



Munisipaliteit
Municipality
Umasipala

MINUTES OF A MEETING OF THE SWARTLAND MUNICIPAL COUNCIL, HELD IN THE MALMESBURY BANQUETING HALL ON THURSDAY, 28 MARCH 2019 AT 10:00

PRESENT:

Speaker, Clr M Rangasamy

Executive Mayor, ald T van Essen

Deputy Executive Mayor, add M S I Goliath

Bekebu, Z (ANC)

Bess, D G (DA)

Daniels, C (DA)

De Beer, J M (DA)

Humphreys, F S (ANC)

Fortuin, C B (DA)

Maart, E S M (DA)

McQuire, V D (DA)

Philander, D B (ANC)

Penxa, B J (ANC)

Smit, N (DA)

Sneewe, A M (ANC)

Solomons, P E (DA)

Stanley, B J (DA)

Stemele, O M (DA)

Van der Westhuizen, R F (DA)

Van Zyl, M (DA)

Zatu, N S (ANC)

Officials:

Municipal Manager, mr J J Scholtz

Director: Financial Services, mr M A C Bolton

Director: Security Services, mr P A C Humphreys

Act Director: Development Services, mr A M Zaayman

Director: Electrical Services, mr R du Toit

Director: Corporate Services, ms M S Terblanche

Civil Engineer: Public Services, mr J Venter

Manager: Secretarial and Records, ms N Brand

1. OPENING

The Speaker requested a minute's silence in memory of the recent great loss of life due to, inter alia, cyclone Idai in Mozambique, the shooting incident at the Christchurch Mosques in New Zealand, the Ethiopian air disaster and the death of the mother of the Director: Electrical Engineering Services, mr R du Toit.

The Speaker opened the meeting with a scripture reading and asked clr C B Fortuin to say a prayer.

The Speaker welcomed the Executive Mayor, Deputy Executive Mayor, councillors and officials and especially members of the public and the media.

The Speaker congratulated councillors and officials who had celebrated birthdays during March.

Clr N S Zatu stated that the Speaker ruled that alderdames and aldermen enter the council chamber separately from the councillors in recognition of their status and requested that this ruling is respected.

2. APOLOGIES

Apology received from clr C H Papers, whilst clr L E Mfutwana was absent without apology.

The Speaker confirmed that an apology was received from the Office of the Auditor General and the Minister of Local Government with reference to the discussion of item 7.1 on the agenda.

3. DEPUTATIONS/DECLARATIONS/COMMUNICATIONS BY OFFICIALS

None.

4. MATTERS FOR DISCUSSION

4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 31 JANUARY 2019

RESOLUTION

(proposed by clr C B Fortuin, seconded by clr R F van der Westhuizen)

That the minutes of an Ordinary Council Meeting held on 31 January 2019 are approved and signed by the Speaker subject to the replacement of

Item 7.1: Submission of the draft Annual Report: 2017/2018 financial year (7/1/1/1)

Paragraph 9 of preamble: The Executive Mayor confirmed that an instruction was given to instigate legal proceedings against the finding of the Office of the Auditor General, and that no further expenses, in respect of the cost overruns of the 2018/2019 audit incurred by the Office of the Auditor General, will be paid.

5. REPORT IN RESPECT OF THE DELEGATED DECISION MAKING BY THE EXECUTIVE MAYOR

RESOLUTION

That note is taken of the decisions taken by the Executive Mayor, in accordance with his delegated power, in respect of the following minutes:

5.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 23 JANUARY 2019

5.2 MINUTES OF A SPECIAL MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 25 JANUARY 2019

5.3 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 20 FEBRUARY 2019, read in conjunction with

MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 13 FEBRUARY 2019

6. REPORT IN RESPECT OF THE DELEGATED DECISION MAKING BY THE MUNICIPAL MANAGER

RESOLUTION

That note is taken of the decisions taken by the Municipal Manager in accordance with his delegated power in respect of the following minutes:

6.1 MINUTES OF A TENDER AWARD COMMITTEE MEETING HELD ON 11 DECEMBER

6.2 MINUTES OF A TENDER AWARD COMMITTEE MEETING HELD ON 5 FEBRUARY 2019

7. MATTERS FOR DISCUSSION

7.1 APPROVAL OF THE SUMMARY REPORT IN RESPECT OF 2017/2018 ANNUAL REPORT (7/1/1/1)

The Draft Annual Report for the 2017/2018 financial year was submitted to the Council on 31 January 2019 in accordance with article 127 of the Municipal Financial Management Act, 2003, whereafter the Annual Report was made available for public comment and comment from the relevant state organs.

