Munisipaliteit
Municipality
Umasipala

NOTULE VAN 'N GEWONE VERGADERING VAN DIE SWARTLAND MUNISIPALE RAAD GEHOU IN DIE STADSAAL, MALMESBURY OP DINSDAG, 30 JANUARIE 2024 OM 10:00

TEENWOORDIG:

Speaker, rdh M A Rangasamy
Uitvoerende Burgemeester, rdh J H Cleophas
Uitvoerende Onderburgemeester, rdl J M de Beer

RAADSLEDE:

Bess, D G (DA)
Jooste, R J (DA)
Le Minnie, I S (DA)
Ngozi, M (ANC)
O'Kennedy, E C (DA)
Penxa, B J (ANC)
Pieters, C (ANC)
Pypers, D C (DA)
Smit, N (DA)
Soldaka, P E (ANC)
Van Essen, T (DA)
Van Zyl, M (DA)
Vermeulen, G (VF+)
Warnick, A K (DA)

Beamptes:
Munisipale Bestuurder, mnr J J Scholtz
Direkteur: Beskermingsdienste, mnr P A C Humphreys
Direkteur: Elektriese Ingenieursdienste, mnr T Möller
Direkteur: Finansiële Dienste, mnr M A C Bolton
Direkteur: Korporatiewe Dienste, me M S Terblanche
Direkteur: Ontwikkelingsdienste, me J S Krieger
Senior Bestuurder: Publieke Dienste en Projekbestuur, mnr J M S Spies
Bestuurder: Sekretariaat en Rekords, me N Brand

1. OPENING

Die Speaker verwelkom die Uitvoerende Burgemeester, raadsdames, raadshere, raadslede en amptenare.

Die Uitvoerende Burgemeester, rdh J H Cleophas, open die vergadering met skriflesing en gebed op uitnodiging van die Speaker.

Die Speaker dra sy gelukwensing oor aan raadslede wat hul verjaarsdag die afgelope tyd herdenk het.

2. VERLOF TOT AFWESIGHEID

Verlof tot afwesigheid word verleen aan rdle A M Booysen, C Daniels, C Fortuin en P E Soldaka, terwyl rdle M F Gaika en J R Papier afwesig is sonder verlof.

3. AFVAARDIGINGS/VERKLARINGS EN MEDEDELINGS/VOORLEGGINGS

Geen.

4. NOTULES VIR BEKRAGTIGING

4.1 NOTULE VAN 'N GEWONE RAADSVERGADERING GEHOU 26 OKTOBER 2023

Besluit/...

Munisipaliteit
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MINUTES OF AN ORDINARY MEETING OF THE SWARTLAND MUNICIPAL COUNCIL HELD IN THE TOWN HALL, MALMESBURY, ON TUESDAY, 30 JANUARY 2024 AT 10:00

PRESENT:

Speaker, Ald M A Rangasamy
Executive Mayor, Ald J H Cleophas
Executive Deputy Mayor, Cllr J M de Beer

COUNCIL MEMBERS:

Bess, D G (DA)
Jooste, R J (DA)
Le Minnie, I S (DA)
Ngozi, M (ANC)
O'Kennedy, E C (DA)
Penxa, B J (ANC)
Pieters, C (ANC)
Pypers, D C (DA)
Smit, N (DA)
Soldaka, P E (ANC)
Van Essen, T (DA)
Van Zyl, M (DA)
Vermeulen, G (VF+)
Warnick, A K (DA)

Officials:
Municipal Manager, Mr J J Scholtz
Director: Protective Services, Mr P A C Humphreys
Director: Electrical Engineering Services, Mr T Möller
Director: Financial Services, Mr M A C Bolton
Director: Corporate Services, Ms M S Terblanche
Director: Development Services, Ms J S Krieger
Senior Manager: Public Services and Project Management, Mr J M S Spies
Manager: Secretariat and Records, Ms N Brand

1. OPENING

The Speaker welcomed the Executive Mayor, alderlady and aldermen, councillors and officials.

The Executive Mayor, Ald J H Cleophas, opened the meeting with Scripture reading and prayer at the invitation of the Speaker.

The Speaker extended his congratulations to the councillors who recently celebrated their birthdays.

2. LEAVE OF ABSENCE

Leave of absence is granted to Cllrs A M Booysen, C Daniels, C Fortuin and P E Soldaka, while Cllrs M F Gaika and J R Papier are absent without leave.

3. REPRESENTATIONS/ DECLARATION AND COMMUNICATIONS/ SUBMISSIONS

None.

4. MINUTES FOR RATIFICATION

4.1 MINUTES OF AN ORDINARY BOARD MEETING HELD 26 OCTOBER 2023

Resolution/...

BESLUIT
(op voorstel van rdl N Smit, gesekondeer deur rdl A K Warnick)

Dat die notule van 'n Gewone Raadsvergadering gehou op 26 Oktober 2023 goedgekeur en deur die Speaker onderteken word.

4.2 NOTULE VAN 'N SPESIALE RAADSVERGADERING GEHOU OP 30 NOVEMBER 2023

BESLUIT
(op voorstel van rdl N Smit, gesekondeer deur rdl A K Warnick)

Dat die notule van 'n Spesiale Raadsvergadering gehou op 30 November 2023 goedgekeur en deur die Speaker onderteken word.

5. VERSLAGDOENING INSAKE GEDELEGEERDE BESLUITNEMING DEUR DIE UITVOERENDE BURGEMEESTER

BESLUIT

Dat kennis geneem word van die Uitvoerende Burgemeester se besluite ingevolge gedelegeerde bevoegdheid, soos vervat in die onderstaande notules:

5.1 NOTULE VAN 'N GEWONE VERGADERING VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE GEHOU OP 18 OKTOBER 2023
saamgelees met
NOTULES VAN PORTEFEULJEKOMITEEVERGADERINGS GEHOU OP 11 OKTOBER 2023

5.2 NOTULE VAN 'N GEWONE VERGADERING VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE GEHOU OP 15 NOVEMBER 2023

6. VERSLAGDOENING INSAKE GEDELEGEERDE BESLUITNEMING DEUR DIE MUNISIPALE BESTUURDER

BESLUIT

Dat kennis geneem word van die Munisipale Bestuurder se besluite ingevolge gedelegeerde bevoegdheid, soos vervat in die onderstaande notules:

6.1 NOTULE VAN 'N VERGADERING VAN DIE BODBEOORDELINGSKOMITEE GEHOU OP 10 OKTOBER 2023

6.2 NOTULE VAN 'N VERGADERING VAN DIE BODBEOORDELINGSKOMITEE GEHOU OP 30 OKTOBER 2023

6.3 NOTULE VAN 'N VERGADERING VAN DIE BODBEOORDELINGSKOMITEE GEHOU OP 29 NOVEMBER 2023

7. SAKE VOORSPRUITEND UIT NOTULES

Geen.

8. SAKE VIR BESPREKING

8.1 VOORLEGGING VAN KONSEP JAARVERSLAG: 2022/2023 FINANSIëLE JAAR (7/1/1/1)

Die 2022/2023 Konsep Jaarverslag is opgestel ooreenkomstig die formaat soos voorgeskryf deur MFMA Omsendbrief 63 gedateer 26 September 2012, en word voorgelê aan die Raad ingevolge Artikel 127(2) van die Plaaslike Regering: Wet op Munisipale Finansiële Bestuur, 2003 (MFMA, Wet 56 van 2003).

Die jaarverslag sluit/...

RESOLUTION
(proposal by Cllr N Smit, seconded by Cllr A K Warnick)

That the minutes of an Ordinary Council Meeting held on 26 October 2023 be approved and signed by the Speaker.

4.2 MINUTES OF A SPECIAL BOARD MEETING HELD ON 30 NOVEMBER 2023

RESOLUTION
(proposal by Cllr N Smit, seconded by Cllr A K Warnick)

That the minutes of a Special Council Meeting held on 30 November 2023 be approved and signed by the Speaker.

5. REPORTING REGARDING DELEGATED DECISION-MAKING BY THE EXECUTIVE MAYOR

RESOLUTION

That the Executive Mayor's decisions under delegated authority, as contained in the minutes below, are taken into account:

5.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD ON 18 OCTOBER 2023
read together with
MINUTES OF PORTFOLIO COMMITTEE MEETINGS HELD ON 11 OCTOBER 2023

5.2 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD ON 15 NOVEMBER 2023

6. REPORTING REGARDING DELEGATED DECISION-MAKING BY THE MUNICIPAL MANAGER

RESOLUTION

That the decisions of the Municipal Manager under delegated authority, as contained in the minutes below, are taken into account:

6.1 MINUTES OF A MEETING OF THE BID EVALUATION COMMITTEE HELD ON 10 OCTOBER 2023

6.2 MINUTES OF A MEETING OF THE BID EVALUATION COMMITTEE HELD ON 30 OCTOBER 2023

6.3 MINUTES OF A MEETING OF THE BID EVALUATION COMMITTEE HELD ON 29 NOVEMBER 2023

7. MATTERS ARISING FROM MINUTES

None.

8. MATTERS FOR DISCUSSION

8.1 SUBMISSION OF THE DRAFT ANNUAL REPORT: 2022/2023 FINANCIAL YEAR (7/1/1/1)

The 2022/2023 Draft Annual Report was drawn up according to the format prescribed in MFMA Circular 63 dated 26 September 2012, and submitted to the Council in accordance with section 127(2) of the Local Government: Municipal Financial Management Act, 2003 (MFMA, Act 56 of 2003).

The annual report includes, inter alia, -

Die jaarverslag sluit onder andere in –
(1) die finansiële state;
(2) ouditverslag van die Ouditeur-Generaal; en
(3) die jaarlikse prestasieverslag.

BESLUIT
(op voorstel van rdl N Smit, gesekondeer deur rdl D G Bess)

(a) Dat kennis geneem word van die Konsep Jaarverslag vir die 2022/2023 finansiële jaar soos voorgelê in terme van Artikel 127(2) van die MFMA, en opgestel in die formaat soos voorgeskryf deur MFMA Omsendbrief 63 van 2012 van Nasionale Tesourie;

(b) Dat kennis geneem word van die opvolgaksies waaraan in terme van Artikel 127 van die MFMA uitvoering gegee sal word, te wete –
(i) die openbaarmaking van die jaarverslag;
(ii) die rig van 'n uitnodiging aan die publiek om vertoë daaromtrent te rig;
(iii) uitnodiging aan die publiek en die relevante staatsorgane om die raadsvergadering op 28 Maart 2024 by te woon, wanneer die jaarverslag en oorsigverslag bespreek sal word;
(iv) voorlegging van die jaarverslag aan die Ouditeur-Generaal, provinsiale tesourie en die provinsiale departement verantwoordelik vir plaaslike regering;

(c) Dat die MPAC, na afloop van die sluiting van kommentaar op die jaarverslag, 'n gedetailleerde analise sal doen van die vertoë wat ontvang is, ten einde die konsep oorsigverslag op te stel vir oorweging deur die Raad op 28 Maart 2024;

(d) Dat raadslede wat nie op die MPAC dien nie, kennis neem dat dit ook van hulle verwag word om hul eie evaluering van die jaarverslag te doen, onder andere in konsultasie met hul kiesers, wykskomitees en wyksverteenwoordigers om insette en kommentare aan te moedig vir oorweging by die volle raadsvergadering op 28 Maart 2024.

8.2 KWARTAALVERSLAG (ARTIKEL 52 VAN MFMA): OKTOBER TOT DESEMBER 2023 (7/1/2/2-2)

Die voorlegging van die kwartaalverslag aan die Raad word voorgeskryf deur Artikel 52(d) van die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, Wet 56 van 2003 (MFMA).

BESLUIT
(op voorstel van rdl E C O'Kennedy, gesekondeer deur rdl R Jooste)

Dat kennis geneem word dat die kwartaalverslag op 25 Januarie 2024 by die Munisipale Publieke Verantwoordbaarheidskomitee (MPAC) ter tafel gelê was en dat die MPAC, by wyse van verslagdoening aan die Raad, aanbeveel dat die Raad kennis neem van die kwartaalverslag, soos voorgeskryf deur Artikel 52 van die Wet op Munisipale Finansiële Bestuur, Wet 56 van 2003 ten opsigte van die implementering van die begroting sowel as die prestasie teenoor die Topvlak Dienslewering en Begroting Implementeringsplan van die munisipaliteit vir die periode 1 Oktober 2023 tot 31 Desember 2023.

8.3 HALFJAARLIKSE BEGROTING- EN PRETASIE-EVALUASIE VAN DIE 2023/2024 FINANSIëLE JAAR (7/1/2/2-2)

Artikel 72(1) van die MFMA, Wet 56 van 2003 bepaal dat die rekenpligtige beampte teen 25 Januarie van elke jaar die prestasie van die Munisipaliteit gedurende die eerste helfte van die finansiële jaar moet evalueer en aan die Uitvoerende Burgemeester voorlê.

Die Uitvoerende Burgemeester lê die Halfjaarlikse Begroting- en Prestasieverslag, soos opgestel in lyn met die voorskrifte van die Munisipale Begroting- en Verslagdoeningsregulasies (Algemene Kennisgewing 393 soos afgekondig in die Staatskoerant gedateer 17 April 2009), ter tafel.

(1) the financial statements;
(2) audit report from the Auditor General; and
(3) the annual performance report.

RESOLUTION
(proposed by Cllr N Smit, seconded by Cllr D G Bess)

(a) That cognisance be taken of the draft annual report in respect of the 2022/2023 financial year, as tabled in terms of section 127(2) of the MFMA, and of which the tabling is done in the format as prescribed by National Treasury's MFMA Circular 63 of 2012;

(b) That cognisance be taken of the following steps to be taken in terms of section 127 of the MFMA, being
   (i) disclosure of the annual report;
   (ii) inviting the public to submit representations in connection with the report;
   (iii) inviting the public and relevant organs of state to attend the council meeting on 28 March 2024, when the annual report and oversight report will be discussed;
   (iv) submission of the annual report to the Auditor-General, provincial treasury and the provincial department responsible for local government;

(c) That the MPAC, after the closing of comments on the annual report, undertake a detailed analysis of the representations received in order to compile the draft oversight report for consideration by the Council on 28 March 2024;

(d) That councillors who are not members of the MPAC take note that they should also be conducting their own review of the report by inter alia having discussions with their constituents, ward committees and ward representatives to encourage inputs and comments for consideration at the full council meeting on 28 March 2024.

8.2 QUARTERLY REPORT (SECTION 52 OF MFMA): OCTOBER TO DECEMBER 2023 (7/1/2/2-2)

The submission of the quarterly report to the Council is prescribed by Section 52 (d) of the Local Government: Municipal Financial Management Act, Act 56 of 2003 (MFMA).

RESOLUTION
(proposed by Cllr E C O'Kennedy, seconded by Cllr R Jooste)

That cognisance be taken that the quarterly report was tabled at the MPAC on 23 January 2024 and that the MPAC, by way of reporting to the Council, recommends that the Council takes note of the quarterly report as required by Section 52 of the Municipal Finance Management Act, Act 56 of 2003 in respect of the implementation of the budget as well as the performance against the Top Layer Service Delivery and Budget Implementation Plan of the municipality for the period 1 October to 31 December 2023.

8.3 MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT OF THE 2023/2024 FINANCIAL YEAR (7/1/2/2-2)

Section 72(1) of the MFMA, Act 56 of 2003 provides that by 25 January of each year, the accounting officer shall evaluate the performance of the Municipality during the first half of the financial year and submit it to the Executive Mayor.

The Executive Mayor shall table the Mid-Year Budget and Performance Report, as prepared in line with the provisions of the Municipal Budget and Reporting Regulations (General Notice 393 as promulgated in the *Gazette* dated 17 April 2009).

BESLUIT
(op voorstel van rdh J H Cleophas, gesekondeer deur rdl I S le Minnie)

Dat kennis geneem word van die halfjaarlikse begrotings- en prestasie-evaluasie met betrekking tot die eerste helfte van die 2023/2024 finansiële jaar en meer spesifiek die noodsaaklikheid om die oorspronklike begroting te hersien deur middel van 'n aansuiweringsbegroting.

8.4 VOORGESTELDE WYSIGING VAN DIE TOLKRAGTARIEF VIR 2023/2024 (5/4/1/3)

Die implementering van tolkragtariewe is 'n nuutheid vir munisipaliteite en is die konsep tolkragriglyne in Mei 2023 opgestel met beperkte inligting tot beskikking van die Munisipaliteit.

Swartland Munisipaliteit en Ekurhuleni Metro is aangewys as loodsprojekte om aan die navorsing deur Ernest & Young, SALGA en GIZ insake die implementering van tolkrag deel te neem.

Verder word daar ook op nasionale vlak, onder die vaandel van die President se Nasionele Energiekrisiskomitee, deur verskeie rolspelers gewerk aan 'n raamwerk wat aan NERSA voorgelê sal word vir implementering in Suid-Afrika.

Intussen is munisipaliteite aangewese uit die ondersoeke deur Ernest & Young om hul eie riglyne te ontwikkel. Tydens die bepaling van die 2023/2024 tolkragtarief is die maksimum aanvraagheffing foutiewelik ingesluit.

Die Speaker bring die aangeleentheid tot stemming en word die tariefwysiging beslis (in die afwesigheid van ses raadslede) met 13 raadslede ten gunste daarvan en vier raadslede wat buite stemming bly.

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl A K Warnick)

Die aangeleentheid is tydens 'n vergadering van die Uitvoerende Burgemeesterskomitee gehou op 24 Januarie 2024 oorweeg en word die wysiging van die tolkragtarief, om die maksimum aanvraagheffing uit te sluit, ondersteun en word dus aanbeveel –

(a) Dat die Raad kennis neem van die fout in die bestaande tolkragtarief;

(b) Dat die wysiging van die tolkragtarief, om die maksimum aanvraagheffing uit te sluit, goedgekeur word;

(c) Dat die wysiging van die tolkragtarief geen nadelige impak op die begrote inkomste en geen impak op die algehele begroting van Swartland Munisipaliteit sal hê nie;

(d) Dat die insluiting van die gewysigde tolkragtarief in die 2023/2024 aansuiweringsbegroting goedgekeur word.

8.5 GOEDKEURING VAN DIE 2023/2024 HALFJAARLIKSE AANSUIWERINGS-KAPITAAL EN BEDRYFSBEGROTING (5/1/1/1, 5/1/1/2 – 23/24)

Die 2023/2024 Halfjaarlikse Aansuiweringskapitaal en -Bedryfsbegroting is tydens 'n Uitvoerende Burgemeesterskomiteevergadering gehou op 24 Januarie 2024 oorweeg vir goedkeuring deur die Raad en word deur die Uitvoerende Burgemeester ter tafel gelê.

Die voorlegging van die aansuiweringsbegroting geskied ingevolge Artikel 28 van die MFMA, Wet 56 van 2003 nadat die prestasie van die Munisipaliteit gedurende die eerste helfte van die finansiële jaar geëvalueer is – verwys item 8.3.

Die Speaker bring/…

RESOLUTION
(proposed by Ald J H Cleophas, seconded by Cllr I S le Minnie)

That cognizance be taken of the mid-year budget and performance assessment i.r.o. the first half of the 2023/2024 financial year and more specifically the need to revise the original budget by way of an adjustments budget.

8.4 PROPOSED AMENDMENT TO THE WHEELING RATE FOR 2023/2024 (5/4/1/3)

The implementation of a wheeling tariff is a novelty for municipalities, and the draft guidelines were drawn up in May 2023 with limited information available to the Municipality.

Swartland Municipality and Ekurhuleni Metro have been selected as pilot projects to participate in Ernest & Young, SALGA, and GIZ's research on the implementation of wheeling.

Furthermore, under the auspices of the President's National Energy Crisis Committee, various stakeholders are working on a national framework that will be submitted to NERSA for implementation in South Africa.

Meanwhile, municipalities are dependent on the surveys by Ernest & Young to develop their own guidelines. During the determination of the 2023/2024 wheeling tariff, the maximum demand charge was erroneously included.

The Speaker brings the matter to vote, and the decision is that the tariffs will be amended (in the absence of six councillors) with 13 councillors in favour and four councillors abstaining from voting.

RESOLUTION
(proposed by Ald T van Essen, seconded by Cllr A K Warnick)

(a) That the Council take note of the error in the existing wheeling tariff;

(b) That the amendment of the Wheeling tariff to exclude the demand charge be approved;

(c) That the amendment of the Wheeling Tariff will have no adverse impact on the budgetted revenue and no impact on the overall budget of Swartland Municipality;

(d) That the inclusion of the amended Wheeling Tariff in the 2023/2024 Adjustment Budget be approved.

8.5 APPROVAL OF THE 2023/2024 MID-YEAR ADJUSTMENTS CAPITAL AND OPERATING BUDGET (5/1/1/1, 5/1/1/2 – 23/24)

The 2023/2024 Mid-Year Adjustment Capital and Operating Budget was considered for approval by the Council at an Executive Mayoral Committee meeting held on 24 January 2024 and tabled by the Executive Mayor.

The presentation of the adjustment budget shall be made per section 28 of the MFMA, Act 56 of 2003 after the performance of the Municipality during the first half of the financial year has been evaluated – reference item 8.3.

The Speaker brings/…

Die Speaker bring die aangeleentheid tot stemming en die 2023/2024 Halfjaarlikse Aansuiweringskapitaal en -Bedryfsbegroting word beslis (in die afwesigheid van ses raadslede) met 13 raadslede ten gunste daarvan en vier raadslede wat buite stemming bly.

BESLUIT
(op voorstel van rdh J H Cleophas, gesekondeer deur rdl N Smit)

(a) Dat kennis geneem word dat die Begrotingsbeheerkomitee vergader het om die verduidelikings en motivering van die finansiële personeel en ander direkteure te oorweeg in 'n poging om die Uitvoerende Burgemeester te adviseer insake die pad vorentoe;

(b) Dat die Raad kennis neem van die voorgestelde aanpassing (wat verband hou met artikel 19) ten opsigte van die *Construction of New Roads* in die Swartland en die *Malmesbury De Hoop 132/11kV Substation* projek **(Annexure A-2: Capital Projects ito Sec 19)**;

(c) Dat goedkeuring verleen word om die hoë-vlak kapitaal- en bedryfsbegroting vir 2023/2024 as volg te wysig, ingesluit ‘n wysiging aan die 2024/2025 kapitaalbegroting en met geen ander wysigings aan die buite jare nie:

	Oorspronklike Begroting 2023/24	**Spesiale Aansuiwerings begroting 2023/24**	**Half-Jaar Aansuiwerings begroting 2023/24**	**Aansuiwerings begroting 2024/25**	**Oorspronklike Begroting 2025/26**
Kapitaalbegroting	209 052 395	240 803 827	248 689 919	225 529 245	208 303 329
Bedryfsuitgawes	1 071 330 062	1 073 385 062	1 071 352 206	1 174 132 994	1 371 930 505
Bedryfsinkomste	1 192 485 181	1 222 223 458	1 252 422 713	1 311 049 716	1 489 696 468
Begrote (Surplus)/ Tekort	**(121 155 119)**	**(148 838 396)**	**(181 070 507)**	**(136 916 722)**	**(117 765 963)**
Minus: Kapitaal Toekennings en Donasies	107 386 943	135 980 220	119 908 999	115 594 000	91 660 000
(Surplus)/ Tekort	**(13 768 176)**	**(12 858 176)**	**(61 161 508)**	**(21 322 722)**	**(26 105 963)**

(d) Dat kennis geneem word dat die veranderinge in die begroting geen impak op tariewe het ten opsigte van die 2023/2024 finansiële jaar nie, maar sal lei tot ‘n verhoging in die begrote netto surplus van R12 858 176 na ‘n begrote netto surplus van R61 161 508;

(e) Dat die ongemagtigde uitgawe van R5 556 386 vir die 2022/2023 finansiële jaar gemagtig word as deel van die aansuiweringsbegroting in lyn met artikel 32(2)(a)(i) van die Wet;

(f) Dat die aangepaste begrotingskedules soos vereis deur die Begroting en Verslagdoening Regulasies goedgekeur word soos vervat in **(Annexure C: Budget Report and B-Schedules 2023/24 – 2025/26)**;

(g) Dat die Direkteur: Finansiële Dienste voldoen aan die vereistes van die Begrotingsomsendbriewe en –formate in die konteks van die verslagdoeningsvereistes aan Provinsiale en Nasionale Tesourie;

(h) Dat die Dienslewering- en Begrotingimplementeringsplan (SDBIP) toepaslik dienooreenkomstig gewysig word.

8.6/...

The Speaker brings the matter to vote, and the 2023/2024 Mid-year Adjustment Capital and Operating Budget is decided (in the absence of six council members) with 13 council members in favour and four council members abstaining from voting.

RESOLUTION
(proposed by Ald J H Cleophas, seconded by Cllr N Smit)

(a) That it be noted that the Budget Steering Committee convened to consider the explanations and motivations provided by the financial staff and other directors in a bid to advise the Executive Mayor on way forward;

(b) That council takes note of the proposed adjustment (as it relates to Section 19) in respect of the Construction of New Roads in the Swartland and the Malmesbury De Hoop 132/11kV Substation project **(Annexure A-2: Capital Projects ito Sec 19)**;

(c) That approval be granted to amend the high-level capital and operating budget for 2023/2024, with an amendment to the 2024/2025 capital budget and no other amendments to the outer years, as follows:

	Original Budget 2023/24	**Special Adj Budget 2023/24**	**Mid-Year Adj Budget 2023/24**	**Adjustments Budget 2024/25**	**Original Budget 2025/26**
Capital budget	209 052 395	240 803 827	248 689 919	225 529 245	208 303 329
Operating Expenditure	1 071 330 062	1 073 385 062	1 071 352 206	1 174 132 994	1 371 930 505
Operating Revenue	1 192 485 181	1 222 223 458	1 252 422 713	1 311 049 716	1 489 696 468
Budgeted (Surplus)/ Deficit	**(121 155 119)**	**(148 838 396)**	**(181 070 507)**	**(136 916 722)**	**(117 765 963)**
Less: Capital Grants and Donations	107 386 943	135 980 220	119 908 999	115 594 000	91 660 000
(Surplus)/ Deficit	**(13 768 176)**	**(12 858 176)**	**(61 161 508)**	**(21 322 722)**	**(26 105 963)**

(d) That it be noted that the changes to the budget will have no impact on tariffs in respect of the 2023/2024 financial year or beyond but will result in an increased budgeted net surplus from R12 858 176 to a budgeted net surplus of R61 161 508;

(e) That the unauthorised expenditure of R5 556 386 for the 2022/2023 financial year be authorised in this adjustments budget in line with section 32(2)(a)(i) of the Act;

(f) That the adjusted budget schedules as required by the Budget and Reporting Regulations be approved as set out in **(Annexure C: Budget Report and B-Schedules 2023/24– 2025/26)**;

(g) 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;

(h) That the Service Delivery Budget Implementation Plan (SDBIP) where appropriate be amended accordingly.

8.6 VOORGESTELDE WYSIGING VAN DIE SWARTLAND MUNISIPALITEIT: VERORDENING INSAKE MUNISIPALE GRONDGEBRUIKBEPLANNING (PK 8226 GEDATEER 20 MAART 2020) (1/1/1/3/14)

Die wysiging van die Swartland Munispaliteit: Verordening insake Munisipale Grondgebruikbeplanning is deur die Uitvoerende Burgemeesterskomitee op 24 Januarie 2024 oorweeg vir aanbeveling aan die Raad.

Die wysigings handel met sekere strafbepalings en die vasstelling van handelsure vir huiswinkels.

Die voorgestelde wysigings van die Verordening word deur die Speaker tot stemming gebring en beslis met 14 raadslede ten gunste daarvan en drie raadslede wat buite stemming bly.

BESLUIT
(op voorstel van rdl A K Warnick, gesekondeer deur rdd M van Zyl)

(a) Dat die voorgestelde wysiging van die Swartland Munisipaliteit: Verordening insake Munisipale Grondgebruikbeplanning (PK 8226 van 25 Maart 2020) goedgekeur word, naamlik:

Artikel 96(1): 'n Persoon mag van 'n misdryf beskuldig word en is by skuldigbevinding strafbaar met 'n boete of gevangenisstraf of met beide 'n boete en sodanige gevangenisstraf indien hy of sy –
Artikel 96(1)(a): artikels 25(1), ~~25(5)~~ 25(4), 30(1), 31(4), 41(1), 69(3), 72(2) of 98(2) oortree of versuim om daaraan te voldoen (*wysiging*);
Artikel 96(1)(h): Versuim om te voldoen aan enige van die voorwaardes opgelê in terme van Skedule 2 tot hierdie verordening (*toevoeging*); en

Skedule 2 (Swartland Munisipaliteit Ontwikkelingsbestuur Skema) – Residensiële sone 2: Medium Digtheid (R2), paragraaf 1.2.7(g): Die handelsure van 'n huiswinkel sal wees vanaf 06:00 tot 21:00 en mag nie verleng word nie (*toevoeging*);

(b) Dat, na beginselgoedkeuring deur die Raad, die wysiging van die verordening vir publieke kommentaar geadverteer word in terme van artikel 12(3)(b) van die Stelselswet, 2000 in die plaaslike media en op die munisipale webtuiste.

8.7 WYSIGINGS VAN DIE VOORSIENINGKANAALBESTUURSBELEID (8/1/B/2)

Daar is gedurende Desember 2023 gewysigde Voorsieningkanaalbestuursregulasies afgekondig, onder andere, dat formele skriftelike kwotasies ingewin moet word vir transaksies tussen R2000 en R300 000 (BTW ingesluit) en 'n mededingende tenderproses gevolg moet word vir transaksies bo R300 000 (BTW ingesluit).

Die Raad se Voorsieningkanaalbestuursbeleid is dienooreenkomstig die wysigings soos bepaal deur die Regulasies opgedateer.

Die Speaker bring die aangeleentheid tot stemming en die wysigings aan die Voorsieningkanaalbestuursbeleid word beslis met 13 stemme ten gunste daarvan en vier raadslede wat buite stemming bly)

BESLUIT
(Op voorstel van rdl D C Pypers, gesekondeer deur rdd M van Zyl)

(a) Dat die voorgestelde wysigings aan die Voorsieningkanaalbestuursbeleid, soos aangetoon in Aanhangsel B, wat veroorsaak is deur wysigings aan die Voorsieningkanaalbestuursregulasies (paragrawe 12, 16-19, 35) met ingang van 14 Desember 2023 goedgekeur word;

(b) Dat die voorgestelde wysigings aan die Voorsieningkanaalbestuursbeleid, soos voorgehou in Aanhangsel B, met verwysing na die oorsigrol van bestuur (paragrawe 2(6) en 36) met ingang van 1 Februarie 2024 goedgekeur word.

8.6 PROPOSED AMENDMENT OF THE SWARTLAND MUNICIPALITY: MUNICIPAL LAND USE PLANNING BY-LAW (PK 8226 DATED 20 MARCH 2020) (1/1/1/3/14)

The amendment of the Swartland Municipality: By-law on Municipal Land Use Planning was considered by the Executive Mayoral Committee on 24 January 2024 for recommendation to the Council.

The amendments deal with certain penalties and setting trading hours for home shops.

The Speaker brings proposed amendments to the By-law to vote; 14 councillors are in favour, and three councillors abstain.

RESOLUTION
(proposed by Cllr A K Warnick, seconded by Ald M van Zyl)

(a) That the below amendment of the Swartland Municipal: By-law regarding Municipal Land Use Planning (PG 8226 of 25 March 2020) be approved, namely:

Section 96(1): A person may be accused of an offence and is liable upon conviction to a fine or imprisonment or to both a fine and such imprisonment if he or she –
Section 96(1)(a): contravenes or fails to comply with sections 25(1), ~~25(5)~~ 25(4), 30(1), 31(4), 41(1), 69(3), 72(2) of 98(2) (*amendment*);
Section 96(1)(h): Failure to comply with any of the conditions imposed in terms of Schedule 2 to this by-law (*addition*); and

Schedule 2 (Swartland Municipality Development Management Scheme – Residential zone 2: Medium Density (R2), paragraph 1.2.7(g): The trading hours of the house shop will be from 07:00 to 20:00 and may not be extended (*addition*); and

(b) That, following on in principle approval by the Council, the amendment of the By-law be published for public comment in terms of section 12(3)(b) of the Systems Act, 2000 in both the local media and on the municipal website.

8.7 AMENDMENTS TO THE SUPPLY CHAIN MANAGEMENT POLICY (8/1/B/2)

During December 2023, amended Supply Chain Management Regulations were promulgated, inter alia, that formal written quotes must be obtained for transactions between R2 000 and R300 000 (including VAT), and a competitive tendering process must be followed for transactions above R300 000 (including VAT).

The Council's Supply Chain Management Policy has been updated accordingly with the amendments as provided for in the Regulations.

The Speaker brings the matter to vote, and the amendments to the Supply Chain Management Policy are decided by 13 votes in favour and four councillors abstaining.

RESOLUTION
(proposed by Cllr D C Pypers, seconded by Ald M van Zyl)

(a) That the proposed amendments to Council's Supply Chain Management Policy, as presented in Appendix B, due to the amendments of the Supply Chain Management Regulations (Paragraphs 12, 16-19, 35) be approved with effect from 14 December 2023;

(b) That the proposed amendments to Council's Supply Chain Management Policy, as presented in Appendix B, in respect of management's oversight responsibilities (Paragraphs 2(6) and 36) be approved with effect from 1 February 2024.

8.8 VOORGESTELDE UIT-DIE-HAND-VERVREEMDING VAN GEDEELTES VAN ERWE 2267 EN 2244, RIEBEEK-WES (12/2/5/2-12/1)

‘n Versoek is ontvang vanaf Group 35 (Pty) Ltd, die eienaar van Erf 2106, Riebeek-Wes om gedeeltes van die aanliggende munisipale eiendom tot hul erf te bekom. Die betrokke gedeeltes is Erf 2244 en Erf 2267, Riebeek-Wes (±0.9949 ha groot) wat tans as publieke oopruimtes gesoneer is.

Die Group 35 Foods beoog om hulle aanleg uit te brei weens verhoogde produksie met gepaardgaande werkskepping vir die gemeenskap van Riebeek-Wes.

Daar word bevestig dat die Munisipaliteit nie die grond benodig vir minimum basiese munisipale dienste nie en word voorgestel dat die grond by wyse van uit-die-hand-vervreemding aan die aansoekers beskikbaar gestel word teen ‘n reserweprys van R100/m².

BESLUIT
(op voorstel van rdl N Smit, gesekondeer deur rdl D G Bess)

(a) Dat die Raad goedkeuring verleen in terme van die toepaslike Verordening asook Artikel 14 van die Wet op Munisipale Finansiële Bestuur, 2003 dat gedeeltes van Erwe 2244 en 2267, Riebeek-Wes (± 0.9949 ha groot) uit-die-hand-uit vervreem en oorgedra word aan Group 35 (Pty) Ltd vir konsolidasie met Erf 2106, en wel ten bedrae van R100/m², BTW uitgesluit, onderhewig aan die voorwaardes hierin vermeld;

(b) Dat kennis geneem word dat die tersaaklike eiendomme in geen stadium vir die verskaffing van ‘n minimum of enige ander vlak van basiese munisipale dienste benodig was of word nie;

(c) Dat die volgende redes genotuleer word vir die uit-die-hand vervreemding soos voormeld, sonder om ‘n openbare mededingingsproses te deurloop:
   (i) Die tersaaklike eiendomme as ‘nie-bestaanbare bates’ kwalifiseer deurdat dit as gevolg van fisiese beperkings nie op hul eie as afsonderlike entiteite ontwikkel kan word nie en slegs funksioneel raak indien dit vervreem word aan ‘n aangrensende eienaar vir gebruik tesame met sy of haar eiendom, soos voorgestel;
   (ii) Die voorgestelde samesmelting van die tersaaklike eiendomme met Erf 2106 en die aanwending daarvan vir kommersiële doeleindes, aansluit by Strategiese Doelwit 2 van die 2023 Geïntegreerde Ontwikkelingsplan, naamlik om ekonomiese transformasie te ontsluit, om as sulks mobiliteit en ekonomiese skakels te verstewig en om die ekonomiese potensiaal van Swartland-wyke (in hierdie geval wyk 3) te fasiliteer;
   (iii) Die eiendomme in hul huidige formaat nie enige ekonomiese of ander voordeel vir die Munisipaliteit inhou nie, en slegs by konsolidasie met Erf 2106 bydraend sal wees tot die ekonomiese voordeel wat die huidige aanwending van Erf 2106 vir die betrokke gemeenskap inhou, wat baat uit werksgeleenthede op die eiendom, soos gemotiveer deur die koper;

(d) Dat die transaksie onderhewig sal wees aan die volgende voorwaardes:
   (i) Die koper sal, benewens die koopprys, verantwoordelik wees vir alle aanvullende en toevallige kostes wat uit die transaksie mag voortspruit, ingesluit advertensiekostes, oordragkostes en die kostes wat verband hou die relevante grondgebruiksaansoeke (waaronder onderverdeling, hersonering) asook kostes van konsolidasie en pad-sluiting;
   (ii) Enige verbeterings op die tersaaklike eiendomme slegs mag geskied met toestemming van die Munisipaliteit en met inagneming van bestaande serwitute en dienste-installasies, waaronder die volgende en vir welke kostes die koper aanspreeklik sal wees:
      - Die formalisering van die munisipale stormwaterstelsel oor Langstraat wat deur die voorgestelde konsolidasie geaffekteer sal word, voor afvoering daarvan en aansluiting by die bestaande munisipale grondkanaal, om ontwerp te word deur ‘n professionele ingenieur en oorgesien/goedgekeur te word tydens konstruksie, en

8.8 PROPOSED OUT-OF-HAND DISPOSAL OF PORTIONS OF PLOTS 2267 AND 2244, RIEBEEK WEST (12/2/5/2-12/1)

A request has been received from Group 35 (Pty) Ltd, the owner of Erf 2106, Riebeek West, to acquire portions of the adjacent municipal property to their yard. The affected sections are Erf 2244 and Erf 2267, Riebeek West (±0.9949 ha), currently zoned as public open spaces.

Group 35 Foods plans to expand their plant due to increased production with associated job creation for the community of Riebeek West.

It is confirmed that the Municipality does not require the land for minimum essential municipal services, and it is proposed that the land be made available to the applicants by way of out-of-hand disposal at a reserve price of R100/m^2.

RESOLUTION
(proposed by Cllr N Smit, seconded by Cllr D G Bess)

(a) That approval be granted by Council in terms of the applicable By-law as well as Section 14 of the Municipal Finance Management Act, 2003 for portions of Erven 2244 and 2267, Riebeek West (± 0.9949 ha in extent) to be alienated and transferred out of hand to Group 35 (Pty) Ltd for consolidation with Erf 2106, at the amount of R100/m², excluding VAT, subject to the conditions hereinafter;

(b) That cognizance be taken that the subject properties have at no stage been required for the provision of a minimum or any other level of basic municipal services;

(c) That the following reasons be recorded for the out-of-hand alienation as above and for not undergoing a competitive process:
   - (i) The subject properties qualify as 'non-viable land' in that due to physical constraints they cannot be developed on their own and only becomes functional if alienated to an adjoining owner for usage in conjunction with his or her property, as proposed;
   - (ii) The proposed merging of the subject properties with Erf 2106 and the use of same for commercial purposes, links up with Strategic Goal 2 of the 2023 Integrated Development Plan, namely to unlock economic transformation, and as such to strengthen mobility and economic links and to facilitate the economic potential of Swartland wards (in this instance ward 3);
   - (iii) The properties in their existing shape do not have any economic or other benefit for the Municipality, and only by consolidation with Erf 2106 will contribute to the economic benefit derived from the present use of the Erf 2106 by means of job opportunities created for the community, as motivated by the purchaser;

(d) That the transaction shall be subject to the following conditions:
   - (i) The purchaser, in addition to the purchase price, shall be responsible for all costs ancillary and incidental to this transaction, including advertisement costs, transfer costs and costs related to the relevant land use applications (including subdivision, rezoning) as well as the costs of consolidation and road closure;
   - (ii) Any improvements to the subject properties may only take place with the permission of the Municipality and by taking into account existing servitudes and service installations, amongst which the following, for which costs the purchaser shall be responsible:
     - The formalization of the municipal storm water system over Long Street that will be affected by the proposed consolidation, before discharging and connecting to the existing municipal earth channel, to be designed by a professional engineer and supervised/approved during construction and subject to these plans being submitted to the Civil Engineering Department for approval. Further, to ensure that this portion of the pipe remains functioning effectively in accordance with the storm water by-law;

verder onderhewig daaraan dat hierdie planne aan die Siviele Ingenieursdepartement voorgelê sal word vir goedkeuring. Verder, om te verseker dat hierdie gedeelte van die pyp effektief bly funksioneer in ooreenstemming met die stormwaterverordening;

- Die indiening van ingenieursverslae, welke verslae die ipak van die konsolidasie en fabrieksuitbreidings op die bestaande munisipale dienste moet aanspreek, onder andere toegang vir die munisipale riooltenkers tot die rioolopgaartenk wat op Erf 2106 geleë is;

(iii) Voldoening deur die koper aan alle voorwaardes wat as deel van die grondgebruiksgoedkeuring, indien uitgereik, neergelê mag word;

(iv) Eienaarskap van die grond nie die koper vrystel van enige verpligtinge teenoor ander owerhede, en dus nie enige regte van lg. of enige ander owerhede ontneem ten opsigte van die betrokke grondgedeeltes nie;

(e) Dat die voorgenome transaksie in die media geadverteer word vir kommentaar en/of potensiële besware, en dat die uitvoerende burgemeester met volmag beklee word om in oorlegpleging met sy komitee te handel met enige besware wat ontvang sou word;

(f) Dat alvorens die voorneme geadverteer word, daar eers skriftelike bevestiging van die koper bekom word dat hulle tot die voorwaardes soos vervat in hierdie verslag, instem;

(g) Dat volmag verleen word aan die Direkteur: Korporatiewe Dienste om die verkoop-ooreenkoms te mag finaliseer en onderteken.

8.9 VOORGESTELDE VERVREEMDING VAN SAKEPERSEEL (ERF 1308) TE ABBOTSDALE (12/2/5/2-1/4)

Die vervreemding van Erf 1308, Abbotsdale word voorgestel na aanleiding van belangstelling wat getoon is deur lede van die Abbotsdale gemeenskap om die eiendom te bekom.

Die sonering van Erf 1308, geleë in Jasmynstraat (regoor die openbare Biblioteek), Abbotsdale is Besigheidsone 1: Algemene Besigheid, welke sonering se oogmerk is om vir besigheidsgeleenthede voorsiening te maak wat stedelike lewensvatbaarheid en ekonomiese groei bevorder.

Daar word voorgestel om Erf 1308, Abbotsdale by wyse van openbare tender vir vervreemding aan te bied.

BESLUIT
(op voorstel van rdl I S le Minnie, gesekondeer deur rdl A M Williams)

(a) Dat die Raad in beginsel goedkeuring verleen in terme van Artikel 14 van die Wet op Munisipale Finansiële Bestuur, 2003 en die Verordening en Beleid insake Oordrag van Munisipale Bates dat finansiële aanbiedinge by wyse van openbare tender gevra word vir die vervreemding van die volgende vakante onroerende eiendom in Abbotsdale, gesoneer Sakesone 1: Algemene Sake:
- Erf 1308, Jasmynstraat 6, Abbotsdale (318 m² groot)

(b) Dat kennis geneem word dat die eiendom wat te koop aangebied staan te word in geen stadium vir die verskaffing van ‘n minimum of enige ander vlak van basiese munisipale dienste geoormerk is nie;

(c) Dat die reserweprys (BTW uitgesluit) vir die eiendom vasgestel word soos volg, welke reserweprys deur die Raad geag word die markwaarde daarvan billik te reflekteer:
- Erf 1308 R56 000,00

(d) Dat die koper, benewens die koopprys, verantwoordelik sal wees vir alle aanvullende en toevallige kostes wat uit die transaksie mag voortspruit;

- The submission of engineers' reports, which reports are to address the impact of the consolidation and extensions to the factory on the existing municipal services, i.a. access for municipal sewage tankers to the sewage storage tank located on Erf 2106;

(iii) Compliance by the purchaser with all conditions that may be imposed as a result of the land use approval, if issued;

(iv) Ownership of the land does not exempt the purchaser from any obligations towards other authorities, and it therefore does not deprive the latter or any other authorities from any rights pertaining to the specific portion of land;

(e) That the proposed transaction be advertised in the media for public comments and/or potential objections, and the executive mayor (in consultation with his committee) be authorized to deal with any objections that may be forthcoming;

(f) That before the intention is advertised, written confirmation first be obtained from the purchaser that they agree to the conditions as provided for in this report;

(g) That the Director: Corporate Services be authorized to finalise the conditions of sale, and to sign the deed of sale on the Municipality's behalf.

8.9 PROPOSED DISPOSAL OF BUSINESS PREMISES (ERF 1308) AT ABBOTSDALE (12/2/5/2-1/4)

The disposal of Erf 1308, Abbotsdale, is proposed following interest shown by members of the Abbotsdale community to acquire the property.

The zoning of Erf 1308, located on Jasmine Street (adjacent to the Public Library), Abbotsdale, is Business Zone 1: General Business, which aims to provide business opportunities that promote urban viability and economic growth.

It is proposed to offer Erf 1308, Abbotsdale, for disposal by public tender.

RESOLUTION
(proposed by Cllr I S le Minnie, seconded by Cllr A M Williams)

(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 to be called by means of public tenders for the disposal of the following vacant immovable property in Abbotsdale, zoned Business Zone 1: General Business:
- Erf 1308, 6 Jasmyn Street, Abbotsdale (318 m² in extent);

(b) That cognizance be taken that the property to be sold has at no stage been earmarked for the provision of a minimum or any other level of basic municipal services;

(c) That the reserve price (VAT exclusive) for the property be determined as follows, which reserve price is considered by Council to fairly represent the market value of same:

- Erf 1308 R56 000,00;

(d) That the purchaser, in addition to the purchase price, shall be responsible for all costs ancillary and incidental to this transaction;

(e) Dat die voorgenome transaksie in die media geadverteer word vir kommentaar en/of potensiële besware;

(f) Dat volmag verleen word
   (i) aan die Uitvoerende Burgemeesterskomitee om
      - te handel met enige kommentaar en/of beswaar wat in verband met die voorgenome transaksie ontvang word; en om
      - 'n besluit te finaliseer rakende die oordrag van die bate, nadat alle toepaslike Voorsieningskanaal- en ander wetlike voorskrifte gevolg is;
   (ii) aan die Direkteur: Korporatiewe Dienste om die voorwaardes van verkoop vir tenderdoeleindes te finaliseer in oorlegpleging met al die tersaaklike interne rolspelers;

(g) Dat goedkeuring verder verleen word dat indien bogemelde eiendom onverkoop bly na afloop van die betrokke mededingende proses, dit uit-die-hand-uit op 'n '*first come first serve*' basis verkoop mag word teen die reserweprys of hoër, mits die reserweprys ooreenstem met billike markwaarde (gebaseer op die munisipale waardasie van die eiendomme op die stadium van vervreemding), en met dien verstande verder dat dieselfde opskortende voorwaardes wat in die koopooreenkoms vervat staan te word, op die kooptransaksie van toepassing gemaak word.

8.10 AANSTELLING VAN LEDE VAN DIE WAARDASIE APPèLRAAD (15/2/2/1)

Die termyn van die lede op die Swartland Waardasie Appèlraad verstryk op 31 Maart 2024.

Die aanstelling van lede word gereguleer deur Artikels 57 en 58 van die Plaaslike Regering: Wet op Munisipale Eiendomsbelasting, Wet 12 van 2007 en berus die aanstelling van lede by die Minister van Plaaslike Regering.

Skriftelike aansoeke vanaf bekwame en behoorlik gekwalifiseerde persone met voldoende kennis en ervaring in die waardasie van eiendom is uitgenooi om as voorsitter en lede van die Swartland Waardasie Appèlraad te dien en 'n totaal van vyf aansoeke is ontvang.

BESLUIT
(op voorstel van rdd M van Zyl, gesekondeer deur rdl J M de Beer)

(a) Dat die Raad goedkeuring verleen dat die name van die volgende persone aan die Minister van Plaaslike Regering vir aanstelling as voorsitter en lede van die Swartland Munisipaliteit se Waardasie Appèlraad voorgelê word, naamlik:

(i)	Adv W Zybrands	:	Voorsiter
(ii)	Mnr P A Gerber	:	Waardeerder/Lid
(iii)	Mnr T Retief	:	Waardeerder/Lid
(iv)	Mnr L Pool	:	Sekundi/Waardeerder/Lid

(b) Dat die voormelde persone vir 'n termyn van vier jaar op die Swartland Munisipaliteit se Waardasie Appèlraad aangestel word.

8.11 AANSTEL VAN PERSONEEL IN DIE BOUBEHEERAFDELING (15/4/1)

Mnr B Groeneveld is met ingang van 1 April 2021 as Hoof: Boubeheerbeampte aangestel.

Die verslag het ten doel om 'n waarnemende boubeheerbeampte aan te stel om te voldoen aan die vereistes van die Wet op Nasionale Bouregulasies en Boustandaarde, Wet 103 van 1977.

Besluit/...

(e) That the proposed transaction be advertised in the media for public comments and/or potential 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 transaction and
  - to finalise a decision regarding the transfer of the asset after all applicable Supply Chain and other legal prescripts have been complied with;
 (ii) to the Director: Corporate Services to finalise the conditions of sale for tender purposes with all the relevant internal role-players;

(g) That approval be granted that should the property remain unsold after the competitive process, it be sold out-of-hand on a 'first come first serve' basis at the reserve price or higher, provided that the reserve price corresponds with fair market value (based on the municipal valuation of the property when alienation takes place), and provided further that the same suspensive conditions to be included in the deed of sale, shall apply to such transaction.

8.10 APPOINTMENT OF MEMBERS OF THE VALUATION APPEAL BOARD (15/2/2/1)

The term of members of the Swartland Valuation Appeal Board expires on 31 March 2024.

The appointment of members is regulated by sections 57 and 58 of the Local Government: Municipal Property Tax Act, Act 12 of 2007. The appointment of members is based on the Minister of Local Government.

Written applications from competent and suitably qualified persons with sufficient knowledge and experience in property valuation were invited to serve as chairperson and members of the Swartland Valuation Board of Appeal. A total of five applications were received.

RESOLUTION
(proposed by Ald M van Zyl, seconded by Cllr J M de Beer)

(a) That Council grant approval that the names of the following persons has to be submitted to the Minister of Local Government for appointment as chairperson and members of the valuation appeal board of Swartland Municipality:
 (i) Adv W Zybrands : Chairperson
 (ii) Mr P A Gerber : Valuer/Member
 (iii) Mr T Retief : Valuer/Member
 (iv) Mr L Pool : Secundi/Valuer/Member

(b) That the aforementioned persons be appointed to the Swartland Municipality's Valuation Appeal Board for a term of four years.

8.11 APPOINTMENT OF STAFF IN THE BUILDING CONTROL DEPARTMENT (15/4/1)

Mr B Groeneveld has been appointed Chief: Building Control Officer effective 1 April 2021.

The report seeks to appoint an Acting Building Control Officer to meet the requirements of the National Building Regulations and Standards Act, Act 103 of 1977.

Resolution/...

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl D G Bess)

(a) Dat mnr M J Jacobs aangestel word om die funksies van Boubeheerbeampte te verrig in die afwesigheid van mnr B Groenewald ooreenkomstig Artikel 5(i) van die Wet op Nasionale Bouregulasies en Boustandaarde, Wet 103 van 1977;

(b) Dat die aanstelling van me E Juries gekanselleer word;

(c) Dat die Raad se Delegasiestelsel dienooreenkomstig opgedateer word.

8.12 GEDRAGSKODE VIR RAADSLEDE: VERKLARING AVN BELANGE (3/1/1)

Die Gedragskode vir Raadslede soos vervat in Bylae 7 van die Munisipale Strukturewet, bepaal, onder andere, dat raadslede op ‘n jaarlikse basis hul belange moet verklaar, ingesluit geskenke wat deur ‘n raadslid ontvang was.

Die 2023 Regulasies bepaal dat die belange vir ‘n kalendarjaar verklaar moet word en daarom word daar van raadslede vereis om belange vir die periode 1 Januarie 2023 tot 31 Desember 2023 te verklaar.

BESLUIT

(a) Dat raadslede kennis neem van die bepalings ingevolge items 6 tot 8 van die Gedragskode vir Raadslede;

(b) Dat raadslede kennis neem dat die aard of detail van die finansiële belange van ‘n raadslid soos na verwys in Item 8 van die Gedragskode vir Raadslede, **jaarliks op skrif aan die Munisipale Bestuurder verklaar moet word**, ingesluit geskenke wat deur ‘n raadslid ontvang word en wat in waarde R1 000,00 oorskry;

(c) Dat kennis geneem word dat die verklaring soos na verwys in paragraaf (b), teen nie later nie as Woensdag, 14 Februarie 2024 by die Direkteur: Korporatiewe Dienste ingedien moet word.

GETEKEN:
SPEAKER

RESOLUTION
(proposed by Ald T van Essen, seconded by Cllr D G Bess)

(a) That mr M J Jacobs be appointed to perform the functions of Building Control Officer in the absence of Mr B Groeneveld, in accordance with section 5(i) of the National Building Regulations and Building Standards Act nr. 103/1977;

(b) That the appointment of Ms E Juries be cancelled;

(c) That Council's Delegation System be updated accordingly.

8.12 CODE OF CONDUCT FOR BOARD MEMBERS: STATEMENT OF INTERESTS (3/1/1)

The Code of Conduct for Councillors in Schedule 7 of the Municipal Structure Act provides, inter alia, that councillors must declare their interests annually, including gifts received by a councillor.

The 2023 Regulations stipulate that the interests must be declared for a calendar year; therefore, council members must declare interests from 1 January 2023 to 31 December 2023.

RESOLUTION

(a) That councillors take cognisance of the requirements in terms of Item 6 to 8 of the Code of Conduct;

(b) That councillors take cognisance that the nature or detail of the financial interests of a councillor referred to in Item 8 of the Code of Conduct for Councillors, must be **declared in writing to the Municipal Manager**, including gifts received by such councillor in excess of R1 000,00;

(c) That cognisance be taken that the declaration referred to in paragraph (b) must be submitted to the Director: Corporate Services by no later than Wednesday 14 February 2024.

SIGNED:
SPEAKER

NOTULE VAN 'N VERGADERING VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE GEHOU IN DIE BANKETSAAL, MALMESBURY OP WOENSDAG, 13 DESEMBER 2023 OM 10:00

TEENWOORDIG:

Uitvoerende Burgemeester, rdh J H Cleophas (voorsitter)
Uitvoerende Onderburgemeester, rdl J M de Beer

Lede van die Burgemeesterskomitee:
Rdl D G Bess
Rdh T van Essen
Rdl N Smit
Rdl A K Warnick

Ander raadslede:
Speaker, rdh M A Rangasamy

Beamptes:
Munisipale Bestuurder, mnr J J Scholtz
Direkteur: Siviele Ingenieursdienste, mnr L D Zikmann
Direkteur: Elektriese Ingenieursdienste, mnr T Möller
Direkteur: Korporatiewe Dienste, me M S Terblanche
Direkteur: Beskermingsdienste, mnr P A C Humphreys
Senior Bestuurder: Ontwikkelingsbestuur, mnr A M Zaayman
Senior: Bestuurder: Begrotingskantoor, me H Papier
Bestuurder: Sekretariaat en Rekords, me N Brand

1. OPENING

Die Uitvoerende Burgemeester verwelkom almal teenwoordig en versoek die Uitvoerende Onderburgemeester om die vergadering met gebed te open.

