



NOTULE VAN 'N GEWONE VERGADERING VAN DIE SWARTLAND MUNISIPALE RAAD GEHOU IN DIE STADSAAL, MALMESBURY OP DINSDAG, 30 APRIL 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)	Pieters, C (ANC)
Booyesen, A M (VF+)	Pypers, D C (DA)
Fortuin, C (ANC)	Smit, N (DA)
Gaika, M F (EFF)	Soldaka, P E (ANC)
Jooste, R J (DA)	Van Essen, T (DA)
Le Minnie, I S (DA)	Vermeulen, G (VF+)
Nel, M (DA)	Warnick, A K (DA)
Ngozi, M (ANC)	White, G E (PA)
O'Kennedy, E C (DA)	Williams, A M (DA)
Penxa, B J (ANC)	

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, amptenare en lede van die publiek.

Pastoor K du Plessis van die Pinkster Protestante Kerk, Malmesbury 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 rdl J R Papier.

3. AFVAARDIGINGS/VERKLARINGS EN MEDEDELINGS/VOORLEGGINGS

Die Uitvoerende Burgemeester, op uitnodiging van die Speaker, bevestig die noemenswaardige prestasies van Swartland Munisipaliteit oor die afgelope tyd as –



MINUTES OF AN ORDINARY MEETING OF THE SWARTLAND MUNICIPAL COUNCIL HELD IN THE TOWN HALL, MALMESBURY, ON TUESDAY, 30 APRIL 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)	Pieters, C (ANC)
Booyesen, A M (VF+)	Pypers, D C (DA)
Fortuin, C (ANC)	Smit, N (DA)
Gaika, M F (EFF)	Soldaka, P E (ANC)
Jooste, R J (DA)	Van Essen, T (DA)
Le Minnie, I S (DA)	Vermeulen, G (VF+)
Nel, M (DA)	Warnick, A K (DA)
Ngozi, M (ANC)	White, G E (PA)
O'Kennedy, E C (DA)	Williams, A M (DA)
Penxa, B J (ANC)	

Officials:

Municipal Manager, Mr J J Scholtz
Director: Protection 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, alderdames, aldermen, councillors, officials and members of the public.

Pastor K du Plessis of the Pentecostal Protestant Church, Malmesbury, opened the meeting with scripture reading and prayer at the request of the Speaker.

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

2. LEAVE OF ABSENCE

Leave of absence is granted to Cllr J R Papier.

3. DEPUTATIONS /DECLARATIONS AND COMMUNICATIONS/SUBMISSIONS

The Executive Mayor, at the invitation of the Speaker, confirmed the notable achievements of Swartland Municipality over recent times, such as –

3./...

(1) Beste munisipaliteit in Suid-Afrika

Swartland Munisipaliteit is in Maart hierdie jaar deur Good Governance Africa aangewys as die beste munisipaliteit in Suid-Afrika gemeet teen die volgende kernfunksies:

- dienslewering;
- beplanning, monitering en evaluering;
- leierskap en bestuur;
- administrasie en regering.

Good Governance Africa is 'n onafhanklike bron wat geen belang by Swartland Munisipaliteit het nie en die maatstawwe fokus op dienslewering aan die hele gemeenskap.

(2) Tydens die *Western Cape Service Excellence Awards* is Swartland Munisipaliteit aangewys as die Beste munisipaliteit in die Wes-Kaap.

Die Uitvoerende Burgemeester noem dat daar 9 projekte ingeskryf is vir die *Western Cape Service Excellence Awards* en Swartland Munisipaliteit het nominasies vir die volgende projekte ontvang –

- GOP in jou sak (*IDP in your pocket*) – 4de plek in die Kategorie: Beste munisipale projek
- K9 en LEAP-teenheid – 5de plek in die kategorie: beste munisipale projek
- Versnelling van ontwikkeling in die Swartland – silwer in die kategorie: vermindering/eliminering van rompslomp.

Die Uitvoerende Burgemeester noem dat voormelde toekennings 'n bevestiging is van Swartland Munisipaliteit se toewyding tot dienslewering aan al die inwoners van die munisipale gebied. Sodoende word verseker dat die Swartland munisipale gebied 'n voorkeur bestemming is vir beleggers en individue met gepaardgaande ekonomiese groei.

Die Uitvoerende Burgemeester maak van die geleentheid gebruik om elke amptenaar van die Munisipaliteit geluk te wens en te bedank vir harde werk om hierdie uitnemende prestasies te kon bereik.

3.1 INHULDIGING VAN NUWE RAADSLID

Die Speaker rig 'n spesiale woord van verwelkoming aan rdl G E White en gee geleentheid aan hom om mondelings die eed van getrouheid af te lê en te onderteken.

Rdl G E White is by wyse van 'n tussenverkiesing in Wyk 11 op 24 April 2024 tot die Swartland Munisipale Raad verkies en is bevestiging dienoreenkomstig vanaf die Onafhanklike Verkiesingskommissie ontvang.

BESLUIT

- (a) Dat die Raad kennis neem van die verkiesing van rdl G E White as wyksraadslid van Wyk 11 met die tussenverkiesing wat op 24 April 2024 plaasgevind het;
- (b) Dat die aanstelling van rdl G E White, as verteenwoordiger van die Patriotiese Alliansie (PA) op die munisipale raad met ingang van 25 April 2024 bevestig word.

4. NOTULES VIR BEKRAGTIGING

4.1 NOTULE VAN 'N GEWONE RAADSVERGADERING GEHOU 28 MAART 2024

BESLUIT

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

Dat die notule van 'n Gewone Raadsvergadering gehou op 28 Maart 2024 goedgekeur en deur die Speaker onderteken word.

5./...

3./...

(1) Best municipality in South Africa

In March this year, Swartland Municipality was named by Good Governance Africa as the best municipality in South Africa measured against the following core functions:

- service delivery;
- planning, monitoring and evaluation;
- leadership and management;
- administration and government.

Good Governance Africa is an independent source with no interest in Swartland Municipality, and the benchmarks focus on service delivery to the entire community.

(2) During the Western Cape Service Excellence Awards, Swartland Municipality was named the Best municipality in the Western Cape.

The Executive Mayor mentioned that nine projects have been entered for the Western Cape Service Excellence Awards, and Swartland Municipality has received nominations for the following projects –

- IDP in your pocket – 4th place in the Category: Best municipal project
- K9 and LEAP unit – 5th place in the category: Best municipal project
- Acceleration of development in the Swartland – silver in the category: reduction/elimination of red tape.

The Executive Mayor mentioned that the awards above confirm Swartland Municipality's commitment to service delivery to all the residents of the municipal area. This ensures that the Swartland municipal area is a preferred destination for investors and individuals, with associated economic growth.

The Executive Mayor took this opportunity to congratulate and thank every official of the Municipality for working hard to achieve these outstanding achievements.

3.1 INAUGURATION OF NEW COUNCILLOR

The Speaker directed a special word of welcome to Cllr G E White and allowed him the opportunity to take and sign the oath of allegiance orally.

Cllr G E White was elected to the Swartland Municipal Council by means of a by-election in Ward 11 on 24 April 2024, and confirmation was accordingly received from the Independent Electoral Commission.

RESOLUTION

- (a) That it be noted that Cllr G E White was elected as ward councillor of Ward 11 during the by-election that was held on 24 April 2024;
- (b) That it be noted that the appointment of Cllr G E White on the municipal council is therefore effective as from 25 April 2024 as representative of the Patriotic Alliance (PA).

4. MINUTES FOR CONFIRMATION

4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD 28 MARCH 2024

RESOLUTION

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

That the minutes of an Ordinary Council Meeting held on 28 March 2024 be approved and signed by the Speaker.

5./...

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 20 MAART 2024
saamgelees met
NOTULES VAN PORTEFEULJEKOMITEEVERGADERINGS GEHOU OP 13 MAART 2024

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 18 MAART 2024

7. SAKE VOORSPRUITEND UIT NOTULES

Geen.

8. SAKE VIR BESPREKING

8.1 2023/2024 HALF-JAARLIKSE AANSUIWERINGSBEGROTING: TERUGVOER VANAF PROVINSIALE TESOURIE (5/7/1/1)

Die uitslag van die hoëvlak-assessering deur die Provinsiale Tesourie van die 2023/2024 Half-jaarlikse Aansuiweringsbegroting is met die sakelys gesirkuleer op versoek deur die betrokke departement dat dit aan die Raad voorgelê moet word.

BESLUIT

Dat kennis geneem word van die hoëvlak-assessering van die 2023/2024 Half-jaarlikse Aansuiweringsbegroting (soos goedgekeur deur die Raad op 30 Januarie 2024) deur die Provinsiale Tesourier en bevestiging dat dit, onder andere, voldoen aan al die algemene wetlike vereistes.

8.2 ONREËLMATIGE UITGAWES SOOS GERAPPORTEER DEUR DIE OUDITEUR-GENERAAL (AGSA) IN VERSLAG VAN 2022/2023 FINANSIËLE JAAR EN ANDER AANGELEENTHEDE SOOS GEÏDENTIFISEER DEUR BESTUUR DEUR INTERNE KONTroles (5/15/1/5)

Die Munisipale Bestuurder verduidelik die vereistes ingevolge artikel 32 van die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, Wet 56 van 2003 (MFMA) om met onreëlmatige uitgawes te handel en ook die onderskeie gevalle wat deur die Ouditeur-Generaal en interne kontroles uitgewys was.

Die onreëlmatige uitgawes, soos uitgewys deur interne kontroles, is ingevolge die Raad se beleid na die Dissiplinêre Raad verwys. Die ondersoeke van die onderskeie gevalle bevat die aanbeveling vir die afskrywing van die onreëlmatige uitgawes, aangesien daar nie enige verliese deur die Raad gelei was nie.

Besluit/...

5. FEEDBACK ON RESOLUTIONS TAKEN BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED AUTHORITY

RESOLUTION

That note be taken of the Executive Mayor's decisions in accordance with his delegated power in the following minutes:

- 5.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR COMMITTEE HELD ON 20 MARCH 2024**
read with
MINUTES OF A MEETING OF PORTFOLIO COMMITTEES HELD ON 13 MARCH 2024

6. FEEDBACK ON RESOLUTIONS TAKEN BY THE MUNICIPAL MANAGER IN TERMS OF DELEGATED AUTHORITY

RESOLUTION

That note be taken of the Municipal Manager's decisions in accordance with his delegated power in the following minutes:

- 6.1 MINUTES OF A BID ADJUDICATION COMMITTEE HELD ON 18 MARCH 2024**

7. MATTERS ARISING FROM MINUTES

None.

8. MATTERS FOR CONSIDERATION

- 8.1 2023/2024 MID-YEAR ADJUSTMENTS BUDGET: FEEDBACK FROM PROVINCIAL TREASURY (5/7/1/1)**

The result of the high-level assessment by the Provincial Treasury of the 2023/2024 Mid-Year Adjustments Budget was circulated with the agenda with the request of the relevant department that it should be presented to the Council.

RESOLUTION

That notice be taken of the high-level assessment of the 2023/2024 Mid-Year Adjustment Budget (as approved by Council on 30 January 2024) by the Provincial Treasury and confirmation that it, among other things, meets all the general legal requirements.

- 8.2 IRREGULAR EXPENDITURE AS REPORTED BY THE AUDITOR-GENERAL (AGSA) IN THEIR REPORT FOR 2022/2023 FINANCIAL YEAR AND OTHER MATTERS IDENTIFIED BY MANAGEMENT THROUGH INTERNAL CONTROLS (5/15/1/5)**

The Municipal Manager explained the requirements in terms of section 32 of the Local Government: Municipal Finance Management Act, Act 56 of 2003 (MFMA) to deal with irregular expenditure and the various cases pointed out by the Auditor-General and internal controls.

The irregular expenses, as indicated by internal controls, were referred to the Disciplinary Board in terms of the Council's policy. The investigations of the respective cases contain the recommendations of the writing off of expenses, seeing that no losses were suffered by the Council.

Resolution/...

BESLUIT

(op voorstel van rdl A K Warnick, gesekondeer deur rdl A M Williams)

- (a) Dat kennis geneem word van die ondersoek deur die Dissiplinêre Raad ten opsigte van die onreëlmatige uitgawes soos gerapporteer deur die Ouditeur-generaal, asook ander onreëlmatige uitgawes wat deur die bestuur geïdentifiseer was;
- (b) Dat die finale gevolgtrekking en aanbeveling aan die Dissiplinêre Raad, soos in die verslag aangedui, as volg bevestig word:
 - (i) Dat die onreëlmatige uitgawes van R522 691.16 met betrekking tot aangeleenthede 1 tot 3, gesertifiseer word as oninvorderbaar en afgeskryf word aangesien die munisipaliteit waarde vir geld ontvang het en geen verlies gely het nie;
 - (ii) Dat die personeellede betrokke by die voorsieningkanaalbestuursprosesse in goeie trou opgetree het en die nie-nakoming nie as gevolg van opsetlike of growwe nalatigheid of as gevolg van bedrog of ander oneerlikheid deur die betrokke personeellede was nie;
- (c) Dat die LUR vir Plaaslike Regering sowel as die Ouditeur-generaal in kennis gestel word van die uitslag van die ondersoek.

8.3 HERAANSTELLING VAN KOMITEELID VAN DIE PRESTASIE, RISIKO EN OUDITKOMITEE (11/1/3/1/7)

Ingevolge artikel 166 van die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, Wet 56 van 2003 (MFMA) is die Munisipaliteit verplig om 'n onafhanklike oudit-eenheid in stand te hou.

Mnr B J Gouws is met ingang van 1 Mei 2021 as lid van die Prestasie-, Risiko en Ouditkomitee aangestel vir 'n termyn van drie jaar. Dit word aanbeveel dat mnr Gouws vir 'n verdere termyn van drie jaar aangestel word, aangesien hy 'n waardevolle bydrae lewer tot die funksionering van die eksterne ouditkomitee.

BESLUIT

(op voorstel van rdl E C O'Kennedy, gesekondeer deur rdl N Smit)

- (a) Dat kennis geneem word dat die ampstermyn van mnr Gouws nie die tydperk van ses jaar sal oorskry, soos aangedui in Omsendbrief 65 van die MFMA, nie en om die kontinuïteit en voortbestaan van die komitee te verseker word goedkeuring verleen dat –
 - (i) mnr Gouws se kontrak as lid van die gekombineerde Prestasie- Risiko en Ouditkomitee vir 'n verdere ampstermyn vanaf 01 Mei 2024 tot 30 April 2027 verleng word;
- (b) Dat verder kennis geneem word dat mnr Gouws toegewyd is en gedurende die afgelope ampstermyn uitstekende diens gelewer het.

8.4 VOORGESTELDE VERVREEMDING VAN MUNISIPALE ONROERENDE EIENDOM, ERF 12874 (KERKPERSEEL) TE MALMESBURY (12/2/5/2-8/4)

Swartland Munisipaliteit is die geregistreerde eienaar van Erf 12874 geleë in Kwartelstraat, De Hoop Behuisingsprojek, Malmesbury wat as 'n kerkperseel geïdentifiseer is. Verskeie belangstelling is ontvang om die kerkperseel te bekom en word aanbeveel dat dit by wyse van 'n tenderproses vervreem word.

Rdl B J Penxa noem dat daar baie belangstelling is, veral in llinge Lethu, om kerkpersele te bekom, maar dat die persone nie bekend is met die proses nie. Die Direkteur: Korporatiewe Dienste sal 'n inligtingstuk opstel om die tenderproses en verdere vereistes te verduidelik.

Die Munisipale Bestuurder noem dat daar ook gelet moet word op die verkoops-ooreenkoms, aangesien daar baie kerkgenootskappe is wat nie aan die vereistes

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RESOLUTION

(proposed by Cllr A K Warnick, seconded by Cllr A M Williams)

- (a) That notice be taken of the investigation by the Disciplinary Board in respect of the irregular expenses as reported by the Auditor-General, as well as other irregular expenses that were identified by the management;
- (b) That the final conclusion and recommendation to the Disciplinary Board as indicated in the report is as follows:
 - (i) That the irregular expenditure of R522 691.16 related to matters 1 to 3 above be certified as irrecoverable and written off as the municipality received value for money and suffered no loss;
 - (ii) That the staff members involved in the supply chain management processes acted in good faith and the non-compliance was not as a result of deliberate or gross negligence or as a result of fraud or other dishonest intent by the relevant staff members;
- (c) That the MEC for Local Government as well as the Auditor-General to be notified of the outcome of the investigation.

8.3 RE-APPOINTMENT OF PERFORMANCE, RISK AND AUDIT COMMITTEE MEMBER (11/1/3/1/7)

In accordance with section 166 of the Local Government: Municipal Financial Management Act, Act 56 of 2003 (MFMA), the Municipality is obliged to maintain an independent audit unit.

Mr B J Gouws has been appointed as a member of the Performance, Risk and Audit Committee for a term of three years with effect from 1 May 2021. It is recommended that Mr Gouws be appointed for a further term of three years as he makes a valuable contribution to the functioning of the external audit committee.

RESOLUTION

(proposed by Cllr E C O'Kennedy, seconded by Cllr N Smit)

- (a) That notice be taken that the term of office of Mr. Gouws will not exceed the six-year period as indicated in Circular 65 of the MFMA, therefore Council is requested to consider the following proposal to ensure continuity and further existence of the committee:
 - (i) The renewal of Mr. Gouws' contract as member of the combined Performance, Risk and Audit Committee for a further term of office from 01 May 2024 to 30 April 2027;
- (b) That Mr. Gouws is committed and have provided an excellent service over his past term of office.

8.4 PROPOSED ALIENATION OF MUNICIPAL IMMOVABLE PROPERTY, ERF 12874 (CHURCH SITE) IN MALMESBURY (12/2/5/2-8/4)

Swartland Municipality is the registered owner of Erf 12874, located in Kwartel Street, De Hoop Housing Project, Malmesbury, which has been identified as a church site. Much interest in the acquisition of the church site has been received, and it is recommended that it be disposed of by means of a tender process.

Cllr B J Penxa mentioned that there is much interest, especially in Ilinge Lethu, to acquire church sites, but the people are not familiar with the process. The Director: Corporate Services will prepare an information sheet to explain the tender process and further requirements.

The Municipal Manager mentioned that the sales agreement should also be considered, as many church societies do not meet the requirements to, for example, start building

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voldoen om bv. binne 'n sekere tydperk met bouwerk te begin nie, en die kerkperseel dan terugval aan die Munisipaliteit.

BESLUIT

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

- (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 12874, Kwartelstraat, Malmesbury (± 864 m² groot)
- (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 geormerk 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 12874, Kwartelstraat, Malmesbury R34 560,00 (20% x R172 800,00)
- (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 voorskrifte gevolg is;
 - (ii) aan die Direkteur: Korporatiewe Dienste om die evalueringskriteria en voorwaardes van verkoop vir tenderdoeleindes te finaliseer, met inagneming van die toepaslike bepalinge in die Beleid insake die Oordrag van Munisipale Bates, soos die insluiting van 'n toepaslike terugvalklousule.

8.5 VOORGESTELDE UIT-DIE-HAND VERVREEMDING VAN ONROERENDE RESIDENSIËLE EIENDOMME (VOORMALIGE TRANSET-HUISE) TE KALBASKRAAL (12/2/B)

Die sg. lynkamp in Kalbaskraal is vanaf Transnet bekom en oordrag het gedurende 2022 plaasgevind. Die verslag bevat die besonderhede van die eiendomme (voormalige Transet-huise) wat vir die uit-die-hand vervreemding aan begunstigdes aangebied sal word.

Die betrokke eiendomme is vir behuisingsdoeleindes geormerk en die bestaande inwoners kwalifiseer almal as eerste-huiskopers ingevolge die Departement van Infrastruktuur (die voormalige Departement van Menslike Nedersettings) se individuele behuisingssubsidieskema. Die Munisipaliteit sal die begunstigdes behulpsaam wees met die aansoeke vir die behuisingssubsidie.

Daar word verder aanbeveel dat, daar waar die waardasiebedrag die subsidiebedrag (tans R261 000.00) oorskry, die voorgestelde verkoopprys, ingesluit oordragkoste, beperk word tot die subsidiebedrag, aangesien die begunstigdes nie oor die finansiële vermoë beskik om die verskil te betaal nie. Sodoende word die behuisingsnood van behoeftige persone in die gemeenskap aangespreek.

Besluit/...

8.4/...

within a certain period of time, after which the church site then falls back to the Municipality.

RESOLUTION

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

- (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 12874, Kwartel Street, Malmesbury (± 864 m² 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 12874, Kwartel Street, Malmesbury R34 560,00 (20% x R172 800,00);
- (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.

8.5 PROPOSED OUT-OF-HAND ALIENATION OF IMMOVABLE RESIDENTIAL PROPERTIES (FORMER TRANSNET HOMES) IN KALBASKRAAL (12/2/B)

The so-called line camp in Kalbaskraal was acquired from Transnet, and the transfer occurred in 2022. The report contains the details of the properties (former Transnet houses) that will be offered for out-of-hand alienation to beneficiaries.

The properties in question are earmarked for housing purposes, and the existing residents all qualify as first-time homebuyers under the Department of Infrastructure's (formerly the Department of Human Settlements) individual housing subsidy scheme. The Municipality will assist the beneficiaries with the application for housing subsidies.

It was further recommended that, where the value amount exceeds the subsidy amount (currently R261 000.00), the suggested selling price, including transfer costs, be limited to the subsidy amount since the beneficiaries do not have the financial ability to pay the difference. Thus, the housing needs of destitute persons in the community are addressed.

Resolution/...

BESLUIT

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

- (a) Dat die Raad goedkeuring verleen in terme van Artikel 14 van die Wet op Munisipale Finansiële Bestuur, 2003 dat Erwe 947 tot 955, Kalbaskraal, d.i. nege eiendomme in totaal, uit-die-hand-uit vervreem mag word aan die onderskeie begunstigdes soos uiteengesit in Aanhangsel A tot hierdie verslag, en teen die voorgestelde verkooppryse soos aangetoon;
- (b) Dat kennis geneem word dat die eiendomme wat verkoop staan te word uit die staanspoor vir vervreemding vir behuisingsdoeleindes geormerk is en in geen stadium vir die verskaffing van 'n minimum of enige ander vlak van basiese munisipale dienste geormerk is nie;
- (c) Dat kennis geneem word dat 'n mededingende proses in hierdie geval nie wenslik geag word nie, en dit as billik en regverdig beskou word om die eiendomme te vervreem aan die persone soos voormeld, om die behuisingsnood van behoeftige persone in die gemeenskap te help aanspreek;
- (d) Dat die voorgenome uit-die-hand-verkope in die media bekend gemaak word vir kommentaar en/of beswaar;
- (e) Dat die Uitvoerende Burgemeesterskomitee met volmag beklee word om te handel met enige kommentaar en/of besware wat ontvang word;
- (f) Dat die Direktoraat Ontwikkelingsdienste (Behuisingsafdeling) getaak word om die betrokke begunstigdes by te staan om aansoek te doen vir subsidies onder die individuele behuisingssubsidieskema van die Departement Infrastruktuur.

8.6 Ilinge Lethu: MEMORANDUM VAN GRIEWE ONTVANG OP 8 MAART 2024 (14/2/1/1; 7/1/1/1)

Die verslag tot die sakelys bevat 'n uiteensetting van die griewe ontvang tydens 'n protesoptog deur inwoners van Ilinge Lethu op 8 Maart 2024, asook die reaksie daarop gedateer 20 Maart 2024.

Daar was ook deur rdl M Ngozi, in sy kapasiteit as wyksraadslid, versoek dat verteenwoordigers van die Munisipaliteit 'n gemeenskapvergadering bywoon om die inhoud van die reaksie van die Munisipaliteit aan die gemeenskap te verduidelik.

BESLUIT

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

- (a) Dat kennis geneem word van die inhoud van die petisie, die reaksie daarop gedateer 20 Maart 2024 en die inhoud van die verslag;
- (b) Dat die besluit van die Uitvoerende Burgemeester en die Munisipale Bestuurder ondersteun word om verteenwoordigers van die gemeenskap te woord te staan eerder as om 'n gemeenskapsvergadering te belê;
- (c) Dat, na aanleiding van die onlangse gebeure in Abbotsdale op 24 April 2024 en gepaardgaande versoeke vanaf drukgroepe, daar besluit word om geen gemeenskapsvergaderings op versoek van druk- en gemeenskapsgroepe ses weke voor 'n verkiesing te belê nie, aangesien dit 'n platform skep om gebruik/misbruik te word vir politieke uitbuiting.

8.7 KWARTAALVERSLAG (ARTIKEL 52 VAN MFMA): JANUARIE TOT MAART 2024 (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).

8.5/...

RESOLUTION

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

- (a) That approval be granted by Council in terms of Section 14 of the Municipal Finance Management Act, 2003 that Erven 947 to 955, Kalbaskraal, i.e. nine properties in total, be alienated out-of-hand to the respective beneficiaries as detailed in Annexure A to this report, and at the proposed selling-prices as indicated;
- (b) That cognizance be taken that the properties to be sold have been identified from the outset for alienation for housing purposes and at no stage have been earmarked for the provision of a minimum or any other level of basic municipal services;
- (c) That cognizance be taken that a competitive process in this instance is not considered feasible, and that is considered fair and equitable to alienate the properties to the persons as indicated above, to help address the housing need of the poor in the community;
- (d) That the proposed out-of-hand sales be publicized in the media, for comment and/or objections;
- (e) That the Executive Mayoral Committee be authorized to deal with any comment and/or objections received;
- (f) That the Directorate Development Services (Housing Division) be tasked to assist the beneficiaries concerned to apply for subsidies under the individual housing subsidy scheme of the Department of Infrastructure.

8.6 ILINGE LETHU: MEMORANDUM OF GRIEVANCES RECEIVED ON 8 MARCH 2024 (14/2/1/1; 7/1/1/1)

The report to the agenda contains an account of the grievances received during a protest march by residents of Ilinge Lethu on 8 March 2024, as well as the response to it dated 20 March 2024.

There was also a request by Cllr M Ngozi, in his capacity as a ward councillor, for representatives of the Municipality to attend a community meeting to explain the contents of the Municipality's response to the community.

RESOLUTION

(proposed by Cllr A K Warnick, seconded by Cllr N Smit)

- (a) That notice be taken of the content of the petition, the response thereto dated 20 March 2024 and the content of the report;
- (b) That the decision of the Executive Mayor and the Municipal Manager to speak to representatives of the community rather than calling a community meeting is supported;
- (c) That, following the recent events in Abbotsdale on 24 April 2024 and associated requests from pressure groups, it is decided not to convene any community meetings at the request of pressure and community groups six weeks before an election, as this is a creating platform to be used/abused for political exploitation.

