Ref no. 2/1/4/4/2 Date distributed:

# MINUTES OF A SPECIAL COUNCIL MEETING OF 2023/2024 FINANCIAL YEAR OF BREEDE VALLEY MUNICIPALITY THURSDAY, 2023-12-14 AT 10:00

SPEAKER: ALDERMAN J.F. VAN ZYL

14 December 2023

APPROVED DATE



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### 1. OPENING AND WELCOME

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

The Speaker welcomed all and allowed for a minute of silence for all beliefs and religions.

### 2. OFFICIAL NOTICES

# 2.1 DISCLOSURE OF INTERESTS

Item 6 of Schedule 7 of the Municipal Structures Amendment Act 3 of 2021 states: A councillor must –

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

None

# 2.2 APPLICATIONS FOR LEAVE OF ABSENCE

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

- 2.2.1 Every Councillor attending a meeting of the Council must sign his or her name in the attendance register kept for such purpose.
- 2.2.2 A Councillor must attend each meeting except when -
  - (a) Leave of absence is granted in terms of Clause 10; or
  - (b) The Councillor is required to withdraw in terms of law.
- 2.2.3 The Attendance Registers will be available at the meeting.
- 2.2.4 A blank Application for Leave of Absence form is enclosed.

Apologies were received from: Cllr J. Mei; Cllr O. Ralehoko; Cllr J. Mokgosi; Ald C. Ismail and Cllr E. Issacs.

### 3. COMMUNICATION

## 3.1 INTERVIEWS OR PRESENTATIONS BY DEPUTATIONS

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

"A deputation seeking an interview with Council must give the Municipal Manager 6 (six) days written notice of its intention and furnish details of the representations to be made and the source of the deputation. The Municipal Manager must submit a request by a deputation for an

interview with Council to the Speaker, who may decide to grant or refuse an interview and under what conditions

### 4. CONSIDERATION OF AGENDA ITEMS

4.1 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 2022-2023 FINANCIAL YEAR

File No/s: 3/15/1 Responsible person: Cllr. H.C Titus

Committee

### **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 2022-2023, for approval.

### **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 choose to table the Annual Report earlier, the adoption moves forward by two months from the date of tabling the Annual Report in Council.

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.

Five meetings were held by the MPAC in order to fulfill its oversight mandate.

Members of the MPAC 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 2022-2023.

Attached hereto are the following documents:

- Annexure 1 Inclusive Annual Report 2022-2023 (AR, AFS, AGSA Report, Audit and Performance Audit Committee); and
- Annexure 2 Municipal Public Accounts Committee (MPAC) Oversight Report 2022-2023.
- Annexure 3 Draft Reviewed Municipal Public Accounts Committee (MPAC) Policy.
- Annexure 4 Draft Reviewed Municipal Public Accounts Committee (MPAC) System of Delegations.

### **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 2022-2023 financial year.

### **APPLICABLE LEGISLATION / COUNCIL POLICY**

Municipal Systems Act, 32 of 2000 (as amended 2021).

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).

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 $MFMA\ Circular\ 92\ (Municipal\ Public\ Accounts\ Committees\ (MPAC)-Guide\ and\ Toolkit);$ 

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:** Supported.

**Director: Community 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 2022-2023 FINANCIAL YEAR

discussed by Council at the Special Council meeting held on 14 December 2023

 That MPAC having fully considered the 2022-2023 Annual Report of the Breede Valley Municipality and the representations thereon, recommends the adoption of the Oversight Report and the approval of the Annual Report without reservations.