2. VERLOF TOT AFWESIGHEID

Die komitee is voltallig.

3. VOORLEGGINGS/AFVAARDIGINGS/SPREEKBEURTE

Geen.

4. NOTULES

4.1 NOTULE VAN 'N GEWONE UITVOERENDE BURGEMEESTERSKOMITEE-VERGADERING GEHOU OP 15 NOVEMBER 2023

BESLUIT
(op voorstel van rdl N Smit, gesekondeer deur rdl D G Bess)

Dat die notule van 'n Gewone Uitvoerende Burgemeesterskomiteevergadering gehou op 15 November 2023 goedgekeur en deur die Burgemeester onderteken word.

MINUTES OF A MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD IN THE BANQUET HALL, MALMESBURY, ON WEDNESDAY, 13 DECEMBER 2023 AT 10:00

PRESENT:

Executive Mayor, Ald J H Cleophas (chairperson)
Executive Deputy Mayor, Cllr J M de Beer
Members of the Mayoral Committee:
Cllr D G Bess
Ald T van Essen
Cllr N Smit
Cllr A K Warnick

Other council members:
Speaker, Ald M A Rangasamy

Officials:
Municipal Manager, Mr J J Scholtz
Director: Civil Engineering Services, Mr L D Zikmann
Director: Electrical Engineering Services, Mr T Möller
Director: Corporate Services, Ms M S Terblanche
Director: Protective Services, Mr P A C Humphreys
Senior manager: Development Management, Mr A M Zaayman
Senior: Manager: Budget Office, Ms H Papier
Manager: Secretariat and Records, Ms N Brand

1. OPENING

The Executive Mayor welcomes all present and requested the Executive Deputy Mayor to open the meeting with prayer.

2. LEAVE OF ABSENCE

The committee is fully attended.

3. SUBMISSIONS/DELEGATIONS/SPEAKING ENGAGEMENTS

None.

4. MINUTES

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 15 NOVEMBER 2023

RESOLUTION
(proposal by Cllr N Smit, seconded by Cllr D G Bess)

That the minutes of an Ordinary Executive Mayoral Committee meeting held on 15 November 2023 be approved and signed by the Mayor.

5. SAKE VOORTSPRUITEND UIT DIE NOTULES

5.1 ITEM 7.2: KONSEP WYKSKOMITEE: TOEKENNINGSBELEID (3/4/4/B)

BESLUIT

(a) Dat die item terugverwys word in afwagting op verdere kommentaar/insette op die konsep Wykskomitee: Toekenningsbeleid;

(b) Dat, vir die 2024/2025 finansiële jaar en met in ag neming van die doelstellings van die Wykskomitee Toekenningsbeleid, 'n verkorte proses in oorleg met die onderskeie wykskomitees gevolg word om projekte ingevolge paragraaf 6 te identifiseer, bv. om op 'n spesifieke tema per dorp of streek te fokus.

6. MAANDVERSLAG: OKTOBER 2023

6.1 MUNISIPALE BESTUURDER (7/1/2/2-7)

Rdh T van Essen noem dat die SDBIP wat uit die nuwe stelsel gegenereer word gebrekkig is, bv. geen tydskale vir die voltooiing van projekte nie, en kan 'n doeltreffende oorsigrol nie vervul word met onvolledige inligting nie.

Die Munisipale Bestuurder noem dat daar 'n interaksie plaasgevind het met die diensverskaffer en onderskrywers van die program om die Munisipaliteit se behoeftes, gebaseer op die detail inligting van die vorige stelsel, deur te gee. Daar is onderneem om die nodige wysigings aan die program aan te bring teen einde Januarie 2024.

Die Munisipale Bestuurder noem verder dat daar tydens die laaste MinMay-vergadering voorgestel is om Swartland Munisipaliteit se opgedateerde SDBIP as voorbeeld in die Provinsie te gebruik om projekte te monitor, maar is daar nie sekerheid of die voorstel aanvaar sal word nie.

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl J M de Beer)

Dat kennis geneem word van die inhoud van die maandverslag van die Kantoor van die Munisipale Bestuurder ten opsigte van Oktober 2023.

6.2 DIREKTORAAT: KORPORATIEWE DIENSTE (7/1/2/2-1)

Die maandverslag van die Direktoraat: Korporatiewe Dienste word ter tafel gelê en –

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl J M de Beer)

Dat kennis geneem word van die inhoud van die maandverslag van die Direktoraat: Korporatiewe Dienste ten opsigte van Oktober 2023.

6.3 DIREKTORAAT: FINANSIëLE DIENSTE (7/1/2/2-2)

Die maandverslag van die Direktoraat: Finansiële Dienste word ter tafel gelê en verwys die Senior Bestuurder: Begrotingskantoor na die vordering met kapitaalspandering tot 13,7% en 'n bedrag van R49 miljoen reeds verbind aan kapitaalprojekte teen November 2023.

Die Munisipale Bestuurder sal toesien dat die korrekte rapportering van kapitaalspandering in die nuwe SDBIP-verslag vervat word.

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl J M de Beer)

Dat kennis geneem word van die inhoud van die maandverslag van die Direktoraat: Finansiële Dienste ten opsigte van Oktober 2023.

5. MATTERS ARISING FROM THE MINUTES

5.1 ITEM 7.2: DRAFT WARD COMMITTEE: ALLOCATION POLICY (3/4/4/B)

RESOLUTION

(a) That the item be referred back pending further comments/inputs on the draft Ward Committee: Allocation Policy;

(b) That, for the financial year 2024/2025, and taking into account the objectives of the Ward Committee Allocation Policy, a streamlined process is followed in consultation with the respective Ward Committees to identify projects under paragraph 6, e.g. to focus on a specific theme per town or region.

6. MONTHLY REPORT: OCTOBER 2023

6.1 MUNICIPAL MANAGER (7/1/2/2-7)

Ald T van Essen stated that the SDBIP generated from the new system is flawed, e.g. there are no timelines for the completion of projects, and an effective oversight role cannot be fulfilled with incomplete information.

The Municipal Manager mentioned that there was an interaction with the service provider and subscribers of the program to convey the needs of the Municipality based on the detailed information of the previous system. It has been undertaken to make the necessary amendments to the programs by the end of January 2024.

The Municipal Manager further mentioned that during the last MinMay meeting, it was proposed to use Swartland Municipality's updated SDBIP as an example in the Province to monitor projects, but there is no certainty whether the proposal will be accepted.

RESOLUTION
(proposal by Ald T van Essen, seconded by Cllr J M de Beer)

That cognisance be taken of the content of the monthly report of the Office of the Municipal Manager with regard to October 2023.

6.2 DIRECTORATE: CORPORATE SERVICES (7/1/2/2-1)

The monthly report of the Directorate: Corporate Services is tabled and –

RESOLUTION
(proposal by Ald T van Essen, seconded by Cllr J M de Beer)

That cognisance be taken of the content of the monthly report of the Directorate: Corporate Services with regard to October 2023.

6.3 DIRECTORATE: FINANCIAL SERVICES (7/1/2/2-2)

The monthly report of the Directorate: Financial Services is tabled, and the Senior Manager: Budget Office referred to the progress with capital spending up to 13.7% and an amount of R49 million already committed to capital projects by November 2023.

The Municipal Manager will ensure that the correct reporting of capital expenditure is contained in the new SDBIP report.

RESOLUTION
(proposal by Ald T van Essen, seconded by Cllr J M de Beer)

That cognisance be taken of the content of the monthly report of the Directorate: Financial Services with regard to October 2023.

6.4 DIREKTORAAT: SIVIELE INGENIEURSDIENSTE (7/1/2/2-4)

Die Direkteur: Siviele Ingenieursdienste noem dat daar gereelde skakeling met die Departement van Waterwese is aangaande die skoonmaak van die kanale wat water na die Voëlvleidam voer. Die betrokke departement het onderneem om as 'n korttermyn projek die kanale skoon te maak (ingesluit ontbossing) en as 'n langtermyn projek die herstel/opgradering van die kanale om die leeftyd van die infrastruktuur te verseker.

Die volgende aspekte word deur rdh T van Essen uitgewys, naamlik –
(1) die styging in waterverbruik, veral in Malmesbury;
(2) die verhoogde aantal rioolpompings in Yzerfontein, met in ag neming dat die feesseisoen voorlê;
(3) die sleepwa wat die laaigraaf moet vervoer om publieke oopruimtes skoon te maak is by drie geleenthede deur die verkeersafdeling as onpadwaardig verklaar, en dit nadat die sleepwa herstel was. Die dorpe raak vuil a.g.v. die toerusting wat nie aangewend kan word weens die nie-beskikbaarheid van die laaigraaf nie;
(4) die probleme wat met vodderapers by die Highlands Stortingsterrein ondervind word, onder andere die verwydering van materiaal ter waarde van R6000/dag;
(5) die Departement: Ontwikkelingsbestuur word gekomplimenteer t.o.v. die toemaak van die twee skrootwerwe in Malmesbury wat, onder andere, as afsetpunte vir vodderapers dien.

Die Munisipale Bestuurder noem dat die proses om probleme met vodderapers aan te spreek drieledig is, naamlik –
(1) tenders is uitgenooi vir die herstel van die heining rondom Highlands Stortingsterrein;
(2) sodra die heining herstel is om gereelde patrollies deur wetstoepassingsbeamptes te laat doen om vodderapers op Highlands Stortingsterrein te verhoed;
(3) laastens, om die patrollies op te volg met die sekuriteitsbeampte met die hond om gereelde sekuriteitsdienste te verseker.

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl J M de Beer)

Dat kennis geneem word van die inhoud van die maandverslag van die Direktoraat: Siviele Ingenieursdienste ten opsigte van Oktober 2023.

6.5 DIREKTORAAT: ELEKTRIESE INGENIEURSDIENSTE (7/1/2/2-6)

Die Direkteur: Elektriese Ingenieursdienste meld dat Eskom begin het met die *TID-rollover* in Eskom-gebiede (±500 meters in die Swartland munisipale gebied) en dat daar baie probleme ondervind word – tot so 'n mate dat die gemeenskappe in opstand wil kom.

Daar is met Eskom gekommunikeer aangaande die ontevredenheid van kliënte om moontlike protesoptogte te voorkom en het Eskom onderneem om x10 kontrakteurs na die Swartland munisipale area te stuur om kliënte te ondersteun met die *TID-rollover*-proses.

BESLUIT
(op voorstel van rdl D G Bess, gesekondeer deur rdl J M de Beer)

Dat kennis geneem word van die inhoud van die maandverslag van die Direktoraat: Elektriese Ingenieursdienste ten opsigte van Oktober 2023.

6.6 DIREKTORAAT: ONTWIKKELINGSDIENSTE (7/1/2/2-5)

Die maandverslag van die Direktoraat: Ontwikkelingsdienste word ter tafel gelê en die Senior Bestuurder: Ontwikkelingsbestuur hou enkele aspekte daaruit voor, onder andere –
(1) die R500 000 RSEP-befondsing wat vanaf Provinsie ontvang is vir die vestiging van x4 doelgemaakte skeepvraghouers vir ekonomiese ontwikkeling;
(2) aanvang van behuisingsprojekte in Malmesbury en Darling met kontrakteur wat vroeg in Januarie op terrein sal wees;
(3) finalisering van die aanvullende waardasierol teen einde November 2023;

6.4 DIRECTORATE: CIVIL ENGINEERING SERVICES (7/1/2/2-4)

The Director: Civil Engineering Services mentioned that there is regular contact with the Department of Water Affairs regarding the cleaning of the canals that feed water to the Voëlvlei Dam. The department concerned undertook to clean the canals as a short-term project (including deforestation) and, as a long-term project, the restoration/upgrading of the canals to ensure the lifespan of the infrastructure.

The following aspects are pointed out by Ald T van Essen, namely –
(1) the rise in water consumption, particularly in Malmesbury;
(2) the increased number of sewage pumpings in Yzerfontein, considering that the festive season is approaching;
(3) the trailer used to transport the front-end loader to where public open spaces are to be cleared has been declared unfit for use by the traffic department on three occasions, and this was after repairing the trailer. The towns become dirty because the equipment cannot be used, resulting from the unavailability of the front-end loader;
(4) the problems encountered with rag-pickers at the Highlands Landfill, including the removal of material worth R6 000/day;
(5) The Department: Development Management is complimented on the closure of the two scrap yards in Malmesbury, which, among other things, serve as outlets for rag-pickers.

The Municipal Manager mentioned that the process to address problems with rag-pickers is threefold, namely –
(1) tenders were invited for the repair of the fence around Highlands Landfill;
(2) once the fence has been repaired, to have regular patrols by law enforcement officers to prevent the presence of rag-pickers at Highlands Landfill;
(3) finally, to follow up the patrols with the security officer with the dog to ensure regular security services.

RESOLUTION
(proposal by Ald T van Essen, seconded by Cllr J M de Beer)

That cognisance be taken of the content of the monthly report of the Directorate: Civil Engineering Services with regard to October 2023.

6.5 DIRECTORATE: ELECTRICAL ENGINEERING SERVICES (7/1/2/2-6)

The Director: Electrical Engineering Services stated that Eskom has started with the TID rollover in Eskom areas (±500 meters in the Swartland municipal area) and that many problems are being encountered – to such an extent that the communities want to revolt.

The customer dissatisfaction was communicated to Eskom to prevent possible protests, and Eskom undertook to send x10 contractors to the Swartland municipal area to support customers with the TID rollover process.

RESOLUTION
(proposal by Cllr D G Bess, seconded by Cllr J M de Beer)

That cognisance be taken of the content of the monthly report of the Directorate: Electrical Engineering Services with regard to October 2023.

6.6 DIRECTORATE: DEVELOPMENT SERVICES (7/1/2/2-5)

The monthly report of the Directorate: Development Services is presented, and the Senior Manager: Development Management presents some aspects of it, among others –
(1) the R500 000 RSEP funding received from the Province for the establishment of x4 dedicated shipping containers for economic development;
(2) start of housing projects in Malmesbury and Darling with the contractor to be on-site in early January;
(3) finalisation of the additional valuation roll by the end of November 2023;

6.6/...

(4) bekendmaking van die algemene waardasierol en beswaartydperk tot 18 Desember, maar weens die kort kennisgewing sal besware ontvang na die 18de Desember ook in ag geneem word.

‘n Bespreking volg aangaande die algemene waardasies en noem die Munisipale Bestuurder dat die Waardeerders wat per tender aangestel is, vertroue ingeboesem het tydens vooraf gesprekke met ‘n groep inwoners van Yzerfontein. Die metodiek wat gevolg is om die algemene waardasies te bepaal is betroubaar en kon alle vrae met gesag beantwoord word.

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl J M de Beer)

Dat kennis geneem word van die inhoud van die maandverslag van die Direktoraat: Ontwikkelingsdienste ten opsigte van Oktober 2023.

6.7 DIREKTORAAT: BESKERMINGSDIENSTE (7/1/2/2-3}

6.7.1 PRESTASIEBESTUURVERSLAG
6.7.2 VERKEER- EN WETSTOEPASSINGDIENSTE
6.7.3 BRANDWEERDIENSTE

Die maandverslae van die Direktoraat: Beskermingsdienste word ter tafel gelê en noem die Direkteur: Beskermingsdienste dat ‘n verdere toekenning ten bedrae van R500 000 vanaf Provinsie ontvang is vir die installering van rookverklikkers in informele woongebiede en dat die toekenning in Januarie se aansuiweringsbegroting opgeneem sal word.

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl J M de Beer)

Dat kennis geneem word van die inhoud van die maandverslag van die Direktoraat: Beskermingsdienste ten opsigte van Oktober 2023.

7. NUWE SAKE

7.1 WYSIGINGS AAN DIE 2023/2024 DIENSLEWERING- EN BEGROTING-IMPLEMENTERINGSPLAN (SDBIP) (2/4/2)

Die Spesiale Aansuiweringbedryfsbegroting soos goedgekeur deur die Raad in Oktober 2023 noodsaak wysigings aan die 2023/2024 Dienslewering- en Begrotingimplementeringsplan.

BESLUIT
(op voorstel van rdl D G Bess, gesekondeer deur rdl A K Warnick)

Dat die gewysigde Dienslewering- en Begrotingsimplementeringsplan (SDBIP) vir die 2023/2024 finansiële jaar in terme van Artikel 54(1)(c) van die Wet op Munisipale Finansiële Bestuur (Wet 56 van 2003) goedgekeur word.

7.2 VERVROEGDE AFLOS VAN LENING (5/14/3/5)

Dit is die voorneme van die Raad om nuwe lenings op te neem vir die uitvoering van kapitaalprojekte in die medium termyn. Rentekoerse is tans gunstiger as met die opneem van die vorige lening by die Ontwikkelingsbank van Suid-Afrika (DBSA) waar die prima rentekoers ±14% was in vergelyking met die huidige prima rentekoers van 11.25%, met die moontlikheid dat die rentekoerse nog kan daal.

BESLUIT
(op voorstel van rdl N Smit, gesekondeer deur rdl A K Warnick)

(a)/...

6.6/…

(4) the publication of the general valuation roll and objection period is until 18 December, but due to the short notice, objections received after 18 December will also be considered.

A discussion followed regarding the general valuations, and the Municipal Manager mentioned that the Valuers appointed by tender inspired confidence during preliminary conversations with a group of residents of Yzerfontein. The methodology used to determine the overall valuations is reliable, and all questions could be answered with authority.

RESOLUTION
(on the proposal of Ald T van Essen, seconded by Cllr J M de Beer)

That notice be taken of the content of the monthly report of the Directorate: Development Services with regard to October 2023.

6.7 DIRECTORATE: PROTECTIVE SERVICES (7/1/2/2-3}

6.7.1 PERFORMANCE MANAGEMENT REPORT
6.7.2 TRAFFIC AND LAW ENFORCEMENT SERVICES
6.7.3 FIRE SERVICES

The monthly reports of the Directorate: Protective Services are tabled, and the Director: Protective Services mentioned that a further grant of R500 000 has been received from the Province for the installation of smoke detectors in informal residential areas and that the grant will be included in the January adjustment budget.

RESOLUTION
(proposal by Ald T van Essen, seconded by Cllr J M de Beer)

That cognisance be taken of the content of the monthly report of the Directorate: Protective Services with regard to October 2023.

7. NEW MATTERS

7.1 AMENDMENTS TO THE 2023/2024 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) (2/4/2)

The Special Adjustment Operating Budget, as approved by the Council in October 2023, requires amendments to the 2023/2024 Service Delivery and Budget Implementation Plan.

RESOLUTION
(proposal by Cllr D G Bess, seconded by Cllr A K Warnick)

That the amended Service Delivery and Budget Implementation Plan (SDBIP) for the 2023/2024 financial year be approved in terms of Section 54(1)(c) of the Municipal Finance Management Act (Act 56 of 2003).

7.2 EARLY REPAYMENT OF LOAN (5/14/3/5)

The Council intends to raise new loans to execute capital projects in the medium term. Interest rates are currently more favourable than with the previous loan from the Development Bank of Southern Africa (DBSA), where the prime interest rate was ±14% compared to the current prime interest rate of 11.25%, with the possibility that interest rates may continue declining.

RESOLUTION
(proposal by Cllr N Smit, seconded by Cllr A K Warnick)

(a)/…

7.2/...

(a) Dat goedkeuring verleen word vir die vervroegde aflos van die DBSA-lening van R42 905 441,21 en wel om die volgende redes:
   (i) Met die opneem van die lening was die rentekoers nie gunstig nie;
   (ii) Verbeting van Swartland Munisipaliteit se leningskapasiteit op die vooraand van opneem van lening vir kapitaalprojekte teen 'n gunstiger rentekoers.

7.3 HERSIENING VAN DIE ONDERNEMINGRISIKOBESTUURSBELEID (5/15/1/6)

Die beleid het ten doel om 'n proses te vestig waardeur risiko's geïdentifiseer kan word wat 'n bedreiging inhou vir volhoubare dienslewering en die bereiking van die Munisipaliteit se doelwitte. Die proses behels verder die mitigering van die geïdentifiseerde risiko's om die bestuur van die Munisipaliteit te optimaliseer.

Die gewysigde Ondernemingsrisikobestuursbeleid is met die sakelys gesirkuleer vir oorweging en goedkeuring.

BESLUIT
(op voorstel van rdl J M de Beer, gesekondeer deur rdl A K Warnick)

(a) Dat die hersiende Ondernemingsrisikobestuursbeleid goedgekeur word vir onmiddellike implementering omrede dit 'n verskeidenheid van voordele vir die Munisipaliteit inhou, byvoorbeeld:
   (i) meer doeltreffende, betroubare en koste effektiewe dienslewering;
   (ii) meer betroubare besluitneming;
   (iii) minder verrassings en krisisse deur bestuur in staat te stel om effektief te handel met potensiële opkomende risiko's wat onsekerheid kan skep; en
   (iv) beter uitsette en uitkomste deur die verbetering in die bestuur van projekte en programme;

(b) Dat die "Risk Appetite"-vlak van 15 – "Impact x Likelihood" = 15 (5x3) & (3x5) aanvaar word;

(c) Dat die "Risk Tolerance"-vlakke van 16 (4x4) en hoër nie aanvaarbaar is nie en moet bestuur word.

7.4 KONSEP GEKOMBINEERDE SEKERHEIDSBELEID (5/15/1/1)

Die doel van hierdie raamwerk is om 'n minimum riglyn vir die Munisipaliteit daar te stel om die implementering van 'n gekombineerde sekerheidsmodel moontlik te maak om die Prestasie- en Risiko-ouditkomitee te ondersteun het hulle werk in hierdie verband.

BESLUIT
(op voorstel van rdl A K Warnick, gesekondeer deur rdl D G Bess)

Dat die Gekombineerde Sekerheidsbeleid met onmiddellike effek goedgekeur word.

7.5 HERSIENING VAN DIE BEDROGVOORKOMING- EN TEEN-KORRUPSIE STRATEGIE (5/15/1/6)

Swartland Munisipaliteit is deur die organisasie se etiese waardes daartoe verbind om besigheid op 'n eerlike en deursigtige wyse te doen en dit vorm die grondslag van die Bedrog Voorkoming en Teen-Korrupsie Strategie.

Die strategie spreek die opsporing, voorkoming en bekamping van bedrog en korrupsie aan ten einde dit teen te werk.

BESLUIT
(op voorstel van rdl J M de Beer, gesekondeer deur rdl A K Warnick)

Dat die gewysigde Bedrogvoorkoming- en Teen-Korrupsiestrategie met onmiddellike effek goedgekeur word.

7.2/…

(a) That approval is granted for the early redemption of the DBSA loan of R42 905 441,21 and indeed for the following reasons:
   (i) When taking out the loan, the interest rate was not favorable;
   (ii) Improvement of Swartland Municipality's loan capacity on the eve of taking out loans for capital projects at a more favorable interest rate.

7.3 REVIEW OF THE ENTERPRISE RISK MANAGEMENT POLICY (5/15/1/6)

The policy aims to establish a process to identify risks that pose a threat to sustainable service delivery and the achievement of the Municipality's objectives. The process further involves mitigating the identified risks to optimise the management of the Municipality.

The revised Enterprise Risk Management Policy has been circulated with the agenda for consideration and approval.

RESOLUTION
(proposal by Cllr J M de Beer, seconded by Cllr A K Warnick)

(a) That the current Enterprise Risk Management Policy be approved as it will deliver a range of benefits to the municipality such as the following:
   (i) More efficient, reliable and cost effective delivery of services;
   (ii) More reliable decisions;
   (iii) Fewer surprises and crises by placing management in a position to effectively deal with potential new and emerging risks that may create uncertainty; and
   (iv) Better outputs and outcomes through improved project and programme management.

(b) That the acceptance of the Risk Appetite Level at 15 - Impact x Likelihood = 15 (5x3) & (3x5);

(c) That the Risk Tolerance Levels of 16 (4x4) and above are not acceptable and should be managed.

7.4 DRAFT COMBINED ASSURANCE POLICY (5/15/1/1)

This framework aims to set a minimum guideline for the Municipality to enable the implementation of a combined assurance model to support the Performance and Risk Audit Committee's work in this regard.

RESOLUTION
(proposal by Cllr A K Warnick, seconded by Cllr D G Bess)

That the Combined Assurance Policy be approved with immediate effect.

7.5 REVIEW OF THE FRAUD PREVENTION AND ANTI-CORRUPTION STRATEGY (5/15/1/6)

Swartland Municipality is committed by the organisation's ethical values to do business honestly and transparently, forming the basis of the Fraud Prevention and Anti-Corruption Strategy.

The strategy addresses the detection, prevention and combatting of fraud and corruption in order to counter them.

RESOLUTION
(proposal by Cllr J M de Beer, seconded by Cllr A K Warnick)

That the amended Anti-Fraud and Corruption strategy be approved with immediate effect.

7.6 NOTULE VAN DIE MUNISIPALE PRESTASIE-, RISIKO- EN OUDITKOMITEEVERGADERINGS GEHOU OP 22 AUGUSTUS 2023 EN 29 AUGUSTUS 2023 (5/15/1/3)

Die Ouditkomitee dien as 'n volwaardige onafhanklike komitee van die Raad en vervul sy funksie ingevolge die bepalings van artikel 166 van die Plaaslike Regering: Munisipale Finansiële Bestuurswet, Nr 56 van 2003.

Die notules van die Munisipale Prestasie-, Risiko- en Ouditkomiteevergadering onderskeidelik gehou op 22 Augustus en 29 Augustus 2023 is met die sakelys gesirkuleer en bevat geen aanbevelings aan die Uitvoerende Burgemeesterskomitee vir oorweging nie.

BESLUIT dat kennis geneem word van die notules van die Munisipale Prestasie, Risiko en Ouditkomiteevergadering onderskeidel gehou op 22 en 29 Augustus 2023.

7.7 AANBEVELING VIR DIE GOEDKEURING VAN DIE ORGANISATORIESE STRUKTUUR, MET IN AG NEMING VAN WYSIGINGS AAN FINANSIES, BESKERMINGSDIENSTE EN DIE KANTOOR VAN DIE MUNISIPALE BESTUURDER (4/1/1/2/1)

Artikel 66 van die Munisipale Stelsels Wysigingswet, 2011 bepaal dat die organisatoriese struktuur deur die Munisipale Bestuurder goedgekeur moet word.

Die voorgestelde wysigings aan die struktuur van die Kantoor van die Munisipale Bestuurder, die Direktoraat: Finansiële Dienste en die Direktoraat: Beskermingsdienste, soos breedvoerig toegelig in die verslag, is aan die vakbonde voorgehou.

BESLUIT
(op voorstel van rdl A K Warnick, gesekondeer deur rdl N Smit)

(a) Dat die Uitvoerende Burgemeesterskomitee kennis neem dat die wysigings aanbeveel is deur die Plaaslike Arbeidsforumvergadering gehou op 23 November 2023;

(b) Dat die Uitvoerende Burgemeesterskomitee die wysigings aan die organisatoriese struktuur aanbeveel vir goedkeuring deur die Raad vir implementering met ingang van 1 November 2023 en 1 April 2024 onderskeidelik.

7.8 TENDER L01/23/24: VERKOOP VAN ONGEREGISTREERDE ERF 12857, MALMESBURY (8/2/2/4)

Die Munisipale Raad het in beginsel goedkeuring verleen ingevolge Artikel 14 van die Wet op Munisipale Finansiële Bestuur, 2003 en die Verordening en Beleid met betrekking tot die Oordrag van Munisipale Bates "dat ongeregistreerde Erf 12875, Malmesbury (1001 m² groot) aangebied word vir vervreemding deur middel van 'n openbare mededingende proses (wat 'n tweefase-bodproses kan insluit) vir vervreemding aan instansies met bewese ervaring in Vroeë Kinderontwikkeling".

'n Gesubsidieerde reserweprys van R16 000 (BTW uitgesluit) is deur die Raad bepaal.

Die voorgestelde vervreemding is in die media geadverteer en nie kommentaar en/of besware rakende die voorgestelde verkoop van Erf 12857 is ontvang nie.

Tenders is uitgenooi deur middel van 'n tweefase-bodproses vir Koevert 1 om die Ontwikkelings-/Besigheidsvoorstel vir die eiendom te bevat en Koevert 2 om die geldelike aanbod te bevat. Die beoordeling van die tender is oorweeg tydens 'n Bodbeoordelingskomiteevergadering gehou op 29 November 2023.

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl J M de Beer)

(a) Dat kennis geneem word van die prosesse wat gevolg is vir Tender L01/23/24 (Verkoop van Ongeregistreerde Erf 12875 Malmesbury) om toegeken te word aan die Maranatha Trust ten bedrae van R90 000.00 BTW uitgesluit;

7.6 MINUTES OF THE MUNICIPAL PERFORMANCE, RISK AND AUDIT COMMITTEE MEETINGS HELD ON 22 AUGUST 2023 AND 29 AUGUST 2023 (5/15/1/3)

The Audit Committee serves as a fully independent committee of the Council. It performs its function under the provisions of section 166 of the Local Government: Municipal Financial Management Act, No. 56 of 2003.

The minutes of the Municipal Performance, Risk and Audit Committee meeting held on 22 August and 29 August 2023, respectively, were circulated with the agenda and do not contain any recommendations to the Executive Mayoral Committee for consideration.

RESOLUTION that cognizance be taken of the minutes of the meeting of the Municipality's Performance, Risk and Audit Committee of 22 August 2023 and 29 August 2023.

7.7 RECOMMENDATION FOR THE APPROVAL OF THE ORGANISATIONAL STRUCTURE, TAKING INTO ACCOUNT CHANGES TO FINANCE, PROTECTIVE SERVICES AND THE OFFICE OF THE MUNICIPAL MANAGER (4/1/1/2/1)

Section 66 of the Municipal Systems Amendment Act, 2011, provides that the organisational structure is to be approved by the Municipal Manager.

The proposed changes to the structure of the Office of the Municipal Manager, the Directorate: Financial Services and the Directorate: Protection Services, as detailed in the report, were presented to the unions.

RESOLUTION
(proposal by Cllr A K Warnick, seconded by Cllr N Smit)

(a) That the Executive Mayoral Committee takes note that the amendments were recommended at the meeting of the Local Labour Forum held on 23 November 2023;

(b) That the Executive Mayoral Committee recommends the amendments to the organisational structure for approval by Council for implementation with effect from 1 November 2023 and 1 April 2024 respectively.

7.8 TENDER L01/23/24: SALE OF UNREGISTERED ERF 12857, MALMESBURY (8/2/2/4)

The Municipal Council approved in principle in terms of section 14 of the Municipal Financial Management Act, 2003 and the By-law and Policy regarding the Transfer of Municipal Assets "that unregistered Erf 12875, Malmesbury (1001 m² in size) is offered for disposal through a public competitive process (which may include a two-stage bidding process) for disposal to institutions with proven experience in Early Childhood Development".

A subsidised reserve price of R16 000 (excluding VAT) has been fixed by the Council.

The proposed disposal was advertised in the media, and no comments and/or objections were received regarding the proposed sale of Erf 12857.

Tenders were invited through a two-stage bidding process for Envelope 1 to contain the Development/Business Proposal for the property and Envelop 2 to contain the monetary offer. The tender evaluation was considered at a Bid Evaluation Committee meeting on 29 November 2023.

RESOLUTION
(proposal by Ald T van Essen, seconded by Cllr J M de Beer)

(a) That cognisance be taken of the processes followed for Tender L01/23/24 (Sale of Unregistered Erf 12875 Malmesbury) to be awarded to the Maranatha Trust at the amount of R90 000.00 excluding VAT;

7.8/…

(b) Dat die oordrag van die bate (onderwerp eiendom) aan die Maranatha Trust goedgekeur word, en die Verkoopooreenkoms onderteken word deur die Direkteur: Korporatiewe Dienste.

7.9 EERSTE WYSIGING VAN DIE 2023/2024 GEDETAILLEERDE PROJEK-IMPLEMENTERINGSPLAN (5/9/2/6/1)

Die Direkteur: Siviele Ingenieursdienste bevestig dat die Departement van Samewerkende Regering en Tradisionele Sake die nasionale MIG-toekenning besnoei het wat 'n vermindering van R1 653 000 vir Swartland Munisipaliteit te weeg gebring het. Gevolglik moet die projekimplementeringsplan dienooreenkomstig gewysig word.

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl A K Warnick)

(a) Dat kennis geneem word dat die 2023/2024 MIG-allokasie aan Swartland Munisipaliteit met 'n bedrag van R1 653 000 vanaf R24 708 000 na R23 055 00 verminder het;

(b) Dat, ten einde die MIG-projekte suksesvol te implementeer daar 'n herallokering van fondse tussen die geregistreerde MIG-projekte gedoen moet word, en dat die 2023/2024 MIG-projekimplementeringsplan dienooreenkomstig gewysig word;

(c) Dat die volgende projekte en begrotings vir die eerste gewysigde MIG-projek-implementeringsplan vir die 2023/2024 finansiële jaar goedgekeur word:

Nr	*Project*	*MIG Ref.*	*Budget*
1	*Construction of Roads: Chatsworth*	*WC1862/R.ST/22/25*	*R 6 877 847*
2	*Construction of Roads Phase 2: Kalbaskraal*	*WC/1913/R.ST/22/25*	*R 2 500 000*
3	*Construction of Roads Phase 2: Abbotsdale*	*WC/1912/R.ST/22/25*	*R 1 900 000*
4	*Construction of Roads Phase 2: Chatsworth*	*WC1765/R.ST/19/23*	*R 2 900 659*
5	*Upgrade of Sportsfield: Illinge Lethu*	*WC/1914/R.ST/23/25*	*R 8 876 494*
		TOTAL	***R 23 055 000***

(d) Dat die gewysigde MIG-projekimplementeringsplan aan die Departement van Samewerkende Regering en Tradisionele Sake beskikbaar gestel word.

7.10 UITSTAANDE DEBITEURE: NOVEMBER 2023 (5/7/1/1)

'n Volledige verslag van die stand van uitstaande debiteure is met die sakelys gesirkuleer.

BESLUIT dat kennis geneem word van die verslag aangaande die stand van Swartland Munisipaliteit se uitstaande debiteure vir Oktober 2023.

7.11 VORDERING MET UITSTAANDE VERSEKERINGSEISE (5/14/3/5)

Ingevolge die Batebestuursbeleid moet maandeliks verslag gedoen word insake die uitstaande versekeringseise.

BESLUIT dat kennis geneem word van die stand van uitstaande versekeringseise tot en met 30 November 2023 soos met die sakelys gesirkuleer.

7.12 AFWYKING VAN VOORGESKREWE VERKRYGINGPROSEDURES: HERSTEL VAN CASE 580T DIGGER/LOADER, CK 43210 (8/1/B/2)

Die masjien het op 21 November 2023 onklaar geraak tydens grondverskuiwings om toegang tot die 11 kV-lyn tussen die Eskom-substasie en munisipale-substasie in Moorreesburg te verkry.

7.8/…

(b) That the transfer of the asset (subject property) to the Maranatha Trust be approved, and the Agreement of Sale be signed by the Director: Corporate Services.

7.9 FIRST AMENDMENT OF THE 2023/2024 DETAILED PROJECT IMPLEMENTATION PLAN (5/9/2/6/1)

The Director: Civil Engineering Services confirms that the Department of Cooperative Government and Traditional Affairs has cut the national MIG grant, which implies a reduction of R1 653 000 for Swartland Municipality. Consequently, the project implementation plan should be amended accordingly.

RESOLUTION
(proposal by Ald T van Essen, seconded by Cllr A K Warnick)

(a) That the Executive Mayoral Committee notes that the 2023/2024 MIG allocation for Swartland Municipality has been decreased from R 24 708 000 with R 1 653 000 to R 23 055 000.

(b) That the Executive Mayoral Committee notes that in order to achieve successful project implementation, a re-allocation of funds between MIG projects is required and that the 2023/2024 DPIP must be amended accordingly;

(c) That the Executive Mayoral Committee approves the following projects and budgets for the first amended of the DPIP for the 2023/2024 financial year:

Nr	Project	MIG Ref.	Budget
1	Construction of Roads: Chatsworth	WC1862/R.ST/22/25	R 6 877 847
2	Construction of Roads Phase 2: Kalbaskraal	WC/1913/R.ST/22/25	R 2 500 000
3	Construction of Roads Phase 2: Abbotsdale	WC/1912/R.ST/22/25	R 1 900 000
4	Construction of Roads Phase 2: Chatsworth	WC1765/R.ST/19/23	R 2 900 659
5	Upgrade of Sportsfield: Illinge Lethu	WC/1914/R.ST/23/25	R 8 876 494
		TOTAL	**R 23 055 000**

(d) That the amended DPIP be submitted to the Department of Cooperative Governance and Traditional Affairs.

7.10 OUTSTANDING DEBTORS: NOVEMBER 2023 (5/7/1/1)

A full report on the balance of outstanding debtors was circulated with the agenda.

RESOLUTION that cognisance be taken of the report with reference to the state of the outstanding debtors of Swartland Municipality for November 2023.

7.11 PROGRESS WITH OUTSTANDING INSURANCE CLAIMS (5/14/3/5)

According to the Asset Management Policy, monthly reporting regarding outstanding insurance claims is required.

RESOLUTION that cognisance be taken of the state of outstanding insurance claims up to and including 30 November 2023 as circulated with the agenda.

7.12 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: REPAIR OF CASE 580T DIGGER/LOADER, CK 43210 (8/1/B/2)

The machine became unusable on 21 November 2023 during earth moving to gain access to the 11 kV line between the Eskom substation and the municipal substation in Moorreesburg.

7.12/…

Die masjien is deur Hennie van Zyl Magnies BK in Moorreesburg opgelaai om 'n assessering van die skade te doen.

BESLUIT

(a) Dat kennis geneem word van die afwyking van die voorgeskrewe verkrygingsprosedures ingevolge klousule 36(2) van die Voorsieningkanaalbestuurbeleid;

(b) Dat verder kennis geneem word van die aksies van die Munisipale Bestuurder om die herstelwerk aan die Digger Loader, CK 43210, ten bedrae van R71 047 (BTW uitgesluit) deur Hennie van Zyl Meganies BK goed te keur;

(c) Dat die redes vir die afwyking van die voorgeskrewe verkrygingsproses soos volg aangeteken word:
   (i) Die masjien het onklaar geraak gedurende grondverskuiwings om toegang tot die 11 kV-netwerk in Moorreesburg te verkry;
   (ii) Om 'n kwotasie te kon lewer, het die diensverskaffer die masjien self verwyder en na werkwinkel geneem om 'n assessering van die skade te doen;
   (iii) Dit sou onprakties en onredelik wees om die normale verkrygingsprosedures te volg in hierdie geval;

(d) Dat die uitgawe ten bedrae van R71 047,00 (BTW uitgesluit) teen posnommer 9/7-25-5 verreken word en dat daar voldoende fondse beskikbaar is;

(e) Dat die Senior Bestuurder: Finansiële State en Batebestuur in terme van die Voorsieningkanaalbestuursbeleid opdrag gegee word om bovermelde redes as nota by die finansiële state in te sluit, wanneer die betrokke state opgestel word.

7.13 AFWYKING VAN VOORGESKREWE VERKRYGINGPROSEDURES: HERSTEL VAN VULLISVERWYDERINGSVRAGMOTOR, CK 44823 (8/1/B/2)

Die vullisverwyderingsvragmotor, CK 44823, word in Yzerfontein gebruik vir die betrokke diens. Die vragmotor het probleme ondervind om die vullis te kompakteer en is Transtech, die agent van Heil 5000 kompakteerders, genader om 'n assessering te doen.

BESLUIT

(a) Dat kennis geneem word van die afwyking van die voorgeskrewe verkrygingsprosedures ingevolge klousule 36(2) van die Voorsieningkanaalbestuurbeleid;

(b) Dat verder kennis geneem word van die aksie van die Munisipale Bestuurder om die herstelwerk aan die vullisverwyderingsvragmotor, CK 44823 vir die bedrag van R153 810.93 (BTW uitgesluit) deur Transtech goed te keur;

(c) Dat die rede vir die afwyking van die voorgeskrewe verkrygingsproses soos volg aangeteken word:
   (i) Die vragmotor sou vir 'n geruime tyd buite werking gelaat word;
   (ii) Dit sou lei tot 'n ineenstorting in die kapasiteit van die vaste afvalverwyderingsdienste en risiko's vir openbare gesondheid inhou;
   (iii) Die herstelwerk aan die vragmotor was dus as 'n noodgeval hanteer;

(b) Dat die uitgawe ten bedrae van R153 810.93 (BTW uitgesluit) teen posnommer 9/4-60-5 verreken word en dat daar voldoende fondse beskikbaar is;

(c) Dat die Senior Bestuurder: Finansiële State en Batebestuur in terme van die Voorsieningkanaalbestuursbeleid opdrag gegee word om bovermelde redes as nota by die finansiële state in te sluit, wanneer die betrokke state opgestel word.

(GET) J H CLEOPHAS
UITVOERENDE BURGEMEESTER

The machine was loaded by Hennie van Zyl Meganies BK in Moorreesburg to assess the damage.

RESOLUTION

(a) That the Executive Mayoral Committees take note of the deviation from the prescribed procurement procedures in terms of clause 36(2) of the Supply Chain Management Policy;

(b) That further notice be taken of the action of the Municipal Manager to to approve the repair of the Digger Loader CK 43210 by Hennie van Zyl Meganies BK for the value of R71 047 (Excl VAT).;

(c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
   (i) The digger loader broke down while being used to move soil to create access to the 11 kV network in Moorreesburg.
   (ii) The Supplier had to recover the vehicle from the site and inspect it to determine the problem and extend of the damage to provide a quote
   (iii) It was impractical and not reasonable to follow the normal procurement process in this instance.

(d) That there are sufficient funds available and that the expenditure amounting to R71 047,00 (excluding VAT) is settled against post number 9/7-25-5;

(e) That the Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements, when same are compiled.

7.13 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: REPAIR OF GARBAGE TRUCK, CK 44823 (8/1/B/2)

The garbage truck, CK 44823, is used in Yzerfontein for the service in question. The truck had problems compacting the garbage, and Transtech, the agent of Heil 5000 compactors, was approached to do an assessment.

RESOLUTION

(a) That the Executive Mayoral Committees take note of the deviation from the prescribed procurement procedures in terms of clause 36(2) of the Supply Chain Management Policy;

(b) That further notice be taken of the action of the Municipal Manager to approve repairs to the waste removal truck CK 44823 for the amount of R153,810.93 (excluding VAT) by Transtech;

(c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
   (i) The truck would be left out of service for an extended period of time;
   (ii) This will result in a failure in the waste removal services capacity and public healthrisks;
   (iii) The repair works to the truck therefore is handled as an emergency.

(d) That the expenditure was allocated to mSCOA vote 9/4-60-5 and that there was sufficient funding available for the order in the amount of R153 810.93 excluding VAT;

(e) That the Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements, when same are compiled.

(SIGNED) J H CLEOPHAS
EXECUTIVE MAYOR

NOTULE VAN 'N VERGADERING VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE GEHOU IN DIE BANKETSAAL, MALMESBURY OP WOENSDAG, 24 JANUARIE 2024 OM 10:00

TEENWOORDIG:

Uitvoerende Burgemeester, rdh J H Cleophas (voorsitter)
Uitvoerende Onderburgemeester, rdl J M de Beer

Lede van die Burgemeesterskomitee:
Rdl D G Bess
Rdl N Smit
Rdh T van Essen
Rdl A K Warnick

Beamptes:
Munisipale Bestuurder, mnr J J Scholtz
Direkteur: Finansiële Dienste, mnr M Bolton
Direkteur: Beskermingsdienste, mnr P A C Humphreys
Direkteur: Elektriese Ingenieursdienste, mnr T Möller
Direkteur: Siviele Ingenieursdienste, mnr L D Zikmann
Direkteur: Ontwikkelingsdienste, me J S Krieger
Direkteur: Korporatiewe Dienste, me M S Terblanche
Senior Bestuurder: Strategiese Dienste, me O Fransman
Bestuurder: Sekretariaat en Rekordsdienste, me N Brand

1. OPENING

Die Uitvoerende Burgemeester verwelkom lede en versoek rdl D G Bess om die vergadering met gebed te open.

2. VERLOF TOT AFWESIGHEID

Dat **KENNIS GENEEM** word van die verskoning ontvang vanaf die Speaker, rdh M Rangasamy.

3. VOORLEGGINGS/AFVAARDIGINGS/SPREEKBEURTE

Die Uitvoerende Burgemeester bedank die Brandweerdienste vir bystand verleen tydens die brandvoorval by die Shelly Point Hotel in St Helenabaai en die Direkteur: Siviele Ingenieursdienste vir die beskikbaarstelling van die watertrok.

4. NOTULES

4.1 NOTULE VAN 'N GEWONE UITVOERENDE BURGEMEESTERSKOMITEE-VERGADERING GEHOU OP 13 DESEMBER 2023

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl N Smit)

Dat die notule van 'n Gewone Uitvoerende Burgemeesterskomiteevergadering gehou op 13 Desember 2023 goedgekeur en deur die Burgemeester onderteken word.

5. SAKE VOORTSPRUITEND UIT DIE NOTULE

Geen.

MINUTES OF A MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD IN THE BANQUET HALL, MALMESBURY, ON WEDNESDAY, 24 JANUARY 2024 AT 10:00

PRESENT:

Executive Mayor, Ald J H Cleophas (chairperson)
Executive Deputy Mayor, Cllr J M de Beer

Members of the Mayoral Committee:
Cllr D G Bess
Cllr N Smit
Ald T van Essen
Cllr A K Warnick

Officials:
Municipal Manager, Mr J J Scholtz
Director: Financial Services, Mr M Bolton
Director: Protective Services, Mr P A C Humphreys
Director: Electrical Engineering Services, Mr T Möller
Director: Civil Engineering Services, Mr L D Zikmann
Director: Development Services, Ms J S Krieger
Director: Corporate Services, Ms M S Terblanche
Senior Manager: Strategic Services, Ms O Fransman
Manager: Secretariat and Records Services, Ms N Brand

1. OPENING

The Executive Mayor welcomed the members and requested Cllr D G Bess to open the meeting with prayer.

2. LEAVE OF ABSENCE

NOTICE is taken of the apology from the Speaker, Ald M Rangasamy.

3. SUBMISSIONS/DELEGATIONS/SPEAKING ENGAGEMENTS

The Executive Mayor thanked the Fire Services for their assistance during the fire incident at the Shelly Point Hotel in St Helena Bay and the Director: Civil Engineering Services for making the water truck available.

4. MINUTES

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 13 DECEMBER 2023

RESOLUTION
(proposal by Ald T van Essen, seconded by Cllr N Smit)

That the minutes of an Ordinary Executive Mayoral Committee Meeting held on 13 December 2023 be approved and signed by the Mayor.

5. MATTERS ARISING FROM THE MINUTES

None.

6. MAANDVERSLAG: NOVEMBER 2022

6.1 SIVIELE INGENIEURSDIENSTE (7/1/2/2-6)

Die Direkteur: Siviele Ingenieursdienste gee agtergrond tot die hoë organiese lading teenwoordig by die Darling Rioolwerke. Die storting van afvalwater deur die nyweraar wat melk verwerk is baie hoog en daar was ‘n faling in die behandelingsprosesse van die nyweraar.

Die Direkteur: Siviele Ingenieursdienste bevestig dat daar ‘n ondersoek gedoen word na tariefstrukture om nyweraars aan te moedig om vooraf behandelingsprosesse in plek te stel en die nodige instandhouding te doen om te voorkom dat die koste van verwerking van afval die Munisipaliteit toeval.

Die Direkteur: Siviele Ingenieursdienste, met verwysing na die damvlakke van die totale stelsel wat op 83% staan, meld dat die waterverbruik redelik toegeneem het en, gegewe die Munisipaliteit se allokasie uit die stelsel en beskikbaarheid van alternatiewe waterbronne, waterverbruik krities dopgehou sal moet word.

Verder noem die Direkteur: Siviele Ingenieursdienste dat die wyse waarop riooldienste aan Yzerfontein gelewer word nie volhoubaar is nie en dat oplossings ondersoek word. Dit is nodig om terreine te identifiseer vir die vestiging van ‘n rioolaanleg vir Yzerfontein.

Op navraag van rdh T van Essen insake die probleme wat met watervoorsiening aan Chatsworth ervaar word, noem die Direkteur: Siviele Ingenieursdienste dat die maatreëls om water in die nag toe te draai om geleentheid te gee vir die reservoirs om water in te kry, suksesvol is. Verder is daar x4 tenke opgesit vir die hoërliggende gebiede in Chatsworth en gaan die watertrok gereeld na daardie gebiede om watervoorsiening te verseker.

Die voorsitter versoek dat daar oplossings gevind moet word (1) vir die onwettige wateraansluitings, onder ander deur inwoners van Silvertown en (2) om die hoërliggende gedeeltes van Chatsworth op ‘n volhoubare wyse van water te voorsien.

Die Munisipale Bestuurder gee agtergrond insake die totstandkoming van Silvertown en die kwessies rondom eienaarskap. Daar sal gesprekke met die Kantoor van die Premier gevoer moet word en met Stad Kaapstad insake die moontlike insluiting van Chatsworth, Riverlands en Kalbaskraal by Stad Kaapstad se regsgebied.

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl N Smit)

Dat kennis geneem word van die inhoud van die maandverslag van die Direktoraat: Siviele Ingenieursdienste ten opsigte van November 2023.

6.2 ELEKTRIESE INGENIEURSDIENSTE (7/1/2/2-6)

Die Direkteur: Elektriese Ingenieursdienste behandel die direktoraat se maandverslag vir November 2023 en fokus op die effek van beurtkrag, bv. in November 2023 was daar elke dag beurtkrag.

Die Direkteur: Elektriese Ingenieursdienste bevestig dat die vordering met die implementering van die TID-oorskakelingprojek op 75% staan. Die energieverliese vir November 2023 is op 2.66% wat nog geverifieer moet word.

Die Direkteur: Elektriese Ingenieursdienste noem dat die beheerkas wat die verkeersligte na die N7 reguleer, gedurende beurtkrag gevandaliseer is en dat alle toerusting en kabels uitgesteel is.

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl N Smit)

Dat kennis geneem word van die inhoud van die maandverslag van die Direktoraat: Elektriese Ingenieursdienste ten opsigte van November 2023.

6. MONTHLY REPORT: NOVEMBER 2022

6.1 CIVIL ENGINEERING SERVICES (7/1/2/2-6)

The Director: Civil Engineering Services gave background to the high organic load present at the Darling Sewage Works. The wastewater discharge by the industrialists processing the milk is very high, and there was a failure in the industrialists’ treatment processes.

The Director: Civil Engineering Services confirmed that a review of tariff structures is underway to encourage industrialists to put in place pre-treatment processes and to carry out the necessary maintenance to avoid the cost of waste treatment falling on the Municipality.

The Director: Civil Engineering Services, referring to the dam levels of the overall system standing at 83%, reports that water consumption has increased considerably and, given the Municipality's allocation from the system and availability of alternative water sources, water consumption will need to be monitored critically.

Furthermore, the Director: Civil Engineering Services notes that the manner in which sewage services is provided to Yzerfontein is not sustainable and that solutions are being explored. It is necessary to identify sites for establishing a sewage plant in Yzerfontein.

On an enquiry by Ald T van Essen about the problems experienced with the water supply at Chatsworth, the Director: Civil Engineering Services mentioned that the measures to turn water off at night to allow the refilling of reservoirs are successful. Furthermore, x4 tanks have been set up for the higher elevations in Chatsworth, and the water truck regularly goes to those areas to ensure water supply.

The Chairperson urges that solutions be found (1) regarding the illegal water connections, including those by residents of Silvertown, and (2) to supply water to the upper portions of Chatsworth sustainably.

The Municipal Manager provided background on the creation of Silvertown and the issues surrounding ownership. Discussions need to be held with the Office of the Primier and with the City of Cape Town regarding the possible inclusion of Chatsworth, Riverlands and Kalbaskraal in the City of Cape Town's jurisdiction.

RESOLUTION
(proposal by Ald T van Essen, seconded by Cllr N Smit)

That cognisance be taken of the content of the Directorate: Civil Engineering Services monthly report with regard to November 2023.

6.2 ELECTRICAL ENGINEERING SERVICES (7/1/2/2-6)

The Director: Electrical Engineering Services handled the Directorate's monthly report for November 2023 and focuses on the effect of load shedding, e.g. in November 2023, there was load shedding every day.

The Director: Electrical Engineering Services confirmed that the progress in implementing the TID switching project is 75%. The energy loss for November 2023 is 2.66% and is yet to be verified.

The Director: Electrical Engineering Services stated that the control box that regulates the traffic lights to the N7 was vandalised during a shift and that all equipment and cables were stolen.

RESOLUTION
(proposal by Ald T van Essen, seconded by Cllr N Smit)

That the contents of the monthly report of the Directorate: Electrical Engineering Services with regard to November 2023 be taken into account.

6.3 ONTWIKKELINGSDIENSTE (7/1/2/2-5)

Die Direkteur: Ontwikkelingsdienste verskaf inligting aangaande die opkomende behuisingsprojekte in De Hoop, Malmesbury, Darling en Moorreesburg. Die behuisingskomitees vir De Hoop en Darling is verkies en die kontrakteur, ASLA, sal teen Januarie op terrein wees. Daar word beoog om in Januarie op tender uit te gaan vir dienste vir die Moorreesburg behuisingsprojek.

Die Direkteur: Ontwikkelingsdienste gee verder agtergrond ten opsigte van die Munisipaliteit se besoek aan die sosiale behuisingsprojek in Glenhaven, Belliville wat deur die Devmark Eiendomsgroep gevestig word.
Die Munisipale Bestuurder noem dat Stad Kaapstad se spesifiekasies aangevra is ten einde die beskikbaarheid van grond, grootmaatdienste, ens. te oorweeg vir begrotingsdoeleindes om 'n soortgelyke projek vir Swartland Munisipaliteit te vestig.

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl N Smit)

Dat kennis geneem word van die inhoud van die maandverslag van die Direktoraat: Ontwikkelingsdienste ten opsigte van November 2023.

6.4 BESKERMINGSDIENSTE (7/1/2/2-3)

Die Direkteur: Beskermingsdienste noem dat prosesse aan die gang is om die lewensvatbaarheid van die Moorreesburg Toetsentrum te ondersoek, aangesien lg. se dienslewering baie laag is.

Die Direkteur: Beskermingsdienste verwys na die lys van uitdagings wat telkens in die maandverslag vervat word en dat daar 'n strategiese sessie gereël moet word om oplossings vir die uitdagings te vind, ingesluit 'n gesprek met Minister McKenzie insake die hantering van taxi verwante probleme.

