

# MINUTES

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

**MINUTES OF THE 3<sup>rd</sup> COUNCIL MEETING OF  
2023/2024  
FINANCIAL YEAR OF THE COUNCIL OF BREEDE  
VALLEY MUNICIPALITY  
TUESDAY, 2023-10-31 AT 10:00**



**SPEAKER: ALDERMAN J.F. VAN ZYL**

**DATE APPROVED**



**BREED VALLEY**  
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## 1. OPENING AND WELCOME

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

The Speaker welcomed all to the 3<sup>rd</sup> Council meeting of the 2023/2024 financial book year. A special word of welcome was given to the new Human Resources manager, Me Nakedi Monyela. The Speaker and councillor Palesa Ramokhabi each gave a short prayer, followed by a moment of silence for other 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 by the following councillors: Cllr T. M. Blom, Cllr L. R. Yayi. Cllr Oscar Ralehoko was absent without an apology.

## 3. COMMUNICATION

### 3.1 INTERVIEWS OR PRESENTATIONS BY DEPUTATIONS

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

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



### 3.2 BIRTHDAYS OF COUNCILLORS

Ald M. Sampson	30 August 2023
Cllr C. F. Wilskut	06 September 2023
Cllr P. H. Marais	08 September 2023
Cllr G. L. Daames	16 September 2023
Cllr N. J. Wullschleger	21 September 2023
Ald R. Farao	05 October 2023
Ald C. Ismail	10 October 2023
Cllr V. A. Bedworth	23 October 2023
Cllr M. Jacobs	24 October 2023
Cllr N. Nel	25 October 2023
Cllr T. Manuel	28 October 2023
Cllr P. Ramokhabi	31 October 2023

Cllr J. R. Jack congratulated all the councillors who celebrated their birthdays.

### 3.3 STATEMENTS BY THE SPEAKER

The Speaker thanked all the councillors and administration for their hard work and the effort they put in during the IDP process. The Speaker left council with the words: "We can differ but let us respect each other. We do not have to be friends but, on the road, we can become friends."

### 3.4 STATEMENTS BY THE EXECUTIVE MAYOR

The mayor welcome all and congratulated all the councillors who celebrated their birthdays. As the municipality she congratulated the Springboks on winning the 2023 Rugby world cup and also the local rugby team Young Hamiltons who reached the top 12. In the next month the following projects were done or started: resealing of roads in councillor Mimi's ward; the fixing of the sewer system in Kwinana rd; opening of the traffic circle in Louis Lange on 18 November 2023; the sewer system progress in Rawsonville, thanks to Jevon Pekeur and Jaco Steyn. In November more feedback will be given regarding projects and the improvement of service delivery. Thanks to all the councillors with their information session with their ward committees.

The mayor reminds every one of the Grand in Aid applications for all schools, NPO's, churches, that closes on 13 November 2023. A big thanks to Cape Winelands and BVM with the fixing of the storm damage in De Doorns.

Condolences to all councillors and admin staff who lost their loved ones. The mayor addressed the Israel and Palestine war and requested council to keep them in their prayers.





#### 4. CONFIRMATION OF MINUTES

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

- (a) Minutes of the proceedings of meetings must be compiled in printed form and be confirmed by the Council at the next meeting and signed by the Speaker.
- (b) The minutes shall be taken as read, for the purpose of confirmation, if a copy thereof was sent to each Councillor within forty-eight hours before the next meeting, subject to the provisions of sub-Clause (4).
- (c) No motion or discussion shall be allowed on the minutes, except in connection with the correctness thereof.
- (d) The minutes formulated and screened during meetings, shall constitute a resolution for purposes of implementation of decisions.

##### 4.2 Council Meeting held on 22 August 2023

#### RECOMMENDATION

That in respect of

#### CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

discussed by Council at the Council Meeting held on 31 October 2023:

1. As the Minutes of the Council Meeting held on 22 August 2023 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 22 August 2023 be taken as read and confirmed.

Proposed: Cllr E. VD Westhuizen

Seconded: Cllr J. R. Jack

#### RESOLVED

That in respect of

#### CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING

discussed by Council at the Council Meeting held on 31 October 2023,  
**resolution number C88/2023:**

1. As the Minutes of the Council Meeting held on 22 August 2023 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 22 August 2023 be taken as read and confirmed.



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

**5.1 The Deputy Executive Mayor: Cllr J.J. von Willingh**

**5.1.1 MUNICIPAL COURT UPDATE: THE PROGRESS OF THE MUNICIPAL COURT AND STATISTIC**

**RESOLVED:**

That in respect of –

**MUNICIPAL COURT UPDATE: THE PROGRESS OF THE MUNICIPAL COURT AND STATISTICS**

discussed by Mayco at the Mayco meeting held on 23 October 2023 with resolution number **EX25/2023**, the following recommendation be made to Council:

- 1. That Council take cognisance of the progress update and statistics of the Municipal Court and**
- 2. That the report in future be tabled in Council bi-annually.**

**5.1.2 LIBRARY SERVICE: LIBRARY OUTREACH ACTIVITIES PLANNED AND COMPLETED: (July 2023 – September 2023)**

**RESOLVED:**

That in respect of –

**LIBRARY SERVICES QUARTERLY UPDATE: THE PROGRESS OF THE LIBRARY SERVICES OUTREACH PROGRAMS PLANNED AND COMPLETED (July 2023 – September 2023)**

discussed by Mayco at the Mayco meeting held on 23 October 2023 with resolution number **EX26/2023**, the following recommendation be made to Council:

**That Council take cognisance of the progress update and statistics of the outreach programs of the Library Service.**

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**5.2 MMC1: Alderman W.R. Meiring.**

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**5.2.1 SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2023.**





**MFMA SECTION 71 Report****RESOLVED:**

That in respect of  
**SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2023,**  
discussed by Mayco at the Mayco meeting held on 23 October 2023 with resolution number **EX21/2023:**

1. That the Mayco take note of the in-year financial management report for the period ended 31 August 2023.

**5.2.2 REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF AUGUST 2023****RESOLVED:**

That in respect of  
**REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF AUGUST 2023**  
discussed by Mayco at the Mayco meeting held on 23 October 2023 with resolution number **EX22/2023:**

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the month of August 2023, **be noted.**

**5.2.3 REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF SEPTEMBER 2023****RESOLVED:**

That in respect of  
**REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF SEPTEMBER 2023**  
discussed by Mayco at the Mayco meeting held on 23 October 2023 with resolution number **EX23/2023:**

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the month of September 2023, **be noted.**

**5.2.4 QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR THE 1<sup>st</sup> QUARTER OF THE 2023/24 FINANCIAL YEAR**

**RESOLVED:**

That in respect of

**QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR THE 1<sup>st</sup> QUARTER OF THE 2023/24 FINANCIAL YEAR**

discussed by Mayco at the Mayco meeting held on 23 October 2023 with resolution number **EX24/2023**:

That the approved SCM quarterly implementation report for the 1<sup>st</sup> quarter of the 2023/24 financial year, **be noted**.

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**5.3 MMC 2: Cllr. P.C. Ramokhabi**

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**5.4 MMC 3: Cllr. N. Nel**

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**5.5 MMC 4: Cllr. E. Van der Westhuizen**

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**5.5.1 WATER SERVICES AUDIT REPORT FOR 2022/2023****RESOLVED:**

That in respect of

**WATER SERVICES AUDIT REPORT FOR 2022/2023**

discussed by Mayco at the Mayco meeting held on 23 October 2023, with resolution number **EX27/2023**, the following recommendation be made to Council:

**Council approves:**

- The Water Services Audit Report for 2022/2023.