Caucus requested by MPAC committee 11:32

Proposed: Cllr H. Titus

Seconded: Cllr T. Manuel

Unanimously agreed

### **RESOLVED**

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 2022-2023 FINANCIAL YEAR

discussed by Council at the Special Council meeting held on 14 December 2023, **resolution** number C114/2023:

- That MPAC having fully considered the 2022-2023 Annual Report of the Breede Valley Municipality and the representations thereon, recommends the adoption of the Oversight Report and the approval of the Annual Report without reservations.
- 2. That the recommendations of the MPAC below be considered by Council in due cause:
  - a) Priority should be given to upgrading the sewer system.
  - b) Ensuring the housing backlog is taken up in the housing pipeline and that the need for housing is registered on a national and provincial level.
  - c) Vacancies must be filled in accordance with the new staff regulations and approved structure.
  - d) Capital projects should be clearly identified and reported per Ward in the budget.
  - e) Council should consider the recommendations for the MPAC policy and the delegation system.
  - f) That a workshop should be scheduled to work through the MPAC policy and system of delegation to ensure compliance with the Amendment Act, No. 3 of the Municipal Structures Amendment Act of 2021.

- g) Council should develop a policy to regulating Spaza Shops.
- h) That Council should take note that in the absence of any definitive resolution, National Treasury, the Auditor-General, and the affected institutions continue to interpret the Preferential Procurement Regulations 2022 differently. It is hoped that this issue will be resolved by the Auditor General, National Treasury, and the affected institutions in due course.
- i) Priority should be given to all projects that are in process.
- j) Council to consider before transfer of old rental stock to address the defects.
- k) Council to consider formalization of informal settlements by providing electricity, road and water
- 3. That Council notes the following revisions to the 2022/23 Annual Report as recommended by the Auditor-General of South Africa:
  - Narrative on Page 11: corrected the financial year reference.
  - Table 12 on pages 28-29: added a note to clarify the alignment of the figures (in table 12) to MSCOA
  - Table 137 on pages 187 188: corrected the financial year references
  - Narrative on page 312: added a sentence to clarify the alignment of the figures (in Chapter 5) to MSCOA
  - Annexure B on page 3: amended the page numbers linked to the AG's audit of performance information and objectives
- 4. That council notes that the 2022/23 Annual Report and Oversight Report will be published and circulated to all stakeholders in accordance with the prescribed legislative prescripts.
- 5. Council notes that the performance bonusses of the municipal manager and the directors will be paid with the December 2023 salaries.

4.2 STAFF ESTABLISHMENT REVIEW AND PROPOSED CHANGES FOR IMPLEMENTATION ON 1 MARCH 2024

File No./s: 2/3/3/1 Responsible Official: N Monyela

**Directorate:** SSS **Portfolio**: Human Resources

# **PURPOSE**

The purpose of this item is to obtain Council's approval of the Staff Establishment for Breede Valley Municipality in terms of the Local Government: Municipal System Act, 2000 read in conjunction with Local Government: Municipal Staff Regulations No. 890 of 2021 for implementation on 1 March 2024.

### BACKGROUND

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

The MSR requires the municipal manager to review the municipality's staff establishment within 12 months in any of the following instances:

- a) The election of a new municipal council; or
- b) the adoption of the integrated development plan of the municipality as contemplated in section 25 of the Local Government: Municipal System Act, 2000;
- c) material changes to the functions of the municipality; and
- d) the determination of new municipal boundaries.

The staff establishment was review having regard to the integrated development plan and is aligned to the powers and functions of the municipality. The staff establishment was consulted with key stakeholders within the municipality, including organised labour, attached as **Annexure A**.

In reviewing the staff establishment, the municipal manager has ensured that the administration of the municipality is organised—

- a) according to the powers and functions of a municipality;
- b) in such a manner that the municipality
  - (i) is responsive to the needs of the local communities;
  - (ii) facilitate a culture of performance and accountability amongst its employees; and
  - (iii) perform its functions with operationally effective and efficient administrative directorates and departments.

After following due processes, the Municipal Manager, on 20 June 2023, tabled the proposed Staff Establishment and report before the municipal council for in-principle approval subject to consultation with the MEC. The proposed Staff Establishment was submitted to the MEC on 4 July 2023, accompanied by further detailed submission of information on 7 August 2023. Pursuant to the submission of the revised staff establishment and in the absence of the Minister's comments, the municipal council approved the macro staff establishment on 22 August 2023 in terms of sub-regulation 6(8)(a) of the MSR:

### "RESOLVED

That in respect of -

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

as discussed by Council at the Council Meeting held on 22 August 2023, **resolution number C85/2023**:

- That Council approves the Macro Staff Establishment as per pages 1 and 2 of Annexure A for implementation from 1 September 2023; and
- 2. That the Micro Staff Establishment, together with the MEC's input thereon if any, be tabled in Council for consideration on or before 31 October 2023."