6.4.1 VERKEER- EN WETSTOEPASSINGSDIENSTE
6.4.2 BRANDWEERDIENSTE

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl N Smit)

(a) Dat kennis geneem word van die inhoud van die maandverslag van die Direktoraat: Beskermingsdienste ten opsigte van November 2023;

(b) Dat 'n strategiese sessie gereël word met die betrokke rolspelers en lede van die Uitvoerende Burgemeesterskomitee om oplossings te vind vir die uitdagings wat deur die Departement: Beskermingsdienste geïdentifiseer is, onder andere –
(i) Onwettige grondbesettings (*Land grabs*);
(ii) Onwettige rommel strooi;
(iii) Hantering van rondloper diere;
(iv) Hantering van "pirate" taxi's;

(c) Dat daar 'n hoëvlak gesprekvoering gereël word met Minister McKenzie rakende die hantering van die taxi-probleme.

7. NUWE SAKE

7.1 VOORGESTELDE WYSIGING VAN TOLKRAGTARIEF VIR 2023/2024 / *PROPOSED AMENDMENT OF WHEELING TARIFF FOR 2023/2024* (5/4/1/3)

Die Direkteur: Elektriese Ingenieursdienste behandel die verslag en noem dat daar met die opstel van die 2023/2024 tarieflêer min inligting beskikbaar was oor die vasstelling van tolkragtariewe en die maksimum aanvraag wat gehef moet word en dat die konsep in die praktyk nie werk nie. Die Direkteur: Elektriese Ingenieursdienste bevestig dat daar geen inkomste begroot is vir die heffing van die maksimum aanvraag tolkragtarief nie en dat dit derhalwe uit die tarieflêer verwyder word.

6.3 DEVELOPMENT SERVICES (7/1/2/2-5)

The Director: Development Services provided information on the emerging housing projects in De Hoop, Malmesbury, Darling and Moorreesburg. The housing committees for De Hoop and Darling have been elected, and the contractor, ASLA, will be on-site by January. It is envisaged that services for the Moorreesburg housing project will be put out on tender in January.

The Director: Development Services provided further background regarding the Municipality's visit to the social housing project in Glenhaven, Belliville, that is being established by the Devmark Property Group.

The Municipal Manager stated that the City of Cape Town's specifications were requested to consider the availability of land, bulk services, etc., for budgetary purposes to establish a similar project for Swartland Municipality.

RESOLUTION
(proposal by Ald T van Essen, seconded by Cllr N Smit)

That cognisance be taken of the content of the monthly report of the Directorate: Development Services with regard to November 2023.

6.4 PROTECTIVE SERVICES (7/1/2/2-3)

The Director: Protective Services stated that processes are underway to examine the viability of the Moorreesburg Test Centre, as its service delivery is very low.

The Director: Protection Services referred to the list of challenges continuously contained in the monthly report. A strategic session should be organised to find solutions to the challenges, including a meeting with Minister McKenzie on tackling taxi-related problems.

6.4.1 TRAFFIC AND LAW ENFORCEMENT SERVICES
6.4.2 FIRE SERVICES

RESOLUTION
(proposal by Ald T van Essen, seconded by Cllr N Smit)

(a) That the contents of the monthly report of the Directorate: Protective Services with regard to November 2023 be taken into account;

(b) That a strategic session with the relevant stakeholders and members of the Executive Mayoral Committee be arrange to find solutions to the challenges identified by the Department: Protection Services, among others –
(i) Illegal land occupations (*Land grabs*);
(ii) Illegal littering;
(iii) Handling of stray animals;
(iv) Handling of "pirate" taxis;

(c) That a high-level meeting be arranged with Minister McKenzie regarding handling the taxi problems.

7. NEW MATTERS

7.1 PROPOSED AMENDMENT OF WHEELING TARIFF FOR 2023/2024 (5/4/1/3)

The Director: Electrical Engineering Services handles the report and mentions that with the preparation of the 2023/2024 tariff file, little information was available on determining tariffs and the maximum demand to be charged and that the concept does not work in practice. The Director: Electrical Engineering Services confirms that no revenue has been budgeted for levying the maximum demand of wheeling tariff and that it is therefore removed from the tariff file.

7.1/...

BESLUIT
(op voorstel van rdl D G Bess, gesekondeer deur rdh T van Essen)

(a) Dat kennis geneem word van die foutiewe heffing in die bestaande tolkragtarief;

(b) Dat die wysiging van die tolkragtarief ten einde die heffing vir maksimum aanvraag uit te sluit, ondersteun word;

(c) Dat verder kennis geneem word dat die wysiging van die tolkragtarief nie 'n wesenlike effek om die begrote inkomste van die Raad het nie en geen impak het op die totale begroting van Swartland Munisipaliteit nie;

(d) Dat die gewysigde tolkragtarief aan die Raad aanbeveel word vir oorweging en goedkeuring;

(e) Dat die Uitvoerende Burgemeesterskomitee derhalwe goedkeuring verleen vir die insluiting van die gewysigde tolkragtarief in die 2023/2024 Aansuiweringsbegroting.

7.2 BEGROTINGBEHEERKOMITEE 2023/2024: HALF-JAARLIKSE AANSUIWERING-KAPITAAL- EN BEDRYFSBEGROTING TEGNIESE AANBEVELINGS (5/1/1/1, 5/1/1/2, 5/1/4)

Die halfjaarlikse aansuiweringskapitaal- en bedryfsbegroting is opgestel na oorweging van die artikel 72 MFMA-verslag wat die halfjaarlikse begroting- en prestasieasessering bevat. Die 2023/2024 Half-jaarlikse Aansuiweringsbegroting is deur die Begrotingsbeheerkomitee gehou op 18 Januarie 2024 oorweeg vir aanbeveling aan die Uitvoerende Burgemeesterskomitee.

BESLUIT (vir aanbeveling aan die Raad op 30 Januarie 2024)
(op voorstel van rdl N Smit, gesekondeer deur rdl A K Warnick)

(a) Dat kennis geneem word dat die Begrotingsbeheerkomitee vergader het om die verduidelikings en motivering van die finansiële personeel en ander direkteure te oorweeg in 'n poging om die Uitvoerende Burgemeester te adviseer insake die pad vorentoe;

(b) Dat die Raad kennis neem van die voorgestelde aanpassing (wat verband hou met Artikel 19) ten opsigte van die Construction of New Roads in die Swartland en die Malmesbury De Hoop 132/11kV Substation projek **(Annexure A-2: Capital Projects ito Sec 19)**;

(c) Dat goedkeuring verleen word om die hoë-vlak kapitaal- en bedryfsbegroting vir 2023/2024 as volg te wysig, ingesluit 'n wysiging aan die 2024/2025 kapitaalbegroting, met geen ander wysigings aan die buite jare nie:

	Oorspronklike Begroting 2023/24	**Spesiale Aansuiwerings begroting 2023/24**	**Half-Jaar Aansuiwerings begroting 2023/24**	**Aansuiwerings begroting 2024/25**	**Oorspronklike Begroting 2025/26**
Kapitaalbegroting	209 052 395	240 803 827	248 689 919	225 529 245	208 303 329
Bedryfsuitgawes	1 071 330 062	1 073 385 062	1 071 588 058	1 174 132 994	1 371 930 505
Bedryfsinkomste	1 192 485 181	1 222 223 458	1 252 658 565	1 311 049 716	1 489 696 468
Begrote (Surplus)/ Tekort	**(121 155 119)**	**(148 838 396)**	**(181 070 507)**	**(136 916 722)**	**(117 765 963)**
Minus: Kapitaal Toekennings en Donasies	107 386 943	135 980 220	119 908 999	115 594 000	91 660 000
(Surplus)/ Tekort	**(13 768 176)**	**(12 858 176)**	**(61 161 508)**	**(21 322 722)**	**(26 105 963)**

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7.1/...

RESOLUTION
(proposal by Cllr D G Bess, seconded by Ald T Essen)

(a) That the Executive Mayoral Committee take note of the error in the existing wheeling tariff;

(b) That the amendment of the Wheeling Tariff (to exclude the Demand Charge);

(c) That the amendment of the Wheeling Tariff will have no adverse impact on the budgetted revenue and no impact on the overall budget of Swartland Municipality;

(d) That the approval of the amended wheeling tariff be recommend to Council;

(e) That the Executive Mayoral Committee approves the inclusion of the amended Wheeling Tariff in the Adjustment Budget that will be tabled at Council.

7.2 BUDGET STEERING COMMITTEE 2023/2024: SEMI-ANNUAL ADJUSTMENT CAPITAL AND OPERATING BUDGET TECHNICAL RECOMMENDATIONS (5/1/1/1, 5/1/1/2, 5/1/4)

The bi-annual capital and operating budget was prepared after consideration of the Section 72 MFMA report containing the bi-annual budget and performance assessment. The 2023/2024 Bi-Annual Adjustment Budget was held by the Budget Control Committee on 18 January 2024 for consideration for recommendation to the Executive Mayoral Committee.

RESOLUTION (for recommendation to the Council on 30 January 2024)
(proposal by Cllr N Smit, seconded by Cllr A K Warnick)

(a) That it be noted that the Budget Steering Committee convened to consider the explanations and motivations provided by the financial staff and other directors in a bid to advise the Executive Mayor on way forward;

(b) That council takes note of the proposed adjustment (as it relates to Section 19) in respect of the Construction of New Roads in the Swartland and the Malmesbury De Hoop 132/11kV Substation project **(Annexure A-2: Capital Projects ito Sec 19)**;

(c) That approval be granted to amend the high-level capital and operating budget for 2023/2024 with an amendment to the 2024/2025 capital budget, with no other amendments to the outer years, as follows:

	Original Budget 2023/24	**Special Adj Budget 2023/24**	**Mid-Year Adj Budget 2023/24**	**Adjustments Budget 2024/25**	**Original Budget 2025/26**
Capital budget	209 052 395	240 803 827	248 689 919	225 529 245	208 303 329
Operating Expenditure	1 071 330 062	1 073 385 062	1 071 588 058	1 174 132 994	1 371 930 505
Operating Revenue	1 192 485 181	1 222 223 458	1 252 658 565	1 311 049 716	1 489 696 468
Budgeted (Surplus)/ Deficit	**(121 155 119)**	**(148 838 396)**	**(181 070 507)**	**(136 916 722)**	**(117 765 963)**
Less: Capital Grants and Donations	107 386 943	135 980 220	119 908 999	115 594 000	91 660 000
(Surplus)/ Deficit	**(13 768 176)**	**(12 858 176)**	**(61 161 508)**	**(21 322 722)**	**(26 105 963)**

(d)/…

7.2/...

(d) Dat kennis geneem word dat die veranderinge in die begroting geen impak op tariewe het ten opsigte van die 2023/2024 finansiële jaar nie maar sal lei tot 'n verhoging in die begrote netto surplus van R12 858 176 na 'n begrote netto surplus van R61 161 508;

(e) Dat die ongemagtigde uitgawe van R5 556 386 vir die 2022/2023 finansiële jaar gemagtig word as deel van die aansuiweringsbegroting in lyn met artikel 32(2)(a)(i) van die Wet;

(f) Dat die aangepaste begrotingskedules soos vereis deur die Begroting- en Verslagdoeningregulasies goedgekeur word soos vervat in **(Annexure C: Budget Report and B-Schedules 2023/24 – 2025/26)**;

(g) Dat die Direkteur: Finansiële Dienste voldoen aan die vereistes van die Begrotingsomsendbriewe en -formate in die konteks van die verslagdoeningsvereistes aan Provinsiale en Nasionale Tesourie;

(h) Dat die Dienslewering- en Begrotingimplementeringsplan (SDBIP) toepaslik dienooreenkomstig gewysig word.

7.3 WYSIGING VAN KPI'S EN TEIKENS VIR 2023/2024 (2/4/2)

Die KPI's en teikens vir 2023/2024 is gedurende Junie 2023 deur die Uitvoerende Burgemeesterskomitee goedgekeur. Na die hersiening van die KPI's en teikens na afloop van die eerste ses maande van 2023/2024 word daar sekere wysigings voorgestel ten einde te verseker dat alle KPI's aan die *SMART*-beginsel voldoen.

BESLUIT
(op voorstel van rdl N Smit, gesekondeer deur rdl J M de Beer)

Dat die aangehegte sleutelprestasie-aanwysers (KPI's) en teikens goedgekeur word met ingang van 1 Julie 2023 (terugwerkend).

7.4 VOORGESTELDE WYSIGING VAN DIE SWARTLAND MUNISIPALITEIT: VERORDENING INSAKE MUNISIPALE GRONDGEBRUIKBEPLANNING (PK 8226 GEDATEER 25 MAART 2020) (1/1/1/3/14)

Die Swartland Munisipaliteit: Verordening insake Munispale Grondgebruikbeplanning (PK 8226 gedateer 25 Maart 2020) bevat nie 'n bepaling ten opsigte van die vasstelling van handelsure vir huiswinkels nie.

Na aanleiding van die oproerige gebeure in 2023 in die gemeenskappe van onder andere Saamstaan, Ilinge Lethu en Phola Park is die behoefte uitgespreek om handelsure vir huiswinkels te bepaal.

BESLUIT (vir voorlegging aan die Raad op 30 Januarie 2024)
(op voorstel van rdl D G Bess, gesekondeer deur rdl N Smit)

(a) Dat die onderstaande wysiging van die Swartland Munisipaliteit: Verordening insake Munisipale Grondgebruikbeplanning (PK 8226 van 25 Maart 2020) goedgekeur word, naamlik:

Artikel 96(1): 'n Persoon mag van 'n misdryf beskuldig word en is by skuldigbevinding strafbaar met 'n boete of gevangenisstraf of met beide 'n boete en sodanige gevangenisstraf indien hy of sy –
Artikel 96(1)(a): artikels 25(1), ~~25(5)~~ 25(4), 30(1), 31(4), 41(1), 69(3), 72(2) of 98(2) oortree of versuim om daaraan te voldoen (*wysiging*);
Artikel 96(1)(h): Versuim om te voldoen aan enige van die voorwaardes opgelê in terme van Skedule 2 tot hierdie verordening (*toevoeging*); en

Skedule 2 (Swartland Munisipaliteit Ontwikkelingsbestuur Skema) – Residensiële sone 2: Medium Digtheid (R2), paragraaf 1.2.7(g): Die handelsure van die huiswinkel sal wees vanaf 06:00 tot 21:00 en mag nie verleng word nie (*toevoeging*);

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7.2/…

(d) That it be noted that the changes to the budget will have no impact on tariffs in respect of the 2023/2024 financial year or beyond but will result in an increased budgeted net surplus from R12 858 176 to a budgeted net surplus of R61 161 508;

(e) That the unauthorised expenditure of R5 556 386 for the 2022/2023 financial year be authorised in this adjustments budget in line with section 32(2)(a)(i) of the Act;

(f) That the adjusted budget schedules as required by the Budget and Reporting Regulations be approved as set out in **(Annexure C: Budget Report and B-Schedules 2023/24– 2025/26)**;

(g) 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;

(h) That the Service Delivery Budget Implementation Plan (SDBIP) where appropriate be amended accordingly.

7.3 AMENDMENT OF KPIS AND TARGETS FOR 2023/2024 (2/4/2)

The KPIs and targets for 2023/2024 were approved by the Executive Mayoral Committee in June 2023. Following the review of KPIs and targets after the first six months of 2023/2024, certain amendments are proposed to ensure that all KPIs comply with the SMART principle.

RESOLUTION
(proposal by Cllr N Smit, seconded by Cllr J M de Beer)

That the attached key performance indicators (KPI's) and targets be approved with effect from 1 July 2023 (retrospective).

7.4 PROPOSED AMENDMENT OF THE SWARTLAND MUNICIPALITY: MUNICIPAL LAND USE PLANNING BY-LAW (PK 8226 DATED 25 MARCH 2020) (1/1/1/3/14)

The Swartland Municipality: By-law on Municipal Land Use Planning (PK 8226 dated 25 March 2020) does not contain a provision for establishing home shop trading hours.

Following the turbulent events in 2023 in the communities of Saamstaan, Ilinge Lethu and Phola Park, among others, the need was expressed to set trading hours for home shops.

RESOLUTION (for submission to the Council on 30 January 2024)
(proposal by Cllr D G Bess, seconded by Cllr N Smit)

(a) That the below amendment of the Swartland Municipal: By-law regarding Municipal Land Use Planning (PG 8226 of 25 March 2020) be approved, namely:

Section 96(1): A person may be accused of an offence and is liable upon conviction to a fine or imprisonment or to both a fine and such imprisonment if he or she –

Section 96(1)(a): contravenes or fails to comply with sections 25(1), ~~25(5)~~ 25(4), 30(1), 31(4), 41(1), 69(3), 72(2) of 98(2) (*amendment*);
Section 96(1)(h): Failure to comply with any of the conditions imposed in terms of Schedule 2 to this by-law (*addition*); and

Schedule 2 (Swartland Municipality Development Management Scheme – Residential zone 2: Medium Density (R2), paragraph 1.2.7(g): The trading hours of the house shop will be from 07:00 to 20:00 and may not be extended (*addition*); and

7.4/…

7.4/…

(b) Dat, na beginselgoedkeuring deur die Raad, die wysiging van die verordening vir publieke kommentaar geadverteer word in terme van artikel 12(3)(b) van die Stelselswet, 2000 in die plaaslike media en op die munisipale webtuiste.

7.5 KWARTAALVERSLAG INSAKE DIE PRESTASIE VAN KONTRAKTEURS (8/1/B/2)

Die verslag ten opsigte van die kwartaallikse prestasie-evaluering van kontrakteurs wat ingevolge die Voorsieningkanaalbestuursbeleid aangestel is, word voorgelê ter voldoening aan artikel 116(2) van die MFMA en die kernprestasie-indikator van die Munisipale Bestuurder

BESLUIT

Dat kennis geneem word van die verslag insake die prestasie van kontrakteurs vir die periode 1 Oktober 2023 tot 31 Desember 2023.

7.6 VERSLAG INSAKE DIE IMPLEMENTERING VAN DIE VOORSIENINGKANAAL-BESTUURSBELEID VIR DIE PERIODE 1 OKTOBER 2023 TOT 31 DESEMBER 2023 (8/1/B/2)

'n Verslag insake die implementering van die Voorsieningkanaalbestuursbeleid moet op 'n kwartaallikse basis ingevolge paragraaf 6(3) van die Munisipale Voorsieningkanaalbestuursregulasies aan die Uitvoerende Burgemeester voorgelê word.

Die verslag vir die periode 1 Oktober 2023 tot 31 Desember 2023 is met die sakelys gesirkuleer.

BESLUIT

(a) Dat kennis geneem word van die kwartaallikse verslag aangaande die implementering van die Voorsieningkanaalbestuursbeleid vir die periode 1 Oktober 2023 tot 31 Desember 2023, wat ingevolge artikel 6(3) van die Regulasies voorgelê moet word asook die verslae van die Formele Tenders (Aanhangsel A), Informele Tenders (Aanhangsel B) en die Afwykingsverslag (Aanhangsel C);

(b) Dat verder kennis geneem word van die dienste wat vir dieselfde periode gelewer is, met verwysing na die uitsonderings waar dit onprakties sou wees om die mark te toets en gevolglik aanleiding gegee het tot 'n afwyking van die verkrygingsprosesse ingevolge paragraaf 2(6) van die Voorsieningkanaalbestuursbeleid (Bylae D).

7.7 VOORGESTELDE VERHURING VAN NYWERHEIDSGROND TE MOORREESBURG VIR AKKERBOUDOELEINDES (12/2/5/5-9/2)

Die Munisipaliteit beskik oor ±17,7 ha grond in Moorreesburg wat tot en met April 2024 aan die Koringbedryfmuseum verhuur word.

Daar word voorgestel dat 'n openbare mededingingsproses weer deurloop word om die grond vir akkerboudoeleindes beskikbaar te stel vir die suksesvolle tenderaar om 'n opbrengs uit die grond te genereer ten behoewe van 'n plaaslike weldaadsorganisasie.

BESLUIT
(op voorstel van rdl N Smit, gesekondeer deur rdl J M de Beer)

(a) Dat goedkeuring verleen word dat voorstelle ingewin word vir die verhuring van 'n gedeelte (groot ± 17.7 ha) van erf 1133, Moorreesburg vir 'n periode wat nie twaalf maande oorskry nie, met ingang vanaf 1 Mei 2024;

(b) Dat voorstelle ingewin word op die basis en voorwaardes soos vervat in die konsep kennisgewing in Aanhangsel B tot die verslag;

(c)/…

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(b) That, following on in principle approval by the Council, the amendment of the By-law be published for public comment in terms of section 12(3)(b) of the Systems Act, 2000 in both the local media and on the municipal website.

7.5 QUARTERLY REPORT ON THE PERFORMANCE OF CONTRACTORS (8/1/B/2)

The report regarding the quarterly performance evaluation of contractors appointed under the Supply Chain Management Policy is submitted in compliance with Section 116 (2) of the MFMA and the Municipal Manager's core performance indicator.

RESOLUTION

That notice be taken of the report regarding the performance of contractors for the period 1 October 2023 to 31 December 2023.

7.6 REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY FOR THE PERIOD 1 OCTOBER 2023 TO 31 DECEMBER 2023 (8/1/B/2)

A report on the implementation of the Supply Chain Management Policy shall be submitted to the Executive Mayor every quarter under paragraph 6 (3) of the Municipal Supply Chain Management Regulations.

The report from 1 October 2023 to 31 December 2023 has been circulated with the agenda.

RESOLUTION

(a) That cognisance is taken of the Quarterly Report in respect of the implementation of the Supply Chain Management Policy as envisaged by section 6(3) of the Regulations, as well as reports on the Formal Tenders (Annexure A), Informal Tenders (Annexure B), and the Deviation Report (Annexure C);

(b) That cognisance is taken of the services rendered for the period 1 October 2023 to 31 December 2023 with reference to the exceptions where it is impractical to test the market and therefore justified a deviation from the procurement processes in terms of paragraph 2(6) of the Supply Chain Management Policy (Annexure D).

7.7 PROPOSED LEASING OF INDUSTRIAL LAND AT MOORREESBURG FOR FARMING PURPOSES (12/2/5/5-9/2)

The Municipality owns ±17.7 ha of land in Moorreesburg, which is leased to the Wheat Industry Museum until April 2024.

It is proposed that a public tender process be rerun to make the land available for arable farming purposes so that the successful tenderer can generate a return from the land for the benefit of a local charity.

RESOLUTION
(proposal by Cllr N Smit, seconded by Cllr J M de Beer)

(a) That approval be granted for proposals to be invited for the leasing of a portion (± 17.7 ha in extent) of erf 1133, Moorreesburg for a period not exceeding twelve months, with effect from 1 May 2024;

(b) That proposals be invited on the basis of and conditions as contained in the draft notice as per Annexure B to the report;

(c) That the Municipal Manager be authorized to appoint a committee, if deemed necessary, to consider the proposals received and to make an award in consultation with the relevant ward councillor;

7.7/…

7.7/…

(c) Dat die Munisipale Bestuurder met volmag beklee word om, indien dit nodig geag word, 'n komitee aan te wys om die voorstelle wat ontvang word te oorweeg en 'n toekenning te maak in oorlegpleging met die betrokke wyksraadslid;

(d) Dat die Direkteur: Korporatiewe Dienste met volmag beklee word om die inhoud van die huurooreenkoms te finaliseer, asook die ondertekening daarvan;

(e) Dat die voornemende huurder daarop bedag gemaak word dat aanplanting nie mag oorskry op erf 5520, wat aan Boland Diesel h/a AfricOil behoort en tans nog vakant is nie.

7.8 BRANDVOORVAL TE SIBANYE, MOORREESBURG: GRATIS BESKIKBAAR-MAKING VAN GRAFTE EN SAALFASILITEITE (17/3/1/1)

Tydens 'n brandvoorval in Sibanye Square, Moorreesburg wat op 17 Desember 2023 plaasgevind het, het vyf woonstrukture in die slag gebly, welke huishoudings ingevolge die rampbestuursbeleid bystand verleen is/word. Ongelukkig het daar twee kinders vanuit twee families in hierdie brand omgekom.

BESLUIT
(op voorstel van rdl A K Warnick, gesekondeer deur rdl D G Bess)

(a) Dat kennis geneem word van die tragiese voorval op 17 Desember 2023 te Sibanye Square, Moorreesburg waartydens twee minderjarige kinders afgesterf het;

(b) Dat kennis geneem word van die optrede van die Munisipale Bestuurder, synde om die saalfasiliteite asook twee grafte gratis aan die families van die afgestorwenes beskikbaar te stel, vir die volgende redes:
   (i) die tragiese wyse waarop die Moorreesburg-gemeenskap twee minderjariges gelyktydig aan die dood afgestaan het;
   (ii) die kinders albei uit huishoudings kom wat sosio-ekonomiese probleme ervaar, en wat alles tydens die brand verloor het;

(c) Dat die optrede van die Munisipale Bestuurder in hierdie verband gekondoneer word.

7.9 UITSTAANDE DEBITEURE: DESEMBER 2022 (5/7/1/1)

'n Volledige verslag van die stand van uitstaande debiteure is met die sakelys gesirkuleer.

Die Direkteur: Finansiële Dienste bevestig weereens dat die omvang van skuld in die dorpe waar Eskom elektrisiteit voorsien geweldig groei weens die feit dat kredietbeheer nie toegepas kan word nie.

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl N Smit)

Dat kennis geneem word van die verslag aangaande die stand van Swartland Munisipaliteit se uitstaande debiteure vir Desember 2023.

7.10 VORDERING MET UITSTAANDE VERSEKERINGSEISE (5/14/3/5)

Ingevolge die Batebestuursbeleid moet maandeliks verslag gedoen word insake die uitstaande versekeringseise.

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl N Smit)

Dat kennis geneem word van die stand van uitstaande versekeringseise tot en met 31 Desember 2023 soos met die sakelys gesirkuleer.

7

(d) That the Director: Corporate Services be authorized to finalize the contents, as well as the signing of the lease agreement;

(e) That the prospective lessee be made aware that planting is not to exceed on erf 5520, which belongs to Boland Diesel t/a AfricOil and which is currently vacant.

7.8 FIRE INCIDENT AT SIBANYE, MOORREESBURG: FREE AVAILABILITY OF GRAVES AND HALL FACILITIES (17/3/1/1)

During a fire incident in Sibanye Square, Moorreesburg, on 17 December 2023, five residential structures fell victim to the blaze. These households were/are assisted under the disaster management policy. Sadly, two children from two families died in this fire.

RESOLUTION
(proposal by Cllr A K Warnick, seconded by Cllr D G Bess)

(a) That cognizance be taken of the tragic incident on 17 December 2023 at Sibanye Square, Moorreesburg, during which two minor children lost their lives;

(b) That the Municipal Manager's actions be noted, i.e. to make the hall facilities as well as two graves available free of charge to the families of the deceased, for the following reasons:

   (i) the tragic way in which the Moorreesburg community lost two minors to death at the same time;
   (ii) the children both come from households experiencing socio-economic problems, and who lost everything during the fire;

(c) That the actions of the Municipal Manager in this regard be condoned.

7.9 OUTSTANDING DEBTORS: DECEMBER 2022 (5/7/1/1)

A full report of the balance of outstanding debtors was circulated with the agenda.

The Director: Financial Services once again confirms that the amount of debt in the towns where Eskom supplies electricity is growing tremendously because credit control cannot be applied.

RESOLUTION
(proposal by Ald T van Essen, seconded by Cllr N Smit)

That cognizance be taken of the report with reference to the state of the outstanding debtors of Swartland Municipality for December 2023.

7.10 PROGRESS WITH OUTSTANDING INSURANCE CLAIMS (5/14/3/5)

According to the Asset Management Policy, monthly reporting is required for outstanding insurance claims.

RESOLUTION
(proposal by Ald T van Essen, seconded by Cllr N Smit)

That cognizance be taken of the state of outstanding insurance claims up to and including 31 December 2023 as circulated with the agenda.

7.11/...

7.11 AFWYKING VAN VOORGESKREWE VERKRYGINGPROSEDURES: DRINGENDE HERSTEL VAN RIOOLUITSUIGVRAGMOTORS, CK 50003 EN CK 12625 (8/1/B/2)

Die Munisipaliteit beskik oor vier riooluitsuigvragmotors om riool te verwyder vanaf persele wat van opgaartenke gebruik maak. Twee van hierdie vragmotors se pompe het onklaar geraak.

BESLUIT

(a) Dat die Uitvoerende Burgemeesterskomitee kennis neem van die afwyking van die voorgeskrewe verkrygingsprosedures ingevolge paragraaf 36(2) van die Voorsieningkanaalbestuurbeleid;

(b) Dat verder kennis geneem word van die aksie van die Munisipale Bestuurder om goedkeuring te verleen vir die vervanging van die uitsuigpompe van die onderskeie riooluitsuigvragmotors (CK 50003 en CK 12625) deur *Ian Dickie and Company* ten bedrae van R34 121.88 (BTW ingesluit) per vragmotor;

(c) Dat die redes vir die afwyking van die voorgeskrewe verkrygingsprosedures as volg is:
  (i) Die riooluitsuigvragmotors sou vir 'n geruime tyd buite werking wees;
  (ii) Gevolglik sou daar 'n onderbreking gewees het in die lewering van riooldienste met gepaardgaande gesondheidsrisiko's;
  (iii) Die vervanging van die pompe op beide vragmotors is as 'n noodgeval hanteer;

(d) Dat daar voldoende fondse beskikbaar is en dat die uitgawe as volg verreken word:
  (i) R34 121.88 (BTW ingesluit) t.o.v. CK 50003 teen posnommer 9/4-46-5; en
  (ii) R34 121.88 (BTW ingesluit) t.o.v. CK 12625 teen posnommer 9/6-63-5;

(e) Dat die Senior Bestuurder: Finansiële State en Batebestuur in terme van die Voorsieningkanaalbestuursbeleid opdrag gegee word om bovermelde redes as nota by die finansiële state in te sluit, wanneer die betrokke state opgestel word.

7.12 WYSIGING VAN DIE PRESTASIEBESTUUR EN ONTWIKKELINGSBELEID (2/4/2)
[Die direkteure verlaat die lokaal vir die bespreking van die item.]

Die Munisipale Bestuurder behandel die verslag en bevestig dat die Prestasiebestuur- en Ontwikkelingsbeleid aangepas is in lyn met artikel 32 van die Munisipale Prestasie-regulasies.

BESLUIT
(op voorstel van rdl N Smit, gesekondeer deur rdh T van Essen)

(a) Dat die Beleid vir Prestasiebestuur en -Ontwikkeling met ingang van 1 Julie 2023 gewysig word om die "assessment calculator" aan te pas soos voorgehou in die aanhangsel tot die verslag;

(b) Dat die gedeelte rakende die betaling van prestasie bonusse van hoogstens 9% betaalbaar aan die Munisipale Bestuurder en direkteure (uitgesluit die Direkteur: Elektriese Ingenieursdienste wat vir 14% kwalifiseer) gewysig word ten aansien van die 2022/2023 finansiële jaar.

(GET) J H CLEOPHAS
UITVOERENDE BURGEMEESTER

7.11 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIR OF SEWAGE SUCTION TRUCKS, CK 50003 AND CK 12625 (8/1/B/2)

The Municipality has four sewage suction trucks to remove sewage from sites that use storage tanks. Two of these trucks' pumps have broken down.

RESOLUTION

(a) That the Executive Mayoral Committees take note of the deviation from the prescribed procurement procedures in terms of clause 36(2) of the Supply Chain Management Policy;

(b) That further notice be taken of the action of the Municipal Manager to approve the replacement of the vacuum pumps of vacuum tanker truck CK50001 and vacuum tanker truck CK12625 by Ian Dickie and Company for the amount of R34 121.88 (including VAT) for each of the trucks;

(c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
  (i) The vacuum tanker trucks would have been left out of service for an extended period of time;
  (ii) This would have resulted in a failure of the sewage removal service with associated health risks; and
  (iii) The replacement of the vacuum pumps of both truck were therefore treated as an emergency.

(d) That there are sufficient funds available and that the expenditure is settled as follows:
  (i) R34 121.88 (VAT included) in relation to CK 50003 against vote number 9/4-46-5; and
  (ii) R34 121.88 (VAT included) in relation to CK 12625 against vote number 9/6-63-5;

(e) That the Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements, when same are compiled.

7.12 AMENDMENT OF THE PERFORMANCE MANAGEMENT AND DEVELOPMENT POLICY (2/4/2)
[The directors leave the premises for the discussion of the item.]

The Municipal Manager deals with the report and confirms that the Performance Management and Development policy has been adjusted in line with Section 32 of the Municipal Performance Regulations.

RESOLUTION
(proposal by Cllr N Smit, seconded by Ald T van Essen)

(a) That the Performance Management and Development Policy be amended with effect from 1 July 2023 by adapting the "assessment calculator" as reflected in the attachment to the report;

(b) That the section regarding the payment of performance bonuses of a maximum of 9% payable to the Municipal Manager and directors (excluding the Director: Electrical Engineering Services who qualifies for 14%) be amended in respect of the 2022/2023 financial year.

(SIGNED) J H CLEOPHAS
EXECUTIVE MAYOR

NOTULE VAN 'N VERGADERING VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE GEHOU IN DIE BANKETSAAL, MALMESBURY OP WOENSDAG, 21 FEBRUARIE 2024 OM 10:00

TEENWOORDIG:

Uitvoerende Burgemeester, rdh J H Cleophas (voorsitter)
Uitvoerende Onderburgemeester, rdl J M de Beer

Lede van die Burgemeesterskomitee:
Rdl D G Bess
Rdl N Smit
Rdh T van Essen
Rdl A K Warnick

Beamptes:
Munisipale Bestuurder, mnr J J Scholtz
Direkteur: Finansiële Dienste, mnr M Bolton
Direkteur: Siviele Ingenieursdienste, mnr L D Zikmann
Direkteur: Elektriese Ingenieursdienste, mnr T Möller
Direkteur: Beskermingsdienste, mnr P A C Humphreys
Direkteur: Ontwikkelingsdienste, me J S Krieger
Direkteur: Korporatiewe Dienste, me M S Terblanche
Bestuurder: Sekretariaat en Rekordsdienste, me N Brand

1. OPENING

Die voorsitter verwelkom almal teenwoordig en versoek rdl N Smit om die vergadering met gebed te open.

2. VERLOF TOT AFWESIGHEID

Dat kennis geneem word van die verskoning ontvang vanaf die Speaker, rdh M A Rangasamy.

3. VOORLEGGINGS/AFVAARDIGINGS/SPREEKBEURTE

3.1 ELEKTRISITEIT: KOSTE VAN VOORSIENINGSTUDIE, MNR H BARNARD

Mnr H Barnard is deur die Raad aangestel om 'n Koste van Voorsieningstudie te doen om as basis te dien vir die vasstelling van elektrisiteitstariewe vir 2024/2025 finansiële jaar, sowel as die buitejare. Die uitvoer van 'n Koste van Voorsieningstudie is 'n nuwe vereiste deur NERSA wat deel moet vorm van die aansoek om verhoging van elektrisiteitstariewe wat jaarliks voorgelê moet word aan NERSA vir oorweging en goedkeuring.

Ingevolge die nuwe bepalings van NERSA moet munisipaliteite hul aansoeke vir die 2024/2025 finansiële jaar reeds teen 1 Maart 2024 indien.

Mnr H Barnard doen 'n volledige voorlegging aan die Uitvoerende Burgemeesterskomitee en die volgende, onder andere, word uitgelig:

(1) Die huidige tariewe is nie 'n refleksie van die koste van elektrisiteitsvoorsiening nie;
(2) Sekere kategorieë van verbruikers word nie korrek gehef nie;

MINUTES OF A MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD IN THE BANQUET HALL, MALMESBURY, ON WEDNESDAY, 21 FEBRUARY 2024 AT 10.00

PRESENT:

Executive Mayor, Ald J H Cleophas (chairperson)
Executive Deputy Mayor, Cllr J M de Beer

Members of the Mayoral Committee:
Cllr D G Bess
Cllr N Smit
Ald T van Essen
Cllr A K Warnick

Officials:
Municipal Manager, Mr J J Scholtz
Director: Financial Services, Mr M Bolton
Director: Civil Engineering Services, Mr L D Zikmann
Director: Electrical Engineering Services, Mr T Möller
Director: Protective Services, Mr P A C Humphreys
Director: Development Services, Ms J S Krieger
Director: Corporate Services, Ms M S Terblanche
Manager: Secretariat and Records Services, Ms N Brand

1. OPENING

The chairperson welcomed all present and requested Cllr N Smit to open the meeting with prayer.

2. LEAVE OF ABSENCE

That notice be taken of the apology received from the Speaker, M. A. Rangasamy.

3. SUBMISSIONS/DELEGATIONS/SPEAKING ENGAGEMENTS

3.1 ELECTRICITY: COST OF SUPPLY STUDY, MR H BARNARD

Council has appointed Mr H Barnard to undertake a Cost of Supply study to serve as a basis to determine electricity tariffs for the financial year 2024/2025, as well as the other years. The carrying out of a Cost of Supply study is a new requirement by NERSA to form part of the application for electricity rate increases to be submitted annually to NERSA for consideration and approval.

According to NERSA's new provisions, municipalities must submit their applications for the financial year 2024/2025 as early as 1 March 2024.

Mr H Barnard made a full presentation to the Executive Mayoral Committee, and the following, among others, are highlighted:

(1) Current tariffs do not reflect the cost of electricity supply;
(2) Certain categories of consumers are not charged correctly;

3.1/...

(3) Die insluiting van vaste komponente in die tariewe om die Munisipaliteit te beskerm teen die verlaging in verkope (kWh) en om volhoubaar te wees;
(4) Die vasstelling van 'n kapasiteitsheffing om die maksimum aanvraag te help beheer;
(5) Meer verbruikers op die tyd-van-verbruik (time-of-use) word voorgestel
(6) Ondersteuning van SSEG en tolkrag om grootmaat aankope en maksimum aanvraag te beheer.

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl A K Warnick)

(a) Dat kennis geneem word van die proses wat gevolg is om die Koste van Voorsieningstudie uit te voer;

(b) Dat verder kennis geneem word van die uitkomste van die Koste van Voorsieningstudie, die voorgestelde wysigings aan die tariefstrukture en die impak daarvan op die onderskeie kategorieë van verbruikers;

(c) Dat die Uitvoerende Burgemeesterskomitee die gefaseerde implementering van die voorgestelde tariefstrukture oor 'n periode van 3 jaar in beginsel ondersteun, onderhewig daaraan dat die gedetailleerde impak daarvan aan die Raad voorgelê word tydens die begrotingsproses;

(d) Dat kennis geneem word van die wysigings aan die proses om aansoek by NERSA te doen vir tariefverhogings;

(e) Dat die Uitvoerende Burgemeesterskomitee die voorgestelde wysigings van die tariefstrukture aan die Raad aanbeveel vir insluiting by die publieke deelnameproses as deel van die 2024/2025 voorgestelde tariewe en begroting;

(f) Dat die Uitvoerende Burgemeesterskomitee die voorlegging van die Koste van Voorsieningstudie aan NERSA teen 1 Maart 2024 ondersteun, tesame met die begrotingsvooruitskouings vir die volgende drie jaar soos vereis deur NERSA.

4. NOTULES

4.1 NOTULE VAN 'N GEWONE UITVOERENDE BURGEMEESTERSKOMITEE-VERGADERING GEHOU OP 24 JANUARIE 2024

BESLUIT
(op voorstel van rdl N Smit, gesekondeer deur rdl D G Bess)

Dat die notule van 'n Gewone Uitvoerende Burgemeesterskomiteevergadering gehou op 24 Januarie 2024 goedgekeur en deur die Burgemeester onderteken word,

4.2 NOTULE VAN PORTEFEULJEKOMITEESVERGADERING GEHOU OP 14 FEBRUARIE 2024
[Regstellings oorgehou as prerogatief van die onderskeie komitees.]

5. OORWEGING VAN AANBEVELINGS EN SAKE VOORTSPRUITEND UIT DIE NOTULE

5.1 NOTULE VAN 'N PORTEFEULJEKOMITEEVERGADERING GEHOU OP 14 FEBRUARIE 2024

5.1.1 MUNISIPALE BESTUUR, ADMINISTRASIE EN FINANSIES

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl A K Warnick)

Dat die Uitvoerende Burgemeester die aanbevelings in die betrokke notule bekragtig.

5.1.2/...

3.1/...

(3) The inclusion of fixed components in the tariffs to protect the Municipality against the decline in sales (kWh) and to be sustainable;
(4) Setting a capacity charge to help control peak demand;
(5) More time-of-use consumers are proposed;
(6) Support for SSEG and wheeling to control bulk purchases and peak demand.

RESOLUTION
(proposal by Ald T van Essen, seconded by Cllr A K Warnick)

(a) That the process followed in carrying out the Cost of Supply Study be noted;

(b) That further consideration be given to the results of the Cost of Supply study, the proposed changes to tariff structures and their impact on the various categories of consumers;

(c) That the Executive Mayoral Committee supports, in principle, the phased implementation of the proposed tariff structures over 3 years, subject to its detailed impact being presented to the Council during the budgetary process;

(d) That the changes to the process for applying to NERSA for rate increases be noted;

(e) That the Executive Mayoral Committee recommend the proposed amendments to the tariff structures to the Council for inclusion in the public participation process as part of the proposed 2024/2025 tariffs and budget;

(f) That the Executive Mayoral Committee support the submission of the Cost of Supply Study to NERSA by 1 March 2024, together with the budgetary projections for the next three years, as required by NERSA.

4. MINUTES

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 24 JANUARY 2024

RESOLUTION
(proposal by Cllr N Smit, seconded by Cllr D G Bess)

That the minutes of an Ordinary Executive Mayoral Committee Meeting held on 24 January 2024, be approved and signed by the Mayor,

4.2 MINUTES OF THE PORTFOLIO COMMITTEE MEETING HELD ON 14 FEBRUARY 2024
[Corrections are left as a prerogative of the respective committees.]

5. CONSIDERATION OF RECOMMENDATIONS AND MATTERS ARISING FROM THE MINUTES

5.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING HELD ON 14 FEBRUARY 2024

5.1.1 MUNICIPAL MANAGER, ADMINISTRATION AND FINANCE

RESOLUTION
(proposal by Ald T van Essen, seconded by Cllr A K Warnick)

That the Executive Mayoral Committee ratify the recommendations in the relevant minutes.

5.1.2/...

5.1.2 SIVIELE EN ELEKTRIESE DIENSTE

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl A K Warnick)

(a) Dat die Uitvoerende Burgemeester die aanbevelings in die betrokke notule bekragtig;

(b) Dat 'n verslag deur die Direkteur: Siviele Ingenieursdienste aan die Portefeuljekomitee voorgelê word aangaande die uitdagings met watervoorsiening aan Chatsworth en moontlike oplossings.

5.1.3 ONTWIKKELINGSDIENSTE

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl A K Warnick)

Dat die Uitvoerende Burgemeester die aanbevelings in die betrokke notule bekragtig.

5.1.4 BESKERMINGDIENSTE

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl A K Warnick)

Dat die Uitvoerende Burgemeester die aanbevelings in die betrokke notule bekragtig.

6. SAKE VOORTSPRUITEND UIT DIE NOTULES

Geen.

7. NUWE SAKE

7.1 WYSIGINGS AAN DIE 2023/2024 DIENSLEWERING- EN BEGROTINGIMPLEMENTERINGSPLAN (SDBIP) (2/4/2)

Artikel 54(1)(c) van die Wet op Munisipale Finansiële Bestuur (Wet 56 van 2003) bepaal dat die SDBIP oorweeg en, indien nodig, gewysig moet word na goedkeuring van 'n aansuiweringsbegroting.

Die Munisipale Bestuurder bevestig dat die SDBIP gewysig is ooreenkomstig die 2023/2024 Aansuiweringskapitaal- en bedryfsbegroting soos goedgekeur deur die Raad op 30 Januarie 2024 ten einde te verseker dat die Munisipaliteit se goedgekeurde begroting ooreenkomstig die SDBIP geïmplementeer word.

BESLUIT
(op voorstel van rdl J M de Beer, gesekondeer deur rdl N Smit)

Dat die gewysigde Dienslewering- en Begrotingimplementeringsplan (SDBIP) vir die 2023/2024 finansiële jaar in terme van Artikel 54(1)(c) van die Wet op Munisipale Finansiële Bestuur (Wet 56 van 2003) goedgekeur word.

7.2 KANSELLERING VAN WYKSKOMITEEVERGADERINGS VOOR DIE NASIONALE VERKIESING / BETALING VAN WYKSKOMITEELEDE GEDURENDE HIERDIE TYDPERK (3/4/4/1)

Die verslag het ten doel om, soos in die verlede, die kansellering van wykskomiteevergaderings voor die Nasionale en Provinsiale Verkiesings te oorweeg. Dit word aanbeveel dat wykskomiteelede vergoed word vir die gekanselleerde vergaderings, aangesien daar van hulle verwag word om die wyksraadslid en gemeenskap deurlopend met diensleweringskwessies by te staan.

Besluit/...

5.1.2 CIVIL AND ELECTRICAL SERVICES

RESOLUTION
(proposal by Ald T van Essen, seconded by Cllr A K Warnick)

(a) That the Executive Mayoral Committee ratify the recommendations in the relevant minutes;

(b) That a report by the Director: Civil Engineering Services be submitted to the Portfolio Committee on the challenges with water supply to Chatsworth and possible solutions.

5.1.3 DEVELOPMENT SERVICES

RESOLUTION
(proposal by Ald T van Essen, seconded by Cllr A K Warnick)

That the Executive Mayoral Committee ratify the recommendations in the relevant minutes.

5.1.4 PROTECTIVE SERVICES

RESOLUTION
(proposal by Ald T van Essen, seconded by Cllr A K Warnick)

That the Executive Mayoral Committee ratify the recommendations in the relevant minutes.

6. MATTERS ARISING FROM THE MINUTES

None.

7. NEW MATTERS

7.1 AMENDMENTS TO THE 2023/2024 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) (2/4/2)

Section 54 (1) (c) of the Municipal Financial Management Act (Act 56 of 2003) provides that the SDBIP is to be considered and, if necessary, amended after approval of a adjustment budget.

The Municipal Manager confirms that the SDBIP has been amended in accordance with the 2023/2024 Adjustment Capital and Operating Budget as approved by the Council on 30 January 2024 to ensure that the Municipality's approved budget is implemented in accordance with the SDBIP.

RESOLUTION
(proposal by Cllr J M de Beer, seconded by Cllr N Smit)

That the amended Service Delivery and Budget Implementation Plan (SDBIP) for the 2023/2024 financial year be approved in terms of Section 54(1)(c) of the Municipal Finance Management Act (Act 56 of 2003).

7.2 CANCELLATION OF WARD COMMITTEE MEETINGS BEFORE THE NATIONAL ELECTION / PAYMENT OF WARD COMMITTEE MEMBERS DURING THIS PERIOD (3/4/4/1)

As in the past, the report aims to consider the cancellation of ward committee meetings before the National and Provincial Elections. It is recommended that ward committee members be compensated for the cancelled meetings, as they are expected to assist the ward councillor and community on an ongoing basis with service delivery issues.

Resolution/...

7.2/...

BESLUIT
(op voorstel van rdl D G Bess, gesekondeer deur rdh T van Essen)

(a) Dat kennis geneem word dat die wykskomiteevergaderings vir Februarie gekanselleer is in oorleg met die Speaker en Munisipale Bestuurder, aangesien dit die verwagting is dat die nasionale verkiesingsdatum in Mei gaan wees;

(b) Dat, indien die datum van die nasionale verkiesing in Augustus is, die kwartaallikse wykskomiteevergadering in April plaasvind en daarna vanaf einde Augustus soos geskeduleer volgens die 2024 vergaderingskedule;

(c) Dat goedkeuring verleen word om wykskomiteelede te vergoed teen die normale sittingsfooi van R500/vergadering vir geskeduleerde wykskomiteevergaderings wat nie gaan plaasvind nie;

(d) Dat die vergoeding van wykskomiteelede vir hierdie tydperk goedgekeur word vir die volgende redes:
  (i) Wykskomiteelede moet beskikbaar wees om die wyskraadslid by te staan, soos wat die behoefte mag onstaan;
  (ii) Wykskomiteelede moet beskikbaar wees wanneer lede van die gemeenskap diensleweringskwessies rapporteer;
  (iii) Wykskomiteelede kan dringende diensleweringskwessies deurgee aan die administrasie of direk met die betrokke direktorate skakel;
  (iv) Om die kontinuïteit van die wykskomiteestruktuur na afloop van die nasionale verkiesing te verseker.

7.3 VOORGESTELDE AANKOOP VAN ERF 3986, RIVERLANDS (5/7/1/1)

Die Munisipaliteit het beslag gelê op Erf 3986, Riverlands deur middel van 'n kredietinvorderingsproses nadat die eienaar nooit besit van die erf geneem het nie. Die proses wat deurloop is, is soortgelyk aan die sg. 'swart kol' erwe in Chatsworth, waarvan die Munisipaliteit gedurende die vroeë 2000's by wyse van ediktale sitasie eienaarskap bekom het.

Erf 3986 (groot 1983 m²) word omring deur Erf 7841 wat as oop ruimte gesoneer is en aan die Munisipaliteit behoort. Dit sal nie sinvol wees vir enige ander potensiële koper om Erf 3986 te bekom nie, aangesien daar nie toegang tot die betrokke erf is nie. Dit word dus aanbeveel dat Erf 3986 deur die Munisipaliteit aangekoop word ten einde dit met Erf 7841 te konsolideer vir sinvolle herbeplanning van die groter area, potensieel vir behuising of vir gemeenskapsgebruike.

BESLUIT
(op voorstel van rdh T van Essen, gesekondeer deur rdl A K Warnick)

(a) Dat kennis geneem word van die situasie betreffende Erf 3986, Riverlands, en die veiling wat gaan plaasvind;

(b) Dat die Munisipale Bestuurder (of sy genomineerde) met volmag beklee word om 'n bedrag wat nie R55 000,00 sal oorskry nie, vir die eiendom aan te bied by die veiling, in 'n poging om eienaarskap te bekom en gevolglik verder te mag handel met die eiendom.

7.4 HUUR VAN STOORRUIMTE TE MALMESBURY (12/1/2-6/2)

Die Raad huur tans stoorruimte te Malmesbury van die Bester Familietrust vir die stoor van vullissakke en watermeters. Die Direktoraat Finansiële Dienste het aangetoon dat die stoorruimte vir 'n verdere termyn benodig word.

BESLUIT
(op voorstel van rdl J M de Beer, gesekondeer deur rdl N Smit)

(a) Dat 'n huurooreenkoms met die Bester Familietrust aangegaan word vir 'n verdere termyn van 12 maande vir die huur van stoorruimte te Malmesbury, met ingang vanaf 1 April 2024;

7.2/...

RESOLUTION
(proposal by Cllr D G Bess, seconded by Ald T van Essen)

(a) That cognisance be taken that die ward committee meetings scheduled for February was cancelled in liaison with the Speaker and Municipal Manager as it was the expectation that the date of the national election will be in May;

(b) That, if the date of the national election is in August, the quarterly ward committee meeting be held in April and thereafter from August as scheduled in accordance with the 2024 meeting schedule;

(c) That approval be granted for the remuneration of ward committee members at the normal sitting fee of R500/meeting for the scheduled meetings that will not take place;

(d) That the remuneration of ward committee members during this period be approved for the following reasons:
  (i) Ward committee members must be available to assist the ward councillor, as the need may arise;
  (ii) Ward committee members must be available to assist members of the public to report service delivery matters;
  (iii) Ward committee members may still communicate urgent service delivery issues to the administration or directly to the relevant directorate;
  (iv) To ensure the continuity of the ward committee structure after the national election.

7.3 PROPOSED PURCHASE OF ERF 3986, RIVERLANDS (5/7/1/1)

The Municipality seized Erf 3986, Riverlands, through a credit recovery process after the owner never took possession of the property. The process followed is similar to the so-called 'black-dot' plots in Chatsworth, which the Municipality acquired ownership of through an edictal citation in the early 2000s.

Erf 3986 (size 1983 m2) is surrounded by Erf 7841, which is zoned as open space and belongs to the Municipality. It would make no sense for any other potential buyer to acquire Erf 3986 since there is no access to the property. It is therefore recommended that the Municipality purchase Erf 3986 to consolidate it with Erf 7841 for meaningful re-planning of the larger area, potentially for housing or for community uses.

RESOLUTION
(proposal by Ald T van Essen, seconded by Cllr A K Warnick)

(a) That cognizance be taken of the situation regarding Erf 3986, Riverlands, and the auction that will take place;

(b) That the Municipal Manager (or designated official) be authorized to offer an amount up to a maximum of R55 000,00 for the property at the auction in order to obtain ownership and to thus be in a position to deal with the property in a manner to be decided.

7.4 RENT OF STORAGE SPACE IN MALMESBURY (12/1/2-6/2)

The Council currently leases storage space in Malmesbury from the Bester Family Trust to store garbage bags and water meters. The Financial Services Directorate has indicated that the storage space is needed for a further term.

RESOLUTION
(proposal by Cllr J M de Beer, seconded by Cllr N Smit)

(a) That a rental agreement be entered into with the Bester Family Trust for the use of storage space in Malmesbury, for a further term of 12 months as from 1 April 2024;

7.4/...

(b) Dat die huurgeld ten bedrae van R1 452.00, BTW ingesluit, per maand betaal word vanuit posnommer 9/241-369-3007 (aankoop van vullissakke);

(c) Dat die verhoging in deposito van R132.00 (d.i. vanaf R1 320.00 tot R1 452.00) ook goedgekeur en betaal word vanuit gemelde posnommer.

7.5 HUUROOREENKOMS: LITTLE DARLINGS CRèCHE (17/9/2/R)

Die Little Darlings Crèche het in 2018 aansoek gedoen om Erf 4048, Darling vanaf die Raad te huur om hulle crèche na 'n meer permanente struktuur te verskuif. Tans word daar 35 kinders geakkommodeer en is daar ook begin met 'n Graad R-klas.

Little Darlings Crèche se droom is om 'n volwaardige Vroeë-Kinderontwikkelingsentrum op te rig, maar is daar nog nie genoegsame befondsing hiervoor beskikbaar nie.

BESLUIT
(op voorstel van rdl D G Bess, gesekondeer deur rdl A K Warnick)

(a) Dat 'n een (1) jaar huurooreenkoms met Little Darlings Crèche m.i.v. 1 Maart 2024 aangegaan word vir die huur van erf 4048, Darling vir gebruik vir doeleindes van 'n Vroeë Kinderontwikkelingsentrum;

(b) Dat die Direkteur: Ontwikkelingsdienste 'n ondersoek doen na die werksaamhede van die Little Darlings Crèche;

(c) Dat die huurgeld vasgestel word op R120.00 per jaar plus BTW;

(d) Dat die Direkteur: Ontwikkelingsdienste 'n ondersoek doen na die aktiwiteite;

(e) Dat indien Little Darlings Crèche homself as behore finansieel volhoubaar bewys, oorweging geskenk sal word aan die vervreemding van die betrokke erf aan genoemde instelling in die toekoms.

