer of reserve funds is associated with the asset.

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

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

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

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

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

The interests of the local community will be addressed, as a need was identified to earmark erven for agricultural purposes.

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

The proposed transfer and disposal are in compliance with:

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

Asset Transfer Regulations

It can be summarised that the asset is not required by the municipality for own use as can be seen from the internal departments' comments below. The risks are limited, and a fair market related purchase price will serve as the indicative value during the competitive process. The representations and comments from the local community will be obtained through the prescribed public participation process.

Regulation 13 of the **Asset Transfer Regulations** furthermore determine:

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

- (1) *The compensation payable to a municipality or municipal entity for the transfer of a non-exempted capital asset must, subject to regulation (2) –*
- (a) *be consistent with criteria applicable to compensation set out in the disposal management system of the municipality or municipal entity; and*
 - (b) *if regulation 12(2)(b) applies to the transfer, reflect fair market value.*
- (2) *If a municipality or municipal entity on account of the public interest, in particular in relation to the plight of the poor, intends to transfer a non-exempted capital asset for less than its fair market value, the municipality or entity must, when considering the proposed transfer, take into account –*
- (a) *the interest of –*
 - (i) *the State; and*
 - (ii) *the local community;*
 - (b) *the strategic and economic interest of the municipality or municipal entity, including the long-term effect of the decision on the municipality or entity;*
 - (c) *the constitutional rights and legal interest of all affected parties;*
 - (d) *whether the interest of the parties to the transfer should carry more weight than the interest of the local community, and how the individual interest is weighed against the collective interest; and*
-

- (d) *whether the local community would be better served if the capital asset is transferred at less than its fair market value, as opposed to a transfer of the asset at fair market value.”*

It is proposed that the subject property be sold at least at the fair market value as indicated above.

C. ADVERTISEMENT

The necessary advertisement / notice in terms of legal prescripts will be published should this in principle approval be obtained. A notice will also be placed on the municipal website. This is in order to obtain any representations / comments from the local community in respect of the proposed alienation of the municipal property. An item will only be resubmitted to Council should representations / comments be received.

4. CONCLUSION

Considering the comments of the internal departments it is recommended that the disposal of a portion of remainder of Farm 576 (Rhoode Hoogte Outspan), Worcester be approved in principle.

5. FINANCIAL IMPLICATIONS

The Municipality stands to gain the market related purchase price for the municipal property. More so, the Municipality will also gain rates and taxes following the transfer of the subject property.

6. ANNEXURES

1. Annexure A: Locality map

COMMENTS OF DIRECTORATES / DEPARTMENTS

MUNICIPAL MANAGER: Supported

DIRECTOR ENGINEERING SERVICES:

The Directorate **has no objections to the application**, subject to the applicable conditions as per comments received from Civil Engineering and Electrical Services:

Civil Engineering Services:

The Department: Civil Engineering Services **has no objections to the application** subject to the following condition:

1. That no Civil Engineering Services will be provided to the property.
2. The property is outside the urban edge and is zoned as agricultural.
3. The municipality will not provide any service i.e. water, sewer and solid waste to the property.
4. Confirmation of access to the property must be obtained from Provincial Government due to the fact that access is obtained from the R43. The current access road also runs through another property. It should be ascertained if erf 576 has a right of way from the adjacent property.

Electrical Services:

Electrical Services has **no objection** with regards to the request, but will be subject to the following conditions to obtain a service:

1. Applicant to apply to Eskom for the effect on the extension, modification, or new services for the proposed area.
 2. Applicant responsible for all cost, deposits, and fees with regards to such services.
-

ACTING DIRECTOR PUBLIC SERVICES: Supported

Town Planning and Building Control:

No objection, subject to the land being used for bona fide agricultural purposes only.

Building control has **no objection** to the application:

Application for Hire/ Rental or Purchases can be accepted on condition that building plans must be submitted and be approved, before any construction, new erection of buildings or changes can take place.