8.7 QUARTERLY REPORT (SECTION 52 OF MFMA): JANUARY TO MARCH 2024 (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/...

8.7/...

BESLUIT

(op voorstel van rdl E C O’Kennedy, gesekondeer deur rdl D C Pypers)

Dat kennis geneem word dat die kwartaalverslag op 26 April 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 Januarie tot 31 Maart 2024.

**GETEKEN:
SPEAKER**

8.7/...

RESOLUTION

(proposed by Cllr E C O Kennedy, seconded by Cllr D C Pypers)

That cognisance be taken that the quarterly report was tabled at the MPAC on 26 April 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 January to 31 March 2024.

**SIGNED:
SPEAKER**



NOTULE VAN 'N VERGADERING VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE GEHOU IN DIE BANKETSAAL, MALMESBURY OP WOENSDAG, 17 APRIL 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

Ander raadslede:

Speaker, rdh M A Rangasamy

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 J M de Beer om die vergadering met gebed te open.

2. VERLOF TOT AFWESIGHEID

Geen verskonings is ontvang nie.

3. VOORLEGGINGS/AFVAARDIGINGS/SPREEKBEURTE

3.1 VERSOEK VANAF RDL M NGOZI OM GEMEENSKAPVERGADERING BY TE WOON OP 17 APRIL 2024

Die Munisipale Bestuurder gee agtergrond tot die versoek van rdl M Ngozi om amptenare af te vaardig om die gemeenskapvergadering op 17 April 2024 by te woon.

'n Memorandum is gedurende die protesoptog van 8 Maart 2024 aan die Munisipaliteit oorhandig en het lg. binne die 14-dae periode daarop gereageer.

'n Vergadering is met rdl Ngozi gehou op 9 April 2024 om die terugvoering deur die Munisipaliteit op die memorandum te bespreek, aangesien die gemeenskap aangedui het dat hulle nie die inhoud verstaan nie en derhalwe die Munisipaliteit uitnooi om die gemeenskapvergadering by te woon.

Die Munisipale Bestuurder/...



MINUTES OF A MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD IN THE BANQUET HALL, MALMESBURY, ON WEDNESDAY, 17 APRIL 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

Other council members:

Speaker, Ald M A Rangasamy

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 of Protection 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, Mrs N Brand

1. OPENING

The chairman welcomed all in attendance and requested Cllr J M de Beer to open the meeting with prayer.

2. LEAVE OF ABSENCE

No apologies received.

3. SUBMISSIONS/DELEGATIONS/SPEAKING ENGAGEMENTS

3.1 REQUEST FROM CLLR M NGOZI TO ATTEND COMMUNITY MEETING ON 17 APRIL 2024

The Municipal Manager gave background to the request of Cllr M Ngozi to delegate officials to attend the community meeting on 17 April 2024.

A memorandum was handed to the Municipality during the protest march of 8 March 2024, to which the Municipality responded within the 14-day period.

A meeting was held with Cllr Ngozi on 9 April 2024 to discuss the feedback by the Municipality on the memorandum, as the community indicated that they did not understand the content and therefore invited the Municipality to attend the community meeting.

The Municipal Manager/...

3.1/...

Die Munisipale Bestuurder bevestig die standpunt van die Munisipaliteit om eerder met verteenwoordigers van die gemeenskap in gesprek te tree as om 'n gemeenskapvergadering by te woon, aangesien die kwessies op hande nie konstruktief tydens 'n gemeenskapvergadering bespreek sal kan word nie.

BESLUIT

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

Dat rdl Ngozi versoek word om 'n vergadering tussen verteenwoordigers van die gemeenskap en die Munisipaliteit byeen te roep op 'n datum na afloop van die gemeenskapvergadering om te verseker dat die kwessies gelys in die memorandum van 8 Maart 2024 om 'n konstruktiewe wyse bespreek word.

4. NOTULES**4.1 NOTULE VAN 'N GEWONE UITVOERENDE BURGEMEESTERSKOMITEE-VERGADERING GEHOU OP 20 MAART 2024****BESLUIT**

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

Dat die notule van 'n Gewone Uitvoerende Burgemeesterskomiteevergadering gehou op 20 Maart 2024 goedgekeur en deur die Burgemeester onderteken word.

4.2 NOTULE VAN PORTEFEULJEKOMITEESVERGADERING GEHOU OP 10 APRIL 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 10 APRIL 2024****5.1.1 MUNISIPALE BESTUUR, ADMINISTRASIE EN FINANSIES****BESLUIT**

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

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

5.1.2 SIVIELE EN ELEKTRIESE DIENSTE**BESLUIT**

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

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

5.1.3 ONTWIKKELINGSDIENSTE**BESLUIT**

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

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

5.1.4 BESKERMINGDIENSTE**BESLUIT**

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

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

3.1/...

The Municipal Manager confirmed the position of the Municipality to engage with representatives of the community rather than attend a community meeting, as the issues at hand cannot be discussed constructively at a community meeting.

RESOLUTION

(on the proposal of Ald T van Essen, seconded by Cllr D G Bess)

That Cllr Ngozi be requested to convene a meeting between representatives of the community and the Municipality on a date after the end of the community meeting to ensure that the issues listed in the memorandum of 8 March 2024 are discussed constructively.

4. MINUTES**4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 20 MARCH 2024****RESOLUTION**

(on the proposal of Ald T van Essen, seconded by Cllr N Smit)

That the minutes of an Ordinary Executive Mayoral Committee meeting held on 20 March 2024 be approved and signed by the Mayor.

4.2 MINUTES OF PORTFOLIO COMMITTEES MEETING HELD ON 10 APRIL 2024

[Corrections left as prerogative of the respective committees.]

5. CONSIDERATION OF RECOMMENDATIONS FROM THE MINUTES**5.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING HELD ON 10 APRIL 2024****5.1.1 MUNICIPAL MANAGER, ADMINISTRATION AND FINANCE****RESOLUTION**

(on the proposal of Cllr J M de Beer, seconded by Cllr D G Bess)

That the Executive Mayor ratify the recommendations in the relevant minutes.

5.1.2 CIVIL AND ELECTRICAL SERVICES**RESOLUTION**

(on the proposal of Cllr J M de Beer, seconded by Cllr D G Bess)

That the Executive Mayor ratifies the recommendations in the relevant minutes.

5.1.3 DEVELOPMENT SERVICES**RESOLUTION**

(on the proposal of Cllr J M de Beer, seconded by Cllr D G Bess)

That the Executive Mayor ratifies the recommendations in the relevant minutes.

5.1.4 PROTECTIONSERVICES**RESOLUTION**

(on the proposal of Cllr J M de Beer, seconded by Cllr D G Bess)

That the Executive Mayor ratifies the recommendations in the relevant minutes.

6. SAKE VOORTSPRUITEND UIT DIE NOTULES

6.1 AFSKRYWING VAN DEERNIS- EN ONINBARE SKULD: MAART 2024 – WERKLIKE BEDRAG AFGEKRYF (5/7/3)

Daar is op 20 Maart 2024 aan die Uitvoerende Burgemeesterskomitee verslag gedoen aangaande die voorneme om skuld van deernishuishoudings en ander oninbare skuld af te skryf.

Die verslag het ten doel om die werklike bedrae afgeskryf te bevestig.

BESLUIT

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

- (a) Dat kennis geneem word dat die bedrae wat werklik afgeskryf is ten opsigte van deernishuishoudings, **R6 834 093.78** beloop en ten opsigte van ander oninvorderbare skulde, **R1 084 471.05** beloop;
- (b) Dat kennis geneem word dat Swartland Munisipaliteit die reg voorbehou om enige bedrag wat afgeskryf is, weer terug te skryf na die betrokke debiteur en alle nodige stappe geneem sal word om die skuld in te vorder, indien dit vanaf datum van hierdie goedkeuring aan die lig kom dat:
 - (i) 'n Huishouding nie aan die deerniskriteria voldoen het nie (soos bepaal in Hoofstuk 7 van die Deernisbeleid); of
 - (ii) 'n Gedeelte van die skuld of die totale skuld van 'n debiteur nie korrek sou wees nie; of
 - (iii) Enige inligting wat op datum van afskrywing nie aan die Uitvoerende Burgemeesterskomitee bekend was, wat daartoe sou lei dat die komitee die voorgelegde skuld nie vir afskrywing sou oorweeg nie;
- (c) Dat kennis geneem word dat indien 'n eiendom op welke wyse ookal vervreem sou word, Swartland Munisipaliteit die reg voorbehou om uitklaring op die betrokke eiendom te weerhou en die bedrae afgeskryf eers in te vorder, alvorens uitklaring op die betrokke eiendom gegee sal word. 'n Register is by die Eiendomsbelastingafdeling ingestel waarin gekontroleer word of daar ten opsigte van die betrokke uitklaring vir die voorafgaande twee jaar voor uitklaring, enige afskrywing was en dat indien wel, die afgeskryfde bedrag met die uitklaring verhaal word.

7. NUWE SAKE

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

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

Die Munisipale Bestuurder verduidelik dat die verslag ingevolge wetgewende vereistes opgestel is met die doel om die onderprestasië van kontrakteurs vroegtydig aan te spreek.

BESLUIT

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

- (a) Dat kennis geneem word van die verslag insake die prestasie van kontrakteurs vir die periode 1 Januarie 2024 tot 31 Maart 2024;
- (b) Dat verder kennis geneem word van die twee kontrakte wat nie op skedule is nie, en dat dit op 'n gereelde basis gemonitor sal word.

7.2/...

6. MATTERS ARISING FROM THE MINUTES

6.1 WRITE-OFFS OF INDIGENT AND IRRECOVERABLE DEBT: MARCH 2024 – ACTUAL AMOUNT WRITTEN OFF (5/7/3)

On 20 March 2024, the Executive Mayoral Committee was briefed on the intention to write off debts from indigent households and other uncollectible debts.

The report aims to confirm the actual amounts written off.

RESOLUTION

(on the proposal of Cllr A K Warnick, seconded by Cllr N Smit)

- (a) That cognizance is taken that the actual amount written off in respect of indigent households amounted to **R 6 834 093.78** and in respect of other irrecoverable debt amounted to **R 1 084 471.05**;
- (b) That further cognizance is taken that Swartland Municipality reserves the right to do a reversal of any amount that was written off to the relevant debtor and that all necessary steps will be taken to recover the debt, if it comes to light after the date of this approval that -
 - (i) a household did not comply with the indigent criteria (as determined in Chapter 7: of the Indigent Policy); or
 - (ii) a portion of, or the total debt of a debtor was not correct; or
 - (iii) information came forth that was not known to the Executive Mayoral Committee when the writing off was considered, that would have influenced the decision of the committee;
- (c) That cognizance is taken that if the property is alienated in any way; Swartland Municipality reserves the right to refuse clearance on the property in question in order to first recover the amounts written off. A register is kept in this regard at the Property Rates Division in order to determine if any amounts was written off for the previous two years, in order to recover the write-off amount before clearance is given.

7. NEW MATTERS

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

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.

The Municipal Manager explained that the report was prepared in accordance with legislative requirements to address contractor underperformance in good time.

RESOLUTION

(on the proposal of Cllr D G Bess, seconded by Cllr N Smit)

- (a) That notice be taken of the report regarding the performance of contractors for the period 1 January 2024 to 31 March 2024;
- (b) That further notice be taken of the two contracts that are not on schedule, and that they will be monitored on a regular basis.

7.2/...

7.2 VERSLAG INSAKE DIE IMPLEMENTERING VAN DIE VOORSIENINGKANAAL-BESTUURSBELEID VIR DIE PERIODE 1 JANUARIE 2024 TOT 31 MAART 2024 (8/1/B/2)

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

Die verslag vir die periode 1 Januarie 2024 tot 31 Maart 2024 is met die sakelys gesirkuleer.

Die Munisipale Bestuurder bevestig, met verwysing na die omvang van die toekenning van tenders in die 1^{ste} Kwartaal ten bedrae van R162 155 686.59, dat daar reeds na afloop van die voorlegging van die konsepbegroting in Maart 'n aanvang geneem word om tenderspesifikasies gereed te kry. Sodoende word verseker dat daar spoedig op tender uitgedaan kan word na afloop van die finale goedkeuring van die begroting.

BESLUIT

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

- (a) Dat kennis geneem word van die Kwartaalverslag ten opsigte van die implementering van die Voorsieningkanaalbestuursbeleid soos beoog deur artikel 6(3) van die Regulasies, sowel as verslae van die Formele Tenders (Bylae A), Informele Tenders (Bylae B), en die Afwykingsverslag (Bylae C);
- (b) Dat kennis geneem word van die dienste gelewer vir die tydperk 1 Januarie 2024 tot 31 Maart 2024 met verwysing na die uitsonderings waar dit onprakties is om die mark te toets en dus 'n afwyking van die verkrygingsprosesse ingevolge paragraaf 2(6) van die Voorsieningskettlingbestuurbeleid (Bylae D) noodsaak.

7.3 SONDEZA AFRI-JEUG INISIATIEF: EVALUERINGSVERSLAG 2023 (17/2/2/1)

Die 18^{de} Sondeza-Afri-Jeuginisiatief is aangebied vanaf 6 tot 15 Desember 2023 op Ganzekraal en die positiewe terugvoering van leersers, soos vervat in die Evalueringsverslag, getuig van die sukses van die kamp.

Die volledige Evalueringsverslag is met die sakelys gesirkuleer.

BESLUIT

Dat kennis geneem word van die Evalueringsverslag van die 18^{de} Sondeza Afri-Jeuginisiatief wat deur me I Look as kamp-koördineerder opgestel is.

7.4 HUUROOREENKOMS: MALMESBURY INFORMELE HANDELAARSVERENIGING (17/12/2/2/1/2)

Die informele handelsarea te Bokomoweg, Malmesbury asook ander afgebakende areas word sedert 2003 aan die Malmesbury Informele Handelaarsvereniging verhuur.

Die Malmesbury Informele Handelaarsvereniging het versoek om die huurtermyn te verleng.

BESLUIT

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

- (a) Dat goedkeuring verleen word dat 'n ooreenkoms met die Malmesbury Informele Handelaarsvereniging gesluit word vir die huur van die informele handelsarea te Bokomoweg (en ander afgebakende plekke) in Malmesbury, vir 'n termyn van drie jaar ten bedrae van R1 030.00, plus BTW, per maand;
- (b) Dat die huurvoorwaardes onveranderd bly.

7.5/...

7.2 REPORT IN RESPECT OF THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY FOR THE PERIOD 1 JANUARY 2024 TO 31 MARCH 2024 (8/1/B/2)

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

The report for the period 1 January 2024 to 31 March 2024 has been circulated with the agenda.

The Municipal Administrator, referring to the size of the award of tenders in the 1st Quarter amounting to R162 155 686.59, confirms that, following the submission of the draft budget in March, the preparation of tender specifications has already begun. This ensures that tenders can be launched soon after the final approval of the budget.

RESOLUTION

(on the proposal of Cllr A K Warnick, seconded by Ald T van Essen)

- (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 January 2024 to 31 March 2024 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).

7.3 SONDEZA AFRI-YOUTH INITIATIVE: EVALUATION REPORT 2023 (17/2/2/1)

The 18th Sondeza Afri-Youth Initiative was hosted from 6 to 15 December 2023 at Ganzekraal. The positive feedback from learners, as contained in the Evaluation Report, testifies to the camp's success.

The full Evaluation Report was circulated along with the agenda.

RESOLUTION

That cognisance is taken of the Evaluation Report of the 18th Sondeza Afri-Youth Initiative prepared by Ms I Look as camp coordinator.

7.4 LEASE AGREEMENT: MALMESBURY INFORMAL TRADERS' ASSOCIATION (17/12/2/2/1/2)

The informal trading area at Bokomo Way, Malmesbury, and other demarcated areas have been leased to the Malmesbury Informal Traders Association since 2003.

The Malmesbury Informal Merchants Association has requested an extension of the lease.

RESOLUTION

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

- (a) That approval be granted for an agreement to be entered into with the Malmesbury Informal Traders Association to rent the informal traders area at Bokomo Road (and other demarcated areas) in Malmesbury for a term of three years to the amount of R1 030.00, plus VAT, per month;
- (b) That the current conditions of lease remain applicable.

7.5/...

7.5 VERHURING VAN VOORMALIGE KOMMANDOGEBOU TE MOORREESBURG (15/4/6)

Die Munisipale Bestuurder gee agtergrond tot die besoek aan die Imibala Trust ('n Rupert-Trust) in Somerset-Wes wat 'n verskeidenheid programme aanbied om 'n verskil in die lewens van kinders te maak.

Daar is, onder andere, ondersteuningsprogramme wat kinders toerus met skool- en sportklere van die onderskeie skole waar die kinders skool gaan, vaardighedsprogramme in kuns, rekenaars, ens.

Die Direkteur: Ontwikkelingsdienste noem dat daar in die GOP 'n groot fokus is op die ontwikkeling van vaardighede (skills centres) en dat bestaande geboue vir hierdie doeleindes benut moet word. Die programme wat Imibala Trust aanbied kan gedupliseer word as daar fasiliteite en fondse beskikbaar is, want – soos bevestig deur die voorsitter – sal dit 'n positiewe impak op die gemeenskap hê.

Die Munisipale Bestuurder noem dat die bestuurder van die Imibala Trust op Somerset-Wes vanoggend bevestig het dat die Rupert Trustees goedkeuring verleen het om 'n soortgelyke sentrum op Moorreesburg te vestig. Moorreesburg is geïdentifiseer, aangesien die Moorreesburg Sakekamer die Munisipaliteit bekendgestel het aan die Imibala Trust-inisiatief.

BESLUIT

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

- (a) Dat daar kennis geneem word dat die huurooreenkoms met Sinethemba ten opsigte van die gebou geleë op gedeeltes van Erf 43 en Erf 41 te Hoofstraat 6, Moorreesburg, op 30 April 2024 sal verstryk en nie hernieu sal word nie;
- (b) Dat die toekomstige benutting van die Kommandogebou vir ondersoek verwys word na die Administrasie, vir terugvoering aan die Uitvoerende Burgemeesterskomitee.

7.6 VERHUUR VAN HANDELSPASIES BY DIE DE VLEI AMFITEATER, DARLING (12/1/31-1/1)

Die Raad gaan vier doelgeboude skeepvraghouers beskikbaar stel as deel van die projek om 'n Entrepreneursnode op Erf 155, De Vlei Amfiteater, Darling te vestig.

'n Deursigtige publieke deelname proses is gevolg en onderhoude is gehou met die voornemende huurders om vier SMME's te identifiseer om hulle besighede vanuit die skeepvraghouers te bedryf.

BESLUIT

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

- (a) Dat daar kennis geneem word van die aansoekproses vir die identifisering van huurders vir die beskikbare handelspasies by die entrepreneursnode op Erf 155, Darling, sowel as die uitkoms daarvan;
- (b) Dat huurooreenkoms te sluit word vir 'n periode van twee jaar en onderhewig aan 'n maandelikse huur van R100.00 BTW uitgesluit, ten opsigte van die suksesvolle aansoekers soos volg:
 - (i) Wegneemetes: Me Nomakwezi Yedwa
 - (ii) Haarsalon: Me Sunell Sias
 - (iii) Shoopie: Mnr Andre Derks
 - (iv) Klerewinkel: Ms Rebecca Qametsi
- (c) Dat die Direkteur: Korporatiewe Dienste gemagtig word om die terme en voorwaardes van die huurooreenkoms te bepaal, in samewerking met die Direkteur: Ontwikkelingsdienste;
- (d) Dat goedkeuring verleen word dat daar afstand gedoen word van die aansluitingstariewe vir dienste ter bevordering van PEO (LED) vir SMME's;

7.5 LEASING OF FORMER 'KOMMANDOGEBOU' IN MOORREESBURG (15/4/6)

The Municipal Manager gave background to the visit to the Imibala Trust (a Rupert Trust) in Somerset West, which offers a range of programmes to make a difference in the lives of children.

There are, among other things, support programmes that equip children with school and sports uniforms of the respective schools the children attend, skills programmes in art, computers, etc.

The Director: Development Services mentioned that, in the GOP, there is a strong focus on the development of skills (skills centres) and that existing buildings should be used for these purposes. The programmes offered by Imibala Trust can be duplicated if facilities and funds are available because – as confirmed by the Chairman – it will positively impact the community.

The Municipal Manager stated that the administrator of the Imibala Trust in Somerset West confirmed this morning that the Rupert Trustees have approved the establishment of a similar centre in Moorreesburg. Moorreesburg was identified, seeing that the Moorreesburg Chamber of Commerce introduced the Municipality to the Imibala Trust initiative.

RESOLUTION

(on the proposal of Cllr Mr N Smit, seconded by Cllr Mr D G Bess)

- (a) That cognisance be taken that the lease agreement with Sinethemba in respect of the building located on portions of Erf 43 and Erf 41 in 6 Main Street, Moorreesburg, expires on 30 April 2024 and shall not be renewed;
- (b) That the future utilization of the 'Kommandogebou' be referred to the Administration for investigation, for feedback to the Executive Mayoral Committee.

7.6 LEASING OF TRADING SPACES AT THE DE VLEI AMPHITREATURE, DARLING (12/1/31-1/1)

The Council will make four purpose-built shipping containers available as part of the project to establish an Entrepreneurship Node at Erf 155, De Vlei Amphitheater, Darling.

A transparent public participation process was followed, and interviews were held with the prospective tenants to identify four SMMEs to operate their businesses from the shipping containers.

RESOLUTION

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

- (a) That the application process for identifying lessees for the available trading spaces at the entrepreneurial node on Erf 155, Darling, be noted as well as the outcome of same;
- (b) That lease agreements be entered into for a period of two years and subject to a monthly rental of R100.00 excluding VAT in respect of the successful applicants as follows:
 - (i) Takeaways: Ms Nomakwezi Yedwa
 - (ii) Hair Salon: Ms Sunell Sias
 - (iii) Tuck Shop: Mr Andre Derks
 - (iv) Clothing Shop: Ms Rebecca Qametsi
- (c) That the Director: Corporate Services be authorized to determine the terms and conditions of the lease agreements, in conjunction with the Director: Development Services;
- (d) That approval be granted that the connection rates for services to promote PEO (LED) for SMMEs be waived;

7.6/...

- (e) Dat goedkeuring verleen word dat die dienste-aansluitings op die naam van die onderskeie entrepreneurs gedoen word, pleks van Swartland Munisipaliteit;
- (f) Dat daar goedkeuring verleen word dat daar 'n beleid opgestel word vir PEO inisiatiewe ter ondersteuning van SMME's in soverre dit dienste-aansluitings betref.

7.7 HUUROOREENKOMS: ERF 4360, DARLING (12/2/4-3/1)

Die Direkteur: Korporatiewe Dienste noem dat dit in ag geneem moet word dat Erf 4360, Darling nie omhein of as 'n afsonderlike entiteit afgesper is van Erf 4359 nie en kan dus nie as 'n ekonomiese landbou-entiteit aan enige ander party verhuur word nie.

Die aansoek van die aanliggende eienaar, *Anicol Properties*, word dus ondersteun om Erf 4360 vir landboudoeleindes vir 'n verdere termyn te huur.

BESLUIT

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

- (a) Dat goedkeuring verleen word dat 'n huurooreenkoms met *Anicol Properties Pty Ltd* gesluit word vir 'n periode van drie jaar met ingang vanaf 1 Julie 2024 vir die huur van Erf 4360, Darling vir landboudoeleindes;
- (b) Dat die huurgeld vasgestel word op R2 788.00 per maand, BTW uitgesluit;
- (c) Dat die Direkteur: Korporatiewe Dienste volmag verleen word om die voorwaardes van verhuring te bepaal.

7.8 HUUROOREENKOMS: MAST SERVICES (VODACOM) (15/4/6)

Die Direkteur: Korporatiewe Dienste noem dat dit onlangs onder die aandag van die Munisipaliteit gebring is dat daar 'n sellulêre basisstasie by die Yzerfontein Karavaanpark opgerig is.

Die doel van die verslag is om 'n formele huurooreenkoms, soortgelyke aan die ander sellulêre basisstasies, met die diensverskaffer aan te gaan.

BESLUIT

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

- (a) Dat 'n huurooreenkoms gesluit word met MAST Services (Pty) Ltd vir 'n termyn van drie jaar met ingang vanaf 1 Julie 2024 vir die gebruik van spasie, $\pm 10 \text{ m}^2$ groot, op Erf 208, Yzerfontein, om kommunikasienetwerkdienste in Yzerfontein te verskaf;
- (b) Dat die maandelikse huurgeld vasgestel word op R1 745.00 (BTW uitgesluit), om jaarliks met 6% te eskaleer;
- (c) Dat die Direkteur: Korporatiewe Dienste met volmag beklee word om die toepaslike terme en voorwaardes te bepaal vir doeleindes van die huurooreenkoms.

7.9 UITSTAANDE DEBITEURE: MAART 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 Maart 2024.

7.10/...

7.6/...

- (e) That approval is granted for the service connections to be made in the name of the respective entrepreneurs, instead of Swartland Municipality;
- (f) That approval be given for a policy to be drawn up for PEO initiatives in support of SMMEs as far as service connections are concerned.

7.7 LEASE AGREEMENT: ERF 4360, DARLING (12/2/4-3/1)

The Director: Corporate Services stated that it should be noted that Erf 4360, Darling, is not fenced or fenced off as a separate entity from Erf 4359 and, therefore, cannot be leased as an economic agricultural entity to any other party.

The application of the adjacent owner, *Anicol Properties*, is therefore supported to lease Erf 4360 for agricultural purposes for a further term.

RESOLUTION

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

- (a) That approval be granted for a lease agreement to be entered into with *Anicol Properties Pty Ltd* for a period of three years with effect from 1 July 2024 for the lease of Erf 4360, Darling for agricultural purposes;
- (b) That the lease amount be determined at R2 788.00 per month, excluding VAT;
- (c) That the Director: Corporate Services be authorised to determine the conditions of lease.

7.8 LEASE AGREEMENT: MAST SERVICES (VODACOM) (15/4/6)

The Director: Corporate Services stated that it has recently been brought to the attention of the Municipality that a cellular base station has been set up at the Yzerfontein Caravan Park.