7.6 KANTOORAKKOMMODASIE: SINETHEMBA (12/1/3/1-1/1)

Die Raad verhuur op 'n jaarlikse grondslag 'n gedeelte van die gebou geleë op Erf 1217, Abbotsdale aan Sinethemba vir die aanbied van gemeenskapsgebaseerde gesondheidsdienste.

Sinethemba het versoek om die gebou vir 'n verdere termyn van een jaar te huur.

BESLUIT
(op voorstel van rdl D G Bess, gesekondeer deur rdl J M de Beer)

(a) Dat 'n huurooreenkoms gesluit word met Sinethemba vir die huur van 'n gedeelte van die gebou op Erf 1217, Abbotsdale vir een (1) jaar vir doeleindes van die lewering van gemeenskapsgebaseerde gesondheidsdienste;

(b) Dat 'n huurtarief van R120.00 per jaar, plus BTW, goedgekeur word;

(c) Dat die huidige huurvoorwaardes van krag bly.

7.7 UITSTAANDE DEBITEURE: JANUARIE 2024 (5/7/1/1)

'n Volledige verslag van die stand van uitstaande debiteure is met die sakelys gesirkuleer.

BESLUIT

Dat kennis geneem word van die verslag aangaande die stand van Swartland Munisipaliteit se uitstaande debiteure vir Januarie 2024.

7.8/...

7.4/…

(b) That the rental tariff of R1 452.00, VAT included, per month be paid from vote number 9/241-369-3007 (purchase of refuge bags);

(c) That the deposit increase of R132.00 (i.e. from R1 320.00 tot R1 452.00) also be approved and paid from the said vote number.

7.5 LEASE AGREEMENT: LITTLE DARLINGS CRèCHE (17/9/2/R)

In 2018, the Little Darlings Crèche applied to lease Erf 4048, Darling, from the Council to move their crèche to a more permanent structure. It currently accommodates 35 children and has also started a Grade R class.

Little Darlings Crèche's dream is to set up a full-fledged Early Childhood Development Centre, but there is not enough funding yet.

RESOLUTION
(proposal by Cllr D G Bess, seconded by Cllr A K Warnick)

(a) That a one (1) year lease agreement be entered into with Little Darlings Crèche with effect from 1 March 2024 for the lease of erf 4048, Darling, for utilization for purposes of an Early Childhood Development Centre;

(b) That the Director: Development Services conduct an investigation into the activities of the Little Darlings Crèche;

(c) That the rental amount be established at R120.00 per annum plus VAT;

(d) That the Director: Development Services conduct an investigation into the activities;

(e) That should Little Darlings Crèche prove itself as a financially sustainable enterprise, consideration be given in future to the alienation of erf 4048, Darling, to said institution.

7.6 OFFICE ACCOMMODATION: SINETHEMBA (12/1/3/1-1/1)

The Council leases a part of the building located at Erf 1217, Abbotsdale, to Sinethemba annually to provide community-based health services.

Sinethemba has requested to lease the building for a further term of one year.

RESOLUTION
(proposal by Cllr D G Bess, seconded by Cllr J M de Beer)

(a) That a lease agreement be entered into with Sinethemba for the lease of a portion of the building on Erf 1217, Abbotsdale for the purpose of rendering community based healthcare services;

(b) That a lease tariff of R120.00 per annum, plus VAT, be approved;

(c) That the current conditions of lease remain applicable.

7.7 OUTSTANDING DEBTORS: JANUARY 2024 (5/7/1/1)

A full report of the balance of outstanding debtors was circulated with the agenda.

RESOLUTION

That cognizance be taken of the report with reference to the state of the outstanding debtors of Swartland Municipality for January 2024.

7.8/...

7.8 VORDERING MET UITSTAANDE VERSEKERINGSEISE (5/14/3/5)

Ingevolge die Batebestuursbeleid moet maandeliks verslag gedoen word insake die uitstaande versekeringseise.

BESLUIT

Dat kennis geneem word van die stand van uitstaande versekeringseise tot en met 31 Januarie 2024 soos met die sakelys gesirkuleer.

7.9 AFWYKING VAN VOORGESKREWE VERKRYGINGSPROSEDURES: DRINGENDE HERSTELWERK AAN MONTEERPLATE VAN X6 MENGERS BY DIE RIEBEEK VALLEI WWTW (8/1/B/2)

Die Riebeek Vallei WWTW bestaan uit verskeie biologiese behandelingsones en word mengers gebruik om die vloei tussen die onderskeie sones te verseker.

Tydens 'n roetine inspeksie is daar bevind dat die mengers nie egalig beweeg nie en is dit onmiddellik afgeskakel om enige verdere skade te beperk.

BESLUIT

(a) Dat kennis geneem word van die afwyking van die voorgeskrewe verkrygingsprosedures ingevolge klousule 36(2) van die Voorsiening-kanaalbestuurbeleid;

(b) Dat verder kennis geneem word van die aksie van die Munisipale Bestuurder om goedkeuring te verleen vir die herstelwerk aan die ses mengers by die Riebeek Vallei WWTW, deur GW Trautmann ten bedrae van R43 429.80 (BTW uitgesluit);

(c) Dat die redes vir die afwyking van die voorgeskrewe verkrygingsprosedures as volg is:
  (i) indien die normale prosesse gevolg was, sou die mengers vir 'n geruime tyd buite werking gelaat word;
  (ii) voormelde sou lei tot 'n oneffektiewe behandelingsproses en nie-voldoening aan die wetlike standaarde nie en ook moontlike skade aan die meganiese toerusting;
  (iii) die herstelwerk by die Riebeek Vallei WWTW is as 'n noodgeval gehanteer;

(d) Dat daar voldoende fondse beskikbaar is en dat die uitgawe ten bedrae van R43 429.80 (BTW uitgesluit) teen posnommer 9/239-851-689 verreken word;

(e) Dat die Senior Bestuurder: Finansiële State en Batebestuur in terme van die Voorsieningkanaalbestuursbeleid opdrag gegee word om bovermelde redes as nota by die finansiële state in te sluit, wanneer die betrokke state opgestel word.

7.10 AFWYKING VAN VOORGESKREWE VERKRYGINGSPROSEDURES: DRINGENDE HERSTELWERK AAN KOMPAKTEERVRAGMOTOR, CK 21988 (8/1/B/2)

Die kompakteerder op die vullisverwyderingsvragmotor, CK 21988 het onklaar geraak en die vragmotor is onmiddellik na Transtech geneem vir assessering, aangesien die vragmotor 'n essensiële diens lewer.

BESLUIT

(a) Dat kennis geneem word van die afwyking van die voorgeskrewe verkrygingsprosedures ingevolge klousule 36(2) van die Voorsieningkanaalbestuurbeleid;

(b) Dat verder kennis geneem word van die aksie van die Munisipale Bestuurder om die herstelwerk aan die kompakteervragmotor, CK 21988 deur Transtech ten bedrae van R167 840.97 (BTW uitgesluit) goed te keur;

7.8 PROGRESS WITH OUTSTANDING INSURANCE CLAIMS (5/14/3/5)

According to the Asset Management Policy, monthly reporting is required for outstanding insurance claims.

RESOLUTION

That cognizance be taken of the state of outstanding insurance claims up to and including 31 January 2024 as circulated with the agenda.

7.9 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIRS TO MOUNTING PLATES OF X6 MIXERS AT THE RIEBEEK VALLEY WWTW (8/1/B/2)

The Riebeek Valley WWTW consists of several biological treatment zones, and mixers are used to ensure the flow between the respective zones.

During a routine inspection, the mixers were found to be moving unevenly and were shut down immediately to limit any further damage.

RESOLUTION

(a) That the Executive Mayoral Committees take note of the deviation from the prescribed procurement procedures in terms of clause 36(2) of the Supply Chain Management Policy;

(b) That further notice be taken of the action of the Municipal Manager to approve repairs to six mixers at the Riebeek Valley WWTW in terms of 36(1)(a) of the Supply Chain Management Policy as an emergency by GW Trautmann cc for the amount of R43 429.80 (excl. VAT);

(c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
  (i) The six mixers would have been left out of service for an extended period of time;
  (ii) This would have resulted poor quality final effluent that does not meet required legislative standards and possible damages to other mechanical equipment; and
  (iii) The repairs to the six mixers were therefore treated as an emergency;

(d) That the expenditure of R43 429.80 (excl. VAT) was allocated to mSCOA Code: 9/239-851-689 and that there is sufficient funding available;

(e) That the Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements, when same are compiled.

7.10 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIRS TO COMPACTOR TRUCK, CK 21988 (8/1/B/2)

The compactor on the garbage truck, CK 21988, broke down, and the truck was taken to Transtech immediately for assessment as the truck provides an essential service.

RESOLUTION

(a) That the Executive Mayoral Committees take note of the deviation from the prescribed procurement procedures in terms of clause 36(2) of the Supply Chain Management Policy;

(b) That further notice be taken of the action of the Municipal Manager to approve repairs to the compactor truck CK 21988 for the amount of R 167,840.97 (excluding VAT) by Transtech;

7.10/...

(c) Dat die redes vir die afwyking van die voorgeskrewe verkrygingsproses soos volg aangeteken word:
  (i) indien die normale prosesse gevolg was, sou die vragmotor vir 'n geruime tyd buite werking gelaat word;
  (ii) voormelde sou lei tot 'n onderbreking in die vullisverwyderingsdienste met gepaargaande gesondheidsrisiko's;
  (iii) die herstelwerk aan die kompakteervragmotor is dus as 'n noodgeval gehanteer;

(d) Dat kennis geneem word dat die uitgawe ten bedrae van R167 940.97 (BTW uitgesluit) teen posnommer 9/4-51-5 verreken word en dat daar voldoende fondse beskikbaar is;

(e) Dat die Senior Bestuurder: Finansiële State en Batebestuur in terme van die Voorsieningkanaalbestuursbeleid opdrag gegee word om bovermelde redes as nota by die finansiële state in te sluit, wanneer die betrokke state opgestel word.

7.11 AFWYKING VAN VOORGESKREWE VERKRYGINGSPROSEDURES: INSTALLERING VAN KABEL OP DIE VULLISVERWYDERINGSVRAGMOTOR, CK 56748 (8/1/B/2)

Die vullisverwyderingsvragmotor, CK 65748 is in Februarie 2023 deur die Departement van Bosbou, Vissery en Omgewing aan die Munisipaliteit geskenk. Die vragmotor is toegerus met 'n kompakteerder, maar nie met die nodige kabelstelsel om wheelybins te hanteer nie.

BESLUIT

(a) Dat kennis geneem word van die afwyking van die voorgeskrewe verkrygingsprosedures ingevolge klousule 36(2) van die Voorsieningkanaalbestuurbeleid;

(b) Dat verder kennis geneem word van die aksie van die Munisipale Bestuurder om die installering van die kabelstelsel op vullisverwyderingsvragmotor, CK 56748 deur 600CT Manufacturing ten bedrae van R275 765.00 (BTW uitgesluit) goed te keur;

(c) Dat die rede vir die afwyking van die voorgeskrewe verkrygingsproses is dat 600CT Manufacturing die oorspronklike vervaardiger en diens- en ondersteuningsagent van die HYVA BU kompakteereenheid is;

(d) Dat kennis geneem word dat die uitgawe ten bedrae van R275 765.00 (BTW uitgesluit) teen posnommer 9/104-852-995 verreken word en dat daar voldoende fondse beskikbaar is;

(e) Dat die Senior Bestuurder: Finansiële State en Batebestuur in terme van die Voorsiening- kanaalbestuursbeleid opdrag gegee word om bovermelde rede as nota by die finansiële state in te sluit, wanneer die betrokke state opgestel word.

(GET) J H CLEOPHAS
UITVOERENDE BURGEMEESTER

7.10/…

(c) That the reason for the deviation from the prescribed procurement process be recorded as follows:

The truck would have been left out of service for an extended period of time;
This would have resulted in a failure in the waste removal services and public health risks;
The repair works to the compactor truck therefore had to be handled as an emergency;

(d) That the expenditure of R167 940.97 (excl. VAT) was allocated to mSCOA Code: 9/4-51-5 and that there is sufficient funding available;

(e) That the Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements, when same are compiled.

7.11 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: CABLE INSTALLATION ON THE GARBAGE TRUCK, CK 56748 (8/1/B/2)

The Department of Forestry, Fisheries and Environment donated the garbage truck, CK 65748, to the Municipality in February 2023. The truck has a compactor but not the necessary cable system to handle wheely bins.

RESOLUTION

(a) That the Executive Mayoral Committees take note of the deviation from the prescribed procurement procedures in terms of clause 36(2) of the Supply Chain Management Policy;

(b) That further notice be taken of the action of the Municipal Manager has approved the fitting of a reefer cable system to the waste removal truck CK 56748 for the amount of R 275,765.00 (excluding VAT) by 600CT Manufacturing;

(c) That the reason for the deviation from the prescribed procurement process is that 600CT Manufacturing is the original manufacturer and service and support agent of the HYVA BU compacting unit;

(d) That the expenditure of R275 765.00 (excl. VAT) was allocated to mSCOA Code: 9/104-852-995 and that there is sufficient funding available;

(e) That the Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements, when same are compiled.

(SIGNED) J H CLEOPHAS
EXECUTIVE MAYOR

NOTULE VAN 'N VERGADERING VAN DIE MUNISIPALE BESTUUR-, ADMINISTRASIE EN FINANSIES PORTEFEULJEKOMITEE VAN DIE SWARTLAND MUNISIPALE RAAD GEHOU OP WOENSDAG, 14 FEBRUARIE 2024 OM 10:00

TEENWOORDIG:

RAADSLEDE:
Voorsitter, rdl I S le Minnie
Ondervoorsitter, rdl N Smit

Nel, M (rdd)	Soldaka, P E
O'Kennedy, E C	Van Essen, T (rdh)
Penxa, B J	Vermeulen, G
Pypers, D C	Warnick, A K
Rangasamy, M A (rdh)	

Die Uitvoerende Burgemeester, rdh J H Cleophas (in ex-officio hoedanigheid)

BEAMPTES:

Munisipale Bestuurder, mnr J J Scholtz
Direkteur: Beskermingsdienste, mnr P A C Humphreys
Direkteur: Korporatiewe Dienste, me M S Terblanche
Direkteur: Ontwikkelingsdienste, me J S Krieger
Direkteur: Siviele Ingenieursdienste, mnr L D Zikmann
Direkteur: Elektriese Ingenieursdienste, mnr T Möller
Komitee beampte, me S Willemse

1. OPENING/VERLOF TOT AFWESIGHEID

Die voorsitter verwelkom lede en versoek rdl A M Williams om die vergadering met gebed te open.

Die voorsitter betoon haar medelye met die afsterwe van rdl C Daniels, waarna 'n minuut van stilte volg.

Die voorsitter bevestig die teenwoordigheid van raadslede wat dien op die Portefeuljekomitee: Munisipale Bestuurder, Administrasie en Finansies.

Verlof tot afwesigheid word verleen aan die Direkteur: Finansiële Dienste, mnr M A C Bolton.

2. NOTULE

2.1 NOTULE VAN 'N PORTEFEULJEKOMITEEVERGADERING (MUNISIPALE BESTUUR-, ADMINISTRASIE- EN FINANSIESKOMITEE) GEHOU OP 11 OKTOBER 2023

BESLUIT
(voorgestel deur rdd M Nel, gesekondeer deur rdl D C Pypers)

Dat die notule van die Portefeuljekomiteevergadering (Munisipale Bestuur-, Administrasie- en Finansieskomitee) gehou op 11 Oktober 2023 goedgekeur word.

3. AFVAARDIGINGS/VOORLEGGINGS/MEDEDELINGS

3.1 SKRYWES VAN DANK EN WAARDERING AAN SWARTLAND MUNISIPALITEIT

BESLUIT

Dat kennis geneem word van die skrywes van dank en waardering aan Swartland Munisipaliteit soos met die sakelys gesirkuleer.

MINUTES OF A MEETING OF THE MUNICIPAL MANAGEMENT, ADMINISTRATION AND FINANCES PORTFOLIO COMMITTEE OF THE SWARTLAND MUNICIPAL COUNCIL HELD ON WEDNESDAY, 14 FEBRUARY 2024 AT 10:00

PRESENT:

COUNCILLORS:
Chairperson, cllr I S le Minnie
Deputy Chairperson, cllr N Smit

Nel, M (ald)	Soldaka, P E
O'Kennedy, E C	Van Essen, T (ald)
Penxa, B J	Vermeulen, G
Pypers, D C	Warnick, A K
Rangasamy, M A (ald)	

The Executive Mayor, ald J H Cleophas (ex-officio)

OFFICIALS:

Municipal Manager, mr J J Scholtz
Director: Protection Services, mr P A C Humphreys
Director: Corporate Services, ms M S Terblanche
Director: Development Services, ms J S Krieger
Director: Civil Engineering Services, mr L D Zikmann
Director: Electrical Engineering Services, mr T Möller
Committee Officer, ms S Willemse

1. OPENING/APOLOGIES

The chairperson welcomed members and requested cllr A M Williams to open the meeting with a prayer.

The chairperson expressed her condolences on the death of cllr C Daniels, after which a minute of silence follows.

The chairperson confirmed the presence of councillors serving on the Portfolio Committee: Municipal Manager, Administration and Finance.

Apologies received from the Director: Financial Services, mr M A C Bolton.

2. MINUTES

2.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING (MUNICIPAL MANAGEMENT, ADMINISTRATION AND FINANCES COMMITTEE) HELD ON 11 OCTOBER 2023

RESOLUTION
(proposed by adl M Nel, seconded by cllr D C Pypers)

That the minutes of a Portfolio Committee Meeting (Municipal Management, Administration and Finances Committee) held on 11 October 2023 are approved.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

3.1 LETTERS OF THANKS AND APPRECIATION TO SWARTLAND MUNICIPALITY

RESOLUTION

That note is taken of the letters of thanks and appreciation received by the Swartland Municipality, circulated with the agenda.

4. SAKE VOORTSPRUITEND UIT NOTULES

Geen

5. GEDELEGEERDE SAKE M.B.T. MUNISIPALE BESTUURDER

Geen

6. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

Geen

7. GEDELEGEERDE SAKE M.B.T. ADMINISTRASIE

Geen

8. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

Geen

9. GEDELEGEERDE SAKE M.B.T. FINANSIES

Geen

10. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

Geen

(GET) RDL I S LE MINNIE
VOORSITTER

4. MATTERS ARISING FROM THE MINUTES

None

5. DELEGATED MATTERS IN RESPECT OF MUNICIPAL MANAGER

None

6. MATTERS FOR RECOMMENDATION TO THE EXECUTIVE MAYOR

None

7. DELEGATED MATTERS IN RESPECT OF ADMINISTRATION

None

8. MATTERS FOR RECOMMENDATION TO THE EXECUTIVE MAYOR

None

9. DELEGATED MATTERS IN RESPECT OF FINANCES

None

10. MATTERS FOR RECOMMENDATION TO THE EXECUTIVE MAYOR

None

(SGD) CLLR I S LE MINNIE
CHAIRPERSON

NOTULE VAN 'N VERGADERING VAN DIE SIVIELE- EN ELEKTRIESE DIENSTE PORTEFEULJEKOMITEE VAN DIE SWARTLAND MUNISIPALE RAAD GEHOU OP WOENSDAG, 14 FEBRUARIE 2024 OM 10:12

TEENWOORDIG:

RAADSLEDE:
Voorsitter, rdl R J Jooste
Ondervoorsitter, rdh T van Essen

Bess, D G	O'Kennedy, E C
Fortuin, C	Pieters, C
Gaika, M F	Smit, N
Nel, M (rdd)	Warnick, A K
	Williams, A M

Die Uitvoerende Burgemeester, rdh J H Cleophas (in ex-officio hoedanigheid)

BEAMPTES:

Munisipale Bestuurder, mnr J J Scholtz
Direkteur: Beskermingsdienste, mnr P A C Humphreys
Direkteur: Korporatiewe Dienste, me M S Terblanche
Direkteur: Ontwikkelingsdienste, me J S Krieger
Direkteur: Siviele Ingenieursdienste, mnr L D Zikmann
Direkteur: Elektriese Ingenieursdienste, mnr T Möller
Komitee beampte, me S Willemse

1. OPENING/VERLOF TOT AFWESIGHEID

Die voorsitter verwelkom almal teenwoordig en betoon sy medelye aan rdl A M Booysen met die afsterwe van haar pa, waarna 'n minuut van stilte volg.

Die voorsitter bevestig die teenwoordigheid van raadslede wat dien op die Portefeuljekomitee: Siviele en Elektriese Dienste.

Verlof tot afwesigheid word verleen aan die Direkteur: Finansiële Dienste, mnr M A C Bolton.

2. NOTULE

2.1 NOTULES VAN 'N PORTEFEULJEKOMITEEVERGADERING (SIVIELE- EN ELEKTRIESE DIENSTEKOMITEE) GEHOU OP 11 OKTOBER 2023

BESLUIT
(voorgestel deur rdl N Smit, gesekondeer deur rdl D G Bess)

Dat die notule van die Portefeuljekomiteevergadering (Siviele- en Elektriese Dienste) gehou op 11 Oktober 2023 goedgekeur word.

3. AFVAARDIGINGS/VOORLEGGINGS/MEDEDELINGS

Geen

4. SAKE VOORTSPRUITEND UIT NOTULES

Geen

5. GEDELEGEERDE SAKE

5.1. MAANDVERSLAG: DESEMBER 2023

MINUTES OF A MEETING OF THE CIVIL AND ELECTRICAL ENGINEERING SERVICES PORTFOLIO COMMITTEE OF THE SWARTLAND MUNICIPAL COUNCIL HELD ON WEDNESDAY, 14 FEBRUARY 2024 AT 10:12

PRESENT:

COUNCILLORS:
Chairperson, cllr R J Jooste
Deputy Chairperson, ald T van Essen

Bess, D G	O'Kennedy, E C
Fortuin, C	Pieters, C
Gaika, M F	Smit, N
Nel, M (ald)	Warnick, A K
	Williams, A M

The Executive Mayor, ald J H Cleophas (ex-officio)

OFFICIALS:

Municipal Manager, mr J J Scholtz
Director: Protection Services, mr P A C Humphreys
Director: Corporate Services, ms M S Terblanche
Director: Development Services, ms J S Krieger
Director: Civil Engineering Services, mr L D Zikmann
Director: Electrical Engineering Services, mr T Möller
Committee Officer, ms S Willemse

1. OPENING/APOLOGIES

The chairperson welcomed everyone present and expressed his condolences to cllr A M Booysen on the death of her father, after which a minute of silence follows.

The chairperson confirmed the presence of councillors serving on the Portfolio Committee: Civil and Electrical Services.

Apologies received from the Director: Financial Services, mr M A C Bolton.

2. MINUTES

2.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING (CIVIL AND ELECTRICAL SERVICES COMMITTEE) HELD ON 11 OCTOBER 2023

RESOLUTION
(proposed by cllr N Smit, seconded by cllr D G Bess)

That the minutes of a Portfolio Committee Meeting (Civil and Electrical Services) held on 11 October 2023 are approved.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

None

4. MATTERS ARISING FROM THE MINUTES

None

5. DELEGATED MATTERS

5.1.1 SIVIELE INGENIEURSDIENSTE

Die voorsitter lê die maandverslag, soos met die sakelys gesirkuleer, ter tafel.

Die Direkteur: Siviele Ingenieursdienste gee, onder andere, inligting deur insake die stand van die damvlakke.

Die Direkteur: Siviele Ingenieursdienste noem dat daar 'n toename in watergebruik was tussen November 2023 en Desember 2023 en dat die watervoorsieningstelsel onder druk bly in Chatsworth en Riverlands.

Rdl C Fortuin lewer kommentaar oor die kennisgewing wat ontvang was rakende die versoek tot spaarsamige gebruik van water en verneem na die stand van die damvlakke.

Die Direkteur: Siviele Ingenieursdienste noem dat die kennisgewing gesirkuleer was omrede die grootmaat-watertoevoerstelsel wat water aan die Swartland Munisipaliteit voorsien onder druk was. Op hierdie stadium sal daar geen waterbeperkings ingestel word nie.

BESLUIT
(op voorstel van rdl A K Warnick, gesekondeer deur rdd M Nel)

Dat kennis geneem word van die maandverslag van die Direktoraat Siviele Ingenieursdienste vir Desember 2023.

5.1.2 ELEKTRIESE INGENIEURSDIENSTE

Die voorsitter lê die maandverslag ter tafel soos met die sakelys gesirkuleer en versoek die Direkteur: Elektriese Ingenieursdienste om belangrike aspekte uit te wys.

Die Direkteur: Elektriese Ingenieursdienste meld dat die maand tot maand energie-aankope (kWh) 'n groei van 9,69% toon wat toegeskryf kan word aan die baie laer vlakke en minder gereelde beurtkrag in Desember 2023.

Verder meld die Direkteur: Elektriese Ingenieursdienste dat die maksimum aanvraag gedurende Desember 2023 baie laer is as gedurende Desember 2022. Daar was goeie vordering gewees ten opsigte van die TID projek.

BESLUIT
(op voorstel van rdl A K Warnick, gesekondeer deur rdd M Nel)

Dat kennis geneem word van die maandverslag van die Direktoraat Elektriese Ingenieursdienste vir Desember 2023.

6. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

6.1 SALGA WERKGROEPE: RAPPORTERING: ELEKTRISITEIT EN ENERGIE-VOORSIENING EN OPENBARE WERKE EN WATER EN SANITASIE

Die SALGA Werkgroep oor Elektrisiteit- en Energievoorsiening en Openbare Werke en Water en Sanitasie is op 6 November 2023 deur rdh T van Essen bygewoon.

AANBEVELING

Dat kennis geneem word van die aangehegte opsomming van die uitkomste van die *Joint Provincial Working Group on Electricity and Energy Provision and Public Works and Water and Sanitation* wat deur, rdh T van Essen op 6 November 2023 bygewoon was.

(GET) RDL R J JOOSTE
VOORSITTER

5.1. MONTHLY REPORT: AUGUST 2023

5.1.1 CIVIL ENGINEERING SERVICES

The chairperson tabled the montly report as circulated with the agenda.

The Director: Civil Engineering Services provided - among other things - information regarding the state of the dam levels.

The Director: Civil Engineering Services mentioned that there was an increase in water use between November 2023 and December 2023 and that the water supply system remains under pressure in Chatsworth and Riverlands.

Cllr C Fortuin commented on the notice that was received regarding the request for sparing use of water and inquired about the state of the dam levels.

The Director: Civil Engineering Services mentioned that the notice was circulated because the bulk water supply system that supplies water to the Swartland Municipality was under pressure. No water restrictions will be imposed at this stage.

RESOLVED
(proposed by cllr A K Warnick, seconded by ald M Nel)

That cognisance be taken of the monthly report of the Directorate Civil Engineering Services for December 2023.

5.1.2 ELECTRICAL ENGINEERING SERVICES

The chairperson tabled the monthly report as circulated with the agenda and requested the Director: Electrical Engineering Services, Mr T Möller, to point out important aspects.

The Director: Electrical Engineering Services stated that the month to month energy purchases (kWh) show a growth of 9.69% which can be attributed to the much lower levels and less frequent load shedding in December 2023.

Furthermore, the Director: Electrical Engineering Services stated that the maximum demand during December 2023 was much lower than during December 2022. There had been good progress regarding the TID project.

RESOLUTION
(proposed cllr A K Warnick, seconded by ald M Nel)

That cognisance be taken of the monthly report of the Directorate: Electrical Engineering Services for December 2023.

6. MATTERS FOR RECOMMENDATION TO THE EXECUTIVE MAYOR

6.1 SALGA WORKING GROUPS: REPORTING: ELECTRICITY AND ENERGY PROVISION AND PUBLIC WORKS AND WATER AND SANITATION

The Joint Provincial Working Group on Electricity and Energy Provision and Public Works and Water and Sanitation was attended by alderman T van Essen on 6 November 2023.

RECOMMENDATION

That cognisance be taken of the attached Summary of Outcomes of the Joint Provincial Working Group on Electricity and Energy Provision and Public Works and Water and Sanitation attended by, Ald T van Essen on 6 November 2023.

(SGD) CLLR R J JOOSTE
CHAIRPERSON

NOTULE VAN 'N VERGADERING VAN DIE ONTWIKKELINGSDIENSTE PORTEFEULJEKOMITEE VAN DIE SWARTLAND MUNISIPALE RAAD GEHOU OP WOENSDAG, 14 FEBRUARIE 2024 OM 10:48

TEENWOORDIG:

RAADSLEDE:
Voorsitter, rdl G Vermeulen
Ondervoorsitter, rdl D G Bess

Booysen, A M	Pypers, D C
De Beer, J M	Rangasamy, M A (rdh)
Le Minnie, I S	Smit, N
Ngozi, M	Soldaka, P E

Die Uitvoerende Burgemeester, rdh J H Cleophas (in ex-officio hoedanigheid)

BEAMPTES:

Munisipale Bestuurder, mnr J J Scholtz
Direkteur: Beskermingsdienste, mnr P A C Humphreys
Direkteur: Korporatiewe Dienste, me M S Terblanche
Direkteur: Ontwikkelingsdienste, me J S Krieger
Direkteur: Siviele Ingenieursdienste, mnr L D Zikmann
Direkteur: Elektriese Ingenieursdienste, mnr T Möller
Komitee beampte, me S Willemse

1. OPENING/VERLOF TOT AFWESIGHEID

Die voorsitter verwelkom lede.

Die voorsitter bevestig die teenwoordigheid van raadslede wat dien op die Portefeuljekomitee: Ontwikkelingsdienste.

Verlof tot afwesigheid word verleen aan die Direkteur: Finansiële Dienste, mnr M A C Bolton.

2. NOTULE

2.1 NOTULES VAN 'N PORTEFEULJEKOMITEEVERGADERING (ONTWIKKELINGS-DIENSTE) GEHOU OP 11 OKTOBER 2023

BESLUIT
(voorgestel deur rdl D C Pypers, gesekondeer deur rdl I S le Minnie)

Dat die notule van die Portefeuljekomiteevergadering (Ontwikkelingsdienste) gehou op 11 Oktober 2023 goedgekeur word.

3. AFVAARDIGINGS/VOORLEGGINGS/MEDEDELINGS

Geen

4. SAKE VOORTSPRUITEND UIT NOTULES

Geen

5. GEDELEGEERDE SAKE

5.1/...

MINUTES OF A MEETING OF THE DEVELOPMENT SERVICES PORTFOLIO COMMITTEE OF THE SWARTLAND MUNICIPAL COUNCIL HELD ON WEDNESDAY, 14 FEBRUARY 2024 AT 10:48

PRESENT:

COUNCILLORS:
Chairperson, cllr G Vermeulen
Deputy chairperson, cllr D G Bess

Booysen, A M	Pypers, D C
De Beer, J M	Rangasamy, M A (ald)
Le Minnie, I S	Smit, N
Ngozi, M	Soldaka, P E

The Executive Mayor, ald J H Cleophas (ex-officio)

OFFICIALS:

Municipal Manager, mr J J Scholtz
Director: Protection Services, mr P A C Humphreys
Director: Corporate Services, ms M S Terblanche
Director: Development Services, ms J S Krieger
Director: Civil Engineering Services, mr L D Zikmann
Director: Electrical Engineering Services, mr T Möller
Committee Officer, ms S Willemse

1. OPENING/APOLOGIES

The chairperson welcomed members.

The chairperson confirmed the presence of councillors serving on the Portfolio Committee: Development Services.

Apologies received from the Director: Financial Services, mr M A C Bolton.

2. MINUTES

2.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING (DEVELOPMENT SERVICES) HELD ON 11 OCTOBER 2023

RESOLUTION
(proposed by cllr D C Pypers, seconded by cllr I S le Minnie)

That the minutes of a Portfolio Committee Meeting (Development Services) held on 11 October 2023 are approved.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

None

4. MATTERS ARISING FROM THE MINUTES

None

5. DELEGATED MATTERS

5.1/...

5.1 MAANDVERSLAG: DESEMBER 2023

Die Voorsitter lê die maandverslag ter tafel.

Die Direkteur: Ontwikkelingsdienste, gee inligting deur insake die vordering met die onderskeie behuisingsprojekte en die verskeie projekte wat in Swartland Munisipaliteit aangebied word deur Gemeenskapsontwikkeling.

Op navraag deur rdl P E Soldaka of daar al 'n FLISP behuisingsprojek begin het in Moorreesburg, meld die Direkteur: Ontwikkelingsdienste dat daar op die oomblik slegs gefokus word op RDP behuising in Moorreesburg.

Rdl P E Soldaka lewer kommentaar oor die sluiting van die ACVV kantoor op Moorreesburg en verneem of daar hulp vanaf die Munisipaliteit sal wees in hierdie verband.

Die Direkteur: Ontwikkelingsdienste meld dat die Munisipaliteit die kwessie onder die aandag gebring van die Departement Sosiale Ontwikkeling, wat die organisasie finansier en dat sy die Raad op hoogte sal hou van die vordering.

Rdl A M Booysen meld dat die gemeenskap van Chatsworth 'n SASSA dienspunt versoek.

Die Direkteur: Ontwikkelingsdienste meld dat SASSA aangedui het dat hulle 'n tekort aan personeel het, daarom lewer hulle mobiele dienste aan die kleiner dorpe deur gebruik te maak van die Thusong sentrums.

BESLUIT
(op voorstel van rdl I S le Minnie, gesekondeer deur rdl D C Pypers)

Dat kennis geneem word van die maandverslag van die Direktoraat Ontwikkelingsdienste vir Desember 2023.

6. VERSLAGDOENING INSAKE GEDELEGEERDE BESLUITNEMING DEUR

6.1 DIE MUNISIPALE BEPLANNINGSTRIBUNAAL

Dat **KENNIS GENEEM** word van die inhoud van die notule van 'n vergadering van die Munisipale Beplanningstribunaal gehou op 15 November 2023.

7. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

Geen

(GET) RDL G VERMEULEN
VOORSITTER

5.1 MONTHLY REPORT: DECEMBER 2023

The chairperson tabled the monthly report.

The Director: Development Services, gave information regarding the progress with the respective housing projects and the various projects offered in Swartland Municipality by Community Development.

On question by cllr P E Soldaka whether a FLISP housing project has already started in Moorreesburg, the Director: Development Services stated that at the moment the focus is only on RDP housing in Moorreesburg.

Cllr P E Soldaka commented on the shutting down of the ACVV office on Moorreesburg and asked whether there will be help from the Municipality in this regard.

The Director: Development Services stated that the Municipality has brought the issue to the attention of the Department of Social Development, which finances the organization and that she will keep the Councillors informed of the progress.

Cllr A M Booysen stated that the community of Chatsworth requested a SASSA service point.

The Director: Development Services stated that SASSA has indicated that they have a shortage of staff, therefore they provides mobile services to the smaller towns using the Thusong centres.

RESOLUTION
(proposed by cllr I S le Minnie, seconded by cllr D C Pypers)

That cognisance be taken of the monthly report of the Directorate Development Services for December 2023.

6. REPORTING REGARDING DELEGATED DECISION MAKING BY

6.1 THE MUNICIPAL PLANNING TRIBUNAL

Cognisance be taken of the minutes of the Municipal Planning Tribunal held on 15 November 2023.

7. MATTERS FOR RECOMMENDATION TO THE EXECUTIVE MAYOR

None

(SGD) CLLR G VERMEULEN
CHAIRPERSON

NOTULE VAN 'N VERGADERING VAN DIE BESKERMINGSDIENSTE PORTEFEULJEKOMITEE VAN DIE SWARTLAND MUNISIPALE RAAD GEHOU OP WOENSDAG, 14 FEBRUARIE 2024 OM 11:11

TEENWOORDIG:

RAADSLEDE:
Voorsitter, rdd M Nel
Ondervoorsitter, rdl A K Warnick

Bess, D G	Le Minnie, I S
De Beer, J M	Papier, J R
Fortuin, C	Pieters, C
Jooste, R J	Williams, A M

Die Uitvoerende Burgemeester, rdh J H Cleophas (in ex-officio hoedanigheid)

BEAMPTES:

Munisipale Bestuurder, mnr J J Scholtz
Direkteur: Beskermingsdienste, mnr P A C Humphreys
Direkteur: Korporatiewe Dienste, me M S Terblanche
Direkteur: Ontwikkelingsdienste, me J S Krieger
Direkteur: Siviele Ingenieursdienste, mnr L D Zikmann
Direkteur: Elektriese Ingenieursdienste, mnr T Möller
Komitee beampte, me S Willemse

1. OPENING/VERLOF TOT AFWESIGHEID

Die voorsitter verwelkom lede.

Die voorsitter bevestig die teenwoordigheid van raadslede wat dien op die Portefeuljekomitee: Beskermingsdienste.

Verlof tot afwesigheid word verleen aan die Direkteur: Finansiële Dienste, mnr M A C Bolton.

2. NOTULE

2.1 NOTULES VAN 'N PORTEFEULJEKOMITEEVERGADERING (BESKERMINGS-DIENSTE) GEHOU OP 11 OKTOBER 2023

BESLUIT
(voorgestel deur rdl I S le Minnie, gesekondeer deur rdl R J Jooste)

Dat die notule van die Portefeuljekomiteevergadering (Beskermingsdienste) gehou op 11 Oktober 2023 goedgekeur word.

3. AFVAARDIGINGS/VOORLEGGINGS/MEDEDELINGS

Geen

4. SAKE VOORTSPRUITEND UIT NOTULES

Geen

5. GEDELEGEERDE SAKE

5.1. MAANDVERSLAG: DESEMBER 2023

MINUTES OF A MEETING OF THE PROTECTION SERVICES PORTFOLIO COMMITTEE OF THE SWARTLAND MUNICIPAL COUNCIL HELD ON WEDNESDAY, 14 FEBRUARY 2024 AT 11:11

PRESENT:

COUNCILLORS:
Chairperson, ald M Nel
Deputy chairperson, cllr A K Warnick

Bess, D G	Le Minnie, I S
De Beer, J M	Papier, J R
Fortuin, C	Pieters, C
Jooste, R J	

The Executive Mayor, ald J H Cleophas (ex-officio)

OFFICIALS:

Municipal Manager, mr J J Scholtz
Director: Protection Services, mr P A C Humphreys
Director: Corporate Services, ms M S Terblanche
Director: Development Services, ms J S Krieger
Director: Civil Engineering Services, mr L D Zikmann
Director: Electrical Engineering Services, mr T Möller
Committee Officer, ms S Willemse

1. OPENING/APOLOGIES

The chairperson welcomed members.

The chairperson confirmed the presence of councillors serving on the Portfolio Committee: Protection Services.

Apology received from the Director: Financial Services, mr M A C Bolton.

2. MINUTES

2.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING (PROTECTION SERVICES) HELD ON 11 OCTOBER 2023

RESOLUTION
(proposed by cllr I S le Minnie, seconded by cllr R J Jooste)

That the minutes of a Portfolio Committee Meeting (Protection Services) held on 11 October 2023 are approved.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

None

4. MATTERS ARISING FROM THE MINUTES

None

5. DELEGATED MATTERS

5.1. MONTHLY REPORT: DECEMBER 2023

5.1.1 VERKEER- EN WETSTOEPASSINGSDIENSTE
5.1.2 BRANDBESTRYDING

Die voorsitter lê die maandverslag, soos met die sakelys gesirkuleer, ter tafel en gee geleentheid aan die Direkteur: Beskermingsdienste om die belangrikste aspekte uit die maandverslag aan raadslede uit te wys.

Die Direkteur: Beskermingsdienste meld dat 'n brief verlede jaar aan SAPS gerig was om die poskantoor te gebruik vir 'n gemeenskapsfasaliteit. Volgens die Stasiebevelvoerder kan die gebou nie gebruik word nie, aangesien goedkeuring vanaf die Provinsiale Kommisaris afgewag word, aangesien slegs lg. oor die bevoegdheid beskik om 'n besluit in hierdie verband te kan neem.

BESLUIT
(op voorstel van rdl A K Warnick, gesekondeer deur rdl R J Jooste)

Dat kennis geneem word van die verslae van die onderskeie afdelings in die Direktoraat Beskermingsdienste, nl. Verkeer- en Wetstoepassing en Brandbestryding vir Desember 2023.

6. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

Geen

(GET) RDD M NEL
VOORSITTER

5.1.1 TRAFFIC AND LAW ENFORCEMENT SERVICES
5.1.2 FIRE FIGHTING

The chairperson tabled the monthly report which was circulated with the agenda and requested the Director: Protection Services, mr P A C Humphreys to highlight important aspects therein to councillors.

The Director: Protection Services stated that a letter was sent to SAPS last year to use the post office for a community facility. According to the Station Commander, the building cannot be used as approval is awaited from the Provincial Commissioner, as only lm. has the power to make a decision in this regard.

RESOLUTION
(on the proposal of cllr A K Warnick, seconded by cllr R J Jooste)

That notice be taken of the reports of the various sections in the Directorate of Protection Services, viz. Traffic and Law Enforcement and Fire Fighting for December 2023.

6. MATTERS FOR RECOMMENDATION TO THE EXECUTIVE MAYOR

None

(SGD) ALD M NEL
CHAIRPERSON

MINUTES OF A MEETING OF THE BID ADJUDICATION COMMITTEE HELD IN THE COMMITTEE ROOM: CORPORATE SERVICES ON THURSDAY, 1 FEBRUARIE 2024 AT 11:00

PRESENT

Director: Corporate Services, Ms M S Terblanche
Director: Financial Services, Mr M Bolton
Director: Civil Engineering Services, Mr L D Zikmann
Snr Manager: Supply Chain Management, Mr P Swart
Director: Development Services, Ms J S Krieger
Manager: Secretariat and Records Services, Ms N Brand

1. OPENING/APOLOGIES

The chairperson opened the meeting.

2. DECLARATION OF INTEREST

RESOLVED that cognisance is taken that no declaration of interests were made.

3. MINUTES

3.1 MINUTES OF A BID ADJUDICATION COMMITTEE MEETING HELD ON 29 NOVEMBER 2023

RESOLUTION

That the minutes of a Bid Adjudication Committee meeting held on 29 November 2023 be approved.

3.2 MINUTES OF A BID EVALUATION COMMITTEE MEETING HELD ON 30 JANUARY 2024

That **COGNISANCE BE TAKEN** of the minutes of a Bid Evaluation Committee meeting held on 30 January 2024.

4. MATTERS FOR CONSIDERATION

4.1 TENDER T43/22/23: CONSTRUCTION OF A NEW OLYMPIC SIZE SWIMMING POOL AT WESBANK SPORTS GROUND IN ALFA STREET, MALMESBURY (17/9/2/1/1)

Tenders were invited for the construction of a new swimming pool at the Westbank Sports Ground in Alfa Street, Malmesbury.

The project entails the construction of:

(1) 50 m x 25 m Olympic size swimming pool with ancillary mechanical and electrical equipment;
(2) Ablution facility and pump room;
(3) Associated water, sewer and stormwater installations.

A total of two tenders were received of which both complied with the tender requirements and specifications. Preferential procurement was calculated in accordance with the 80/20 preference point system – see table below for the results:

Table/…

4.1/…

No.	Tenderer	Tender Amount	Preferential Points							
			Points for Price	Contri-bution Level	B-BBEE Points	Western Cape		Swartland		Total Points
						Yes/No	Points	Yes/No	Points	
1	Nammic Western Cape (Pty) Ltd	R20 655 537.26	80.00	2	9	No	0	No	0.00	89.00
2	Civils 2000 (Pty) Ltd	R24 872 085.00	63.67	1	0	No	0	No	0.00	63.67

RECOMMENDATION[1]

(a) That Tender T43.22.23 for the *Construction of a New Olympic Size Swimming Pool at the Wesbank Sports Ground in Alfa Street, Malmesbury* be awarded to **Nammic Western Cape (Pty) Ltd** for the amount of R 20 655 537.26 (including 5% contingencies and 15% VAT) (R 17,961,336.75 excluding VAT), with a construction period of 9 months;

(b) That the expense be allocated against vote number 9/113-734-851 Swimming Pool: Wesbank funding 2023/2024.

(sgd) M S TERBLANCHE
CHAIRPERSON

[1] Confirmed by the Municipal Manager on 1 February 2024

MINUTES OF A MEETING OF THE BID ADJUDICATION COMMITTEE HELD IN THE COMMITTEE ROOM: CORPORATE SERVICES ON THURSDAY, 22 FEBRUARY 2024 AT 15:00

PRESENT

Director: Corporate Services, Ms M S Terblanche
Senior Manager: Budget Office, Ms H Papier
Director: Civil Engineering Services, Mr L D Zikmann
Senior Manager: Supply Chain Management, Mr P Swart
Senior Manager: Development Management, Mr A M Zaayman
Manager: Secretariat and Records Services, Ms N Brand

1. OPENING/APOLOGIES

The chairperson opened the meeting.

RESOLVED that cognisance is taken of the sub-delegations respectively by the Director: Financial Services to the Senior Manager: Budget Office and the Director: Development Services to the Senior Manager: Development Management to attend the meeting.

2. DECLARATION OF INTEREST

RESOLVED that cognisance is taken that no declaration of interests were made.

3. MINUTES

3.1 MINUTES OF A BID ADJUDICATION COMMITTEE MEETING HELD ON 1 FEBRUARY 2024

RESOLUTION

That the minutes of a Bid Adjudication Committee meeting held on 1 February 2024 be approved.

3.2 MINUTES OF A BID EVALUATION COMMITTEE MEETING HELD ON 19 FEBRUARY 2024

That **COGNISANCE BE TAKEN** of the minutes of a Bid Evaluation Committee meeting held on 19 February 2024.

4. MATTERS FOR CONSIDERATION

4.1 TENDER T22/23/24: SUPPLY AND IMPLEMENTATION OF TRAFFIC CONTROL DEVICES IN THE SWARTLAND MUNICIPAL AREA ON AN AS AND WHEN NEEDED BASIS FOR THE PERIOD ENDING 30 JUNE 2025 (8/2/2/1)

Tender notice T22.23.24 invited tenders for the supply and implementation of traffic control devices in the Swartland municipal area on an as and when needed basis for the period ending 30 June 2025.

The project scope entails the procurement and implementation of new traffic control devices (traffic signals) and the maintenance of existing traffic control device installations.

The tender is compiled as a rates based tender and allows for the works to be executed within the available budgets of the 2023/2024 and 2024/2025 financial years.

Only one tender was received.

Recommendation/…

4.1/…

RECOMMENDATION[1]

(a) That the tender *T22.23.24: Supply and Implementation of Traffic Control Devices in the Swartland Municipal area on an as and when needed basis for the period ending 30 June 2025* be awarded to **TMT Supplies and Services (Pty) Ltd** for the tendered tariffs;

(b) That the expense be allocated against the various relevant vote numbers for the 2023/2024 and 2024/2025 financial years.

4.2 TENDER T23/23/24: APPOINTMENT OF SERVICE PROVIDERS FOR THE MAINTENANCE AND SERVICING OF CHLORINE DOSING EQUIPMENT FOR THE PERIOD ENDING 30 JUNE 2025 (8/2/2/1)

Tender notice T23.23.24 invited tenders for the Appointment of a Service Provider for the Maintenance and Servicing of Chlorine Dosing Equipment for the period ending 30 June 2025.

The scope includes the maintenance and servicing of chlorine dosing equipment at Waste Water Treatment Works, Swimming Pools and Reservoirs when required.

The tender is compiled as a rates based tender and allows for the works to be executed within the available budgets of the 2023/2024 and 2024/2025 financial years.

Only one tender was received.

RECOMMENDATION[2]

(a) That the tender T23.23.24: Appointment of Service Providers for the Maintenance and Servicing of Chlorine Dosing Equipment for the period ending 30 June 2025 be awarded to Maxal Projects (Pty) Ltd for the tendered tariffs;

(b) That the expense be allocated against the following vote numbers for the 2023/2024 and 2024/2025 financial year:

- 9/249-1026-1014 - Servicing of Chlorine Stations (Water Distribution)
- 9/239-851-689 – Purification Works (WWTW)
- 9/238-1133-235 – Swimming Pool (Swimming Pools)

4.3 TENDER T24/23/24: SUPPLY AND DELIVERY OF LAPTOPS AND ACCESSORIES (8/2/23)

Tenders were invited for the supply and delivery of laptops and accessories. The project entails the supply and delivery of x16 desktops and x14 notebooks with accessories.

A total of 20 tenders were received of which all complied with the tender specifications and tender requirements – see table below preferential procurement evaluation.

No.	Tenderer	Tender Amount	Points for Price	Preferential Points						
				Contribution Level	B-BBEE Points	Western Cape		Swartland		Total Points
						Yes/No	Points	Yes/No	Points	
1	Ubuntu Technology (Pty) Ltd	R 551 894.09	80.00	2	9	Yes	4	No	0	**93.00**
2	Technology Corporation (Pty) Ltd	R 598 740.60	73.21	1	10	Yes	4	No	0	87.21
3	Khusela Solutions (Pty) Ltd	R 655 178.00	65.03	1	10		0	No	0	75.03
4	Datacentrix (Pty) Ltd	R 662 188.40	64.01	1	10		0	No	0	74.01
5	Esizwe Group	R 663 015.25	63.89	1	10		0	No	0	73.89
6	Siraha Group (Pty) Ltd	R 675 251.71	62.12	1	10	No	0	No	0	72.12
7	CHM Vuwani Computer Solutions (Pty) Ltd	R 676 469.10	61.94	1	10	Yes	4	No	0	75.94
8	CA Computer Solutions International cc	R 684 327.05	60.80	1	10	No	0	No	0	70.80
9	Anza Technology cc	R 721 160.40	55.46	1	10	No	0	No	0	65.46

[1] Confirmed by the Municipal Manager on 23 February 2024
[2] Confirmed by the Municipal Manager on 23 February 2024

No.	Tenderer	Tender Amount	Points for Price	Preferential Points						
				Contribution Level	B-BBEE Points	Western Cape		Swartland		Total Points
						Yes/No	Points	Yes/No	Points	
10	Ello Technology (Pty) Ltd	R 729 541.69	54.25	0	0		0	No	0	54.25
11	Memotek Trading cc	R 739 281.18	52.84	1	10	Yes	4	No	0	66.84
12	Platinum Suppliers (Pty) Ltd	R 818 334.14	41.38	1	10	Yes	4	No	0	55.38
13	Business Connexion (Pty) Ltd	R 825 448.73	40.35	1	10		0	No	0	50.35
14	Good Morning IT and Stationery	R 846 791.00	37.25	1	10	No	0	No	0	47.25
15	Innovo Networks	R 873 429.51	33.39	1	10	Yes	4	No	0	47.39
16	M Bond Engineering (Pty) Ltd	R 890 442.70	30.93	1	10	Yes	4	No	0	44.93
17	Tech Alliance (Pty) Ltd	R 1 049 324.40	7.89	1	10	Yes	4	No	0	21.89
18	Africa Labels Trading (Pty) Ltd	R 1 111 539.40	-1.12	1	10	No	0	No	0	8.88
19	Mdibi Logistics and Projects	R 1 387 162.98	-41.08	1	10	No	0	No	0	-31.08
20	Prolific Limited Holdings	R 1 663 940.75	-81.20	1	10		0	No	0	-71.20

RECOMMENDATION[3]

(a) That Tender T24.23.24: Supply and Delivery of Laptops and Accessories be awarded to Ubuntu Technology (PTY) LTD for the supply and delivery of x16 desktops and x14 notebooks with accessories and a delivery period from 3-4 weeks depending on stock availability at a cost of R551 894.09 including VAT, (R 479 907.90 excluding VAT), subject to the Rand/Dollar exchange rate;

(b) That vote numbers 9/118-809-944 (desktops) and 9/118-810-945 (notebooks) be utilised for the expenditure.

4.4 TENDER T25/23/24: SUPPLY, DELIVER AND INSTALL AUDIO CONFERENCE UNIT WITH ACCESSORIES (8/2/2/3)

Tenders were invited for Supply, Deliver and Install Audio Conference Unit with Accessories for the new Council Chambers.

The tender document specified that a tenderer must quote on Sections 1 to 3 to be deemed responsive (Part 1 of the Pricing Schedule). The tender document further specified that a tenderer must also quote on the additional section (Extra option 1 to 3) that can be implemented if sufficient funds is available (Part 2 of the Pricing Schedule).

The evaluations of the tenders were only done on Sections 1 to 3 (Part 1 of the Pricing Schedule) – see table below for the preferential procurement evaluation of the four tenders that were received.

No.	Tenderer	Tender Amount	Points for Price	Preferential Points						
				Contri-bution Level	B-BBEE Points	Western Cape		Swartland		Total Points
						Yes/No	Points	Yes/No	Points	
1	Presentation Solutions (Pty) Ltd	R 515 278.20	80.00	2	9	Yes	4	No	0	**93.00**
2	Protea Electronics (Pty) Ltd	R 546 233.76	75.19	2	9	No	0	No	0	84.19
3	Prosound (Pty) Ltd	R 624 783.39	63.00	2	9	No	0	No	0	72.00
4	DVP Distribution (Pty) Ltd	R 757 431.45	42.40	2	9	No	0	No	0	51.40

RECOMMENDATION[4]

(a) That Tender T25.23.24: Supply, Deliver and Installation of Audio Conference Unit with Accessories be awarded to Presentation Solutions (Pty) Ltd with a delivery period of 2 weeks (depending on stock availability and the completion of the building alterations) at a cost of R515 278.20 including VAT, (R 448 068.00 excluding VAT) for Section 1 to 3:

Table/…

[3] Confirmed by the Municipal Manager on 23 February 2024
[4] Confirmed by the Municipal Manager on 23 February 2024

Item	Items	Expenditure (excl VAT)
Section 1	Conference system, 30 microphones, 2 wireless microphones and 12 ceiling mount speakers	R 359 047.00
Section 2	Comfort monitor and equipment to enable video to be displayed on the 2 projectors and comfort monitor	R 79 466.00
Section 3	The mounting of the 2 projectors and 2 screens	R 9 555.00
	Total expenditure	R 448 068.00

(b) That the Extra Options 1 to 3 of Tender T25.23.24 be awarded to Presentation Solutions (Pty) Ltd with a delivery period of 2 weeks (depending on stock availability and the completion of the building alterations) at a cost of R297 884.50 including VAT, (R 259 030.00 excluding VAT):

Item		Expenditure (excl VAT)
Extra option 1	16 additional microphones	R 136 800.00
Extra option 2	6 additional microphones	R 45 240.00
Extra option 3	Camera for speaker tracking	R 76 990.00
	Total expenditure	R 259 030.00

(c) That vote number 9/108-706-819 be utilised for the expenditure.

(sgd) M S TERBLANCHE
CHAIRPERSON

Munisipaliteit
Municipality
Umasipala

Verslag ◆ Ingxelo ◆ Report

Kantoor van die Direkteur: Korporatiewe Dienste
11 Maart 2024

7/1/1/1
WYK: n.v.t.