The MEC subsequently responded with comments on the proposed staff establishment on 4 September 2023, attached as **Annexure B**. The MEC's comments were presented to the Executive Management, and a meeting was also held with the administrative staff of the MEC's office on 14 September to provide clarity on the content of the MEC's letter. The MEC's concerns, amongst others, were adherence to the organisational design metrics as prescribed in the MSR.

The staff establishment was reviewed within the Municipality's administrative and financial capacity in an attempt to adhere to the organisational design metrices as prescribed in the MSR. Adhering to the prescribed requirements, especially the span of control at the managers and supervisor level, including the threshold on structural shape, would have left the municipalities in an undesired financial state. Given that the council's term of office is already in the middle, major changes to the staff establishment will result in the Municipality having to focus on change management rather than service delivery.

Circular No.71, issued in terms of the Municipal Financial Management Act, 2003, provides a set of uniform financial ratios and norms for municipalities to foster sustainable fiscal management. The ratio provided for the employee-related costs and councillors' remuneration as a percentage of the total operating expenditure of the municipalities should range between 25% and 40%. If exceeded, this ratio could indicate the following inefficiencies: overstaffing and/or incorrect focus on non-core functions. The salary and wage bill of the Breede Valley Municipality is currently at 31.2% and would most likely exceed the threshold if the subregulation 6(2) of the MSR is implemented to the latter.

In light of the above disposition, an application was made to the MEC in terms of subregulation 5(5)<sup>1</sup> of the MSR to deviate from the following in a response to the MEC, date 13 October 2023, attached as **Annexure C**:

- a) Structural depth: Office of the Municipal Manager.
- b) Structural shape: Managerial/Specialist and Operational level.
- c) Span of control: Managerial and Supervisory level.

d) The number of support staff for the office of the public office bearers.

In addition to the changes on the proposed staff establishment tabled in the municipal council on 22 August 2023, the following changes were made:

Area of change	Description of what changed	The rationale for the change
Mayoral Office	Driver / Messenger position abolished at Mayoral Office.	Budgetary constraints.
Division: Human Settlements and Housing Management	Two Access Controllers: Division: Human Settlements and Housing Management were moved to By-law Enforcement and Security Services.	The functions of access control are aligned to the correct section that deals with security services of the Municipality.
Sub-Section: Sportsgrounds	Supervisor: De Doorns abolished	Budgetary constraints.
Sub-Section: Sportsgrounds	General Assistant De Doorns was abolished.	Budgetary constraints.
Traffic Services	Superintendent: De Doorns changed to Assistant Superintendent, and reports to Superintendent: Traffic Law Enforcement.	An omission was made on the proposed staff establishment tabled to Council on 22 August 2023. The position is Assistant Superintendent instead of Superintendent.
Traffic Services	Clerk / Receptionist has a warm body and should not have been abolished. The position has been reinstated.	An omission was made on the proposed staff establishment tabled to Council on 22 August 2023.
Section: Community Development	One of the three Community Development Worker: Public Participation positions abolished.	Budgetary constraints. Some of the functions are also fulfilled by another government programme, and the expansion of this programme will be explored.
Section: Community Development	Senior Clerk: Support Services position reporting to the Chief Community Development Worker was abolished and the incumbent place in a pool.	Budgetary constraints.
Section: Community Development	The reporting line of the Senior Clerk: Support Services reporting to Thusong MPC Coordinator changed to report to Community Development Worker.	Thusong MPC is fully capacitated and can perform without Senior Clerk: Support Services and therefore, additional human resource capacity is provided to the two remaining Community Development Worker.
Financial Services	Senior Clerk: Compliance (x2) positions have been re-instated.	An omission was made on the proposed staff establishment tabled to Council on 22 August 2023.
Section: OPS & MTCE HV & MV	Reinstatement of Senior Superintendent: OPS & MTCE HV & MV that was omitted.	An omission was made on the proposed staff establishment tabled to Council on 22 August 2023.