The purpose of the report is to enter into a formal rental agreement, similar to the other cellular base stations, with the service provider.

RESOLUTION

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

- (a) That a lease agreement be entered into with MAST Services (Pty) Ltd for a period of three years with effect from 1 July 2024 for the use of space, $\pm 10 \text{ m}^2$ in extent, on Erf 208, Yzerfontein, to provide communication network services in Yzerfontein;
- (b) That the monthly rental be determined at R1 745.00 (excluding VAT), to escalate at 6% per annum;
- (c) That the Director: Corporate Services be mandated to finalise the applicable terms and conditions for purposes of the lease agreement.

7.9 OUTSTANDING DEBT: MARCH 2024 (5/7/1/1)

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

RESOLUTION

That Council takes cognizance of the report with reference to the state of the outstanding debtors of Swartland Municipality for March 2024.

7.10/...

7.10 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 Maart 2024 soos met die sakelys gesirkuleer.

7.11 AFWYKING VAN VOORGESKREWE VERKRYGINGPROSEDURES: HERSTEL EN TOETSING VAN "CHERRY PICKER", CK 47512 (8/1/B/2)

Die Direkteur: Elektriese Ingenieursdienste noem dat dit 'n veiligheidvereiste is om jaarliks die "cherry pickers" na te sien en behels dit, onder andere, 'n inspeksie om enige olie lekkasies op te spoor en die uitvoering van 'n ladingtoets.

BESLUIT

- (a) Dat kennis geneem word van die afwyking van die voorgeskrewe verkryging-prosedures in terme van paragraaf 36 van die Voorsiening-kanaalbestuursbeleid;
- (b) Dat kennis geneem word van die aksie van die Munisipale Bestuurder om die herstel van die "Cherry Picker" CK 47512 deur Alpha Hydraulic Lifting ter waarde van R47 082.00 (BTW uitgesluit) goed te keur;
- (c) Dat die redes vir die afwyking van die voorgeskrewe verkrygingprosedures aangeteken word as volg:
 - (i) Die behoefte vir jaarlikse inspeksie- en toetsverslae volgens die veiligheidsvereistes;
 - (ii) As gevolg van die oopmaak en kwotasie (strip and quote) basis is dit nie redelik om die normale verkrygingsproses te volg nie;
 - (iii) Die noodsaaklikheid om die toerusting weer in diens te stel om dienslewering te verseker;
- (d) Dat kennis geneem word dat die koste teen mSCOA pos 9/4-17-5 betaal is en dat daar genoeg fondse beskikbaar was om die koste van R47 082.00 (BTW uitgesluit) te dek;
- (e) Dat die Bestuurder Finansiële State versoek word om die bostaande redes as 'n nota tot die finansiële state by te voeg wanneer die state opgestel word.

7.12 AFWYKING VAN VOORGESKREWE VERKRYGINGSPOSSESE: HERSTEL EN TOETSING VAN "CHERRY PICKER", CK 14498 (8/1/B/2)

Die Direkteur: Elektriese Ingenieursdienste noem dat dit 'n veiligheidvereiste is om jaarliks die "cherry pickers" na te sien en behels dit, onder andere, 'n inspeksie om enige olie lekkasies op te spoor en die uitvoering van 'n ladingtoets.

BESLUIT

- (a) Dat kennis geneem word van die afwyking van die voorgeskrewe verkryging-prosedures in terme van paragraaf 36 van die Voorsiening-kanaalbestuursbeleid;
- (b) Dat kennis geneem word van die aksie van die Munisipale Bestuurder om die herstel van die "Cherry Picker" CK 14498 deur 600CT ter waarde van R39 420.00 (BTW uitgesluit) goed te keur;
- (c) Dat die redes vir die afwyking van die voorgeskrewe verkrygingprosedures aangeteken word as volg:
 - (i) Die behoefte vir jaarlikse inspeksie- en toetsverslae volgens die veiligheidsvereistes;

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

The Asset Management Policy requires monthly reporting of outstanding insurance claims.

RESOLUTION

That cognizance be taken of the state of outstanding insurance claims up to and including 31 March 2024 as circulated with the agenda.

7.11 DEVIATION FROM THE PRESCRIBED SUPPLY CHAIN MANAGEMENT PROCESS: REPAIR AND TESTING OF CHERRY PICKER, CK 47512 (8/1/B/2)

The Director: Electrical Engineering Services stated that it is a safety requirement to inspect the cherry pickers annually, and this includes, among other things, an inspection to detect any oil leaks and the performance of a load test.

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 repair of the Cherry Picker CK 47512 by Alpha Hydraulic Lifting Services for the value of R47 082.00 (Excl VAT);
- (c) That the reasons for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The need to have annual inspections and loading test done as per Safety Requirements;
 - (ii) Due to the strip and quote basis it is not reasonable to follow the normal procurement process;
 - (iii) The urgency to have the equipment repaired to ensure service delivery;
- (d) That it be noted that the expenditure was allocated to mSCOA vote 9/4-17-5 and that there was sufficient funding available for the order in the amount of R47 082.00 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.

7.12 DEVIATION FROM THE PRESCRIBED SUPPLY CHAIN MANAGEMENT PROCESS: REPAIR AND TESTING OF CHERRY PICKER, CK 14498 (8/1/B/2)

The Director: Electrical Engineering Services stated that it is a safety requirement to inspect the cherry pickers annually, and this involves, among other things, an inspection to detect any oil leaks and the performance of a load test.

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 repair of the Cherry Picker CK 14498 by 600CT for the value of R39 420.00 (Excl VAT);
- (c) That the reasons for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The need to have annual inspections and loading test done as per Safety Requirements;
 - (ii) Due to the strip and quote basis it is not reasonable to follow the normal procurement process;

7.12(c)/...

- (ii) As gevolg van die oopmaak en kwotasie (strip and quote) basis is dit nie redelik om die normale verkrygingsproses te volg nie;
- (iii) Die verskaffer, 600CT, is die oorspronklike vervaardiger en installeerder van die toerusting;
- (iv) Die noodsaaklikheid om die toerusting weer in diens te stel om dienslewering te verseker;
- (d) Dat kennis geneem word dat die koste teen mSCOA pos 9/4-17-5 betaal is en dat daar genoeg fondse beskikbaar was om die koste van R39 420.00 (BTW uitgesluit) te dek;
- (e) Dat die Bestuurder Finansiële State versoek word om die bostaande redes as 'n nota tot die finansiële state by te voeg wanneer die state opgestel word.

(GET) J H CLEOPHAS
UITVOERENDE BURGEMEESTER

7.12(c)/...

- (iii) The supplier 600CT is the OEM of the equipment;
- (iv) The urgency to have the equipment repaired to ensure service delivery;
- (d) That it be noted that the expenditure was allocated to mSCOA vote 9/4-17-5 and that there was sufficient funding available for the order in the amount of R39 420.00 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 MUNISIPALE BESTUUR-, ADMINISTRASIE EN FINANSIES PORTEFEULJEKOMITEE VAN DIE SWARTLAND MUNISIPALE RAAD GEHOU OP WOENSDAG, 10 APRIL 2024 OM 10:00

TEENWOORDIG:

RAADSLEDE:

Voorsitter, rdl I S le Minnie
Ondervoorsitter, rdl N Smit

Nel, M (rdd)	Rangasamy, M A (rdh)
O'Kennedy, E C	Soldaka, P E
Penxa, B J	Vermeulen, G
Pypers, D C	Warnick, A K

Die Uitvoerende Burgemeester, rdh J H Cleophas (in ex-officio hoedanigheid)

BEAMPTES:

Munisipale Bestuurder, mnr J J Scholtz
Direkteur: Finansiële Dienste, mnr M A C Bolton
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
Snr Bestuurder: Verkeers-/Wetstoepassingsbedrywigheide, mnr R Steyn
Intern: Korporatiewe Dienste, me A Stols

1. OPENING/VERLOF TOT AFWESIGHEID

Die voorsitter verwelkom lede en open die vergadering met 'n minuut van stilte.

Die voorsitter bevestig die teenwoordigheid van raadslede wat dien op die Portefeuljekomitee: Munisipale Bestuurder, Administrasie en Finansies.

Verlof tot afwesigheid word verleen aan rdh T van Essen en die Direkteur: Beskermingsdienste, mnr P A C Humphreys.

2. NOTULE

2.1 NOTULE VAN 'N PORTEFEULJEKOMITEEVERGADERING (MUNISIPALE BESTUUR-, ADMINISTRASIE- EN FINANSIESKOMITEE) GEHOU OP 13 MAART 2024

BESLUIT

(voorgestel deur rdl A K Warnick, gesekondeer deur rdh M A Rangasamy)

Dat die notule van die Portefeuljekomiteevergadering (Munisipale Bestuur-, Administrasie- en Finansieskomitee) gehou op 13 Maart 2024 goedgekeur word.

3. AFVAARDIGINGS/VOORLEGGINGS/MEDEDELINGS

Geen

4. SAKE VOORTSPRUITEND UIT NOTULES

Geen

5. GEDELEGEERDE SAKE M.B.T. MUNISIPALE BESTUURDER

Geen



MINUTES OF A MEETING OF THE MUNICIPAL MANAGEMENT, ADMINISTRATION AND FINANCES PORTFOLIO COMMITTEE OF THE SWARTLAND MUNICIPAL COUNCIL HELD ON WEDNESDAY, 10 APRIL 2024 AT 10:00

PRESENT:

COUNCILLORS:

Chairperson, cllr I S le Minnie
Deputy Chairperson, cllr N Smit

Nel, M (ald)	Rangasamy, M A (ald)
O'Kennedy, E C	Soldaka, P E
Penxa, B J	Vermeulen, G
Pypers, D C	Warnick, A K

The Executive Mayor, ald J H Cleophas (ex-officio)

OFFICIALS:

Municipal Manager, mr J J Scholtz
Director: Financial Services, mr M A C Bolton
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
Snr Manager: Traffic/Law Enforcement Operations, Mr R Steyn
Intern: Corporate Services, Ms A Stols

1. OPENING/APOLOGIES

The chairperson welcomed members and opens the meeting with a minute of silence.

The chairperson confirmed the presence of councillors serving on the Portfolio Committee: Municipal Manager, Administration and Finance.

Apologies received from ald T van Essen and the Director: Protection Services, mr P A C Humphreys.

2. MINUTES

2.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING (MUNICIPAL MANAGEMENT, ADMINISTRATION AND FINANCES COMMITTEE) HELD ON 13 MARCH 2024

RESOLUTION

(proposed by cllr A K Warnick, seconded by ald M A Rangasamy)

That the minutes of a Portfolio Committee Meeting (Municipal Management, Administration and Finance Committee) held on 13 March 2024 are approved.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

None

4. MATTERS ARISING FROM THE MINUTES

None

5. DELEGATED MATTERS IN RESPECT OF MUNICIPAL MANAGER

None

6. MATTERS FOR RECOMMENDATION TO THE EXECUTIVE MAYOR

6.1 SALGA WORKING GROUPS (SPEAKER'S FORUM): REPORTING

The Speaker's Forum was attended by alderman M A Rangasamy on 6 February 2024.

Cllr B J Penxa referred to the minutes of the Speaker's forum, and expressed his concern that the minutes refer to the fact that the Speaker will no longer attend the forums.

The Speaker confirmed that he will continue to attend the forums virtually and give feedback at the Portfolio Committee meetings.

RESOLUTION

- (a) That cognisance be taken of the agenda of the Speaker's Forum attended by, Ald. M A Rangasamy, on 6 February 2024.
- (b) That further cognisance be taken that a meeting has been scheduled for March 2024 with Minister of Local Government, Anton Bredell, whereby the legal opinion in relation to the roll of the Speaker, Executive Mayor, and Council Whip will be discussed.
- (c) That a presentation in relation to social media and the law, focusing on specific court cases relevant to Local Government/ Municipal Government and the Act on Immunity of Councillors be shared at the next Speaker's Forum.

7. DELEGATED MATTERS IN RESPECT OF ADMINISTRATION

None

8. MATTERS FOR RECOMMENDATION TO THE EXECUTIVE MAYOR

None

9. DELEGATED MATTERS IN RESPECT OF FINANCES

9.1 MONTHLY REPORT: FEBRUARY 2024

The chairperson tabled the monthly report as circulated with the agenda.

Cllr A K Warnick congratulated the administration on the surplus of R16 463 835, compared to the monthly budgeted deficit of R17 605 613.

Rdl B J Penxa refers to the WCED grants and subsidies received for February 2024 and requests more clarity on the spending of the grant.

The Municipal Manager explained in detail that the purpose of the grant is to fund the construction of the access road to the new high school on plot 13011, Malmesbury.

Cllr P E Soldaka referred to the R94,7 million in unspent grants in the operating and capital budget, and expressed his concern about the unspent funds.

The Director: Financial Services stated that the grant was received before the provincial department's financial year-end, March 2024, and that the Municipality has a chance to spend the R94.7 million before the Municipality's financial year-end, which is the end of June.

RESOLUTION

(proposed by cllr N Smit, seconded by cllr D C Pypers)

That cognisance be taken of the monthly report of the Director Financial Services for February 2024.

6. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

6.1 SALGA WERKGROEPE (SPEAKER'S FORUM): RAPPORTERING

Die Speaker's Forum is op 6 Februarie 2024 deur raadsheer M A Rangasamy bygewoon.

Rdl B J Penxa verwys na die notule van die Speaker's forum, en spreek sy kommer uit dat die notule daarna verwys dat die Speaker nie meer die forums sal bywoon nie.

Die Speaker bevestig dat hy steeds die forums virtueel sal bywoon en terugvoering sal gee by die Portefeulje Komiteevergaderings.

BESLUIT

- (a) Dat kennis geneem word van die agenda van die Speaker's Forum wat deur rdh M A Rangasamy, op 6 Februarie 2024 bygewoon was;
- (b) Dat verder kennis geneem word van 'n vergadering geskeduleer vir Maart 2024 met die Minister van Plaaslike Regering, mnr Anton Bredell, waartydens die regsopinie ten opsigte van die rolle van die Speaker, Uitvoerende Burgemeester en Sweep van die Raad bespreek sal word;
- (c) Dat kennis geneem word dat 'n voorlegging ten opsigte van sosiale media en die reg, gefokus op spesifieke hofsake relevant tot plaaslike regering en die Reg op Immunitet van Raadslede tydens die volgende Speaker's Forum gedoen sal word.

7. GEDELEGEERDE SAKE M.B.T. ADMINISTRASIE

Geen

8. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

Geen

9. GEDELEGEERDE SAKE M.B.T. FINANSIES

9.1 MAANDVERSLAG: FEBRUARIE 2024

Die voorsitter lê die maandverslag ter tafel soos met die sakelys gesirkuleer.

Rdl A K Warnick wens die administrasie geluk met die surplus van R16 463 835, vergeleke met die maandelikse begrote tekort van R17 605 613.

Rdl B J Penxa verwys na die WCED toelaes en subsidies ontvang vir Februarie 2024 en versoek meer duidelikheid oor die spandering van die toelaag.

Die Munisipale Bestuurder verduidelik breedvoerig dat die doel van die toelaag is om die konstruksie van die toegangspad tot die nuwe hoërskool op erf 13011, Malmesbury te befonds.

Rdl P E Soldaka verwys na die R94,7 miljoen in onbestede toelaes in die bedryfs- en kapitaalbegroting, en spreek sy kommer uit oor die onbestede fondse.

Die Direkteur: Finansiële Dienste meld dat die toelaes voor die provinsiale departement se finansiële jaareinde, Maart 2024 ontvang is, en dat die Munisipaliteit kans het om die R94,7 miljoen te spandeer voor die Munisipaliteit se finansiële jaareinde, wat einde Junie is.

BESLUIT

(voorgestel deur rdl N Smit, gesekondeer deur rdl D C Pypers)

Dat kennis geneem word van die maandverslag van die Direkoraat Finansiële Dienste vir Februarie 2024.

3

10. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

Geen

(GET) RDL I S LE MINNIE
VOORSITTER

3

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, 10
APRIL 2024 OM 10:26**

TEENWOORDIG:

RAADSLEDE:
Voorsitter, rdl R J Jooste

Bess, D G	Pieters, C
Fortuin, C	Smit, N
Gaika, M F	Warnick, A K
Nel, M (rdd)	Williams, A M
O'Kennedy, E C	

BEAMPTES:

Munisipale Bestuurder, mnr J J Scholtz
Direkteur: Finansiële Dienste, mnr M A C Bolton
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
Snr Bestuurder: Verkeers-/Wetstoepassingsbedrywighe, mnr R Steyn
Intern: Korporatiewe Dienste, me A Stols

1. OPENING/VERLOF TOT AFWESIGHEID

Die voorsitter verwelkom almal teenwoordig.

Die voorsitter bevestig die teenwoordigheid van raadslede wat dien op die Portefeuljekomitee:
Siviele en Elektriese Dienste.

Verlof tot afwesigheid word verleen aan die Uitvoerende Burgemeester, rdh J H Cleophas, rdh T
van Essen en die Direkteur: Beskermingsdienste, mnr P A C Humphreys.

2. NOTULE

**2.1 NOTULES VAN 'N PORTEFEULJEKOMITEEVERGADERING (SIVIELE- EN
ELEKTRIESE DIENSTEKOMITEE) GEHOU OP 13 MAART 2024**

BESLUIT
(voorgestel deur rdl A K Warnick, gesekondeer deur rdd M Nel)

Dat die notule van die Portefeuljekomiteevergadering (Siviele- en Elektriese Dienste)
gehou op 13 Maart 2024 goedgekeur word.

3. AFVAARDIGINGS/VOORLEGGINGS/MEDEDELINGS

Geen

4. SAKE VOORTSPRUITEND UIT NOTULES

Geen

5. GEDELEGEERDE SAKE

5.1. MAANDVERSLAG: FEBRUARIE 2024

5.1.1/...



**MINUTES OF A MEETING OF THE CIVIL AND ELECTRICAL ENGINEERING SERVICES PORTFOLIO
COMMITTEE OF THE SWARTLAND MUNICIPAL COUNCIL HELD ON WEDNESDAY, 10 APRIL 2024
AT 10:26**

PRESENT:

COUNCILLORS:
Chairperson, cllr R J Jooste

Bess, D G	Pieters, C
Fortuin, C	Smit, N
Gaika, M F	Warnick, A K
Nel, M (rdd)	Williams, A M
O'Kennedy, E C	

OFFICIALS:

Municipal Manager, mr J J Scholtz
Director: Financial Services, mr M A C Bolton
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
Snr Manager: Traffic/Law Enforcement Operations, Mr R Steyn
Intern: Corporate Services, Ms A Stols

1. OPENING/APOLOGIES

The chairperson welcomed everyone.

The chairperson confirmed the presence of councillors serving on the Portfolio Committee: Civil
and Electrical Services.

Apologies received from the Executive Mayor, ald J H Cleophas, ald T van Essen and the Director:
Protection Services, Mr P A C Humphreys.

2. MINUTES

**2.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING (CIVIL AND ELECTRICAL
SERVICES COMMITTEE) HELD ON 13 MARCH 2024**

RESOLUTION
(proposed by cllr A K Warnick, seconded by ald M Nel)

That the minutes of a Portfolio Committee Meeting (Civil and Electrical Services) held on
13 March 2024 are approved.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

None

4. MATTERS ARISING FROM THE MINUTES

None

5. DELEGATED MATTERS

5.1. MONTHLY REPORT: FEBRUARY 2024

5.1.1/...

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 en die kumulatiewe reënval.

BESLUIT

(op voorstel van rdl A K Warnick, gesekondeer deur rdl A M Williams)

Dat kennis geneem word van die maandverslag van die Direkoraat Siviele Ingenieursdienste vir Februarie 2024.

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 daar goeie vordering is met die TID-projek. Altesaam 9319 meters is omskep teen die einde van Februarie 2024.

BESLUIT

(op voorstel van rdl A K Warnick, gesekondeer deur rdl A M Williams)

Dat kennis geneem word van die maandverslag van die Direkoraat Elektriese Ingenieursdienste vir Februarie 2024.

6. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER**6.1 SALGA WERKGROEPE (EPPW & PTR & EMCR): RAPPORTERING**

Die SALGA werkgroepe is op 11 en 12 Maart 2024 deur rdh T Van Essen en rdl A K Warnick bygewoon.

BESLUIT

- (a) Dat kennis geneem word van die agenda van die SALGA werkgroepe wat deur Rdh T Van Essen en rdl A K Warnick, op 11 en 12 Maart 2024 bygewoon was;
- (b) Dat kennis geneem word dat Wes-Kaap 80.6% bereik het ten opsigte van die omskakeling van elektrisiteitsmeters, en dat SALGA versoek sal word dat raadslede/portefeulje voorsitters hulle munisipaliteite se statistieke oor die opdaterings van die STS vooruitbetaalde meters sal deel;
- (c) Dat kennis geneem word dat SALGA die kontakbesonderhede van mnr Richard Mali vanaf Eskom sal voorsien om sodoende enige ESKOM en STS voorafbetaalde meter opdatering navrae met lg. op te neem;
- (d) Dat verder kennis geneem word the SALGA 'n versoek aan DHS sal rig om met DEADP te skakel aangaande die lug-kwaliteit-verslagsdoeningvereistes.

(GET) RDL R J JOOSTE
VOORSITTER

5.1.1 CIVIL ENGINEERING SERVICES

The chairperson tabled the montly report as circulated with the agenda.

The Director: Civil Engineering Services provides - among other things - information regarding the state of the dam levels and the cumulative rainfall.

RESOLVED

(proposed by cllr A K Warnick, seconded by cllr A M Williams)

That cognisance be taken of the monthly report of the Directorate Civil Engineering Services for February 2024.

5.1.2 ELECTRICAL ENGINEERING SERVICES

The chairperson tabled the monthly report as circulated with the agenda and requested the Director: Electrical Engineering Services, to point out important aspects.

The Director: Electrical Engineering Services stated that there is good progress with the TID project. A total of 9319 meters were converted by the end of February 2024.

RESOLUTION

(proposed cllr A K Warnick, seconded by cllr A M Williams)

That cognisance be taken of the monthly report of the Directorate: Electrical Engineering Services for February 2024.

6. MATTERS FOR RECOMMENDATION TO THE EXECUTIVE MAYOR**6.1 SALGA WORKING GROUPS (EPPW & PTR & EMCR): REPORTING**

The SALGA working groups were attended on 11 and 12 March 2024 by ald T Van Essen and cllr A K Warnick.

RESOLUTION

- (a) That cognisance be taken of the agenda of the SALGA working groups attended by, ald T Van Essen, on 11 and 12 March 2024.
- (b) That cognisance be taken that Western Cape is at 80.6% progress of meters reset, and that SALGA will request Councillors/ Portfolio Chairpersons to also share their municipalities updates on STS Prepayment meter reset.
- (c) That cognisance be taken that SALGA need to share contact details of Mr. Richard Mali from ESKOM to members for further engagement/ challenges related to the STS Prepayment meter update in ESKOM areas.
- (d) That further cognisance be taken that SALGA will recommend to DHS to Engage DEADP on the Air Quality reporting requirements.

(SGD) CLLR R J JOOSTE
CHAIRPERSON



NOTULE VAN 'N VERGADERING VAN DIE ONTWIKKELINGSDIENSTE PORTEFEULJEKOMITEE VAN DIE SWARTLAND MUNISIPALE RAAD GEHOU OP WOENSDAG, 10 APRIL 2024 OM 10:38

TEENWOORDIG:

RAADSLEDE:

Voorsitter, rdl G Vermeulen
Ondervoorsitter, rdl D G Bess

De Beer, J M	Pypers, D C
Booyesen, A M	Rangasamy, M A (rdh)
Le Minnie, I S	Smit, N
Ngozi, M	Soldaka, P E

BEAMPTES:

Munisipale Bestuurder, mnr J J Scholtz
Direkteur: Finansiële Dienste, mnr M A C Bolton
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
Snr Bestuurder: Verkeers-/Wetstoepassingsbedrywighede, mnr R Steyn
Intern: Korporatiewe Dienste, me A Stols

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 Uitvoerende Burgemeester, rdh J H Cleophas en die Direkteur: Beskermingsdienste, mnr P A C Humphreys.

2. NOTULE

2.1 NOTULES VAN 'N PORTEFEULJEKOMITEEVERGADERING (ONTWIKKELINGSDIENSTE) GEHOU OP 13 MAART 2024

BESLUIT

(voorgestel deur rdl I S le Minnie, gesekondeer deur rdl D C Pypers)

Dat die notule van die Portefeuljekomiteevergadering (Ontwikkelingsdienste) gehou op 13 Maart 2024 goedgekeur word.

3. AFVAARDIGINGS/VOORLEGGINGS/MEDEDELINGS

Geen

4. SAKE VOORTSPRUITEND UIT NOTULES

Geen

5. GEDELEGEERDE SAKE

5.1 MAANDVERSLAG: FEBRUARIE 2024

Die Voorsitter lê die maandverslag ter tafel.



MINUTES OF A MEETING OF THE DEVELOPMENT SERVICES PORTFOLIO COMMITTEE OF THE SWARTLAND MUNICIPAL COUNCIL HELD ON WEDNESDAY, 10 APRIL 2024 AT 10:38

PRESENT:

COUNCILLORS:

Chairperson, clir G Vermeulen
Deputy chairperson, clir D G Bess

De Beer, J M	Pypers, D C
Booyesen, A M	Rangasamy, M A (ald)
Le Minnie, I S	Smit, N
Ngozi, M	Soldaka, P E

OFFICIALS:

Municipal Manager, mr J J Scholtz
Director: Financial Services, mr M A C Bolton
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
Snr Manager: Traffic/Law Enforcement Operations, Mr R Steyn
Intern: Corporate Services, Ms A Stols

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 Executive Mayor, ald J H Cleophas and the Director: Protection Services, mr P A C Humphreys.

2. MINUTES

2.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING (DEVELOPMENT SERVICES) HELD ON 13 MARCH 2024

RESOLUTION

(proposed by clir I S le Minnie, seconded by clir D C Pypers)

That the minutes of a Portfolio Committee Meeting (Development Services) held on 13 Maart 2024 are approved.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

None

4. MATTERS ARISING FROM THE MINUTES

None

5. DELEGATED MATTERS

5.1 MONTHLY REPORT: FEBRUARY 2024

The chairperson tabled the monthly report.

5.1/...

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.

Rdl P E Soldaka verwys na die Darling behuisingsprojek fase 1, en verneem of die kontrakteur op die perseel aangemeld het, soos aangedui op die verslag en word dit as sulks deur die Direkteur: Ontwikkelingsdienste bevestig.