Clr C B Fortuin, as chairman of the Public Responsibility Committee (MPAC), submitted the summary report (circulated with the agenda) to the Council. Clr Fortuin referred

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specifically to the minutes of the MPAC meeting held on 14 March 2019 during which certain aspects were discussed in depth – inter alia – the late submission of the financial statements, the resulting audit report from the Office of the Auditor General and the legal action by the Swartland Municipality against the Office of the Auditor General due to the inconsistent actions by the latter.

The summary report in respect of the 2017/2018 Annual Report was brought to the vote and decided, by the Council (in the absence of two councillors), with 15 councillors in favour thereof and six councillors who abstained from voting.

RESOLUTION

(proposed by clr C B Fortuin, seconded by clr C Daniels)

- (a) That Council, having considered the 2017/2018 Annual Report of Swartland Municipality, adopts the Oversight Report in terms of section 129 of the Municipal Finance Management Act (MFMA);
- (b) That the 2017/2018 Annual Report of Swartland Municipality be approved without reservations, in terms of section 129 of the MFMA;
- (c) That the minutes of the meetings where the Annual Report was discussed, in the presence of the accounting officer (Municipal Manager) be submitted to the Auditor-General, the Provincial Treasury and the Western Cape Department for Local Government as attached to the report, in terms of section 129(2) of the MFMA;
- (d) That the 2017/2018 Oversight Report of Swartland Municipality be made public in terms of Section 129(3) of the MFMA and be submitted to the Western Cape Legislature in terms of Section 132(2) of the MFMA.

7.2 SECOND REVISION OF THE 2017-2022 INTEGRATED DEVELOPMENT PLAN (IDP) AND AREA PLANS (2/1/4/4/1)

Article 34(a) of the Local Government Act: Municipal Systems, 2000 stipulates that a municipal council must revise its IDP annually. The revised IDP serves as a basis for the 2019/2020 annual budget, the SDBIP and the performance plans for the various directorates.

The Speaker gave the Executive Mayor the opportunity to present the IDP to the Council.

The Speaker requested, in reference to comments made by various councillors in respect of the Executive Mayor's submission, that any input in respect of the IDP must be submitted in writing to the Municipal Manager during the public participation process (before/on 3 May 2019).

The recommendation before the Council was brought to the vote by the Speaker and (in the absence of two councillors) decided by 15 councillors in favour thereof, and six councillors who abstained from voting.

RESOLUTION

(proposed by ald T van Essen, seconded by add M S I Goliath)

- (a) That the second revision of the 2017-2022 Integrated Development Plan (IDP) as well as the revision of the area plans be approved as draft plans, after which a further consultation and refinement process will be followed during April 2019;
- (b) That the Speaker requested councilors who commented during the meeting to put the comments in writing to take into account together with inputs and comments received during the public participation process (closing date, 3 May 2019 at 12:00) for consideration with the final review of the 2017-2022 Integrated Development Plan.

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7.3 MULTI-YEAR CAPITAL AND OPERATING BUDGETS, AMENDED BUDGET RELATED POLICIES, REGULATION/S, PROPERTY RATES AND TAXES, TARIFFS AND OTHER LEVIES FOR 2019/2020; 2020/2021 AND 2021/2022 FOR PURPOSES OF THE PUBLIC PARTICIPATION PROCESS AS PER THE REQUIREMENTS OF THE 'MFMA' INCLUDING APPROVAL IN PRINCIPLE FOR THE TAKING OUT OF A LONG TERM LOAN FOR THE PARTIAL FUNDING OF THE EXTENSIONS TO THE MOORREESBURG AND DARLING SEWERAGE WORKS (5/1/1/1, 5/1/1/2 (2019/2020, 5/1/4)

The Executive Mayor, ald T van Essen, presented the draft Capital and Operating Budgets for the 2019/2020, 2020/2021 and 2021/2022 financial years, which were considered during the Executive Mayor's Committee Meeting held on 20 March 2019, to the Council,.