CHIEF FINANCIAL OFFICER: Supported

DIRECTOR COMMUNITY SERVICES: Supported

Fire, Safety and Risk Management:

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

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

The following will count for the fire department:

1. Any future structures/buildings being erected on the above-mentioned premises as well as existing structures/buildings, must conform with the provisions of the National Building Regulations, SANS 10400-A:2010, Part T.
2. Access for fire-fighting and rescue purposes, must be provided in accordance with Regulation T1(1)(e) of the National Building Regulations, read with the Deemed to Satisfy rules, Rule T4.54 of SANS 10400 - 1990, Part T, and in accordance to the Fire Brigade By-Laws of the Breede Valley Municipality. A width of 3.5 meter and a height of 4.2 meter must be maintained for emergency vehicles to enter premises.
3. Provision must be made for fire-fighting equipment (fire extinguishers), in accordance to SANS 10400 -2010 Part T 4.37 Table 10.
4. Owner must ensure that the fence does not obstruct any access to Fire Hydrants.

Traffic and Law Enforcement Services: No objection

DIRECTOR STRATEGIC SUPPORT SERVICES: Co-Author of the item

SENIOR MANAGER LEGAL SERVICES: Author of the item

RECOMMENDATION

That in respect of –

**IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF A PORTION OF REMAINDER
OF FARM 576 (RHOODE HOOGE OUTSPAN), WORCESTER**

as discussed by Council at the Council meeting held on 28 April 2021 Council decide:

1. That the disposal of a portion of remainder of Farm 576 (Rhoode Hoogte Outspan), **Worcester**, ±15.2400ha in extent for **purposes** permitted under **Agricultural Zone I** be **approved in principle** by means of a **competitive process in the open market** at least at a fair market price as determined by HCB Valuers in the amount of **Seventy-Five Thousand Rand (R75 000.00)**;
 2. That the prospective purchaser be liable for all costs related to the disposal, e.g. rehabilitation- and transfer costs, EIA if required, registration of a right of way and the installation of municipal services;
 3. that the following of a public participation process, **be approved**;
 4. that an item will only be resubmitted to Council should any representations/comments be received;
 5. that the administration be mandated to administer the process of disposal of the municipal properties following the public participation process;
 6. that a reversion clause be included in the Deed of Sale as well as the Title Deed that the disposed property be utilized for **Agricultural Zone I Purposes** only and should the Purchaser not use the property as specified, the erf will revert back to the Municipality free of charge;
 7. that the Purchaser will be responsible for the payment of all municipal services including rates and taxes in respect of the property following transfer of the property;
 8. that the relevant internal comments be incorporated in the Deed of Sale and the right be reserved to supplement internal comments;
-

9. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal services in terms of the provision Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003); and
10. that the Municipal Manager be authorized to sign all documents relating to the disposal and transfer of the municipal property.

PROPOSED: CLLR W.R. MEIRING

SECONDED: CLLR J. KRITZINGER

COUNTER PROPOSAL: Cllr N. Wullschleger proposed that Council reconsider the matter and report by the administration taking into account alternative land uses and the valuation of the land as submitted by the valuer.

Seconded: Cllr N. Nel

Votes in favour of Cllr N. Wullschleger's proposal: 5 votes

Votes in favour of Cllr W.R. Meiring's proposal: 20

RESOLVED

C45/2021

That in respect of –

**IN PRINCIPLE APPROVAL FOR THE DISPOSAL OF A PORTION OF REMAINDER
OF FARM 576 (RHOODE HOOGTE OUTSPAN), WORCESTER**

as discussed by Council at the Council meeting held on 28 April 2021 Council decide:

1. That the disposal of a portion of remainder of Farm 576 (Rhoode Hoogte Outspan),
Worcester, ±15.2400ha in extent for **purposes** permitted under **Agricultural**
-

Zone I be **approved in principle** by means of a **competitive process in the open market** at least at a fair market price as determined by HCB Valuers in the amount of **Seventy-Five Thousand Rand (R75 000.00)**;

