

MINUTES

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

Date distributed:

MINUTES OF THE 5th COUNCIL MEETING OF 2023/2024 FINANCIAL YEAR OF THE COUNCIL OF BREEDE VALLEY MUNICIPALITY TUESDAY, 2024-01-23



2024/01/25

SPEAKER: ALDERMAN J.F. VAN ZYL

APPROVED



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TABLE OF CONTENTS

ITEM	SUBJECT	PAGE
1.	OPENING AND WELCOME	4
2.	OFFICIAL NOTICES	4
2.1	Disclosure of interests	4
2.2	Applications for leave of absence	4
3.	COMMUNICATION	4
3.1	Interviews or presentations by deputations	4
3.2	Birthdays of Councillors	5
3.3	Statements by the Speaker	5
3.4	Statements by the Executive Mayor	5
4.	CONFIRMATION OF MINUTES	5
4.1	The minutes of the following Council meetings were previously distributed	5
4.2	4 th Council Meeting: 2023-12-04	5
4.3	Special Council meeting: 2023-12-14	5
	FOR CONFIRMATION	
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	6
5.1	The Deputy Executive Mayor: Cllr J.J. von Willingh	
5.2	MMC1: Alderman W.R. Meiring	6
5.3	MMC2: Cllr. P.C. Ramokhabi	6
5.4	MMC3: Cllr. N. Nel	6
5.5	MMC4: Cllr. E. Van der Westhuizen	6
5.6	MMC5: Cllr J.R. Jack	6
5.7	MMC6: Cllr. V.A. Bedworth	6
5.8	MMC7: Cllr. J.P. Kritzinger	6
5.9	MMC8: Cllr F. Vaughan	6
6.	COLLABORATOR OUTSTANDING RESOLUTIONS REPORT	7
6.1	OUTSTANDING COUNCIL RESOLUTION REPORT PER DIRECTORATE AS EXTRACTED ON 16 January 2024.	7

	CONSIDERATION OF MATTERS SUBMITTED BY THE ADMINISTRATION	14
7.1	SUBMISSION OF THE MID-YEAR PERFORMANCE ASSESSMENT AND IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 DECEMBER 2023. MFMA SECTION 71, 52 (d) 54 & 72 Report	14
7.2	SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 30 NOVEMBER 2023.	18
7.3	QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR THE 2 nd QUARTER OF THE 2023/24 FINANCIAL YEAR	20
7.4	REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF NOVEMBER 2023	23
7.5	REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF DECEMBER 2023	25
8.	CONSIDERATION OF REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS DEALING WITH MATTERS OF URGENCY SUBMITTED BY THE MUNICIPAL MANAGER	27
8.1	UPDATE ON THE APPOINTMENT OF THE DIRECTOR: PLANNING, DEVELOPMENT AND INTEGRATED SERVICES	
9.	CONSIDERATION OF MATTERS SUBMITTED BY THE CHAIRPERSON OF COUNCIL	27
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	27
11.	CONSIDERATION OF MOTION OF EXIGENCY	27
12.	CLOSURE	27

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 and Cllr Ramokhabi opened the meeting with prayer. A special word of welcome to the mayor, deputy mayor, members of the mayco, the municipal manager and his directors and all admin personnel. welcomed all to the 5th Council meeting of the 2023/2024 financial year.

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.

The following leave application was received: Cllr SK Madlolo.

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

Cllr M.A. Goedeman	17 January 2024
Cllr I. J. Joseph	17 January 2024
Cllr E. N. Isaacs	23 January 2024

Cllr M. Jacobs congratulated the councillors on their respective birthdays.

3.3 STATEMENTS BY THE SPEAKER

The Speaker wished all a good and prosperous new year. He afforded Cllr Nel and Mr Esau to inform council on valuable information.

Cllr N. Nel addressed the council on the status of the different forums that was established in December 2023: a Safety forum, chaired by Deputy Mayor Cllr JJ Von Willingh, Community development forum chaired by herself, and a service delivery forum chaired by Cllr Esme vd Westhuizen. The purpose of the different forums is to collaborate between the municipality and the community. Everyone is welcome and she extended an invite to all councillors to attend the workshop scheduled for tomorrow. Cllr Nel addressed the concerns raised by councillors and explained that the initiative comes from director Seon Swartz and everyone was invited to attend the 1st open meeting and therefore only those whom attended received the communication of the next meeting. Mr Swartz explained that the session of tomorrow is to clarify the roles and responsibilities of the different forums, but everyone is welcome to join.