The Executive Mayor requested the Municipal Manager to investigate the possibility of discounts on services to destitute households, inter alia, the hiring of halls, the purchasing and preparation of graves.

The Executive Mayor stated that the Council will place greater emphasis in the next three years on the following projects:

- A comprehensive education programme in communities to combat the scattering of litter and this can/must form part of a greening project;
- Initiatives to ensure the safety of the community in all wards, inter alia, by means of the creation and support of street committees;
- Planting of trees as part of RSEP.

Clr C B Fortuin stated that when the Council considers the budget, corruption, favouritism and bad management at ESKOM, which are under the spotlight of the various commissions, and the national context within which this is happening, must be taken into account. In this respect the Council's biggest income source is the sale of electricity and the impact of what is happening at ESKOM will have an increasing effect at local level.

Clr C B Fortuin also stated that although the Swartland Municipality has up to now been in the privileged position of managing the impact of what is happening at ESKOM, it must look at alternative sources of income generation in the future.

The recommendations before the Council were brought to the vote by the Speaker and (in the absence of two councillors) decided by 15 councillors in favour thereof, and six councillors who abstained from voting.

RESOLUTION (as recommended by the Executive Mayor's Committee Meeting held on 20 March 2019)

(proposed by ald T van Essen, seconded by clr P E Solomons)

- (a) That council takes note that the costs as envisaged by Section 19 (2)(a)(b) were derived after consultation with the respective director(s) who has confirmed the costs as per **(Annexure A, Section 1: 2019/20 – 2021/22 Capital Projects ito Sec 19)**;
- (b) That council prior to approving the capital projects above R50 million as listed in **(Annexure B, Section 1: 2019/20 – 2021/22 Capital Projects ito Sec 19)**, first consider the projected cost covering all financial years until the project is operational and the future operational costs and revenue on the project, including municipal tax and tariff implications;
- (c) That council considers the funding sources linked to council's capital program and take note that these funding sources are available and have not been committed for other purposes;

Table/...

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FINANCING SOURCES	Draft Budget 2019/2020	Draft Budget 2020/2021	Draft Budget 2020/2021
External Loans	R 22 631 209	R 27 368 791	R -
Capital Replacement Reserve (CRR)	R 53 315 363	R 67 024 928	R 83 369 556
Municipal Infrastructure Grant (MIG)	R 21 301 000	R 22 285 000	R 23 700 000
Dept. Human Settlements	R 32 480 000	R 31 800 000	R -
Integrated National Electrification Programme	R 5 000 000	R 10 000 000	R 10 000 000
Dept. Cultural Affairs and Sport	R 370 000	R -	R -
RSEP / VPUU	R 4 000 000	R 2 000 000	R -
Community Safety Grant	R 10 000	R 10 000	R 10 000
Fire Service Capacity Building Grant	R -	R 841 000	R -
Energy Efficiency Demand Side Management	R 5 000 000	R 5 000 000	R 6 729 000
GRAND TOTAL	R 144 107 572	R 166 329 719	R 123 808 556

- (d) That council deemed it appropriate to consider the entire capital program excluding the 2 individual projects above R 50 million as the aforementioned capital program's operational cost, inclusive of future costs are covered by the rates regime and the normal cost centres found in the operational budget;
- (e) That council note that the upgrading of both the Moorreesburg and Darling Waste Water Treatment Works will have an impact on the outer years, i.e from the 2022/23 financial year and beyond and therefore the process as prescribed in Section 33 of the MFMA is required prior to final approval in May 2019;
- (f) That council approves the capital projects as part of its consolidated capital program as per **(Annexure A, Section 1: 2019/20 – 2021/22 Draft Budget and Tariff File)**;
- (g) That the draft multi-year Capital and Operating budgets with respect to the 2019/20 – 2021/22 financial years be approved, in accordance with sections 16, 17 and 19 of the MFMA to allow for public participation;