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**5.6 MMC 5: Cllr J.R. Jack**

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**5.7 MMC 6: Cllr. V.A. Bedworth**

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**5.8 MMC 7: Cllr. J.P. Kritzinger**

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**5.9 MMC 8: Cllr F. Vaughan**

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## 6. COLLABORATOR OUTSTANDING RESOLUTIONS REPORT

Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment
172625	<b>SUBMISSION OF BY-LAW RELATING TO THE MANAGEMENT AND CONTROL OF FLATS (rental housing units) OWNED OR ADMINISTERED BY THE BREDE VALLEY MUNICIPALITY</b>  RESOLVED C41/2015 That in respect of the SUBMISSION OF BY-LAW RELATING TO THE MANAGEMENT AND CONTROL OF FLATS (rental housing units) OWNED OR ADMINISTERED BY THE BREDE VALLEY MUNICIPALITY discussed by Council at the Council meeting held on 25 of June 2015:  1. That Council approved the draft By-Law relating to the Management and Control of flats (rental housing units) owned or administer by the Breede Valley Municipality;  2. That the administration advertises said draft By-Law for public comments;  3. That all comments be collated submitted to Council for final approval and promulgation in the Provincial Gazette.  4. That the draft By-Law be workshopped with all the Councillors.	2015-06-25	GMAYEKI	95	The draft bylaw has been amended to reflect the most recent legislative changes. The modified draft paper is circulating throughout internal departments for comments before being submitted for debate at the next workshop. The workshop date has not been set, however, the consultation period for internal departments will close on August 31, 2023.
Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment
776194	<b>ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS: CLLR. C.F. WILSKUT</b>  RESOLVED C21/2020  1. That Council appoint a Disciplinary Committee comprising of 11 members (6 DA members and one member of each other Political Party ( i.e ANC; BO; FF+; PDM; EFF); 2. That Cllr J.F. van Zyl be appointed as the Chairperson of the Disciplinary Committee; 3. The names of members to the Disciplinary Committee should be submitted to the Speaker within 7 days from the date of the Council Meeting.	2020-02-25	JVANWYK	75	Compilation of Disciplinary Committee rescinded and reviewed and replaced by a committee comprising of 5 Councillors, inclusive of the Chairperson. The Prosecutor has been appointed and trial date is pending.
Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment



1395544	<b>RECRUITMENT AND SELECTION OF THE DIRECTOR: PLANNING, DEVELOPMENT AND INTEGRATED SERVICES</b>	<p>RESOLVED</p> <p>That in respect of RECRUITMENT AND SELECTION OF THE DIRECTOR: PLANNING, DEVELOPMENT AND INTEGRATED SERVICES discussed by the Council at the Council meeting held on 22 August 2023, resolution number C86/2023:</p> <p>1. That Council affirms that the position of the Director: Planning, Development and Integrated Services is on the council approved final staff establishment which will be implemented on 1 September 2023;</p> <p>2. that the newly created post of the Director: Planning, Development and Integrated Services will be vacant on 1 September 2023;</p> <p>3. that in terms of Regulation 7(2)(a) of the Regulations on the Appointment and Conditions of Employment of Senior Managers (herein after referred to as "The Regulations") Gazetted on 17 January 2014 (Gazette No. 37245) Council grant approval that the budgeted post of the Director: Planning, Development and Integrated Services be filled;</p> <p>4. that the contract of employment of the Director: Planning, Development and Integrated Services will be on a permanent basis as per the Local Government: Municipal Systems Amendment Act, 2022, subsection 57(7);</p> <p>5. that the Municipal Manager must ensure compliance with the Local Government: Municipal Staff Regulations (No. 890 of 2021), Chapter 2;</p> <p>6. that the Municipal Manager must ensure that the post of the Director: Planning, Development and Integrated Services is advertised in a newspaper circulating nationally and in this province within fourteen (14) days from Council resolving to fill the vacancy, but only after 1 September 2023;</p> <p>7. that the services of a competent and experienced recruitment agency be used during the recruitment process, subject thereto that the advertising, recruitment,</p>	2023-08-22	DCTHOMAS	40	The post has been advertised and shortlisting will be done on Friday 13 of October 2023
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		<p>selection procedure and competency testing complies with the Regulations;</p> <p>8. that Council appoint the following members to the selection panel, for the recruitment and selection of the Director: Planning, Development and Integrated Services:</p> <p>a. The Municipal Manager who is the Chairperson;</p> <p>b. Alderman Wouter Meiring; and</p> <p>c. Mr Henry Prins (Cape Winelands District Municipality: Municipal Manager) who has expertise and experience in the area of the advertised post;</p> <p>9. that the selection panel submit a report and recommendation on the selection process to the Council on the suitable candidates who comply with the relevant competency requirements of the post in order of preference.</p>				
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Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment
1352782	<b>2023 CUSTOMER SERVICE CHARTER</b>  RESOLVED: That in respect of - The 2023 Customer Service Charter tabled before Council at the Council meeting held on 30 May 2023 with resolution number C37/2023:  1. That Council, having noted the content of the 2023 Customer Service Charter, provides in principle approval thereof subject to the following conditions: a. The Customer Service Charter be referred to a Council Workshop to be held on 8 June 2023; b. The Customer Service Charter be made public in terms of section 21 of the MSA; c. That such public comments (if any) be tabled at Council for consideration; and d. The Customer Service Charter be resubmitted to Council for final consideration and approval.	2023-05-30	CMALGAS	75	All recommendations implemented apart from recommendation (d). Emanating from the Council Workshop, certain recommendations were made linked to the refinement of the final product before resubmission to Council. Resubmission is prioritised to occur within Q1 of the 2023/2024 financial period.
1352783	<b>2022/2023 COMMUNICATION STRATEGY</b>  RESOLVED: That in respect of - The 2022/2023 Communication Strategy	2023-05-30	CMALGAS	75	The Communication Strategy served before Council on 30 May 2023, and was workshopped



		<p>tabled before Council at the Council meeting held on 30 May 2023 with resolution number C38/2023:</p> <p>1. That Council, having noted the content of the 2022/23 Communications Strategy, provides in principle approval thereof subject to the following conditions:</p> <p>a. The strategy be referred to a Council Workshop to be held on 8 June 2023 ;</p> <p>b. The strategy be made public in terms of section 21 of the MSA and submitted to the relevant stakeholders (i.e. relevant National &amp; Provincial Government Departments as well as the Cape Winelands District Municipality) for input;</p> <p>c. That such public comments (if any) be tabled at Council for consideration; and</p> <p>d. The strategy be resubmitted to Council for final consideration and approval.</p>				<p>with Council on 8 June 2023. The Strategy has also been circulated to the public for input. Upon receipt and consideration of the latter, the Strategy will be resubmitted to Council.</p>
1364219	<b>BREEDE VALLEY MUNICIPALITY INVESTMENT INCENTIVE POLICY</b>	<p><b>RESOLVED:</b></p> <p>That in respect of the BREEDE VALLEY MUNICIPALITY INVESTMENT INCENTIVE POLICY</p> <p>Discussed by Council in the Council meeting held on 20 June 2023, resolution number C61/2023; the following recommendation is proposed:</p> <p>1. To present the initial discussion document "Draft BVM Investment Incentive Policy" to Council for notification that an internal administrative committee must be established to develop an Investment Incentive Policy for BVM.</p> <p>2. That council task the municipal manager to establish an intra-municipal administrative committee of senior officials and internal specialists under the Director of Strategic Support Services chairmanship to draft the Investment Incentive Policy and table it to the council within four months.</p> <p>3. At the minimum, the following key sections and departments, being the CFO, the Director of Engineering, the Director of Community</p>	2023-06-20	CJANUARY2	25	<p>As per the Council resolution a series on internal consultation session is planned for the current financial year</p>