2. That the prospective purchaser be liable for all costs related to the disposal, e.g. rehabilitation- and transfer costs, EIA if required, registration of a right of way and the installation of municipal services;
 3. that the following of a public participation process, **be approved**;
 4. that an item will only be resubmitted to Council should any representations/comments be received;
 5. that the administration be mandated to administer the process of disposal of the municipal properties following the public participation process;
 6. that a reversion clause be included in the Deed of Sale as well as the Title Deed that the disposed property be utilized for **Agricultural Zone I Purposes** only and should the Purchaser not use the property as specified, the erf will revert back to the Municipality free of charge;
 7. that the Purchaser will be responsible for the payment of all municipal services including rates and taxes in respect of the property following transfer of the property;
 8. that the relevant internal comments be incorporated in the Deed of Sale and the right be reserved to supplement internal comments;
 9. that it is confirmed that Council has taken cognisance of the fact that the Municipal property herewith alienated is not required for the provision of basic municipal
-

services in terms of the provision Section 14 of the Local Government: Municipal Finance Management Act (Act 56 of 2003); and

10. that the Municipal Manager be authorized to sign all documents relating to the disposal and transfer of the municipal property.

To Action.

H. Potgieter

6.10 ELECTRICAL INFRASTRUCTURE MASTER PLAN: 2021**File No. /s:** 11/2/B**Responsible Official:** H Benecke**Directorate:** Engineering Services**Portfolio:** Electrical Services

1. Purpose

The purpose of this item is for Council to consider the approval of the current Electrical Infrastructure Master Plan.

2. Background

The Electrical Infrastructure Master Plan compiled by Royal HaskoningDHV is to provide the electrical department (Municipality) with a long term (5 year) plan for the development and renewal of the electrical infrastructure in base years, short and long term.

3. Financial Implications

Project as per Master plan – Capital Budgets as per financial years.

4. Applicable Legislation / Council Policy**CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA, 1996**

Section 152. - (1) The objects of local government are

- (b) to ensure the provision of services to communities in a sustainable manner;
 - (c) to promote social and economic development;
 - (d) to promote a safe and healthy environment;
-

- (2) A municipality must strive, within its financial and administration capacity, to achieve the objectives set out in subsection (1).

Section 153. Development duties of municipalities. - A municipality must-

- (a) Structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community;

MUNICIPAL SYSTEMS ACT NO 32 OF 2000 (The Systems Act)

Chapter 1: Definitions: In this Act, unless inconsistent with the context-

“**development**” means sustainable development, and includes integrated social, economic, environmental, spatial, infrastructural, institutional, organisational and human resources upliftment of a community aimed at –

- a) Improving the quality of life of its members with specific reference to the poor and other disadvantaged sections of the community; and
- b) Ensuring that development services present and future generations.

Electricity Regulation Act, Act 4 of 2006, and Electricity Regulation Amendment Act, Act 28 of 2007 as amended.

Occupational Health and Safety Act 1993, as amended.

SANS 10142 – Parts 1 to 4. Wiring of premises.

NRS 047 Electricity Supply – Quality of Services

NRS 048 Electricity Supply – Quality of Supply

Breed Valley Municipalities By-Law

Comment of Directorates / Departments concerned

Municipal Manager: Item supported.

Director: Community Services: Noted

Director: Strategic Services: No comments received.

Director: Financial Services: No comments received

Acting Director: Public Services: No comments received

Director: Engineering Services: The aim of this item and recommendation is firstly, to respond to the Breede Valley Municipality's presumed Strategic and Operational Risk Register for the 2020-2021 (i.e. ageing electricity network) and secondly, to provide the Municipality with a long-term plan for the development and renewal of the electrical infrastructure for the present and future generations. The Electrical Infrastructure Master Plan will inform decision-making regarding the current and future electrical infrastructure for the towns of Worcester, De Doorns and Touwsrivier. The Electrical Infrastructure Master Plan aims to provide a concise summary of the key recommendations.

Manager: Integrated Risk Management: Item supported

Snr. Manager: Electrical Services: Author of Item

RECOMMENDATION

In respect of

ELECTRICAL INFRASTRUCTURE MASTER PLAN: 2021

As discussed by Council at the Council Meeting held on 28 April 2021:

1. Council approves the Electrical Infrastructure Master Plan (Annexure A)

PROPOSED: ALDERMAN M. SAMPSON proposed that the following bullets be added to the recommendation:

1. Council approves the registration of electrical projects with the Municipal Infrastructure Grant (MIG) which will form part of the MTREF in accordance with the MFMA; and

2. that the Detail Project Implementation Plan (DPIP) be amended accordingly.