BESLUIT

(op voorstel van rdl J M de Beer, gesekondeer deur rdl I S le Minnie)

Dat kennis geneem word van die maandverslag van die Direktoraat Ontwikkelingsdienste vir Februarie 2024.

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 13 Maart 2024.

7. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

Geen

(GET) RDL G VERMEULEN
VOORSITTER

5.1/...

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.

Cllr P E Soldaka referred to the Darling housing project phase 1, and asked whether the contractor has reported on the premises, as indicated on the report and it is confirmed as such by the Director: Development Services.

RESOLUTION

(proposed by cllr J M de Beer, seconded by cllr I S le Minnie)

That cognisance be taken of the monthly report of the Directorate Development Services for February 2024.

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 13 March 2024.

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, 10 APRIL 2024 OM 10:48

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

BEAMPTES:

Munisipale Bestuurder, mnr J J Scholtz
Direkteur: Finansiële Dienste, mnr M A C Bolton
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
Snr Bestuurder: Verkeers-/Wetstoepassingsbedrywighede, mnr R Steyn
Intern: Korporatiewe Dienste, me A Stols

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 Uitvoerende Burgemeester, rdh J H Cleophas en die Direkteur: Beskermingsdienste, mnr P A C Humphreys.

2. NOTULE

2.1 NOTULES VAN 'N PORTEFEULJEKOMITEEVERGADERING (BESKERMINGS-DIENSTE) GEHOU OP 13 MAART 2024

BESLUIT

(voorgestel deur rdl A K Warnick, gesekondeer deur rdl A M Williams)

Dat die notule van die Portefeuljekomiteevergadering (Beskermingsdienste) gehou op 13 Maart 2024 goedgekeur word.

3. AFVAARDIGINGS/VOORLEGGINGS/MEDEDELINGS

Geen

4. SAKE VOORTSPRUITEND UIT NOTULES

Geen

5. GEDELEGEERDE SAKE

5.1. MAANDVERSLAG: FEBRUARIE 2024



MINUTES OF A MEETING OF THE PROTECTION SERVICES PORTFOLIO COMMITTEE OF THE SWARTLAND MUNICIPAL COUNCIL HELD ON WEDNESDAY, 10 APRIL 2024 AT 10:48

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	Williams, A M

OFFICIALS:

Municipal Manager, mr J J Scholtz
Director: Financial Services, mr M A C Bolton
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
Snr Manager: Traffic/Law Enforcement Operations, Mr R Steyn
Intern: Corporate Services, Ms A Stols

1. OPENING/APOLOGIES

The chairperson welcomed members.

The chairperson confirmed the presence of councillors serving on the Portfolio Committee: Protection Services.

Apologies received from the Executive Mayor, ald J H Cleophas and the Director: Protection Services, Mr P A C Humphreys.

2. MINUTES

2.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING (PROTECTION SERVICES) HELD ON 13 MARCH 2024

RESOLUTION

(proposed by cllr A K Warnick, seconded by cllr A M Williams)

That the minutes of a Portfolio Committee Meeting (Protection Services) held on 13 March 2024 are approved.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

None

4. MATTERS ARISING FROM THE MINUTES

None

5. DELEGATED MATTERS

5.1. MONTHLY REPORT: JANUARY 2024

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 mnr R Steyn om die belangrikste aspekte uit die maandverslag aan raadslede uit te wys.

Mnr R Steyn meld dat Swartland Munisipaliteit hulp verleen het aan Drakenstein Munisipaliteit gedurende die brand op Saterdag 6 April 2024.

BESLUIT
 (op voorstel van rdl D G Bess, gesekondeer deur rdl I S le Minnie)

Dat kennis geneem word van die verslae van die onderskeie afdelings in die Direktoraat Beskermingsdienste, nl. Verkeer- en Wetstoepassing en Brandbestryding vir Februarie 2024.

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, as circulated with the agenda and requested mr R Steyn to highlight important aspects therein to councillors.

Mr R Steyn stated that Swartland Municipality provided assistance to Drakenstein Municipality during the fire on Saturday 6 April 2024.

RESOLUTION
 (on the proposal of cllr D G Bess, seconded by cllr I S le Minnie)

That notice be taken of the reports of the various sections in the Directorate of Protection Services, namely Traffic and Law Enforcement and Fire Fighting for February 2024.

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 MONDAY, 18 APRIL 2024 AT 12:30**

PRESENT

Director: Corporate Services, Ms M S Terblanche
Director: Financial Services, Mr M Bolton
Director: Civil Engineering Services, Mr L D Zikmann
Director: Development Services, Ms J S Krieger
Senior Manager: Supply Chain Management, Mr P Swart
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 18 MARCH 2024

RESOLUTION

That the minutes of a Bid Adjudication Committee meeting held on 18 March 2024 be approved.

3.2 MINUTES OF A BID EVALUATION COMMITTEE MEETING HELD ON 9 APRIL 2024

That **COGNISANCE BE TAKEN** of the minutes of a Bid Evaluation Committee meeting held on 9 April 2024.

4. MATTERS FOR CONSIDERATION

4.1 TENDER T34/23/24: SUPPLY AND DELIVERY OF PHOTO-ELECTRIC SMOKE DETECTORS (8/2/21)

The Western Cape Provincial Government allocated a grant to the amount of R500 000 to Swartland Municipality to procure smoke detectors for fire safety awareness and prevention.

A total of ten tenders were received of which six tenders complied with the tender specifications and tender requirements – see table below for the preferential procurement evaluations:

No.	Tenderer	Tender Amount Incl. VAT	Points for Price	Contrib ution Level	B-BBEE Points	Preferential Points				
						Western Cape		Swartland		Total Points
						Yes/No	Points	Yes/No	Points	
1	Manyene Holdings (Pty) Ltd	R 586 500.00	80.00	0	0		0		0	80.00
2	Memotek Trading cc	R 725 029.00	61.10	1	10	Yes	4	No	0	75.10
3	Fire Check (Pty) Ltd	R 1 138 500.00	4.71	0	0	No	0	No	0	4.71
4	Massive Quantum (Pty) Ltd	R 1 262 976.00	-12.27	1	10	Yes	4	No	0	1.73
5	FLO Specialized Product Solutions cc	R 1 370 800.00	-26.98	1	10	Yes	4	No	0	-12.98
6	Mdibi Logistics and Projects	R 3 433 900.00	-308.39	1	10	No	0	No	0	-298.39

4.1/...

RECOMMENDATION¹

(a) That tender T34/23/24 for the Supply and Delivery of Photo-Electric Smoke Detectors, be awarded to **Manyene Holdings (Pty) Ltd** for the tender tariff of R293.25 (VAT incl.) / R255.00 (VAT excl.) with a delivery period of 5 weeks;

(b) That the expense be allocated to vote number: 9/232-1456-2938.

4.2 TENDER T38/23/24: COMPLETENESS OF REVENUE BILLING AND PREVENTION OF REVENUE LEAKAGES FOR SWARTLAND MUNICIPALITY FOR THE PERIOD ENDING 31 AUGUST 2024 (8/2/21)

Tenders were invited from service providers to review the completeness and accuracy of revenue billing after the external audit and the prevention of revenue leakages.

The purpose of the tender, among others, is to ensure that no repeat finding occur and to assist with the enhancement of revenue by ensuring that all services connected to a property or should be connected, are billed.

A total of four tenders were received of which all tenders complied with the tender specifications and tender requirements – see table below for the preferential procurement evaluation:

Tenderer	Tender Amount	Points for Price	Contrib ution Level	B-BBEE Points	Preferential Points				Total Points
					Western Cape		Swartland		
					Yes/ No	Points	Yes/ No	Points	
Munsoft (Pty) Ltd	R 299 000.00	80.00	1	10	No	0	No	0	90.00
Emora Group	R 370 000.00	61.00	1	10	Yes	4	No	0	75.00
Akhile Management and Consulting (Pty) Ltd	R 875 150.00	-74.15	1	10	No	0	No	0	-64.15
Ducharme Asset Management and Accounting (Pty) Ltd	R 2 157 055.00	-417.14	2	9	Yes	4	No	0	-404.14

RECOMMENDATION²

(a) That tender, T38.23.24: Completeness of Revenue Billing and Prevention of Revenue Leakages for Swartland Municipality for the period ending 31 August 2024, be awarded to Munsoft (Pty) Ltd for the amount of R299 000.00 (R260 000.00 excl. VAT).

(b) That the expenditure be allocated to vote number 9/209-496-888.

4.3 CANCELLATION OF TENDER T50/21/22: APPOINTMENT OF PROFESSIONAL LAND SURVEYORS AND REGISTERED PROFESSIONAL TOWN AND REGIONAL PLANNERS PANEL FOR SWARTLAND MUNICIPALITY FOR THE PERIOD 1 JULY 2022 TO 30 JUNE 2025 (8/2/2/13)

Tender T50/21/22 was awarded in June 2022 as a panel and the successful service providers were appointed to render the following professional services:

- (1) Spatial Planning;
- (2) Development Management;
- (3) Other, e.g. Human Settlement Planning, Project Management Services, Heritage Services, Environmental Services, etc.
- (4) Land Surveying.

Various shortcomings were identified in the implementation of the tender to such an extend that there are risks involved for the Municipality.

Recommendation/...

¹ Confirmed by the Municipal Manager on 19 April 2024

² Confirmed by the Municipal Manager on 19 April 2024

RECOMMENDATION³

- (a) That Tender T50/21/22: Appointment of Professional Land Surveyors and registered Professional Town- and Regional Planner Panel for Swartland Municipality for the period 1 July 2022 to 30 June 2025, be cancelled due to various shortcomings in the tender document which are placing the Municipality at risk;
- (b) That the cancellation of Tender T50/21/22 be effective on 30 June 2024 and that all assignments awarded in terms of the tender be finalised;
- (c) That the service providers on the various panels be informed accordingly.

(sgd) M S TERBLANCHE
CHAIRPERSON

³ Confirmed by the Municipal Manager on 19 April 2024



Verslag ♦ Ingxelo ♦ Report

Office of the Municipal Manager
2024-05-31

2/1/4/4/1
WARDS: All wards

ITEM __ 8.1 __ OF THE AGENDA OF A COUNCIL MEETING TO BE HELD ON 31 MAY 2024

SUBJECT: 2024 AMENDED INTEGRATED DEVELOPMENT PLAN

1. BACKGROUND

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 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;

It was necessary to follow an IDP amendment process because of the new statistics from STATSSA and the updated budget figures that was added to the IDP.

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 memorandum referred to in the second bullet above is attached as ANNEXURE 1

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 2021-2022 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 2021/22.

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 4 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 is 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 5 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

5. PUBLIC INPUTS AND COMMENTS

After the tabling of the IDP amendments and area plans to council on 28 March 2024 it was advertised for public inputs and comments during April 2024. Comments were received from the Mr. Ewerd Syster (23 April 2024), Mr. Friedlander (30 April 2024) and Prof Rainer Haldenwang (29 April 2024). The comments as well as the Municipality's response are attached as **Appendix 2**.

6. THE AREA PLANS FOR 2024/2025

Five area plans were compiled in collaboration with ward councillors and ward committees as part of the IDP process. The area plans must be seen as a component of this IDP and contain information that supports and helps to define the Municipality's long-term strategy. The information in the area plans is by the nature of things very detailed and geographically bound and is as such not repeated in the IDP. It is an initiative that compliments the IDP process by focusing on the specific issues and needs of the different wards. The following five area plans were compiled:

- North Moorreesburg and Koringberg (wards 1 and 2)
- East Riebeek West and Riebeek Kasteel (wards 3 and 12)
- West Darling and Yzerfontein (wards 5 and 6)
- South Abbotsdale, Chatsworth, Riverlands and Kalbaskraal (wards 4 and 7)
- Central Malmesbury (wards 8, 9, 10 and 11)

7. LEGISLATION

The following legislation is applicable:

- Municipal Systems Act, No 32 of 2000, Sections 34
- Municipal Finance Management Act, No 56 of 2003, Sections 21, 24 and 53
- Municipal Planning and Performance Management Regulations, 2001

8. STRATEGIC INTEGRATED MUNICIPAL ENGAGEMENT (SIME)

This engagement between the Western Cape Government (WCG) and the Municipality took place on 14 May 2024. The comments from the WCG on the IDP as well as our response are attached as **ANNEXURE 3**.

9. AANBEVELING / RECOMMENDATION

- Dat die 2024 Gewysigde Geïntegreerde Ontwikkelingsplan (GOP) vir die Swartland munisipale gebied, sowel as die vyf Areaplanne vir 2024/2025, goedgekeur word in terme van Hoofstuk 5 van die Wet op Munisipale Stelsels Nr 32 van 2000;
 - dat die kommentaar en insette wat tydens April 2024 ontvang is (insluitende die SIME kommentaar), hanteer word ooreenkomstig **AANHANGSELS 2 en 3**; en
 - dat die wetlike proses, soos voorgeskryf in die Wet op Munisipale Stelsels Nr 32 van 2000, die Wet op Munisipale Finansiële Bestuur Nr 56 van 2003 en die Munisipale Begroting en Verslagdoening Regulasies, 2009, afgehandel word.
- That the 2024 Amended Integrated Development Plan (IDP) for the Swartland municipal area, as well as the five Area Plans for 2024/2025, be approved in terms of Chapter 5 of the Municipal Systems Act No 32 of 2000;*
 - that the comments and inputs received during April 2024 (including the SIME comments) be dealt with in accordance with **ANNEXURES 2 and 3**; and*
 - that the legal process, as prescribed in the Municipal Systems Act No 32 of 2000, Municipal Finance Management Act No 56 of 2003 and the Municipal Budget and Reporting Regulations, 2009, be completed.*

(get) J J Scholtz

MUNICIPAL MANAGER

DATE: 31 May 2024

ANNEXURE 1

MEMORANDUM IN TERMS OF REGULATION 3(2) (A) OF THE MUNICIPAL PLANNING AND PERFORMANCE MANAGEMENT REGULATIONS, 2001

Reasons for amending the Municipality's Integrated Development Plan

In terms of Section 25(1) of the Municipal Systems Act 32 of 2000 (MSA) each municipal council must, within a prescribed period after the start of its elected term, adopt a single, inclusive and strategic plan for the development of the municipality (integrated development plan).

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 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;

It was necessary to follow an IDP amendment process because of the new statistics from STATSSA and the updated budget figures that was added to the IDP.

ANNEXURE 2

MUNICIPALITY'S COMMENTS ON REPRESENTATIONS REGARDING THE DRAFT INTEGRATED DEVELOPMENT PLAN (IDP) AS RECEIVED BY 30 APRIL 2024 FOR TABLING IN COUNCIL FOR CONSIDERATION

FROM	REPRESENTATIONS ON: (the complete letters are attached)	COMMENTS / CONSIDERATION AND COUNCIL RESOLVE
Petition by residents of Abbotsdale – Mr Ewerd (Letter dated 23 April 2024)	Upgrading of – (1) Sport fields (rugby, football, cricket and netball) (2) Facilities (dressing rooms, kitchens and other facilities)	The provision of basic service's infrastructure and housing were identified as priorities by Council. An application for funding to the amount of R17 628 584 was submitted to the Department of Sport in 2023 for the upgrading of the said facilities. Approval of the application is still awaited.
	Upgrading of Abbotsdale Station – request SM to fulfill a facilitation role	Swartland Municipality will play a facilitating role in this regard.
	<u>Streetlights</u> – request SM to fulfill a facilitation role to: (1) Repair of existing streetlights; (2) Additional lightning in dark sports to prevent crime/enhance safety	Streetlight maintenance receives priority in Council's budget.
	<u>Roads</u> – upgrading of all the remaining gravel roads	The Executive Mayor prioritized R97,6 for the upgrading of gravel roads in the municipal area and some of the remaining gravel roads in Abbotsdale will also be included.
	<u>Incomplete houses in Bloekom Street</u> – request that houses be completed	There are 9 houses currently being built. Progress in completing the houses is subject to bond approvals, which is linked to the outcomes of the individual applications. This request is not budget related.

FROM	REPRESENTATIONS ON: (the complete letters are attached)	COMMENTS / CONSIDERATION AND COUNCIL RESOLVE
	<u>Recreational facilities</u> – Residents must travel by bicycle/vehicle/taxi to town for groceries, medical needs, recreational needs and other services. Recreational facilities are requested for senior citizens and youth	The provision of basic service's infrastructure and housing were identified as priorities by Council. An application for funding to the amounts of R17 628 584 (Abbotsdale) and R10 117 783.71 (Kalbaskraal) was submitted to the Department of Sport in 2023 for the upgrading of the said facilities. Approval of the application is still awaited.
Mr B Friedlander (received on 30 April 2024 @ 11:58)	<u>IDP – no development proposals for Riebeek Valley</u>	Development proposals must be provided through public participation process when the SDF is amended. The SDF was amended during the 2022/2023 financial year, and the private developments proposals for Riebeek Valley, is indeed possible due to the provision in the SDF. Any new proposals can be submitted when the SDF is amended again..
	<u>10 Largest Capital projects</u> 7 out of 10 in Malmesbury – seems disproportionate when minor projects in other area are not possible due to budget constraints	The largest projects in the IDP are mostly grant funding projects. Most of the projects is housing related projects, and these projects emanates from a housing pipeline which makes Malmesbury the next in line for such projects. These projects are also multi-year projects which cannot be done in one financial year. Recently the WWTW (Wastewater Treatment Works) for the Riebeek valley was developed (almost R75 mil) and commissioned to enable growth in the area. This type of investment is indeed investment in "economic infrastructure", and the latter unlock development potential. There are various private developments
	<u>No detail in budget on geographic distribution of funds</u>	The municipal budget is submitted in the format prescribed by the National Treasury.

FROM	REPRESENTATIONS ON: (the complete letters are attached)	COMMENTS / CONSIDERATION AND COUNCIL RESOLVE
	<u>Capital needs in Riebeek West</u> (1) Fencing of Town Hall (2) Repair of floor of Town Hall Repair of tar in car park, Town Hall <u>Other needs</u> (1) Labour to clean around Town Hall and garden (2) Policing (3) Traffic calming (speed bumps) (4) Closing of open storm water drains (5) Repair street kerbing and street gutters Electrical cables and DB boards to be put underground	<p>The provision of basic service's infrastructure and housing were identified as priorities by Council. Refer to inputs on IDP</p> <p>(1) to (5) Most of the needs is operational functions. These will be brought under the applicable municipal department's attention. Policing is a function of SAPS. The Municipality provide law enforcement, and this is a high priority in all towns in the Swartland area and will receive the necessary attention, as far as financially viable. (6) The mentioned area falls within the Eskom area of supply and it is thus not upon Swartland to deal with the cables and DB Boards as requested.</p>
Prof R Haldenwang (received on 29 April 2024)	<u>Law Enforcement in Riebeek West</u> Policing of large trucks speeding, exceeds weight limit Putting up signs prohibiting large trucks to overnight in town Drinking, littering and loitering in CBD	The input is not budget related, but operational in nature.
	<u>Upgrading of Town Hall for events</u>	The provision of basic service's infrastructure and housing were identified as priorities by Council.
	<u>Beautifying of main road</u>	The request will receive consideration under the allocation of the ward projects.
	<u>No facilities, e.g. tennis courts or bowling greens</u> Especially for senior citizens There are areas that can be use for such a purpose	The provision of basic service's infrastructure and housing were identified as priorities by Council. An application for funding to the amount of R19 876 476 was submitted to

FROM	REPRESENTATIONS ON: (the complete letters are attached)	COMMENTS / CONSIDERATION AND COUNCIL RESOLVE
		the Department of Sport in 2023. Approval of the application is still awaited.
	<u>Replacing of re-cycling bins at the back of library</u> People do not want to drive to the municipal solid waste facility	The three recycling igloos will be replaced in the 2024/2025 financial year.

ANNEXURE 3

WCG recommendations	Municipal response
It is not evident whether the Municipality consulted the WCDM on the proposed IDP amendments, or is still planning to do so	SM did consult with WCDM via email on 3 April 2024.
The Municipality is reminded that in terms of section 34(a)(1) and 41(1)(c) of the MSA, a performance review of the IDP and MSDF must be undertaken, at least annually, moving forward.	Does not agree. The MSA only indicate that a review of the IDP must be undertaken. Performance review of developmental priorities are revised through the IDP because the SDF is aligned with the IDP. The SDF will be amended during the next cycle because the CEF has been fully updated.
Swartland appear to be acutely aware of the concerns around climate change, especially the impacts on agriculture. However, the concerns and possible opportunities to be capitalized on, need to be operationalized.	Climate change is subject to funding
Is the Water Services Development Plan up to date?	WSDP that complies with the 2022-2027 WSDP requirements has been drafted. Now in public participation process. Council adoption anticipated towards July.
Does the Municipality have a Storm Water Master Plan?	Funding required to develop a Storm water master plan.
Has the invasive species monitoring, control and eradication plan been submitted to the Department of Environment, Forestry and Fisheries?	Invasive alien plant monitoring, control and eradication plan was drafted in 2018. The plan needs to be updated and budget allowance for implementation is required.
The Municipality is reminded of the imminent risk posed by the STS TID prepaid meter reset process. The Municipality is reminded that the reset process cannot be done remotely and that each meter must be reset individually.	SM is Aware of this and are almost done with the conversion process
The latest data at PT's disposal indicates that as at the end of March 2024, the Swartland Municipality has reset 76.9 per cent of an approximate 12 085 meters within its jurisdiction. The Municipality is advised to take urgent steps to ensure that the process is completed before the deadline.	SM Aims to be done by 30 June 2024. Any outstanding meters will then be done by own staff



Verslag ♦ Ingxelo ♦ Report

Office of the Director: Financial Services
23 May 2024

5/1/1/1 – 2024/25

5/1/1/2 – 2024/25

5/1/4

ITEM 8.2 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL WORD OP 31 MEI 2024

ONDERWERP: A: GOEDKEURING VAN DIE FINALE MEERJARIGE KAPITAAL EN BEDRYFSBEGROTINGS, FINALE BEGROTINGS EN VERWANTE BELEIDE, EIENDOMSBELASTING, TARIEWE EN ANDER HEFFINGS VIR 2024/2025; 2025/2026 EN 2026/2027

SUBJECT: A: APPROVAL OF THE FINAL MULTI YEAR CAPITAL AND OPERATING BUDGETS, FINAL BUDGET AND RELATED POLICIES, PROPERTY RATES, TARIFFS AND OTHER CHARGES FOR 2024/2025; 2025/2026 AND 2026/2027

1. BACKGROUND

Prior to the tabling of the Draft and Final 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 16 May 2024 to consolidate and consider all the public and provincial input, insofar that it necessitates the Executive Mayor to consider amendments to the budget and to provide an opportunity for the Chief Financial Officer to discuss the Final 2024/2025 MTREF. The Budget Steering Committee recommended the final 2024-2025 MTREF budget to the Executive Mayor for consideration at the mayoral committee meeting, held on 21 May 2024.

The following were highlighted in National Treasury Budget Circulars 126 and 128 (dated 7 December 2023 and 8 March 2024) to inform the Final 2024-2025 MTREF

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 frequency 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	6.0%	6.0%	4.9%	4.6%	4.6%

NB: Inflation for 2024 is expected to average 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 final increase for bulk purchases is 12.7% and an increase of 12.81% for electricity reselling to municipal customers.**

- **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 councillors 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 councillor(s) concerned.
- **Governance, performance, and investment matters** - South Africa has reached a stage where all of government including municipalities need to play a 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 Final Budget and Tariff File**) find the **Final** Capital and Operating budgets 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 **Final** 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 Final Budget and Tariff File) contains the outstanding debtors as at 30 April 2024.

3.5 **INVESTMENTS & EXTERNAL LOAN REGISTER**

(Annexure A: 2024/25 – 2026/27 Final Budget and Tariff File) contains the Investments and External loan register as at 30 April 2024.

3.6 **BUDGET RELATED POLICIES**

Also attached hereto (Annexure D: Final Amended Budget & Related Policies 2024/2025), find the final amended budget and related policies for 2024/25.

Below is the list of the budget and related policies for approval by Council, insofar that amendments were made:

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	Credit Control and Debt Collection Policy	New	
4.	Indigent Policy	Yes	Yes
5.	Cash Management and Investment Policy	Yes	Yes
6.	Asset Management Policy	Yes	Yes
7.	Fleet Management Policy	Yes	Yes
8.	Supply Chain Management Policy	Yes	Yes
9.	Budget Implementation Policy	Yes	Yes
10.	Funding and Reserves Policy	Yes	Yes
11.	Debt and Borrowing Policy	Yes	Yes
12.	Virement Policy	Yes	No
13.	Travel and Subsistence Policy	Yes	Yes
14.	Cost Containment Policy	Yes	No
15.	Unauthorised, Irregular, Fruitless and Wasteful Expenditure Policy	Yes	Yes
16.	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 rendered **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 some 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.
- Whether any public input necessitates council to revise the draft budget/s

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 16th of May 2024.

5. HIGH-LEVEL DISCUSSION / MOTIVATION

That the Executive Mayoral Committee recommends the approval of the final 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 final approval.***

5.1 CAPITAL BUDGET

The total final Capital budget for 2024/2025 amounts to **R 376 478** million with around **R 93 535** 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 791 102** million. An increase of **R 108 580** 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 new 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	Final Budget 2024/2025	Final Budget 2025/2026	Final Budget 2026/2027
Capital Replacement Reserve (CRR)	R 93 535 241	R 115 676 861	R 116 891 897
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 19 033 109	R -	R -
Dept. of Infrastructure	R 174 289 166	R 49 520 000	R 33 000 000
Dept. Cultural Affairs and Sport	R 484 783	R -	R -
Community Safety Grant	R 34 783	R -	R -
GRAND TOTAL	R 376 477 670	R 216 639 861	R 197 984 897

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 1 189 046** million resulting in approximate growth of **11%**. The operating revenue budget will increase from **R 1 252 423** million to **R 1 458 997** million (including operating and capital grant allocations) resulting in year on year growth of **16.5% (7.1% 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.