		Services, the Director of Public Services, the Senior Managers of Financial Planning, SCM, Electricity, Income, Planning and Public Services must serve on the committee and actively provide specialist detailed inputs in writing to the draft policy within the deadlines as set out by the committee chairperson and actively attend all meetings of the committee.				
1395543	<b>STAFF ESTABLISHMENT REVIEW AND PROPOSED CHANGES FOR IMPLEMENTATION ON 1 SEPTEMBER 2023</b>	<p>RESOLVED</p> <p>That in respect of -</p> <p>STAFF ESTABLISHMENT REVIEW AND PROPOSED CHANGES FOR IMPLEMENTATION ON 1 SEPTEMBER 2023</p> <p>as discussed by Council at the Council Meeting held on 22 August 2023, resolution number C85/2023:</p> <p>1. That Council approves the Macro Staff Establishment as per page 1 and 2 of Annexure A for implementation from 1 September 2023; and</p> <p>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.</p>	2023-08-22	GCOOK		



**7. CONSIDERATION OF AGENDA ITEMS****7.1 QUARTERLY PERFORMANCE REPORTS PERTAINING TO THE FIRST  
QUARTER  
(1 JULY 2023 – 30 SEPTEMBER 2023)****File No./s:** 3/15/1**Responsible Official:** C Malgas**Directorate:** Strategic Support Services **Portfolio:** Performance Management

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**1. PURPOSE:**

To inform Council on the implementation of the budget and the financial state of affairs of the Municipality and assess performance against the performance indicators set in the approved 2023/2024 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 1 SDBIP Performance Report and Top-Layer KPI Report is attached as Annexures "A" and "B" respectively.

**4. FINANCIAL IMPLICATIONS:**

None

**5. APPLICABLE LEGISLATION / COUNCIL POLICY:**

- Municipal Finance Management Act, no. 56 of 2003



**6. COMMENTS OF DIRECTORATES CONCERNED:**

<b>Municipal Manager:</b>	Recommendation supported
<b>Director: Strategic Support Services:</b>	Recommendation supported
<b>Director: Financial Services:</b>	Recommendation supported
<b>Director: Engineering Services:</b>	Recommendation supported
<b>Director: Community Services:</b>	Recommendation supported
<b>Senior Manager: Legal Services:</b>	Recommendation supported

**RECOMMENDATION:**

That in respect of -

**The Quarterly Performance Report for the First Quarter (1 July 2023 – 30 September 2023), as discussed by Council at the Council meeting held on 31 October 2023:**

1. That Council takes note of the Quarter 1 SDBIP Performance Report and the Top-Layer KPI Report for the period 1 July 2023 – 30 September 2023.

Proposed: Ald W. R. Meiring

Seconded: Ald A. Steyn

Unanimously agreed by Council

**RESOLVED**

That in respect of -

**The Quarterly Performance Report for the First Quarter (1 July 2023 – 30 September 2023),**

as discussed by Council at the Council meeting held on 31 October 2023, **resolution number C89/2023:**

1. That Council takes note of the Quarter 1 SDBIP Performance Report and the Top-Layer KPI Report for the period 1 July 2023 – 30 September 2023.

**TO ACTION:**

C. Malgas



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**7.2 SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR  
THE PERIOD ENDED 30 SEPTEMBER 2023.  
MFMA SECTION 71 & 52 (d) Report****File No. /s:** 3/15/1**Responsible Officials:** R. Ontong**Directorate:** Financial Services **Portfolio:** Financial Services

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**Purpose**

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

**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.

**Financial Implications:**

None

**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:**

<b>Municipal Manager:</b>	Recommendation supported
<b>Director: Strategic Support Services:</b>	Recommendation supported
<b>Director: Financial Services:</b>	Recommendation supported
<b>Director: Community Services:</b>	Recommendation supported
<b>Director: Engineering Services:</b>	Recommendation supported



**RECOMMENDATION:**

That in respect of

**SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

discussed by Council at the Council meeting held on the 31 October 2023:

1. That Council take note of the in-year financial management report for the period ended 30 September 2023.

Proposed: Ald W. R. Meiring

Seconded: Ald A. Steyn

Unanimously agreed by Council

**RESOLVED**

That in respect of

**SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 30 SEPTEMBER 2023**

discussed by Council at the Council meeting held on the 31 October 2023, **resolution number C90/2023:**

1. That Council take note of the in-year financial management report for the period ended 30 September 2023.

**TO ACTION:**

R. Ontong





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

**File No./s:** 2/3/3/1

**Responsible Official:** N Monyela

**Directorate:** Strategic Support Services

**Portfolio:** Human Resources

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#### 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 January 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:*

- 1. 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 metrics 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 sub-regulation 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 sub-regulation 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.

<sup>1</sup> Note that sub-regulation 5(5) is erroneously marked regulation 5(4) in the regulations because the numbering sequence of sub-regulation 5(3) has been repeated twice.



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

*Table 1: Additional changes made to the draft staff establishment.*

## FINANCIAL IMPLICATIONS

It is confirmed that sufficient budgetary provision was made to fund the Staff Establishment, which is thus fully funded 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

## COMMENT OF DIRECTORATES / DEPARTMENTS CONCERNED:

<b>Municipal Manager:</b>	<b>Supported</b>
<b>Director: Strategic Support Services:</b>	<b>Author of the item</b>
<b>Director: Financial Services:</b>	<b>Supported</b>
<b>Director: Engineering Services:</b>	<b>Supported</b>
<b>Director: Community Services:</b>	<b>Supported</b>
<b>Snr Manager Legal Services:</b>	<b>Supported</b>





**RECOMMENDATION**

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:

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

Proposed: Cllr N. Nel

Seconded: Cllr T. Manuel

Unanimously agreed by Council

**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.





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## 7.4 PROVISION OF LEGAL REPRESENTATION FOR EMPLOYEES AND COUNCILLORS' POLICY

File no.: 2/1/1

Responsible Official: H Potgieter

Directorate: SSS

Portfolio: Legal Services

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### 1. PURPOSE

The purpose of this item is for the council to consider final approval of the Provision of Legal Representation for Employees and Councillors Policy (*"the policy"*).

### 2. BACKGROUND / DISCUSSION

During the council meeting held on 24 April 2023, it was resolved as follows:

#### ***"RESOLVED***

*That in respect of –*

#### **GRANTING OF LEGAL REPRESENTATION TO COUNCILLORS AND EMPLOYEES**

*as discussed by Council at the Council meeting held on 24 April 2023, the following recommendation be made to Council, resolution number C29/2023:*

1. *That Council in principle, approve the draft Provision of Legal Representation for Employees and Councillors Policy and that a workshop be conducted with Council prior to the date of final approval;*
2. *that pending final approval of the draft policy referred to in item 1, Council grant legal representation to the Speaker and the Executive Mayor in the matter wherein Breede Valley Onafhanklik lodged review proceedings against Breede Valley Municipality, under case number 2613/23; and*



3. *that pending final approval of the draft policy referred to in item 1, in the event any council resolutions or official decisions taken by the Speaker in the role of the Speaker are challenged and taken on review to an appropriate court or another lawful forum, the Speaker inherently be authorised to settle or oppose and / defend such legal matters nomine officio."*

Item 2 of resolution C29/2023 was implemented as the workshop was duly conducted on 25 April 2023. During the aforementioned, valuable inputs were rendered, which enabled the administration to consider same for inclusion in the final policy.

Accordingly, it is proposed that minor amendments be made to the draft policy, as indicated in **Annexure A**, in respect of paragraph 4. The relevant parts are summarised below, where words in bold type in square brackets indicate omissions from the draft policy. Words in italics and underlined with a solid line indicate the suggested insertions to the draft policy:

- 4.2 The Responsible Person, on behalf of the Municipality, **[shall]** **must** exercise the discretion of the Municipality.
- 4.3 The Responsible Person shall be entitled to take such advice as he/she deems to be appropriate in relation to any Application and **[may]** **must** consult the Director: Strategic Support Services or his/her delegate as far as possible in relation to legal matters and the imposition of conditions or other terms and conditions for the grant of legal representation by the Municipality.