SECONDED: CLLR E.S.C MATJAN

20 VOTES IIN FAVOUR OF RECOMMENDATION

RESOLVED

C46/2021

In respect of

ELECTRICAL INFRASTRUCTURE MASTER PLAN: 2021

As discussed by Council at the Council Meeting held on 28 April 2021:

- 1. Council approves the Electrical Infrastructure Master Plan (Annexure A);**
- 2. Council approves the registration of electrical projects with the Municipal Infrastructure Grant (MIG) which will form part of the MTREF in accordance with the MFMA; and**
- 3. that the Detail Project Implementation Plan (DPIP) be amended accordingly.**

To Action

H. Benecke

6.11 DRAFT: SMALL SCALE EMBEDDED GENERATION (SSEG) POLICY: 2021**File No. /s:** 11/2/B**Responsible Official:** H Benecke**Directorate:** Engineering Services**Portfolio:** Electrical Services Department.

1. Purpose

The purpose of this item is for Council to consider the draft small-scale embedded generation policy, and the approval thereof.

2. Background

This document is to give guidance regarding Breede Valley Municipality's requirements and application process for connecting all forms of embedded generation technologies such as photovoltaic systems to the Breede Valley Municipality electricity network, including renewable energy and co-generation.

3. Financial Implication

Increases in the price of electricity and rapidly decreasing costs of Embedded Generation (EG) solutions will impact negatively on municipal revenue.

4. Applicable Legislation

NRS 097-2 Grid interconnection of embedded generation. Part 2 Small scale – embedded generation.

Electricity Regulation Act, Act 4 of 2006, and Electricity Regulation Amendment Act, Act 28 of 2007 as amended.

South African Distribution Code (all parts)

South African Renewable Power Plants Grid Code.

Occupational Health and Safety Act 1993, as amended.

SANS 10142 – Parts 1 to 4. Wiring of premises.

SANS 474/NRS 057 Code of Practice for Electricity Metering

NRS 047 Electricity Supply – Quality of Services

NRS 048 Electricity Supply – Quality of Supply

NRS 097-1: Code of practice for the interconnection of embedded generation to electricity distribution networks: Part 1 MV and HV (Eskom 240-61268576/DST 34 -1765: Standard for the interconnection of embedded generation is applicable until published.

Applicable to Breede Valley Municipalities electricity tariffs

Annexures:

A: SSEG Application Form

B: SSEG Requirements for Embedded Generation

C: SSEG Connection Agreement

Comment of Directorates / Departments concerned

Municipal Manager: Supported.

Director: Community Services: Item supported

Director: Strategic Support Services: Item supported.

Director: Financial Services: Item supported

Director: Engineering Services: Paragraph 36 of the Breede Valley Municipality Electricity Supply By-Law 2008 states that no person shall be entitled to a standby supply of electricity from the Municipality for any premises having a separate source of electricity supply except with the written consent of the Municipality and subject to such terms and conditions as may be laid by the Municipality.

Paragraph 37 of the Breede Valley Municipality Electricity Supply By-Law 2008 states that:

- (1) No emergency standby equipment provided by a consumer in terms of any Regulations or for his own operational requirements shall be connected to any installation without the prior written approval of the Municipality. Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram. The standby equipment shall be so designed and installed that it is impossible for the Municipality's supply mains to be energized by means of a back-feed from such equipment. The consumer shall be responsible for providing and installing all such protective equipment.
 - (2) Whereby special agreement with the Municipality, the consumer's standby generating equipment is permitted to be electrically coupled to, and run in parallel with the Municipality's supply mains, the consumer shall be responsible for providing, installing and
-

maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the Municipality.