Area of change	Description of what changed	The rationale for the change
Planning,	Executive Secretary change to	Naming convention administrative support
Development &	Administrative Officer	services must be aligned across the
Integrated Services		Directorates.
Section: Public Works:	Reinstatement of Snr. Clerk:	An omission was made on the proposed staff
De Doorns &	Support Services (De Doorns) that	establishment tabled to Council on 22 August
Touwsrivier	was omitted.	2023.
Section: Public Works:	Reinstatement of General Assistant	An omission was made on the proposed staff
De Doorns &	x3 under the Supervisor/Driver	establishment tabled to Council on 22 August
Touwsrivier	reporting to Foreman Arbor.	2023.
Engineering Services	Addition of function of	The function could not be located in any of
	"Determination of bulk services	the Directorates.
	contribution" to the Directorate, and	
	specifically to the Civil Engineering	
	Services Division.	
Water Services	Addition of function "Coordination of	The function could not be located in any of
	wayleaves applications on behalf of	the Directorates.
	the municipality"	

Table 1: Additional changes made to the draft staff establishment after 22 August 2023.

## **DISCUSSION**

The revised staff establishment with additional changes was tabled before Council on 31 October 2023 and the Municipal Council resolved that:

### "RESOLVED

That in respect of -

# STAFF ESTABLISHMENT REVIEW AND PROPOSED CHANGES FOR IMPLEMENTATION ON 1 JANUARY 2024

as discussed by the Council at the Council Meeting held on 31 October 2023, resolution number C91/2023:

1. That Council in principle approve the draft Staff Establishment as per Annexure A, provided that it will be workshopped by Council and referred back to the council meeting in November 2023 for approval."

Prior to the workshop with council members, the following changes and justifications were made and subsequently presented to council member on 21 November 2023 and to the Local Labour Forum on 24 November 2023:

Area of change	Description of what changed	The rationale for the change
Mayoral Office	Section is moved to report to Director: Strategic Support Services	The position of Manager: Administration & Support Services has been abolished due to budget constraints and it is more efficient that the section report to the Director.
Division: Committee Services, Archives & Records and Mayoral Office	Manager: Committee Services, Archives & Records and Mayoral Office is abolished in the Division: Committee Services, Archives & Records and Mayoral Office	The position is abolished due to budget constraints and sections has been transferred to the Office of Director and Legal Services Division.
Division: Committee Services, Archives & Records and Mayoral Office	The Committee Services and even the Archives & Records Management Section has been moved to report to the Snr. Manager: Legal Services.	The position of Manager: Committee Services, Archives & Records and Mayoral Office is abolished due to budgetary constraints. The functions of Committee Services and Archives & Records Management are aligned to the Legal Services Division.
Division: Committee Services, Archives & Records and Mayoral Office	The positions of Receptionist, Switchboard Operator and General Assistant/ Cleaner are moved to report to the Administrative Officer in the Administration Support of the Director: Strategic Support Services	The position of Manager: Committee Services, Archives & Records and Mayoral Office is abolished due to budgetary constraints. The functions will be more efficiently managed in the Office of Director: Strategic Support Services.
Division: Human Resources	Labour Relations Officer (New) abolished	Budgetary constraints
Division: Supply Chain Management	Office Assistant abolished	Budgetary constraints
Division: Revenue Services	Office Assistant abolished	Budgetary constraints
Section: Budget & Costing	Accountant: Costing abolished	Budgetary constraints
Section: Fire Safety & Disaster Risk Management	Station Commander (x1) is abolished	Budgetary constraints
Traffic Services	Examiner: Grade A (x1) abolished	Budgetary constraints
Traffic Services	Examiner: Grade L (x1) abolished	Budgetary constraints
Division: Civil Engineering	Manager: New Housing Developments abolished	Budgetary constraints
Water Services	Addition of function "Coordination of wayleaves applications on behalf of the municipality"	The function could not be located in any of the Directorates.