	Original Budget 2018/2019	Adjustment Budget 2018/2019	Draft Budget 2019/2020	Draft Budget 2020/2021	Draft Budget 2021/2022
Capital budget	87 245 909	98 785 331	144 107 572	166 329 719	123 808 556
Operating Expenditure	698 278 426	693 672 465	747 413 724	787 878 112	871 723 962
Operating Revenue	746 205 036	761 793 817	829 366 279	904 995 541	950 674 505
Budgeted (Surplus)/ Deficit	(47 926 610)	(68 121 352)	(81 952 555)	(117 117 429)	(78 950 543)
Less: Capital Grants	36 975 000	51 972 114	68 161 000	71 936 000	40 439 000
(Surplus)/ Deficit	(10 951 610)	(16 149 238)	(13 791 555)	(45 181 429)	(38 511 543)

- (h) That council in-principle approves the raising of an external loan to the amount of R50 000 000 for the partial financing of the Moorreesburg and Darling Waste Water Treatment Works in the multi-year capital budget for 2019/20 to 2020/21 financial years, by means of testing the market as envisaged by the MFMA section 46 requesting tenders from the financial institutions (please refer to the impact and schedules dealing with the proposed loan for purposes of public advertisement and final approval in May 2019) **Annexure A, Section 2: 2019/20 – 2021/22 Draft Budget and Tariff File**;

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- (i) That in-principle approval be granted to the Director: Financial Services to prepare the necessary tender for purposes of giving effect to section 46 of the MFMA in respect of taking up a capital loan to the value R50 000 000, in terms of the requirements of Section 46 of the MFMA for the specific purpose of partially funding the aforementioned Treatment Works;
- (j) That council approves the property rates tariffs for the 2019/20 financial year as listed below and in the property rates policy for purposes of allowing for public participation;

Property Categories	Tariff (c/R)
Residential properties	.006490
Vacant land	.008580
Industrial properties	.008580
Business and commercial properties	.008580
Agricultural properties (used for agricultural purposes)	.001623
Agricultural properties used for eco-tourism	.008580
Agricultural properties used for trading in or hunting of game;	.008580
Mining properties	.008580
Properties owned by an organ of state and used for public service purposes	.008580
Public service infrastructure	.000000
Properties owned by public benefit organisations: (i) welfare and humanitarian organisations; (ii) cultural organisations; (iii) sporting organisations; (iv) conservation, environmental and animal welfare organisations; (v) healthcare organisations; and (vi) education and development.	.008580
Properties used for multiple purposes	Differential rate
Properties in rural area zoned for business or in respect of which consent uses have been approved in terms of the municipality's zoning scheme regulations	.008580
Municipal properties	.000000
Informal settlements, including those on land which are not subdivided into residential ervens	.006490
Property acquired through the Provision of Land and Assistance Act, 1993 (126 of 1993) or the Restitution of Land Rights Act, 1994 (Act 22 of 1994) or Communal Property Association Act, 1996	Either .008580 or .006490, depending on use
Conservation areas	.000000
Protected areas (excluding residential and other properties)	.000000
National monuments	.000000
State owned properties	.008580

- (k) That the discount to disabled persons and senior citizens as defined in the Property Rates Policy, be limited to a maximum of R300 000 for the 2020/21 financial year subject to application in the prescribed format per direction of the Chief Financial Officer;