In order to give effect to the provisions of paragraphs 36 and 37 of the Breede Valley Municipality Electricity Supply By-Law 2008 the *DRAFT: SMALL SCALE EMBEDDED GENERATION (SSEG) POLICY: 2021* is supported.

Acting Director: Public Services: Item supported

Manager: Legal Services : Item supported

Snr. Manager: Electrical Services : Author of item

RECOMMENDATION

That in respect of –

DRAFT: SMALL SCALE EMBEDDED GENERATION (SSEG) POLICY: 2021

as discussed by Council at the Council meeting held on 28 April 2021 Council decide:

1. That the draft SSEG policy be approved;
2. that a workshop be conducted with Councillors; and
3. that the final SSEG policy be submitted to Council for approval

PROPOSED: ALDERMAN M. SAMPSON

SECONDED: CLLR J. KRITZINGER

RESOLVED

C47/2021

That in respect of –

DRAFT: SMALL SCALE EMBEDDED GENERATION (SSEG) POLICY: 2021

as discussed by Council at the Council meeting held on 28 April 2021 Council decide:

1. That the draft SSEG policy be approved;
-

2. that a workshop be conducted with Councillors; and
3. that the final SSEG policy be submitted to Council for approval

To Action

H. Benecke

6.12 INFORMAL TRADING BY-LAW**File No./s:** 7/1/4/8**Responsible Official:** R Esau**Directorate:** Strategic Support Services**Portfolio:** LED & Tourism

1. Purpose

1. The purpose of this item is to request that Council provisionally approve the informal trade policy that will be applicable for the entire BVM area and repeal the current informal trade policy that was only applicable to the CBD of Worcester.
2. To enable the administration to solicit public comment from the public to present this item to next Council meeting for final approval.

2. BACKGROUND

During a MAYCO meeting held on 16 February 2021, Mayco resolved that the Executive Mayor will table the Informal Trade Bylaw to a Council meeting. The resolution is included as confirmation of the Mayco resolution.

RESOLVED:**EX5/2021**

That in respect of

INFORMAL TRADING BY-LAW

As discussed by the Mayco held on 16 February 2021:

That the Mayoral Committee consider the content of the draft by-law and mandate the administration to act as follow:

1. **That Mayco endorse the BVM informal trade bylaw.**
 2. **That the Executive Mayor table this item in a council meeting where the speaker notifies all parties in accordance with Province of Western Cape Government Gazette 7118.**
-

Economic performance over last decade has not created enough formal jobs to absorb the unemployed in the labour market. BVM remains inundated with request from people to partake in trade within the informal trading sector.

There is an immediate need to recognize the role of the informal traders in the local economy, maintaining only access to subsistence trade, as a means for survival. BVM Administration acknowledge their role not only to regulate informal trade, but also to promote it in enhancing the informal economy.

Informal trading is challenging to regulate due to huge challenges of urban decay, which in turn promotes unlicensed trading on the road reserves. As such BVM must find a balance between enforcement and stimulating the economy.

By regulating informal trade, council values and promotes the contribution informal traders make to the local economy of the Breede Valley. Though the drafting of the new informal trader's by-law we aim to:

- deliver a degree of certainty to informal traders by establishing the set of legal parameters the Businesses Act permits.
- new provisions were however included to promote red tape reduction, thus allowing a seamless inclusion of new and emerging markets, to promote economic development.
- clauses such as special events and exceptions clauses were also inserted to both regulate and promote a more inclusive and regulated approach to festival trading and new economic activities, such as night markets.

The draft informal traders by-law is thus submitted to council for consideration, in terms of section 6A(1) of the Businesses Act, 71 of 1991, read with section 160(2) of the Constitution for the Republic of South Africa Act, 108 of 1996, which provides that only council may consider and approve by-laws. Said by-law is attached hereto as Annexure A.

Also find attached the developed trading sites, which are marked as Annexure B, C, D, E and F for council consideration in terms of section 6A (2) of said Businesses Act, 71 of 1991.

3. Financial Implications

No financial implications at this stage.