TRAINING BUDGET

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 worsening disposable income levels of the paying public during this severe economic downturn.**

SALARY BUDGET

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 FOR TRADING/ ECONOMIC SERVICES

The average final increases in property taxes and tariffs for the 2024/2025 financial year are as follows:

Property Tax Rates -	reduced to R0.005360 for residential properties (detail of main property categories per recommendation (m) for the property tax rate)
	0% All other properties (excluding agricultural properties used for bona fide agricultural activities)
Electricity -	12.81% (based on 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 final 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 final property rate adjustments for the 2024/2025 are as follows:

Residential properties	Reduced by 10%
Business properties	Rate not increased
Government properties	Rate not increased
Agricultural properties	Reduced by 10%

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 both residential properties, business and state owned properties.

Electricity Tariffs

At this stage, the final increase for the purchase of electricity is based on **12.7%** and the increase for selling of electricity is around **12.81% based on the cost of supply study undertaken by the municipality. Please consult the detailed tariff listing for the final 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.

Water Tariffs

The final 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 final 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 R 7.18 p/kl 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 final 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.

Sewerage

The final 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. The sewerage service consist of various charges for which the tariff listing must be consulted. It is envisaged that the tariff structure in this regard, will be amended in 2024-2025 in respect of business consumers.

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 (as recommended by the Executive Mayoral Committee on 21 May 2024)

- (a) That consideration be given to the inputs received from the public with due regard to the technical considerations amplified at the Budget Steering Committee meeting of 16 May 2024, which dealt with the fact that both the operational and capital budgets are stretched to the limit as the Municipality placed emphasis on meeting urgent needs like basic services and housing and thereby demonstrating the Executive Mayor's dedication to enhancing the well-being of disadvantaged communities, without placing an additional burden on the paying public **(Annexure E, Inputs received on Draft Budget)**;
- (b) That council note that the Executive Mayor directed that the draft residential tax rate be reduced further to be 10% lower, to R0.005360, notwithstanding that no public representations were received, in a bid to reduce the impact of increased property valuations occasioned by the new general valuation to be implemented on 1 July 2024;
- (c) That council resolves as per the detailed responses to the public representations found in **(Annexure E, Inputs received on Draft Budget)** and that the administration feedback same to the various input-stakeholders;
- (d) That cognisance be taken of the inputs received from Provincial Treasury (SIME report) **(Annexure E, Inputs received on Draft Budget)**;
- (e) 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 Final Budget and Tariff File)** and consider same;
- (f) 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;
- (g) 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;

- (h) 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;
- (i) 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	Final Budget 2024/2025	Final Budget 2025/2026	Final Budget 2026/2027
Capital Replacement Reserve (CRR)	R 93 535 241	R 115 676 861	R 116 891 897
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 19 033 109	R -	R -
Dept. of Infrastructure	R 174 289 166	R 49 520 000	R 33 000 000
Dept. Cultural Affairs and Sport	R 484 783	R -	R -
Community Safety Grant	R 34 783	R -	R -
GRAND TOTAL	R 376 477 670	R 216 639 861	R 197 984 897

- (j) That council approves the capital projects as part of its consolidated capital program as per **(Annexure A: 2024/2025 – 2026/2027 Final Budget and Tariff File)**;
- (k) 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;
- (l) That the final high-level multi-year Capital and Operating budgets in respect of the **2024/2025 – 2026/2027** financial years, be approved as final, in accordance with sections 16, 17 and 19 of the MFMA;

	Original Budget 2023/24	Adjustments Budget 2023/24	Final Budget 2024/25	Final Budget 2025/26	Final Budget 2026/27
Capital budget	209 052 395	248 689 919	376 477 670	216 639 861	197 984 897
Operating Expenditure	1 071 330 062	1 071 352 206	1 189 045 715	1 434 463 775	1 584 420 812
Operating Revenue	1 192 485 181	1 252 422 713	1 458 996 892	1 535 862 828	1 666 597 277
Budgeted (Surplus)/ Deficit	(121 155 119)	(181 070 507)	(269 951 177)	(101 399 053)	(82 176 465)
Less: Capital Grants & Contributions	107 386 943	119 908 999	246 062 275	97 963 000	81 093 000
(Surplus)/ Deficit	(13 768 176)	(61 161 508)	(23 888 902)	(3 436 053)	(1 083 465)

- (m) 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 final 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;

Category of property	Rate ratio	Tax Rate
Residential properties	1: 1	R0.005360
Business and Commercial properties	1: 1,6360	R0.008769
Industrial properties	1: 1,6360	R0.008769
Agricultural properties	1: 0,25	R0.001340
Mining properties	1: 1,6360	R0.008769
Public Service Infrastructure	1: 0,25	R0.001340
Properties owned by an organ of state and used for public service purposes	1: 1,6360	R0.008769
Public Benefit Organizations	1: 0	R0.00
Vacant properties	1: 1,4966	R0.008022
Municipal properties	1: 0	R0.00
Conservation Areas	1: 0	R0.00
Protected Areas	1: 0	R0.00
National Monuments	1: 0	R0.00
Informal Settlements	1: 0	R0.00

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 tax 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.

- (n) That council approve the final tariff structures and charges for water, refuse removal, sewerage and other sundry charges as set out in **(Annexure A: 2024/2025 – 2026/2027 Final Budget and Tariff File)**;
- (o) That council approve the electricity tariffs for the 2024/2025 financial year, based on the revenue requirement supported in the cost of supply study;
- (p) 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)**;
- (q) That the **amendments** to the budget and related policies as set out in **(Annexure D: Final Amended Budget & Related Policies 2024/2025)** hereto, be approved as final;
- (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 8-10 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 final;
- (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 **11%** from the current to the new financial year and the revenue streams with growth in revenue of **16.5% (7.1% 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 **6.3 months** for 2024/25, **5.3 months** for 2025/26 and **8.4 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 23 888 902**, for 2025/26 an amount of **R 3 436 053** and for 2026/27 an amount of **R 1 083 465 (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 take note that the budget was prepared in the new mSCOA Version 6.8 as required by National Treasury.

for purposes of completeness and implementation the English version of the recommendations will be relied upon.

AANBEVELINGS (soos aanbeveel deur die Uitvoerende Burgemeesterskomitee op 21 Mei 2024)

- (a) Dat oorweging verleen word aan die insette ontvang vanaf die publiek met in ag neming van die tegniese oorwegings deur die Begrotingsbeheerkomitee tydens die vergadering van 16 Mei 2024 wat gehandel het met die feit dat beide die bedryfs- en kapitaalebegrotings tot die uiterste gerek is en dat die Munisipaliteit klem plaas om die dringende basiese dienste en behuisingbehoefte aan te spreek. Hierdeur word die Uitvoerende Burgemeester se verbintenis om na die welstand van benadeelde gemeenskappe om te sien beklemtoon, sonder om addisionele druk te plaas op die betalende publiek **(Annexure E, Inputs received on Draft Budget)**;
- (b) Dat die Raad kennis neem dat die Uitvoerende Burgemeester opdrag gegee het om die konsep residensiële tarief met 10% te verlaag na R0.005360, nieëntstaande die feit dat daar geen kommentaar vanaf die publiek ontvang is op die voorgestelde tariewe nie, in 'n poging om die effek van die verhoogde eiendomswaardasies te versag wat deur die nuwe algemene waardasie met ingang van 1 Julie 2024 teweeg gebring is;
- (c) Dat die Raad die gedetailleerde reaksie op die publieke insette wat gevind kan word in **(Annexure E, Inputs received on Draft Budget)** goedkeur en dat die administrasie dienooreenkomstig terugvoering gee aan die onderskeie partye;

- (d) Dat kennis geneem word van die insette wat ontvang is vanaf die Provinsiale Tesourier (SIME-verslag) **(Annexure E, Inputs received on Draft Budget)**;
- (e) 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 Final Budget and Tariff File)** en oorweeg dieselfde;
- (f) 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;
- (g) 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;
- (h) Dat die toekomstige kapitaalebegrotings 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;
- (i) 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	Final Budget 2024/2025	Final Budget 2025/2026	Final Budget 2026/2027
Capital Replacement Reserve (CRR)	R 93 535 241	R 115 676 861	R 116 891 897
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 19 033 109	R -	R -
Dept. of Infrastructure	R 174 289 166	R 49 520 000	R 33 000 000
Dept. Cultural Affairs and Sport	R 484 783	R -	R -
Community Safety Grant	R 34 783	R -	R -
GRAND TOTAL	R 376 477 670	R 216 639 861	R 197 984 897

- (j) Dat die Raad die kapitaalprojekte as deel van die gekonsolideerde kapitaalprogram goedkeur soos per **(Annexure A: 2024/2025 – 2026/2027 Final Budget and Tariff File)**;
- (k) 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;
- (l) Dat die finale hoë-vlak meerjarige Kapitaal- en Bedryfsbegrotings ten opsigte van die **2024/2025 – 2026/2027** finansiële jare goedgekeur word as finaal, in ooreenstemming met artikel 16, 17 en 19 van die MFMA;

	Oorspronklike Begroting 2023/24	Aansuiwerings begroting 2023/24	Finale Begroting 2024/25	Finale Begroting 2025/26	Finale Begroting 2026/27
Kapitaalbegroting	209 052 395	248 689 919	376 477 670	216 639 861	197 984 897
Bedryfsuitgawes	1 071 330 062	1 071 352 206	1 189 045 715	1 434 463 775	1 584 420 812
Bedryfsinkomste	1 192 485 181	1 252 422 713	1 458 996 892	1 535 862 828	1 666 597 277
Begrote (Surplus)/ Tekort	(121 155 119)	(181 070 507)	(269 951 177)	(101 399 053)	(82 176 465)
Minus: Kapitaal Toekennings & Donasies	107 386 943	119 908 999	246 062 275	97 963 000	81 093 000
(Surplus)/ Tekort	(13 768 176)	(61 161 508)	(23 888 902)	(3 436 053)	(1 083 465)

- (m) Dat daar 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 finale eiendomsbelastingkoerse, vrystellings en afslag op eiendomme soos gespesifiseer in die onderstaande skedule en in die eiendomsbelastingbeleid vir die 2024/2025 finansiële jaar met effek vanaf 1 Julie 2024;

Category of property	Rate ratio	Tax Rate
Residential properties	1: 1	R0.005360
Business and Commercial properties	1: 1,6360	R0.008769
Industrial properties	1: 1,6360	R0.008769
Agricultural properties	1: 0,25	R0.001340
Mining properties	1: 1,6360	R0.008769
Public Service Infrastructure	1: 0,25	R0.001340
Properties owned by an organ of state and used for public service purposes	1: 1,6360	R0.008769
Public Benefit Organisations	1: 0	R0.00
Vacant properties	1: 1,4966	R0.008022
Municipal properties	1: 0	R0.00
Conservation Areas	1: 0	R0.00
Protected Areas	1: 0	R0.00
National Monuments	1: 0	R0.00
Informal Settlements	1: 0	R0.00

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 tax 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.

- (n) Dat die Raad die tariefstrukture en heffings vir water, vullisverwydering, riool en ander diverse heffings soos uiteengesit in **(Annexure A: 2024/2025 – 2026/2027 Final Budget and Tariff File)** goedkeur as finaal;
- (o) Dat die Raad die elektrisiteitstariewe vir die 2024/2025 finansiële jaar goedkeur, gebaseer op die inkomstevereiste soos ondersteun in die koste van voorsieningstudie;
- (p) 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;
- (q) Dat die **wysigings** aan die begrotings- en verwante beleide soos vervat in **(Annexure D: Final Amended Budget & Related Policies 2024/2025)**, goedgekeur word as finaal;
- (r) Dat die vloot uitgebrei word met 'n addisionele nuwe 8-10 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, goedgekeur word as finaal;
- (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 inflasietekens 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 **11%** vanaf die huidige na die nuwe finansiële jaar en die inkomstebronne met 'n groei in inkomste van **16.5% (7.1% 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 **6.3 maande** vir 2024/25, **5.3 maande** vir 2025/26 en **8.4 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 23 888 902**, vir 2025/26 'n bedrag van **R 3 436 053** en vir 2026/27 'n bedrag van **R 1 083 465 (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 dat die begroting opgestel is in die nuwe mSCOA Weergawe 6.8 soos vereis deur Nasionale Tesourie.

vir doeleindes van volledigheid en implementering, sal op die Engelse weergawe van die aanbevelings staat gemaak word.

(get) M Bolton

DIREKTEUR: FINANSIËLE DIENSTE



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Ontwikkelingsdienste
Departement : Ontwikkelingsbestuur

23 Mei 2024

15/1/B

WYKE 1-12

ITEM 8.3 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL WORD OP 31 MEI 2024

ONDERWERP:	VASSTELLING VAN ONTWIKKELINGSBYDRAES VIR 2024/2025
SUBJECT:	DETERMINATION OF DEVELOPMENT CHARGE FOR 2024/2025

1. AGTERGROND / BACKGROUND

Tydens 'n Uitvoerende Burgemeesterskomiteevergadering gehou op 21 Mei 2024, is die volgende ontwikkelingsbydraes oorweeg:

- *"Greenfields" Development Charges for bulk electricity*
- *"Brownfields" Development Charges for electricity – Swartland Municipal Area*
- *Development Charges for water*
- *Development Charges for sewerage*
- *Development Charges for roads*

2. BESPREKING/DISCUSSION

A Development Charge is calculated to determine as closely as practical possible the pro rata share of the actual capital costs of related bulk and link infrastructure required to provide a particular development with engineering services. The costs determination is based on estimated unit costs for each service, which are calculated as follow:

- a) A long term growth model is developed for the Municipality which projects future land use.
- b) The growth model is used to develop service models for transport, water, sewerage, stormwater, electricity and solid waste to correspond to the future land use.
- c) The demand for engineering services derived from the growth model is calculated by applying average unit demands for each land use category, based on demand factors from the *Guidelines Human Settlement Planning and Design (CSIR and Construction Technology, 2000)*, the *South African Road Trip Generation Manual (Department of Transport, 1995)*, and professional engineering expertise.
- d) Master Plans are developed to determine the infrastructure requirements in order to meet future demand.
- e) Full detail of the methodology for determining unit costs for use in development charge calculations is set out in Swartland Municipality: Development Charge Policy.
- f) *A rebate 55% is proposed by the Executive Mayoral Committee regarding development charges in respect of the 2024/2025 financial year as incentive to promote development and attract investment.*

3. KOPPELING AAN GOP / ALIGNMENT TO THE IDP

Strategic Goal 3 : Quality and reliable services
Strategic Goal 4 : A healthy and sustainable environment

4. **RECOMMENDATION**

- (a) *The attached Development Charges for the 2024/2025 financial year be approved:*
- *“Greenfields” Development Charges for bulk electricity – (Annexure “A”).*
 - *“Brownfields” Development Charges for electricity – Swartland Municipal Area (Annexure “B”).*
 - *Development Charges for water – (Annexure “C”).*
 - *Development Charges for sewerage - (Annexure “D”).*
 - *Development Charges for roads - (Annexure “E”).*
- (b) *A rebate of 55% be approved regarding development charges in respect of the 2024/2025 financial year as an incentive to promote development and attract investors.*
- (c) *Developers have to enter into an agreement with the Municipality regarding the payment of charges in terms of the existing policies;*
- (d) *Actual Cost of Development Charges will apply to all developments, as determined and calculated by the Directors of Infrastructure/Civil Engineering Services and Electrical Engineering Services;*

4. **AANBEVELING**

- (a) Die aangehegte ontwikkelingbydraes vir die 2024/2025 finansiële jaar goedgekeur word:
- Greenfields"-ontwikkelingbydraes vir grootmaat elektrisiteit - (Bylae "A");
 - "Brownfields"-ontwikkelingbydraes vir elektrisiteit (Bylae "B");
 - Ontwikkelingbydraes water (Bylae "C");
 - Ontwikkelingsbydraes vir riool (Bylae "D");
 - Ontwikkelingsbydraes vir paaie – (Bylae "E")
- (b) 'n Korting van 55% op genoemde ontwikkelingbydraes ten opsigte van die 2024/2025 finansiële jaar toegestaan word as aansporing om ontwikkeling te bevorder en beleggers te lok.
- (c) Ontwikkelaars 'n ooreenkoms met die Munisipaliteit aangaan m.b.t. die betaling van ontwikkelingbydraes ingevolge die bestaande beleide.
- (d) Die werklike koste van ontwikkelingsbydraes sal op alle ontwikkelings van toepassing wees, soos bepaal en bereken deur die Direkteur: Infrastruktuur/Siviele Ingenieursdienste en die Direkteur: Elektriese Ingenieursdienste van toepassing wees;

(get) J S Krieger

MUNISIPALE BESTUURDER

AMZ/ds

2024/2025 "GREEN FIELDS" Development Charges for Bulk Electricity

Annexure A

PROPOSED GREENFIELDS DEVELOPMENT CHARGES(DC'S) FOR BULK ELECTRICITY

Land-use	Cost per	Malmesbury *	Moorreesburg **	Darling ***	Yzerfontein ****	Ongegund	Total for Electricity
Residential: Low (4 units/ha)		Per Unit	Per Unit	Per Unit	Per Unit	Per Unit	Per Unit
	Unit	R 14 000,00	R 7 000,00	R 12 319,92	R 30 511,54	R 8 635,10	R 65 380,88
15%	Vat	R 2 100,00	R 1 050,00	R 1 847,99	R 4 576,73	R 1 295,26	R 9 807,13
	Total	R 16 100,00	R 8 050,00	R 14 167,91	R 35 088,27	R 9 930,36	R 75 188,01
Residential: Single (15 units/ha)		Per Unit	Per Unit	Per Unit	Per Unit	Per Unit	Per Unit
	Unit	R 10 500,00	R 5 250,00	R 9 239,94	R 22 883,66	R 7 145,80	R 49 705,13
15%	Vat	R 1 575,00	R 787,50	R 1 385,99	R 3 432,55	R 1 071,87	R 7 455,77
	Total	R 12 075,00	R 6 037,50	R 10 625,93	R 26 316,20	R 8 217,67	R 57 160,90
Residential: Medium (20-25 units/ha)		Per Unit	Per Unit	Per Unit	Per Unit	Per Unit	Per Unit
	Unit	R 8 750,00	R 4 375,00	R 7 699,95	R 19 069,71	R 6 401,15	R 41 867,26
15%	Vat	R 1 312,50	R 656,25	R 1 154,99	R 2 860,46	R 960,17	R 6 280,09
	Total	R 10 062,50	R 5 031,25	R 8 854,94	R 21 930,17	R 7 361,32	R 48 147,35
Residential: High (30-60 units/ha)		Per Unit	Per Unit	Per Unit	Per Unit	Per Unit	Per Unit
	Unit	R 8 750,00	R 4 375,00	R 7 699,95	R 19 069,71	R 6 401,15	R 41 867,26
15%	Vat	R 1 312,50	R 656,25	R 1 154,99	R 2 860,46	R 960,17	R 6 280,09
	Total	R 10 062,50	R 5 031,25	R 8 854,94	R 21 930,17	R 7 361,32	R 48 147,35
Affordable Housing (30-40 units/ha)		Per Unit	Per Unit	Per Unit	Per Unit	Per Unit	Per Unit
	Unit	R 5 250,00	R 2 625,00	R 4 619,97	R 11 441,83	R 3 572,90	R 24 852,57
15%	Vat	R 787,50	R 393,75	R 693,00	R 1 716,27	R 535,93	R 3 727,89
	Total	R 6 037,50	R 3 018,75	R 5 312,97	R 13 158,10	R 4 108,83	R 28 580,45
Subsidized Housing (30-40 units/ha)		Per Unit	Per Unit	Per Unit	Per Unit	Per Unit	Per Unit
	Unit	R 3 500,00	R 1 750,00	R 3 079,98	R 6 521,74	R 1 489,30	R 15 675,75
15%	Vat	R 525,00	R 262,50	R 462,00	R 978,26	R 223,40	R 2 351,36
	Total	R 4 025,00	R 2 012,50	R 3 541,98	R 7 500,00	R 1 712,70	R 18 027,11
Commercial: Retail		Per KVA	Per KVA	Per KVA	Per KVA	Per KVA	Per KVA

	KVA	R 3 500,00	R 1 750,00	R 3 079,98	R 7 627,89	R 539,70	R 14 726,14
15%	Vat	R 525,00	R 262,50	R 462,00	R 1 144,18	R 80,95	R 2 208,92
	Total	R 4 025,00	R 2 012,50	R 3 541,98	R 8 772,07	R 620,65	R 16 935,07
Commercial: Offices		Per KVA	Per KVA	Per KVA	Per KVA	Per KVA	Per KVA
	KVA	R 3 400,00	R 1 750,00	R 3 079,98	R 7 627,89	R 539,70	R 14 726,14
15%	Vat	R 510,00	R 262,50	R 462,00	R 1 144,18	R 80,95	R 2 208,92
	Total	R 3 910,00	R 2 012,50	R 3 541,98	R 8 772,07	R 620,65	R 16 935,07
Industrial		Per KVA	Per KVA	Per KVA	Per KVA	Per KVA	Per KVA
	KVA	R 3 400,00	R 1 750,00	R 3 079,98	R 7 627,89	R 539,70	R 14 726,14
15%	Vat	R 510,00	R 262,50	R 462,00	R 1 144,18	R 80,95	R 2 208,92
	Total	R 3 910,00	R 2 012,50	R 3 541,98	R 8 772,07	R 620,65	R 16 935,07

* Bulk cost for De Hoop Substation used

** Bulk Cost for upgrades of 2nd line to Moorreesburg Substation used

*** Bulk Cost for Eskom upgrades at Darling based on estimates

**** Bulk Cost for Eskom upgrades at Yzerfontein Substation based on estimates

2024/2025 "Brownfields" Delopment Charges for Electricity

Annexure B

PROPOSED BROWNFIELDS DEVELOPMENT CHARGES (DC'S) FOR ELECTRICITY

Land-use	Cost per	Malmesbury	Moorreesburg	Darling	Yzerforntein	Ongegund	Total for Electricity
Residential: Low (4 units/ha)		Per Unit	Per Unit	Per Unit	Per Unit	Per Unit	Per Unit
	Unit	R 4 278,53	R 4 278,53	R 4 278,53	R 10 227,83	R 2 851,96	R 25 915,39
15%	Vat	R 641,78	R 641,78	R 641,78	R 1 534,18	R 427,79	R 3 887,31
	Total	R 4 920,31	R 4 920,31	R 4 920,31	R 11 762,01	R 3 279,76	R 29 802,70
Residential: Single (15 units/ha)		Per Unit	Per Unit	Per Unit	Per Unit	Per Unit	Per Unit
	Unit	R 4 278,53	R 4 278,53	R 4 278,53	R 10 227,83	R 2 851,96	R 25 915,39
15%	Vat	R 641,78	R 641,78	R 641,78	R 1 534,18	R 427,79	R 3 887,31
	Total	R 4 920,31	R 4 920,31	R 4 920,31	R 11 762,01	R 3 279,76	R 29 802,70
Residential: Medium (20-25 units/ha)		Per Unit	Per Unit	Per Unit	Per Unit	Per Unit	Per Unit
	Unit	R 4 278,53	R 4 278,53	R 4 278,53	R 10 227,83	R 2 851,96	R 25 915,39
15%	Vat	R 641,78	R 641,78	R 641,78	R 1 534,18	R 427,79	R 3 887,31
	Total	R 4 920,31	R 4 920,31	R 4 920,31	R 11 762,01	R 3 279,76	R 29 802,70
Residential: High (30-60 units/ha)		Per Unit	Per Unit	Per Unit	Per Unit	Per Unit	Per Unit
	Unit	R 4 278,53	R 4 278,53	R 4 278,53	R 10 227,83	R 2 851,96	R 25 915,39
15%	Vat	R 641,78	R 641,78	R 641,78	R 1 534,18	R 427,79	R 3 887,31
	Total	R 4 920,31	R 4 920,31	R 4 920,31	R 11 762,01	R 3 279,76	R 29 802,70
Affordable Housing (30-40 units/ha)		Per Unit	Per Unit	Per Unit	Per Unit	Per Unit	Per Unit
	Unit	R 4 278,53	R 4 278,53	R 4 278,53	R 10 227,83	R 1 425,98	R 24 489,41
15%	Vat	R 641,78	R 641,78	R 641,78	R 1 534,18	R 213,90	R 3 673,41
	Total	R 4 920,31	R 4 920,31	R 4 920,31	R 11 762,01	R 1 639,88	R 28 162,82
Subsidized Housing (30-40 units/ha)		Per Unit	Per Unit	Per Unit	Per Unit	Per Unit	Per Unit
	Unit	R 4 278,53	R 4 278,53	R 4 278,53	R 10 227,83	R 1 425,98	R 24 489,41
15%	Vat	R 641,78	R 641,78	R 641,78	R 1 534,18	R 213,90	R 3 673,41
	Total	R 4 920,31	R 4 920,31	R 4 920,31	R 11 762,01	R 1 639,88	R 28 162,82

Commercial: Retail		Per KVA	Per KVA	Per KVA	Per KVA	Per KVA	Per KVA
	KVA	R 862,34	R 862,34	R 862,34	R 862,34	R 574,78	R 4 024,16
	15% Vat	R 129,35	R 129,35	R 129,35	R 129,35	R 86,22	R 603,62
	Total	R 991,70	R 991,70	R 991,70	R 991,70	R 661,00	R 4 627,78
Commercial: Offices		Per KVA	Per KVA	Per KVA	Per KVA	Per KVA	Per KVA
	KVA	R 862,34	R 862,34	R 862,34	R 862,34	R 574,78	R 4 024,16
	15% Vat	R 129,35	R 129,35	R 129,35	R 129,35	R 86,22	R 603,62
	Total	R 991,70	R 991,70	R 991,70	R 991,70	R 661,00	R 4 627,78
Industrial		Per KVA	Per KVA	Per KVA	Per KVA	Per KVA	Per KVA
	KVA	R 862,34	R 862,34	R 862,34	R 862,34	R 574,78	R 4 024,16
	15% Vat	R 129,35	R 129,35	R 129,35	R 129,35	R 86,22	R 603,62
	Total	R 991,70	R 991,70	R 991,70	R 991,70	R 661,00	R 4 627,78

DEVELOPMENT CHARGES FOR WATER
(ANNEXURE C)