ITEM 8.1 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL WORD OP 28 MAART 2024

ONDERWERP: AANVAARDING VAN OORSIGVERSLAG OP 2022/2023 JAARVERSLAG
ADOPTION OF OVERSIGHT REPORT ON 2022/2023 ANNUAL REPORT

1. BACKGROUND

The draft Annual Report in respect of the 2022/2023 financial year was tabled at a council meeting held on 30 January 2024, in terms of section 127 of the Municipal Finance Management Act (MFMA), (Act 56 of 2003).

In terms of the relevant statutory requirements, the draft report -
(1) was made public and the local community invited to make representations about same;
(2) was submitted to the Auditor-General, provincial treasury and MEC for local government.

Both the public (through the media) and all the applicable state organs (mentioned above) were invited to attend the meeting on date.

The closing date for representations in connection with the annual report was 28 February 2024. The MPAC-committee, chaired by Cllr E C O'Kennedy, convened on 5 March 2024 to consider the draft annual report and to draft an oversight report. The comments received did not necessitate major amendments to the annual report, but rather editorial changes. The final 2022/2023 Annual Report is submitted to councillors.

The purpose of the report is to submit the draft Oversight Report for consideration by Council.

2. STATUTORY REQUIREMENTS RE ADOPTION OF ANNUAL REPORT

<u>The MFMA (section 129) stipulates as follows:</u>

Council must consider the draft annual report at a meeting held not later than two months from the date on which the draft annual report was tabled in the council, and must adopt an oversight report containing the council's comments on the annual report.

In terms of section 129(2)(b), copies of the minutes of all meetings where the annual report is discussed for the purpose of responding to questions concerning the report, must be submitted to the Auditor-General, the relevant provincial treasury and the provincial department for local government.

Furthermore, within seven days of its adoption, the oversight report
(1) must be made public (according to section 21A of the Municipal Systems Act);
(2) (along with the annual report) must be submitted to the provincial legislature i.t.o. section 132 of the MFMA.

<u>The MFMA (section 130) stipulates as follows:</u>

(1) The meetings of a municipal council at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken, must be open to the public and any organs of state, and a reasonable time must be allowed—

(a) for the discussion of any written submissions received from the local community or organs of state on the annual report; and
(b) for members of the local community or any organs of state to address the council.

(2) Representatives of the Auditor-General are entitled to attend, and to speak at, any council meeting referred to in subsection (1).

3. **ALIGNMENT TO THE IDP**

The adoption of an oversight report is a statutory requirement and is not aligned to a specific strategic outcome. However, the Annual Report which is aligned to the Integrated Development Plan and the Service Delivery and Budget Implementation Plan is a very important tool to provide a record of the activities of the municipality, and ultimately of the impact of the strategic outcomes during the financial year to which the report relates.

4. **RECOMMENDATION** [by the MPAC-committee on 5 March 2024]

(a) That Council, having considered the 2022/2023 Annual Report of Swartland Municipality, adopts the Oversight Report in terms of section 129 of the Municipal Finance Management Act;

(b) That the 2022/2023 Annual Report of Swartland Municipality be approved <u>without reservations</u>, 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 2022/2023 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;

(e) That, in acceptance of the Oversight Report, the payment of performance bonusses to the Municipal Manager and Directors be approved by Council as per paragraph 3.1.2 of the Oversight Report.

AANBEVELING

(a) Dat die Raad, gegewe hy die 2022/2023 Jaarverslag van Munisipaliteit Swartland oorweeg het, die Oorsigverslag aanvaar in terme van artikel 129 van die Wet op Munisipale Finansiële Bestuur (MFMA);

(b) Dat die 2022/2023 Jaarverslag van Munisipaliteit Swartland goedgekeur word <u>sonder voorbehoud</u>, in terme van artikel 129 van die MFMA;

(c) Dat die notules van vergaderings waar die Jaarverslag bespreek is in die teenwoordigheid van die rekenpligtige beampte (Munisipale Bestuurder), aan die Ouditeur-Generaal, die Provinsiale Tesourie en die Wes-Kaapse Departement van Plaaslike Regering voorgelê word, in terme van artikel 129(2) van die MFMA;

(d) Dat die 2022/2023 Oorsigverslag van Munisipaliteit Swartland openbaar gemaak word in terme van artikel 129(3) van die MFMA en aan die Wes-Kaapse Wetgewer voorgelê word in terme van artikel 132(2) van die MFMA;

(e) Dat, met die aanvaarding van die Oorsigverslag, die betaling van prestasiebonusse aan die Munisipale Bestuurder en Direkteure ingevolge paragraaf 3.1.2 van die Oorsigverslag deur die Raad goedgekeur word.

MUNISIPALE BESTUURDER

Munisipaliteit
Municipality
Umasipala

Verslag ◆ Ingxelo ◆ Report

Office of the Municipal Manager
2024-03-28

2/1/4/4/1
WARDS: All wards

ITEM __8.2____ OF THE AGENDA OF A COUNCIL MEETING TO BE HELD ON 28 MARCH 2024

SUBJECT: 2024 INTEGRATED DEVELOPMENT PLAN

1. BACKGROUND AND DISCUSSION

In terms of section 34 (a) of the Municipal Systems Act (Act 32 of 2000) a municipal council -

(a) **must review** *(an examination of something, with the intention of changing it if necessary)* its IDP -

  (i) annually in accordance with an assessment of its performance measurements in terms of section 41, and

  (ii) to the extent that changing circumstances so demand.

(b) **may amend** its IDP in accordance with a prescribed process.

In terms of the new DCoG revised IPD guidelines (2020) the IDP needs to be **amended** to cater for changes in strategy or policy.

In terms of section 16(2) of the Municipal Finance Management Act (Act 56 of 2003) the mayor of the municipality must ***table*** the annual budget at a council meeting at least 90 days before the start of the budget year.

In terms of section 17(3) of the MFMA an annual budget, when ***tabled*** in terms of section 16(2), must be accompanied by (inter alia) the following documents:

(d) any proposed **amendments** to the municipality's IDP following the annual review of the IDP in terms of section 34 of the Municipal Systems Act;

2. PROCESS FOR AMENDING IDP's

Regulation 3 of the Municipal Planning and Performance Management Regulations, 2001 prescribes the following process for amending IDP's:

- Only a member or committee of a municipal council may introduce a proposal for amending the IDP in the council.
- Any proposal for amending the IDP must be accompanied by a memorandum setting out the reasons for the proposal.
- An amendment to the IDP must be adopted by a decision taken by the council in accordance with the rules and orders of the council.
- No amendment to the IDP may be adopted by the municipal council unless -
  - all the members of the council have been given reasonable notice;
  - the proposed amendment has been published for public comment for a period of at least 21 days in a manner that allows the public an opportunity to make representations with regard to the proposed amendment;
  - the municipality has consulted the district municipality on the proposed amendment and has taken all comments submitted to it by the district municipality into account before it takes a final decision on the proposed amendment.

The IDP amendment document (memorandum referred to above) and area plans are circulated under separate cover.

3. DCOG MFMA CIRCULAR 88 INDICATORS

The initiative to develop a common set of indicators for local government builds on the joint work of the Department of Cooperative Governance (DCOG), National Treasury and the Department of Planning, Monitoring & Evaluation (DPME) to implement reporting reforms at municipal level. The initiative began by reviewing, rationalising and streamlining reporting arrangements in metropolitan municipalities as communicated in MFMA Circular No. 88 of 2017 and in the addendum in December 2019.

The revised KPI's and Targets for the 2023-2024 Fin Year includes indicators from Addendum 2 to MFMA Circular No. 88 issued on 17 December 2020.

In order to incrementally introduce the reform, these indicators are considered as the basis for a pilot in the 2024/25 municipal financial year. As the following extract from the circular explains:

"… municipalities will not be required to incorporate the indicators in their existing performance indicator tables in the IDP and SDBIP. Instead, these indicators should find expression ***in a dedicated Annexure to the IDP and SDBIP*** *which clearly indicates the MFMA Circular No. 88 indicators applicable to the municipality at Tier 1 and 2 levels of readiness.*

For this pilot process, the applicable indicators as included in the Annexures will be monitored and reported on, on a quarterly and annual basis, to the DCoG and the provincial departments of Cooperative Governance and Traditional Affairs (COGTAs). No reporting in the MSA section 46 statutory annual performance report (APR) will be required.

Municipalities will continue to plan and report on the KPIs adopted in the indicator tables of the IDP and SDBIP in the section 46 APR as required for 2024/25.

This "parallel" pilot process will allow and encourage municipalities to plan, implement and report on the MFMA Circular No. 88 indicators, without limiting their statutory performance planning and reporting in fear of audit findings before they have not adequately institutionalized the process. e.g. It will further avoid the situation where municipalities replace or remove existing indicators on a function (e.g. with regard to water) in the official IDP and SDBIP, and only include the related MFMA Circular No. 88 indicators with no performance reporting on the function in the statutory section 46 Annual Performance Report due to the pilot process."

The indicators are included as Annexure 1 to the IDP

4. CHANGES TO THE IDP ACCOMMODATED IN THIS AMENDMENT

This is an amendment of the IDP for Swartland. This amendment accommodates the following changes since May 2023:

- From the desk of the Municipal Manager are updated.
- In Chapter 1 the Swartland profile and the political structure are updated.
- In Chapter 1 the annual review process has been added.
- In Chapter 2 the municipal policy section as well as the Spatial Development Framework (maps updated) and the Safety plan is updated.
- In Chapter 3 the community needs, top 10 ward committee priorities and strategic workshop is updated.
- In Chapter 4 the context, strategic initiatives and targets, budgets linked to strategic goals is updated.
- In Chapter 4 major successes since the previous year has been added.
- In Chapter the following information is updated:
    - The capital and operating budget figures
    - The DORA and provincial allocations
    - The provincial budget information obtained from the *Western Cape Government's Budget Estimates of Provincial Revenue and Expenditure 2024*.
- In Annexure 1 the date of Circular 88 is updated

1. AREA PLANS

This revision of the area plans accommodates the following changes since May 2023:

- Summary of Demographic data updated.
- Capital Budget for the area
- Ward committee information
- Ward needs

4. LEGISLATION

The following legislation is applicable:

- Municipal Systems Act, Nr 32 of 2000, Section 34
- Municipal Finance Management Act, Nr 56 of 2003, Sections 21, 24 and 53
- Municipal Planning and Performance Management Regulations, 2001

5. ALIGNMENT TO THE IDP

Not applicable

6. FINANCIAL IMPLICATION

None.

7. AANBEVELING / *RECOMMENDATION*

(a) Dat die Raad kennis neem van die wysiging van die Geïntegreerde Ontwikkelingsplan (GOP) asook die hersiening van die areaplanne wat ter tafel gelê is in terme van artikel 17(3) van die MFMA; en

(b) dat, alhoewel die Raad nie MFMA Omsendskrywe 88 goedkeur nie, Swartland Munisipaliteit deel sal neem aan die 2024/2025 DCoG loodsprojek ten opsigte van die indikatore wat deel vorm van die loodsprojek;

(c) dat die DCoG indikatore nie in die bestaande indikator tabelle in die GOP geïnkorporeer word nie, maar ingesluit word as 'n aanhangsel tot die GOP; en

(d) dat ’n verdere konsultasie- en verfyningsproses gedurende April 2024 gevolg word.

(a) That the Council take cognisance of the amendment of the Integrated Development Plan (IDP) as well as the revision of the area plans tabled in terms of section 17(3) of the MFMA; and

(b) that, although the Council has not adopted MFMA Circular 88, Swartland Municipality will take part in the 2024/2025 DCoG pilot project in respect of the indicators that form part of the pilot project;

(c) that the DCoG indicators not be incorporated in the existing performance indicator tables in the IDP, but included as an annexure to the IDP; and

(d) that a further consultation and refinement process be followed during April 2024.

MUNICIPAL MANAGER
DATE: 28 March 2024

Munisipaliteit
Municipality
Umasipala

Verslag ◆ Ingxelo ◆ Report

Office of the Director: Financial Services
22 March 2024

5/1/1/1 – 2024/25
5/1/1/2 – 2024/25
5/1/4

ITEM 8.3 VAN DIE AGENDA VAN 'N RAADSVERGADERING VERGADERING WAT GEHOU SAL WORD OP 28 MAART 2024

ONDERWERP: A: TERTAFELLEGGING VAN DIE KONSEP MEERJARIGE KAPITAAL EN BEDRYFSBEGROTINGS, GEWYSIGDE BEGROTINGS EN VERWANTE BELEIDE, EIENDOMSBELASTING, TARIEWE EN ANDER HEFFINGS VIR 2024/2025; 2025/2026 EN 2026/2027 VIR DOELEINDES VAN DIE PUBLIEKE DEELNAME PROSES

SUBJECT: A: TABLING OF THE DRAFT MULTI YEAR CAPITAL AND OPERATING BUDGETS, AMENDED BUDGET AND RELATED POLICIES, PROPERTY RATES, TARIFFS AND OTHER CHARGES FOR 2024/2025; 2025/2026 AND 2026/2027 FOR SPECIFIC PURPOSES OF GIVING EFFECT TO PUBLIC PARTICIPATION

1. BACKGROUND

Prior to the tabling of the Draft budget, comprehensive workshops and engagements took place with the various directorates to ensure that effect is given to organisation wide quality sustainable service delivery in a bid to ensure value for money to all of Swartland Municipality's citizens. The objective in the main was to ensure efficiencies in directorates and to more importantly give effect to sound expenditure management and cost containment. This proved very challenging given the limitations placed on tariff increases (to still keep the basket of goods and services affordable) compared to the MTREF's operational expenditure requirements and the fact that very little scope exists for additional savings given the municipality's proven corporate culture in respect of cost containment. It is becoming increasingly challenging to fund community and other services by way of the municipality's basket of basic services and revenue generated through municipal property taxes. Our historical approach to budgets required serious re-invention and consideration given the prevailing economic conditions.

The budget steering committee had an engagement on 14 March 2024 to consolidate and consider all the input and to provide an opportunity for the Chief Financial Officer to workshop the Draft 2024/2025 MTREF. The committee has, after considering the comprehensive analysis by the CFO, which included detailing the risks associated with the Provincial Gazette of Friday, 8 March 2024 and revenue modelling, covering the new MTREF, RESOLVED that the administration revisits the outer years, i.e. year 2 and year 3 in the context of the provincial allocations, GIVEN THE INDICATIVE nature of Government allocations, which might change. This requires further discussions with the Department of Infrastructure in the Province, in order to clarify and obtain reasonable assurance as to the outer year/s allocations to be included in the multi-year budget, with a view of having a final position for approval of the final MREF budget in May.

<u>The following were highlighted in National Treasury Budget Circulars 126 and 128 (dated 7 December 2023 and 8 March 2024) to inform the Draft 2024-2025 MTREF</u>

The South African economy and inflation targets

"The National Treasury estimates real economic growth of 0.6 per cent in 2023. This is a decrease from growth of 0.8 per cent projected in the 2023 MTBPS due to weaker than expected outcomes in the third quarter of 2023, resulting in downward revisions to household spending growth and spending on gross fixed investment. GDP growth is projected to average 1.6 per cent from 2024 to 2026 as the frequence of power cuts declines, lower inflation supports household consumption, and employment and credit extensions recover gradually. New energy projects will improve fixed investments and business sentiment.

In the context of weaker global growth and risks to the domestic outlook, government is working to position the economy for sustained growth and resilience to shocks. A combination of a stable macroeconomic framework, the rapid implementation of economic and structural reforms, and improvements in state capability remains central to achieving higher growth, employment, and competitiveness. Employment growth continues to lag South Africa's post-COVID-19 economic recovery, with 74 000 fewer people in employment in the second quarter of 2023 than in the fourth quarter of 2019. Improving employment growth sustainably over the long term requires faster GDP growth and improved education and skills development.

Headline inflation is projected to moderate from 6 per cent in 2023 to 4.9 per cent in 2024 and 4.6 per cent in 2025 and 2026 as food and fuel inflation continue to decline. In 2023 food inflation slowed less than expected due to power cuts and rand depreciation, keeping imported food costs high. An avian influenza outbreak also increased the costs for poultry and eggs. These factors are expected to dissipate over the medium term."

NT recommends the following macro-economic forecasts to be considered when preparing the 2024/25 MTREF municipal budgets:

Table 1: Macroeconomic performance and projections, 2022 – 2027

Fiscal year	2022/23	2023/24	2024/25	2025/26	2026/27
	Actual	Estimate		Forecast	
CPI Inflation	6.9%	6.0%	4.9%	4.6%	4.6%

<u>NB</u>: Inflation for 2024 is expected to average at around 5.7%, all things remaining equal, given the actual results published by STATS SA for the last 2 years.

Key focus areas for the 2024/25 budget process

- ***Conditional grants and unconditional grants allocations*** *- Net reductions of R80.6 billion to main budget non-interest expenditure are identified across the three spheres of government over the MTEF in comparison to the 2023 budget estimates. Among these 2024 MTEF fiscal consolidation reductions, local government has the smallest contribution.* ***Over the 2024 MTEF, the local government equitable share and direct conditional grants will be reduced by a total of R15.5 billion****, made up of R9.6 billion in the local government equitable share and R5.9 billion in direct conditional grants. Despite reduction, local government equitable share growth remains high with transfers to local government significantly increasing by 5.2 per cent annually, driven mainly by the strong growth of local government equitable share by 6.1 per cent. National revenue share increases by 2.6 per cent annually, while transfers to provinces grow by 3.8 per cent annually, with the equitable share growing faster than conditional grants. There were no proposed reductions on the sharing of the general fuel levy to the metropolitan municipalities.*

- ***The weak economic growth continues to impact municipal finances*** *and as communicated in MFMA Circular No. 89 this has strained consumers' ability to pay for services. Coupled with this conundrum is the marginal growth in national transfers as compared to the past. These two critical factors necessitate municipalities to function optimally suggesting that municipal operations, processes and procedures must be efficient. Inefficiencies in this space are guaranteed to manifest on municipal finances. Although some municipalities have managed these challenges well, others have fallen into financial distress and face liquidity challenges. Subsequently, municipalities are unable to meet their payment obligations to Eskom, water boards and other creditors.* ***Therefore, municipalities must maximise their revenue generating potential and collect what is due to them and concurrently, eliminate wasteful and non-core spending. Municipal budgets will be scrutinised to ensure that municipalities adequately provide for their core mandate and to service their debt obligations.*** *Municipalities must ensure that expenditure is limited to the maximum revenue collected and not spend on money that they do not have.*

  National Treasury encourages municipalities to maintain tariff increases at levels that reflect an appropriate balance between the affordability to poorer households and other customers while ensuring the financial sustainability of the municipality. The Consumer Price Index (CPI) inflation is forecasted to be within the 4 to 6 per cent target band*; therefore, municipalities are required to justify all increases in excess of the projected* *inflation target for 2024/25 in their budget narratives and pay careful attention to the differential incidence of tariff increases across all consumer groups. In addition, municipalities should include details of their revenue growth assumptions for the different service charges in the budget narrative.*

- ***Setting the Cost reflective tariffs -*** *Municipalities must ensure that the capital repayment of loans are included in the cost when determining the tariff. In addition, they must ensure that the consumption charges for services are only based on consumption and all other variable costs. Therefore, fixed costs such as salary and wages, etc. should be covered by a fixed charge.*

- ***Indigent Management -*** *It is critical to progressively manage the restriction of free basic services to national policy limits. Therefore, free basic services to indigent households must be restricted. Where any unlimited supply or supply above national policy limits is provided, the budget narrative must explicitly articulate how this is funded also in a context of facilitating adequate asset management and adequate provision for related debt impairment and ability to maintain payment of Eskom, bulk water and other creditors.*

- ***Pro-actively managing collection of municipal revenue in Eskom supplied areas*** *- NT notes that in the context of the Electricity Regulation Act, 2006 (ERA) existing section 21(5) prohibiting Eskom to cut supply in their areas to assist municipalities to collect on rates, water, wastewater and refuse removal – municipalities have no other tool but the restriction of water to collect in Eskom supply areas.* ***Until ERA is amended it is critical that municipalities update their By-laws and policies to facilitate and legally allow the restriction of water as part of proper credit control for municipal revenue collection in Eskom supplied areas****. The process before the supply of water is restricted/ limited, must honour the water supply rights of the indigent as well as the administrative processes and procedures, as contained in the municipal by-laws and policies read with section 4(3)(a) of the Water Services Act.*

- ***Maximising the revenue generation of the municipal revenue base Revenue on Property rates -*** *It is important that municipalities who are performing a general valuation (GV) to implement a new valuation roll on 1 July 2024. Furthermore, it must as a best practice compare the current consolidated roll to the new valuation roll. This can identify any anomalies and errors of category of property and market values for review and investigation and the option of lodging an objection by the municipality, where applicable. This process should also identify outliers and shifts in market values by category and area so that tariffs on the new roll can be modelled and determined in an equitable manner to avoid rates shocks.*

- ***Setting the Cost reflective tariffs -*** *Municipalities must ensure that when tariffs are designed, the capital repayment of loans are also included in the cost to determine the tariff. Municipalities must ensure that when tariffs are designed that consumption charges for services are only based on consumption and all other variable costs. Fixed costs e.g. salary and wages, etc. should be covered by a fixed charge. The municipality must ensure its budgeting process address the requirement to maintain its infrastructure. New developments in/ a municipality should mandatorily make provision for alternative energy such as solar or wind or any other energy option available.*

- ***Eskom Bulk Tariff increases -*** *The National Energy Regulator of South Africa (NERSA) is responsible for the price determination of the bulk costs of electricity. In the municipal financial year 2023/24, bulk electricity costs increased significantly at 15.1 per cent, compared to 8.61 per cent in the 2022/23 municipal financial year. There has been no change to the second year of the Multi-Year Price Determination (MYPD 5),* ***as such bulk electricity costs are to be calculated using an increase of 12.7 per cent*** *as per MYPD-5 in the 2024/25 financial year.*

  Given the absence of an approved tariff increase for the outer year of the MTEF, the increase is projected to be 15.7 per cent in 2025/26*. This is the average of the approved increases for the two years of the MYPD-5 period. Municipalities in arrears with Eskom should ensure that their payment arrangements are included in the 2024/25 MTREF budget.* ***The draft increase for bulk purchases is 12.7% and an increase of around 10.79% for electricity reselling.***

- ***Employee related costs -** The Salary and Wage Collective Agreement for the period 01 July 2021 to 30 June 2024 has come to an end and **a new agreement is under consultation, which is anticipated to consider the current fiscal constraints faced by government**. Therefore, in the absence of any information in this regard from the South African Local Government Bargaining Council (SALGBC), **municipalities are advised to consider their financial sustainability when considering salary increases**. It has been observed over the previous years that salary increases were above inflation and has posed challenges to most municipalities' sustainability. In addition, municipalities that could not afford such increases did not apply for exemption as provided by SALGBC.*

  Therefore, municipalities are urged to consider projecting salary and wage increases that would reflect their affordability given the current economic challenges. The 2022 State of Local Government Finance Report revealed that 157 municipalities are in financial distress. These municipalities need to ensure that they seek an early exemption from this dispensation of this salary agreement. Municipalities should also avoid paying out leave in cash while having major financial challenges.

- ***Remuneration of Councillors** - Municipalities are advised to budget for the actual costs approved in accordance with the Government Gazette on the Remuneration of Public Office Bearers Act: Determination of Upper Limits of Salaries, Allowances and Benefits of different members of municipal councils published annually between December and January by the Department of Cooperative Governance. It is anticipated that this salary determination will also consider the fiscal constraints. Municipalities should also consider guidance provided above on salary increases for municipal officials during this process. Any overpayment to councilors contrary to the upper limits as published by the Minister of Cooperative Governance and Traditional Affairs will be irregular expenditure in terms of Section 167 of the MFMA and must be recovered from the councilor(s) concerned.*

- ***Governance, performance, and investment matters** - South Africa has reached a stage where all of government including municipalities need to play in pivotal role in igniting the economy of the country. There is a need for a concerted effort to put initiatives that will attract the investments which will stimulate the economy. The investments take place in the local government and municipalities in particular as the custodian of the spatial planning and enabling infrastructure.*

Funding choices and management issues

Given the current economic crisis the country faces, Municipalities are under pressure to generate revenue. The ability of customers to pay for services is declining and this means that less revenue will be collected, therefore municipal own revenue generation gets affected. Municipalities are advised to consider all the advice provided in the MFMA Circulars No 126 and 128 to **ensure the adoption of surplus and funded budgets**. Therefore, municipalities must consider the following when compiling their 2024/25 MTREF budgets:

- Improving the effectiveness of revenue management processes and procedures;
- Cost containment measures to, amongst other things, control unnecessary spending on nice-to-have items and non-essential activities as highlighted in the Municipal Cost Containment Regulations read with MFMA Circular No. 82;
- Ensuring value for money through the procurement process;
- The affordability of providing free basic services to all households;
- Not taking on unfunded mandates;
- Strictly control the use of costly water tankers and fix the water infrastructure to enable the sustainable provision of water;
- Automate business services where possible to increase efficiencies and lower customer costs;
- Prioritise the filling of critical vacant posts, especially linked to the delivery of basic services;
- Curbing the consumption of water and electricity by indigent consumers to ensure that they do not exceed their allocation;
- Efficient provision of essential services is crucial for attracting private investment, fostering economic growth, and promoting a conducive environment for businesses to thrive; and
- Ensuring sustainable capital infrastructure investment with emphasis on the impact on the operating account.

2. LEGISLATIVE RESPONSIBILITIES

2.1 Section 16(2) : MFMA

"... the Mayor of the municipality must table the annual budget at a **Council meeting** at least 90 days before the start of the financial year."

Artikel 16(2) : MFMA

"... die Burgemeester van die munisipaliteit moet die jaarlikse begroting ten minste **90 dae** voor die aanvang van die begrotingsjaar by 'n **raadsvergadering** ter tafel lê.

2.2 Section 24(1) : MFMA

"The municipal Council must at least **30 days** before the start of the budget year consider approval of the annual budget."

Artikel 24(1) : MFMA

"Die raad van 'n munisipaliteit moet ten minste **30 dae** voor die aanvang van die begrotingsjaar goedkeuring van die jaarlikse begroting oorweeg."

2.3 Section 160(2)(b) (c): Constitution

"The following functions may not be delegated by a Municipal Council:
… the approval of budgets and tariffs."

Artikel 160(2)(b)(c): Grondwet

"Die volgende funksies mag nie deur die Munisipale Raad gedelegeer word nie:
... die goedkeuring van begrotings en tariewe."

2.4 Section 160(3)(a) Constitution

"A majority of the members of a Municipal Council must be present before a vote may be taken on any matter."

Artikel 160(3)(a) Grondwet

"Dat die meerderheid Munisipale Raadslede teenwoordig moet wees voordat stemming geneem word oor enige saak."

2.5 Section 19: MFMA

" A municipality may spend money on a capital project only if the money for the project, excluding the cost of feasibility studies conducted by or on behalf of the municipality has been appropriated in the capital budget; section 33 has been complied with and the sources of funding are available and have not been committed"

Artikel 19: MFMA

" 'n Munisipaliteit kan geld aan 'n kapitaalprojek bestee, slegs indien die geld vir die projek, uitgesonderd die koste van uitvoerbaarheidstudies deur of namens die munisipaliteit gedoen in die kapitaalbegroting is; artikel 33 aan voldoen is en die befondsingsbronne beskikbaar is en nie vir ander doeleindes geoormerk is nie"

2.6 Section 33: MFMA

"A municipality may enter into a contract which will impose financial obligations on the municipality beyond a financial year, but if the contract will impose financial obligations on the municipality beyond the three years covered in the annual budget for that financial year, it may do so only if......"

Artikel 33: MFMA

" 'n Munisipaliteit kan 'n kontrak sluit wat die finansiële verpligtinge op die munisipaliteit sal lê na die einde van 'n finansiële jaar, maar indien die kontrak finansiële verpligtinge op die munisipaliteit sal lê na die einde van die drie jaar wat die jaarlikse begroting vir daardie finansiële jaar gedek word, kan die munisipaliteit so kontrak sluit deur die slegs indien......."

3. DOCUMENTATION

3.1 Attached hereto **(Annexure A: 2024/25 – 2026/27 Draft Budget and Tariff File)** find the **Draft** Capital and Operating budget for 2024/2025 as prepared by the Chief Financial Officer, and the multi-year operating and capital budgets for 2025/2026 and 2026/2027.

3.2 Attached hereto **(Annexure B: 2024/25 – 2026/27 Capital Projects i.t.o Sec 19)** find the **Draft** individual capital projects over the threshold envisaged i.t.o Sec 19 having cognisance of Sec 33 of the MFMA.

3.3 **BUDGETS AND MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK 2024/2025 REFORMS**

Attached hereto **(Annexure C: Budget Report and A-Schedules 2024/25 – 2026/27),** find the prescribed budget reforms as per MFMA Circulars No.126 and No.128 in accordance with the regulations.

3.4 **OUTSTANDING DEBTORS**

(Annexure A: 2024/25 – 2026/27 Draft Budget and Tariff File) contains the outstanding debtors as at 29 February 2024.

3.5 **INVESTMENTS & EXTERNAL LOAN REGISTER**

(Annexure A: 2024/25 – 2026/27 Draft Budget and Tariff File) contains the Investments and External loan register as at 29 February 2024.

3.6 **BUDGET RELATED POLICIES**

Also attached hereto **(Annexure D: Draft Amendments to Budget & Related Policies 2024/2025),** find the draft amended budget and related policies for 2024/25.

Below is a list of the budget and related policies and by-laws, indicating whether amendments by way of track changes were effected, for **draft** approval by Council:

No.	Policy/Plan Name	Reviewed (Yes / No)	Amended (Yes / No)
1.	Tariff Policy	Yes	Yes
2.	Property Rates Policy **(only property tax rates revised)**	Yes	No
3	Property Rates By-law (not draft)	N/A	No
4.	Credit Control and Debt Collection Policy	New	
5.	Indigent Policy	Yes	Yes
6.	Cash Management and Investment Policy	Yes	Yes
7.	Asset Management Policy	Yes	Yes
8.	Fleet Management Policy	Yes	Yes
9.	Supply Chain Management Policy	Yes	Yes
10.	Budget Implementation Policy	Yes	Yes
11.	Funding and Reserves Policy	Yes	Yes
12.	Debt and Borrowing Policy	Yes	Yes
13.	Virement Policy	Yes	No
14.	Travel and Subsistence Policy	Yes	Yes
15.	Cost Containment Policy	Yes	No
16.	Unauthorised, Irregular, Fruitless and Wasteful Expenditure Policy	Yes	Yes
17.	Insurance Management Policy	Yes	Yes

4. AREAS COVERED DURING THE BUDGET STEERING COMMITTEE MEETINGS:

- Struggling South African Economy (Local and international economy – recessions)
- **Conservative budgeting w.r.t the revenue budget and therefore the amounts in years 2 and 3 of the MTREF are indicative only and not fixed, mainly for the**

municipality to be able to review the global and local poor economic conditions, impacting the budget. In this regard expenditure will have to be curbed with careful monitoring of budget performance and payment rates

- Key focus risk areas for the 2024/25 Budget process
- Extensive revenue modelling informing tariff increases to ensure services are delivered **sustainably and cost reflective** over the longer term with emphasis on the impact of increases on disposable income levels given the dire state of the economy
- Electricity supply constraints leading to diminishing Electricity demand
- Expenditure and Revenue Consolidation and audited basis informing growth from 2023-24 to 2024-25
- Not having a grip on cost drivers
- National risks impacting financial sustainability-CPI
- Revenue streams from trading and economic services insufficient, given the impact of Capital budget programs and Indigents on the Operating account
- Fluid policy environment allowing for rapid changing economic circumstances
- Future operational cost as a result of expedited housing opportunities, Landfill sites cost of compliance and Rehabilitation, ± R43.4mil capital & R26.9mil operating
- Limiting future CAPEX to a maximum of 17% of OPEX to relieve pressure on tariffs
- DORA allocations reduced by R39 Million over the MTREF.

To ensure compliance with the Budget and Reporting Regulations, the Budget Steering Committee gave effect to their technical advisory role in strengthening local government finances at a meeting that was held on the 14th of March 2024.

5. HIGH-LEVEL DISCUSSION / MOTIVATION

That the Executive Mayoral Committee recommends the approval of the draft capital, operating and balance sheet budgets, amendments to the budget and related policies, property tax rates, tariffs and other charges for the 2024/2025; 2025/2026 and 2026/2027 financial years ***to council for draft approval.***

5.1 CAPITAL BUDGET

The total draft Capital budget for 2024/2025 amounts to **R 379 877** million with around **R 95 897** million invested from Council's own funds in year 1 and the total application of capital investment over the three fiscal years amounting to **R 790 002** million. An increase of **R 107 479** million from the previous approved adjusted MTREF of **R 682 522** million. The ongoing investment in revenue generating and other bulk infrastructure is becoming more critical to ensure sustainable service delivery as an economic stimulant, given the multiplier effect that investment in the right infrastructure has on the local economy and more-over now than ever before. The leveraging of these investments in creating jobs remains a key consideration bearing in mind the impact the capital budget have on the operating account, especially in the context of larger investment in non-income generating infrastructure as a result of the need for housing opportunities for the poor.

HOUSING PROJECTS

Note: The allocations in the provincial gazette for housing projects in year 2 and 3 are indicative at this stage, given the fiscal challenges experienced at national level, which saw reductions in the municipality's DORA allocations of around R39.267 million over the MTREF.

CAPITAL PROJECTS ABOVE THE THRESHOLD AS ENVISAGED BY SECTION 19 OF THE MFMA

SECTION 19 (1) requires that council consider the operational costs over the MTREF and beyond prior to approving these capital projects:

(1) "A municipality may spend money on a capital project only if-
(a) the money for the project, excluding the cost of feasibility studies conducted by or on behalf of the municipality, has been appropriated in the capital budget referred to in section 17 (2);
(b) the project, including the total cost, has been approved by the council;
(c) section 33 has been complied with, to the extent that this section may be applicable to the project; and
(d) the sources of funding have been considered, are available and have not been committed for other purposes."

FINANCING SOURCES	Draft Budget 2024/2025	Draft Budget 2025/2026	Draft Budget 2026/2027
Capital Replacement Reserve (CRR)	R 95 897 241	R 113 426 861	R 114 641 897
External Loans	R 36 950 588	R 3 000 000	R -
Municipal Infrastructure Grant (MIG)	R 29 332 000	R 25 343 000	R 27 225 000
Integrated National Electrification Programme (INEP)	R 22 818 000	R 23 100 000	R 20 868 000
WCED (Private Funding)	R 20 000 000	R -	R -
Dept. of Infrastructure	R 174 289 166	R 49 520 000	R 33 000 000
Dept. Cultural Affairs and Sport	R 550 000	R -	R -
Community Safety Grant	R 40 000	R -	R -
GRAND TOTAL	R 379 876 995	R 214 389 861	R 195 734 897

SECTION 19 (2) requires the following:

(2) "Before approving a capital project in terms of subsection (1) (b), the council of a municipality must consider-

(a) the projected cost covering all financial years until the project is operational; and
(e) the future operational costs and revenue on the project, including municipal tax and tariff implications."

SECTION 19 (3) requires the following:

(3) "A municipal council may in terms of subsection (1) (b) approve capital projects below a prescribed value either individually or as part of a consolidated capital programme."

5.2 OPERATING BUDGET

The operating expenditure budget will increase from **R 1 071 352** million to **R 1 186 394** million resulting in approximate growth of **10.7%**. The operating revenue budget will increase from **R 1 252 423** million to **R 1 433 296** million (including operating and capital grant allocations) resulting in year on year growth of **14.4% (6.5% excluding capital grant income)**. The relationship between the growth in realistically generated revenue compared to the growth in expenditure is however becoming increasingly more problematic over the medium to longer term and much will have to be done to curb expenditure and grow other revenue sources to ensure longer term financial sustainability. The extent of capital investment has a huge impact on the operating account over the medium to long term.

The total salary budget is envisaged to increase from **R 330 660** million to **R 354 754** million (7.3% increase) to make provision for nationally determined annual adjustments in salaries, other benefits such as medical aid and pension contributions. No provision for critical posts were possible, given the tight resource envelope.

<u>TRAINING BUDGET</u>

A concerted effort was again made to limit this expenditure in an attempt to keep tariffs within the limits of the reduced realistically anticipated revenue streams, with an amount of R1 707 407 budgeted for training in the 2024/25 operating budget, which constitutes 0.50% of the Municipality's salary budget (excluding councillor remuneration) and will be limited to around 0.50% for the outer MTREF financial years. This budget is considered more than sufficient to provide for training needs within the Municipality given the historic and ongoing training programmes already covered, **but more-over the necessitated curbing of expenditure given the worsening disposable income levels of the paying public during this severe economic downturn.**

<u>SALARY BUDGET</u>

That Council takes note of the increases of the Directors that are contractually linked to the other personnel, which is negotiated and determined at a national level:

- In respect of all personnel, an increase of **5.2%** for 2024/2025; **5%** for 2025/2026 and **5%** for the 2026/2027 financial years, excluding the increase in other benefits that are applicable and the annual 2.415% notch increase where applicable;

- All salary adjustments are adequately budgeted for;

- Provision has been made for a **3%** increase for political office bearers which is within the mid band of the inflation targets set by the South African Reserve Bank (SARB).

It further be noted that due to a lack of sufficiently generated internal funds, no provision could be made for the redemption shortage in respect of the overlapping of the redemption of loans to external banks and the life span of assets.

PROPERTY TAXES AND TARIFFS OF TRADINGS ERVICES

The average draft increases in property taxes and tariffs for the 2024/2025 financial year are as follows:

Property Tax Rates	-	**reduced to 0.5624 for residential properties (**detail of main property categories per recommendation (l) for the property tax rate:- cent in the Rand) **0%** All other properties (excluding agricultural properties used for bona fide agricultural activities)
Electricity	-	**10.79%** (subject to NERSA process which includes the NERSA required COS exercise undertaken by the municipality - please refer to the detailed electricity tariffs found in the 2024/25 Tariff listing)
Refuse Removal	-	**11% due to the service being rendered at a shortfall, compounded by the INCREASED running cost of fuel**
Sewerage	-	**5.9%**
Water	-	**Average of 5.9%** for the first 25kls – thereafter **5.9%** for residential consumers. **5.9%** increase for all businesses, government institutions and sport clubs, please consult the tariff listing for the detail.

5.3 PROPERTY RATES AND SERVICE CHARGES ASSUMPTIONS

The objective with the exercise of tariff determination was to ensure that trade and economic services generate surpluses over the next three to five years in order to sustain quality service delivery to which our consumers in the Swartland area have become accustomed to, but more importantly to finance other community services and the refurbishment/ renewal of council's bulk infrastructure. The objective alluded to above was however not possible with refuse removal which is currently rendered at a shortfall.

It is essential that municipalities reconcile their most recent consolidated valuation roll data to that of the current billing system data to ensure that revenue anticipated from property rates is credible. Every effort was made during the extensive revenue modelling exercise to apply the principles of zero based budgeting where appropriate. Items such as fuel, tyres, and bulk purchases inclusive of post-retirement benefits were analysed against past performance and the implementation of improved practices in a bid to realise potential further reductions and savings especially with the increasing fuel prices. Cost of providing services increased exponentially, especially those that is fuel and energy dependent.

Property Rates

The new general valuation envisaged for the 2024/25 financial year resulted in an increase in Valuations on average. Although the proposed property tax rate was reduced, in real terms the increase in certain property valuations will have the result of an increased municipal account in this regard. The draft proposed property rates for the 2024/2025 are as follows:

Residential properties	**reduced by 5.7%**
Business properties	**Rate not increased**
Government properties	**Rate not increased**
Agricultural properties	**reduced by 5.7%**

Revenue growth is forecasted with the new GV envisaged for the 2024/25 financial year. Increases over the remaining MTREF period, will be kept at **5.9%** for residential properties and **6.9%** for business and state owned properties.

Electricity Tariffs

At this stage, the draft increase for the purchase of electricity is based on **12.7%** and the increase for selling of electricity is around **10.79%.** The proposed tariff increases of the municipal tariffs are preliminary and further subject to the process of obtaining NERSA approval. **Please consult the detailed tariff listing for the proposed draft increases for 2024-2025 read together with the COS public participation process in respect of potential restructuring of tariffs for the 2025-2026 year.**

The municipality will need to take-up an external loan to partly finance the 132/11kV Eskom Schoonspruit Substation capital project to the amount R29 million. This substantial investment will create capacity, which in the main is needed to support the delivery of affordable housing opportunities in the Swartland area.

That Council for now abide with the electricity tariffs that are submitted, bearing in mind that it is still subject to NERSA's process.

Water Tariffs

The draft tariff increases are :- **average increase of 5.9%** for the first 25kls thereafter a **5.9%** increase for the higher residential consumptive blocks, a **5.9%** increase for all businesses, government institutions and sport clubs. The draft tariff increases which are above the estimated headline inflation rate, are needed given the extent of water infrastructure investment required over the MTREF compounded by illegal connections.

Bulk water purchases from the WCDM increase to around R 7.18 from 1 July 2024 due to higher operational costs, increases from the Department of Water Affairs and the compounding cost of water provision occasioned by load shedding. Usage from 0 – 25KL will increase on average by 5.9% for domestic consumers.

Refuse Removal

The draft tariff increase of **11%,** which is above the headline inflation rate and is needed to deliver the service effectively and to eventually phase out the deficit over the longer term due to the current economic conditions. The additional percentage of 5.1% above headline inflation is equal to R8.39 per month and needed to ensure that the cost of providing the service is fully funded over the longer term as the service is **currently rendered at a shortfall**. Over the remaining MTREF period, the tariff increase will remain at 11% to phase out the deficit over the longer term as a result of the Landfill sites cost of compliance and Rehabilitation amounting to R43.4 million from 2023/24 to 2025/26 which will require the taking up of an external loan of around R11 million.

The public must also note that the costs associated with cleaning public open spaces due to illegal dumping and littering place a huge financial burden on the municipality and therefore the public are requested to please report illegal dumping.

Sanitation

The draft tariff increase of **5.9%** that is aligned to estimated headline inflation rate is needed to deliver the service effectively and to prevent that the service does not operate at a deficit beyond the new 2024/2025 MTREF. This will further support future critical upgrades of the wastewater treatment works in the Swartland Municipal Area.

6. POTENTIAL AND REAL RISKS IMPACTING FINANCIAL PLANNING OVER THE MTREF AND ULTIMATELY THE REVENUE MODELLING EXERCISE FORMING THE BASIS FOR THE MTREF:

- Pressure on supply and demand as a result of ongoing geopolitical conflict, compounding local inflation in the form of Food and Fuel increases which could potential see the SARB delaying reducing the repo rate or pausing rates for longer in the 2024 cycle;
- Unstable national grid and Eskom's woes impacting municipal service delivery;
- Load shedding leading to diminishing electricity demand;
- Diversified funding mix given electricity challenges;
- Fuel price increases and its impact on disposable income levels;
- Not having a grip on cost drivers;
- National risks impacting financial sustainability-CPI;
- Cost of fuel on the municipal operations;
- Slower recovery of the economy;
- Ability to collect revenue in challenging environments;
- The upward pressure and multiplier effect of increases in staff salaries.

RECOMMENDATIONS

1. The following recommendations by the Executive Mayoral Committee held on 20 March 2024, for consideration by Council on 28 March 2024 for purposes of public participation. Final approval shall only take place on 30 May 2024.

(a) The budget steering committee has, after considering the comprehensive analysis by the CFO, which included detailing the risks associated with the Provincial Gazette of Friday, 8 March 2024 and revenue modelling covering the new MTREF, RESOLVED:

(b) That the administration revisits the outer years, i.e. year 2 and year 3 in the context of the provincial allocations, ***GIVEN THE INDICATIVE*** nature of Government allocations, which might be reduced again, given the fiscal challenges experienced by the national government;

(c) That further formal engagement takes place with the Department of Infrastructure in the Province, in order to clarify and obtain reasonable assurance as to the outer year's allocations to be included in the multi-year budget, with a view of having a final position during approval of the final MREF budget in May;

(d) 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: 2024/2025 – 2026/2027 Draft Budget and Tariff File)** and consider same;

(e) That council prior to approving the capital projects above R50 million as listed in (**Annexure B: 2024/2025 – 2026/2027 Capital Projects ito Sec 19)**, first consider the projected operational 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;

(f) That council deemed it appropriate to consider the entire capital program excluding the 4 contractually combined projects above R50 million as the aforementioned capital program's operational cost, inclusive of future costs will be covered by the rates regime and the normal cost centres found in the operational budget;

(g) That the future capital budgets from year 3 be limited to 17% of the operating budget (based on NT's norm for *Capital Expenditure to Total Expenditure* that is between 10% to 20%) because of the upward pressure it has on the operating budget and the affordability of tariffs;

(h) 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;

FINANCING SOURCES	Draft Budget 2024/2025	Draft Budget 2025/2026	Draft Budget 2026/2027
Capital Replacement Reserve (CRR)	R 95 897 241	R 113 426 861	R 114 641 897
External Loans	R 36 950 588	R 3 000 000	R -
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Dept. Cultural Affairs and Sport	R 550 000	R -	R -
Community Safety Grant	R 40 000	R -	R -
GRAND TOTAL	R 379 876 995	R 214 389 861	R 195 734 897

(i) That council approves the capital projects as part of its consolidated capital program as per **(Annexure A: 2024/2025 – 2026/2027 Draft Budget and Tariff File)**;

(j) That council in-principle approves the raising of an external loan to the amount of R40 million for the new 2024/25 MTREF for the partial financing of the following capital projects: 132/11kV Eskom Schoonspruit Substation (R29 million) and the Development of Highlands New Landfill site Cell (R10 million), by means of testing the market as envisaged by MFMA section 46, requesting tenders from the financial institutions;

(k) That the draft high-level multi-year Capital and Operating budgets in respect of the **2024/2025 – 2026/2027** financial years, be approved as draft**,** in accordance with sections 16, 17 and 19 of the MFMA, to allow for public participation;

	Original Budget 2023/24	Adjustments Budget 2023/24	Draft Budget 2024/25	Draft Budget 2025/26	Draft Budget 2026/27
Capital budget	209 052 395	248 689 919	379 876 995	214 389 861	195 734 897
Operating Expenditure	1 071 330 062	1 071 352 206	1 186 394 106	1 433 685 093	1 583 680 923
Operating Revenue	1 192 485 181	1 252 422 713	1 433 295 918	1 534 741 556	1 665 346 695
Budgeted (Surplus)/ Deficit	**(121 155 119)**	**(181 070 507)**	**(246 901 812)**	**(101 056 464)**	**(81 665 772)**
Less: Capital Grants & Contributions	107 386 943	119 908 999	227 029 166	97 963 000	81 093 000
(Surplus)/ Deficit	**(13 768 176)**	**(61 161 508)**	**(19 872 646)**	**(3 093 464)**	**(572 772)**

(l) That council approves the notice given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004, to levy the draft property tax rates, exemptions and rebates on property reflected in the schedule below and in the property rates policy for the 2024/25 financial year with effect from 1 July 2024, for purposes of allowing for public participation;

Category of property	**Rate ratio**	**(c/R) rate determined for the relevant property category**
Residential properties	1: 1	0,5624
Business and Commercial properties	1: 1,5592	0,8769
Industrial properties	1: 1,5592	0,8769
Agricultural properties	1: 0,25	0,1406
Mining properties	1: 1,5592	0,8769
Public Service Infrastructure	1: 0,25	0,1406
Properties owned by an organ of state and used for public service purposes	1: 1,5592	0,8769
Public Benefit Organizations	1: 0	0,0000
Vacant properties	1: 1,4264	0,8022
Municipal properties	1: 0	0,0000
Conservation Areas	1: 0	0,0000
Protected Areas	1: 0	0,0000
National Monuments	1: 0	0,0000
Informal Settlements	1: 0	0,0000

Exemptions and Reductions

- **Residential Properties:** For all residential properties, the municipality will not levy a rate on the first R15 000 of the property's market value. The R15 000 is the statutory impermissible rate as per section 17(1)(h) of the Municipal Property Rates Act.

Rebates in respect of a category of owners of property are as follows:

- **Indigent owners**: 100 per cent rebate will be granted to registered indigents in terms of the Indigent Policy to a maximum valuation of R105 000;

- **Qualifying senior citizens and disabled persons**: A rebate to an amount equal to the rates payable on the first amount of the valuation of such property to a limit of R300 000.

NB: Please refer to the municipality's property rates policy in respect of all rebates offered.

(m) That council approve the draft tariff structures and charges for water, refuse removal, sewerage and other sundry charges as set out in **(Annexure A: 2024/2025 – 2026/2027 Draft Budget and Tariff File)** for purposes of allowing for public participation;

(n) That council approve the electricity tariffs as draft for the 2024/2025 financial year, **bearing in mind that it is still subject to NERSA's final approval;**

(o) 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 2024/2025 – 2026/2027)**;

(p) That the **amendments** to the budget and related policies as set out in **(Annexure D: Draft Amendments to Budget & Related Policies 2024/2025)** hereto, be approved for purposes of soliciting the views and comment from the public;

(q) That the amendments to Council's Supply Chain Management Policy and the, Cash Management and Investment policy be approved with immediate effect;

(r) That Council takes note that the municipality's DORA allocations was reduced by R39.267 million over the new MTREF;

(s) That the expansion of the fleet by means of adding a new 11 Seater Bus for the Reaction/LEAP unit, be restricted for usage only within the Swartland municipal boundary (WC015) due to council already financing R14 million of the operating cost over and above the grant allocation from 2022/2023;

(t) That the training budget limited to **0,50%** of the salary budget for the 2024/2025 financial year be approved as draft;

(u) That Council takes note of the increases of the Directors that are contractually linked to the other personnel, which is negotiated and determined at a national level:

- In respect of all personnel, an increase of **5.2%** for 2024/2025; **5%** for 2025/2026 and **5%** for the 2026/2027 financial years, excluding the increase in other benefits that are applicable and the annual 2.415% notch increase where applicable;

- All salary adjustments are adequately budgeted for;

- Provision has been made for a **3%** increase for political office bearers which is within the mid band of the inflation targets set by the South African Reserve Bank (SARB).

(v) That Council takes note of the budgeted operating surpluses and that the budget is "cash-funded" as a result of cash reserves in table A8, the total expenditure growth of **10.7%** from the current to the new financial year and the revenue streams with growth in revenue of **14.4% (6.5% excluding capital grant income)** for the MTREF period as well as the cash flow statement as per **(A-schedule A7)** for the next three financial years;

- the budgeted risk factor for cash coverage for operating expenses are **5.9 months** for 2024/25, **5 months** for 2025/26 and **8.2 months** for the 2026/27 financial year (this can materially be impacted but not possible to determine scientifically at this stage);

- over the next three financial years the planning is such that net operating surpluses are envisaged for 2024/25 to an amount of **R 19 872 646,** for 2025/26 an amount of **R 3 093 464** and for 2026/27 an amount of **R 572 772 (excluding capital grant income)**, which is well below the NT guideline of at least a surplus of 7.5%.

(w) 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;

(x) That Council also notes the content of the Provincial and National Treasury Budget Circulars as enclosed in **"Annexure E: 2024/25 NT and PT Budget Circulars"**;

(y) That Council take note that the budget was prepared in the new mSCOA Version 6.8 as required by National Treasury but that the mSCOA data strings could not be uploaded for verification purposes to ensure perfect alignment at the time of finalising the budget, due to NT's System being down from 20-25 March 2024, to test the live chart;

(z) That the process of soliciting public input, views or comments into the draft budget, **revised** budget and related policies and budget documents, inclusive of the property taxes and tariffs to close at 12 midday on **30 April 2024.**

for purposes of completeness and implementation the English version of the recommendations will be relied upon.