4. Applicable Legislation / Council Policy

Annexure A: Informal Trading by-law

Said by-law is referred to council in terms of the above-mentioned legislation. The process applicable to by-law promulgation is prescribed in section 12 of the Local Government: Municipal Systems Act, 32 of 2000, which prescribes that:

- “Only a member or committee of a municipal council may introduce a draft by-law in the council.

- A by-law must be made by a decision taken by a municipal council—
 - (a) in accordance with the rules and orders of the council; and

 - (b) with a supporting vote of a majority of its members.

- No by-law may be passed by a municipal council unless—
 - (a) all the members of the council have been given reasonable notice; and

 - (b) the proposed by-law has been published for public comment in a manner that allows the public an opportunity to make representations with regard to the proposed by-law.”

Section 13 of said Systems Act, then also prescribes that:

- “A by-law passed by a municipal council—
-

- (a) must be published promptly in the Provincial Gazette, and, when feasible, also in a local newspaper or in any other practical way to bring the contents of the by-law to the attention of the local community; and
- (b) takes effect when published or on a future date determined in or in terms of the by-law.”

Council will thus approve the draft by-law for publication in two local newspapers. Comments from said publication will be processed and included into a final item which will be submitted to council. After final approval said by-law will be published in the provincial gazette after which it will have legal effect.

Annexure B, C, D, E and F: Trading Plans

The legal process includes the public participation, after which comments will be collated and processed for council consideration, in terms of section 6A (2) of the Businesses Act, 71 of 1991. Only after consideration and approval will said trading plans be applicable.

Comment of Directorates / Departments concerned

Municipal Manager: Item supported

Director: Community Services: Item is supported

Director: Financial Services: Item is supported

Director: Strategic Support Services: Item supported, but the trading areas as per the maps must be excluded from this Bylaw and council decision. This will be done in a policy.

Director: Technical Services: Support item and recommendation

RECOMMENDATION:

In respect of

INFORMAL TRADING BY LAW

As discussed by Council at the Council Meeting held on 28 April 2021:

1. That Council provisionally accept the Informal Trade Bylaw for public comment
2. That the administration publish this bylaw and invite public comment.
3. That all comments /if any be submitted as part of the council item for final consideration.

PROPOSED: ALDERMAN A. STEYN proposed that the Policy also be referred to a Council Workshop.

SECONDED: CLLR J. KRITZINGER

RESOLVED

C48/2021

In respect of

INFORMAL TRADING BY LAW

As discussed by Council at the Council Meeting held on 28 April 2021:

1. That Council provisionally accept the Informal Trade Bylaw for public comment
2. That the administration publish this bylaw and invite public comment.
3. That all comments /if any be submitted as part of the council item for final consideration.
4. That the by-law be referred to a council workshop.

To Action

C. January

6.13 TASK JOB EVALUATIONS POLICY

File No. /s: 4/1/1/1

Responsible Official: A Wilton

Directorate: Strategic Support Services

Portfolio: Human Resources

1. Purpose

To submit the TASK Job Evaluations Policy to council for approval in terms of section 11 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

2. Background

As reflected in the preamble of the Policy, T.A.S.K. is the uniform Job Evaluation System within the local government sector as approved by the National Executive Committee (NEC) of SALGA.

This proposed policy must be read in the context of the SALGA T.A.S.K. Job Evaluation System, T.A.S.K. Job Evaluation System Training Manuals, Memorandum of Agreement between the Municipalities in the Cape Winelands District, Standard Operating Procedure of the District Job Evaluation Unit, and the T.A.S.K. Job Evaluation notes applicable to the Municipal Sector and the Provincial Audit Committee and SALGA T.A.S.K directives as issued from time to time.

The TASK Job Evaluations Policy has been drafted, workshopped and content approved at LLF level. The reason for the policy is to establish a complete framework for job evaluations, which will be applied throughout the organization.

3. Financial Implications

The possible financial impact cannot be determined at this stage as any change in an employee's remuneration are subject to a possible higher TASK grading by the Provincial Audit Committee. All payments shall however be within budgeted allocations.