Development Charges Catagories		Water Demand	Malm, Abb, Riv, Chats, Kalb	Darling	Moor, Koringb	R-Kast, R-Wes, Ongegund	Yzerf	Swartland average	Swartland Bulk
Land Use	Demand Unit								
Residential									
			R/unit						
Base unit water demand of 1 000ℓ/d		1000 ℓ/d	R 14 062	R 16 804	R 9 294	R 23 619	R 2 274	R 13 850	R 25 033
Single Residential >1000m ²	Dwelling	1250 ℓ/d	R 17 577	R 21 005	R 11 618	R 29 524	R 2 842	R 17 312	R 31 291
Single Residential >650m ²	Dwelling	800 ℓ/d	R 11 250	R 13 443	R 7 435	R 18 895	R 1 819	R 11 080	R 20 026
Single Residential >350m ²	Dwelling	600 ℓ/d	R 8 437	R 10 083	R 5 576	R 14 171	R 1 364	R 8 310	R 15 020
Single Residential <350m ²	Dwelling	400 ℓ/d	R 5 625	R 6 722	R 3 718	R 9 448	R 909	R 5 540	R 10 013
General Residential >650m ²	Dwelling	800 ℓ/d	R 11 250	R 13 443	R 7 435	R 18 895	R 1 819	R 11 080	R 20 026
General Residential >200m ²	Dwelling	600 ℓ/d	R 8 437	R 10 083	R 5 576	R 14 171	R 1 364	R 8 310	R 15 020
General Residential <200m ²	Dwelling	400 ℓ/d	R 5 625	R 6 722	R 3 718	R 9 448	R 909	R 5 540	R 10 013
General Residential: Flat	Unit	400 ℓ/d	R 5 625	R 6 722	R 3 718	R 9 448	R 909	R 5 540	R 10 013
Second/Additional Dwelling	Dwelling	400 ℓ/d	R 5 625	R 6 722	R 3 718	R 9 448	R 909	R 5 540	R 10 013
Accomodation Astablishments									
Guest House	Room	250 ℓ/d	R 3 515	R 4 201	R 2 324	R 5 905	R 568	R 3 462	R 6 258
Boarding	Learner	100 ℓ/d	R 1 406	R 1 680	R 929	R 2 362	R 227	R 1 385	R 2 503
Business									
Commercial: Retail	100m ² GLA	400 ℓ/d	R 5 625	R 6 722	R 3 718	R 9 448	R 909	R 5 540	R 10 013
Commercial: Offices	100m ² GLA	400 ℓ/d	R 5 625	R 6 722	R 3 718	R 9 448	R 909	R 5 540	R 10 013
Commercial: Business	100m ² GLA	400 ℓ/d	R 5 625	R 6 722	R 3 718	R 9 448	R 909	R 5 540	R 10 013
Industrial									
General Industrial	100m ² GLA	400 ℓ/d	R 5 625	R 6 722	R 3 718	R 9 448	R 909	R 5 540	R 10 013
Light Industrial	100m ² GLA	400 ℓ/d	R 5 625	R 6 722	R 3 718	R 9 448	R 909	R 5 540	R 10 013
Community Facilities									
Education	Learner	20 ℓ/d	R 281	R 336	R 186	R 472	R 45	R 277	R 501
Care/medical facility	Bed	60 ℓ/d	R 844	R 1 008	R 558	R 1 417	R 136	R 831	R 1 502
Institutional/Authority	100m ² GLA	400 ℓ/d	R 5 625	R 6 722	R 3 718	R 9 448	R 909	R 5 540	R 10 013
Place of assembly	100m ² GLA	400 ℓ/d	R 5 625	R 6 722	R 3 718	R 9 448	R 909	R 5 540	R 10 013

NOTE: 15% VAT to be added to the tariffs

DEVELOPMENT CHARGES FOR SEWER

(ANNEXURE D)

Development Charges Catagories		Water Demand	Factor	Sewer Flow	Malm, Abb, Riv, Chats, Kalb		Darling		Moor, Koringb		R-Kast, R-Wes, Ongegund		Yzerfontein		Swartland average	Swartland average
Land Use	Demand Unit				Retic	WWTW	Retic	WWTW	Retic	WWTW	Retic	WWTW	Retic	WWTW	Retic	WWTW
Residential																
Base unit sewer flow of 1 000ℓ/d		1000 ℓ/d	1	1000 ℓ/d	R 10 931	R 11 850	R 14 441	R 31 320	R 9 294	R 27 911	R 24 593	R 33 071	R 14 247	R 34 572	<i>R 14 701</i>	<i>R 27 745</i>
Single Residential >1000m ²	Dwelling	1250 ℓ/d	0,55	687,5 ℓ/d	R 7 515	R 8 147	R 9 928	R 21 532	R 6 390	R 19 189	R 16 908	R 22 736	R 9 795	R 23 768	<i>R 10 107</i>	<i>R 19 074</i>
Single Residential >650m ²	Dwelling	800 ℓ/d	0,55	440 ℓ/d	R 4 810	R 5 214	R 6 354	R 13 781	R 4 089	R 12 281	R 10 821	R 14 551	R 6 269	R 15 212	<i>R 6 469</i>	<i>R 12 208</i>
Single Residential >350m ²	Dwelling	600 ℓ/d	0,7	420 ℓ/d	R 4 591	R 4 977	R 6 065	R 13 154	R 3 904	R 11 723	R 10 329	R 13 890	R 5 984	R 14 520	<i>R 6 175</i>	<i>R 11 653</i>
Single Residential <350m ²	Dwelling	400 ℓ/d	0,7	280 ℓ/d	R 3 061	R 3 318	R 4 044	R 8 770	R 2 602	R 7 815	R 6 886	R 9 260	R 3 989	R 9 680	<i>R 4 116</i>	<i>R 7 769</i>
General Residential >650m ²	Dwelling	800 ℓ/d	0,7	560 ℓ/d	R 6 121	R 6 636	R 8 087	R 17 539	R 5 205	R 15 630	R 13 772	R 18 520	R 7 979	R 19 360	<i>R 8 233</i>	<i>R 15 537</i>
General Residential >200m ²	Dwelling	600 ℓ/d	0,7	420 ℓ/d	R 4 591	R 4 977	R 6 065	R 13 154	R 3 904	R 11 723	R 10 329	R 13 890	R 5 984	R 14 520	<i>R 6 175</i>	<i>R 11 653</i>
General Residential <200m ²	Dwelling	400 ℓ/d	0,8	320 ℓ/d	R 3 498	R 3 792	R 4 621	R 10 022	R 2 974	R 8 931	R 7 870	R 10 583	R 4 559	R 11 063	<i>R 4 704</i>	<i>R 8 878</i>
General Residential: Flat	Unit	400 ℓ/d	0,8	320 ℓ/d	R 3 498	R 3 792	R 4 621	R 10 022	R 2 974	R 8 931	R 7 870	R 10 583	R 4 559	R 11 063	<i>R 4 704</i>	<i>R 8 878</i>
Second/Additional Dwelling	Dwelling	400 ℓ/d	0,8	320 ℓ/d	R 3 498	R 3 792	R 4 621	R 10 022	R 2 974	R 8 931	R 7 870	R 10 583	R 4 559	R 11 063	<i>R 4 704</i>	<i>R 8 878</i>
Accomodation Astablishments																
Guest House	Room	250 ℓ/d	0,8	200 ℓ/d	R 2 186	R 2 370	R 2 888	R 6 264	R 1 859	R 5 582	R 4 919	R 6 614	R 2 849	R 6 914	<i>R 2 940</i>	<i>R 5 549</i>
Boarding	Learner	100 ℓ/d	0,8	80 ℓ/d	R 874	R 948	R 1 155	R 2 506	R 744	R 2 233	R 1 967	R 2 646	R 1 140	R 2 766	<i>R 1 176</i>	<i>R 2 220</i>
Business																
Commercial: Retail	100m ² GLA	400 ℓ/d	0,7	280 ℓ/d	R 3 061	R 3 318	R 4 044	R 8 770	R 2 602	R 7 815	R 6 886	R 9 260	R 3 989	R 9 680	<i>R 4 116</i>	<i>R 7 769</i>
Commercial: Offices	100m ² GLA	400 ℓ/d	0,8	320 ℓ/d	R 3 498	R 3 792	R 4 621	R 10 022	R 2 974	R 8 931	R 7 870	R 10 583	R 4 559	R 11 063	<i>R 4 704</i>	<i>R 8 878</i>
Commercial: Business	100m ² GLA	400 ℓ/d	0,7	280 ℓ/d	R 3 061	R 3 318	R 4 044	R 8 770	R 2 602	R 7 815	R 6 886	R 9 260	R 3 989	R 9 680	<i>R 4 116</i>	<i>R 7 769</i>
Industrial																
General Industrial	100m ² GLA	400 ℓ/d	0,6	240 ℓ/d	R 2 623	R 2 844	R 3 466	R 7 517	R 2 231	R 6 699	R 5 902	R 7 937	R 3 419	R 8 297	<i>R 3 528</i>	<i>R 6 659</i>
Light Industrial	100m ² GLA	400 ℓ/d	0,6	240 ℓ/d	R 2 623	R 2 844	R 3 466	R 7 517	R 2 231	R 6 699	R 5 902	R 7 937	R 3 419	R 8 297	<i>R 3 528</i>	<i>R 6 659</i>
Community Facilities																
Education	Learner	20 ℓ/d	0,7	14 ℓ/d	R 153	R 166	R 202	R 438	R 130	R 391	R 344	R 463	R 199	R 484	<i>R 206</i>	<i>R 388</i>
Care/medical facility	Bed	60 ℓ/d	0,8	48 ℓ/d	R 525	R 569	R 693	R 1 503	R 446	R 1 340	R 1 180	R 1 587	R 684	R 1 659	<i>R 706</i>	<i>R 1 332</i>
Institutional/Authority	100m ² GLA	400 ℓ/d	0,8	320 ℓ/d	R 3 498	R 3 792	R 4 621	R 10 022	R 2 974	R 8 931	R 7 870	R 10 583	R 4 559	R 11 063	<i>R 4 704</i>	<i>R 8 878</i>
Place of assembly	100m ² GLA	400 ℓ/d	0,8	320 ℓ/d	R 3 498	R 3 792	R 4 621	R 10 022	R 2 974	R 8 931	R 7 870	R 10 583	R 4 559	R 11 063	<i>R 4 704</i>	<i>R 8 878</i>

NOTE: 15% VAT to be added to the tariffs

DEVELOPMENT CHARGES FOR ROADS

(ANNEXURE E)

Development Charges		Mam, Abb, Riv, Chats, Kell	Darling	Moor, Koringb	R-Kasteel	R-Wes	Yzerf	Swartland average
Land Use	Demand Unit	R/unit						
Residential								
Single Residential >1000m ²	Dwelling	R 21 208	R 15 108	R 14 941	R 16 394	R 15 837	R 12 552	R 16 007
Single Residential >650m ²	Dwelling	R 20 008	R 14 253	R 14 095	R 15 466	R 14 941	R 11 841	R 15 101
Single Residential >350m ²	Dwelling	R 18 006	R 12 827	R 12 685	R 13 920	R 13 446	R 10 656	R 13 590
Single Residential <350m ²	Dwelling	R 18 006	R 12 827	R 12 685	R 13 920	R 13 446	R 10 656	R 13 590
General Residential >650m ²	Dwelling	R 16 907	R 12 626	R 11 911	R 13 071	R 12 626	R 10 006	R 12 858
General Residential >200m ²	Dwelling	R 15 956	R 11 914	R 11 240	R 12 335	R 11 914	R 9 444	R 12 134
General Residential <200m ²	Dwelling	R 10 054	R 9 338	R 8 810	R 9 667	R 9 338	R 7 401	R 9 101
General Residential: Flat	Unit	R 11 004	R 7 538	R 7 454	R 8 180	R 7 901	R 6 261	R 8 056
Second/Additional Dwelling	Dwelling	R 11 004	R 7 538	R 7 454	R 8 180	R 7 901	R 6 261	R 8 056
Accommodation Establishments								
Quest House	Room	R 5 324	R 4 165	R 4 177	R 5 315	R 3 986	R 1 927	R 4 149
Boarding	Learner	R 2 545	R 1 813	R 1 793	R 1 967	R 1 900	R 1 506	R 1 921
Business								
Retail	100m ² GLA	R 40 386	R 29 574	R 29 680	R 37 736	R 20 246	R 13 674	R 28 549
Offices	100m ² GLA	R 27 348	R 17 172	R 17 172	R 17 490	R 13 144	R 7 950	R 16 713
General Business	100m ² GLA	R 22 684	R 17 702	R 17 808	R 22 684	R 12 084	R 8 162	R 16 854
Service Station	100m ² GLA	R 118 296	R 92 538	R 92 856	R 118 084	R 88 616	R 42 824	R 92 202
Industrial								
General Industrial	100m ² GLA	R 3 816	R 2 968	R 2 968	R 3 816	R 2 862	R 1 378	R 2 968
Light Industrial	100m ² GLA	R 14 204	R 8 904	R 8 904	R 11 342	R 8 480	R 4 134	R 9 328
Community Facilities								
Education	Learner	R 2 545	R 1 813	R 1 793	R 1 967	R 1 900	R 1 506	R 1 921
Care/medical facility	Bed	R 14 894	R 5 825	R 6 491	R 7 434	R 5 575	R 2 696	R 7 152

NOTE: 15% VAT to be added to the tariffs



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Finansiële Dienste
16 Mei 2024

1/1; 1/1/3/16

WYK: Alle wyke

ITEM 8.4 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL WORD OP 31 MEI 2024

ONDERWERP:	AANVAARDING VAN DIE VERORDENING INSAKE KREDIETBEHEER- EN SKULDINVORDERING
SUBJECT:	ADOPTION OF THE CREDIT CONTROL AND DEBT COLLECTION BY-LAW

1. BACKGROUND

- 1.1 The Swarthland Municipality: Draft Credit Control and Debt Collection By-law was introduced in Council on 28 March 2024 in terms of Chapter 8 of the Swarthland Municipality: By-Law relating to the Conduct of Meetings as promulgated in Provincial Gazette Extraordinary, 8649 of 19 August 2022.
- 1.2 The draft by-law was published on the municipal website and in the local newspapers in both Afrikaans and English for comments/inputs by Wednesday, 15 May 2024 (see attached notice 68/23/24). No comments and/or objections were received.

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 20 March 2024, 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 28 March 2024. Period of comment 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 31 May 2024, via Executive Mayoral Committee (meeting on 21 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 31 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.	Effective, 1 July 2024

2.2/...

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).

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) and a recommendation (see paragraph 3).

2.4 **Executive Summary of the draft by-law** (as was submitted in Council on 28 March 2024)

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.

The amendments further involve 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.

3. **RECOMMENDATION** [as considered by the Executive Mayoral Committee Meeting of 21 May 2024]

- (a) That the Swartland Municipality: Credit Control and Debt Collection By-law be adopted by Council and promulgated in the Provincial Gazette to take effect on 1 July 2024;
- (b) That fines for offences of the by-law be determined by the Department of Justice.

AANBEVELING [soos oorweeg tydens die Uitvoerende Burgemeesterskomiteevergadering van 21 Mei 2024]

- (a) Dat die Swartland Munisipaliteit: Verordening insake Kredietbeheer en Skuldinvordering aangeneem word deur die Raad vir afkondiging in die Provinsiale Koerant om met ingang van 1 Julie 2024 in werking te tree;
- (b) Dat boetes vir oortredings van die verordening vasgestel word deur die Departement van Justisie.

(get) M Bolton

DIREKTEUR: FINANSIËLE DIENSTE

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:-

TABLE OF CONTENTS

1. Definitions
2. Credit Control and Debt Collection Policy adopted by the Council
3. Duty to collect debts
4. Provision of information
5. Municipal staff and councillor arrears
6. Power to restrict or disconnect supply of services
7. Recovery of debt
8. Recovery of costs
9. Attachment
10. Indigent support
11. Delegation
12. Clearance certificates
13. Appeal
14. Offences, penalties and power of entry and inspection
15. Repeal of by-laws
16. Short title and commencement

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 Collection 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. Woordomsrywings
2. Kredietbeheer- en Skuldinvorderingsbeleid deur die Raad aanvaar
3. Skuldinvorderingsplig
4. Verskaffing van inligting
5. Agterstallige rekening van munisipale personeel en raadslede
6. Bevoegdheid om diensverskaffing te beperk of af te sluit
7. Skuldverhaling
8. Kosteverhaling
9. Beslaglegging
10. Deernisondersteuning
11. Delegering
12. Klaringsertifikate
13. Appèl
14. Misdrywe, strafmaatreëls en betredings- en inspeksiebevoegdheid
15. Herroeping van verordeninge
16. Kort titel en inwerkingtreding

1. Woordomsrywings

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 personeel 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 openbare dienste-infrastruktuur bedoel in artikel 1(d): ‘n staatsinstelling wat die betrokke openbare dienste-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 Maatskappywet 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) leningspaaierente,
- (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 -lisensiering, 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 opsigte 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 diens-aansluiting 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 bepalinge 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 bepalinge 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 administrasiefooeie indien betalings wat by wyse van verhandelbare dokumente aan die Munisipaliteit gemaak is deur 'n bank geweier word by aanbidding 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 peustering 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.

SWARTLAND MUNICIPALITY

NOTICE NR 68/2023/2024

OPPORTUNITY TO SUBMIT REPRESENTATIONS: DRAFT CREDIT CONTROL AND DEBT COLLECTION BY-LAW

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 adopt and implement the following draft by-law:

- Swartland Municipality: Credit Control and Debt Collection By-law

Said by-law aims to amend and repeal the Swartland Municipality: Credit Control and Debt Collection By-law as promulgated in Provincial Gazette, PG 8246 dated 10 June 2020.

The draft by-law is available in terms of the aforesaid legislation for public inspection during normal office hours at the municipal offices and/or libraries in Malmesbury, Moorreesburg, Abbotsdale, Darling, Chatsworth, Riebeek West, Riebeek Kasteel and Yzerfontein. The draft by-law is also available on the municipal website at www.swartland.org.za.

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 Wednesday, 15 May 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 Preston Sheldon at tel. (022) 487 9400.

J J SCHOLTZ
MUNICIPAL MANAGER

MUNICIPAL OFFICES
PRIVATE BAG X52
MALMESBURY

28 March 2024



Verslag ♦ Ingxelo ♦ Report

Office of the Director: Financial Services
6 May 2024

8/1/B/1
WYK: Alle Wyke

ITEM 8.5 ON THE AGENDA OF AN ORDINARY COUNCIL MEETING TO BE HELD ON 31 MAY 2024

SUBJECT: AMENDMENTS TO PREFERENTIAL PROCUREMENT POLICY

1. BACKGROUND/DISCUSSION

On 4 November 2022 new *Preferential Procurement Regulations, 2022* has been promulgated in the Government Gazette which took effect on 16 January 2023.

Upon reviewing of the municipality's Preferential Procurement Policy, the need arose to make minor changes to the policy.

The changes was considered by the Executive Mayoral Committee on 21 May 2024 for recommendation to Council.

2. LEGISLATION

Local Government: Municipal Finance Management Act, 2003, Municipal Supply Chain Management Regulations.

Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

3. ALIGNMENT TO THE IDP

Strategic Outcome 1: A Financially Sustainable Municipality With Well Maintained Assets. The execution of the SCM Policy is linked to various outputs.

4. FINANCIAL IMPLICATION

None

5. PROPOSED AMENDMENTS

Attached as Appendix B, find the proposed amendments to the municipality's Preferential Procurement Policy (Paragraph 9.2, page 8).

6. RECOMMENDATION/AANBEVELING

(a) That the proposed amendments to the Municipality's Preferential Procurement Policy, as presented in Appendix B, be approved by Council with immediate effect.

(a) *Dat die voorgestelde wysigings aan die Munisipaliteit se Voorkeurverkrygingsbeleid, soos uiteengesit in Bylaag B, met onmiddellike effek deur die Raad goedgekeur word.*

(get) M Bolton

.....
DIRECTOR: Financial Services

SWARTLAND MUNICIPALITY

PREFERENTIAL PROCUREMENT POLICY

PREFERENTIAL PROCUREMENT POLICY adopted in terms of section 2 of the Preferential Procurement Policy Framework Act, No. 5 of 2000 and the Preferential Procurement Regulations, 2022.

Adopted: 16 January 2023 (replacing the Preferential Procurement Policy adopted on 23 March 2017)

Amended: May 2024

Contents

1. Definitions
2. Introduction
3. Purpose and Objectives
4. Application of Preference Point System
5. 80/20 preference point system for acquisition of goods or services with Rand value equal to or below R50 million
6. 90/10 preference point system for acquisition of goods or services with Rand value above R50 million
7. 80/20 preference points system for tenders to generate income or to dispose of or lease assets with Rand value equal to or below R50 million
8. 90/10 preference point system for tenders to generate income or to dispose of or lease assets with Rand value above R50 million
9. Specified Contract Participation Goals
10. Criteria for breaking deadlock in scoring
11. Remedies
12. Short title and commencement

1. Definitions

In this Policy, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Act must bear the meaning so assigned—

"Acceptable Tender" mean any tender which, in all respects, complies with the specification and conditions of tender as set out in tender document.

"Black designated groups" has the meaning assigned to it in the codes of good practice issued in terms of section 9 (1) of the BBBEEA.

"Black people" has the meaning assigned to it in section 1 of the BBBEEA.

"Designated group" means black designated groups, black people, women, people with disabilities; or small enterprises which are enterprises, owned, managed, and controlled by previously disadvantaged persons and which is overcoming business impediments arising from the legacy of apartheid.

"Disability" means in respect of a person, a permanent means, in respect of a person, a permanent impairment of a physical, intellectual, or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner, or within the range, considered normal for a human being.

"EME" means

- (1) exempted micro enterprise in terms of a code of good practice on black economic empowerment issued in terms of section 9(1) of the BBBEEA.
- (2) an entity with an annual turnover of R10 000 00.000 (ten million Rand) or less

"Large Enterprises" is a company with an annual turnover in excess of R50 million.

"highest acceptable tender" means a tender that complies with all specifications and conditions of tender and that has the highest price compared to other tenders;

"Locality" means the local suppliers and/or service providers that reside within the Municipal area

"lowest acceptable tender" means a tender that complies with all specifications and conditions of tender and that has lowest price compared to other tenders;

"National Treasury" has the meaning assigned to it in section 1 of the Public Finance Management Act, 1999 (Act No. 1 of 1999);

"price" means an amount of money tendered for goods or services, and includes all applicable taxes less all unconditional discounts;

"Proof of B-BBEE status level of contributor" means the B-BBEE status level certificate issued by an authorised body or person

- 1) a sworn affidavit as prescribed by the B-BBEE Codes of Good Practice; or
- 2) any other requirement prescribed in terms of the Broad-Based Black Economic Empowerment Act.

"Proof of locality" means a –

- 1) municipal account in the name of the tenderer not older than 90 days;
- 2) lease agreement where the tenderer is the lessee; or
- 3) an official letter from the bank confirming the registered business address of the tenderer;

"Qualifying Small Enterprise (QSE)" is a company with a turnover between R10 million and R50 million

"Rand value" means the total estimated value of a contract in Rand, calculated at the time of the tender invitation;

"SMME" means small, medium and micro enterprises namely Exempted Micro Enterprises and Qualifying Small Enterprises

"specific goals" means specific goals as contemplated in section 2(1)(d) of the Act which may include contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender and disability including the implementation of programmes of the Reconstruction and Development Programme as published in *Government Gazette* No. 16085 dated 23 November 1994;

"tender" means a written offer in the form determined by the municipality in response to an invitation to provide goods or services through price quotations (transactions with a value above R10,000.00 up

to R200,000.00, VAT inclusive), competitive tendering process or any other method envisaged in legislation;

“tender for income-generating contracts” means a written offer in the form determined by the municipality in response to an invitation for the origination of income-generating contracts through any method envisaged in legislation that will result in a legal agreement between the municipality and a third party that produces revenue for the municipality, and includes, but is not limited to, leasing and disposal of assets and concession contracts, excluding direct sales and disposal of assets through public auctions; and

“the Act” means the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000).

“the municipality” refer to Swartland Municipality

2. Introduction

- 2.1 The Constitution of the Republic of South Africa, 1996, provides in sections 152(1)(c) and 152(2) that local government must promote social and economic development and that the municipality must strive within its financial and administrative capacity, to achieve the objects set out in subsection 152(1).
- 2.2 The Constitution provides in Section 217 that an organ of state must contract for goods or services in accordance with a procurement system which is fair, equitable, transparent, competitive, and cost effective and to implement a policy to grant preferences within a framework prescribed by National Legislation.
- 2.3 The Broad-Based Black Economic Empowerment Act, 2003 provides in section 10 (b) that every organ of state and public entity must apply any relevant code of good practice issued in terms of the Act in developing and implementing a preferential procurement policy.
- 2.4 The Preferential Procurement Policy Framework Act, 2000 (Act 5 of 2000)-[PPPFA] was promulgated by the Minister in response to the Constitutional provision and allow for a Municipality to develop a preferential procurement policy and to implement such policy within the PPPFA framework.
 - 2.4.1 Section 2 (1) (d) (i) and (ii) of the Preferential Procurement Policy Framework Act, 2000 refers to specific goals which may include:
 - (i) contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender or disability;
 - (ii) implementing the programmes of the Reconstruction and Development Programme (RDP) as published in *Government Gazette* 16085 dated 23 November 1994.
 - 2.4.2 The RDP (1994), as basis for development in South Africa, was meant to provide a holistic, integrated, coherent socio-economic policy that is aimed at mobilising people and resources to work towards the upliftment of the material and social conditions of local communities to build sustainable livelihoods for these communities.
 - 2.4.3 In terms of Section 2 (1)(d)(ii), the following activities may be regarded as a contribution towards achieving the goals of the RDP, in addition to the awarding of preference points in favour of HDIs (published in *Government Gazette* No. 16085 dated 23 November 1994):
 - (i) The promotion of South African owned enterprises;
 - (ii) The promotion of export orientated production to create jobs;
 - (iii) The promotion of SMMEs;
 - (iv) The creation of new jobs or the intensification of labour absorption;
 - (v) The promotion of enterprises located in a specific province for work to be done or services to be rendered in that province;
 - (vi) The promotion of enterprises located in a specific region for work to be done or services to be rendered in that region;
 - (vii) The promotion of enterprises located in a specific municipal area for work to be done or services to be rendered in that municipal area;
 - (viii) The promotion of enterprises located in rural areas;

- (ix) The empowerment of the work force by standardising the level of skill and knowledge of workers;
- (x) The development of human resources, including by assisting in tertiary and other advanced training programmes, in line with key indicators such as percentage of wage bill spent on education and training and improvement of management skills; and
- (xi) The upliftment of communities through, but not limited to, housing, transport, schools, infrastructure donations, and charity organisations.

2.5 The Minister of Finance gazetted the new Preferential Procurement Regulations, 2022 dated 4 November 2022 in terms of section 5 of the Preferential Procurement Policy Framework Act, 2000 (PPPFA).