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- (l) That council approve the draft tariff structures and charges for water, electricity, refuse removal, sewerage and other sundry charges as set out in **(Annexure A: 2019/20 – 2021/22 Draft Budget and Tariff File)** for purposes of allowing for public participation;
- (m) That council approves the proposed electricity tariffs as draft for the 2019/2020 financial year, bearing in mind that it is still subject to NERSA's final approval;
- (n) That the annual budget tables as required by the Budget and Reporting Regulations be approved as set out in **(Annexure C: Budget Report and A-Schedules 2019/20 – 2021/22) inclusive of the** corrections to the 2018/19 adjusted budget schedules due to reclassification changes;
- (o) That the draft revised budget related policies, the revised Credit Control and Debt Collection By-law and Policy and the revised Property Rates Policy and By-law as set out in **(Annexure D: Draft Budget Related Policies and By-laws 2019/20)** hereto, be approved for purposes of public participation;
- (p) That the training budget limited to 0,83% of the salary budget in the amount of R1 775 494 for the 2019/20 financial year be approved as draft;
- (q) That Council takes note and grant approval for the following increases as follows:
- In respect of all personnel, an increase of **6.5%** for 2019/2020; **6.25%** for 2020/21 and **6%** for the 2021/2022 financial years, excluding the increase in other benefits that are applicable and the annual 2.5% notch increase where applicable.
 - In respect of the other section 56-appointments (excluding the Municipal Manager, CFO and Director Civil Services) a **6.5%** increase with effect from 1 July 2019;
 - Provision has been made for a **5%** increase for political office bearers which are within the upper band of the inflation targets set by the South African Reserve Bank (SARB).
- (r) That council specifically takes note that of the fact that management is in the process of considering both the financial and service delivery impacts that the Labour Relations Act have on contract appointments of which the outcome can only be considered during final approval in May 2019 insofar that the salary bill is impacted;
- (s) That Council takes note of the budgeted operating surpluses, the total expenditure growth of **7.7%** from the current to the new financial year, in the main due to the anticipated high increase in electricity bulk purchases and growth in revenue of **8.9%** for the MTREF period as well as the cash flow statement as per **(A-schedule A7 and SA8)** for the current as well as the next three financial years and more specifically the progress made in this regard;
- the risk factor for cash coverage for operating expenses is **11 months** for 2019/2020 and 2020/2021 financial years and for 2021/2022 it is **10.5 months**;
 - over the next three financial years the planning is such that the following operating surpluses are envisaged, 2019/2020 an amount of **R 81 952 555**, 2020/2021 an amount of **R 117 117 429** and 2021/2022 an amount of **R 78 950 541 (inclusive of capital grant income)**;
 - over the next three financial years the planning is such that the following operating surpluses are envisaged, 2019/2020 an amount of **R 13 791 555**, 2020/2021 an amount of **R 45 181 429** and 2021/2022 an amount of **R 38 511 541 (excluding capital grant income)**;

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- (t) That the Director: Financial Services adhere to the requirements of the Budget Circulars and Budget Reforms in the context of the reporting requirements to Provincial and National Treasury;
- (u) That Council take note that the budget was also prepared in the new mSCOA Version 6.3 as required by National Treasury;
- (v) That the public participation process for purposes of input and comment into the draft **revised** budget and related documents will close at 12 midday on 3 May 2019.

7.4 DRAFT 2019/2020 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) (2/1/4/4/1)

The draft 2019/2020 Service Delivery and Budget Implementation Plan (SDBIP) was presented to the Council by the Executive Mayor.

The submission of the SDBIP is done in accordance with regulations 14 and 15 of the *Municipal Budget and Reporting Regulations*.

RESOLUTION

(proposed by ald T van Essen, seconded by clr E S M Maart)

That the attached draft 2019/2020 Service Delivery and Budget Implementation Plan (SDBIP) be approved for the purposes of assessment of the budget by National and Provincial Treasury.

7.5 APPROVAL OF THE BY-LAW IN RESPECT OF PUBLIC NUISANCE (1/1)

The draft by-law was submitted to the Council on 31 January 2019 in order to commence the public participation process.

The draft by-law was advertised for input/comment from 5 February to 8 March 2019. Valuable input, which was considered for inclusion in the by-law, was received from the Yzerfontein Residents Association and ms E Lewis.

The aim of the by-law is to offer a safe and healthy environment for all the residents in the Swartland municipal area.

The proposed by-law was circulated with the agenda and was brought to the vote by the Speaker and decided (in the absence of two councillors) with 15 councillors in favour of the acceptance of the By-law in respect of Public Nuisance and six councillors who abstained from voting.

RESOLUTION

(proposed by add M van Zyl, seconded by clr N Smit)

- (a) That the constructive input received from the public regarding the draft by-law be noted with appreciation;
- (b) That the By-law relating to Public Nuisances be adopted;
- (c) That the by-law be promulgated in the Provincial Gazette for implementation with effect from date of promulgation.

7.6 RECOMMENDATION IN RESPECT OF THE AMENDMENT TO THE ORGANIZATIONAL STRUCTURE OF THE DEPARTMENTS OF ELECTRICAL ENGINEERING AND SECURITY SERVICES (2/3)

Article 66 of the Municipal Systems Amended Act, 2011 stipulates that the municipal manager is responsible for the development of an organizational structure for approval by the municipal council.