4. Applicable Legislation / Council Policy

Section 11 of the Local Government : Municipal Systems Act, 2000 (Act 32 of 2000) prescribes that “the executive and legislative authority of a municipality is exercised by the council of the municipality...by...developing and adopting policies, plans, strategies and programmes...” Council is thus the statutory approver for said policy before implementation”.

Comment of Directorates / Departments concerned

Municipal Manager: Noted.

Director: Community Services: Noted.

Director: Strategic Services: Supported and author of Policy.

Director: Financial Services: Noted.

Director: Engineering Services: Noted.

Acting Director: Public Services: Noted.

RECOMMENDATION

That in respect of

TASK JOB EVALUATIONS POLICY

discussed by Council at the Council meeting held on 28 April 2021:

- 1. Council approve the TASK Job Evaluations Policy.**
- 2. The implementation date of the TASK Job Evaluations Policy shall be 1 May 2021.**

PROPOSED: CLLR W.R. MEIRING proposed that 31 December 2021 referred to in Paragraph 13.10 of the Policy be amended to 30 June 2021.

SECONDED: CLLR R. FARAO

RESOLVED**C49/2021**

That in respect of

TASK JOB EVALUATIONS POLICY

discussed by Council at the Council meeting held on 28 April 2021:

1. **Council approve the TASK Job Evaluations Policy.**
2. **The implementation date of the TASK Job Evaluations Policy shall be 1 May 2021.**

To Action:

A. Wilton

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

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

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

- 9.1 **ONDERSOEK NA DIE IMPLEMENTERING VAN RSEP IN DIE BREEDEVALLEI AREA-
VRUGTELOSE SPANDERING VAN PUBLIEKE GELD**
-

KENNISGEWING: MOSIE IN TERME VAN ARTKEL 31(2).

Ek Raadsheer **CERAJ ISMAIL** gee hiermee kennis ingevolge artikel 31(2) van Reglement van orde afgekondig by PK 7118/12.04/2013 dat ek van voorneme is om tydens die **Raadsvergadering gehou te word in MAART 2021, die mosie soos hieronder uiteengesit, ter tafel sal lê en voorgestel word dat:**

MOSIE: ONDERSOEK NA DIE IMPLIMENTERING VAN DIE RSEP (REGIONAL SOCIO-ECONOMIC PROGRAMME) IN DIE BREDE VALLEI MUNISIPALE AREA - VRUGTELOSE SPANDERING VAN PUBLIEKE GELD

Ons vra dat die Uitvoerende Burgermeester en/of die Munisipale Bestuurder ondersoek in stel oor hoekom dit blyk asof die Regional Socio-Economic Programme (RSEP), soos toegepas word in BVM area, nie die gewenste uitkomst of resultate bereik en 'n moontlik vrugtelose uitgawe is.

AGTERGROND

In 2014, was die Breede Vallei Munisipaliteit, as een van drie munisipaliteite in die Weskaap, gekies om deel van RSEP Fase 1 te wees, asook deel van Fase 2 in 2017. Die ander twee munisipaliteite was Saldanhaabaai (Vredenburg en omgewing) en Swartland (Malmesbury en omgewing).

RSEP het ten doel om:

- Die lewens kwaliteit te verbeter in verskeie dorpe in die Weskaap, deur middel van stedelike, sosiale, ekonomiese en ruimtelike opgradering.
- Die ruimtelike transformasie en geregtigheid deur burger-gefokusde ontwikkelings projekte in dorpe en nedersettings te bevorder.
- Deur die ontwerp, veiligheid en menswaardigheid te bevorder.
- Geïntegreerde en area-gebaseerde beplanning in munisipaliteite te bevorder.
- Vennootskappe tussen munisipaliteite, regerings departemente, staatsondernemings en die privaat sector behaal en te verseker medefinansiering vir die bo-genoemde doelwitte.

(vanaf <https://www.westerncape.gov.za/rsep/>).

In die week van die 8ste tot die 12de Maart, het raadslede van Breedevallei Onafhanklik (BO) verskeie RSEP projekte in Worcester besoek. Sien aangehegte Bylaag A. Ons was geskok om die swak toestand van die mederheid van die RSEP projekte in Worcester te sien, hekke was toe gesweis, infrastruktuur gevandaliseer en genalatig en daar was omtrent geen aktiwiteite aan die gang, die wat wel plaasgevind het, het self geïnisieer deur kinders gelyk.