Mr Raymond Esau encourages the different political parties to attend the party liaison committee meetings. It is critical that all political parties do attend these

meetings. The next meeting is on the 8 February 2024 where access to the farms will be discussed. Michael at the IEC office can be contacted if more assistance or information is needed.

3.4 STATEMENTS BY THE EXECUTIVE MAYOR

The mayor welcomed all and wishes everyone a prosperous new year. This is an election year, and she wishes all political participating parties the best with the upcoming elections.

The started off with the loss of loved ones. Condolences to all who lost a loved one over this period but especially to Pieter Hartzenberg who lost his daughter last week.

It is of importance that we as a council stay focus on the change we want to make in this year. It is important that we must learn from our mistakes. Please keep the communications up by informing the ward councillors and committees of activities within the wards. We will have to ensure that projects are completed, we can not go back to fix things.

The mayor congratulated all successful matriculants in the region who passed. She acknowledges the struggles some kids and parents' faces and urges the community to aid parents where help is needed. She invites kids to come to her offices to see if they can be aided with a partial bursary.

The grant-in-aid letters went out in December 2023 informing NPO's that was successful.

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 Minutes of Council Meeting held on 04 December 2023. (Copy enclosed)

RECOMMENDATION

That in respect of

CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS

discussed by Council at the Council Meeting held on 23 January 2024:

1. As the Minutes of the Council Meeting held on 04 December 2023 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 04 December 2023 be taken as read and confirmed.

Proposed: Cllr E. VD Westhuizen

Seconded: Ald W. R. Meiring

RESOLVED

That in respect of

CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETINGS

discussed by Council at the Council Meeting held on 23 January 2024, **resolution number C1/2024:**

- 1 As the Minutes of the Council Meeting held on 04 December 2023 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 04 December 2023 be taken as read and confirmed.

4.3 Minutes of Special Council Meeting held on 14 December 2023 (Copy enclosed)

RECOMMENDATION

That in respect of

CONFIRMATION OF MINUTES OF SPECIAL COUNCIL MEETING

discussed by Council at the Council Meeting held on 23 January 2024:

1. As the Minutes of the Special Council Meeting held on 14 December 2023 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Special Council meeting held 14 December 2023 be taken as read and confirmed.

Proposed: Cllr E. VD Westhuizen

Seconded: Ald W. R. Meiring

RESOLVED

That in respect of

CONFIRMATION OF MINUTES OF SPECIAL COUNCIL MEETING

discussed by Council at the Council Meeting held on 23 January 2024, **resolution number C2/2024:**

1. As the Minutes of the Special Council Meeting held on 14 December 2023 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Special Council meeting held 14 December 2023 be taken as read and confirmed.

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

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

5.2 MMC1: Alderman W.R. Meiring.

5.3 MMC 2: Cllr. P.C. Ramokhabi

5.4 MMC 3: Cllr. N. Nel

5.5 MMC 4: Cllr. E. Van der Westhuizen

5.6 MMC 5: Cllr J.R. Jack

5.7 MMC 6: Cllr. V.A. Bedworth

5.8 MMC 7: Cllr. J.P. Kritzinger

5.9 MMC 8: Cllr F. Vaughan

6. COLLABORATOR OUTSTANDING RESOLUTIONS REPORT

MUNICIPAL MANAGER

Council	Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment
1455552	<p>APPLICATION FOR WAIVER IN TERMS OF ITEM 14 (4) OF GAZETTE NUMBER 48789 NOTICE NUMBER 3541 OF 14 JUNE 2023: UPPER LIMITS OF TOTAL REMUNERATION PACKAGES PAYABLE TO MUNICIPAL MANAGERS AND MANAGERS DIRECTLY ACCOUNTABLE TO MUNICIPAL MANAGERS</p> <p>RESOLVED That in respect of –</p> <p>APPLICATION FOR WAIVER IN TERMS OF ITEM 14 (4) OF GAZETTE NUMBER 48789 NOTICE NUMBER 3541 OF 14 JUNE 2023: UPPER LIMITS OF TOTAL REMUNERATION PACKAGES PAYABLE TO MUNICIPAL MANAGERS AND MANAGERS DIRECTLY ACCOUNTABLE TO MUNICIPAL MANAGERS</p> <p>Discussed by Council at the Council meeting held on 04 December 2023, resolution number C107/2023, Council decided that:</p> <p>1. an application to waive a requirement of the Local Government: Upper Limits of Total Remuneration packages payable to Municipal Managers and Managers directly accountable to Municipal Managers should be made to the Minister after consultation with the MEC</p>	2023-12-04	NM MONYELA	50	A letter of initiating consultation with the MEC has been sent to the MEC's office and additional information requested by delegated official from the MEC's office has been submitted on 21 December 2023.