### 3. CONCLUSION

It is recommended that Council approve the Provision of legal representation for Employees and Councillors Policy, attached as **Annexure A**.

### FINANCIAL IMPLICATIONS

The financial implications will be the legal costs of the external legal representatives.

### COMMENT OF DIRECTORATES



Only the comment from the Municipal Manager was solicited as this item relates to the political component of the municipality.

**MUNICIPAL MANAGER**

Item and recommendation supported

**DIRECTOR: STRATEGIC SUPPORT SERVICES**

Author of the item and recommendation

**SENIOR MANAGER: LEGAL SERVICES**

Co - Author of the item and recommendation

**RECOMMENDATION**

That in respect of –

**PROVISION OF LEGAL REPRESENTATION FOR EMPLOYEES AND COUNCILLORS' POLICY**

as discussed by Council at the Council meeting held on 31 October 2023, the following recommendation be made to Council:

1. That Council approve the Provision of legal representation for Employees and Councillors Policy, attached as **Annexure A**.

Proposed: Cllr F. Vaughan

Seconded: Cllr V. Bedworth

Unanimously agreed by Council

**RESOLVED**

That in respect of –

**PROVISION OF LEGAL REPRESENTATION FOR EMPLOYEES AND COUNCILLORS' POLICY**

as discussed by Council at the Council meeting held on 31 October 2023, **resolution number C92/2023**, the following recommendation be made to Council:



1. That Council approve the Provision of legal representation for Employees and Councillors Policy, attached as **Annexure A**.

**TO ACTION:**

H. Potgieter



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**7.5 SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2023.  
MFMA SECTION 71 Report****File No. /s:** 3/15/1**Responsible Officials:** R. Ontong**Directorate:** Financial Services**Portfolio:** Financial Services

---

**1. Purpose**

To submit to the finance committee 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.

### 3. Financial Implications:

None

### 4. Applicable Legislation/ Council Policy:

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

### 5. Comment of Directorates/ Departments concerned:

**Municipal Manager:** Recommendation supported

**Director: Strategic Support Services:** Recommendation supported

**Director: Financial Services:** Recommendation supported





**Director: Community Services:** Recommendation supported

**Director: Engineering Services:** Recommendation supported

#### RECOMMENDATION:

That in respect of  
**SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2023,**  
discussed by Council at the Council meeting held on 31 October 2023:

1. That Council take note of the in-year financial management report for the period ended 31 August 2023.

Proposed: Ald W. R. Meiring  
Seconded: Cllr E. VD Westhuizen

Unanimously agreed by Council

#### RESOLVED

That in respect of  
**SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 AUGUST 2023,**  
discussed by Council at the Council meeting held on 31 October 2023, **resolution number C93/2023:**

1. That Council take note of the in-year financial management report for the period ended 31 August 2023.

**To Action**  
R. Ontong



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## 7.6 REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF AUGUST 2023

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

**Responsible Official:** R. Ontong

**Directorate:** Financial Services

**Portfolio:** Supply Chain Management

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### 1. Purpose

To report to Council on all deviations and their reasons, approved by the delegated authority in terms of paragraph 36(2) of the Supply Chain Management Policy, for the month of August 2023.

### 2. Background

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

Deviations approved in terms of paragraph 36(1)(a) for the month of August 2023, 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

### 5. Comment of Directorates / Departments

**Municipal Manager:** Noted

**Director: Strategic Support Services:** Noted

**Director: Financial Services:** Noted



Director: Engineering Services: Noted

Director: Community Services: Noted

Senior Manager: Legal Services: Noted

#### RECOMMENDATION:

That in respect of

#### **REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF AUGUST 2023**

discussed by Council at the Council meeting held on 31 October 2023:

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the month of August 2023, **be noted**.

Proposed: Ald W. R. Meiring

Seconded: Cllr E. VD Westhuizen

Unanimously agreed

#### RESOLVED

That in respect of

#### **REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF AUGUST 2023**

discussed by Council at the Council meeting held on 31 October 2023, **resolution number C94/2023**:

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the month of August 2023, **be noted**.

#### **To Action**

R. Ontong



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## 7.7 REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF SEPTEMBER 2023

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

**Responsible Official:** R. Ontong

**Directorate:** Financial Services

**Portfolio:** Supply Chain Management

---

### 1. Purpose

To report to Council on all deviations and their reasons, approved by the delegated authority in terms of paragraph 36(2) of the Supply Chain Management Policy, for the month of September 2023.

### 2. Background

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

Deviations approved in terms of paragraph 36(1)(a) for the month of September 2023, 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

### 5. Comment of Directorates / Departments

**Municipal Manager:** Noted

**Director: Strategic Support Services:** Noted

**Director: Financial Services:** Noted

**Director: Engineering Services:** Noted



Director: Community Services: Noted

Senior Manager: Legal Services: Noted

#### RECOMMENDATION:

That in respect of

#### **REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF SEPTEMBER 2023**

discussed by Council at the Council meeting held on 31 October 2023:

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the month of September 2023, **be noted**.

Proposed: Ald W. R. Meiring

Seconded: Cllr E. VD Westhuizen

#### RESOLVED

That in respect of

#### **REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF SEPTEMBER 2023**

discussed by Council at the Council meeting held on 31 October 2023, **resolution number C95/2023**:

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the month of September 2023, **be noted**.

#### **To Action**

R. Ontong



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## 7.8 QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR THE 1<sup>st</sup> QUARTER OF THE 2023/24 FINANCIAL YEAR

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

**Responsible Official:** R. Ontong

**Directorate:** Financial Services

**Portfolio:** Supply Chain Management

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### 1. Purpose

The Local Government: Municipal Finance Management Act, no 56 of 2003 (MFMA), requires the municipality to have and implement a Supply Chain Management (SCM) Policy who 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 Councillor 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 1<sup>st</sup> quarter of the 2023/24 financial year, is attached as **Annexure A**.

### 3. Financial Implications

None

### 4. Applicable Legislation / Council Policy

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





**Annexure**

Annexures A: SCM quarterly implementation report (1<sup>st</sup> quarter ending 30 September 2023) approved in terms of paragraph 6.3.

**RECOMMENDATION:**

That in respect of

**QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT  
FOR THE 1<sup>st</sup> QUARTER OF THE 2023/24 FINANCIAL YEAR**

discussed by Council at the Council meeting held on 31 October 2023:

That the approved SCM quarterly implementation report for the 1<sup>st</sup> quarter of the 2023/24 financial year, **be noted**.

Proposed: Ald W. R. Meiring

Seconded: Cllr J. R. Jack

Unanimously agreed

**RESOLVED:**

That in respect of

**QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT  
FOR THE 1<sup>st</sup> QUARTER OF THE 2023/24 FINANCIAL YEAR**

discussed by Council at the Council meeting held on 31 October 2023, **resolution number C96/2023**:

That the approved SCM quarterly implementation report for the 1<sup>st</sup> quarter of the 2023/24 financial year, **be noted**.

**To Action**

R. Ontong



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## 7.9 MUNICIPAL COURT UPDATE: THE PROGRESS OF THE MUNICIPAL COURT AND STATISTICS

**File no.:** 9/2/1/1/56

**Responsible Official:** S Schroeder

**Directorate:** Community Services

**Portfolio:** Municipal Court

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### 1. PURPOSE

The purpose of the item is to:

- a) Provide an update on progress made at the Municipal Court since the establishment, and
- b) What matters are to be placed on the court roll, and
- c) Statistics of the Municipal (Additional) Court relating to court appearances.