3. Purpose and Objectives

3.1 (a) The purpose of this policy is to:

- (i) Provide for categories of preference in awarding of bids;
- (ii) Provide for the advancement of persons or categories of persons disadvantaged by unfair discrimination; and
- (iii) Clarify the mechanisms how the above items in paragraph 3.1 (a) (i) and (ii) will be implemented.

3.2 (b) The objectives to be achieved through this policy is to:

- (i) Promote Black-Based Black Economic Empowerment (B-BBEE) - enterprises providing services and goods.
- (ii) Promote local labour and/ or promotion of enterprises located in the municipal area.
- (iii) Promote Small Medium and Micro Enterprises (SMME's), Joint Ventures, Consortiums, and partnerships.
- (iv) Implement recognised best procurement practises through effective planning, strategic purchasing, and contract management.

The policy rests upon certain core principles of behaviour as set out in the Constitution and ratified by the Constitutional Certification Judgements. In this context, the policy will be applied in accordance with a system, which is fair, equitable, transparent, competitive, and cost-effective in terms of Section 217 of the Constitution.

This policy strives to ensure that the objectives for uniformity in the supply chain management systems between Municipalities/Municipal entities, is not undermined and consistency with the SCM policies in line with sections 152(1)(c) and 152(2) of the Constitution.

4. Application of Preference Point System

4.1 The Municipality will, in the tender documents, stipulate —

- (a) the preference point system applicable; and
- (b) any specific goal as envisaged in section 2(1)(d) and (e) of the Preferential Procurement Act.

4.2 If it is unclear whether the 80/20 or 90/10 preference point system applies—

- (a) an invitation for tender for income-generating contracts, that either the 80/20 or 90/10 preference point system will apply and that the highest acceptable tender will be used to determine the applicable preference point system; or
- (b) any other invitation for tender, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system.

5. 80/20 preference point system for acquisition of goods or services with a Rand value above R10,000.00 up to a Rand value equal to R50 million

- 5.1 The following formula must be used to calculate the points out of 80 for price in respect of an invitation for a tender with a Rand value above R10,000.00 up to a Rand value equal to R50 million, inclusive of all applicable taxes:

$$P_s = 80 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where-

- P_s = Points scored for price of tender under consideration;
 P_t = Price of tender under consideration; and
 P_{\min} = Price of lowest acceptable tender.

- 5.2 A maximum of 20 points may be awarded to a tenderer for the specific goal specified for the tender.
 5.3 The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.
 5.4 A tenderer must submit proof of its B-BBEE status level of contributor in order to claim points for B-BBEE.
 5.5 A tenderer failing to submit proof of B-BBEE status level of contributor with his quotation/tender or is a non-compliant contributor to B-BBEE may not be disqualified, but will only score 0 points for B-BBEE.
 5.6 A tenderer must submit proof of locality in order to claiming point(s) for locality.
 5.7 A tenderer failing to submit proof of locality with his quotation/tender may not be disqualified, but will only score 0 points for locality.
 5.8 A tenderer that scores 0 points for B-BBEE and/or 0 points for locality must be scored for price in addition to points for B-BBEE or locality, as the case may be.
 5.9 Subject to section 2(1)(f) of the Act, the contract must be awarded to the tenderer scoring the highest points.

6. 90/10 preference point system for acquisition of goods or services with Rand value above R50 million

- 6.1 The following formula must be used to calculate the points out 90 for price in respect of an invitation for tender with a Rand value above R50 million, inclusive of all applicable taxes:

$$P_s = 90 \left(1 - \frac{P_t - P_{\min}}{P_{\min}} \right)$$

Where-

- P_s = Points scored for price of tender under consideration;
 P_t = Price of tender under consideration; and
 P_{\min} = Price of lowest acceptable tender.

- 6.2 A maximum of 10 points may be awarded to a tenderer for the specific goal specified for the tender.
 6.3 The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.
 6.4 A tenderer must submit proof of its B-BBEE status level of contributor in order to claim points for B-BBEE.
 6.5 A tenderer failing to submit proof of B-BBEE status level of contributor with his quotation/tender or is a non-compliant contributor to B-BBEE may not be disqualified, but will only score 0 points for B-BBEE.

- 6.6 A tenderer must submit proof of locality in order to claiming point(s) for locality.
- 6.7 A tenderer failing to submit proof of locality with his quotation/tender may not be disqualified, but will only score 0 points for locality.
- 6.8 A tenderer that scores 0 points for B-BBEE and/or 0 points for locality must be scored for price in addition to points for B-BBEE or locality, as the case may be.
- 6.9 Subject to section 2(1)(f) of the Act, the contract must be awarded to the tenderer scoring the highest points.

7. 80/20 preference points system for tenders for income-generating contracts with a Rand value above R10,000.00 up to a Rand value equal to R50 million

- 7.1 The following formula must be used to calculate the points for price in respect of an invitation for tender for income-generating contracts, with a Rand value above R10,000.00 up to a Rand value equal to R50 million, inclusive of all applicable taxes:

$$Ps = 80 \left(1 + \frac{Pt - Pmax}{Pmax} \right)$$

Where-

- Ps = Points scored for price of tender under consideration;
- Pt = Price of tender under consideration; and
- Pmax = Price of highest acceptable tender.

- 7.2 A maximum of 20 points may be awarded to a tenderer for the specific goal specified for the tender.
- 7.3 The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.
- 7.4 A tenderer must submit proof of its B-BBEE status level of contributor in order to claim points for B-BBEE.
- 7.5 A tenderer failing to submit proof of B-BBEE status level of contributor with his quotation/tender or is a non-compliant contributor to B-BBEE may not be disqualified, but will only score 0 points for B-BBEE.
- 7.6 A tenderer must submit proof of locality in order to claiming point(s) for locality.
- 7.7 A tenderer failing to submit proof of locality with his quotation/tender may not be disqualified, but will only score 0 points for locality.
- 7.8 A tenderer that scores 0 points for B-BBEE and/or 0 points for locality must be scored for price in addition to points for B-BBEE or locality, as the case may be.
- 7.9 Subject to section 2(1)(f) of the Act, the contract must be awarded to the tenderer scoring the highest points.

8. 90/10 preference point system for tenders for income-generating contracts with Rand value above R50 million

- 8.1 The following formula must be used to calculate the points for price in respect of a tender for income-generating contracts, with a Rand value above R50 million, inclusive of all applicable taxes:

$$Ps = 90 \left(1 + \frac{Pt - Pmax}{Pmax} \right)$$

Where-

- Ps = Points scored for price of tender under consideration;

Pt = Price of tender under consideration; and
 Pmax = Price of highest acceptable tender.

- 8.2 A maximum of 10 points may be awarded to a tenderer for the specific goal specified for the tender.
- 8.3 The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.
- 8.4 A tenderer must submit proof of its B-BBEE status level of contributor in order to claim points for B-BBEE.
- 8.5 A tenderer failing to submit proof of B-BBEE status level of contributor with his quotation/tender or is a non-compliant contributor to B-BBEE may not be disqualified, but will only score 0 points for B-BBEE.
- 8.6 A tenderer must submit proof of locality in order to claiming point(s) for locality.
- 8.7 A tenderer failing to submit proof of locality with his quotation/tender, may not be disqualified, but will only score 0 points for locality.
- 8.8 A tenderer that scores 0 points for B-BBEE and/or 0 points for locality must be scored for price in addition to points for B-BBEE or locality, as the case may be.
- 8.9 Subject to section 2(1)(f) of the Act, the contract must be awarded to the tenderer scoring the highest points.

9. Specified Contract Participation Goals

- 9.1 The tendering conditions will stipulate the specific goals, as contemplated in section 2(1)(d)(ii) of the Preferential Procurement Act, to be attained.
- 9.2 Tenders for income-generating contracts points will be allocated in terms of the BBBEE scorecard as follows:

(a) Residential Properties and Promotion of local SMME's

Locality of bidder	Number of Points for Locality (80/20)	Number of Points for Locality (90/10)
Within the boundaries of the town where the subject property is located	10	5
Within the boundaries of the Swartland Municipality	10	5

(b) All other income-generating contracts

Locality of bidder	Number of Points for Locality (80/20)	Number of Points for Locality (90/10)
Within the boundaries of South Africa	20	10

- 9.3 For any other tenders a maximum of 20 points (80/20 preference points system) or 10 (90/10 preference points system), will be allocated for specific goals. These goals are:
 - (a) contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender or disability;
 - (b) local labour and/ or promotion of enterprises located in the municipal area.
- 9.4 Regarding paragraph 9.3 (a) 50% of the 20/10 points will be allocated to promote this goal and points will be allocated in terms of the BBBEE scorecard as follows.

B-BBEE Status Level of Contributor	Number of Points for Preference (80/20)	Number of Points for Preference (90/10)
1	10	5
2	9	4.5
3	8	4
4	5	2.5
5	4	2
6	3	1.5
7	2	1
8	1	0.5
Non-compliant contributor	0	0

- 9.5 A tenderer must submit proof of its BBBEE status level contributor [scorecard].
- 9.6 A tenderer failing to submit proof of BBBEE status level of contributor –
- 9.6.1 may only score in terms of the 80/90-point formula for price; and
- 9.6.2 scores 0 points for BBBEE status level of contributor, which is in line with section 2 (1) (d) (i) of the Act, where the supplier or service provider did not provide proof thereof.
- 9.7 Regarding paragraph 9.3 (b) 50% of the 20/10 points will be allocated to promote this goal. Points will be allocated as follows.

Locality of supplier	Number of Points for Locality (80/20)	Number of Points for Locality (90/10)
Within the boundaries of the Western Cape	4	2
Within the boundaries of Swartland Municipality	6	3

- 9.8 The policy should not include Pre-qualification goals.
- 9.9 Any specific goal for which a point may be awarded, must be clearly specified in the invitation to submit a tender.
- 9.10 A tenderer failing to submit proof of required evidence to claim preferences for other specified goals, which is in line with section 2 (1) (d) (ii) of the Act.
- (i) may only score in terms of the 80/90-point formula for price; and
- (ii) scores 0 points for the relevant specific goals where the supplier or service provider did not stipulate locality.
- 9.11 The preference points scored by a tenderer must be added to the points scored for price.
- 9.12 The points scored must be rounded off to the nearest two decimal places.
- 9.13 The contract must be awarded to the tenderer scoring the highest preference points.

10. Criteria for breaking deadlock in scoring

- 10.1 If two or more tenderers score an equal total number of points, the contract must be awarded to the tenderer that scored the highest points for specific goals.
- 10.2 If two or more tenderers score equal total points in all respects, the award must be decided by the drawing of lots.

11. Remedies

- 11.1 If the municipality is of the view that a tenderer submitted false information regarding a specific goal, it must—
- (a) inform the tenderer accordingly; and
- (b) give the tenderer an opportunity to make representations within 14 days as to why the tender may not be disqualified or, if the tender has already been awarded to the tenderer, the contract

should not be terminated in whole or in part.

11.2 After considering the representations referred to in subregulation (1)(b), the municipality may, if it concludes that such information is false—

- (a) disqualify the tenderer or terminate the contract in whole or in part; and
- (b) if applicable, claim damages from the tenderer.

12. Short title

This policy is called the Preferential Procurement Policy of the Swartland Municipality.



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Korporatiewe Dienste
20 Mei 2024

2/5/1; 2/5/2
WYK: n.v.t.

ITEM 8.6 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL
WORD OP 31 MEI 2024

ONDERWERP: SUBJECT:	HERSIENING VAN STELSEL VAN DELEGASIE REVISION OF SYSTEM OF DELEGATION
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1. BACKGROUND

- 1.1 Section 59 of the Municipal Systems Act, 2000 determines that a municipal council must develop a system of delegation (SoD) that will maximize administrative and operational efficiency and provide for adequate checks and balances.
- 1.2 In terms of the same section, such delegations and instructions must be reviewed when a new council is elected, as was the case at the first meeting of this (the 5th) municipal council that was held on 16 November 2021.
- 1.3 The SoD is not a static document, and amendments/additions to same are made continuously in consultation with Council, who has the prerogative to withdraw, amend or determine additional conditions. Revisions to the SoD are submitted in Council during May annually.
- 1.4 The 1st revision to the SoD was submitted in Council during May 2022, whereas the 2nd revision was done in May 2023. Amendments to be made to the SoD as per the 3rd revision by the 5th Council, are explained below with reference to the respective annexures hereto. Only the amendments are tabled herewith. A hard or electronic copy of the full SoD is available on request.
- 1.5 In addition to the changes dealt with below, all references to the Director: Infrastructure and Civil Engineering Services will be changed to Director: Civil Engineering Services. This amendment to the organizational structure was approved by Council on 28 March 2024, with effect from 1 July 2024.

2. 3rd REVISION

- 2.1 The 3rd revision of the SoD entails the following:

- 2.1.1 **Addition of Part 3.2: Delegation by Executive Mayor as Delegating Authority – Powers and Functions delegated to Staff Members**

The amendment as per **Annexure A** entails that the power to consider and decide the validity of appeals that are received in respect of decisions taken by the Municipal Planning Tribunal, be delegated by the Executive Mayor to the Senior Manager: Development Planning. The power to consider and decide the validity of appeals received in respect of decision taken by an authorized official, in this instance the Senior Manager: Development Planning, remains with the Executive Mayor.

This amendment is only to be taken cognizance of by Council, since it pertains to the CFO's SoD, and not that of Council.

2.2.2 **Amendments to Part 2.4.3B: Delegation by Council as Delegating Authority – Powers and Functions delegated to the Chief Financial Officer**

Following the new Credit Control and Debt Collection By-law and Credit Control and Debt Collection Policy to be tabled in Council on 31 May 2024, with effect from 1 July 2024, the related delegations must be amended.

Annexure B indicates existing delegations which are to be recalled and replaced with the delegations as per **Annexure C**. The applicable by-law reference will be inserted once the by-law is promulgated.

2.1.3 **Amendments to Part 2.4.8: Delegation by Council as Delegating Authority - Powers and functions delegated to the Director: Protection Services**

Annexure D reflects a delegation to be made to the Director: Protection Services, to allow the incumbent on behalf of the local authority to authorise the display of road traffic signs on any public road as deemed necessary. It is merely not practical to refer all decisions regarding the display of road signs to Council or the Executive Mayoral Committee.

2.1.4 **Amendments to Part 5.1: Delegation by Chief Financial Officer as Delegating Authority -**

The CFO's SoD was amended to make provision for delegations in terms of the new Credit Control and Debt Collection By-law and Credit Control and Debt Collection Policy to be approved by Council with effect from 1 July 2024. **Annexure E** contains the existing delegations to be replaced with the delegations as per **Annexure F**.

These amendments are only to be taken cognizance of by Council, since it pertains to the CFO's SoD, and not that of Council.

3. FINANCIAL IMPLICATION

Not applicable

4. ALIGNMENT TO THE IDP

Maintaining the System of Delegation can be indirectly be linked to Strategic Goal 4 (Caring, competent and responsive institutions, organisations and business) in the Integrated Development Plan.

5. RECOMMENDATION

(by the Executive Mayoral Committee)

- (a) That amendments to Council's System of Delegation (3rd Revision) be approved as follows:
 - as per Annexure C, with effect from 1 July 2024, to replace the delegations as per Annexure B; and
 - as per Annexure D, with immediate effect
- (b) That cognizance be taken of the amendments to the delegation systems of the Executive Mayor (as per Annexure A) and Chief Financial Officer (as per Annexures E and F, with effect from 1 July 2024) be noted;
- (c) That cognizance be taken that no amendments were effected to the Section 53 Role Demarcation of political structures, political office bearers and the Municipal Manager, which document forms part of the System of Delegation.

AANBEVELING/...

5./...

AANBEVELING

(deur die Uitvoerende Burgemeesterskomitee)

- (a) Dat wysiging van die Raad se Stelsel van Delegasie (3^{de} Hersiening) goedgekeur word soos volg:
- soos per Aangangsel C, met ingang vanaf 1 Julie 2024, om die delegasies soos per Aangangsel B te vervang; en
 - soos per Aangangsel D, met onmiddellike effek
- (b) Dat kennis geneem word van die wysigings aan die delegasiestelsels van die Uitvoerende Burgemeester (soos per Aangangsel A) en Hoof Finansiële Beampte (soos per Aangangsels E en F, met ingang vanaf 1 Julie 2024);
- (c) Dat kennis geneem word dat geen wysigings aangebring is aan die Artikel 53 Roluitklaring vir politieke strukture, politieke ampsbekleërs en die Munisipale Bestuurder nie, welke dokument deel uitmaak van die Stelsel van Delegasie.

(get) M S Terblanche

MUNISIPALE BESTUURDER

ANNEXURE A

3.2 POWERS AND FUNCTIONS DELEGATED TO STAFF MEMBERS						
ITEM NUMBER	REFERENCE	CRYPTIC DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY/ DELEGATED FROM	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
BY-LAWS						
	LAND USE PLANNING BY-LAW (Provincial Gazette Extraordinary 8226 of 25 March 2020)					
EMC-OS/ BL1	Section 90, by-law	To consider and decide the invalidity of an appeal i.t.o. section 90(2) i.r.o. decisions taken by the Tribunal and to communicate the outcome to appellants	Executive Mayor	Senior Manager: Development Management		

ANNEXURE B

2.4.3 - POWERS AND FUNCTIONS DELEGATED TO CHIEF FINANCIAL OFFICER (DIRECTOR FINANCIAL SERVICES)

2.4.3B - POWERS AND FUNCTIONS DELEGATED TO THE CHIEF FINANCIAL OFFICER (DIRECTOR FINANCIAL SERVICES) IN TERMS OF OTHER LAW, REGULATION, POLICY OR STANDING ORDER OR COUNCIL RESOLUTION

Considering the general delegation to managers accountable to the Municipal Manager (see 2.4.2 of this System of Delegation), the Chief Financial Officer is considered the responsible authority to implement and enforce all legislation, regulation, policy or standing order or council resolutions that fall within the function of his/her directorate, with the power to sub-delegate such responsibility, unless expressly reserved for Council or the Municipal Manager in terms of this System of Delegation.

Approval is granted for the sub-delegation of powers and functions as stipulated below.

ITEM NUMBER	REFERENCE	CRYPTIC DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/INSTRUCTION TO ASSIST
BY-LAWS						
CREDIT CONTROL AND DEBT COLLECTION BY-LAW (PROVINCIAL GAZETTE 8246 OF 10 JUNE 2020)						
C-CFO/ BL1	Section 3, by-law	Approval of applications for services	Council	Chief Financial Officer	Accountant: Billing & Debtor Management	
C-CFO/ BL2	Section 7, by-law	Making arrangements for payment of arrear debt	Council	Chief Financial Officer	Manager: Credit Control	Chief Clerks: Legal and Credit Control to assist
C-CFO/ BL3	Section 8(1)(a), by-law	Entering into agreements with employers for recovery of debt	Council	Chief Financial Officer	Manager: Credit Control	
C-CFO/ BL4	Section 8(1)(b), by-law	Determining special incentives for employers for recovery of debt	Council	Chief Financial Officer	Manager: Credit Control	
C-CFO/ BL5	Section 9(1), by-law	Exercising power to restrict or disconnect services	Council	Chief Financial Officer	Manager: Credit Control	Chief Clerks: Legal and Credit Control to assist
C-CFO/ BL6	Section 10, by-law	Recovery of debt	Council	Chief Financial Officer	Manager: Credit Control	Chief Clerks: Legal and Credit Control to assist
C-CFO/ BL7	Section 11, by-law	Recovery of cost incurred to recover debt	Council	Chief Financial Officer	Manager: Credit Control	Chief Clerks: Legal and Credit Control to assist
C-CFO/ BL8	Section 12, by-law	Application to court for attachment of property	Council	Chief Financial Officer	Manager: Credit Control	
C-CFO/ BL9	Section 13(2), by-law	Approval to accept offer as full and final settlement of an account	Council	Chief Financial Officer		
C-CFO/ BL10	Section 15, by-law	Determination of indigent support	Council	Chief Financial Officer	Manager: Credit Control	Chief Clerks: Credit Control to assist
C-CFO/ BL11	Section 17, by-law	Issue of clearance certificates	Council	Chief Financial Officer	Administrator: Property Rates	

ANNEXURE C

2.4.3 - POWERS AND FUNCTIONS DELEGATED TO CHIEF FINANCIAL OFFICER (DIRECTOR FINANCIAL SERVICES)

2.4.3B - POWERS AND FUNCTIONS DELEGATED TO THE CHIEF FINANCIAL OFFICER (DIRECTOR FINANCIAL SERVICES) IN TERMS OF OTHER LAW, REGULATION, POLICY OR STANDING ORDER OR COUNCIL RESOLUTION

Considering the general delegation to managers accountable to the Municipal Manager (see 2.4.2 of this System of Delegation), the Chief Financial Officer is considered the responsible authority to implement and enforce all legislation, regulation, policy or standing order or council resolutions that fall within the function of his/her directorate, with the power to sub-delegate such responsibility, unless expressly reserved for Council or the Municipal Manager in terms of this System of Delegation.

Approval is granted for the sub-delegation of powers and functions as stipulated below.

ITEM NUMBER	REFERENCE	CRYPTIC DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/INSTRUCTION TO ASSIST
BY-LAWS						
	CREDIT CONTROL AND DEBT COLLECTION BY-LAW (PROVINCIAL GAZETTE # OF # / CREDIT CONTROL AND DEBT COLLECTION POLICY (CCP)					
C-CFO/CCP1	Para 9, CCP	Approval of applications for services	Council	Chief Financial Officer	Accountant: Billing & Debtor Management	
C-CFO/CCP2	Para 18.2, CCP	Making arrangements for payment of arrear debt	Council	Chief Financial Officer	Manager: Credit Control	Chief Clerks: Credit Control
C-CFO/CCP3	Para, CCP, [Section 6, By-Law]	Exercising power to restrict or disconnect services	Council	Chief Financial Officer	Manager: Credit Control	Chief Clerks: Credit Control
C-CFO/BL1	Section 7, By-law	Recovery of debt	Council	Chief Financial Officer	Manager: Credit Control	Chief Clerks: Credit Control
C-CFO/CCP4	Para 19, CCP	Recovery of cost incurred to recover debt	Council	Chief Financial Officer	Manager: Credit Control	Chief Clerks: Credit Control
C-CFO/CCP5	Para 16, CCP and [Section 9 (o), By-law]	Application to court for attachment of property	Council	Chief Financial Officer	Manager: Credit Control	Chief Clerk: Legal
C-CFO/CCP6	Para 10(5), CCP	Approval to accept offer as full and final settlement of an account	Council	Chief Financial Officer		
C-CFO/BL2	Section 10, By-law	Determination of indigent support	Council	Chief Financial Officer	Manager: Credit Control	Chief Clerks: Credit Control
C-CFO/CCP7	Para 25, CCP, [Section 12, By-Law]	Issue of clearance certificates	Council	Chief Financial Officer	Administrator: Property Rates	

ANNEXURE D

2.4.8 – POWERS AND FUNCTIONS DELEGATED TO DIRECTOR: PROTECTION SERVICES						
ITEM NUMBER	REFERENCE	CRYPTIC DESCRIPTION OF POWER OR DUTY	RESPONSIBILITY	DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
MUNICIPAL LAW ENFORCEMENT						
	TRAFFIC, LAW ENFORCEMENT AND RELATED MATTERS					
C-DPS/ LAW1	Council Resolution 21/08/2002	To suspend, under special conditions, the levying of fees for services rendered by Traffic officials during public events	Council	Director: Protection Services	Senior Manager: Traffic/Law Enforcement Operations & Vehicle Licensing Administration	
C-DPS/ LAW2	Council Resolution 14/08/2006	To authorise applications for public broadcasting with loudhailer	Council	Director: Protection Services	Senior Manager: Traffic/Law Enforcement Operations & Vehicle Licensing Administration	
	NATIONAL ROAD TRAFFIC ACT, ACT 93 OF 1996 (NRTA)					
<u>C-DPS/ LAW3</u>	<u>Section 57(3)(a), NRTA</u>	<u>To display or cause to be displayed any such road traffic signs as deemed expedient i.r.o. any public road within the municipal area of jurisdiction</u>	<u>Council</u>	<u>Director: Protection Services</u>		

ANNEXURE E

5.1 DELEGATION BY CHIEF FINANCIAL OFFICER IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT

ITEM NUMBER	REFERENCE	CRYPTIC DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY / DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
Credit Control and Debt Collection Policy (CCP)					
CFO-HI/ CC1	Para 6.1 & 6.2 CCP	To provide and maintain strategically situated accessible payment offices and cash points as well as alternative payment facilities	Chief Financial Officer	Senior Manager: Treasury	Manager: Revenue Management
CFO-LCC/ CC2	Para 11(1)(a), 11(1)(c), 11(1)(d), 11(1)(e), 11(2) CCP	To ensure sending of letters of demand in the event of rates, and/or availability fees being unpaid	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control
CFO-LCC/ CC3	Para 11(1)(b), 11(1)(d), 11(2) CCP {Section 9(a) by-law}	To institute legal proceedings in the event of rates and/or availability fees remaining unpaid after expiry of deadline stipulated in letters of demand	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control
CFO-LCC/ CC4	Para 11(3)(a) CCP {Sections 8(1), 8(3) by-law}	To take the following steps in the event of services remaining unpaid after payment date: <ul style="list-style-type: none"> discontinuation of electricity supply restrict water supply to at least 325 litres water per day install prepayment meter where electricity supply is disconnected for non-payment withhold/limits units purchased for prepayment meter or to offset any payment against arrears 	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control

5.1 DELEGATION BY CHIEF FINANCIAL OFFICER IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT

ITEM NUMBER	REFERENCE	CRYPTIC DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY / DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
CFO-LCC/ CC5	Para 11(3)(c), 11(4)(c) CCP [Section 6(1), 7(1)(a) by-law]	To enter into agreements with debtors to pay arrear services and property rates in instalments	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control
CFO-LCC/ CC6	Para 11(3)(f) CCP	To exercise discretion and to enter into agreements with client when he/she receives an exceptionally high services account due to <ul style="list-style-type: none"> an act or omission on the part of the municipality a leakage of water from a water pipe conduit or stopcock installed on the premises which does not form part of the Municipality's service connection 	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control
CFO-LCC/ CC7	Para 11(3)(g), 11(4)(d) CCP	Rentals/loans and/or services remaining unpaid for a period exceeding 30 days without an agreement for payment been entered into with the debtor, must be handed over for collection and legal proceedings to be instituted for recovery of the debt	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control
CFO-LCC/ CC8	Para 13(1) CCP [Section 8(2) by-law]	Services disconnected due to outstanding amounts payable to the Municipality shall be reconnected once the amounts in arrears plus interest are paid in full or an agreement for payment has been concluded with the	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control