		responsible for local government (the MEC); 2. the Executive Mayor should review of new total remuneration packages of the Municipal Managers and Directors in terms of section 60(1)(b) of the Local Government: Municipal Systems Act, 2000 after consultation with the MEC and approval by the Minister; 3. the Executive Mayor must provide feedback on the waiver application at a next meeting of Council.				
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STRATEGIC SUPPORT SERVICES

Council		Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment
1352782	2023 CUSTOMER SERVICE CHARTER	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	2022/2023 COMMUNICATION STRATEGY	RESOLVED: That in respect of - The 2022/2023 Communication Strategy tabled before Council at the	2023-05-30	CMALGAS	75	The Communication Strategy served before Council on 30 May 2023, and was workshopped with Council on 8 June

		<p>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 & 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>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	BREEDE VALLEY MUNICIPALITY INVESTMENT INCENTIVE POLICY	<p>RESOLVED:</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</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>

		<p>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 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.</p>				
1395543	STAFF ESTABLISHMENT REVIEW AND PROPOSED CHANGES FOR IMPLEMENTATION ON 1 SEPTEMBER 2023	<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	95	Staff Establishment to be forwarded to Council on 4 December 2023.
1431465	STAFF ESTABLISHMENT REVIEW AND PROPOSED	<p>RESOLVED</p> <p>That in respect of -</p> <p>STAFF ESTABLISHMENT REVIEW AND PROPOSED</p>	2023-10-31	MMBIZA	80	Staff Establishment was submitted to Council on 14 December 2023, and

	CHANGES FOR IMPLEMENTATION ON 1 JANUARY 2024	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.				now escalated to the National Minister.
1455526	STAFF ESTABLISHMENT REVIEW AND PROPOSED CHANGES FOR IMPLEMENTATION ON 1 MARCH 2024	RESOLVED That in respect of - STAFF ESTABLISHMENT REVIEW AND PROPOSED CHANGES FOR IMPLEMENTATION ON 1 MARCH 2024 as discussed by the Council at the Council Meeting held on 14 December 2023, resolution number C115/2023: 1. that Council note the input of the MEC on the draft Staff Establishment as per Annexure A . 2. that the Municipal Manager refer the MEC's input to the minister of Local Government for her consideration and reply 3. That the response from the minister of Local Government be tabled at the next Council meeting following the reply for consideration.	2023-12-14	NM MONYELA	70	An email was sent to National Office and a formal letter to the National Minister has been drafted.
1455551	RECRUITMENT AND SELECTION PROCESS FOR THE APPOINTMENT OF THE DIRECTOR: DEVELOPMENT PLANNING AND INTEGRATED SERVICES	RESOLVED That in respect of – RECRUITMENT AND SELECTION PROCESS FOR THE APPOINTMENT OF THE DIRECTOR: DEVELOPMENT PLANNING AND INTEGRATED SERVICES as discussed by Council at the Council meeting held on 4	2023-12-04	NM MONYELA	90	Awaiting the Minister/MEC's response on whether the appointment is compliant with the statutory requirements before HR can extend an offer of appointment to the successful candidate.