Area of change	Description of what changed	The rationale for the change
Subsection Swimming	Reinstated fixed term contract	An omission was made on the proposed
Pools	(season) positions – Supervisor	staff establishment tabled to Council on
	(Zwelethemba Swimming pool) and	22 August 2023.
	Supervisor (De La Bat Swimming	
	pool)	

Table 2: Additional changes made to the draft staff establishment after 31 October 2023.

The following changes were made after a workshop with council members on 21 November 2023 and the Local Labour Forum on 24 November 2023 respectively:

Area of change	Description of what changed	The rationale for the change
Subsection Wastewater Treatment	Assistant Superintendent: Wastewater Treatment is abolished	Budgetary constraints
Section: Water & Networks	Superintendent: Sewer Networks (Worcester & Rawsonville) is abolished.	Budgetary constraints, the functions of Sewer & Water Networks have been merged to one position of Superintendent.
Section Building Control	One (1) position of Building Inspector is abolished.	Budgetary constraints
Section Geographical Information Systems	Data Capturer position is abolished	Budgetary constraints

Table 3: Additional changes made to the draft staff establishment after 24 November 2024.

The following are job purposes for the new positions:

Position	Job purpose
Snr Firefighter, Public Information, Education and Relations	Responsible for fire and life safety education, public information and promotional programs for communities, schools, old age homes, carers and other identified sectors in the Breede Valley Municipality area in accordance with the relevant legislation, policies, procedures and guidelines.
Risk and Disaster Management Officer	Responsible for various managerial, administrative and technical tasks associated with business continuity and disaster recovery, planning, intervention and risk management in accordance with the relevant legislation, policies, procedures and guidelines.
Technician Treatment	Responsible for support functions associated with technical design, analysis, surveys and project management undertaken for the Bulk

Position	Job purpose	
	Water Infrastructure, Wastewater Treatment Infrastructure and Laboratory Sections in line with the relevant legislation.	
General Assistant: Zweletemba Swimming Pools	Undertakes activities associated with maintaining the cleanliness of the Zweletemba swimming pool and surrounding areas accordance with laid down instructions supporting acceptable standards of service delivery.	
Fleet Officer	Coordinate and control the municipal fleet and manage the operational requirements through investigation, analysis and interpretation to ensure acceptable standards of service delivery in accordance with the relevant legislation, policies, procedures and guidelines.	
Clerk Support Services	To perform a supporting function to the municipal fleet section by executing specific tasks associated with rendering of clerical, administrative and secretarial duties in line with standard operating procedures, policies and guidelines.	
Superintendent: Halls	Coordinates and manage the operations of the community facilities (resorts and halls) through the application of laid down procedures with respect to the monitoring, checking and correcting facilities performance, controlling of the activities of personnel and providing guidance on applications in order to ensure optimum functionality levels are maintained and, downtime and disruptions to services minimized through the introduction and execution of appropriate corrective measures in line with the relevant policies, procedures and guidelines.	
Snr Superintendent: Outside Towns	Coordinate and manage the operations of the Roads & Stormwater, Parks & Cemeteries, Water & Sewer Reticulation, Cleansing, and Building & Maintenance of Touwsrivier and De Doorns to ensure that work undertaken is completed in accordance with laid down specifications, quality standards and cost measures.	

Table 4: Job purpose for new positions.

On 23 November 2023, the Municipal Manager received a letter from MEC Bredell responding to the request a deviate from the provisions of sub-regulation 5(2) of the MSR, attached as **Annexure D**. In summary, the MEC would not consider a deviation from the prescribed organisational design metric on the basis that the MSR in its current form does not provide for deviation. Aa enquiry on the matter made to National Department of Cooperative Governance and Traditional Affairs on what measures can be explored to ensure that the Municipality can

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be exempted from complying with the prescribed design metrics on the basis of financial constraints. The response will be shared with Council in the next Council meeting.