AANBEVELINGS

1. **Die volgende aanbevelings deur die Uitvoerende Burgemeesterskomitee gehou op 20 Maart 2024, vir oorweging deur Raad op 28 Maart 2024 vir doeleindes van publieke deelname. Finale goedkeuring sal eers plaasvind op 30 Mei 2024.**

(a) Die Begrotingsbeheerkomitee, na oorweging van die omvattende analise deur die Direkteur: Finansiële Dienste, wat insluit die besonderhede insake die risiko's in terme van die afkondiging van toekennings in die Provinsiale Koerant van Vrydag, 8 Maart 2024 en inkomste modellering van die nuwe MTREF, BESLUIT:

(b) Dat die administrasie die buitejare hersien, dit is Jaar 2 en Jaar 3, in die konteks van die provinsiale toekennings, ***GEGEWE DIE AANDUIDENDE AARD*** daarvan en die moontlikheid dat dit weer mag wysig weens die fiskale uitdagings wat deur die nasionale regering ervaar word;

(c) Dat verdere formele samesprekings plaasvind met die Departement van Infrastruktuur in die Provinsie, ten einde duidelikheid en die versekering te verkry ten opsigte van die toekennings wat ingesluit moet word in die meerjarige begroting, met die oog op die finale posisie vir goedkeuring van die MTREF begroting in Mei;

(d) Dat die Raad kennis neem dat die koste soos beoog deur Artikel 19 (2)(a)(b) verkry is na konsultasie met die onderskeie direkteur(e) wie die koste bevestig het soos per **(Annexure A: 2024/2025 – 2026/2027 Draft Budget and Tariff File)** en oorweeg dieselfde;

(e) Dat die Raad voor die goedkeuring van die kapitaal projekte bo R50 miljoen soos gelys in **(Annexure B: 2024/2025 – 2026/2027 Capital Projects ito Sec 19)**, eers die geprojekteerde koste wat alle finansiële jare dek totdat die projek in werking is; en die toekomstige bedryfskoste en inkomste op die projek, met inbegrip van belasting- en tarief-implikasies oorweeg;

(f) Dat die Raad dit toepaslik geag het om die totale kapitaalprogram te oorweeg, uitgesluit die 4 individuele projekte bo R50 miljoen aangesien die voorgenoemde kapitaalprogram se operasionele koste, insluitend die toekomstige koste wat gedek sal word deur belasting en die normale kostesentrums soos in die bedryfsbegroting;

(g) Dat die toekomstige kapitaalbegrotings vanaf jaar 3 beperk word tot 17% van die bedryfsbegroting (gebaseer op NT se norm van tussen 10% en 20% vir Kapitaalbesteding tot Totale Bedryfsbesteding) as gevolg van die opwaartse druk wat dit het op die bedryfsbegroting en die bekostigbaarheid van tariewe;

(h) Dat die Raad die befondsingsbronne oorweeg wat verband hou met die raad se kapitaalprogram en daarop let dat die befondsingsbronne beskikbaar is en nie vir ander doeleindes geoormerk is nie;

FINANCING SOURCES	Draft Budget 2024/2025	Draft Budget 2025/2026	Draft Budget 2026/2027
Capital Replacement Reserve (CRR)	R 95 897 241	R 113 426 861	R 114 641 897
External Loans	R 36 950 588	R 3 000 000	R -
Municipal Infrastructure Grant (MIG)	R 29 332 000	R 25 343 000	R 27 225 000
Integrated National Electrification Programme (INEP)	R 22 818 000	R 23 100 000	R 20 868 000
WCED (Private Funding)	R 20 000 000	R -	R -
Dept. of Infrastructure	R 174 289 166	R 49 520 000	R 33 000 000
Dept. Cultural Affairs and Sport	R 550 000	R -	R -
Community Safety Grant	R 40 000	R -	R -
GRAND TOTAL	R 379 876 995	R 214 389 861	R 195 734 897

(i) Dat die Raad die kapitaalprojekte as deel van die gekonsolideerde kapitaalprogram goedkeur soos per **(Annexure A: 2024/2025 – 2026/2027 Draft Budget and Tariff File)**;

(j) Dat die Raad in beginsel goedkeuring verleen vir die opneem van 'n eksterne lening tot ‘n bedrag van R40 miljoen vir die 2024/25 MTREF, vir die gedeeltelike finansiering van die volgende kapitaalprojekte: 132/11kV Eskom Schoonspruit Substation (R29 miljoen) en die Development of Highlands New Landfill Cell (R11 miljoen), deur die mark te toets by wyse van die inwin van tenders vanaf die finansiële instellings soos beoog in artikel 46 van die MFMA;

(k) Dat die konsep hoë-vlak meerjarige Kapitaal- en Bedryfsbegrotings ten opsigte van die **2024/2025 – 2026/2027** finansiële jare goedgekeur word as konsep, in ooreenstemming met artikel 16, 17 en 19 van die MFMA om publieke deelname toe te laat;

	Oorspronklike Begroting 2023/24	**Aansuiwerings begroting 2023/24**	**Konsep Begroting 2024/25**	**Konsep Begroting 2025/26**	**Konsep Begroting 2026/27**
Kapitaalbegroting	209 052 395	248 689 919	379 876 995	214 389 861	195 734 897
Bedryfsuitgawes	1 071 330 062	1 071 352 206	1 186 394 106	1 433 685 093	1 583 680 923
Bedryfsinkomste	1 192 485 181	1 252 422 713	1 433 295 918	1 534 741 556	1 665 346 695
Begrote (Surplus)/ Tekort	**(121 155 119)**	**(181 070 507)**	**(246 901 812)**	**(101 056 464)**	**(81 665 772)**
Minus: Kapitaal Toekennings & Donasies	107 386 943	119 908 999	227 029 166	97 963 000	81 093 000
(Surplus)/ Tekort	**(13 768 176)**	**(61 161 508)**	**(19 872 646)**	**(3 093 464)**	**(572 772)**

(l) Dat daar inbeginsel goedkeuring verleen word vir die kennisgewing ingevolge artikel 14(1) en (2) van die Plaaslike Regering: Wet op Munisipale Eiendomsbelasting, 2004 ten opsigte van die heffing van konsep eiendomsbelastingkoerse, vrystellings en afslag op eiendomme soos gespesifiseer in die onderstaande skedule en in die eiendomsbelastingbeleid vir die 2024/2025 finansiële jaar, vir doeleindes van die publieke deelnameproses;

Category of property	**Rate ratio**	**(c/R) rate determined for the relevant property category**
Residential properties	1: 1	0,5624
Business and Commercial properties	1: 1,5592	0,8769
Industrial properties	1: 1,5592	0,8769
Agricultural properties	1: 0,25	0,1406
Mining properties	1: 1,5592	0,8769

Public Service Infrastructure	1: 0,25	0,1406
Properties owned by an organ of state and used for public service purposes	1: 1,5592	0,8769
Public Benefit Organisations	1: 0	0,0000
Vacant properties	1: 1,4264	0,8022
Municipal properties	1: 0	0,0000
Conservation Areas	1: 0	0,0000
Protected Areas	1: 0	0,0000
National Monuments	1: 0	0,0000
Informal Settlements	1: 0	0,0000

Exemptions and Reductions

- **Residential Properties:** For all residential properties, the municipality will not levy a rate on the first R15 000 of the property's market value. The R15 000 is the statutory impermissible rate as per section 17(1)(h) of the Municipal Property Rates Act.

Rebates in respect of a category of owners of property are as follows:

- **Indigent owners**: 100 per cent rebate will be granted to registered indigents in terms of the Indigent Policy to a maximum valuation of R105 000;

- **Qualifying senior citizens and disabled persons**: A rebate to an amount equal to the rates payable on the first amount of the valuation of such property to a limit of R300 000.

NB: Please refer to the municipality's property rates policy in respect of all rebates offered.

(m) Dat die Raad die konsep tariefstrukture en heffings vir water, vullisverwydering, riool en ander diverse heffings soos uiteengesit in **(Annexure A: 2024/2025 – 2026/2027 Draft Budget and Tariff File)** goedkeur met die doel om publieke deelname toe te laat;

(n) Dat die Raad die voorgestelde elektrisiteitstariewe as konsep goedkeur vir die 2024/2025 finansiële jaar, **met inagneming dat dit onderhewig is aan finale goedkeuring deur NERSA**;

(o) Dat die jaarlikse begrotingstabelle soos vereis deur die Begrotings- en Rapporteringsregulasies en uiteengesit is in **(Annexure C: Budget Report and A-Schedules 2024/2025 – 2026/2027)** goedgekeur word;

(p) Dat die **wysigings** aan die begrotings- en verwante beleide soos vervat in **(Annexure D: Draft Amendments to Budget & Related Policies 2024/2025)**, goedgekeur word met die doel vir die publiek se menings en kommentaar;

(q) Dat die wysigings aan die Voorsieningkanaalbestuursbeleid en die Kontantbestuur en Beleggingsbeleid met onmiddellike effek goedgekeur word;

(r) Dat die vloot uitgebrei word met 'n additionele nuwe 11-sitplek Bus vir die Reaksie/LEAP-eenheid, maar dat die aanwending daarvan beperk word tot binne die Swartland munisipale gebied (WC015), aangesien die Raad reeds R14 miljoen vanaf 2022/2023 in bedryfskoste finansier bo en behalwe die provinsiale toekenning;

(s) Dat die Raad kennis dra dat die munisipaliteit se DORA allokasies verminder was met R39.267 miljoen oor die nuwe MTREF;

(t) Dat die opleidingsbegroting beperk tot **0,50%** van die salarisbegroting vir die 2024/2025 finansiële jaar as konsep goedgekeur word;

(u) Dat die Raad kennis neem dat die verhogings vir die Direkteure kontraktueel gekoppel is aan die ander personeel wat op nasionale vlak onderhandel en bepaal word:

- Ten opsigte van alle personeel, 'n verhoging van **5.2%** vir 2024/2025; **5%** vir die 2025/2026 en **5%** vir 2026/2027 finansiële jare, uitgesluit die toename in ander voordele wat van toepassing is en die jaarlikse 2,415% kerfverhoging waar van toepassing;

- Daar is voldoende begroot vir alle salarisaanpassings;

- Voorsiening is gemaak vir 'n **3%** verhoging vir politieke ampsbekleërs wat val binne die middelband van die inflasieteikens soos bepaal deur die Suid-Afrikaanse Reserwebank (SARB).

(v) Dat die Raad kennis neem van die begrote bedryfssurplusse en dat die begroting "kontant gefinansier" word as gevolg van die kontantreserwes in tabel A8, die totale groei in uitgawes van **10.7%** vanaf die huidige na die nuwe finansiële jaar en die inkomstebronne met 'n groei in inkomste van **14.4% (6.5% kapitale toekennings uitgesluit)** vir die MTREF periode, sowel as die kontantvloei-staat soos per **(A-schedule: A7)** vir die volgende drie finansiële jare;

- die risikofaktor vir kontantdekking vir bedryfsuitgawes is **5.9 maande** vir 2024/25, **5 maande** vir 2025/26 en **8.2 maande** vir die 2026/27 finansiële jaar (dit kan wesenlik beïnvloed word, maar op hierdie stadium is dit nie moontlik om wetenskaplik te bepaal nie);

- oor die volgende drie finansiële jare is die beplanning van so ‘n aard dat netto bedryfsurplusse verwag word vir 2024/25, ‘n bedrag van **R 19 872 646,** vir 2025/26 ‘n bedrag van **R 3 093 464** en vir 2026/27 ‘n bedrag van **R 572 772 (kapitale toekennings uitgesluit),** wat ver onder die NT riglyn is van minstens 'n 7.5% surplus.

(w) Dat die Direkteur: Finansiële Dienste voldoen aan die vereistes van die Begrotingsomsendbriewe en –formate in die konteks van die verslagdoeningsvereistes aan Provinsiale en Nasionale Tesourie;

(x) Dat die Raad kennis neem van die inhoudelike van die Provinsiale- en Nasionale Tesourie se Begroting-Omsendbriewe soos aangeheg in **"Annexure E: 2024/25 NT and PT Budget Circulars";**

(y) Dat die Raad kennis neem dat die begroting opgestel is in die nuwe mSCOA Weergawe 6.8 soos vereis deur Nasionale Tesourie maar dat die mscoa datastring nie vir verifikasie doeleindes opgelaai kon word om perfekte belyning te verseker tydens die finalisering van die begroting nie, weens die NT Stelsel wat sal af wees vanaf 20-25 Maart 2024 om die nuwe weergawe te toets;

(z) Dat die proses van publieke insette, of kommentaar op die konsep begroting, **hersiende** begroting en verwante beleide en begrotingsdokumente, belasting koerse op eiendomme en tariewe op **30 April 2024** sluit.

vir die volledigheid en implementering sal op die Engelse weergawe van die aanbevelings staat gemaak word.

(get) M Bolton

DIREKTEUR: FINANSIËLE DIENSTE

Verslag ◆ Ingxelo ◆ Report

Munisipaliteit
Municipality
Umasipala

Office of the Municipal Manager
2024-03-28

2/4/4
WYK: Nvt

ITEM _8.4___ OF THE AGENDA OF A COUNCIL MEETING TO BE HELD ON 28 MARCH 2024

SUBJECT: DRAFT 2024/2025 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)

1. BACKGROUND / DISCUSSION

Section 1 of the Municipal Finance Management Act (Act 56 of 2003) (MFMA) defines service delivery and budget implementation plan (SDBIP) as a detailed plan for implementing the municipality's delivery of municipal services and its annual budget, and which must indicate -

(a) projections for each month of -

(i) revenue to be collected, by source; and

(ii) operational and capital expenditure, by vote;

(b) service delivery targets and performance indicators for each quarter.

The purpose of the SDBIP is to support the Municipality's management to achieve service delivery targets as well as the spending of the capital budget within given timeframes.

2. LEGISLATION

The following regulations of the Municipal Budget and Reporting Regulations (GN 393 of 17 April 2009) apply-

Regulation 14

(2) When complying with section 68 of the MFMA, the municipal manager must submit the draft municipal ***service delivery and budget implementation plan*** to the mayor together with the annual budget to be considered by the mayor for ***tabling*** in terms of section 16(2) of the MFMA.

(3) For effective planning and implementation of the annual budget, the draft municipal ***service delivery and budget implementation plan*** may form part of the budget documentation and be ***tabled*** in the municipal council if so recommended by the Budget Steering Committee.

Regulation 15

(3) When submitting the annual budget to the National Treasury and the relevant provincial treasury in terms of section 22(b)(i) of the MFMA, the municipal manager must also submit to the National Treasury and the relevant provincial treasury, in both printed and electronic form (b) the ***draft service delivery and budget implementation plan.***

MFMA Section16(2): In order for a municipality to comply with subsection (1), the mayor of the municipality must ***table*** the annual budget at a council meeting at least 90 days before the start of the budget year.

3. ALIGNMENT TO THE IDP

The IDP and the SDBIP are linked through Chapter 5 of the IDP which is also included in the SDBIP as well as the annual budget which is included in both documents. The budget is informed by the strategy and objectives of the IDP.

4. FINANCIAL IMPLICATION

None

6. AANBEVELING / *RECOMMENDATION*

(a) Dat die Raad kennis neem van die aangehegte konsep 2024/2025 Dienslewering- en Begrotingimplementeringsplan (SDBIP) wat in terme van regulasie 14 van die Munisipale Begroting en Rapportering Regulasies ter tafel gelê word; en

(b) dat die SDBIP in terme van regulasie 15 van die Munisipale Begroting en Rapportering Regulasies aan Nasionale Tesourie en Provinsiale Tesourie voorgelê word.

(a) That the Council take cognisance of the draft 2024/2025 Service Delivery and Budget Implementation Plan (SDBIP) tabled in terms of regulation 14 of the Municipal Budget and Reporting Regulations; and

(b) that the SDBIP be submitted to National Treasury and Provincial Treasury in terms of regulation 15 of the Municipal Budget and Reporting Regulations.

MUNICIPAL MANAGER
2024-03-28

Verslag ◆ Ingxelo ◆ Report

Munisipaliteit
Municipality
Umasipala

Kantoor van die Direkteur: Finansiële Dienste
11 Maart 2024

1/1; 1/1/3/16

WYK: Alle wyke

ITEM 8.5 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL WORD OP 28 MAART 2024

ONDERWERP:	**VOORLEGGING VAN KONSEP VERORDENING INSAKE KREDIETBEHEER- EN SKULDINVORDERING**
***SUBJECT*:**	***TABLING OF DRAFT CREDIT CONTROL AND DEBT COLLECTION BY-LAW***

1. **BACKGROUND**

1.1 The following draft by-law is hereby submitted in terms of Chapter 8 of the Swartland Municipality: By-Law relating to the Conduct of Meetings as promulgated in Provincial Gazette Extraordinary, 8649 of 19 August 2022:

- Swartland Municipality: Draft Credit Control and Debt Collection By-law

1.2 The draft by-law seeks to amend and repeal the existing Swartland Municipality Credit Control and Debt Collection By-law as published in Provincial Gazette 8246 of 10 June 2020, as more fully explained in paragraph 3 below.

2. **LEGISLATION**

2.1 Constitutional mandate

The Municipality, in terms of section 156(1)(a), read with Part B of Schedule 4 of the Constitution of the Republic of South Africa, 1996, has executive authority in respect of, and has the right to administer matters pertaining to electricity and gas reticulation in its area of jurisdiction.

2.2 Legislation regulating the making of by-laws by municipalities

2.2.1 <u>**National legislation**</u>

(1) The Constitution, Municipal Structures Act and Municipal Systems Act set the framework in terms of which a municipal council must pass by-laws.

(2) The Constitution sets two basic requirements for municipal law-making:
- First, a by-law must have the support of the majority of all the councillors;
- Second, the community must have enjoyed the opportunity to have its say with regard to that by-law.

2.2.2 <u>**Municipal legislation**</u>

(1) The legislative process for the introduction and adoption of by-laws are regulated by sections 56 to 60 of the Municipality's By-Law relating to the Conduct of Meetings.

(2) Section 57(3)(a) determines that the Municipal Manager must submit a report on the draft by-law to the Executive Mayor for a report and recommendation to the Council as contemplated in section 30(5) of the Structures Act. In terms of subsection 3(b) the Executive Mayor must within three months of receipt of a draft by-law from the Municipal Manager, consider the draft by-law and decide to either support it with or without amendments, or not support it.

(3) In terms of section 57(4), after the Executive Mayor has made a decision as contemplated in subsection (3)(b), the Executive Mayor must submit a report to the Council which sets out the following:

2.2.2/...

(a) an executive summary of the draft by-law;
(b) a memorandum on the objects of the draft by-law;
(c) the contents of the draft by-law;
(d) other by-laws that will have to be repealed or amended if the draft by-law is adopted;
(e) the reasons why the draft by-law is supported with or without amendments or not supported, as the case may be;
(f) any relevant comments or proposals, which may include proposals for amendments; and
(g) a recommendation or recommendations.

(4) After considering the report contemplated in subsection (4), the Council must decide to either reject the draft by-law or to approve it with or without amendments.
If the Council rejects the draft by-law, a by-law of the same substance may not be introduced until a period of six months from the date of rejection has lapsed, unless the Council directs otherwise. [subsection 5(b)]

(5) If the Council approved the draft by-law, the draft by-law must be published for public comment in accordance with section 59, i.e. for a period of at least 30 working days from the date of publication, uless the Council has approved a shorter period.

2.3 The making of a by-law entails the following steps:

		Proposed timeframes
Step 1	A draft by-law is prepared by a councillor or a committee of the council and must be introduced in the council.	Executive Mayoral Committee Meeting of 20 March 2024, to be introduced in Council on 28 March 2024
Step 2	The council must consult with the community with regard to the draft by-law. It must at least publish the by-law for comment by the public. Note: the municipality may use the ward committees to discuss the merits of a draft by-law.	Placement of media advertisement on 2 April 2024. Period of comment (30 working days) until 15 May 2024
Step 3	The by-law is introduced in and debated by the council. Before passing a by-law, a council that has an executive committee or executive mayor, must first require that committee or mayor to give a report and recommendation on the by-law.	To be tabled in Council on 30 May 2024, via the Executive Mayoral Committee (meeting on 22 May 2024).
Step 4	The Municipal council votes on the by-law, which – in terms of the Constitution – is to be carried by the majority of all councillors.	Council meeting 30 May 2024
Step 5	If passed by council, the by-law is published in the Provincial Gazette and becomes law on that date or a later date set in the by-law.	To be promulgated with effect from 1 July 2024

3. COMPLIANCE WITH BY-LAW RELATING TO THE CONDUCT OF MEETINGS

3.1 Draft Credit Control and Debt Collection By-law

(1) Executive summary of the by-law
The existing by-law has been drafted and amended to separate the By-law and Policy in order to provide a clear and distinct legal framework for credit control and debt collection practices and processes. Separating the By-Law from the Policy allows for greater flexibility in implementing specific measures and procedures, tailored to legal and regulatory requirements that provides for an enabling enviroment of precise enforcement mechanisms and compliance. Furthermore, the separation enables communities and all other stakeholders, to easily reference and comprehend the specific guidelines for credit control and debt collection without navigating through a comprehensive By-Law and Policy document. The proposed separation is believed to contribute to a more effective and streamlined regulatory framework and to give effect to the Policy.

The amended by-law seeks

- to enhance clarity and precision in outlining the rules and regulations governing credit control and debt collection, and reducing ambiguity.
- to ensure that the proposed separation of the By-Law from the Policy is a one-time measure intended to prevent any undue impact on the policy cycle, specifically to avoid delays and

causing disruptions to the regular policy amendment cycle for council's approval during yearly amendments.

(2) The objects of the by-law
The by-law gives effect to the Municipality's mandate as referenced

(3) The contents of the draft by-law – *refer* ***Annexure A***

(4) Any other by-law that must be repealed or amended if the draft is adopted
Upon publication in the Provincial Gazette, the existing Swartland Municipality: Credit Control and Debt Collection By-law as published in Provincial Gazette 8246 of 10 June 2020 will be repealed and replaced with the new by-law.

(5) The reasons why the draft by-law is supported with or without amendments or not supported, as the case may be

Reasons for support:

- Amendments have been proposed to enhance the overall effectiveness, relevance, and necessity of the by-law. This involves aligning its provisions with current needs, industry standards, and community expectations, thereby creating a robust legislative framework that not only meets legal requirements but also serves the community effectively.

(6) Any relevant comments or proposals
None

(7) Recommendation: - *refer paragraph 4 below*

4. RECOMMENDATION

The draft by-law was considered by the Executive Mayoral Committee on 20 March 2024 and it be recommended to Council:

(a) That the adoption of the following draft by-law be approved in principle for implementation with effect from 1 July 2024:
- Swartland Municipality: Credit Control and Debt Collection By-law

(b) That the draft by-law be published for public comment in terms of section 12(3)(b) of the Systems Act, 2000 in both the local media and on the municipal website.

AANBEVELING

Die konsep verordening was oorweeg deur die Uitvoerende Burgemeesterskomitee op 20 Maart 2024 en word aanbeveel aan die Raad:

(a) Dat in beginsel goedkeuring verleen word dat die volgende konsepverordening aanvaar word vir implementering met ingang vanaf 1 Julie 2024:
- Swartland Munisipaliteit: Verordening insake Kredietbeheer en Skuldinvordering

(b) Dat die konsep verordening vir publieke kommentaar geadverteer word in terme van artikel 12(3)(b) van die Stelselswet, 2000, in die plaaslike media sowel as op die munisipale webtuiste.

(get) M Bolton

MUNICIPAL MANAGER

SWARTLAND MUNICIPALITY

DRAFT CREDIT CONTROL AND DEBT COLLECTION BY-LAW

SWARTLAND MUNICIPALITY

CREDIT CONTROL AND DEBT COLLECTION BY-LAW

To give effect to the Credit Control and Debt Collection Policy of the Swartland Municipality, and to provide for matters incidental thereto.

PREAMBLE

WHEREAS, in terms of section 98 of the Local Government: Municipal Systems Act 32 of 2000 ('the Act"):

(1) a municipal council must adopt by-laws to give effect to the municipality's credit control and debt collection policy, its implementation and enforcement; and

(2) by-laws in term of subsection 98(1) of the Act may differentiate between different categories of ratepayers, users of services, debtors, taxes, services, service standards and other matters as long as the differentiation does not amount to unfair differentiation,

BE IT THEREFORE ENACTED by the Council of the Swartland Municipality under section 156 of the Constitution of the Republic of South Africa ("the Constitution"), as follows:-

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1. Definitions

In this by-law, the English text prevails in the event of any conflict with the Afrikaans text. Any word or expression to which a meaning has been assigned in the Act, shall bear the same meaning in this by-law, and unless the context indicates otherwise, the following words or expressions shall have the meanings as herein defined:–

account includes levies, surcharges, service charges and availability charges in respect of the following services –
(a) electricity supply,
(b) water supply,
(c) refuse removal,
(d) sewerage services,
(e) rates,
(f) rental,
(g) loan instalments,
(h) interest on arrears, and
(i) any other levies and monies due and payable to the Municipality;

and **municipal account** has a corresponding meaning;

Act means the Local Government: Municipal Systems Act 32 of 2000, as amended from time to time;

arrears means any amount due and payable to the Municipality which has not been paid on or before the date of payment;

availability charges means charges that may be levied against immovable property – whether with or without improvements – that is not connected to any municipal service works, where such property can be reasonably so connected;

consumer –
(a) with effect from 1 July 2015 and with regard to property zoned for residential purposes, the owner of the property is regarded as the consumer, irrespective of who the tenant or occupier is; provided that, where a lease agreement in respect of such property has existed on 1 July 2015, the tenant or occupier is to be regarded as the consumer until the agreement has expired; subject to the definitions of "occupier" and "owner" in this section 1;
(b) with regard to any other property, the person who receives or uses municipal services or benefits therefrom; and
(c) with regard to municipal property that is leased, the person who receives or uses municipal services or benefits therefrom;

consumer services deposit, as regards connection of services, means –
(a) a deposit for residential consumer services (water, electricity, refuse removal and sewerage services), except in the case of indigents; or
(b) a deposit for residential and business services with a prepaid electricity meter, except in the case of indigents; or
(c) a deposit for business services (conventional electricity services); and

(d) increased service deposits (related to arrears and non-payment of accounts), except in the case of indigents; or

(e) a deposit for letting a municipal stand pipe;

Council means the Municipal Council of the Swartland Municipality;

Credit Control and Debt Collection Policy means a policy adopted by the Council for purposes of credit control and debt collection of all monies due and payable to the Municipality;

debt means any monies owing to the Municipality in respect of the rendering of municipal services, including monies relating to property rates, housing, motor vehicle registration and licensing, terminated leases and any other outstanding amounts; also, any interest on amounts owed to the Municipality;

default means –

(a) if, at the end of the Municipality's financial year, an owner owes the Municipality any amount of money in respect of rates or availability charges; or

(b) if, after 31 October of a given year, an owner is in arrears with payment of rates; or

(c) if an owner is in arrears for a period of 60 days or more with payments for availability charges, read with the definition of "arrears" in this section 1;

Director: Financial Services means the municipal official appointed by the Council to administer its finances, regardless of the designation or title attached to the post; the incumbent, and/or any other staff member or official to whom the incumbent has delegated specific duties and responsibilities under this by-law, is responsible for the collection of any and all monies owed to the Municipality;

due date means the final date, as shown on the municipal account statement, on which payment must be made;

financial year means the period from 1 July until 30 June of each year;

illegal practises refers to any practise or trade operated on municipal premises that is in contravention of any national or provincial legislation or any by-laws or regulations of the Municipality;

indigent means a person or household as contemplated in the Indigent Policy of Swartland Municipality;

Municipality means the Swartland Municipality and includes any delegated official or service provider of the Municipality;

Municipal Manager means the person appointed in that capacity by the Council under section 54A of the Act;

municipal services has the meaning as defined in section 1 of the Act, and includes a function or a combination of functions listed in schedules 4B and 5B of the Constitution as well as any other service rendered by the Municipality;

occupier means any person who occupies or has control over any premises;

owner –

(a) as regards property in terms of section 1(a) of the definition of "property": a person in whose name ownership of the property is registered;

(b) as regards a right in terms of section 1(b) of the definition of "property": a person in whose name the right is registered;

(c) as regards a land tenure right in terms of section 1(c) of the definition of "property": a person in whose name the right is registered or to whom it was granted by legislation; or

(d) as regards public service infrastructure in terms of section 1(d) of the definition of "property": the organ of state which owns or controls the public service infrastructure concerned;

provided that, for the purposes of this by-law, the Municipality also regards a person mentioned below as the "owner" of a property in the following cases –

(i) a trustee, in the case of a property held in a trust, excluding state trust land;
(ii) an executor or administrator of a deceased estate;
(iii) a trustee or liquidator of an estate that is insolvent or under liquidation;
(iv) a judicial manager of the estate of a person under judicial management;
(v) a curator of the estate of a person under curatorship;
(vi) a usufructuary or other person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude; and
(vii) a buyer, in the case of a property that was sold and of which possession was given to the buyer pending registration of ownership in the buyer's name;

(e) as regards immovable property of which the Council is unable to determine the identity of the owner: the person who is entitled to the beneficial use thereof;

(f) as regards immovable property in respect of which a lease agreement of 30 (thirty) years or longer was concluded: the lessee thereof;

(g) in respect of –

(i) a portion of land demarcated on a sectional title plan and registered in accordance with the Sectional Titles Act 95 of 1986: the developer or governing body, as far as the joint property is concerned;
(ii) a portion of land: the person in whose name that portion is registered in accordance with a title deed, including the lawfully appointed representative of such person;
(iii) any person, including but not limited to –
(aa) a company registered in accordance with the Companies Act 71 of 2008, a trust *inter vivos*, a trust *mortis causa*, a close corporation registered in accordance with the Close Corporations Act 69 of 1984, and a voluntary association;
(bb) any government department;
(cc) any council or governing body established in accordance with any legislation in force in the Republic of South Africa; and
(dd) any embassy or other foreign entity;

person includes –

(a) a natural person;
(b) a juristic person;
(c) for the purposes of this by-law, any industrial or commercial undertaking; and
(d) an organ of state;

POPIA means the Protection of Personal Information Act 4 of 2013;

premises means any portion of land situated within the municipal area of jurisdiction, and the outer boundaries of which are demarcated on –
(a) a general plan or diagram registered in accordance with the Land Survey Act 8 of 1997 or the Deeds Registries Act 47 of 1937, as amended; or
(b) a sectional title plan registered in accordance with the Sectional Titles Act 95 of 1986;

property means –
(a) immovable property registered in the name of a person, including – in the case of a sectional title scheme – a sectional title unit registered in the name of a person;
(b) a right registered against immovable property in the name of a person, excluding a mortgage bond registered against the property;
(c) a land tenure right registered in the name of a person or granted to a person by legislation; or
(d) public service infrastructure;

standard rate of interest means a rate of interest equal to the prime rate as determined by the Reserve Bank of South Africa plus a percentage that the Council determines annually during the budgeting process.

2. Credit Control and Debt Collection Policy adopted by the Council
The Council has adopted a Credit Control and Debt Collection Policy to deal with and regulate the matters as prescribed in Chapter 9 of the Act, the contents of which policy are hereby incorporated into this by-law by reference and *mutatis mutandis* assigned the status of a by-law in as far as it is required for its implementation, enforcement and to be given effect to in terms of the provisions of sections 12 and 13 of the Act.

3. Duty to collect debts

All debts owing to the Municipality must be collected in accordance with applicable national and provincial legislation as referenced in this by-law.

4. Provision of information
An owner, consumer, occupier or debtor within the municipal area must provide the Municipality with accurate information requested by the Municipality that is reasonably required by the Municipality for the implementation or enforcement of this by-law. No person shall make a false statement or furnish false information to the Municipality or falsify a document issued in terms of this by-law. The Municipality shall process all personal information subject to the minimum conditions for lawful processing in terms of the provisions of POPIA.

5. Municipal staff and councillor arrears

5.1 Staff arrears will be handled in accordance with Schedule 2, item 10 of the Act as well as any procedures, method or actions referred to in this by-law. Notwithstanding any other procedure, method or action that may be taken in terms of the Credit Control and Debt Collecton Policy, the Municipality will deduct any outstanding amount from the salary of staff members who may be in arrears for a period of 3 (three) months or longer.

5.2 In accordance with Schedule 7, item 14 of the Local Government Municipal Structures Act 117 of 1998, no municipal councillor may be in arrears for more than 3 (three) months with any municipal service fees, surcharges on fees, property rates or any other municipal taxes, levies or duties levied by the Municipality. Notwithstanding any other procedure, method or action that may be taken in terms of this by-law and the Credit Control and Debt Collection Policy, the Municipality will deduct any outstanding amount from such councillor's remuneration.

6. Power to restrict or disconnect supply of services

6.1 The Municipality may restrict or disconnect the supply of any service to any premises whenever the owner, consumer or occupier concerned –

(a) fails and or neglects to make payment on the due date;

(b) fails and or neglects to comply with an arrangement;

(c) fails and or neglects to comply with a condition of supply imposed by the Municipality;

(d) damages the municipal infrastructure for the supply of such service and/or tampers with any meter used regarding that service; or

(e) fails to apply for a new service reconnection under the new consumer's name within 14 (fourteen) days from death of the owner or previous consumer.

6.2 The Municipality may reconnect the restricted or discontinued services only –

(a) after the arrear debt and all costs as prescribed in this by-law have been paid in full, and any or all other conditions have been complied with; or

(b) after an arrangement with the consumer has been concluded for payment of the amounts contemplated in subsection (a) above; and

(c) after the consumer has paid all levies as determined in the Municipality's Tariff Policy with regard to tampering and damaging of metering equipment

6.3 The Municipality may restrict, disconnect and/or discontinue any service in respect of any arrear debt.

7. Recovery of debt

Subject to section 6, with regard to rates the Municipal Manager must, and with regard to any other debt due and owed the Municipal Manager may –

(a) recover any debt by legal action;

(b) recover debt from any organ of state with due consideration of the provisions of Chapter 3 of the Constitution;

(c) refer debt to third-party debt collection agencies if and when so required and subject to the operational capacity or requirements of Swartland Municipality's Financial Services Directorate; and

(d) use any lawful and reasonable measures of tracing debtors whose information is no longer valid or correct and/or has changed and where such debtor failed to provide the Municipality with reasonable written notification of a change of address and contact details, and shall all personal information be processed subject to the minimum conditions for lawful processing in terms of the provisions of POPIA.

8. Recovery of costs

Where costs are incurred by or on behalf of the Municipality in order to recover monies owed to it, the Municipal Manager may recover such costs, including but not limited to –

(a) costs and administration fees where payments made to the Municipality by negotiable instruments have been dishonoured by banks when presented for payment;

(b) legal and administration costs, including attorney-and-client costs and tracing fees incurred in the recovery of debts;

(c) restriction, disconnection and reconnection fees, where any service has been restricted or disconnected as a result of non-compliance with this by-law;

(d) any losses the Municipality may suffer as a result of tampering with municipal equipment or meters; and

(e) any collection commission incurred.

9. Attachment

The Municipal Manager may, in order to recover debt, approach a competent court for an order to attach a consumer's movable or immovable property.

10. Indigent support

The Municipality may grant financial assistance to persons who meet the criteria as laid down in the municipal Indigent Policy.

11. Delegation

The Municipal Manager and/or the Director: Financial Services may delegate and/or sub-delegate their powers under this by-law and the Credit Control and Debt Collection Policy as amended and approved by the Council from time to time to any official or service provider of the Municipality if and when so required and subject to the Municipality's system of delegation.

12. Clearance certificates

Upon the sale of any property the Municipality must issue the required clearance certificate as prescribed in this by-law and the Credit Control and Debt Collection Policy, subject to settlement of any and all outstanding municipal accounts.

13. Appeal

A person whose rights are affected by a municipal decision regarding one or more delegated and/or sub-delegated powers may appeal against that decision by notifying the Municipal Manager in writing of the intention to appeal and the reasons for doing so within 21 (twenty-one) days of the date of notification of the decision, as stipulated in section 62 of the Act.

14. Offences, penalties and the power of entry and inspection

A person who –

(a) under section 101 of the Act, read with section 119(3), obstructs or hinders any municipal councillor or official in the execution of their duties under this by-law or the Credit Control and Debt Collection Policy;
(b) unlawfully uses or interferes with municipal equipment or consumption of services supplied;
(c) tampers with any municipal equipment or breaks any seal on a meter or damages a meter;
(d) fails to comply with a notice served in terms of this by-law or the Credit Control and Debt Collection Policy;
(e) refuses a municipal official access to any premises; or
(f) gives false information regarding the supply of services or an application for assistance as an indigent with the intention to defraud or mislead,

will be guilty of an offence and, upon conviction, liable to payment of a fine or imprisonment, imprisonment without the option of a fine, or both a fine and imprisonment as determined by a competent court.

15. Repeal of by-laws

The Swartland Municipality Credit Control and Debt Collection By-law as published in Provincial Gazette 8246 of 10 June 2020 is hereby repealed.

16. Short title and commencement

This by-law shall be known as the Credit Control and Debt Collection By-law and shall come into operation on 1 July 2024.

SWARTLAND MUNISIPALITEIT

VERORDENING INSAKE KREDIETBEHEER EN SKULDINVORDERING

Om uitvoering te gee aan die Kredietbeheer- en Skuldinvorderingsbeleid van die Swartland Munisipaliteit, en om voorsiening te maak vir aangeleenthede wat daarmee verband hou.

AANHEF

AANGESIEN in terme van artikel 98 van die Wet op Plaaslike Regering: Munisipale Stelsels 32 van 2000 ("die Wet"):

(1) 'n munisipale raad verordeninge moet aanneem om uitvoering te gee aan die munisipaliteit se kredietbeheer- en skuldinvorderingsbeleid, die implementering en afdwinging daarvan; en

(2) verordeninge ingevolge subartikel 98(1) tussen verskillende kategorieë belastingbetalers, gebruikers van dienste, debiteure, belasting, dienste, diensstandaarde en ander aangeleenthede kan onderskei solank die differensiasie nie op onbillike differensiasie neerkom nie,

NOU DAAROM WORD DIT VERORDEN deur die Raad van die Swartland Munisipaliteit ingevolge artikel 156 van die Grondwet van die Republiek van Suid-Afrika ("die Grondwet"), soos volg:-

INHOUDSOPGAWE

1. **Woordomskrywings**

In geval van enige teenstrydigheid tussen die Afrikaanse en die Engelse weergawe van hierdie verordening, geld die Engelse teks. Enige woord of uitdrukking waaraan 'n betekenis in die Wet toegeken is, dra dieselfde betekenis in hierdie verordening, en tensy dit uit die samehang anders blyk, sal die volgende woorde of uitdrukkings die betekenis dra soos hierin omskryf:-

agterstallige bedrae beteken enige bedrag wat aan die Munisipaliteit verskuldig en betaalbaar is wat nie voor of op die betaaldatum betaal is nie;

beskikbaarheidsgelde beteken gelde wat gehef kan word op onroerende eiendom – met of sonder verbeterings – wat by geen munisipale diensnetwerk aangesluit is nie, maar redelikerwys aangesluit kan word;

betaaldatum beteken die finale datum wat op die munisipale rekeningstaat aangetoon word waarop betaling moet geskied;

Direkteur: Finansiële Dienste beteken die munisipale amptenaar wat deur die Raad aangestel is om die Munisipaliteit se finansies te bestuur, ongeag die benaming of titel wat aan die pos verbind is; die posbekleër, en/of enige ander personeellid of amptenaar aan wie die posbekleër spesifieke pligte en verantwoordelikhede in terme van hierdie verordening gedelegeer het, is verantwoordelik vir die invordering van enige en alle gelde wat aan die Munisipaliteit verskuldig is;

eienaar beteken –

(a) ten opsigte van eiendom bedoel in artikel 1(a) van die omskrywing van “eiendom” in hierdie artikel 1: ‘n persoon in wie se naam eienaarskap van die eiendom geregistreer is;

(b) ten opsigte van ‘n reg bedoel in artikel (b) van die omskrywing van “eiendom” in hierdie artikel 1: ‘n persoon in wie se naam die reg geregistreer is;

(c) ten opsigte van grondbesitreg bedoel in artikel 1(c) van die omskrywing van “eiendom” in hierdie artikel 1: ‘n persoon in wie se naam die reg geregistreer is of aan wie dit ingevolge wetgewing toegestaan is; of

(d) ten opsigte van openbaredienste-infrastruktuur bedoel in artikel 1(d): ‘n staatsinstelling wat die betrokke openbaredienste-infrastruktuur besit of beheer;

met dien verstande dat die Munisipaliteit vir die doeleindes van hierdie verordening ook die onderstaande persone in die volgende gevalle as die eienaar van ‘n eiendom beskou -

(i) ‘n trustee in die geval van eiendom wat in ‘n trust gehou word, uitgesluit staatstrustgrond;

(ii) ‘n eksekuteur of administrateur van ‘n bestorwe boedel;

(iii) ‘n trustee of likwidateur van ‘n boedel wat insolvent of onder likwikasie is;

(iv) ‘n geregtelike bestuurder van die boedel van ‘n persoon wat onder geregtelike bestuur is;

(v) ‘n kurator van die boedel van ‘n persoon onder kuratorskap;

(vi) ‘n vruggebruiker of ander persoon in wie se naam ‘n persoonlike serwituut geregistreer is, in die geval van ‘n eiendom wat onderhewig is aan ‘n vruggebruik of ander persoonlike serwituut; en

(vii) ‘n koper, in die geval van ‘n eiendom wat verkoop is en waarvan besit aan die koper gegee is hangende registrasie van eienaarskap in die koper se naam;

(e) ten opsigte van onroerende eiendom waarvan die Raad nie in staat is om die eienaar se identiteit te bepaal nie: die persoon wat op die voordelige gebruik daarvan geregtig is;
(f) ten opsigte van onroerende eiendom waarvoor 'n huurooreenkoms van 30 (dertig) jaar of langer aangegaan is: die huurder daarvan;
(g) ten opsigte van –
 (i) 'n stuk grond wat op 'n deeltitelplan afgebaken is en ingevolge die Wet op Deeltitels 95 van 1986 geregistreer is: die ontwikkelaar of beheerliggaam, in soverre dit die gemeenskaplike eiendom betref;
 (ii) 'n stuk grond: die persoon op wie se naam daardie gedeelte volgens die transportakte geregistreer is, asook die wettig aangestelde verteenwoordiger van sodanige persoon;
 (iii) enige persoon, ingesluit maar nie beperk nie tot –
  (aa) 'n maatskappy wat ooreenkomstig die Maatskappyewet 71 van 2008 geregistreer is, 'n trust *inter vivos*, 'n trust *mortis causa*, 'n beslote korporasie wat ooreenkomstig die Wet op Beslote Korporasies 69 van 1984 geregistreer is, en 'n vrywillige genootskap;
  (bb) enige staatsdepartement;
  (cc) enige raad of bestuursliggaam wat geregistreer is ooreenkomstig enige wetgewing wat in die Republiek van Suid-Afrika geld; en
  (dd) enige ambassade of ander buitelandse entiteit;

eiendom beteken **–**
(a) onroerende eiendom wat in 'n persoon se naam geregistreer is; asook, in die geval van 'n deeltitelskema, 'n deeltiteleenheid wat in 'n persoon se naam geregistreer word;
(b) 'n reg teen onroerende eiendom wat in 'n persoon se naam geregistreer is, uitgesluit 'n verbandlening wat teen 'n eiendom geregistreer is;
(c) 'n grondbesitreg wat ingevolge wetgewing in 'n persoon se naam geregistreer of aan 'n persoon verleen is, of;
(d) openbaredienste-infrastruktuur;

finansiële jaar beteken die periode vanaf 1 Julie tot 30 Junie elke jaar;

Kredietbeheer- en Skuldinvorderingsbeleid beteken 'n beleid wat deur die Raad aanvaar is vir doeleindes van kredietbeheer en skuldinvordering van alle gelde verskuldig en betaalbaar aan die Munisipaliteit;

Munisipale Bestuurder beteken die persoon wat deur die Raad ingevolge artikel 54A van die Wet in die hoedanigheid aangestel is;

munisipale dienste dra die betekenis soos omskryf in artikel 1 van die Wet, en sluit 'n funksie of 'n kombinasie van funksies in soos in Bylae 4B en 5B van die Grondwet gelys, sowel as enige ander diens wat die Munisipaliteit lewer;

Munisipaliteit beteken die Swartland Munisipaliteit, en sluit enige gedelegeerde amptenaar of diensverskaffer van die Munisipaliteit in;

hulpbehoewende beteken 'n persoon of huishouding soos omskryf in die Swartland Munisipaliteit se beleid insake deernisondersteuning;

okkupeerder beteken enige persoon wat 'n perseel bewoon of beheer daaroor het;

onwettige praktyke verwys na enige praktyk of bedryf wat op 'n perseel beoefen word en wat teenstrydig is met enige nasionale of provinsiale wetgewing of enige verordeninge of regulasies van die Munisipaliteit;

perseel beteken enige stuk grond wat binne die munisipale regsgebied geleë is en waarvan die buitegrense afgebaken is op –
(a) 'n algemene plan of diagram wat ingevolge die Opmetingswet 9 van 1927 of die Registrasie van Aktes Wet 47 van 1937 geregistreer is; of
(b) 'n deeltitelplan wat ingevolge die Wet op Deeltitels 95 van 1986 geregistreer is;

persoon sluit die volgende in-
(a) 'n natuurlike persoon;
(b) 'n regspersoon;
(c) vir die doeleindes van hierdie verordening, enige industriële of handelsonderneming ; en
(d) 'n staatsinstelling;

POPIA beteken die Wet op die Beskerming van Persoonlike Inligting 4 van 2013;

Raad beteken die Munisipale Raad van die Swartland Munisipaliteit;

rekening sluit heffings, toeslagbedrae, dienstegelde en beskikbaarheidsgelde ten opsigte van die volgende dienste in-
(a) elektrisiteitsvoorsiening,
(b) watervoorsiening,
(c) vullisverwydering,
(d) riooldienste,
(e) eiendomsbelasting,
(f) huurgeld,
(g) leningspaaiemente,
(h) rente op agterstallige bedrae, en
(i) enige ander heffings en gelde wat aan die Munisipaliteit verskuldig en betaalbaar is;
en **munisipale rekening** dra 'n ooreenstemmende betekenis;

skuld beteken enige geld wat aan die Munisipaliteit verskuldig is in verband met die verskafing van munisipale dienste, ingesluit gelde in verband met eiendomsbelasting, behuising, motorvoertuigregistrasie en -lisensiëring, beëindigde huurooreenkomste en enige ander onbetaalde bedrae; ook enige rente op bedrae wat aan die Munisipaliteit verskuldig is;

standaardrentekoers beteken 'n rentekoers wat gelyk is aan die primakoers soos deur die Suid-Afrikaanse Reserwebank bepaal, plus 'n persentasie wat die Raad jaarliks tydens die begrotingsproses vasstel;

verbruiker beteken –
(a) wat betref eiendom wat vir residensiële doeleindes gesoneer is, word die eienaar van die betrokke eiendom met ingang van 1 Julie 2015 as die verbruiker beskou, ongeag wie die huurder of okkupeerder is; met die verstande dat, waar 'n huurooreenkoms oor sodanige eiendom reeds op 1 Julie 2015 bestaan het, die

huurder of okkupeerder as die verbruiker beskou sal word totdat die ooreenkoms verstryk het; onderhewig aan die omskrywings van “okkupeerder ” en “eienaar” in hierdie artikel 1;

(b) wat enige ander eiendom betref, is die verbruiker die persoon wat munisipale dienste ontvang, dit gebruik of voordeel daaruit trek;

(c) wat betref munisipale eiendom wat verhuur word, is die verbruiker die persoon wat munisipale dienste ontvang, dit gebruik of voordeel daaruit trek;

verbruikersdeposito beteken, wat die aansluiting van dienste betref –

(a) ‘n deposito vir residensiële verbruikersdienste (water, elektrisiteit, vullisverwydering en riooldienste), behalwe in die geval van hulpbehoewende persone; of

(b) ‘n deposito vir dienste by residensiële en sakepersele waar ‘n voorafbetaalde elektrisiteitsmeter is, behalwe in die geval van hulpbehoewende persone, of

(c) ‘n deposito vir sakedienste (konvensionele elektrisiteitsdienste); en

(d) verhoogde dienstedeposito’s (wat verband hou met agterstallige en nie-betaling van rekeninge), behalwe in die geval van hulpbehoewende persone; of

(e) ‘n deposito vir die huur van ’n munisipale staanpyp;

(by) versuim beteken **–**

(a) indien ‘n eienaar aan die einde van die Munisipaliteit se finansiële jaar enige geldbedrag ten opsige van eiendomsbelasting of beskikbaarheidsgelde aan die Munisipaliteit verskuldig is; of

(b) indien ‘n eienaar na 31 Oktober van ‘n sekere jaar met die betaling van belasting agterstallig is; of

(c) indien ‘n eienaar vir ‘n tydperk van 60 dae of langer met die betaling van beskikbaarheidsgelde agterstallig is, saamgelees met die omskrywing van “agterstallige bedrae” in hierdie artikel 1;

Wet beteken die Wet op Plaaslike Regering: Munisipale Stelsels 32 van 2000 soos van tyd tot tyd gewysig.

2. Kredietbeheer- en Skuldinvorderingsbeleid wat deur die Raad aanvaar is

Die Raad het ‘n Kredietbeheer- en Skuldinvorderingsbeleid aanvaar wat handel met, en die aangeleenthede reguleer soos voorgeskryf in Hoofstuk 9 van die Wet, die inhoud van welke beleid by verwysing in hierdie verordening ingelyf word en *mutatis mutandis* die status van ‘n verordening toegeken word in soverre dit vereis word vir die implementering, afdwinging en tenuitvoerlegging daarvan in terme van die bepalings van artikels 12 en 13 van die Wet.

3. Skuldinvorderingsplig

Alle bedrae wat aan die Munisipaliteit verskuldig is, moet ingevorder word ooreenkomstig die toepaslike nasionale en provinsiale wetgewing soos na verwys in hierdie verordening.

4. Verskaffing van inligting

'n Eienaar, verbruiker, okkupeerder of skuldenaar binne die munisipale gebied moet die Munisipaliteit voorsien van akkurate inligting wat deur die Munisipaliteit aangevra word en wat redelikerwys deur die Munisipaliteit vereis word vir die implementering of afdwinging van hierdie verordening. Geen persoon mag 'n vals verklaring aflê of vals inligting aan die Munisipaliteit verskaf of 'n dokument wat ingevolge hierdie verordening uitgereik is, vervals nie. Die Munisipaliteit sal alle persoonlike inligting verwerk onderhewig aan die minimum voorwaardes vir wettige verwerking ingevolge die bepalings van POPIA.

5. Agterstallige rekeninge van munisipale personeel en raadslede

5.1 Agterstallige rekeninge van personeellede word hanteer ooreenkomstig Bylae 2, item 10 van die Wet, sowel as enige prosedures, metodes en optrede wat in hierdie verordening vermeld word. Nieteenstaande enige ander prosedure, metode of optrede wat ingevolge die Kredietbeheer- en Skuldinvorderingsbeleid onderneem mag word, sal die Munisipaliteit enige uitstaande bedrag wat vir 'n periode van 3 (drie) maande of langer agterstallig is, van personeellede se salaris verhaal.

5.2 Ingevolge Bylae 7, item 14 van die Wet op Plaaslike Regering: Munisipale Strukture 117 van 1998, mag geen munisipale raadslid vir meer as 3 (drie) maande agterstallig wees met betrekking tot enige munisipale dienstegeld, toeslag op gelde, eiendomsbelasting of enige ander munisipale belastings, heffings of verpligtings wat aan die Munisipaliteit betaalbaar is nie. Nieteenstaande enige ander prosedure, metode of optrede wat ingevolge van hierdie verordening en die Kredietbeheer- en Skuldinvorderingsbeleid onderneem kan word, sal die Munisipaliteit enige uitstaande bedrag van die betrokke raadslid se vergoeding verhaal.

6. Bevoegdheid om diensverskaffing te beperk of af te sluit

6.1 Die Munisipaliteit mag die verskaffing van enige diens by enige perseel beperk of afsluit indien die betrokke eienaar, verbruiker of okkupeerder-

(a) teen die betaaldatum versuim en/of nagelaat het om te betaal;
(b) versuim en/of nalaat om 'n ooreenkoms na te kom;
(c) versuim en/of nalaat om aan 'n verskaffingsvoorwaarde soos deur die Munisipaliteit neergelê, te voldoen;
(d) die munisipale infrastruktuur vir die verskaffing van sodanige diens beskadig en/of met enige meter in verband met daardie diens peuter; of
(e) versuim om onder naam van die nuwe verbruiker vir 'n nuwe diensteaansluiting aansoek te doen binne 14 (veertien) dae vanaf die dood van die eienaar of vorige verbruiker.

6.2 Die Munisipaliteit mag die verskaffing van enige van die beperkte of gestaakte dienste heraansluit of herstel slegs nadat-

(a) die agterstallige skuld, sowel as al die koste ingevolge hierdie verordening, ten volle betaal is en enige of alle ander voorwaardes nagekom is; of
(b) 'n ooreenkoms met die verbruiker aangegaan is vir die betaling van die bedrae in subartikel (a) hier bo bedoel; en
(c) die verbruiker alle heffings betaal het wat in die Munisipaliteit se Tariefbeleid bepaal word as strafmaatreël in geval van peutering met of beskadiging van meettoerusting.

6.3 Die Munisipaliteit mag enige diens op grond van enige agterstallige skuld beperk, afsluit of staak.

7. Skuldverhaling

Wat eiendomsbelasting betref, en onderhewig aan artikel 6, moet die Munisipale Bestuurder; en wat betref enige ander skuld wat betaalbaar en uitstaande is, mag die Munisipale Bestuurder die volgende doen-

(a) enige skuld by wyse van regsoptrede verhaal;
(b) skuld van enige staatsinstelling verhaal met behoorlike inagneming van die bepalings van Hoofstuk 3 van die Grondwet;
(c) skuld na derdeparty-skuldinvorderingsagentskappe verwys indien en wanneer nodig, en onderhewig aan die bedryfskapasiteit van Swartland Munisipaliteit se Direktoraat Finansiële Dienste; en
(d) enige wetlike en redelike stappe instel om debiteure op te spoor wie se besonderhede nie meer geldig of akkuraat is nie en/of verander het, en waar sodanige debiteure versuim het om die Munisipaliteit redelike skriftelike kennisgewing van ‘n verandering van adres en kontakbesonderhede te gee en sal alle persoonlike inligting verwerk onderhewig aan die minimum voorwaardes vir wettige verwerking in terme van die bepalings van POPIA.

8. Kosteverhaling

Indien koste deur of namens die Munisipaliteit aangegaan is ten einde gelde wat aan die Munisipaliteit verskuldig is te verhaal, mag die Munisipale Bestuurder sodanige koste verhaal, met inbegrip van die volgende maar nie daartoe beperk nie-

(a) koste en administrasiefooie indien betalings wat by wyse van verhandelbare dokumente aan die Munisipaliteit gemaak is deur ‘n bank geweier word by aanbieding vir betaling;
(b) regs- en administratiewe koste, met inbegrip van prokureur-en-kliëntkoste en opsporingskoste wat aangegaan is om skuld te kan verhaal;
(c) beperkings-, afsluitings – en heraansluitingskoste, indien enige diens weens nie-voldoening aan hierdie verordening beperk of afgesluit is;
(d) enige verliese wat die Munisipaliteit weens peutering met munisipale toerusting of meters mag ly; en
(e) enige invorderingskommissie wat aangegaan is.

9. Beslaglegging

Die Munisipale Bestuurder mag, ten einde skuld te verhaal, ‘n bevoegde hof nader om ‘n beslagleggingsbevel op ‘n verbruiker se roerende of onroerende eiendom uit te reik.

10. Deernisondersteuning

Die Munisipaliteit kan finansiële hulp verleen aan persone wat voldoen aan die vereistes wat in die munisipale beleid insake deernisondersteuning gestel word.

11. Delegering

Die Munisipale Bestuurder en/of die Direkteur: Finansiële Dienste mag hulle bevoegdhede ingevolge hierdie verordening en Kredietbeheer- en Skuldinvorderingsbeleid soos van tyd tot tyd deur die Raad gewysig en goedgekeur aan enige amptenaar of diensverskaffer van die Munisipaliteit delegeer en/of subdelegeer indien en wanneer nodig, en onderhewig aan die Munisipaliteit se stelsel van delegasie.

12. Klaringsertifikate

Met die verkoop van enige eiendom moet die Munisipaliteit die vereiste klaringsertifikaat uitreik soos voorgeskryf in hierdie verordening en die Kredietbeheer- en Skuldinvorderingsbeleid mits enige en alle onbetaalde munisipale rekeninge vereffen is.

13. Appèl

Ingevolge artikel 62 van die Wet mag ‘n persoon wie se regte deur ‘n munisipale besluit ingevolge een of meer gedelegeerde en/of gesubdelegeerde bevoegdhede geraak word, teen sodanige besluit appelleer deur die Munisipale Bestuurder binne 21 (een-en-twintig) dae vanaf die datum van kennisgewing van die besluit skriftelik te verwittig van die voorneme om te appelleer en die redes daarvoor.

14. Misdrywe, strafmaatreëls en betredings- en inspeksiebevoegdheid

‘n Persoon wat-

(a) ingevolge artikel 101 van die Wet, saamgelees met artikel 119(3) daarvan, enige amptenaar of raadslid van die Munisipaliteit verhinder of verhoed om hulle pligte ingevolge hierdie verordening of die Kredietbeheer- en Skuldinvorderingsbeleid uit te voer;

(b) munisipale toerusting of die verskaffing van munisipale dienste onwettig gebruik of verbruik, of daarmee inmeng;

(c) met enige munisipale toerusting peuter of enige seël op ‘n meter breek of ‘n meter beskadig;

(d) versuim om gehoor te gee aan ‘n kennisgewing wat ingevolge hierdie verordening of die Kredietbeheer- en Skuldinvorderingsbeleid bestel is;

(e) ‘n munisipale amptenaar toegang tot enige perseel weier; of

(f) vals inligting oor die verskaffing van dienste of ‘n aansoek om deernisondersteuning verstrek met die bedoeling om te bedreig of te mislei,

pleeg ‘n misdryf en is by skuldigbevinding strafbaar met of ‘n boete of gevangenisstraf, gevangenisstraf sonder die keuse van ‘n boete, of ‘n boete sowel as gevangenisstraf soos deur ‘n bevoegde hof bepaal.