		<p>December 2023, resolution number C106/2023, Council decided that:</p> <p>(1) Mr. Jean Joubert de Villiers be appointed as Director: Development Planning and Integrated Services in a permanent capacity;</p> <p>(2) that the commencement date of the contract be 1 February 2024 or as soon as possible thereafter;</p> <p>(3) that the Municipal Manager extends an offer of employment to Mr. Jean Joubert de Villiers for the appointment as Director: Development Planning and Integrated Services;</p> <p>(4) that the contract of employment and the all-inclusive remuneration package on midpoint be negotiated and finalised by the Municipal Manager within the statutory limits based on the candidates' qualifications, experience, skills, competencies and competency assessment outcome;</p> <p>(5) that it be noted that, within 14 days of the Council Decision, a written report including all necessary documents in compliance with Regulation 17(4) be submitted to the MEC for local government regarding the appointment process and outcome for notification purposes; and</p> <p>(6) that the Human Resources Department, as a matter of courtesy and legal requirement, inform the unsuccessful candidates formally of the outcome of the selection process, and thank them for their application and</p>				
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		participation in the process.				
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COMMUNITY SERVICES

Council		Resolution	Meeting Date	Allocate To	% Compl.	Feedback Comment
172625	SUBMISSION OF BY-LAW RELATING TO THE MANAGEMENT AND CONTROL OF FLATS (rental housing units) OWNED OR ADMINISTERED BY THE BREDE VALLEY MUNICIPALITY	<p>RESOLVED C41/2015</p> <p>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:</p> <p>1. That Council approved the draft By-Law relating to the Management and Control of flats (rental housing units) owned or administer by the Brede Valley Municipality;</p> <p>2. That the administration advertises said draft By-Law for public comments;</p> <p>3. That all comments be collated submitted to Council for final approval and promulgation in the Provincial Gazette.</p> <p>4. That the draft By-Law be workshopped with all the Councillors.</p>	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.

7. CONSIDERATION OF AGENDA ITEMS**7.1 SUBMISSION OF THE MID-YEAR PERFORMANCE ASSESSMENT AND IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 31 DECEMBER 2023.****MFMA SECTION 71, 52 (d) 54 & 72 Report****File No. /s:** 3/15/1**Responsible Officials:** R. ESAU
R. Ontong**Directorate:** Strategic Support &
Financial Services**Portfolio:** Financial Services

Purpose

To submit to council the mid-year performance assessment and in-year financial management report to council 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.

In terms of the Municipal Finance Management Act, 56 of 2003, section 72.

- (1) The accounting officer of a municipality must by 25 January of each year—
 - (a) assess the performance of the municipality during the first half of the financial year, taking into account—
 - (i) the monthly statements referred to in section 71 for the first half of the financial year;
 - (ii) the municipality's service delivery performance during the first half of the financial year, and the service delivery targets, and performance indicators set in the service delivery and budget implementation plan;
 - (iii) the past year's annual report, and progress on resolving problems identified in the annual report; and
 - (iv) the performance of every municipal entity under the sole or shared control of the municipality, taking into account reports in terms of section 88 from any such entities; and
 - (b) submit a report on such assessment to—
 - (i) the mayor of the municipality;
 - (ii) the National Treasury; and
 - (iii) the relevant provincial treasury.
- (2) The statement referred to in section 71(1) for the sixth month of a financial year may be incorporated into the report referred to in subsection (1)(b) of this section.
- (3) The accounting officer must, as part of the review—
 - (a) make recommendations as to whether an adjustments budget is necessary; and
 - (b) recommend revised projections for revenue and expenditure to the extent that this may be necessary.

In terms of the Municipal Finance Management Act, 56 of 2003, section 54.

- (1) The mayor must, on receipt of a statement or report submitted by the accounting officer of the municipality in terms of section 71 and 72—
 - (a) consider the statement or report;
 - (b) check whether the municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan;
 - (c) consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following of and adjustment budget;
 - (d) issue any appropriate instructions to the accounting officer to ensure—
 - (i) that the budget is implemented in accordance with service delivery and budget implementation plan; and

(ii) that spending of funds and revenue collection proceed in accordance with the budget.

Financial Implications:

None

Applicable Legislation/ Council Policy:

Municipal Finance Management Act, 56 of 2003 (Section 52(d), 54, 71, 72 & 168);
Municipal Budget and Reporting Regulations, 2009

Comment of Directorates/ Departments concerned:

Municipal Manager: Recommendation supported

Director: Strategic Support Services: Recommendation supported

Director: Financial Services: Recommendation supported

Director: Community Services: Recommendation supported

Director: Engineering Services: Recommendation supported

RECOMMENDATION:

That in respect of

**SUBMISSION OF MID-YEAR PERFORMANCE ASSESSMENT AND IN-YEAR
FINANCIAL MANAGEMENT REPORT 2023/2024**

discussed by council at the council meeting held on the 23 January 2024:

1. That council takes note of the mid-year performance assessment and in-year financial management report for the 2023/2024 financial year.