### FINANCIAL IMPLICATIONS

It is confirmed that sufficient budgetary provision of R413 147 739 was made to fund the Staff Establishment, which is thus fully funded with savings for the remainder of the 2023/2024 financial year.

### APPLICABLE LEGISLATION / COUNCIL POLICY

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

### **ANNEXURES**

Annexure A: Staff Establishment

Annexure B: Letter from MEC

Annexure C: Letter to MEC

Annexure D: Response letter from the MEC

# **COMMENT OF DIRECTORATES / DEPARTMENTS CONCERNED:**

# **Municipal Manager:**

With regards to the input of the Director Engineering Services: This function of new housing development will continue to be retained within Engineering Services. The position has not been abolished but temporarily suspended due to existing vacancies that need to be filled first. This decision aligns with the new

regulations stipulating that all positions in the staff establishment must be filled within a six-month timeframe. We will be initiating the finalization of appointments for the Senior Manager and Manager roles. Following the fulfilment of these vacancies, a thorough review of the staff establishment will be conducted, and the prioritization of the position in question will be reassessed.

Director: Strategic Support Services: Author of the item

Director: Financial Services: Supported

**Director: Engineering Services:** With reference to the Division: Civil Engineering the post of Manager: New Housing Developments is abolished from the Staff Establishment (see page 6 of 10, above).

Annexure A Draft Staff Establishment: DIVISION: CIVIL ENGINEERING SERVICES (see page 48 of 85) should be aligned with the above. Due to the abolishment of Manager: New Housing Developments from the Staff Establishment, the function(s) linked to this post (highlighted in yellow) should be abolished form the function of DIVISION: CIVIL ENGINEERING SERVICES.

# DIVISION: CIVIL ENGINEERING SERVICES Purpose: Oversees and evaluates the planning of complex engineering projects Functions: Projects and forecasts short, medium and long term infrastructure needs for the municipality Determines the remaining economical life of systems and infrastructure Plans and designs upgrades to existing networks within principles and norms and to the requirements of regulations and guidelines Manage the construction, operations and maintenance of the storm water drainage management infrastructure and facilities of the municipality. Facilitates and manages the upgrading, maintenance and provisioning of approved housing projects. Determination of bulk services contribution

With reference to upgrading and maintenance of approved housing projects (i.e., rental units, etc.) this function should be reallocated to DIVISION: PUBLIC WORKS. See Annexure A\_ Draft Staff Establishment: Page 57 of 85. Section: Building

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Maintenance is responsible for the facilitation and management of the upgrading and maintenance of municipal buildings, which includes municipal rental units.

Director: Community Services: Supported

Snr Manager Legal Services: Supported

### RECOMMENDATION

That in respect of -

# STAFF ESTABLISHMENT REVIEW AND PROPOSED CHANGES FOR IMPLEMENTATION ON 1 MARCH 2024

as discussed by the Council at the Council Meeting held on 14 December 2023:

- 1. that Council finally approve the Staff Establishment as per **Annexure A** for implementation from 1 March 2024 subject to placement of employees; and
- 2. that the Staff Establishment be submitted to the MEC in terms of sub-regulation 6(9) of the MSR.

Proposed: Ald W. R. Meiring

Seconded: Ald A. Steyn

Unanimously agreed

### **RESOLVED**

That in respect of -

# STAFF ESTABLISHMENT REVIEW AND PROPOSED CHANGES FOR IMPLEMENTATION ON 1 MARCH 2024

as discussed by the Council at the Council Meeting held on 14 December 2023, **resolution** number C115/2023:

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- 1. that Council note the input of the MEC on the draft Staff Establishment as per **Annexure A**.
- 2. that the Municipal Manager refer the MEC's input to the minister of Local Government for her consideration and reply
- 3. That the response from the minister of Local Government be tabled at the next Council meeting following the reply for consideration.