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The amendments to the organizational structure are fully explained in the report circulated with the agenda, inter alia, that the organizational structure must make provision for the establishment of a K9 dog unit.

RESOLUTION

(proposed by clr N Smit, seconded by clr D G Bess)

That the Council approve the amendments to the organisational structure with regard to Electrical Engineering Services and Protection Services with effect from 1 April 2019.

7.7 EXTENSION TO APPOINTMENT OF ACTING DIRECTOR: DEVELOPMENT SERVICES (4/3/2/1)

[The Acting Director: Development Services vacated the venue for the duration of the discussion of the item.]

The Council approved the appointment of mr A M Zaayman as Acting Director: Development Services for a period of 3 months as of 1 January 2019.

The Municipal Manager confirmed that the post of Director: Development Services is still vacant and therefore it is necessary to extend the term of acting director for a further period of three months in accordance with article 56(1)(c) of the Municipal Systems Act. The Municipal Manager stated that approval must be obtained accordingly from the Minister of Local Government.

When mr A M Zaayman returned to the council chamber the Municipal Manager thanked mr Zaayman for the dedicated service he has rendered as acting director during the period of acting directorship.

RESOLUTION

(proposed by clr O M Stemele, seconded by clr J M de Beer)

That Mr A M Zaayman be appointed with effect from 1 April 2019 as Acting Director Development Services for a further period not exceeding three months in terms of Section 56(1)(c) of the Municipal Systems Act (Act 32 of 2000) or until the new Director: Development Services is appointed.

7.8 PROPOSED ALIENATION OF MUNICIPAL IMMOVABLE PROPERTY (RESIDENTIAL PROPERTY) IN ABBOTSDALE (12/2/5/4-1/2)

The five properties, as detailed in the report attached to the agenda, form part of the 13 residential erwen developed during 2005 which were made available to first time homeowners in 2006 by means of a public auction.

Interest has recently been shown in the remaining five erwen and it is proposed that the properties are made available by means of public tender.

RESOLUTION

(proposed by clr D B Philander, seconded by clr O M Stemele)

- (a) That in-principle approval be granted by Council in terms of Section 14 of the Municipal Finance Management Act, 2003 and the By-law and Policy relating to the Transfer of Municipal Assets for financial offers (only from natural persons) to be invited by means of public tenders for the disposal of the following vacant immovable (residential) properties in Boltney Street, Abbotsdale:

Erf #	Extent
Erf 795	599 m ²
Erf 796	597 m ²
Erf 800	605 m ²
Erf 803	609 m ²
Erf 805	601 m ²

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- (b) That cognizance be taken that the properties to be sold have been identified from the outset for alienation as residential properties in terms of its zoning and at no stage have been earmarked for the provision of a minimum or any other level of basic municipal services;
- (d) That the reserve prices (VAT exclusive) for the properties therefore be determined as follows, which reserve prices are considered by Council to fairly represent the market value of same:

Erf #	Reserve price, excluding VAT
Erf 795	R55 500,00
Erf 796	R55 500,00
Erf 800	R56 000,00
Erf 803	R56 000,00
Erf 805	R55 500,00

- (e) That Council's intention to offer the properties for sale by means of a public competitive process be published for comment and/or objections;
- (f) That authorization be given as follows:
- (i) to the Executive Mayoral Committee to
- to deal with any comments and/or objections received in respect of the proposed transactions; and
 - to evaluate and consider for adoption the offers received in respect of the properties, and to finalise a decision regarding the transfer of the assets;
- (ii) to the Director: Corporate Services to finalise the conditions of sale for tender purposes with all the relevant internal role-players, as well as Council's attorney;
- (g) That approval be granted that should the properties remain unsold after the competitive process, it be sold out-of-hand on a 'first come first served' basis at the reserve prices as aforementioned, provided that the Municipality shall make known its intention to sell the erven out-of-hand from a given date, and further provided that the sale of such properties shall be limited to one erf per purchaser and the reservation of properties for a specific purchaser shall be limited to a period of one calendar month.

**SIGNED:
SPEAKER**