### 2. BACKGROUND / DISCUSSION

The principle/goal of the Municipal Court has a direct link with the vision of the Breede Valley Municipality. The Municipal Court, through effective and efficient prosecuting of transgressors of Traffic offences, by-laws, National Building Regulations, and others, can fulfil the ultimate goal to empower the Breede Valley community to prosper in a safe and healthy environment.

The Municipal Court commenced with operations during July 2021. The Department of Justice appointed a Magistrate designated for the Municipal Court on 1 October 2021.

The Municipal Court is fully operational and is sitting on a full-time basis.

### 3. PROGRESS OF THE MUNICIPAL COURT SINCE OPENING IN JULY 2021:

The Municipal court commenced with operations during July 2021. During this period, we operated with the assistance of a Magistrate from the Magistrate's' Court in Worcester. The Magistrate allocated to the Municipal Court was appointed on the 1<sup>st</sup> of October 2021. The Municipal Court Magistrate is appointed by the Department of Justice and Constitutional Development on a contractual basis.



Since its commencement, the Municipal Court has an important function in ensuring the compliance with the National Building Regulations and Municipal By-Laws.

The Municipal Court also adjudicates traffic related offences received from the Provincial and Municipal Traffic Departments that are committed within the jurisdiction of the Breede Valley Municipality.

The Municipal Court roll is also compiled of speeding fines deduced from speeding cameras; these matters are placed on the court roll once a week.

The Municipal court process all representations received by the public.

By -Law Matters, such as public nuisance, was also received and placed on the court roll. These matters were postponed for compliance by the accused.

The relevant Municipal departments are engaging and forwarding their matters to the Municipal Court.

The Provincial Traffic Department was experiencing problems with their printing system, which was fixed, and printing of court notices resumed.

By-Law Matters received from the legal department was complied with, one matter is still on the court roll for compliance.

**Traffic Violations issued for the period of July 2023-September 2023:**

A total number of 26 241 Traffic violations were issued for the aforementioned period.

**Building Regulations and By-Law matters:**

The Municipal Court deals with Matters from the Directorate: Planning and Integrated Services, such as failure to submit building plans, failure to apply for occupancy certificates and failure to remove building rubble etc. During this period 15 matters were received, 15 new matters were placed on the Municipal Court roll and 5 was withdrawn due to compliance.

**Finance and warrants of arrest:**



During the period of 1 July 2023 to 30 September 2023 the Municipal Court received an income of R 4 317 275.

	MONTHLY INCOME	MUN FINES ON ROLL	PROVINCIAL FINES ON COURT ROLL	TOTAL WARRANTS ISSUED
January 2023	R 1 571 834	366	1801	1683
February 2023	R 612 006	472	2556	2677
March 2023	R 849 352	979	3802	3603
TOTAL	<u>R 3 033 192</u>			
April 2023	R 335 551	257	1720	1 145
May 2023	R 1 064 333	358	2845	2 104
June 2023	R 586 394	339	2745	1 878
TOTAL	<u>R 1 986 278</u>			
<b>*July 2023</b>	<b>R 260 984</b>	<b>330</b>	<b>757</b>	<b>652</b>
<b>*August 2023</b>	<b>R 1 041 042</b>	<b>513</b>	<b>1050</b>	<b>1079</b>
<b>*September 2023</b>	<b>R 3 015 249</b>	<b>257</b>	<b>2041</b>	<b>1 305</b>
<b>TOTAL</b>	<b><u>R 4 317 275</u></b>			

**Municipal Court expenses (Budgeted personnel costs):**

1. Magistrate annual remuneration: R 934 277
2. Prosecutor annual remuneration: R 882 294

**Statistics relating to court appearances:**

During the period of July 2023 to 30 September 2023 the Municipal Court sat for 55 days and heard the following matters:



Total matters in court	342
Guilty	203
Not guilty	0
Withdrawn: Complied	3 5 withdrawn
Postponements	112
Bench warrants issued in court	16
warrants placed on court roll	136
Court hours	45 hours
New building/By law matters on court roll	14
Representations	963

#### 4. COMMENTS BY MANAGEMENT

<b>Municipal Manager</b>	: Item supported.
<b>Director Community Services</b>	: Item supported.
<b>Director: Engineering Services</b>	: Take cognisance of the item and recommendation
<b>Director Financial Services</b>	: Support recommendations.
<b>Director Strategic Support Services</b>	: Noted.

#### Decision by Section 80 committee

The item served as Item 5.1 with resolution number CS18/2023 on the Agenda before the Community and Strategic Support Services Committee on 19 October 2023, the Committee referred the below recommendation to Council for consideration.



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**RECOMMENDATION**

That in respect of –

**MUNICIPAL COURT UPDATE: THE PROGRESS OF THE MUNICIPAL COURT AND STATISTICS**

discussed by Council at the Council meeting held on 31 October 2023, the following recommendation be made to Council:

1. That Council take cognisance of the progress update and statistics of the Municipal Court and
2. That the report in future be tabled in Council bi-annually.

Proposed: Cllr J. J. Von Willingh

Seconded: Cllr P. Ramokhabi

Unanimously agreed by Council

**RESOLVED**

That in respect of –

**MUNICIPAL COURT UPDATE: THE PROGRESS OF THE MUNICIPAL COURT AND STATISTICS**

discussed by Council at the Council meeting held on 31 October 2023, the following recommendation be made to Council, **resolution number C97/2023**:

1. That Council take cognisance of the progress update and statistics of the Municipal Court and
2. That the report in future be tabled in Council bi-annually.

**To Action**

S. Schroeder





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**7.10 LIBRARY SERVICE: LIBRARY OUTREACH ACTIVITIES PLANNED AND COMPLETED: (July 2023 – September 2023)****File no.:** 14/14/2/3**Responsible Official:** C Gerber**Directorate:** Community Services**Portfolio:** Library Service

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**1. PURPOSE**

The purpose of the item is to:

- a) Provide an update on progress made regarding outreach activities planned and completed at Library Services.
- b) Statistics of the outreach activities for the period July 2023 to September 2023.

**2. BACKGROUND**

The principle/goal of the Library Service in our communities is to provide essential information (written and electronic), reading material (written and electronic) to patrons to assist with the increase in literacy levels and social development enhancement.

The Library Service, on local municipal level, is executed via a signed implementation protocol with the Western Cape Department of Cultural Affairs and Sport (Library Service) in respect of the intergovernmental co-operation regarding the operation of public libraries in the Western Cape.

The municipality is regarded as a B 2 municipality and is therefore only partially funded by a conditional grant from the Provincial Library Service.

The municipality currently operates 13 libraries on a fulltime basis.

The municipality has 50 permanently employed library staff members. The Library Service also currently form part of a Year Beyond program – organised between the Western Cape Government and several partner organisations. The program aims to provide unemployed youth (18 – 25 years) with a meaningful work experience and a pathway to further studies or work, while at the same time encouraging a culture of service to your community. We



currently have 22 participants as Reading champions or IT champions. The program is running for 8 months until the end of November 2023. The participants receive a daily stipend from the Western Cape Government and partner organisations.

### **PROGRESS OF OUTREACH LIBRARY ACTIVITIES FROM JULY 2023 – SEPTEMBER 2023:**

The Library Service continuously organise educational outreach programs at the libraries, in co-operation with other government departments, NGO's and NPO's and other individual organisations/members of the community.

The Library Service does not have a special budget for outreach programs and only make use of limited expenditure to cover costs for outreach programs/reading competitions.