15. Herroeping van verordeninge

Die Swartland Munisipaliteit Verordening insake Kredietbeheer en Skuldinvordering soos gepubliseer in Provinsiale Koerant 8246 van 10 Junie 2020 word hiermee herroep.

16. Kort titel en inwerkingtreding

Hierdie verordening staan as die Verordening insake Kredietbeheer en Skuldinvordering bekend en sal op 1 Julie 2024 in werking tree.

Munisipaliteit
Municipality
Umasipala

Verslag ◆ Ingxelo ◆ Report

Kantoor van die Direkteur: Ontwikkelingsdienste
Afdeling: Ontwikkelingsbestuur

15 Maart 2024

1/1/1/3/14

WYK: Alle wyke

ITEM 8.6 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL WORD OP 28 MAART 2024

ONDERWERP:	**AANVAARDING VAN GEWYSIGDE VERORDENING: SWARTLAND MUNISIPALITEIT: VERORDENING INSAKE MUNISIPALE GRONDGEBRUIK-BEPLANNING (PK 8226 GEDATEER 25 MAART 2020)**
SUBJECT:	***ADOPTION OF AMENDED BY-LAW: SWARTLAND MUNICIPALITY: MUNICIPAL LAND USE PLANNING BY-LAW (PG 8226 DATED 25 MARCH* 2020)**

1. BACKGROUND/AGTERGROND

The attached amendments and additions (see Annexure A) to the Swartland Municipality: Municipal Land Use Planning By-law (PG 8226 dated 25 March 2020) was introduced in Council on 30 January 2024 in terms of Chapter 8 of the Swartland Municipality: By-Law relating to the Conduct of Meetings as promulgated in Provincial Gazette Extraordinary, 8649 of 19 August 2022.

The proposed amendments and additions to the by-law was published on the municipal website and in the local newspapers in both Afrikaans and English for comments/inputs (see attached Notice 56/23/24 – see Annexure B).

No comments and/or objections were received by the deadline of by 19 March 2024.

2. LEGISLATION

2.1 The constitution, Municipal Structures Act and Municipal Systems Act set the framework in terms of which a municipal council must pass by-laws.

a) First, a by-law must have the support of the majority of all the councillors;
b) Secondly, the community must have enjoyed the opportunity to have its say with regard to the by-law.

The making of a by-law entails the following steps:

		Proposed timeframes
Step 1	A draft by-law is prepared by a councillor or a Committee of the council and must be introduced in the council.	Executive Mayoral Committee Meeting of 24 January 2024, introduced in Council on 30 January 2024.
Step 2	The council must consult with the community with regard to the draft by-law. It must at least publish the by-law for comment by the public. Note: the municipality may use the ward committees to discuss the merits of a draft by-law.	Placement of media advertisement on 6 February 2024. Period of comment until 19 March 2024.

Step 3	The by-law is introduced in and debated by the council. Before passing a by-law, a council that has an executive committee or executive mayor, must first require that committee or mayor to give a report and recommendation on the by-law.	To be tabled in Council on 28 March 2024, via Executive Mayoral Committee (meeting on 20 March 2024).
Step 4	The Municipal council votes on the by-law, which – in terms of the Constitution – is to be carried by the majority of all councillors.	Council meeting 28 March 2024
Step 5	If passed by council, the by-law is published in the Provincial Gazette and becomes law on that date or a later date set in the by-law.	By ……………………………

2.2 **Compliance with the By-law relating to the Conduct of Meetings**

The amendments and additions to the By-law is tabled for adoption by Council in accordance with paragraph 60 of the Swartland Municipality: By-law relating to the Conduct of Meetings (PG 8649 dated 19 August 2022).

2.3 Paragraph 60(2) determines that the executive mayor must consider the report by the municipal manager and must submit a report to the council which sets out an executive summary of the draft by-law (see paragraph 2.4), any relevant comments or proposals received (none received by the time of writing the report) and a recommendation (see paragraph 3).

2.4 Executive Summary of the draft by-law (as was submitted in Council on 30 January 2024)

The amendment of the By-law aims to control and regulate the trading hours of house shops in the Swartland municipal area and applies to all house shops within the municipal area.

Further amendments are proposed in order to provide for offences of any of the conditions determined by the Municipality in terms of Schedule 2 to the By-law, i.e. the Swartland Municipality Development Management Scheme) i.r.o. the respective zoning schemes.

3. **RECOMMENDATION** (considered by the Executive Mayoral Committee on 20 March 2024)

(a) That the amendments and additions to the Swartland Municipality: Municipal Land Use Planing By-law be adopted by Council, to take effect on date of promulgation in the Provincial Gazette;

(b) That fines for offences of the by-law be determined by the Department of Justice.

AANBEVELING (oorweeg deur die Uitvoerende Burgemeesterskomitee op 20 Maart 2024)

(a) Dat die wysigings en toevoegings aan die Swartland Munisipaliteit: Verordening insake Munisipale Grondgebruikbeplanning aanvaar word deur die Raad, om in werking te tree op datum van afkondiging in die Provinsiale Koerant;

(b) Dat boetes vir ootredings van die verordening vasgestel word deur die Departement van Justisie.

(get) A M Zaayman

MUNISIPALE BESTUURDER

ANNEXURE A

HOOFSTUK X
AFDWINGING

Afdwinging

95. (1) Die munisipaliteit moet voldoen en voldoening afdwing aan die volgende:

(a) die bepalings van hierdie verordening;

(b) die bepalings van 'n soneringskema;

(c) voorwaardes opgelê ingevolge hierdie verordening of enige wet wat deur die Wet op Grondgebruiksbeplanning herroep is.

(2) Die munisipaliteit mag niks doen wat strydig is met subartikel (1) nie.

Misdrywe en strawwe

96. (1) 'n Persoon mag van 'n misdryf beskuldig word en is by skuldigbevinding strafbaar met 'n boete of gevangenisstraf of met beide 'n boete en sodanige gevangenisstraf indien hy of sy—

(a) artikels 25(1), 25(4), 30(1), 31(4), 41(1), 69(3), 72(2) of 98(2) oortree of versuim om daaraan te voldoen;

(b) sonder die goedkeuring van die munisipaliteit grond anders aanwend as wat in die soneringskema voorgeskryf word;

(c) versuim om by registrasie van die oodrag van eienaarskap van die eerste grondeenheid wat uit 'n onderverdeling voortspruit, na 'n persoon wat nie die ontwikkelaar is nie, alle gemeenskaplike eiendom wat uit die onderverdeling voortspruit na die eienaarsvereniging oor te dra;

(d) besonderhede, inligting of antwoorde verskaf in 'n aansoek of in 'n appèl teen 'n besluit oor 'n aansoek of in enige dokumentasie of voorlegging wat verband hou met 'n aansoek of 'n appèl met die wete dat dit onwaar, foutief of misleidend is of met die mening dat dit nie korrek is nie;

(e) voorgee om 'n gemagtigde werknemer of die tolk of assistent van 'n gemagtigde werknemer te wees;

(f) 'n gemagtigde werknemer verhinder of inmeng in die uitoefening van enige bevoegdheid of die uitvoering van enige plig van daardie werknemer; ~~of~~

(g) versuim om te voldoen aan 'n kennisgewing uitgereik ingevolge artikel 97 van hierdie verordening; of

(h) versuim om te voldoen aan enige van die voorwaardes soos opgelê in terme van Skedule 2 tot hierdie verordening;

(2) 'n Eienaar wat toelaat dat sy of haar grond gebruik word op 'n wyse uiteengesit in subartikel (1)*(b)* en wat nie daardie gebruik staak of redelike stappe doen om toe te sien dat die gebruik staak nie, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf of met beide 'n boete en sodanige gevangenisstraf.

(3) Versuim om te voldoen aan 'n kennisgewing, voorskrif of instruksie uitgereik ingevolge hierdie verordening is 'n voortgesette misdryf in welke geval die oortreder onderhewig is aan 'n boete vir elke dag waarop sodanige misdryf voortduur.

(4) Die munisipaliteit mag boetes en strydigheidsheffings aanneem wat by die afdwinging van hierdie verordening opgelê kan word.

RESIDENSIëLE SONE 2: Medium digtheid (R2)

1.2.7 Huiswinkel

Met die toestaan van ‘n vergunningsgebruik vir ‘n huiswinkel, kan die munisipaliteit, sonder om daartoe beperk te wees, die volgende voorwaardes oplê:

(a) die omvang en ligging van die sakekomponent moet duidelik op ‘n plan aangetoon word en mag nie 25m² of 50% van die totale vloerruimte oorskry nie (uitgesluit enige toilet, aantrekkamer en stoorkamer), watter ook al die kleiner oppervlakte is;

(b) addisioneel tot die huiswinkel moet die grondeenheid ‘n woonhuis wat deur die eienaar van die huiswinkel bewoon moet word, bevat;

(c) enige nuwe struktuur of verandering aan die bestaande woonhuis of buitegebou moet by die residensiële karakter van die betrokke gebied aanpas;

(d) nie meer as drie persone, insluitend die bewoner van die woonhuis, mag toegelaat word om by sake-aktiwiteite op die grondeenheid betrokke te wees nie;

(e) slegs een teken wat nie groter as 1m² in oppervlakte is nie en wat aan die muur van die woonhuis of buitegebou vas is, sal toegelaat word, en geen gedeelte daarvan mag die erfgrense oorskry nie terwyl die teken slegs die naam van die eienaar, naam van die besigheid en aard van die kleinhandelbesigheid mag aandui;

(f) die volgende word nie in ‘n huiswinkel toegelaat nie:
   - (i) verkoop van wyn en alkoholiese drank;
   - (ii) stoor of verkoop van gas en gashouers;
   - (iii) muntmasjiene;
   - (iv) video speletjies, en
   - (v) snoeker- en potspeltafels;

(g) die handelsure van ‘n huiswinkel sal wees vanaf 06:00 tot 21:00 en mag nie verleng word nie.

CHAPTER X
ENFORCEMENT

Enforcement

95. (1) The municipality must comply and enforce compliance with—

(a) the provisions of this By-Law;

(b) the provisions of a Development Management Scheme;

(c) conditions imposed in terms of this By-Law or any law repealed by the Land Use Planning Act.

(2) The municipality may not do anything that conflicts with subsection (1).

Offences and penalties

96. (1) A person may be accused of an offence and is liable upon conviction to a fine or imprisonment or to both a fine and such imprisonment if he or she—

(a) contravenes or fails to comply with sections 25(1), 25(4), 30(1), 31(4), 41(1), 69(3), 72(2) or 98(2);

(b) utilises land in a manner other than prescribed by a Development Management Scheme without the approval of the municipality;

(c) upon registration of the transfer of ownership of the first land unit arising from a subdivision, to a person other than the developer, fails to transfer all common property arising from the subdivision to the owners' association;

(d) supplies information or answers in an application, or in an appeal against a decision on an application, or in any documentation or representation related to an application or an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct;

(e) falsely professes to be an authorised employee or the interpreter or assistant of an authorised employee;

(f) hinders or interferes with an authorised employee in the exercise of any power or the performance of any duty of that employee; or

(g) fails to comply with a notice issued in terms of section 97 of this By-Law; or

(h) fails to comply with any of the conditions imposed in terms of Schedule 2 to this by-law.

(2) An owner who permits his or her land to be used in a manner set out in subsection (1)*(b)* and who does not cease that use or take reasonable steps to ensure that the use ceases, is guilty of an offence and liable upon conviction to a fine or imprisonment or to both a fine and such imprisonment.

(3) Failure to comply with a notice, direction or instruction referred to in this By-Law constitutes a continuing offence and in such case the offender is liable to a fine for every day such offence continues.

(4) The municipality may adopt fines and contravention penalties that may be imposed in the enforcement of this By-Law.

1.2.7 House shop

In granting its consent for a house shop, the municipality may impose, but is not limited to, the following conditions:

(a) the extent and position of the retail component must be clearly defined on a plan, and shall not exceed 25m² or 50% of total floor space (excluding any toilet, change room and storeroom), whichever is the lesser area;

(b) in addition to the house shop, the land unit must contain a dwelling which shall be occupied by the proprietor of the house shop;

(c) any new structure, or alteration to the existing dwelling or outbuilding, shall conform to the residential character of the area concerned;

(d) no more than three persons, including the occupant of the dwelling, are permitted to be engaged in retail activities on the land unit;

(e) only one sign shall be permitted and shall not exceed 1m² in area, and shall not exceed the land unit boundaries with any part of it, while it shall indicate only the name of the owner, name of the business and nature of the retail trade;

(f) the following are not permitted in a house shop:
   - (i) sale of liquor or alcoholic beverages;
   - (ii) storage or sale of gas and gas containers;
   - (iii) vending machines;
   - (iv) video games, and
   - (v) snooker or pool tables;

(g) the trading hours of a house shop shall be from 06:00 to 21:00 and may not be extended.

ANNEXURE B

SWARTLAND MUNICIPALITY

NOTICE NR. 56/2023/2024

AMENDMENT OF THE SWARTLAND MUNICIPALITY: MUNICIPAL LAND USE PLANNING BY-LAW, 2020

Notice is hereby given in terms of section 12(3)(b) of the Local Government Act: Municipal Systems, 2000 and paragraph 59 of Swartland Municipality: By-law relating to the Conduct of Meetings (PG 8649 dated 19 August 2022) that Swartland Municipality intends to amend the Swartland Municipality: Municipal Land Use Planning By-law.

The by-law as promulgated in the Provincial Gazette 8226 dated 25 March 2022 are hereby amended as follows:

> Section 96(1): A person may be accused of an offence and is liable upon conviction to a fine or imprisonment or to both a fine and such imprisonment if he or she –
>
> Section 96(1)(a): contravenes or fails to comply with sections 25(1), ~~25(5)~~ <u>25(4)</u>, 30(1), 31(4), 41(1), 69(3), 72(2) of 98(2) (*amendment*);
> <u>Section 96(1)(h): Fails to comply with any of the conditions imposed in terms of Schedule 2 to this by-law</u> (*addition*); and
>
> <u>Schedule 2 (Swartland Municipality Development Management Scheme – Residential zone 2: Medium Density (R2), paragraph 1.2.7(g): The trading hours of the house shop shall be from 06:00 to 21:00 and may not be extended</u> (*addition*);

Interested parties are invited to lodge written comment in regard to the proposed amendments of the by-law with the undersigned **by no later than Tuesday, 19 March 2024**.

Any person who is unable to write and who may wish to make representations regarding the proposed by-law, may submit their comments verbally at the Municipal Offices, Malmesbury, where he or she will be assisted by Ms Nicolette Brand to transcribe his or her comments.

Enquiries about the proposed document may also be directed Mr Alwyn Zaayman at tel. (022) 487 9400.

J J SCHOLTZ
MUNICIPAL MANAGER

MUNICIPAL OFFICES
PRIVATE BAG X52
MALMESBURY

6 February 2024

<u>MUNISIPALITEIT SWARTLAND</u>

KENNISGEWING 56/2023/24

WYSIGING VAN DIE SWARTLAND MUNISIPALITEIT: VERORDENING INSAKE MUNISIPALE GRONDGEBRUIKBEPLANNING, 2020

Kennis geskied hiermee in terme van artikel 12(3)(b) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 en paragraaf 59 van die Swartland Munisipaliteit: Verordening insake die Hou van Vergaderings (PK 8649 gedateer 19 Augustus 2022) dat die Munisipaliteit van voorneme is om die Swartland Munisipaliteit: Verordening insake Munisipale Grondgebruikbeplanning te wysig.

Die verordening afgekondig in Provinsiale Koerant 8226 van 25 Maart 2020 word hiermee soos volg gewysig:

> Artikel 96(1): 'n Persoon mag van 'n misdryf beskuldig word en is by skuldigbevinding strafbaar met 'n boete of gevangenisstraf of met beide 'n boete en sodanige gevangenisstraf indien hy of sy –
> Artikel 96(1)(a): artikels 25(1), ~~25(5)~~ <u>25(4)</u>, 30(1), 31(4), 41(1), 69(3), 72(2) of 98(2) oortree of versuim om daaraan te voldoen (*wysiging*);
>
> <u>Artikel 96(1)(h): Versuim om te voldoen aan enige van die voorwaardes opgelê in terme van Skedule 2 tot hierdie verordening</u> (*toevoeging*); en
>
> <u>Skedule 2 (Swartland Munisipaliteit Ontwikkelingsbestuur Skema) – Residensiële sone 2: Medium Digtheid (R2), paragraaf 1.2.7(g): Die handelsure van 'n huiswinkel sal wees vanaf 06:00 tot 21:00 en mag nie verleng word nie</u> (*toevoeging*);

Belangstellendes word genooi om skriftelike kommentaar met betrekking tot die konsep wysiging van die verordening aan die ondergetekende te rig teen **nie later nie as Dinsdag, 19 Maart 2024.**

Enige persoon wat nie kan skryf nie en vertoë met betrekking tot die konsep verordening wil rig, kan sy of haar vertoë mondelings aflê by die Munisipale Kantoor, Malmesbury waar me Nicolette Brand beskikbaar sal wees om so 'n persoon se kommentaar op skrif te stel.

Enige navrae in die betrokke verband kan gerig word aan mnr Alwyn Zaayman by tel. (022) 487 9400.

J J SCHOLTZ
MUNISIPALE BESTUURDER

MUNISIPALE KANTOOR
PRIVAATSAK X52
MALMESBURY

6 Februarie 2024

Munisipaliteit
Municipality
Umasipala

Verslag ◆ Ingxelo ◆ Report

Office of the Director: Corporate Services
20 March 2024

4/1/1/2/1
WYK: NVT

ITEM 8.7 OF THE AGENDA OF A COUNCIL MEETING TO BE HELD ON 28 MARCH 2024

SUBJECT: RECOMMENDATION FOR APPROVAL OF THE ORGANISATIONAL STRUCTURE TAKING INTO ACCOUNT AMENDMENTS TO DIRECTORATE: FINANCIAL SERVICES, DIRECTORATE: PROTECTION SERVICES, OFFICE OF THE MUNICIPAL MANAGER, OFFICE OF THE PUBLIC OFFICE BEARERS, DIRECTORATE: ELECTRICAL ENGINEERING SERVICES AND DIRECTORATE: INFRASTRUCTURE AND CIVIL ENGINEERING SERVICES

1. BACKGROUND

1.1 Section 66 of the Municipal Systems Amendment Act, 2011 determines that the organisational structure must be approved by the municipal manager.

1.2 Amendments to the organisational structure is hereby submitted to Council for approval taking into account amendments to the organisational structure regarding the Directorate: Financial Services, Directorate: Protection Services, Office of the Municipal Manager, Office of the Public Office Bearers, Directorate: Electrical Engineering Services and Directorate: Infrastructure and Civil Engineering Services which are motivated below.

1.3 Directorate: Financial Services
Department: Treasury
Division: Revenue Management

Cashier and Enquiries Clerk (5 posts): Five part time posts of Cashier and Enquiries Clerk for 120 hours per month were monitored in terms of service hours for a period of 12 months and it was found that the 120 hours per month was not sufficient to meet the service delivery requirements of the public. Additional hours worked were paid at overtime rates resulting in an expenditure exceeding the amount that a full time post costs for less hours per month. The 5 posts of Cashier and Enquiries Clerk Part time (120 hours) were therefore amended to Cashier and Enquiries Clerk on a full time basis with effect from 1 November 2023. The changes to the organisational structure needs to follow suit.

Senior Clerk: Traffic Fines: With the review of the Staff Establishment with effect from 1 January 2023, the post of Senior Clerk: Traffic Fines relocated from Protection Services to Financial Services. However, the current workplace allocation remained unchanged and the job description was amended to provide for local oversight, instructions and/or guidance in the absence of the immediate superior from the work site. Due to the problematic implementation of this situation in practice, it was decided that the post of Senior Clerk: Traffic Fines relocate back to Protection Services to allow for proper control over service delivery.

See the attached excerpt of the Organisational Structure for the proposed amendments (Annexure A1).

1.4 Directorate: Protection Services
Department: Traffic/Law Enforcement Operations & Vehicle Licensing Administration
Division: Registration & Licensing Administration

Senior Clerk: Traffic Fines: With the review of the Staff Establishment with effect from 1 January 2023, the post of Senior Clerk: Traffic Fines relocated from Protection Services to Financial Services. However, the current workplace allocation remained unchanged and the job description was amended to provide for local oversight, instructions and/or guidance in the absence of the immediate superior from the work site. Due to the problematic implementation of this situation in practice, it was decided that the post of Senior Clerk: Traffic Fines relocate back to Protection Services to allow for proper control over service delivery.

See the attached excerpt of the Organisational Structure for the proposed amendments (Annexure A2).

1.5 Directorate: Protection Services
Department: Traffic/Law Enforcement Operations & Vehicle Licensing Administration
Division: Law Enforcement Operations
Section: Special Operations

Sub-Section Shift A and Sub-Section Shift B: The two sub-sections as approved on the Staff Establishment were created as the Reaction Unit, but never named as such on the Staff Establishment. Due to the fact that in practice the unit is utilised to ensure rural safety, the sub-sections are renamed Sub-Section Rural Safety Unit Shift A and Sub-Section Rural Safety Unit Shift B.

See the attached excerpt of the Organisational Structure for the proposed amendments (Annexure B).

1.6 Directorate: Office of the Municipal Manager
Department: Strategic Services

1.6.1 **Performance Management Officer (1 post):** The implementation of Chapter 4 of the Municipal Staff Regulations compels the municipality to apply performance management and development on all staff members. In addition to the current performance measurement of directors and divisional heads, 50 new individual performance contracts as well as 80 team performance contract need to be created and managed. Measurement of these contracts must take place on a regular basis as prescribed in the Staff Regulations. The organisational structure does not provide for a post of Performance Management Officer and the performance management function is currently done by the Snr Manager: Strategic Services and the IDP/LED Officer as well as a contract worker appointed for this purpose until 31 March 2024. This situation is not sustainable in light of the demands of implementing performance management for all staff in terms of the Municipal Staff Regulations. The new post of Performance Management Officer is necessary with effect from 1 April 2024.

1.6.2 **Administrative Officer: Council Support:** The post of Administrative Officer: Council Support (T-10) was seconded to the Office of the Political Office Bearers with effect from 1 January 2023. Prior to the secondment the post was situated in the Office of the Municipal Manager. The Municipal Manager expressed the need for an Office Manager in the Office of the Municipal Manager focusing on monitoring and evaluation of all matters dealt with in the Office of the Municipal Manager. The current Personal Assistant to the Municipal Manager is retiring on 31 May 2024 and on her retirement her current job description will be amended to include the duties of Office Manager and the resulting changes to the post. The post of Administrative Officer is restored to the Office of the Municipal Manager, in order to provide administrative support to the Municipal Manager.

See the attached excerpt of the Organisational Structure for the proposed amendments (Annexure C1).

1.7 Office of the Public Office Bearers

Administrative Officer: Council Support: The post of Administrative Officer: Council Support (T-10) was seconded to the Office of the Political Office Bearers with effect from 1 January 2023. Prior to the secondment the post was situated in the Office of the Municipal Manager. The Municipal Manager expressed the need for an Office Manager in the Office of the Municipal Manager focusing on monitoring and evaluation of all matters dealt with in the Office of the Municipal Manager. The current Personal Assistant to the Municipal Manager is retiring on 31 May 2024 and on her retirement her current job description will be amended to include the duties of Office Manager and the resulting changes to the post. The post of Administrative Officer is restored to the Office of the Municipal Manager, in order to provide administrative support to the Municipal Manager. The vacancy left after this change will be filled at a suitable time by an employee on a fixed term contract basis.
See the attached excerpt of the Organisational Structure for the proposed amendments (Annexure C2).

1.8 Directorate: Electrical Engineering Services

Chief Electrical Technician: Operations, Maintenance & Construction: The post of Chief Electrical Technician (T-15) will become vacant on 31 July 2024 when the present incumbent retires. Earlier attempts were made to fill the post through the succession planning process, but the effort was unsuccessful when the candidate did not accept the mentorship opportunity. There were no other internal candidates who met the requirements of the post, therefore the succession planning process could not continue. This situation provided the Director Electrical Engineering an opportunity to re-examine the organisational structure in order to address other needs within the directorate. The post of Chief Electrical Technician will therefore be abolished with effect from 1 August 2024.

Senior Superintendent: Electrical: A new post of Senior Superintendent (T-13) is created with effect from 1 August 2024 to bring uniformity among the different sections in the Division Operations, Maintenance & Construction. The sections for Moorreesburg Depot and Darling/Yzerfontein Depot are headed by a Senior Superintendent (T-13). To ensure uniformity, the section for Malmesbury Depot will therefore be headed by the newly created Senior Superintendent (T-13). The funding for the new post will be obtained from the abolishment of the post of Chief Electrical Technician (T-15). The reporting lines of all posts of Senior Superintendent as well as the Principal Clerk will change in order for the posts to report to the Senior Manager: Electrical Infrastructure.

Senior Technician: Planning and Design: A new post of Senior Electrical Technician (T-14) is created to address an urgent need for additional capacity within the Department Electrical Planning & Design (Project Management). The funding for the new post will be obtained from the remainder of the funds due to the abolishment of the post of Chief Electrical Technician (T-15). It is envisaged that the newly created post of Senior Superintendent (T-13) will be filled by an internal candidate, and that the resulting vacancy will also be abolished.

There is however the risk that the post could be filled by an external candidate. Should this happen, the new post of Senior Electrical Technician (T-14) will remain on the organisational structure as an unfunded vacancy until such time that additional funding is available to fund the post of Senior Electrical Technician (T-14)

See the attached excerpt of the Organisational Structure for the proposed amendments (Annexure D).

1.9 Directorate: Infrastructure and Civil Engineering Services

The Organisational Structure was approved by Council on 26 January 2023 for implementation with effect from 1 January 2023, following a full review of the post establishment in terms of the Municipal Staff Regulations. At the time, the proposal was that the name of the Directorate Civil Engineering Services changes to the Directorate Infrastructure & Civil Engineering Services. This proposal was adopted by Council.

The Director: Infrastructure and Civil Engineering Services has, however, indicated that the name change was not effective in practice as the new name was clumsy and long and that everybody continued to refer to the directorate by its old name. There is also no consistency in the name change as the Directorate Infrastructure and Civil Engineering Services was not the only directorate dealing with infrastructure. He therefore requests that the name be restored to the Directorate Civil Engineering Services as in the past.

See the attached excerpt of the Organisational Structure for the proposed amendments (Annexure E).

1.10 Directorate: Infrastructure and Civil Engineering Services
Department: Civil Operations & Maintenance
Division: Parks and Recreation

West Bank Swimming Pool: A new swimming pool is currently being planned and built at the Alfa Street Sports Grounds in West Bank, Malmesbury. The projected date of implementation is September 2024. In order to provide for the proper operation of the swimming pool, the following posts are created, namely 2 posts of Lifeguard/Caretaker (T-09) and 1 post of Handyman: Swimming Pool (T-05).

See the attached excerpt of the Organisational Structure for the proposed amendments (Annexure F).

1.11 The Local Labour Forum, at the meeting dated 23 November 2023, recommended the amendments to Directorate: Financial Services, Directorate: Protection Services and the Office of the Municipal Manager to the Municipal Manager for implementation with effect from 1 November 2023 and 1 April 2024 respectively. The Executive Mayoral Committee, at the meeting of 13

December 2023 recommended the amendments to the Directorate: Financial Services, Directorate: Protection Services and the Office of the Municipal Manager for implementation.

1.12 The Local Labour Forum, at the meeting dated 22 February 2024, recommended the amendments to Office of the Municipal Manager, Office of the Public Office Bearers, Directorate: Electrical Engineering Services and Directorate: Infrastructure and Civil Engineering Services to the Municipal Manager for implementation with effect from 1 June 2024 and 1 July 2024 respectively.

2. LEGISLATION

Section 66 of the Local Government: Municipal Systems Act (Act 32 of 2000)
Local Government: Municipal Staff Regulations No's 890 and 891 dated 20 September 2021

3. ALIGNMENT TO THE IDP

In terms of Chapter 7 of the IDP this amendment to the organisational structure is aligned to Strategic Goal 5 – A connected and innovative local government.

4. FINANCIAL IMPLICATION

Adequate provision has been made in the salary budget for the amendments as motivated above.

5. RECOMMENDATION

a) Dat die Raad kennis neem dat die wysigings soos uiteengesit in 1.3, 1.4, 1.5 en 1.6.1 aanbeveel is deur die Plaaslike Arbeidsforumvergadering gehou op 23 November 2023;
That the Council takes note that the amendments as indicated in 1.3, 1.4, 1.5, and 1.6.1 were recommended at the meeting of the Local Labour Forum held on 23 November 2023;

b) Dat die Raad die wysigings aan die organisatoriese struktuur soos uiteengesit in 1.3, 1.4, 1.5 en 1.6.1 vir terugwerkende implementering met ingang van 1 November 2023 (1.3, 1.4, 1.5) kondoneer, en vanaf 1 April 2024 (1.6.1) goedkeur;
That the amendments to the organisational structure as indicated in 1.3, 1.4, 1.5, and 1.6.1 for backdated implementation with effect from 1 November 2023 (1.3, 1.4, 1.5) be condoned, and with effect from 1 April 2024 (1.6.1) be approved by the Council;

c) Dat die Raad kennis neem dat die wysigings soos uiteengesit in 1.6.2, 1.7, 1.8 en 1.9 en 1.10 aanbeveel is deur die Plaaslike Arbeidsforumvergadering gehou op 22 Februarie 2024;
That the Executive Mayoral Committee takes note that the amendments as indicated in 1.6.2, 1.7, 1.8, 1.9 and 1.10 were recommended at the meeting of the Local Labour Forum held on 22 February 2024;

d) Dat die Raad die wysigings aan die organisatoriese struktuur vir die Kantoor van die Munisipale Bestuurder (1.6.2) en Kantoor van die Openbare Ampsbekleërs (1.7) aanbeveel vir goedkeuring deur die Raad vir implementering met ingang van 1 Junie 2024;
That the Council approves the amendments to the organisational structure for the Office of the Municipal Manager (1.6.2) and Office of the Public Office Bearers (1.7) for approval by Council for implementation with effect from 1 June 2024;

e) Dat die Raad die wysigings aan die organisatoriese struktuur vir die direktorate Elektriese Ingenieursdienste (1.8) en Infrastruktuur en Siviele Ingenieursdienste (1.9 en 1.10) aanbeveel vir goedkeuring deur die Raad vir implementering met ingang van 1 July 2024;
That the Council approves the amendments to the organisational structure for the directorates Electrical Engineering Services (1.8) and Infrastructure and Civil Engineering Services (1.9 and 1.10) for approval by Council for implementation with effect from 1 July 2024;

f) Dat, op aanbeveling van die Burgemeesterskomitee voortspruitend uit 'n vergadering gehou op 20 Maart 2024, die Raad goedkeuring verleen vir die verdere wysiging van die organisatoriese struktuur, deur die toevoeging van die volgende poste, onderhewig aan die beskikbaarheid van befondsing met ingang vanaf 1 Julie 2024:
(i) Direktoraat: Beskermingsdienste, Departement Rampbestuur, Brand- en Nooddienste: 2 x brandweermanne (T8) – standplaas nog bepaal te word;
(ii) Direktoraat: Finansiële Dienste, Afdeling Inkomstebestuur: 1 x rekenmeester (T12, onderhewig aan evaluering)
That, on recommendation by the Mayoral Committee arising from a meeting held 20 March 2024, Council approves the further amendment of the organisational structure by the addition of the following posts, subject to the availability of funding with effect from 1 July 2024:

(i) Directorate: Protection Services, Department Disaster Management, Fire and Emergency Services: 2 x firefighters (T8) – region to be determined;
(ii) Directorate: Financial Services, Division Revenue Management: 1 x accountant (T12, subject to evalution)

g) Dat kennis geneem word van die motivering vir die skep van bogemelde poste:
<u>Direktoraat: Beskermingsdienste, 2 x brandweermanne</u>: Om die lewering van 'n volwaardige Brandweerdiens te bewerkstellig, aangesien die aanduiding is dat die diens nie na die Weskus Distriksmunisipaliteit ontplooi gaan word nie;
<u>Direktoraat: Finansiële Dienste, rekenmeester</u>: Om die aanlynverkope van elektrisiteit, wat vanaf 1 Julie 2024 geïmplementeer sal word, te bestuur, en as sulks beslag te gee aan die Smart City-konsep van dienslewering;
That cognisance be taken of the motivation for the creation of the above-mentioned posts:
<u>Directorate: Protection Services, 2 x firefighters</u>: To help achieve the delivery of a full-fledged fire service, since the indication is that the service will not be deployed to the West Coast District Municipality;
<u>Directorate: Financial Services, accountant</u>: To manage the online sales of electricity, which will be implemented from 1 July 2024, and as such to give effect to the Smart City concept of service delivery.

(get) M S Terblanche

MUNICIPAL MANAGER
Sdj

Annexure A1

DIVISION
REVENUE MANAGEMENT

Manager
(DM/015/FS/FS/022)(T14)
MA Nolan

SECTION
PROPERTY RATES

Administrator
(DM/015/FS/FS/020)(T9)
AR Abrahams

Principal Clerk
(DM/015/FS/FS/012)(T7)X2
NR Collins-Carelse
MF Lourens

SECTION
BILLING & DEBTOR MANAGEMENT

Accountant **(SM190-F46)(T12)**
H Klaase

SUB-SECTION
METERING SERVICES

Assistant Accountant: Meter Reading **(DM/015/FS/FS/014)(T11)**
FT Solomons

Administrator: Meter Reading **(DM/015/FS/FS/013)(T9)**
PJD Frans

Meter Reader **(SM180-F16)(T7)X7**
AS Braaf, EJ Edas
S Welkom, W Williams
SR Scott, MR Marcus
EZ Grootboom

SUB-SECTION
PRE-PAID & SUNDRY SERVICES

Administrator: Prepaid Services **(DM/015/FS/FS/015)(T9)**
TR Smith

Chief Clerk: Enquiries **(SM164-F45)(T8)**
Vacant (MS Frans (Mrb))

Principal Clerk: Enquiries **(SM185-F17)(T7)**
AP Basson (Malmesbury)

Principal Clerk: Sundries Debtors **(SM183-F40)(T7)**
FD Brown

Principal Clerk: Services **(SM184-F42)(T7)**
G Pietersen

Principal Clerk: Sundries and Housing **(DM/015/FS/FS/010)(T7)**
MN Davids

SUB-SECTION
REVENUE PROTECTION

Administrator **(SM188-F43)(T9)**
MP Persens

Plumber Assistant (Revenue Protection)**(SM187-F52)(T8)**
KJ Alias

General Assistant **(SM186-F53)(T3)**
WA Balie
A Agulhas
CS April

~~Senior Clerk: Traffic Fines~~
~~**(DM/015/CM/PS/020)(T6)**~~
~~WW Titus~~

SECTION
CASHIERING & VENDOR POINTS

Controller **(DM/015/FS/FS/028)(T10)**
PF Carlse

Principal Clerk **(SM166-F48)(T7)**
JF Otto

Principal Clerk: Traffic Fines **(SM209-F54)(T7)**
MP Cleophas

Cashier (Malmesbury)**(SM039-F18a)(T6)**
BC Timotheus

Cashier and Enquiries Clerk ~~Part time (120 hrs pm)~~ (Malmesbury)(SM165-F47f)(T6)x3
AMA Smit, JGJ Eygelaar, EH Rooms

Cashier (Moorreesburg)**(SM039-F18)(T6)**
LLS April

Cashier and Enquiries Clerk ~~Part time (120 hrs pm)~~ (Moorreesburg)(SM165-F47g)(T6)
AB Sym

Cashier and Enquiries Clerk (Yzerfontein)**(SM165-F47a)(T6)**
EI Feldman

Cashier and Enquiries Clerk (Riebeek-Wes P/T)**(SM165-F47b)(T6)**
EE Howburg

Cashier and Enquiries Clerk (Riebeek-Kasteel P/T)**(SM165-F47c)(T6)**
C Papier

Cashier and Enquiries Clerk (Darling)**(SM165-F47d)(T6)**
EJ Coetzee

Cashier and Enquiries Clerk ~~Part time (120 hrs pm)~~ (Dar/Yzf)(SM165-F47e)(T6)
EW Januarie

Annexure A2

DIRECTORATE PROTECTION SERVICES

DIVISION
REGISTRATION & LICENSING ADMINISTRATION

Manager **(DM/015/CM/PS/013)(T14)**
M Skippers

SECTION
REGISTRATION & LICENSING

Administrator **(SM085-B17)(T10)**
AR Nieuwoudt

SUB-SECTION
MALMESBURY & DARLING

Principal Clerk: Registration and Licensing **(SM084-B18)(T7)**X5
CN Edas
JL Williams
BJ Prins
GB Sedres
JC van Rooi

Clerk: Registration and Licensing **(SM083-B19)(T5)**
MV Titus

Filing Clerk **(SM086-B24)(T4)**
M Le Fleur

Senior Clerk: Traffic Fines **(DM/015/CM/PS/020)(T6)**
WW Titus

SUB-SECTION
DARLING

Principal Clerk: Registration and Licensing **(SM084-B18)(T7)**
N Lindt

SUB-SECTION
MOORREESBURG

Principal Clerk: Registration and Licensing **(SM084-B18)(T7)**X2
HI Woods
JJ Carolissen

SECTION
DRIVING LICENSE & ROADWORTHY TESTING

SUB-SECTION
MALMESBURY

Superintendent (DLTC/VTS/Public Transport) **(DM/015/CM/PS/012)(T12)**
H Boois

Examiner of Driving Licenses (Grade A) **(SM089-B22)(T9)**
C Jones

Examiner of Driving Licenses (Grade L) **(SM088-B23)(T7)**
LA Jacobs

Examiner of Motor Vehicles (Grade A) **(SM087-B20)(T9)**
A Beukes

Roadworthy Assistant **(SM082-B21)(T3)**
Z Komani

SUB-SECTION
MOORREESBURG

Management Representative for DLTC/VTS **(SM090-B16a)(T11)**
LLP Lindt

Examiner of Driving Licenses (Grade A) **(SM089-B22)(T9)**
H Pienaar

Examiner of Driving Licenses (Grade L) **(SM088-B23)(T7)**
DM Petro

Examiner of Motor Vehicles (Grade A) **(SM087-B20)(T9)**
E Sampson

Roadworthy Assistant **(SM082-B21)(T3)**
ES Mcanjana

Annexure B

SECTION
SPECIAL OPERATIONS

SUB-SECTION
K9 UNIT DARLING
Shift 1

Principal Inspector: Dog Unit
(DM/015/CM/PS/021)(T11)

RRA Petersen

Traffic Officer: Law Enforcement/Dog Handler
(DM/015/CM/PS/022a)(T10)
X2

AT Swelindawo
KG Abrahamse

SUB-SECTION
K9 UNIT MALMESBURY
Shift 2

Principal Inspector: Dog Unit
(DM/015/CM/PS/021)(T11)

SC Botes

Traffic Officer: Law Enforcement/Dog Handler
(DM/015/CM/PS/022b)(T10)
X2

K Davids
EZ Solomons

SUB-SECTION
K9 UNIT MOORREESBURG
Shift 3

Principal Inspector: Dog Unit
(DM/015/CM/PS/021)(T11)

FG Herwels

Traffic Officer: Law Enforcement/Dog Handler
(DM/015/CM/PS/022c)(T10)
X2

JY Willemse
B Herman

SUB-SECTION
RURAL SAFETY
Shift A

Supervisor
(benchmarked)(T10)
SC Petersen

Law Enforcement Officer
(benchmarked)(T7)X9
JM Welkom
LA Maarman
MIF Larey
CS Dyason
AK Lendoor
AJ Carolus
AJ Solomons
JD Johnson
B Maqala

SUB-SECTION
RURAL SAFETY
Shift B

Supervisor
(benchmarked)(T10)
F Herling

Law Enforcement Officer
(benchmarked)(T7)X9
BA Gordon
FH Willemse
DE Daniels
L Mageleni
MJ Jacobs
LS Lewis
BB Isaacs
K Conrad
RK Jafta

SWARTLAND MUNICIPALITY
APPROVED ORGANISATIONAL STRUCTURE
OFFICE OF THE MUNICIPAL MANAGER
Approved by Council on 26 January 2023

Audit Committee

Municipal Manager
JJ Scholtz

DEPARTMENT INTERNAL AUDIT

Senior Manager: Internal Audit **(SM061-M03)(T17)**
JS Erasmus

Internal Auditor **(DM/015/MM/MM/003)(T12)**
M Mseleni

DEPARTMENT STRATEGIC SERVICES

Senior Manager: Strategic Services **(SM059-M01)(T18)**
O Fransman

IDP/LED Officer **(DM/015/MM/MM/0004)(T12)**
N Skhosana

Performance Management Officer (to be evaluated)
Vacant (New Post)

Office Manager (to be re-evaluated)
~~Personal Assistant to the MM **(SM120-M05)(T10)**~~
AC Smit (to retire on 31 May 2024)

Administrative Officer: ~~Council~~ Support **(DM/015/EM/EM/004) (T10)**X1 ~~(Secondment)~~
AM Morris

Director: Corporate Services	Director: Financial Services	Director: Protection Services	Director: Infrastructure & Civil Engineering Services	Director: Development Services	Director: Electrical Engineering Services
MS Terblanche	**MAC Bolton**	**PAC Humphreys**	**LD Zikmann**	**JS Krieger**	**MJ Möller**
See p 2	See p 5	See p 10	See p 19	See p 17	See p 15

SWARTLAND MUNICIPALITY
APPROVED ORGANISATIONAL STRUCTURE
OFFICE OF THE POLITICAL OFFICE BEARERS
Approved by Council on 26 January 2023

Executive Mayor/Speaker

Principal Administrative Officer: Council Support **(DM/015/EM/EM/005)(T12)**X1
(Fixed term contract)
CB Fortuin

Administrative Officer: Council Support (DM/015/EM/EM/004) (T10)X1
~~**(Secondment)**~~
Vacant (AM Morris)

Administrator: Council Support (Speaker) **(DM/015/EM/EM/003) (T9)**X1
(Fixed term contract)
CN Arendse

15

SWARTLAND MUNICIPALITY
APPROVED ORGANISATIONAL STRUCTURE
DIRECTORATE ELECTRICAL ENGINEERING SERVICES
Approved by Council on 26 January 2023

Director: Electrical Engineering Services
MJ Möller

DEPARTMENT
ELECTRICAL PLANNING & DESIGN (PROJECT MANAGEMENT)
See p 16

DEPARTMENT
INFORMATION, COMMUNICATION AND TECHNOLOGY SERVICES
See p 16

DEPARTMENT
ELECTRICAL INFRASTRUCTURE OPERATIONS, MAINTENANCE & CONSTRUCTION
Senior Manager: Electrical Infrastructure
*(*Town Manager Moorreesburg)*
(DM/015/EE/OP/001)(T-18)
TF Rossouw

DIVISION
OPERATIONS, MAINTENANCE & CONSTRUCTION
Senior Superintendent **(DM/015/EE/OP/003)(T-13)**
Vacant (new post)

~~**DIVISION**~~
~~**OPERATIONS, MAINTENANCE & CONSTRUCTION**~~
~~Chief Electrical Technician (DM/015/EE/OP/002)(T-15)~~
~~JJ van der Zandt~~

DIVISION
TECHNICAL SUPPORT
Snr Technical Support Officer
(DM/015/IS/EC/014)(T-12)
B Dawson

Electrician
(DM/015/IS/EC/006)(T-10)
C Trussel

SECTION
MALMESBURY DEPOT
CONSTRUCTION
Superintendent
(DM/015/IS/EC/013a)(T-12)
JT Liedeman
Electrician **(DM/015/IS/EC/006)(T-10)**
A Williams
Electrical Linesman
(DM/015/IS/EC/007)(T-08)
CM Arendse
Supervisor Driver: Tractor/Excavator Operator **(DM/015/IS/EC/012)(T-07)**
SA Williams
Team Leader: Small Plant Operators
(DM/015/IS/EC/004)(T-06)X2
WM Goliath, A November
Small Plant Operator
(DM/015/IS/EC/005)(T-04)X5
G Jacobs, M Oosterwyk, TL Mthobi, MD Baron, M Welani

SECTION
MALMESBURY DEPOT
OPERATIONS, MAINTENANCE & CONSTRUCTION
Superintendent
(DM/015/IS/EC/013b)(T-12)X2
PCJ Fourie, DJ Mostert
Electrician **(DM/015/IS/EC/006)(T-10)**X2
SJ Phike, S Sololo
Electrical Linesman
(DM/015/IS/EC/007)(T-08)
C Tities
Team Leader: General Assistants
(DM/015/IS/EC/004)(T-06)X2
E Prince, LJ Lotsho
Small Plant Operator
(DM/015/IS/EC/005)(T-04)X2
R Berling, M Ntsomboyi
~~Principal Clerk (DM/015/IS/EC/010)(T-07)~~
~~O Poni~~

SECTION
MOORREESBURG DEPOT
OPERATIONS, MAINTENANCE & CONSTRUCTION
Snr Superintendent
(DM/015/EE/OP/003)(T-13)
SHM Weideman
Superintendent
(DM/015/IS/EC/013c) (T-12)
S Oberholzer
Electrical Linesman
(DM/015/IS/EC/007)(T-08)
KD Arendse
Team Leader: Small Plant Operators
(DM/015/IS/EC/004)(T-06)X3
F Martins, DE Jasson, G Afrika
Small Plant Operator
(DM/015/IS/EC/005)(T-04)
GD Lewies

SECTION
DARLING/YZERFONTEIN DEPOT
OPERATIONS, MAINTENANCE & CONSTRUCTION
Snr Superintendent
(DM/015/EE/OP/003)(T-13)
D Mostert

Superintendent
(DM/015/IS/EC/013d) (T-12)
SJ Kellerman

Electrical Linesman
(DM/015/IS/EC/007)(T-08)
T Joja

Small Plant Operator
(DM/015/IS/EC/005)(T-04)X4
T Cleophas, HDD Bird, RJ Loubser, LL Seqwane

DIVISION
ADMINISTRATIVE SUPPORT
Principal Clerk
(DM/015/IS/EC/010)(T-07)
O Poni

16

DIRECTORATE ELECTRICAL ENGINEERING SERVICES

DEPARTMENT
INFORMATION, COMMUNICATION AND TECHNOLOGY SERVICES

Senior Manager **(DM/015/EE/IT/001)(T-17)**
WJ Pienaar

DIVISION
ICT INFRASTRUCTURE

Manager **(DM/015/EE/IT/002)(T-16)**
JH de Haast

DIVISION
ICT SUPPORT SERVICES

ICT Systems Administrator **(DM/015/EE/IT/003)(T-12)**
W Bok

ICT Support Technician **(DM/015/EE/IT/004)(T-11)**
S Bugan

DEPARTMENT
ELECTRICAL PLANNING & DESIGN
(PROJECT MANAGEMENT)

Snr Manager: Technical Services
(DM/015/EE/PM/001)(T-17)
MJ Swanepoel

Chief Electrical Technician
(DM/015/EE/PM/002)(T-15)
JE Carstens

Snr Electrical Technician
(to be evaluated)
(benchmark T-14)
Vacant (New post)

SWARTLAND MUNICIPALITY
APPROVED ORGANISATIONAL STRUCTURE
DIRECTORATE ~~INFRASTRUCTURE &~~ CIVIL ENGINEERING SERVICES
Approved by Council on 26 January 2023

Director: ~~Infrastructure &~~ Civil Engineering Services
LD Zikmann

Administrator: Technical Services **(SM178-S39)(T9)**
R Pereira

Executive Secretary **(SM075-S12)(T8)**
MM Adonis

DEPARTMENT
SOLID WASTE & TRADE SERVICES

See p 20

DEPARTMENT
BUILDINGS & INFRASTRUCTURE MAINTENANCE

Manager **(SM158-S49)(T16)**
NC Quickfall

Snr Foreman **(SM157-S50)(T11)**
CE Jacobs

DIVISION
STREET PAINTING & MAINTENANCE

Senior Supervisor: Street Painting and Maintenance **(DM/015/IS/RS/006)(T8)**
FP Adams

General Workman: Street Painting and Maintenance **(DM/015/IS/RS/007)(T6)**
JP Sameuls

Operator: Road Markings **(DM/015/IS/RS/012)(T5)x3**
M Patel, BE April, MG Pietersen

DIVISION
BUILDINGS PAINTING

Senior Handyman: Buildings Painting **(SM156-S51)(T8)**
SP Brown

Handyman: Buildings Painting **(SM154-S52)(T7)**
JJ Liedeman

DIVISION
BUILDINGS MAINTENANCE

Special Workman: Buildings Maintenance **(DM/015/IS/MN/025)(T7)**
SC Sheldon

Artisan Assistant: Buildings Maintenance **(DM/015/IS/MN/024)(T4)**
NG Vermeulen

DEPARTMENT
PUBLIC SERVICES & PROJECT MANAGEMENT

See p 21

DEPARTMENT
CIVIL OPERATIONS & MAINTENANCE

See p 21

24

Annexure F

DIRECTORATE ~~INFRASTRUCTURE &~~ CIVIL ENGINEERING SERVICES

DEPARTMENT
CIVIL OPERATIONS & MAINTENANCE

DIVISION
PARKS AND RECREATION

Area Superintendent (SM162-S44)(T13)
R du Plessis

Supervisor/Storeman
(DM/015/IS/PC/004)(T7) x1
GS Sheldon

Senior Coordinator: Sports
(DM/015/IS/PC/018) (T11)x1
CW Booys

SECTION
PARKS & FACILITIES MOORREESBURG

Senior Foreman
(DM/015/IS/PC/017c)(T10)x1
RB Wildschutt

Supervisor/ Truck Driver
(DM/015/IS/PC/015)
(T8)x1
T Lentsa

Supervisor/Tractor Driver (SM191-S29b)(T7)X2
K Pieters, AA Milford

Caretaker Sports Fields (Gene Louw)(SM137-S36b)(T7)x1
K Swarts

Caretaker Sports Fields (Rosenhof)(SM137-S36a)(T7)x1
AH van Rooyen

Handyman
(DM/015/IS/PC/012)
(T5)X4
D Diedericks
A Adams
B Sekhamane
DT Maduna

Handyman
(DM/015/IS/PC/011)
(T5)x1
FF Frans

Handyman
(Koringberg)(DM/015/IS/PC/013)(T5)x1
RJ Blaauw

General Assistant
(SM169-S01o)(T3)X6
D Gabriël
GMM Jonas
L Rametsi
SV Boois
W Baron
WA Boois

SUB-SECTION
SWIMMING POOL

Lifeguard/Caretaker
(SM068-S05b)(T9)x1
DR Faroa

SECTION
PARKS, OPEN AREAS, CEMETERIES & SPORTS FIELDS MALMESBURY

Senior Foreman
(DM/015/IS/PC/017a)(T10)x1
B Bezuidenhout

Supervisor/Tractor Driver
(SM191-S29a)(T7)X4
M Kaptein
M Fortuin
MJ Sedeman
DA Fortuin

Snr Team Leader (Gen Assts)
(DM/015/IS/PC/008)(T6)x1
K Snyers

Handyman
(DM/015/IS/PC/005a)(T5)X5
J Roto, CC Daniels
PJ Swarts, Vacant (WC Farmer) F Mbengo

General Assistant (SM169-S01l)(T3)X7
A Green, DGP Snell
VE Noqazo, P Koopman
AR Dyason, T Lebata
V November

SUB-SECTION
PARKS, OPEN AREAS, CEMETERIES & SPORTS FIELD
RIEBEEK-WEST/ RIEBEEK- KASTEEL

Supervisor/Tractor Driver
(DM/015/IS/PC/010)(T7)x1
G Koks
Handyman (DM/015/IS/PC/009)X2
T Owies
JF Muller

SUB-SECTION
SWIMMING POOL
MALMESBURY

Lifeguard/ Caretaker (SM068-S05c)(T9)X2
W Damon
M Madlingozi

Handyman: Swimming Pool
(DM/015/IS/PC/006)(T5)x1
ED Arendse

SUB-SECTION
SWIMMING POOL
WEST BANK

Lifeguard/ Caretaker (SM068-S05c)(T9)X2
Vacant (new post)
Vacant (new post)

Handyman: Swimming Pool
(DM/015/IS/PC/006)(T5)x1
Vacant (new post)

SUB-SECTION
GENERAL MAINTENANCE & GARDENING MALMESBURY

Foreman/Truck Driver
(DM/015/IS/PC/016)(T8)x1
DD April

General Assistant (SM169-S01y)(T3)X3
JW Cornelius
J Dyason
MR Mpikashe

SUB-SECTION SPORTS FIELDS

Caretaker Sports Fields (Wesbank)(SM137-S36c)(T7)x1
WC Farmer

Caretaker Sports Fields (Chatsw)(SM137-S36d)(T7)x1
GC Januarie

Groundsman
(DM/015/IS/PC/014)(T6)x1
T Tshwela

SECTION
PARKS AND FACILITIES DARLING

Senior Foreman
(DM/015/IS/PC/017b)(T10)x1
PJ van Schalkwyk

Supervisor/Tractor Driver
(SM191-S29c)(T7)x1
A Boois

Snr Caretaker: Sports Fields
(DM/015/IS/PC/007)(T7)x1
F Adams

Handyman
(DM/015/IS/PC/005c)(T5)X4
GD Samuels, B Danster
J Solmons, F Teba

General Assistant (SM169-S01m)(T3)X3
L Carstens, G Solomons
RW Philander

General Assistant (Yzerfontein)
(SM169-S01n)(T3)
W Lowies

SUB-SECTION
SWIMMING POOL

Lifeguard/Caretaker (SM068-S05a)(T9)x1
U Jaca

Munisipaliteit
Municipality
Umasipala

Verslag Ingxelo Report

Kantoor van die Munisipale Bestuurder
13 Maart 2024

3/3/1/1; 3/2/2

ITEM 8.8 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL WORD OP 28 MAART 2024

<u>ONDERWERP:</u>	**(1) VERVANGING VAN RDL C DANIELS AS VERTEENWOORDIGER VAN SWARTLAND MUNISIPALITEIT NA DIE WESKUS DISTRIKMUNISIPALITEIT / (2) VULLING VAN VAKATURE OP MPAC**
<u>SUBJECT:</u>	***(1) REPLACEMENT OF CLLR C DANIELS AS REPRESENTATIVE OF SWARTLAND MUNICIPALITY TO THE WEST COAST DISTRICT MUNICIPALITY / (2) FILLING OF VACANCY ON MPAC***

1. **BACKGROUND**

The Provincial Electoral Officer (CEO) was informed on 12 February 2024 of the passing of Cllr C Daniels – see Annexure A – resulting in the following vacancies:

- Ward councillor for Ward 11 (to be filled by means of a by-election);
- Representative to the West Coast District Council;
- Vacancy on the Municipal Public Accounts Committee (MPAC).

2. **COMMENTS: MUNICIPAL MANAGER**

2.1 The election of representatives of Local Municipality's to the District Council during the November 2021 sitting was conducted by the MEO in terms of schedule 2 (Electoral System for District Councils) – Part 2, and more specific section 14 to section 21.

2.2 Further provisions of the Structures Act that are of importance are sections 11 and 13 of schedule 2, part 1, that deals with the filling of vacancies.