Ons vra dus vir n dringende ondersoek in die doeltreffendheid en die moontlike vrugtelose uitgawes van die RSEP program wat al miljoene Rande van ons pubieke belasting en moontlik ook privaat befondsing al spandeer het. Ons versoek verder dat die Munisipale Bestuurder die volledige verslag ter tafel te le by die volgende Raadsvergadering.

1/6

RESOLUSIE

Ons vra dat die Uitvoerende Burgermeester en/of die Munisipale Bestuurder ondersoek in stel oor hoekom dit blyk asof die Regional Socio-Economic Programme (RSEP), soos toegepas word in BVM area, nie die gewenste uitkomst of resultate bereik en 'n moontlik vrugtelose uitgawe is.

Met alles in ag geneem behoort die besluit soos uiteengesit in hierdie kennisgewing van mosie deur die Raad aanvaar te word.

Geteken: Raadsheer CERAJ ISMAIL  Datum: 19/03/2021

RdI NIK WULLSCHLEGER  Datum: 19/03/2021

Ontvang:  Datum: 19/03/2021
Ivan G.
ONTVANG.

Bylaag A



RSEP in Avian Park: dirty, waste strewn, lack of maintenance, vandalized.



RSEP in Avian Park: gates welded shut, locked away from the community.



RSEP in Avian Park: derelict, vandalized, artificial turf not maintained, sections turf and fencing stolen, R750,000 wasteful expenditure.



RSEP in Avian Park: sports facility unkept, dry dying roll-on lawn on sports field, wasteful expenditure.

3/6

100

2



RSEF in Riverview: poorly built recreational (braai) facility, vandalised.

4/6



RSEF in Riverview: vandalized fencing, poor maintenance, dry and dying grass on sports field.

10



RSEF in Hexpark: recreational (braai) facility, vandalised and derelict.



RSEF in Riverview: abandoned community safety container, inaccessible, area has become a hangout for criminals to prey on inhabitants.

11



RSEP in Zwelethemba: abandoned play park, expensive ground cover, poor public participation, lack of consultation, wasteful expenditure.

5/6



RSEP in Zwelethemba: stolen fencing, vandalized facility, children playing without any supervision.

AB

R



RSEP in Zwelethemba: vandalized fencing, poor quality street furniture (cracked broken concrete bench), under utilized space.



RSEP in Zwelethemba: just containers along the roadside, what support did RSEP provide? Is this an economic corridor?



RSEP in Roodewal: lack of maintenance and development, BMX track now an abandoned and derelict track.

6/6



RSEP in Roodewal: 100's of metres of paved sidewalk paid by RSEP has been stolen.

B

R



RSEP in Roodewal: fencing and gates vandalized, lack of maintenance, litter and grass growing on the road verges.



RSEP in Roodewal: open spaces used as dumping sites, this one right next to a community centre where the ward councillor has offices.

The Notice of Motion could not be considered by Council due to the absence of Alderman C. Ismail at the Council Meeting. (paragraph 33 of Standard Rules of Order)

10. CONSIDERATION OF MOTIONS OF EXIGENCY

Cllr K. Benjamin requested Council to consider the following Motion of Exigency:

The majority of Council granted Cllr K. Benjamin permission to table her Motion of Exigency.

Proposed: Cllr K. Benjamin proposed that the Municipality assist the family of Zane Benn who were in an accident and lives in a Wendy house without any water or sanitation, with water and sewer connections.

(The Executive Mayor indicated that she is already investigating the possibility of assistance as she was approached by the mother of Zane Benn)

All parties represented in council agreed thereto that the family should be assisted as requested.

Seconded: Cllr N. Wullschleger

RESOLVED

C40/2021

That Council assist the family of Zane Benn with water and sanitation connections to their Wendy house located at 49 Loerie Street, Avianpark, Worcester.

11. CLOSURE

The Speaker closed the meeting at 16:32.