Month	Nr of awareness programmes from July 2022 to June 2023	Nr. of awareness programmes from July 2023 to June 2024
Jul	20	58
Aug	28	37
Sept	44	33

### **STATISTICS AND HIGHLIGHTS OF THE CURRENT PERIOD:**

July 2023	August 2023	September 2023
58 activities	37 activities	33 activities
Mandela Day activities:  Storytime, indicating the importance of Nelson Mandela.  All libraries organised an activity where members of the	Women's Day: 9 August 2023  Esselen and Overhex Libraries organised a sanitary pad drive for Overhex Primary School. 58 Female learners were issued with 166 packets of sanitary	Zwelethemba Library organised a reading competition with all local primary school.  De Doorns and Sandhills Libraries, in co-operation with the ICT Cadet, started with basic computer training



community were served with food/food parcels.	<p>pads. Other libraries and their patrons were also involved. (The outcomes were shared on the municipal social media (Facebook).</p> <p>Worcester Library organised a special library and fire safety orientation session for 22 Grade 3 learners of Wytersdrift Primary School at Worcester Library. A bilingual reading competition was also held at the school with 45 Grade 6 learners.</p>	at both libraries. Participants receive a certificate of attendance.
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### 3. COMMENTS

<b>Municipal Manager:</b>	Supported.
<b>Director Community Services:</b>	Item and recommendation supported.
<b>Director: Engineering:</b>	Item and recommendation supported.
<b>Director Financial Services:</b>	Noted.
<b>Director Strategic Support Services:</b>	Noted.

#### Decision by Section 80 committee

The item served as Item 5.2 with resolution number CS19/2023 on the Agenda before the Community and Strategic Support Services Committee on 19 October 2023, the Committee referred the below recommendation to Council for consideration.



**RECOMMENDATION**

That in respect of –

**LIBRARY SERVICES QUARTERLY UPDATE: THE PROGRESS OF THE  
LIBRARY SERVICES OUTREACH PROGRAMS PLANNED AND COMPLETED  
(July 2023 – September 2023)**

discussed by Council at the Council meeting held on 31 October 2023, the following recommendation be made to Council:

That Council take cognisance of the progress update and statistics of the outreach programs of the Library Service.

Proposed: Cllr N. Nel

Seconded: Cllr J. Pieters

Unanimously agreed by Council

**RESOLVED**

That in respect of –

**LIBRARY SERVICES QUARTERLY UPDATE: THE PROGRESS OF THE  
LIBRARY SERVICES OUTREACH PROGRAMS PLANNED AND COMPLETED  
(July 2023 – September 2023)**

discussed by Council at the Council meeting held on 31 October 2023, the following recommendation be made to Council, **resolution number C98/2023**:

That Council take cognisance of the progress update and statistics of the outreach programs of the Library Service.

**To Action**  
C. Gerber



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## 7.11 WATER SERVICES AUDIT REPORT FOR 2022/2023

**File No./s:** 11/1/R

**Responsible Official:** J. D. Pekeur

**Directorate:** Public Services

**Portfolio:** Water Services

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### 1. Purpose:

To obtain Council's approval of the Water Services Audit Report for 2022/2023.

### 2. Background:

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

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

The Water Services Audit Report will give an overview of the implementation of the previous years' WSDP of Breede Valley.

Methodology followed: The Service Delivery Budget Implementation Plan (SDBIP) of Breede Valley Municipality for 2022/2023 was used to report on the KPIs for water and sewerage services. The WSDP was further used as basis to compile the report.

Availability of the Water Services Audit Report: The Water Services Audit Report is a public document and must be made available within four months after the end of each financial year and must be available for inspection at the offices of the Municipality. It is also recommended that the document be placed on the Municipality's website. The Water Services Audit Report must also be made available to DWS for their comments as required by legislation.

### 3. Financial Implications:

No financial implications.

### 4. Applicable Legislation / Council Policy:

Water Services Act:



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

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

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

- (10) (2) A water services audit must contain details for the previous financial year and, if available, comparative figures for the preceding two financial years of-
  - (a) the quantity of water services provided, including at least –
    - (i) the quantity of water used by each sector;
    - (ii) the quantity of water provided to the water services institution by another water services institution;
    - (iii) the quantity of effluent received at sewage treatment plants; and
    - (iv) the quantity of effluent not discharged to sewage treatment plants and approved for use by the water services institution;
  - (b) the levels of services rendered, including at least –
    - (i) the number of user connections in each user sector;
    - (ii) the number of households provided with water through communal water services works;
    - (iii) the number of consumers connected to a water reticulation system where pressures rise above 900 kPa at the consumer connection;
    - (iv) the number of households provided with sanitation services through consumer installations connected to the sewerage system;





- (v) the number of households with access to basic sanitation services;
  - (vi) the number of new water supply connections made; and
  - (vii) the number of new sanitation connections made;
- (c) the numbers provided in compliance with paragraph (b) expressed as a percentage of the total number of connections or households;
- (d) cost recovery, including at least –
- (i) the tariff structures for each user sector;
  - (ii) the income collected expressed as a percentage of total costs for water services provided; and
  - (iii) un-recovered charges expressed as a percentage of total costs for water services provided;
- (e) meter installation and meter testing, including at least –
- (i) the number of new meters installed at consumer installations; and
  - (ii) the number of meters tested and the number of meters replaced expressed as a percentage of the total number of meters installed at consumer connections;
- (f) the water quality sampling programme contemplated in regulation 5(1), the results of the comparison set out in regulation 5(3) and any occurrence reported in compliance with regulation 5(4);

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

*5 (1) Within two years of the promulgation of these Regulations, a WSA must include a suitable programme for sampling the quality of potable water provided by it to consumers in its WSDP.*

*5(2) The water quality sampling programme contemplated in sub regulation (1) must specify the points at which potable water provided to consumers will be sampled, the frequency of sampling and for which substances and determinants the water will be tested.*

*5 (3) A water services institution must compare the results obtained from the testing of the samples with SABS241: Specifications for Drinking Water, or the South African Water Quality Guidelines published by the Department of Water Affairs and Forestry.*

*5 (4) Should the comparison of the results as contemplated in sub regulation (3) indicate that the water supplied poses a health risk, the water services institution must inform the Director-General of the Department of Water Affairs and Forestry and the head of the relevant Provincial Department of Health and it must take steps to inform its consumers-*



- (a) that the quality of the water that is supplied poses a health risk;*
  - (b) of the reasons for the health risk;*
  - (c) of any precautions to be taken by the consumers; and*
  - (d) of the time frame, if any, within which it may be expected that water of a safe quality will be provided.*
- (g) water conservation and demand management, including at least –
- (i) the results of the water balance as set out in regulation 11;
  - (ii) the total quantity of water unaccounted for;
  - (iii) the demand management activities undertaken; and
  - (iv) the progress made in the installation of water efficient devices.

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

*11 (1) Within two years of the promulgation of these Regulations, a water services institution must every month-*

- (a) Measure the quantity of water provided to each supply zone within its supply area;*
- (b) Determine the quantity of unaccounted for water by comparing the measured quantity of water provided to each supply zone with the total measured quantity of water provided to all user connections within that supply zone;*
- (c) Measure the quantity of effluent received at each sewage treatment plant; and*
- (d) Determine the quantity of water supplied but not discharged to sewage treatment plants by comparing the measured quantity of effluent received at all sewage treatment plants with the total measured quantity of water provided to all user connections.*

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

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

*Strategic Framework for Water Services (September 2003):*

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



**5. Comment of Directorates / Departments concerned:**

**Municipal Manager:** Item supported

**Director: Community Services:** Item supported

**Director: Strategic Support Services:** Item supported

**Senior Manager: Legal Services:** Item supported

**Manager: IDP:** Item supported

**Director: Financial Services:** Item supported

**Director: Engineering Services:** Item supported

**Directorate Public Services:** Author of item

**Decision by Section 80 committee**

The item served as Item 5.1 with resolution number PS6/2023 on the Agenda before the Public Services Committee on 19 October 2023, the Committee referred the below recommendation to Council for consideration.