# SPECIAL COUNCIL MEETING OF THE BREEDE VALLEY MUNICIPALITY

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# 4.3 REVISION OF ATTENDANCE AND PUNCTUALITY POLICY

File No./s: 4/1/1/1 Responsible Official: N Monyela

**Directorate:** SSS **Portfolio:** Human Resources

### 1. PURPOSE

The Council to consider and approve the amendments and annexure A of the Attendance and Punctuality Policy.

### 2. BACKGROUND AND DISCUSSION

The Local Government: Municipal Systems Act 32 of 2000, provides that a municipality should develop and adopt appropriate systems and procedures to ensure fair, efficient, effective and transparent personnel administration consistent with the applicable legislation. The Policies of the Council are frameworks and guidelines that ensure standardise procedures and systems in line with this Act.

### 2.1. REVISION OF ATTENDANCE AND PUNCTUALITY POLICY

The revision and amendments of the policy emanates from the current labor challenges the Municipality is currently facing. Firstly, there is huge inconsistency of working hours within the Municipality that are not aligned to the relevant legislations. Secondly, an issue of overtime and working arrangements of the shift workers, that has been a controversial and topic of discussion on the workplace forum. A need was identified to amend and revise the Attendance and Punctuality Policy ("the Policy") to address the above-mentioned challenges.

On 6<sup>th</sup> September 2023, the Local Labour Forum ("the LLF") workshop was held, where the forum had discussions on the proposed changes and Annexure A of the Policy. On the forum meeting held on 24 November 2023, the LLF supported the revision of policy and addition of annexure A.

On 4 December 2023, the municipal council resolved that the policy shall be workshopped on 8 December 2023. Council further decided that councilor's attendance at the workshop shall be voluntary.

On 8<sup>th</sup> December 2023, a Council workshop was held, where the Council members present had discussions on the proposed changes and Annexure A of the Policy. The workshop proposed that the municipal offices should be considered for opening during meal intervals in order to attend to service delivery. In addition, in each municipal building, there should be a public notice of the actual hours that staff will provide services to the public.

### 3. FINANCIAL AND LEGAL IMPLICATIONS

## **Financial Implications**

There are no financial implications for review and development of policies.

# **Legal Implication**

- a. Basic Conditions of Employment Act.
- b. Code of Good Practices on the arrangement of working time.

# **ANNEXURES**

Attendance and Punctuality Policy with Annexure A (Working hours)

# COMMENT OF DIRECTORATES / DEPARTMENTS CONCERNED AS PER THE INITIAL SUBMISSION TO COUNCIL:

Municipal Manager: Supported

Director: Strategic Support Services: Author of the item

Director: Financial Services:

Director: Engineering Services:

Supported

Director: Community Services:

Supported

Snr Manager Legal Services:

Supported

Supported

### RECOMMENDATION

That in respect of –

### REVISION OF ATTENDANCE AND PUNCTUALITY POLICY

as discussed by the Council at the Council Meeting held on 14 December 2023:

# SPECIAL COUNCIL MEETING OF THE BREEDE VALLEY MUNICIPALITY

2023-12-14

a. That Council notes that the Attendance and Punctuality Policy has been subjected to a policy review process.

b. That Council notes that the Attendance and Punctuality Policy has been workshopped by Council on the 8<sup>th</sup> of December 2023.

c. That Council delegates the authority to the municipal manager to amend the working hours outlined in Annexure A, if necessary, for better, more efficient and economical service delivery, following consultation with organised labour.

d. That Council approve the amendments and annexure A of Attendance and Punctuality Policy for implementation with effect from **01 February 2024.** 

e. That the municipal manager investigates the feasibility subject to available funding and human resources and, based on visitor numbers, that municipal offices remain open during lunch times.

Proposed: Ald W. R. Meiring

Seconded: Cllr J. Pieters

# **RESOLVED**

That in respect of -

# **REVISION OF ATTENDANCE AND PUNCTUALITY POLICY**

as discussed by the Council at the Council Meeting held on 14 December 2023, **resolution number C116/2023**:

a) That Council notes that the Attendance and Punctuality Policy has been subjected to a policy review process.

b) That Council notes that the Attendance and Punctuality Policy has been workshopped by Council on the 8<sup>th</sup> of December 2023.

c) That Council delegates the authority to the municipal manager to amend the working hours outlined in Annexure A, if necessary, for better, more efficient and economical service delivery, following consultation with organised labour.