Proposed: Ald W. R. Meiring

Seconded: Ald A. Steyn

Unanimously agreed

RESOLVED

That in respect of

SUBMISSION OF MID-YEAR PERFORMANCE ASSESSMENT AND IN-YEAR FINANCIAL MANAGEMENT REPORT 2023/2024

discussed by council at the council meeting held on the 23 January 2024
resolution number C3/2024:

1. That council takes note of the mid-year performance assessment and in-year financial management report for the 2023/2024 financial year.

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

Purpose

To submit to the finance committee 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.

Financial Implications:

None

Applicable Legislation/ Council Policy:

Municipal Finance Management Act, 56 of 2003 (Section 71);

Municipal Budget and Reporting Regulations, 2009

Comment of Directorates/ Departments concerned:

Municipal Manager: Recommendation supported

Director: Strategic Support Services: Recommendation supported

Director: Financial Services: Recommendation supported

Director: 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 30 NOVEMBER 2023,

discussed by Council at the Council meeting held on 23 January 2024:

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

Proposed: Ald W. R. Meiring

Seconded: Ald A. Steyn

RESOLVED

That in respect of

SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED 30 NOVEMBER 2023,

discussed by Council at the Council meeting held on 23 January 2024, **resolution number C4/2024:**

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

To Action

R. Ontong

7.3 QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR THE 2nd 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

1. Purpose

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

2. Background

Although the MFMA prohibits a 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 2nd 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 (2nd quarter ending 31 December 2023) approved in terms of paragraph 6.3.

RECOMMENDATION

That in respect of

QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR THE 2nd QUARTER OF THE 2023/24 FINANCIAL YEAR

discussed by Council at the council meeting held on 23 January 2024:

That the approved SCM quarterly implementation report for the 2nd quarter of the 2023/24 financial year, **be noted**.

Proposed: Ald W. R. Meiring

Seconded: Cllr J. J. Von Willingh

RESOLVED

That in respect of

QUARTERLY SUPPLY CHAIN MANAGEMENT IMPLEMENTATION REPORT FOR THE 2nd QUARTER OF THE 2023/24 FINANCIAL YEAR

discussed by Council at the council meeting held on 23 January 2024, **resolution number C5/2024:**

That the approved SCM quarterly implementation report for the 2nd quarter of the 2023/24 financial year, **be noted**.

**7.4 REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF
NOVEMBER 2023****File No./s:** 2/1/1/1**Responsible Official:** R. Ontong**Directorate:** Financial Services**Portfolio:** Supply Chain Management

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 November 2023.

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 November 2023, are attached as **Annexure A**.

Financial Implications

Reference can be made to the total approved amount as reflected in annexure "A"

Applicable Legislation / Council Policy

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

Comment of Directorates / Departments**Municipal Manager:**

Noted

Director: Strategic Support Services:

Noted

Director: Financial Services: Noted

Director: 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 NOVEMBER 2023

discussed by Council at the Council meeting held on 23 January 2024:

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the month of November 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 NOVEMBER 2023

discussed by Council at the Council meeting held on 23 January 2024, **resolution number
C6/2024:**

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

7.5 REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF DECEMBER 2023

File No./s: 2/1/1/1**Responsible Official:** R. Ontong**Directorate:** Financial Services **Portfolio:** Supply Chain Management

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 December 2023.

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 December 2023, are attached as **Annexure A**.

Financial Implications

Reference can be made to the total approved amount as reflected in annexure "A"

Applicable Legislation / Council Policy

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

Comment of Directorates / Departments

Municipal Manager	Noted
Director: Strategic Support Services	Noted

Director: Financial Services	Noted
Director: Engineering Services	Noted
Director: Community Services	Noted
Senior Manager: Legal Services	Noted

RECOMMENDATION:

That in respect of

DEVIATIONS FOR THE MONTH OF DECEMBER 2023

Discussed by Council at the Council meeting held on 23 January 2024:

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

Proposed: Ald W. R. Meiring

Seconded: Cllr E. VD Westhuizen

RESOLVED

That in respect of

DEVIATIONS FOR THE MONTH OF DECEMBER 2023

Discussed by Council at the Council meeting held on 23 January 2024, **resolution number C7/2024:**