**RECOMMENDATION:**

That in respect of

**WATER SERVICES AUDIT REPORT FOR 2022/2023**

discussed by Council at the Council meeting held on 31 October 2023, the following recommendation be made to Council:

**Council approves:**

- The Water Services Audit Report for 2022/2023.

Proposed: Cllr E. VD Westhuizen

Seconded: Cllr A. Pietersen

Unanimously agreed by Council



**RESOLVED**

That in respect of

**WATER SERVICES AUDIT REPORT FOR 2022/2023**

discussed by Council at the Council meeting held on 31 October 2023, the following recommendation be made to Council, **resolution number C99/2023**:

**Council approves:**

- The Water Services Audit Report for 2022/2023.

**To Action**

J.D. Pekeur



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## 7.12 COMPOSITION OF THE DISCIPLINARY COMMITTEE FOR INVESTIGATION OF BREACHES OF THE CODE OF CONDUCT FOR COUNCILLORS

**File No./s:** 2/1/4/4/2

**Responsible Official:** Snr Manager Legal Services

**Directorate:** SSS

**Portfolio:** Administration & Support Services

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### 1. PURPOSE

The purpose of this item is for the council to consider the resignation "as chairperson" of the Disciplinary Committee ("**DC**").

### 2. BACKGROUND

Previous items served before council and were resolved upon in respect of the DC, which will be summarised below.

#### 2.1 COUNCIL MEETING: 31 MARCH 2022

During this meeting, council established the DC and resolved that it shall comprise of a representative of all political parties.

**"RESOLVED**

**C40/2022**

*That in respect of -*

### ***DISCIPLINARY COMMITTEE FOR INVESTIGATION OF BREACHES OF THE CODE OF CONDUCT FOR COUNCILLORS***

*as discussed by Council at the Council meeting held on **31 March 2022**:*

- 1. That Council establishes a Disciplinary Committee in compliance with Item 16(1)(b) of Schedule 7 of the Local Government: Municipal Structures Amendment Act.*



2. *The Disciplinary Committee cannot at its own discretion investigate alleged breaches of the Code of Conduct for Councillors but can only consider matters referred to it by the municipal council.*
3. *That council shall at the time when it refers a matter to the Disciplinary Committee set the terms of reference of each investigation into an alleged breach and*
4. *That Council can at that stage when it refers matters to the committee, substitute any member of the committee should a councillor be implicated or have a conflict of interest or should the committee member be a potential witness at the hearing.*
5. *Safe as provided above the Disciplinary Committee shall be comprised of a representative of all political parties.*
6. *The Disciplinary Committee may be assisted by external experts”.*

## **2.2 COUNCIL MEETING: 12 DECEMBER 2022**

The purpose of the item which served at council was among others to review and rescind council resolution C40/2022, to appoint a chairperson for the DC and for powers and functions to be delegated to the Speaker.

### **“RESOLVED:**

*That in respect of -*

### **PROPOSED REVIEW AND RESCISSION: DISCIPLINARY COMMITTEE FOR INVESTIGATION OF BREACHES OF THE CODE OF CONDUCT FOR COUNCILLORS**

*as discussed by Council at the Council meeting held on 12 December 2022, resolution number C128/2022, Council decided:*

1. *That Council resolution C40/2022 be reviewed and rescinded;*





2. *that Council in compliance with section 79 of the Structures Act and item 16(1)(b) of Schedule 7 of the Local Government: Municipal Structures Amendment Act establish a Disciplinary Committee;*
3. *that Council appoint the members of the Disciplinary Committee from among its members.*
4. *that Council appoints the Chairperson of the Disciplinary Committee, as a chairperson of a part-time section 79 committee.*
5. *To ensure the effective and efficient operations of the Disciplinary Committee with due regard to the rules of natural justice, Council delegates the following powers and functions to the Speaker:*
  - 5.1 *to refer disciplinary matters of councilors directly to the Disciplinary Committee without submitting the matter first to the municipal council for consideration.*
  - 5.2 *to decide whether an initiator or assessor shall be needed during the disciplinary process. The assessor shall be an independent legally qualified and experienced person who shall with no voting rights advise members of the committee on analysing and evaluating evidence and an appropriate outcome and sanction if needed.*
  - 5.3 *to direct the Municipal Manager to procure the services of external experts if needed to assist as initiators or assessors during the disciplinary process or the speaker may consult with SALGA or another organ of state to assist in the roles of initiator or assessor.*
  - 5.4 *to at the time when the speaker refers the matter to the Disciplinary Committee, he shall set the terms of reference of each investigation into an alleged breach.*
  - 5.5 *to direct the Municipal Manager to make arrangements for assistance services such as translation services, recording services, witness transport, refreshments, etcetera during or in anticipation of the disciplinary inquiry.*
  - 5.6 *to with the chairperson of the committee set the date, time, and venue of every disciplinary inquiry against a councilor.*
  - 5.7 *to distribute the formal notice to a councilor to appear at a disciplinary inquiry. The notice must inter alia set out:*
    - 5.7.1 *The date, time, and venue of the inquiry.*
    - 5.7.2 *The allegations to which the councilor will be required to answer.*



- 5.7.3 *Enquire from the councilor whether interpretation services will be required.*
- 5.7.4 *inform the councilor that the hearing can proceed should he/she fail to attend the inquiry without a valid reason.*
- 5.7.5 *inform the councilor of the format and style of the inquiry as well as his rights during the proceedings.*
- 5.8 *to in addition to the powers and duties stated above, the speaker shall do such things and take such actions as may be necessary to assist the Disciplinary Committee to ensure effective and efficient disciplinary procedure against any councillor whilst observing the rules of natural justice and any applicable legal prescripts.*
- 5.9 *to at that stage when he refers matters to the Disciplinary Committee, the speaker shall assess if any members of the Disciplinary Committee are implicated or have a conflict of interest or maybe a potential witness at the hearing*
6. *In the event that a member of the Disciplinary Committee in the assessment of the speaker is conflicted as stated in 5.9 the speaker must submit an item to the Council to replace the conflicted member on the committee for that specific matter."*

The composition of the DC was furthermore resolved upon being:

- 2 x DA;
- 1 x ANC;
- 1 x BO; and
- Cllr. N. Nel as Chairperson and the 5<sup>th</sup> member of the Committee.

The following DC members of the respective political parties were subsequently appointed:

- DA
  - Alderman Meiring
  - Cllr. Jacobs
- ANC
  - Cllr. Johnson
- BO
  - Cllr. Wullschleger



### 3. DISCUSSION

During July 2023, the Speaker, in accordance with his delegated powers, referred three (3) disciplinary matters to the chairperson of the DC. Subsequently, Cllr. Nel, in her capacity as chairperson of the DC submitted a letter to the Speaker, indicating that she “resigns” as “chairperson” of the DC.

It follows that the council must now consider the resignation and take an appropriate decision as a consequence thereof.

In terms of s 79 of the Structures Act:

‘(1) A municipal council may—

(a) establish one or more committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers;

(b) appoint the members of such a committee from among its members;  
and

(c) dissolve a committee at any time.

(2) The municipal council—

(a) must determine the functions of a committee;

(b) ...

(c) must appoint the chairperson;

(d) ....;

(e) may remove a member of a committee at any time; and

(f) may determine a committee’s procedure.’



(emphasis supplied).

A municipal council must be guided by s160(8)(a) of the Constitution, which provides for participation by members of a municipal council in the proceedings of the council and those of its committees in a manner which allows for 'fair representation' of parties and interests reflected within the council.

#### **4. FINANCIAL IMPLICATIONS**

Only the chairperson of the committee will be entitled to remuneration as set out in the Upper Limits as the chairperson of a part-time section 79 committee.