- d) That Council approve the amendments and annexure A of Attendance and Punctuality Policy for implementation with effect from **01 February 2024.**
- e) That the municipal manager investigates the feasibility subject to available funding and human resources and, based on visitor numbers, that municipal offices remain open during lunch times.

5. CONSIDERATION OF MATTERS SUBMITTED BY THE CHAIRPERSON OF COUNCIL

# **5.1 COUNCIL MEETING DATES FOR 2024**

Council is herewith informed of the dates for council meetings in 2024. It must be however noted that the Speaker may amend the dates of Council meetings in cases of unforeseen circumstances according to Section 29(1) of the Local Government Municipal Structures Act (Act 117 of 1998)

MONTH	DAY
January	23 <sup>th</sup>
February	28 <sup>th</sup>
March	26 <sup>th</sup>
April	23 <sup>th</sup>
May	28 <sup>th</sup>
June	None
July	30 <sup>th</sup>
August	20 <sup>th</sup>
September	None
October	22 <sup>nd</sup>
November	26 <sup>th</sup>
December	3 <sup>rd</sup>
December	12 <sup>th</sup> (Special)

# **RESOLVED**

That in respect of

# **COUNCIL MEETING DATES FOR 2024,**

Submitted by the Speaker at the Council meeting held on 14 December 2023:

That Council takes note of the dates as set out by the Speaker.

# 5.2 COUNCIL RECESS DECEMBER 2023/JANUARY 2024

SPECIAL COUNCIL MEETING OF THE 2023-12-14
BREEDE VALLEY MUNICIPALITY

File No. /s: 2/1/4/2/3 Responsible Official: JF van Zyl

**Directorate:** Strategic Support Services **Portfolio:** Speaker

1. Purpose

The purpose of the report is to obtain confirmation of Council's recess from 15 December 2023

to 15 January 2024.

2. Background

Section 18(2) of the Structures Act (as emended) provides that a municipal council must meet

at least quarterly.

Item 4 of the Code of Conduct for Councillors (Schedule 7 to the Structures Act) provides that

a Councillor must attend each meeting of the municipal council and of a committee of which

that Councillor is a member. Should Council resolve to go into recess on 15 December 2023

to 15 January 2024, such a resolution will have no effect on Council's legal responsibility to

meet at least quarterly.

During the proposed recess, all urgent matters shall be dealt with by the Executive Mayor in

consultation with the Municipal Manager, except those reserved in terms of the provisions of

Section 160(2) of the Constitution and Section 59 (1) (a) of the Systems Act for full Council.

3. Financial Implications

None

4. Applicable Legislation / Council Policy

Constitution of the Republic of South Africa, 1996 (Constitution)

Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)

Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)

**RECOMMENDATION** 

Page **26** of **27** 

That in respect of

# **COUNCIL RECESS DECEMBER 2023/JANUARY 2024**

discussed by the Council at the Council meeting held 14 December 2023:

- 1. that the proposed period of recess, namely 15 December 2023 to 14 January 2024 be approved; and
- 2. that, during the period of recess, all urgent matters/emergency situations be dealt with by the Executive Mayor in consultation with the Municipal Manager, except those reserved by law for full Council.

Council unanimously agreed

### **RESOLVED**

That in respect of

### **COUNCIL RECESS DECEMBER 2023/JANUARY 2024**

discussed by the Council at the Council meeting held 14 December 2023, **resolution** number C117/2023:

- 1. that the proposed period of recess, namely 15 December 2023 to 14 January 2024 be approved; and
- 2. that, during the period of recess, all urgent matters/emergency situations be dealt with by the Executive Mayor in consultation with the Municipal Manager, except those reserved by law for full Council.

# 6. CLOSURE

Meeting adjourned in good order.