Section 11(1)(a) of annexure 2, part 1, determines that the Chief Electoral Officer (CEO) (and the Provincial Electoral Officer in terms of delegated authority) must declare the persons whose name is at the top of concerned party list to be elected in the vacancy.

2.3 Section 11(1)(b) of annexure 2, part 1, determines that: "Whenever a councillor referred to in paragraph (a) ceases to hold offices, the Municipal Manager (West Coast District Municipality) must within seven days (7) inform the CEO – see Annexure B.

3. **ELECTION OF REPRESENTATIVE TO THE WEST COAST DISTRICT COUNCIL BY THE CEO**

Attached find letter dated 12 March 2024 received from the CEO confirming the election of Cllr E C O'Kennedy to the West Coast District Municipality – Annexure C.

4. **RECOMMENDATION**

A: <u>in respect of vacancy on the West Coast District Council:</u>

(a) That the vacancy on the West Coast District Council caused by the passing of Cllr C Daniels be noted;

(b) That cognisance be taken that the West Coast District Municipality informed the CEO of the vacancy on 9 February 2024;

(c) That cognisance further be taken of the appointment of Cllr E C O'Kennedy to the West Coast District Municipality as representative of Swartland Municipality as declared by the CEO on 12 March 2024;

B: in respect of vacancy on the MPAC:

(a) That Cllr ……………. be appointed by the Council to serve on the MPAC with immediate effect.

AANBEVELING

A: ten opsigte van die vakature op die Weskus Distriksmunisipaliteit:

(a) Dat kennis geneem word van die vakature as verteenwoordiger op die Weskus Distriksraad wat gelaat is met die afsterwe van rdl C Daniels;

(b) Dat kennis geneem word van die skrywe deur die Weskus Distriksmunisipaliteit gedateer 9 Februarie 2024 waarin die Hoof Verkiesingsbeampte in kennis gestel is van rdl C Daniels se afsterwe;

(c) Dat verder kennis geneem word van die verkiesing van rdl E C O'Kennedy na die Weskus Distriksmunisipaliteit as verteenwoordiger van Swartland Munisipaliteit, soos verklaar deur die Hoof Verkiesingsbeampte op 12 Maart 2024;

B: ten opsigte van die vakature op die Munisipale Publieke Verantwoordbaarheidskomitee (MPAC):

(a) Dat rdl ………………… deur die Raad aangewys word om op die MPAC te dien met onmiddellike effek.

(get) J J Scholtz

MUNISIPALE BESTUURDER

Annexure A

11 *CLEAN AUDITS SINCE 2010/11*

Swartland forward-thinking 2040 - where people can live their dreams!

Swartland vooruitdenkend 2040 - waar mense hul drome kan uitleef!

File Ref: 3/1/7; 3/3/1/1

Enquiries:
Ms Nicolette Brand

12 February 2024

lawrencel@elections.org.za

Provincial Electoral Officer
Electoral Commission: Western Cape
The Bridge
304 Durban Road
BELLVILLE
7535

Attention: Ms Leonora Lawrence

DEATH OF WARD COUNCILLOR (WARD 11): MR C DANIELS

Notice is hereby given in terms of section 18(b) of Schedule 1 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) that Mr C Daniels, ID 580517 5704 087, passed away on 5 February 2024 (see death certificate attached).

You are hereby requested to make the necessary arrangements with the MEC for Local Government to announce an election in Ward 11 in accordance with the abovementioned legislation.

It is further confirm that councillor Daniels was also a representative of the Swartland Municipal Council to the West Coast District Council and his passing therefore causes a vacancy on the district council. The West Coast District Council was informed accordingly.

The List of Candidates of the DA, according to our records, is attached and it be noted that the list became exhausted.

You are hereby requested to follow the due process in terms of the relevant legislation to declare the name of the person in writing to be elected in the vacancy.

Yours faithfully

MUNICIPAL MANAGER
[MEO: WC015]
via Department Corporate Services

Yours faithfully

Rig asseblief alle korrespondensie aan:
Die Munisipale Bestuurder
Privaatsak X52
Malmesbury 7299
Darling Tel: 022 492 2237

Tel: 022 487 9400
Faks/Fax: 022 487 9440
Epos/Email: swartlandmun@swartland.org.za
Moorreesburg Tel: 022 433 2246

Kindly address all correspondence to:
The Municipal Manager
Private Bag X52
Malmesbury 7299
Yzerfontein Tel: 022 451 2366

Annexure C

Electoral Commission

SOUTH AFRICA

List of Candidates

More than one Representative

Election of members of a local council to represent that council in the district council
Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)

Name of Local Council: SWARTLAND MUNICIPALITY

Name of District council: WEST COAST DISTRICT MUNICIPALITY

I, ALBERT WARNICK (Full names), duly authorized by DEMOCRATIC ALLIANCE (party name)/ or In my capacity as a councillor of the above mentioned council, submit the following candidates' list for the election of representatives to the district council.

Signature [signature] **Date** 16 NOVEMBER 2021

Order of preference	Name of candidate	ID number	Signature: Acceptance of Nomination
1.	BASIL STANLEY	531227 5106080	[signature]
2.	COLIN DANIELS	530517 5704087	[signature]
3.	DESMOND PYPERS	6912235233087	[signature]
4.	ILZA LE MINNIE	880519 0138 085	[signature]
5.			
6.			
7.			
8.			
9.			
10.			

Please note that:

- i. A party or councillor may not submit more than one list
- ii. A candidate may not appear on more than one candidates' list
- iii. Candidates' names must appear in order of preference

Annexure B

WESKUS DISTRIKSMUNISIPALITEIT
WEST COAST DISTRICT MUNICIPALITY

Rig alle korrespondensie aan:
Address all correspondence to:

**MUNISIPALE BESTUURDER/
MUNICIPAL MANAGER**

Navrae/Enquiries : Mrs ZP Jacobs
Verw.Nr./Ref. No.: 3/3/1

Posbus / P O Box 242
MOORREESBURG, 7310

Telefoon/Phone (022) 433 8400
Faks/Fax Nr. 086 6926 113

E-Mail Adres/Address :
westcoastdm@wcdm.co.za

09 February 2024

Email: hendricksem@elections.org.za

The Chief Electoral Officer
Independent Electoral Commission
Provincial Office Western Cape
P O Box 2515
BELLVILLLE
7535

Dear Mr Hendrickse,

REPLACEMENT OF DA COUNCILLOR: COUNCILLOR COLIN DANIELS, ID NR 530517 5704 08 7; REPRESENTATIVE OF THE WC015 – SWARTLAND LOCAL MUNICIPALITY AT THE WEST COAST DISTRICT MUNICIPALITY (DC1)

Herewith to inform you that Councillor Colin Daniels, Id Nr 530517 5704 08 7, the appointed councillor of the Democratic Alliance (DA) from the Swartland Municipality (WC015) passed away on Monday, 05 February 2024.

The position of Councillor Colin Daniels is therefore declared vacant.

In terms of item 23 of Schedule 2 of the Local Government: Municipal Structures Act, Act 117 of 1998 a vacancy is herewith declared and a placement for the deceased councillor is requested.

Enclosed is the Death Certificate of Colin Daniels.

For any further enquiries in this regard, please contact Mrs Z Jacobs at 022-433 8400 or by email, prodgers@wcdm.co.za.

Kind regards,

pp Jacobs

**MR D JOUBERT
MUNICIPAL MANAGER**
/zj

Annexure C

SOUTH AFRICA

12 March 2024

The Municipal Manager
West Coast District Municipality
P O Box 242
Moorreesburg
7310

Re: **Replacement of the Democratic Alliance (DA) Councillor to District Council: WC015 – Swarland Local Municipality to DC1 – West Coast District Council**

Please note that **Engela Cornelia O'Kennedy, ID No. 650716 0088 082,** being the councillor for the **Democratic Alliance (DA)** in **Swartland Local Municipality**, has been declared elected to **West Coast District Council,** as prescribed in item 23 of Schedule 2 of the Municipal Structures Act, 1998 (Act. No. 117 of 1998).

Councillor **O'Kennedy** replaces **Colin Daniels, ID No. 530517 5704 087**, who ceased to hold office in the municipality.

Sincerely,

J Aphane
Manager: Registrations & Party Liaison

Electoral Commission

Ensuring Free and Fair Elections

Munisipaliteit
Municipality
Umasipala

Verslag ◆ Ingxelo ◆ Report

Kantoor van die Direkteur: Korporatiewe Dienste
19 Maart 2024

12/2/5/2-7/1
Ward 1

ITEM 8.9 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL WORD OP 28 MAART 2024

ONDERWERP:	**VOORGESTELDE UIT-DIE-HAND-VERVREEMDING VAN 'N GEDEELTE VAN ERF 543, KORINGBERG**
SUBJECT:	***PROPOSED OUT-OF-HAND ALIENATION OF A PORTION OF ERF 543, KORINGBERG***

c. **AGTERGROND/BACKGROUND**

1.1 GH & V Bouwer, the registered owners of Erf 43 situated between Sterling and Hoopvol Streets, Koringberg have submitted an application to Council (hereto appended as **ANNEXURE A**) to acquire a portion (± 415 m² in extent) of Erf 543, Koringberg, being a public street bordering on their property.

1.2 The applicants motivate their request mainly on the unsightliness of the bordering land during especially the winter, when many of the large trucks of the industrial enterprises in the area that frequent these roads, use the open area as a crossing between the two above-mentioned streets, thereby not only causing the entrance to the town to look unsightly, but also damaging the roads.

1.3 Erf 543 is zoned as Transport Zone 2: Public Street. The municipal valuer has indicated that R19/m² is considered a fair valuation for the portion concerned to be disposed at.

1.4 The subject property qualifies in terms of Council's Policy relating to the Transfer of Municipal Assets as a so-called 'non-viable asset', i.e. "immovable property that owing to urban planning or physical constraints or shortcomings, cannot be developed on its own or function as a separate entity and only becomes functional if alienated or leased to an adjoining owner for usage in conjunction with the said owners property".

1.5 During discussions with the applicants, it was also brought to their attention that the upgrade of the remaining portion of Erf 543, should Council approve the sale, will not take place in the near future, and is subject to funding to be appropriated to this end.

1.6 The Civil and Electrical Engineering directorates have confirmed that no services will be affected by the proposed disposal, save that precaution must be taken to ensure that sufficient space remains to accommodate existing vehicle movement in the area.

1.7 Hierdie verslag word voorgelê om goedkeuring van die Raad te bekom om 'n gedeelte van Erf 543, Koringberg (groot ± 415 m²) uit-die-hand-uit aan GH & V Bouwer, die eienaars van Erf 43, Koringberg te vervreem. / This report is submitted to obtain Council's approval for the alienation out-of-hand of a portion of Erf 543, Koringberg (± 415 m² in extent) to GH & V Bouwer, the owners of Erf 43, Koringberg.

2. **WETGEWING / LEGISLATION**

2.1 The transfer of ownership or disposal of capital assets is regulated by the Municipal Finance Management Act, 2003 (MFMA), the Municipal Asset Transfer Regulations, 2008 (MATR) as well as Council's By-law and Policy relating to the Transfer of Municipal Capital Assets, the latter being effective as from 22 May 2015.

2.2 The legislative framework applicable in this instance in respect of non-exempted capital assets which are not considered high value assets, are dealt with below only in as far as it relates to the proposed disposal.

COMPLIANCE WITH MUNICIPAL FINANCE MANAGEMENT ACT, 2003		
Issues to be considered in terms of Section 14 of the MFMA		**Comment**
a)	Whether the asset is needed to provide the minimum level of basic municipal services	The subject property is zoned for transport/road purposes, and is not required by the Municipality for the provision of a minimum of any other level of basic municipal services.
b)	Consideration to be given to the fair market value of the asset	It is proposed that the property be alienated at R19.00/m², VAT excluded, as per its municipal valuation.
c)	Consideration to be given to the economic and community value to be received in exchange for the asset	Council will gain the selling price of the subject property and a further monthly income in respect of the rates and taxes. Being regarded as 'non-viable asset' in that it cannot be developed on its own or function as a separate entity, consideration of community value is not applicable in this instance.

COMPLIANCE WITH MUNICIPAL ASSET TRANSFER REGULATIONS (GG 31346 DATED 22 AUGUST 2008)		
Issues to be considered in terms of Regulation 7 of the MATR		**Comment**
a)	Whether the capital asset may be required for the municipality's own use at a later stage.	The property is not required for municipal purposes.
b)	The expected loss or gain that is expected to result from the proposed transfer or disposal	Council will gain the selling price of the subject property and a further monthly income in respect of the rates and taxes.
c)	The extent to which any compensation to be received i.r.o. the proposed transfer or disposal will result in a significant economic or financial cost benefit to the municipality	Financial benefits as a result of the selling price and payment for services.
d)	The risks and rewards associated with the operation or control of the capital asset that is to be transferred or disposed of in relation to the municipality's interests	Risks will be managed in terms of the sale conditions and Deed of Sale.
e)	The effect that the proposed transfer or disposal will have on the credit rating of the municipality, its ability to raise long-term of short-term borrowings in the future and its financial position and cash flow	No effect
f)	Any limitations or conditions attached to the capital asset or the transfer or disposal of the asset, and the consequences of any potential non-compliance with those conditions	No limitations
g)	The estimated cost of the proposed transfer or disposal	All costs related to the transaction will be for the purchaser's account.
h)	The transfer of any liabilities and reserve funds associated with the capital asset	No liabilities
i)	Any comments or representation on the proposed transfer or disposal received from the local community and other interested persons	The intention to alienate the subject property is still to be advertised for public comment.

j) Any written views and recommendations on the proposed transfer or disposal by the National Treasurer and relevant provincial treasury	Not applicable (applicable i.r.o. high value assets only)
k) The interest of any affected organ of state, the municipality's own strategic, legal and economic interests and the interests of the local community	The subject property is not required for municipal purposes, nor does the Municipality enjoy any economic benefit from same in its present shape as explained elsewhere. The proposed transaction can be linked indirectly to Strategic Goal 3 (Quality and Reliable Services) as per the 2023 IDP.
l) Compliance with the legislative regime applicable to the proposed transfer or disposal	Yes, addressed in this report, as well as in the Deed of Sale
Conditions that may be imposed, in terms of Regulation 11, pertaining to the following:	**Comment**
1) The way in which the capital asset is to be sold or disposed of	Direct alienation by means of out-of-hand sale.
2) A floor price or minimum compensation for the capital asset	The property to be sold at no less than its municipal valuation, in order to reflect fair market value.
3) Whether the capital asset may be transferred for less than its fair market value, in which case the municipal council must first consider the criteria set out in regulation 13(2)	Not applicable
4) A framework within which direct negotiations for the transfer or disposal of the capital asset must be conducted with another person, if transfer or disposal is subject to direct negotiations.	Not applicable

2.3 COMPLIANCE WITH COUNCIL LEGISLATION

2.3.1 Council's By-law relating to the Transfer of Municipal Capital Assets PN 7394 dated 22 May 2015 determines that the municipality may sell or let capital assets out of hand as contemplated in the municipality's Municipal Asset Transfer Policy, provided that its full reasons for preferring such out of hand sale or lease must be recorded in the minutes of the meeting concerned (clause 6).

2.3.2 Council's Municipal Asset Transfer Policy determines that in respect of assets which can only be utilized by one or more adjacent land owners, a transaction may be approved by the Council without any competitive process having been followed, including in response to an unsolicited bid, on the basis that no purpose would be served by a competitive process. Furthermore, upon approval of a transaction contemplated as such, the municipal manager must minute the reasons for the decision.

3. KOPPELING AAN DIE GOP / ALIGNMENT TO THE IDP

The proposed project can indirectly be linked to Strategic Goal 3, i.e. to promote quality and reliable services as per Council's 2023 Integrated Development Plan.

4. FINANSIËLE IMPLIKASIE / FINANCIAL IMPLICATION

Council will gain the selling price of the subject property and a further monthly income in respect of the rates and taxes.

5. **RECOMMENDATION**

(a) That approval be granted by Council in terms of the applicable By-law as well as Section 14 of the Municipal Finance Management Act, 2003 for a portion of Erf 543, Koringberg (± 415 m² in extent) to be alienated and transferred out-of-hand to GH & V Bouwer at R19/m² excluding VAT, for consolidation with Erf 43, Koringberg;

(b) That cognizance be taken that the property is not required for the provision of a minimum or any other level of basic municipal services;

(c) That the following reasons be recorded for the out-of-hand alienation of the portion of land concerned, and for not undergoing a competitive process:

(i) The property qualifies as 'non-viable' asset in that due to physical constraints it cannot be developed sensibly as a separate entity within the development parameters for Transport zone 2, and therefore only becomes functional if alienated to an adjoining owner for usage in conjunction with his or her property, as proposed;
(ii) Transfer of the property to an individual or entity releases the Municipality from its maintenance obligation, as well as limits the risks of potential land invasion or misuse (e.g. illegal dumping);
(iii) In this instance the proposed land disposal and consolidation with Erf 43 will aesthetically contribute to an upgrade of the area, establishing a neater entrance to the town;

(d) That the following conditions of sale shall apply to the transaction:

(i) The portion of Erf 543, Koringberg be closed and application be made for exemption of subdivision and consolidation in terms of Section 34 of the Land-Use Planning By-law;
(ii) The zoning of the portion of Erf 543 shall vest as Residential zone 5, in terms of Section 9(h) of the Land-Use Planning By-law;
(iv) The purchaser, in addition to the purchase price, shall be responsible for all costs ancillary and incidental to this transaction, including but not limited to advertisement costs, survey costs, the costs of street closure, rezoning, subdivision and consolidation and related advertisement costs, as well as transfer costs;

(e) That the proposed transaction be advertised in the media for comments and/or potential objections, and that the Executive Mayor be authorized to deal with any forthcoming objections in consultation with his committee;

(f) That before the intention is advertised, written confirmation first be obtained from GH & V Bouwer that they agree to the conditions as provided for in this report;

(g) That the Director: Corporate Services be authorized to finalise and sign the deed of sale.

AANBEVELING

(a) Dat die Raad goedkeuring verleen in terme van die toepaslike Verordening asook Artikel 14 van die Wet op Munisipale Finansiële Bestuur, 2003 dat 'n gedeelte van Erf 543, Koringberg (groot ± 415 m²) uit-die-hand uit aan GH & V Bouwer (die eienaars van Erf 43, Koringberg) vervreem en oorgedra word, en wel teen R19/m² BTW uitgesluit, vir konsolidasie met Erf 43;

(b) Dat kennis geneem word dat die eiendom nie vir die verskaffing van ‘n minimum of enige ander vlak van basiese munisipale dienste benodig word nie;

(c) Dat die volgende redes genotuleer word vir die uit-die-hand vervreemding soos voormeld, sonder om ‘n openbare mededingingsproses te deurloop:

©/…

(i) Die eiendom as ‘nie-bestaanbare bate’ kwalifiseer deurdat dit as gevolg van fisiese beperkings nie as ‘n afsonderlike entiteit sinvol ontwikkel kan word binne die ontwikkelingsparameters vir Vervoersone 2 nie, nd at slegs funksioneel raak indien dit vervreem word aan ‘n aangrensende eienaar vir gebruik daarvan tesame met sy of haar eiendom, soos voorgestel;
(ii) Oordrag van die eiendom aan ‘n individu of entiteit die Munisipaliteit van sy onderhoudslas vrystel, asook die risiko beperk van potensiële grondbesetting of wanaanwending (bv. Onwettige storting);
(iii) In hierdie geval die voorgenome grondverkope en konsolidasie met Erf 43 esteties sal bydra tot ‘n opgradering van die area, en die daarstel van ‘n netjieser ingang tot die dorp;

(d) Dat die volgende voorwaardes van verkoop op die transaksie van toepassing sal wees:

(i) Die betrokke gedeelte van Erf 543, Koringberg gesluit moet word en aansoek gedoen word vir vrystelling vir die onderverdeling en konsolidasie van die gedeelte straat ingevolge Artikel 34 van die Verordening insake Grondgebruikbeplanning;
(ii) Die sonering van die gedeelte straat sal vestig as Residensiële sone 5, volgens die bepalings van artikel 12.9(h) van die Verordening insake Grondgebruikbeplanning;
(iii) Benewens die koopprys, die koper verantwoordelik sal wees vir alle aanvullende en toevallige kostes wat uit die transaksie mag voortspruit, ingesluit maar nie beperk nie tot advertensiekostes, opmeetkostes, die kostes van straatsluiting, hersonering, onderverdeling en konsolidasie asook verwante advertensiekostes, sowel as oordragskostes;

(e) Dat die voorgenome transaksie in die media geadverteer word vir kommentaar en/of potensiële besware, nd at die Uitvoerende Burgemeester met volmag beklee word om in oorlegpleging met sy komitee te handel met enige besware wat ontvang sou word;

(f) Dat alvorens die voorneme geadverteer word, daar eers skriftelike bevestiging van GH & V Bouwer bekom word dat hulle instem tot die voorwaardes soos vervat in hierdie verslag;

(g) Dat die Direkteur: Korporatiewe Dienste volmag verleen word om die verkoopooreenkoms te mag finaliseer en onderteken.

(get) M S Terblanche

MUNISIPALE BESTUURDER

Mst/raadsitems,SM5/Maart 2024/Vervreemding uit die hand Ged erf 543 Koringberg

Inleiding

Ons besit erf 43 op koringberg. Die erf le tussen Hoopvol en Sterling strate.

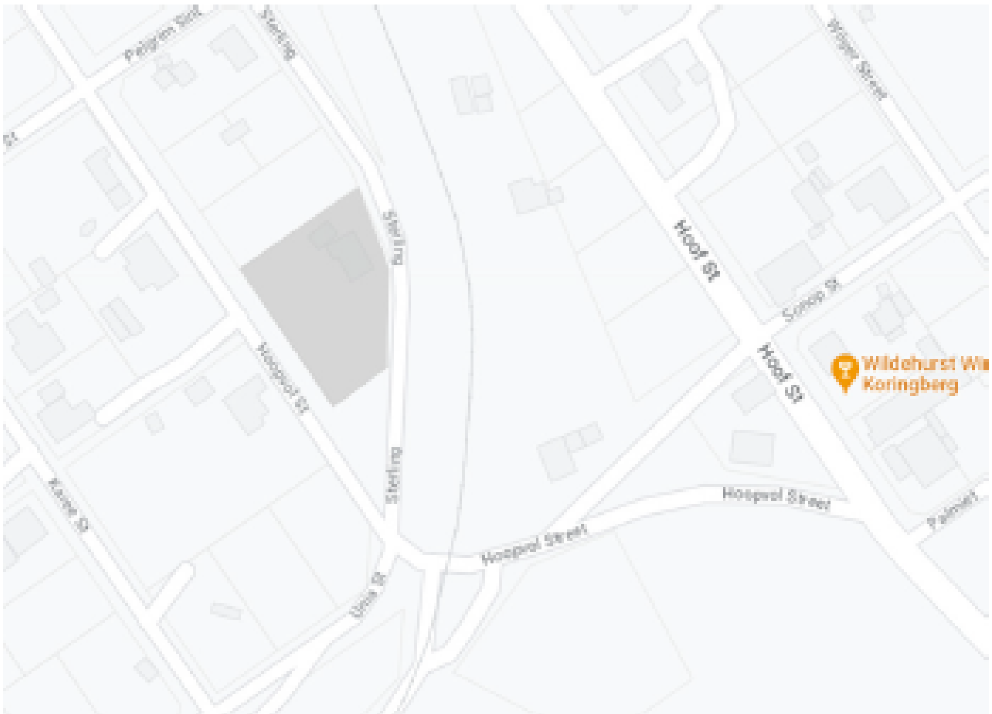
Die stukkie grond langs ons erf is driehoekig en is die resultaat van die twee paaie wat op n hoek bymekaar uitkom.

Die Kooperasie en Omnia besit 'n erf wat ook tussen die twee paaie gelee is en hulle trokke gebruik albei paaie – afhangend van watter ingang hulle wil gebruik. Baie van die trokke sal omdraai op daardie kruising as hulle van een pad na die ander wil gaan. Dit veroorsaak diep sloote en baie modder en lyk ook nie mooi nie – veral in die winter.

Die stukkie grond is die eerste ding wat mense sien as hulle oor die spoor kom en dit lyk nie baie mooi nie.

Fotos:

Hier is n foto van die Google Maps Straat plan van die tween strate met my erf in grys gekleur:



Die foto hieronder, wys dieselvde area as 'n Google Maps Foto:

Die foto onder wys duidelik aan hoe die trokke draai op daardie cruising:

Die sloote en modder in die winter lyk so:


A
B


A
B


B

Ek het nie fotos van die modder wat op die pad saamgesleep word, maar ek is seker dat u sal kan indink hoe vuil die pad wel word, soos die grond saam gesloer word.

Die tweede punt is dat omdat die grond uitgery word, sit dit nou baie meer gewig op die kant van elkeen van die paaie se oppervlaktes, waar die wiele van teer na grond gaan en die paaie gaan baie vinniger agteruit gaan soos die rande begin wegbreek.

Voorstel en aansoek:

Ons stel die volgende voor:

Voorstel 1: Omdat die paaie op so 'n skerp hoek bymekaar kom, is daar nie 'n ander keuse vir die voortuie nie, as om so te draai nie. Ek stel voor dat daardie laaste gedeelte van die driehoek opgebou word en geteer word, met lyne om die twee paaie te skei. Dit sal dan die pad oppervlakte beskerm en die modder problem verwyder. Die foto onder wys hierdie voorstel:

Voorstel 2: Die stukkie grond wat oorbly, sou ek graag wou aankoop, sodat ek dit mooier kan laat lyk en ons erf ook 'n bietjie vergroot:

As daar toegelaat word vir n sypaatie / pad reserve, dan is daardie stuk so omgeveer 400-415vm.

Ons besef dat daar ook kostes daaraan verbonde is vir ons as ons dit wel sou kon koop (landmeters, die prys van die land, prokureers ens) en sal daardie kostes dan moet oorweeg as die Munisipaliteit wel so 'n voorstel sou aanvaar.

Ek versoek dus dat u dit oorweeg en my laat weet of daar enige beswaar / redes is wat so 'n voorstel sou verhoed. Daarna kano ns dalk Voort gaan met die volgende stappe?

Ons glo dat hierdie voorstel die dorp sal verbeter en die kwalitiet en lewensduur van die paaie ook sal verleng.

By voorbaat dank,

Garth en Velma Bouwer

Erf 43, Koringberg.

Munisipaliteit
Municipality
Umasipala

Verslag ◆ Ingxelo ◆ Report

Kantoor van die Direkteur: Korporatiewe Dienste
14 Maart 2024

12/2/5/2-3/3

Ward 6

ITEM 8.10 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL WORD OP 28 MAART 2024

ONDERWERP:	**VOORGESTELDE VERVREEMDING VAN SAKEPERSEEL (ERF 4205) TE DARLING**
SUBJECT:	***PROPOSED ALIENATION OF BUSINESS SITE (ERF 4205) IN DARLING***

1. **AGTERGROND/*BACKGROUND***

1.1 Swartland Municipality is the registered owner of the following unimproved land in Darling, as indicated on the locality map attached hereto as **ANNEXURE A**, i.e.:

- Erf 4205, 424 m² in extent, located on Bloekom Street

1.2 Said property is zoned Business Zone 1: General Business, which zone aims to provide for mixed use development, general business activities and intensive business opportunity with relatively few restrictions in order to promote urban viability and economic growth.

1.3 Interest by members of the Darling community has recently been expressed in the property; hence, it is herein proposed that the property be offered for disposal by public tender.

1.4 The property's valuation as per the 2023 valuation roll is as follows:

- Erf 4205 R70 000,00 (excluding VAT)

1.5 The purchase agreement to be concluded with the successful tenderers shall be subject to pre-determined suspensive conditions, *inter alia* that the purchaser will have to submit a site development plan by a date to be specified, as well as draft plans and elevations of the building/s to be erected, to the satisfaction of and approval by the Municipality, failing which no transfer shall take place. Similarly, the deed of sale shall determine that liquidated damages (at an amount to be determined) shall be recoverable from the purchaser should the development not materialize within a specified period.

1.6 Hierdie verslag word voorgelê om goedkeuring van die Raad te bekom om erf 4205 Darling by wyse van openbare tender vir vervreemding aan te bied. / *This report is submitted to obtain Council's approval to dispose of erf 4205 Darling by means of public tender.*

2. **WETGEWING / LEGISLATION**

2.1 The transfer of ownership or disposal of capital assets is regulated by the Municipal Finance Management Act, 2003 (MFMA), the Municipal Asset Transfer Regulations, 2008 (MATR) as well as Council's By-law and Policy relating to the Transfer of Municipal Capital Assets, the latter being effective as from 22 May 2015.

2.2 The legislative framework applicable in this instance in respect of non-exempted capital assets which are not considered high value assets, are dealt with below only in as far as it relates to the proposed disposals:

COMPLIANCE WITH MUNICIPAL FINANCE MANAGEMENT ACT, 2003	
Issues to be considered in terms of Section 14 of the MFMA	**Comment**
a) Whether the asset is needed to provide the minimum level of basic municipal services	The property to be sold by competitive bid has at no stage nor is now required for the provision of a minimum of any other level of basic municipal services. It has been earmarked for business from the outset.
b) Consideration to be given to the fair market value of the asset	The municipal valuation i.r.o. the subject property is considered to be fair market value, and is to be determined as reserve selling price in this instance.
c) Consideration to be given to the economic and community value to be received in exchange for the asset	The community is to benefit in that development of the subject property will result in the establishment of business (and consequently, job opportunities), and will thus also improve access to economic activities within shorter walking/travel distance. Council will gain the selling price of the subject property and a further monthly income in respect of the rates and taxes i.r.o. the businesses to be established on same. The payment of liquidated damages should the property not be developed within two years after transfer is effected, will be accommodated as a condition of sale.

COMPLIANCE WITH MUNICIPAL ASSET TRANSFER REGULATIONS (GG 31346 DATED 22 AUGUST 2008)	
Issues to be considered in terms of Regulation 7 of the MATR	**Comment**
a) Whether the capital asset may be required for the municipality's own use at a later stage.	The property is not required for municipal purposes.
b) The expected loss or gain that is expected to result from the proposed transfer or disposal	Council will gain the selling price of the subject property and a further monthly income in respect of the rates and taxes.
c) The extent to which any compensation to be received i.r.o. the proposed transfer or disposal will result in a significant economic or financial cost benefit to the municipality	Financial benefits as a result of the selling price and payment for services.
d) The risks and rewards associated with the operation or control of the capital asset that is to be transferred or disposed of in relation to the municipality's interests	Risks will be managed in terms of the sale conditions and deed of sale.
e) The effect that the proposed transfer or disposal will have on the credit rating of the municipality, its ability to raise long-term of short-term borrowings in the future and its financial position and cash flow	No effect
f) Any limitations or conditions attached to the capital asset or the transfer or disposal of the asset, and the consequences of any potential non-compliance with those conditions	No limitations
g) The estimated cost of the proposed transfer or disposal	All costs related to the transaction will be for the purchasers' account.
h) The transfer of any liabilities and reserve funds associated with the capital asset	No liabilities
i) Any comments or representation on the proposed transfer or disposal received from the local community and other interested persons	If approval is granted herewith, Council's intention will be advertised for public comment, to be submitted to and dealt with by the mayoral committee.

2.2/…

j) Any written views and recommendations on the proposed transfer or disposal by the National Treasurer and relevant provincial treasury	Not applicable (applicable i.r.o. high value assets only)
k) The interest of any affected organ of state, the municipality's own strategic, legal and economic interests and the interests of the local community	The property is not required for municipal purposes. The proposed transaction can be linked to Strategic Goal 2 (Economic Transformation) as per Council's Integrated Development Plan 2023.
l) Compliance with the legislative regime applicable to the proposed transfer or disposal	Yes, addressed in this report, as well as in the deed of sale
Conditions that may be imposed, in terms of Regulation 11, pertaining to the following:	**Comment**
1) The way in which the capital asset is to be sold or disposed of	Direct alienation by means of competitive bid.
2) A floor price or minimum compensation for the capital asset	The property is to be sold at not less than the reserve selling price, as per its municipal valuation.
3) Whether the capital asset may be transferred for less than its fair market value, in which case the municipal council must first consider the criteria set out in regulation 13(2)	Not applicable
4) A framework within which direct negotiations for the transfer or disposal of the capital asset must be conducted with another person, if transfer or disposal is subject to direct negotiations.	Not applicable

2.3 Council's By-law relating to the Transfer of Municipal Capital Assets PN 7394 dated 22 May 2015 determines that the municipality may, in achieving its operational needs and strategic objectives – inter alia – dispose of capital assets and rights in capital assets by way of direct sale, public tender, auction or direct negotiation [section 4 (c)].

2.4 Council's Municipal Asset Transfer Policy, in clause 6, provides for various disposal options, which may include one or more of the following, i.e. public auction, competitive bidding, closed bidding or call for proposals. The competitive bidding process may involve to call for purely financial offers for the asset offered for alienation, which is recommended in this instance as being the more practical (and less costly) method.

2.5 The Asset Transfer Policy furthermore determined that where viable assets remain unsold after any competitive process, the unsold assets may be sold out-of-hand at the reserve price or higher as long as the reserve price corresponds with fair market value.

3. KOPPELING AAN DIE GOP / ALIGNMENT TO THE IDP

The proposed transaction can be linked to Strategic Goal 2 (Economic Transformation) as per Council's Integrated Development Plan 2023.

4. FINANSIËLE IMPLIKASIE / FINANCIAL IMPLICATION

Council will gain the selling price of the subject property and a further monthly income in respect of rates and taxes.

5. AANBEVELING

(a)/…

(a) Dat die Raad in beginsel goedkeuring verleen in terme van Artikel 14 van die Wet op Munisipale Finansiële Bestuur, 2003 en die Verordening en Beleid insake Oordrag van Munisipale Bates dat finansiële aanbiedinge by wyse van openbare tender gevra word vir die vervreemding van die volgende vakante onroerende eiendom in Darling, gesoneer Sakesone 1: Algemene Sake:

- Erf 4205, Bloekomstraat, Darling (424 m² groot)

(b) Dat kennis geneem word dat die eiendom wat te koop aangebied staan te word in geen stadium vir die verskaffing van 'n minimum of enige ander vlak van basiese munisipale dienste geoormerk is nie;

(c) Dat die reserweprys (BTW uitgesluit) vir die eiendom vasgestel word soos volg, welke reserweprys deur die Raad geag word die markwaarde daarvan billik te reflekteer:

- Erf 4205 R70 000,00

(d) Dat die koper, benewens die koopprys, verantwoordelik sal wees vir alle aanvullende en toevallige kostes wat uit die transaksie mag voortspruit;

(e) Dat die voorgenome transaksie in die media geadverteer word vir kommentaar en/of potensiële besware;

(f) Dat volmag verleen word
(i) aan die Uitvoerende Burgemeesterskomitee om
- te handel met enige kommentaar en/of beswaar wat in verband met die voorgenome transaksie ontvang word; en om
- 'n besluit te finaliseer rakende die oordrag van die bate, nadat alle toepaslike Voorsieningskanaal- en ander wetlike voorskrifte gevolg is;

(ii) aan die Direkteur: Korporatiewe Dienste om die voorwaardes van verkoop vir tenderdoeleindes te finaliseer in oorlegpleging met al die tersaaklike interne rolspelers;

(g) Dat goedkeuring verder verleen word dat indien bogemelde eiendom onverkoop bly na afloop van die betrokke mededingende proses, dit uit-die-hand-uit op 'n '*first come first serve*' basis verkoop mag word teen die reserweprys of hoër, mits die reserweprys ooreenstem met billike markwaarde (gebaseer op die munisipale waardasie van die eiendomme op die stadium van vervreemding), en met dien verstande verder dat dieselfde opskortende voorwaardes wat in die koopooreenkoms vervat staan te word, op die kooptransaksie van toepassing gemaak word.

RECOMMENDATION

(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 to be called by means of public tenders for the disposal of the following vacant immovable property in Darling, zoned Business Zone 1: General Business:

- Erf 4205, Bloekom Street, Darling (424 m² in extent)

(b) That cognizance be taken that the property to be sold has at no stage been earmarked for the provision of a minimum or any other level of basic municipal services;

(c)/…

(c) That the reserve price (VAT exclusive) for the property be determined as follows, which reserve price is considered by Council to fairly represent the market value of same:

- Erf 4205 R70 000,00

(d) That the purchaser, in addition to the purchase price, shall be responsible for all costs ancillary and incidental to this transaction;

(e) That the proposed transaction be advertised in the media for public comments and/or potential 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 transaction and
- to finalise a decision regarding the transfer of the asset after all applicable Supply Chain and other legal prescripts have been complied with;

(ii) to the Director: Corporate Services to finalise the conditions of sale for tender purposes with all the relevant internal role-players;

(g) That approval be granted that should the property remain unsold after the competitive process, it be sold out-of-hand on a 'first come first serve' basis at the reserve price or higher, provided that the reserve price corresponds with fair market value (based on the municipal valuation of the property when alienation takes place), and provided further that the same suspensive conditions to be included in the deed of sale, shall apply to such transaction.

(get) M S Terblanche

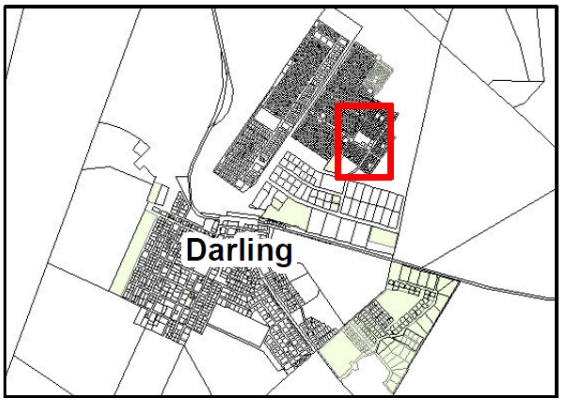
MUNISIPALE BESTUURDER

Mst/raadsitems,SM5/Vervreemding van sakeperseel, Darling

ANNEXURE A

LOCATION PLAN OF ERF 4205, DARLING

Extent: 424m²
Zoning: Business zone 1



Munisipaliteit
Municipality
Umasipala

Verslag ◆ Ingxelo ◆ Report

Kantoor van die Direkteur: Korporatiewe Dienste
14 Maart 2024

12/2/5/2-11/1
(Wyk 12)

ITEM 8.11 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL WORD OP 28 MAART 2024

ONDERWERP:	**VOORGESTELDE VERVREEMDING VAN MUNISIPALE ONROERENDE EIENDOM (KERKPERSEEL) TE RIEBEEK KASTEEL**
SUBJECT:	***PROPOSED ALIENATION OF IMMOVABLE MUNICIPAL PROPERTY (CHURCH SITE) IN RIEBEEK KASTEEL***

1. **AGTERGROND/BACKGROUND**

1.1 Swartland Municipality is the registered owner of erf 2652, (± 557 m²) in extent, located in Rondeberg Crescent, Riebeek Kasteel.

1.2 Interest has recently been expressed in the property, hence this report to invite tenders in respect of the property and to formalise the required land use processes.

1.3 The municipal valuation of erf 2652, Riebeek-West has been determined by the municipal valuer at R165 000,00. Erf 2652 is zoned Community Zone 2, which accommodates the erection of a place of worship as primary use.

1.4 It is recommended that the bid process to be followed in this instance shall include the asking of financial offers, along with development proposals, based on the criteria as determined in respect of places of worship in the Municipal Asset Transfer Policy (dealt with below).

1.5 To be noted in particular is the following:

(1) Disposal of assets at subsidised prices

In terms of section 7 of the **By-law relating to the Transfer of Municipal Capital Assets** the municipality may determine subsidised selling prices in respect of certain classes of capital assets to be sold to approved categories of applicants with the view to promote the municipality's functions and objectives as set out in the Constitution. The **Municipal Asset Transfer Policy** in this regard determines in paragraph 15.2.2 that, subject to Regulation 13(2) of the **Municipal Asset Transfer Regulations** (dealt with below), the municipality may dispose of social care-, community- or sport assets at between 5% and 20% of fair market value subject to a suitable reversionary clause being registered against the title deed of the property. In the event of such property ceasing to be used for the purpose originally intended, reversionary rights as contemplated above are triggered and the municipality reserves the right to demand compensation equal to the difference between the purchase price and the current fair market value of the property, or that the property be transferred into the ownership of the municipality at no cost to the municipality. 'Social care-, community- or sport assets' are defined in the policy to include (1) "places of worship being used for spiritual gathering and social, pastoral or welfare caring and support to worshippers and the broader community" as well as (2) "churches which also render social development services in addition to existing religious activities".

It is proposed in this instance that the selling price for the church site be determined at 20% of its municipal valuation, as was approved by Council in respect of other church sites in the past.

(2) Criteria for the selection and allocation of immovable assets to places of worship

The Municipal Asset Transfer Policy determines that the following factors shall be considered relevant when the selection and allocation of immovable assets to places of worship is considered –

- The size of the congregation as well as the availability of finance to acquire the site and commence with development within the agreed development period;
- Whether or not such a denomination is already represented in the area;
- Whether welfare activities are already offered by the denomination or congregation in the area;
- Whether or not welfare type facilities/activities will be provided in addition to religious facilities;
- Whether or not the congregation members are drawn from the area in which the asset is situated.

It is proposed that these factors be included in the bid specifications as principal evaluation criteria i.r.o. the developments proposals to be submitted by prospective tenderers.

1.6 Hierdie verslag word voorgelê om in-beginsel goedkeuring van die Raad te bekom om erf 2652, Riebeek Kasteel by wyse van openbare tender tesame met ontwikkelingsvoorstelle te koop aan te bied. / This report is submitted to obtain Council's in-principle approval to offer erf 2652, Riebeek Kasteel for sale by means of public tender, along with development proposals.

2. WETGEWING / LEGISLATION

2.1 The transfer of ownership or disposal of capital assets is regulated by the Municipal Finance Management Act, 2003 (MFMA), the Municipal Asset Transfer Regulations, 2008 (MATR) as well as Council's By-law and Policy relating to the Transfer of Municipal Capital Assets, the latter being effective as from 22 May 2015.

2.2 The legislative framework applicable in this instance in respect of non-exempted capital assets which are not considered high value assets, are dealt with below only in as far as it relates to the proposed disposals:

COMPLIANCE WITH MUNICIPAL FINANCE MANAGEMENT ACT, 2003	
Issues to be considered in terms of Section 14 of the MFMA	**Comment**
a) Whether the asset is needed to provide the minimum level of basic municipal services	The property to be sold by competitive bid have been earmarked for development for community purposes as per its zoning (community zone 2) from the outset and were neither at that stage nor now required for the provision of a minimum of any other level of basic municipal services.
b) Consideration to be given to the fair market value of the asset	Not applicable in this instance. Since it is recommended that the property be disposed of at a subsidised price (i.e. less than fair market value), the conditions in Regulation 13(2) are to be considered. **See below**.
c) Consideration to be given to the economic and community value to be received in exchange for the asset	Not applicable in this instance. Since it is recommended that the property be disposed of at a subsidised price, the conditions in Regulation 13(2) are to be considered. **See below**.

COMPLIANCE WITH MUNICIPAL ASSET TRANSFER REGULATIONS (GG 31346 DATED 22 AUGUST 2008)		
Issues to be considered in terms of Regulation 7 of the MATR		**Comment**
a)	Whether the capital asset may be required for the municipality's own use at a later stage.	The property is not required for municipal purposes.
b)	The expected loss or gain that is expected to result from the proposed transfer or disposal	Council will gain the selling price of the subject property and a further monthly income in respect of the rates and taxes.
c)	The extent to which any compensation to be received i.r.o. the proposed transfer or disposal will result in a significant economic or financial cost benefit to the municipality	Financial benefits as a result of the selling price and payment for services.
d)	The risks and rewards associated with the operation or control of the capital asset that is to be transferred or disposed of in relation to the municipality's interests	Risks will be managed in terms of the sale conditions and deed of sale. The prescripts in the Policy pertaining to the disposal of assets at subsidised prices are to be included as conditions of sale.
e)	The effect that the proposed transfer or disposal will have on the credit rating of the municipality, its ability to raise long-term of short-term borrowings in the future and its financial position and cash flow	No effect
f)	Any limitations or conditions attached to the capital asset or the transfer or disposal of the asset, and the consequences of any potential non-compliance with those conditions	No limitations
g)	The estimated cost of the proposed transfer or disposal	All costs related to the transaction will be for the purchasers' account.
h)	The transfer of any liabilities and reserve funds associated with the capital asset	No liabilities
i)	Any comments or representation on the proposed transfer or disposal received from the local community and other interested persons	If approval is granted herewith, Council's intention will be advertised for public comment, to be submitted to and dealt with by the mayoral committee.
j)	Any written views and recommendations on the proposed transfer or disposal by the National Treasurer and relevant provincial treasury	Not applicable (applicable i.r.o. high value assets only)
k)	The interest of any affected organ of state, the municipality's own strategic, legal and economic interests and the interests of the local community	The property is not required for municipal purposes. The proposed transaction can be linked to Strategic Goal 1 (Community Safety and Wellbeing), as per Council's Integrated Development Plan 2023.
l)	Compliance with the legislative regime applicable to the proposed transfer or disposal	Yes, addressed in this report, as well as in the deed of sale
Conditions that may be imposed, in terms of Regulation 11, pertaining to the following:		**Comment**
a)	The way in which the capital asset is to be sold or disposed of	Direct alienation by means of competitive bid.
b)	A floor price or minimum compensation for the capital asset	The property is to be sold at a subsidised price as reserve price, as discussed below.
c)	Whether the capital asset may be transferred for less than its fair market value, in which case the municipal council must first consider the criteria set out in regulation 13(2)	Regulation 13(2) is dealt with below.
d)	A framework within which direct negotiations for the transfer or disposal of the capital asset must be conducted with another person, if transfer or disposal is subject to direct negotiations.	Not applicable

2.2/…

Issues to be considered in terms of Regulation 13(2) of the MATR	Comment
a) The interests of – (i) the State; and (ii) the local community	The State in this instance is not considered an affected party. However, the local community is to benefit from the social, pastoral and/or welfare caring and support which are to be rendered to worshippers and the broader community from the subject property.
b) The strategic and economic interests of the municipality, including the long-term effect of the decision on the municipality	No long-term effects envisaged
c) The constitutional rights and legal interests of all affected parties	Individuals are entitled to freedom of religion and subsequently to practice their beliefs collectively. Allocating land to be developed and used as communal places of worship is recognized in the municipality's spatial development plan, and hence land is specifically zoned to address such needs.
d) Whether the interests of the parties to the transfer should carry more weight than the interest of the local community, and how the individual interest is weighed against the collective interest	The subject property is not to be transferred to individuals, but to a non-profitable institution serving the collective interest.
e) Whether the local community would be better served if the capital asset is transferred at less than its fair market value, as opposed to a transfer of the asset at fair market value.	Since churches are non-profitable institutions that attend to a community's social, pastoral and welfare needs, the Municipal Asset Transfer Policy allows for immovable property to be disposed of at less than fair market value.

2.3 Council's By-law relating to the Transfer of Municipal Capital Assets PN 7394 dated 22 May 2015 determines that the municipality may, in achieving its operational needs and strategic objectives – inter alia – dispose of capital assets and rights in capital assets by way of direct sale, public tender, auction or direct negotiation [section 4 (c)].

2.4 Council's Municipal Asset Transfer Policy, in clause 6, provides for various disposal options, which may include one or more of the following, i.e. public auction, competitive bidding, closed bidding or call for proposals. The competitive bidding process may involve to call for purely financial offers for the asset offered for alienation, or – depending on the nature of the transaction – may include a two-stage bidding process in terms of which only those bidders that meet the pre-qualification criteria or pre-determined functionality score specified in the first stage will be allowed to participate in the second stage which will include the monetary bid.

3. KOPPELING AAN DIE GOP / ALIGNMENT TO THE IDP

The proposed transaction can be linked to Strategic Goal 1 (Community Safety and Wellbeing), as per Council's Integrated Development Plan 2023.

4. FINANSIËLE IMPLIKASIE / FINANCIAL IMPLICATION

Council will gain the selling price of the subject property and a further monthly income in respect of rates and taxes.

5. RECOMMENDATION

(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 a competitive two phase bid process to be followed for the disposal of the following vacant immovable property:

- Erf 2652, 12 Rondeberg Crescent, Riebeek Kasteel (± 557m² in extent)

(b) That cognizance be taken that the property to be sold has been identified from the outset for alienation for community purposes (place of worship) 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;

(c) That the subsidized price below be determined as reserve price (VAT exclusive) for the property in terms of the competence thus granted by paragraph 15.2.2 of the Municipal Asset Transfer Policy:

- Erf 2652, Riebeek Kasteel R33 000,00 (20% x R165 000,00)

(d) 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 transaction; and
   - to finalise a decision regarding the transfer of the asset after all applicable Supply Chain and other legal prescripts have been complied with;

   (ii) to the Director: Corporate Services to finalise the evaluation criteria and conditions of sale for tender purposes, with due consideration of the applicable conditions in the Municipal Asset Transfer Policy, such as the inclusion of a suitable reversionary clause.

5. AANBEVELING

(a) Dat die Raad in beginsel goedkeuring verleen in terme van Artikel 14 van die Wet op Munisipale Finansiële Bestuur, 2003 en die Verordening en Beleid insake Oordrag van Munisipale Bates dat ‘n mededingende twee-fase bodproses gevolg word vir die vervreemding van die volgende vakante onroerende eiendom:

- Erf 2652, Rondebergsingel 12, Riebeek Kasteel (groot ± 557m²)

(b) Dat kennis geneem word dat die eiendom wat te koop aangebied staan te word uit die staanspoor vir vervreemding vir gemeenskapsdoeleindes (plek van aanbidding) ingevolge die sonering daarvan geïdentifiseer is en in geen stadium vir die verskaffing van ‘n minimum of enige ander vlak van basiese munisipale dienste geoormerk is nie;

(c) Dat die onderstaande gesubsidieerde prys as reserweprys (BTW uitgesluit) vir die eiendom vasgestel word, ooreenkomstig die bevoegdheid aldus verleen deur paragraaf 15.2.2 van die Munisipaliteit se Beleid insake die Oordrag van Munisipale Bates:

- Erf 2652, Riebeek Kasteel R33 000,00 (20% x R165 000,00)

(d) Dat volmag verleen word
   (i) aan die Uitvoerende Burgemeesterskomitee om
   - te handel met enige kommentaar en/of beswaar wat in verband met die voorgenome transaksie ontvang word; en om
   - ‘n besluit te mag finaliseer rakende die oordrag van die bate, nadat alle toepaslike Voorsieningskanaal- en ander wetlike voorskrfite gevolg is;

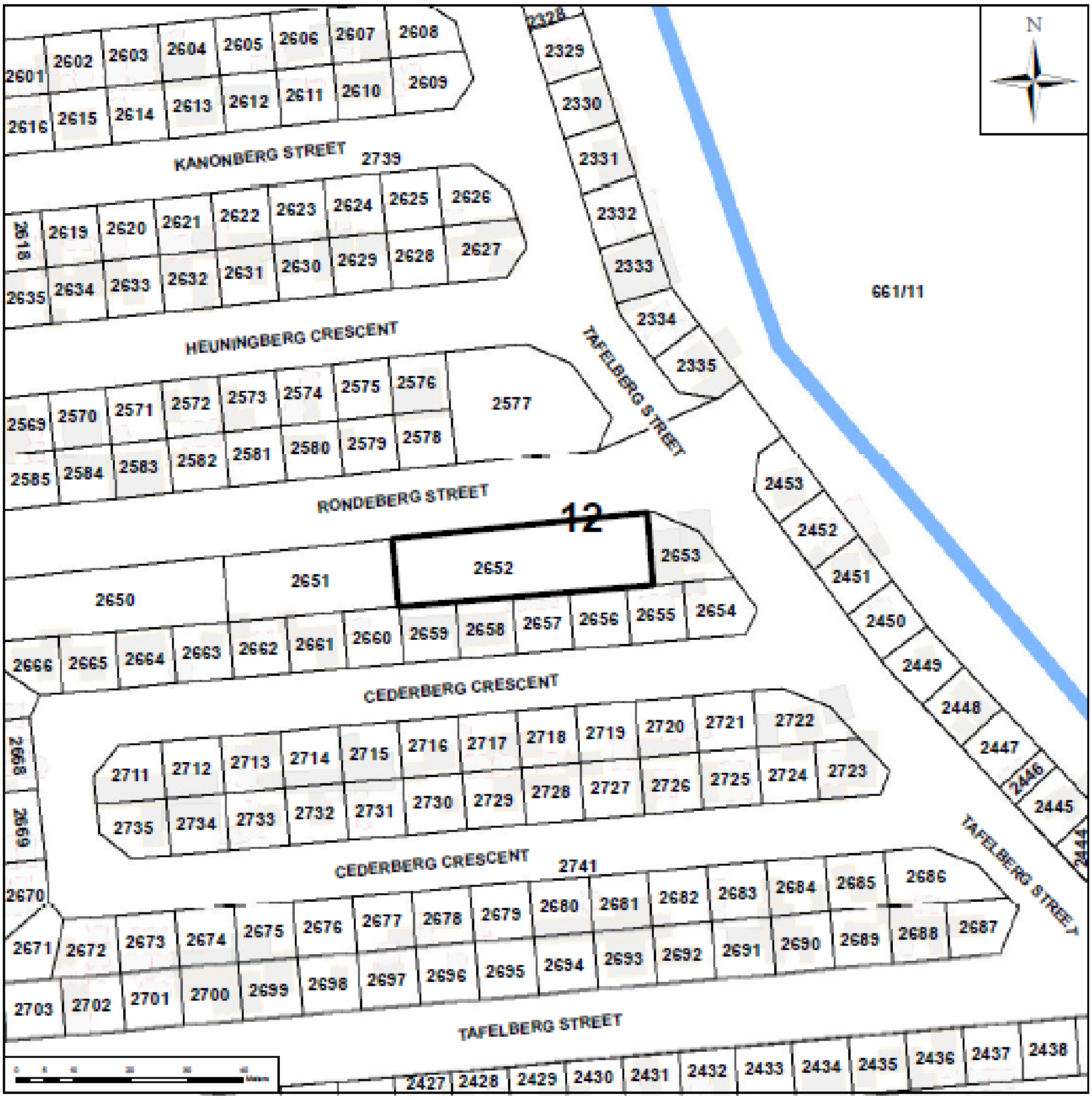
   (ii) aan die Direkteur: Korporatiewe Dienste om die evalueringskriteria en voorwaardes van verkoop vir tenderdoeleindes te finaliseer, met inagneming van die toepaslike bepalings in die Beleid insake die Oordrag van Munisipale Bates, soos die insluiting van ‘n toepaslike terugvalklousule.

MUNISIPALE BESTUURDER

Mst/raadsitems,SM5/Maart 2024/Vervreemding van kerkperseel_erf 2652 Riebeek Kasteel

ANNEXURE A

LOCATION PLAN OF ERF 2652, RIEBEEK KASTEEL



Extent: 557m²

Zoning: Community zone 2