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

8. CONSIDERATION OF REPORTS, COMMUNICATIONS, PETITIONS AND

**APPLICATIONS DEALING WITH MATTERS OF URGENCY SUBMITTED BY THE
MUNICIPAL MANAGER****8.1 UPDATE ON THE APPOINTMENT OF THE DIRECTOR: PLANNING, DEVELOPMENT
AND INTEGRATED SERVICES****File no.:** 4/1/3/1**Responsible Official:** D McThomas**Directorate:** SSS**Portfolio:** Human Resources

1. PURPOSE

The purpose of this item is to update Council on the appointment process of the Director: Planning, Development and Integrated Services.

2. BACKGROUND

Council resolved on 4 December 2023 in respect of the Director: Development Planning and Integrated Services:

“RESOLVED***C106/2023***

That in respect of –

***RECRUITMENT AND SELECTION OF DIRECTOR: PLANNING, DEVELOPMENT AND
INTEGRATED SERVICES***

***as discussed by Council at the Council meeting held on 4 December 2023 Council decide
that:***

- (1) *Mr. Jean Joubert de Villiers be appointed as Director: Planning, Development and
Integrated Services in a permanent capacity;*

- (2) *that the commencement date of the contract be 1 February 2024 or as soon as possible thereafter;*
- (3) *that the Municipal Manager extends an offer of employment to Mr. Jean Joubert de Villiers for the appointment as Director: Planning Development and Integrated Services;*
- (4) *that the contract of employment and the all-inclusive remuneration package be negotiated and finalised by the Municipal Manager within the statutory limits based on the candidates;*
- (5) *that it be noted that, within 14 days of the Council Decision, a written report including all necessary documents in compliance with Regulation 17(4) be submitted to the MEC for local government regarding the appointment process and outcome for notification purposes; and*
- (6) *that the Human Resources Department, as a matter of courtesy and legal requirement, inform the unsuccessful candidates formally of the outcome of the selection process, and thank them for their application and participation in the process.*

DISCUSSION

As resolved by Council on 4 December 2023, the Municipal Manager, within 14 days of the Council decision, submitted to the MEC responsible for local government's (herein after referred to as "*the MEC*") response a written report including all necessary documents in compliance with the regulation 17(4) of the Regulations on the Appointment and Conditions of Employment

of Senior Managers (herein after referred to as "*The Appointment Regulations*") published on 17 January 2014 in *Gazette* No. 37245.

There was no commitment made or communicated to the candidate, and no employment conditions were concluded with the candidate subject to the MEC's response. The Breede Valley Municipality's administration is still engaging with the MEC's office and shall await the MEC's final response.

APPLICABLE LEGISLATION:

1. The Constitution of the Republic of South Africa
2. Local Government: Municipal Systems Act, No. 32 of 2000 and Regulations
3. Local Government: Municipal Finance Management Act, No. 56 of 2003 and Regulations

COMMENTS OF DIRECTORATES: -

SENIOR MANAGER: LEGAL SERVICES:

DIRECTOR STRATEGIC SUPPORT SERVICES:

CO-AUTHOR

RECOMMENDATION

That in respect of –

**THE APPOINTMENT OF THE DIRECTOR: PLANNING, DEVELOPMENT AND
INTEGRATED SERVICES**

as discussed by Council at the Council meeting held on 23 January 2024 Council decide that:

- (a) Note the update on the appointment of the Director: Development Planning and Integrated Services;

- (b) the Municipal Manager shall only extend an offer of employment to Mr. Jean Joubert de Villiers for the appointment as Director: Planning Development and Integrated Services if MEC favourably respond; and
- (c) the contract of employment and the all-inclusive remuneration package be negotiated and be finalised by the Municipal Manager within the statutory limits based on the candidates competencies, qualification and experience.
- (d) That the municipal manager report back to council on the final decision of the MEC's office in the matter and on the appointment process.

The feedback from the municipal manger on the above-mentioned matter was duly noted.

9. CONSIDERATION OF MATTERS SUBMITTED BY THE CHAIRPERSON OF COUNCIL

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

11. CONSIDERATION OF MOTIONS OF EXIGENCY

12. CLOSURE