#### **5. APPLICABLE LEGISLATION**

Local Government: Municipal Structures Amendment Act, Act 3 of 2021

#### **6. COMMENTS OF DIRECTORATES:**

This item was only circulated for comments to the Municipal Manager as it relates to the political component of the municipality.

#### **MUNICIPAL MANAGER**

Item and recommendation supported

#### **DIRECTOR: STRATEGIC SUPPORT SERVICES**

Author of the item

#### **SENIOR MANAGER: LEGAL SERVICES**

Co-Author of the item.

#### **RECOMMENDATION**

That in respect of –

#### **DISCIPLINARY COMMITTEE FOR INVESTIGATION OF BREACHES OF THE CODE OF CONDUCT FOR COUNCILLORS**

as discussed by Council at the Council meeting held on 31 October 2023,



1. That Council consider the resignation and take an appropriate decision as a consequence thereof.

Proposed: Cllr A. Pietersen

Seconded: Cllr G. Daames

Unanimously resolved

**RESOLVED**

That in respect of –

**DISCIPLINARY COMMITTEE FOR INVESTIGATION OF BREACHES OF THE  
CODE OF CONDUCT FOR COUNCILLORS**

as discussed by Council at the Council meeting held on 31 October 2023, **resolution  
number C100/2023:**

1. That Alderman Reginald Farao is appointed as a member and the chairperson of the disciplinary committee replacing Cllr Naomi Nel who is no longer a member of the committee.



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### 7.13 COMPOSITION OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)

**File no.:** 2/1/4/3

**Responsible Official:** E Cloete

**Directorate:** Municipal Manager

**Portfolio:** Governance, Risk and  
Compliance

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#### 1. Purpose

The purpose of this item is for the council to consider amending the composition of the Municipal Public Accounts Committee (*“the MPAC”*) to enhance the efficiency thereof.

#### 2. Background / Discussion

During the inaugural council meeting held on 17 November 2021, it was resolved as follows:

***“Establishment of a Municipal Public Accounts Committee (MPAC) and Oversight Committee***

**RESOLVED**

**C101/2021**

1. *that Cllr H.C. Titus be appointed as the Chairperson of MPAC;*
2. *that one member of each political party serves on MPAC excluding the VF+; and*
3. *that the names of the delegates of each party must be given to the Speaker’s office within 7 days of this meeting”.*

The names of the delegates were subsequently provided to the office of the Speaker, summarised below:

NAME	PARTY
Cllr. Lluwelyn Willemse	DA
Cllr. Colin Wiskut	BO
Cllr. Hubert Titus	GOOD
Cllr. Sonja Steenberg	PA





Cllr. Samuel Madlolo	EFF
Cllr. Mangali	ANC
Cllr. Tony Manuel	ACDP

Following the resignation of Cllr. L Willemse, council resolved on 12 December 2022, C130/2022 to elect Ald. R Farao to replace him.

During the inaugural council meeting, the MPAC item referenced the Local Government: Structures Act, No 117 of 1998, section 79.

Council should however be mindful that section 79A was inserted with effect from 1 November 2021. Amongst others, section 79A oblige a municipal council to establish a committee called the MPAC. Mentioned (inserted) section 79A furthermore determine which functions must be performed by the MPAC:

**79A. Establishment of municipal public accounts committee**

(1) *A municipal council must establish a committee called the municipal public accounts committee.*

(2) *The mayor or executive mayor, deputy mayor or executive deputy mayor, any member of the executive committee, any member of the mayoral committee, speaker, whip and municipal officials are not allowed to be members of the municipal public accounts committee.*

(3) *The municipal council must determine the functions of the municipal public accounts committee, which must include the following:*

(a) *review the Auditor-General's reports and comments of the management committee and the audit committee and make recommendations to the municipal council;*

(b) *review internal audit reports together with comments from the management committee and the audit committee and make recommendations to the municipal council;*

(c) *initiate and develop the oversight report on annual reports contemplated in section 129 of the Local Government: Municipal Finance Management Act;*



(d) *attend to and make recommendations to the municipal council on any matter referred to it by the municipal council, executive committee, a committee of the council, a member of this committee, a councillor and the municipal manager; and*

(e) *on its own initiative, subject to the direction of the municipal council, investigate and report to the municipal council on any matter affecting the municipality.*

(4) *Reports of the municipal public accounts committee must be submitted to the speaker who must table such reports in the next meeting of the municipal council.*

(5) (a) *For the purposes of this section 'audit committee' means the audit committee envisaged in section 166 of the Local Government Municipal: Finance Management Act.*

(b) *Each municipality and each municipal entity must establish an audit committee in accordance with that section.*

*[S 79A ins by s 29 of Act 3 of 2021 wef 1 November 2021.]*

In addition, the MPAC Guide and Toolkit, attached as **Annexure A**, provide guidance with respect to the MPAC composition on page 52.

The COGTA guideline, therefore, recommends that a municipal council with 30 to 60 members, MPAC must consist of 11 members. Our municipal MPAC could thus be more effective if it consisted of 11 members, which was also traversed by the MPAC during its recent meeting.

MPAC must start the important work to review the current MPAC Charter to bring it in line with section 79A of the Municipal Structures Act, as well as review the Annual Report.

It is therefore recommended that the municipal Council consider expanding MPAC to 11 members as per the COGTA guidelines.

Note that section 79(1)(b) requires that the municipal council appoint the members of MPAC from among its members. However, as per section 79A (2), the executive mayor, executive



deputy mayor, any member of the mayoral committee, speaker, whip of the specific municipal council and municipal officials are not allowed to be members of MPAC.

**Financial implications**

There will be no additional financial implications.

**Comments of Directorates****Municipal Manager**

Co-Author of the item

**Director: Strategic Support Services**

Supported

**RECOMMENDATION**

That in respect of –

**COMPOSITION OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)**

as discussed by the Council at the Council meeting held on 31 October 2023, the following recommendations be made to the Council:

1. That Council resolutions C101/2021 read with C130/2022 be reviewed and rescinded only as it relates to the number of councillors to serve on MPAC.
2. That council resolve that MPAC shall consist of 11 members per the COGTA guidelines.
3. That the current members of MPAC shall remain, and the council shall only add the additional four members.

**Counter proposal 1**

Cllr C. Wilskut proposed that the four additional members be compiled as follows; one member each of the following parties: DA, BO, EFF and ANC.

Seconded by Cllr H. Titus

Votes for Cllr Wilskut's proposal: 17

Votes against: 19



Counter proposal 2:

Cllr R. Farao proposed that the following members be added to the MPAC committee: Cllr M. Jacobs, Cllr J. Pieters, Cllr G. Daames, Cllr M. Goedeman.

Seconded: Cllr J. R. Jack

Votes for: 19

Votes against 17

The proposal of Cllr R. Farao carried and become a resolution of Council

### RESOLVED

That in respect of –

#### **COMPOSITION OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC)**

as discussed by the Council at the Council meeting held on 31 October 2023, the following recommendations be made to the Council, **resolution number C101/2023:**

1. That Council resolutions C101/2021 read with C130/2022 be reviewed and rescinded only as it relates to the number of councillors to serve on MPAC.
2. That council resolve that MPAC shall consist of 11 members per the COGTA guidelines.
3. That the current members of MPAC shall remain, and council approves the following four additional members to serve on MPAC: Cllr M. Jacobs, Cllr J. Pieters, Cllr G. Daames, Cllr M. Goedeman.

### **To action**

E. Cloete



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

None

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**9. CONSIDERATION OF MATTERS SUBMITTED BY THE CHAIRPERSON OF COUNCIL**

None

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**10. 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**

None

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**11. CONSIDERATION OF MOTIONS OF EXIGENCY**

None

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**12. CLOSURE**

The meeting adjourned in good order at 13:43.

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