5.1 DELEGATION BY CHIEF FINANCIAL OFFICER IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT

ITEM NUMBER	REFERENCE	CRYPTIC DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY / DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
CFO-HI/ CC9	Para 14(1) CCP {Section 4 by-law}	To collect a deposit for municipal services from a person who applies for services before such services are provided	Chief Financial Officer	Senior Manager: Treasury	Manager: Revenue Management
CFO-LCC/ CC10	Para 14(2), 14(3) CCP{Section 4 by-law}	Discretion to increase the deposit as stipulated in paragraph 14(1) on every occasion at which any municipal service is disconnected or restricted	Chief Financial Officer	Senior Manager: Treasury	Manager: Revenue Management
CFO-LCC/ CC11	Para 15(1), 15(3), 15(4) CCP	To exercise discretionary powers where legal proceedings are instituted to decide on: <ul style="list-style-type: none"> • which legal proceedings to be taken • which accounts are to be handed over for collection 	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control
CFO-LCC/ CC12	Para 16 CCP	To exercise discretionary power to write off outstanding debt of indigent households as well as debts resulting from financial impotence of debtors after: <ul style="list-style-type: none"> • all possible steps have been taken to collect the debt • a list of irrecoverable debt is submitted to mayoral committee quarterly • reason for write-off's are motivated and work shopped with mayoral committee 	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control

5.1 DELEGATION BY CHIEF FINANCIAL OFFICER IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT

ITEM NUMBER	REFERENCE	CRYPTIC DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY / DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
CFO-LCC/ CC13	Para 17 CCP {Section 10(1) by-law}	To debit against the debtor's account and to recover from the debtor all collection commission, legal costs and any other expenses incurred by the municipality to recover monies owing by the debtor to the municipality	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control
CFO/CC14	Para 21, 8(1) CCP {Section 18 by-law}	<p>To institute criminal prosecution if sufficient proof is available of</p> <ul style="list-style-type: none"> • tampering, damaging, breaking, meddling or removing of any appliance or equipment which had been installed to measure, provide or restrict the supply of services, • uses or gains access to services without approval of Municipality • obstructs or hinders any municipal councillor/official in execution of duties under by-law or policy • unlawfully uses or interferes with equipment or consumption of services supplied • fails to comply with notices in terms of by-law or policy • refuses a municipal official access to premises • gives false information regarding supply of services or with application for indigent subsidy 	Reserved for Chief Financial Officer		After consultation with Municipal Manager / Senior Manager: Internal Audit to assist

5.1 DELEGATION BY CHIEF FINANCIAL OFFICER IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT

ITEM NUMBER	REFERENCE	CRYPTIC DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY / DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
CFO-HI/ CC15	Para 21, 13(3), 13(4) CCP	<p>The authority to</p> <ul style="list-style-type: none"> • recover re-connection fees, cost of damages to equipment, cost of replacement of damaged equipment, any other fees determined in municipality's tariff • hold the person who tampered, broke, damaged or removed any municipal appliance or equipment responsible for payment of unlawful consumption of services • to disconnect water or electricity supply to the premises 	Chief Financial Officer	Senior Manager: Treasury	Manager: Revenue Management
CFO-LCC/ CC16	Para 22, 23 CCP	<p>Authority to sign and/or certify all notices and documents relating to legal proceedings or lawsuits initiated by the municipality in terms of the policy and by law, as well as documents relating to the safeguarding of movable assets, which the sheriff attached/removed in terms of a warrant of execution.</p>	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control

ANNEXURE F

5.1 DELEGATION BY CHIEF FINANCIAL OFFICER IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT

ITEM NUMBER	REFERENCE	CRYPTIC DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY / DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
Credit Control and Debt Collection Policy (CCP)					
CFO-SMT/ CCP1	Para 7.1 & 7.2 CCP	To provide and maintain strategically situated accessible payment offices and cash points as well as alternative payment facilities	Chief Financial Officer	Senior Manager: Treasury	Manager: Revenue Management
CFO-SMT/ CCP2	Para 12(1)(a), 12(1)(c), 12(1)(d), 12(1)(e), 12(2) CCP	To ensure sending of letters of demand in the event of rates, and/or availability fees being unpaid	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control
CFO-SMT/CCP3	Para 12(1)(b), 12(1)(d), 12(2) CCP [Section 7(a) by-law]	To institute legal proceedings in the event of rates and/or availability fees remaining unpaid after expiry of deadline stipulated in letters of demand	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control
CFO-SMT/CCP4	Para 14 CCP [Sections 6(1), 6(2), 6 (3) by-law]	<p>To take the following steps in the event of services remaining unpaid after payment date:</p> <ul style="list-style-type: none"> • discontinuation of electricity supply • restrict water supply to at least 325 litres water per day • install prepayment meter where electricity supply is disconnected for non-payment • withhold/limits units purchased for prepayment meter or to offset any payment against arrears 	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control

5.1 DELEGATION BY CHIEF FINANCIAL OFFICER IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT

ITEM NUMBER	REFERENCE	CRYPTIC DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY / DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
CFO-SMT/CCP5	Para 12(3)(c), (d), (e)12(4)(c), CCP	To enter into agreements with debtors to pay arrear services and property rates in instalments	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control
CFO-SMT/CCP6	Para 12(3)(f) CCP	<p>To exercise discretion and to enter into agreements with client when he/she receives an exceptionally high services account due to</p> <ul style="list-style-type: none"> • an act or omission on the part of the municipality • a leakage of water from a water pipe conduit or stopcock installed on the premises which does not form part of the Municipality's service connection 	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control
CFO-SMT/CCP7	Para 12(3)(g), 11(4)(d) CCP	Rentals/loans and/or services remaining unpaid for a period exceeding 30 days without an agreement for payment been entered into with the debtor, must be handed over for collection and legal proceedings to be instituted for recovery of the debt	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control
CFO-SMT/CCP8	Para 14(1) CCP [Section 8 by-law]	Services disconnected due to outstanding amounts payable to the Municipality shall be reconnected once the amounts in arrears plus interest are paid in full or an agreement for payment has been concluded	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control

5.1 DELEGATION BY CHIEF FINANCIAL OFFICER IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT

ITEM NUMBER	REFERENCE	CRYPTIC DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY / DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
CFO-SMT/CCP9	Para 14(1) CCP [Section 4 by-law]	To collect a deposit for municipal services from a person who applies for services before such services are provided	Chief Financial Officer	Senior Manager: Treasury	Manager: Revenue Management
CFO-SMT/CCP10	Para 14(2), 14(3) CCP[Section 4 by-law]	Discretion to increase the deposit as stipulated in paragraph 14(1) on every occasion at which any municipal service is disconnected or restricted	Chief Financial Officer	Senior Manager: Treasury	Manager: Revenue Management
CFO-SMT/CCP11	Para 15(1), 15(3), 15(4) CCP	To exercise discretionary powers where legal proceedings are instituted to decide on: <ul style="list-style-type: none"> • which legal proceedings to be taken • which accounts are to be handed over for collection 	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control
CFO-SMT/CCP12	Para 16 CCP	To exercise discretionary power to write off outstanding debt of indigent households as well as debts resulting from financial impotence of debtors after: <ul style="list-style-type: none"> • all possible steps have been taken to collect the debt • a list of irrecoverable debt is submitted to mayoral committee quarterly • reason for write-off's are motivated and work shopped with mayoral committee 	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control

5.1 DELEGATION BY CHIEF FINANCIAL OFFICER IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT

ITEM NUMBER	REFERENCE	CRYPTIC DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY / DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
CFO-SMT/CCP13	Para 17 CCP [Section 10(1) by-law]	To debit against the debtor's account and to recover from the debtor all collection commission, legal costs and any other expenses incurred by the municipality to recover monies owing by the debtor to the municipality	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control
CFO/CCP14	Para 21, 8(1) CCP [Section 18 by-law]	<p>To institute criminal prosecution if sufficient proof is available of</p> <ul style="list-style-type: none"> • tampering, damaging, breaking, meddling or removing of any appliance or equipment which had been installed to measure, provide or restrict the supply of services, • uses or gains access to services without approval of Municipality • obstructs or hinders any municipal councillor/official in execution of duties under by-law or policy • unlawfully uses or interferes with equipment or consumption of services supplied • fails to comply with notices in terms of by-law or policy • refuses a municipal official access to premises • gives false information regarding supply of services or with application for indigent subsidy 	Reserved for Chief Financial Officer		After consultation with Municipal Manager / Senior Manager: Internal Audit to assist

5.1 DELEGATION BY CHIEF FINANCIAL OFFICER IN TERMS OF THE MUNICIPAL FINANCE MANAGEMENT ACT

ITEM NUMBER	REFERENCE	CRYPTIC DESCRIPTION OF POWER OR FUNCTION	RESPONSIBILITY / DELEGATED TO	SUB-DELEGATED TO	CONDITIONS/LIMITATIONS/ INSTRUCTION TO ASSIST
CFO-SMT/CCP15	Para 21, 13(3), 13(4) CCP	<p>The authority to</p> <ul style="list-style-type: none"> recover re-connection fees, cost of damages to equipment, cost of replacement of damaged equipment, any other fees determined in municipality's tariff hold the person who tampered, broke, damaged or removed any municipal appliance or equipment responsible for payment of unlawful consumption of services to disconnect water or electricity supply to the premises 	Chief Financial Officer	Senior Manager: Treasury	Manager: Revenue Management
CFO-SMT/CCP16	Para 22, 23 CCP	Authority to sign and/or certify all notices and documents relating to legal proceedings or lawsuits initiated by the municipality in terms of the policy and by-law, as well as documents relating to the safeguarding of movable assets, which the sheriff attached/removed in terms of a warrant of execution.	Chief Financial Officer	Senior Manager: Treasury	Manager: Credit Control



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Munisipale Bestuurder

23 Mei 2024

3/2

WYK: N.v.t.

ITEM 8.7 VAN DIE AGENDA VAN 'N GEWONE RAADS VERGADERING WAT GEHOU SAL WORD OP 31 MEI 2024

ONDERWERP: VERTEENWOORDIGING OP RAADSKOMITEES: RDL WHITE SUBJECT: REPRESENTATION ON COUNCIL'S COMMITTEES: CLLR WHITE

1. AGTERGROND/BEREDENERING / BACKGROUND/DISCUSSION

Council was informed of the appointment of Cllr G E White on the Municipal Council effective from 25 April 2024 as representative of the Patriotic Alliance (PA) and ward councillor of Ward 11.

At the first meeting of Council held on 16 November 2021 it was resolved to establish Section 79 Committees in accordance with the Structures Act and the following committees were established:

- (1) Municipal Manager, Administration and Finance
- (2) Civil and Electrical Services
- (3) Development Services
- (4) Protection Services.

Council further resolved that the Municipal Public Accounts Committee (MPAC) be composed of the members of the Municipal Manager, Administration and Finance Portfolio Committee.

2. WETGEWING / LEGISLATION

Sections 79 and 79(A) of Structures Act.

The following provisions of the Constitution (Act 108 of 1996) should be taken into consideration when composing these committees:

Section 152(1) "The objects of local government are –
(a) to provide democratic and accountable government for local communities..."

Section 160(8) "Members of a Municipal Council are entitled to participate in its proceedings and those of its committees in a manner that –
(a) allows parties and interests reflected within the Council to be fairly represented;
(b) is consistent with democracy; and
(c) may be regulated by national legislation."

3. KOPPELING AAN DIE GOP / ALIGNMENT TO THE IDP

N/a

4. FINANSIËLE IMPLIKASIE / FINANCIAL IMPLICATION

N/a

5. AANBEVELING / RECOMMENDATION

That cllr G E White be appointed to the following committees with immediate effect:
Dat rdl G E White met onmiddellike effek na die volgende komitees aangewys word:

.....



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Korporatiewe Dienste
22 Mei 2024

15/4/6

ITEM 8.8 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL WORD OP 31 MEI 2024

ONDERWERP:	VOORGESTELDE LANGTERMYNVERHURING VAN ONROERENDE EIENDOM GELEë TE ERWE 41 EN 43, MOORREESBURG (VOORMALIGE KOMMANDOGEBOU) AAN THE IMIBALA TRUST
SUBJECT:	PROPOSED LONG TERM LEASING OF IMMOVABLE PROPERTY LOCATED AT ERVEN 41 EN 43, MOORREESBURG (FORMER KOMMANDO BUILDING) TO THE IMIBALA TRUST

1. BACKGROUND

- 1.1 Swartland Municipality is the owner of Erven 41 and 43, located at 6 Main Street, Moorreesburg, approximately 5400 m² in extent, as depicted on the attached location map marked **ANNEXURE A**. The improvements on the property are referred to as the former Kommando Building, and has over the years been leased as a multi-purpose center on a short term basis to various NPOs with a community focus, such as Huis van Heerde and, most recently, Sinethemba, whose lease agreement expired on 30 April 2024.
- 1.2 At the time of the April report, *The Imibala Trust*, a charitable trust (NPO 046-758, also with PBO status) expressed interest in establishing a skills development center for underprivileged school going youths in Moorreesburg, similar to centers already in existence in Somerset West and Graaff Reinet. Based on these developments, the Administration was tasked by the Mayoral Committee to investigate the future utilisation of the Kommando Building by the Trust.
- 1.3 Representatives of the Municipality, including the Executive Mayor and councillors Bess and Pypers, met on 7 May 2024 with the Chief Executive Officer, Mr Theo Willemse and other representatives of *The Imibala Trust*, in collaboration with the Moorreesburg Business Chamber, at which meeting the Trust confirmed that Moorreesburg was indeed identified to establish their next center. Following an *in loco* inspection of the property, the Trust confirmed their excitement about the property as an appropriate venue for establishing their next center, and confirmed their interest in the property in writing as per **ANNEXURE B** hereto.
- 1.4 Since not all councillors are familiar with the activities of *The Imibala Trust*, a brochure (**ANNEXURE C**) is attached to provide an overview of the Trust's activities at their other two centers, where more than 87 000 underprivileged youths have to date benefitted from their programmes with contributions in the order of some 1 100 private sponsors. Beneficiaries under the programme are identified by the Trust in collaboration with the Department of Education.
- 1.5 At its meeting during May 2024, the Executive Mayoral Committee resolved as follows:
 - (a) *That cognisance be taken of the interest expressed by The Imibala Trust to establish a skills development center for underprivileged school going youth in Moorreesburg and to operationalise such center by January 2025;*
 - (b) *That it be recommended to Council that the premises of the former Kommando Building be made available to The Imibala Trust under a notarial lease agreement to establish a youth development center, for a period of twenty (20) years and at a nominal tariff, given the infrastructure investment to be made on the land by the Trust as well as the community benefit that the project brings to Moorreesburg and surrounding area;*

1.5/...

(c) *That it shall inter alia be a condition of lease that the existing users of the premises are also to be accommodated at the center.*

1.6 As regards paragraph (c) of the decision, cognisance is to be taken that the building presently also accommodates two other occupants, i.e. Mr Kevin Persens who operates a welding business from one of the sheds for two days a week, and Mrs Matthyse who presents ABET classes from Monday to Thursdays from 09:00 to 11:00 daily.

1.7 *This report is tabled in Council to consider the out of hand lease of the property located at Erf 41 and 43, in 6 Main Road, Moorreesburg, to The Imibala Trust under a long term notarial lease for a period of twenty (20) years, and at a nominal/subsidized tariff. / Hierdie verslag word aan die Raad voorgehou om die uit-die-hand verhuring van die eiendom geleë te Erf 41 en 43, in Hoofweg 6, Moorreesburg, aan The Imibala Trust te oorweeg onder 'n langtermyn notariële huurooreenkoms vir 'n periode van twintig (20) jaar, en teen 'n nominale/gesubsidieerde tarief.*

2. 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 the Swartland Municipality: By-law relating to the Transfer of Municipal Capital Assets (PN 7394 dated 22 May 2015) and Council's Municipal Asset Transfer Policy (2015).

2.2 Since the property is to be encumbered by means of a long-term lease, i.e. twenty (2) years, the applicable legislative framework and associate considerations to be taken into account, are dealt with in full below.

2.2 MFMA

2.2.1 Since ownership of the subject property in this instance is not to be transferred or otherwise to be disposed of permanently, sections 14 and 90 of the MFMA do not apply.

2.2.2 "Disposal" in relation to a capital asset includes –

(a) the demolition, dismantling or destruction of the capital asset; or

(b) any other process applied to a capital asset **which result in loss of ownership** of the capital asset otherwise than by way of transfer of ownership". (*Definition as per the MATR*)

2.3 Municipal Asset Transfer Regulations (MATR)

2.3.1 Chapter 4 of the MATR governs the granting of rights to use, control or manage municipal capital assets in circumstances where sections 14 and 90 of the Act and Chapters 2 and 3 of the Regulations do not apply, in other words where the granting of such rights do not amount to the transfer or permanent disposal of the asset, for example when a right is acquired through a leasing, letting or hiring out arrangement.

2.3.2 Regulation 33(3) of the MATR specifies the circumstances in which a property right must be dealt with as if such granting of a property right is not subject to section 14 of the MFMA. The granting by a municipality of a right to use, control or manage a capital asset must be dealt with in terms of Chapter 2 or 3 (of the Regulations) as if such granting of a right is a transfer within the meaning of that Chapter, if the right – *inter alia* – confers on the person to whom the right is granted the power to use, control or manage the capital asset as if that person is the beneficial (but not legal) owner of the asset.

2.3.3 Regulation 34 of the MATR stipulates in subregulation (1)(b) that a municipality may grant a right to use, control or manage a capital asset **only after the municipal council has approved in principle that the right may be granted**. Subregulation (1)(a) regarding a public participation process to be conducted in advance, only applies to instances where the capital asset has a value in excess of R10 million, *and* a long term right is proposed to be granted in respect of such capital asset.

2.4/...

2.4 By-law relating to the Transfer of Municipal Capital Assets (the By-law):

2.4.1 Regarding the letting of capital assets the Municipality's By-law determines as follows:

Section 4 Powers of the municipality	The municipality may, in achieving its operational needs and strategic objectives – <ul style="list-style-type: none">• let capital assets on a long term or short term basis by way of direct negotiation or public tender;• subject to the provisions of the MATR determine subsidised selling prices or lease tariffs in respect of capital assets
Section 5 Alienation and letting of capital assets	The alienation or letting of capital assets of the municipality shall be dealt with in terms of section 14 of the MFMA and the MATR as well as the provisions of the municipality's Municipal Asset Transfer Policy.
Section 6 Out of hand selling and letting of capital assets	(1) Notwithstanding the provisions of section 5, the municipality may sell or let capital assets out of hand as contemplated in the municipality's Municipal Asset Transfer Policy; (2) In all transactions contemplated in subsection (1) the municipality must record in the minutes of the meeting concerned its full reasons for preferring such out of hand sale or lease.
Section 7 Subsidised prices and rentals	The municipality may determine subsidised selling prices and rentals in respect of certain classes of capital assets to be sold or let to approved categories of applicants.

2.4.2 It is in this instance proposed that the subject property is to be leased out of hand, and under a subsidised rental, as more fully dealt with herein below in terms of the applicable policy determinations.

2.5 Municipal Asset Transfer Policy (the Policy)

2.5.1 Regarding the out of hand selling and letting of capital assets, the following policy determinations apply:

Paragraph 12.2	The Council may (i.r.o. viable assets) dispense with the competitive processes established in the policy, and may enter into a transaction through any convenient process which may include direct negotiations, but <u>only in specified circumstances</u> , e.g. <ul style="list-style-type: none">• where the council is satisfied that the transaction will be exceptionally beneficial to, or have exceptional cost advantages for the municipality which would not be realized if a competitive process were to be followed; or• any other circumstances where the Council is of the view that it will not be in the interest of the municipality or of the community in general to follow a competitive process. In such instance the reasons for any deviation in terms of this determination must be recorded, and counter proposals or offers must be called when advertising the transaction.
Paragraph 13	Where the municipality receives an application or proposal to acquire assets for social care, community or sport purposes or where an asset is disposed of in the interest of the public or as a result of the plight of the poor, certain factors must be taken into account in justifying not following a competitive bidding process, dealt with herein below. These factors are dealt under the considerations below. "Social care-, community- or sport assets' include inter alia (i.r.o. the facilities concerned) <ul style="list-style-type: none">• childcare facilities insofar as it contributes to the functioning of a multi-use childcare facility and is operated on a non-profit basis;• youth activity centers;• skills development centers

Paragraph 23.2	The consideration of any proposal for the granting of a right to use, control or manage municipal capital assets is subject to the provisions of regulation 36 of the MATR (dealt with below).
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2.5.2 Regarding subsidized rental, the Policy determines as follows:

Paragraph 22.2	Immovable property must be let at market-related prices, except where the plight of the poor, the public interest as well as the operational needs and strategic objectives of the municipality demand otherwise.
Paragraph 16	Whenever the plight of the poor is a consideration in any decision to be taken in respect of the acquisition, disposal or letting of immovable assets, regard shall be given to the conditions mentioned in regulation 13(2) of the MATR (dealt with below).

2.6 Legislative and other considerations

COMPLIANCE WITH MUNICIPAL ASSET TRANSFER REGULATIONS (GG 31346 DATED 22 AUGUST 2008)	
Issues to be considered in terms of Regulation 36 of the MATR: Consideration of proposals to grant rights to use, control or manage a capital asset	Comment
a) Whether the capital asset may be required for the municipality's own use during the period for which the right is to be granted	The property is not required for municipal purposes and has over the years been reserved and allocated for use by community organisations.
b) The extent to which any compensation to be received for the right together with the estimated value of any improvements or enhancements to the capital asset that the private sector party or organ of state to whom the right is granted will be required to make, will result in a significant economic or financial benefit to the municipality	Financial benefits are limited to lease and service consumption levies. Improvements to be made to the property by the lessee in order to establish a well-run center, will also benefit the Municipality, in that these improvements will revert to the Municipality upon termination of the lease.
c) The risks and rewards associated with the use, control or management of the capital asset in relation to the municipality's interests	Risks will be managed in terms of the Lease Agreement.
d) Any comments or representation on the proposed transfer or disposal received from the local community and other interested persons	The proposed long term transaction will be advertised for objections and counter proposals to be considered upon receipt.
e) Any written views and recommendations on the proposed granting of the right by the National Treasurer and relevant provincial treasury	Not applicable (applicable i.r.o. high value assets only)
f) 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 Council objectives i.t.o. social and community development will be supported through this transaction. Also see link to IDP as explained below.
g) Compliance with the legislative regime applicable to the proposed transfer or disposal	Yes, addressed in this report, as well as in the Lease Agreement.
Issues to be considered for the lease of municipal property for less than its fair market value in terms of Regulation 13(2)	Comment
a) The interests of – (i) the State; and (ii) the local community	Both the interest of the State and the local community is served in that a project and facility like this contributes to employment creation in the management of the facility as well as providing education and skills to school going youth in Moorreesburg and surrounding area.

b) The strategic and economic interests of the municipality, including the long-term effect of the decision on the municipality	The purpose of the transaction is in line with the IDP objective of the municipality, more specifically Strategic Objective 2 (Economic Transformation) of the Municipality's Integrated Development Plan as explained in more detail below.
c) The constitutional rights and legal interests of all affected parties	No constitutional rights are infringed by the proposed transaction and the transaction is beneficial to the community at large.
d) Whether the interest of the parties to the transaction should carry more weight than the interest of the local community, and how the individual interest is weighed against the collective interest	In this instance the lease of the property to the applicant will in fact benefit the community at large as the purpose of the transaction is to provide much needed learner development and community center providing education, training and skills development, and permanent employment opportunities to the community. The proposed use of the facility will also enhance social and community development.
e) Whether the local community would be better served if the capital asset is leased at less than its fair market value, as opposed to a leasing of the asset at fair market value.	The community will be better served in that the facility will be developed and could be run financially more sustainable in order to serve specific needs of the community.
COMPLIANCE WITH MUNICIPAL ASSET TRANSFER POLICY (2015)	
Factors to be taken into account in justifying not following a competitive bidding process i.t.o. paragraph 13	Comment
a) Whether the applicant has historically enjoyed a property right granted by the municipality and has fulfilled and complied with all responsibilities and obligations in terms of the agreement with the municipality	Not applicable. The applicant has not been active in the municipal area of jurisdiction, but has a proven track record of running similar facilities elsewhere in the country.
b) The real nature of the social care-, community- or sport purpose	The programs presented by the applicant are aimed at developing and educating school going youth, and is envisaged to play an invaluable role in empowering the youth and fostering positive change in the community.
c) Whether the social care-, community- or sport purpose will satisfy a priority need in the community	The establishment of a skills and youth development center will indeed satisfy a priority need in the community, and would serve as an enormous benefit to the community at large.
d) Whether the municipality is satisfied with the manner in which the applicant gives effect to the social care-, community- or sport purpose	The applicant has a proven track record of successfully running flagship community development facilities of this nature, and is envisaged to play an invaluable role in fostering positive change in the community of Moorreesburg and surroundings.
e) Whether the transaction will be exceptionally beneficial to, or have exceptional cost advantages for the municipality	The transaction is considered exceptionally beneficial not only for the municipality, but for the community at large, in opening up countless developmental opportunities for the youth.

3. FINANCIAL IMPLICATIONS

There will be no financial implications for the Municipality in respect of the proposed lease. A nominal rate of R120.00 (VAT excluded) per annum is proposed for the lease of the building, noting that the lessee will be responsible for payment of all service connection fees and service consumption, as well as improvements to and maintenance of the subject property.

4. LINKING TO INTEGRATED DEVELOPMENT PLAN

The Trust's commitment to education and skills building aligns perfectly with Strategic Goal 2 (Economic Transformation) of the Municipality's Integrated Development Plan and Key Performance Indicators for the development and upliftment of the Swartland youth. More specifically it aligns with Strategic Initiative 2.1 (Skills Development) and the associated KPI for 2024/25 to investigate the establishment of a skills development centre by June 2025.

5. RECOMMENDATION

- (a) That in principle approval be granted for the right to use, control and manage the following capital asset, and consequently the out of hand lease of the asset to The Imibala Trust under a notarial lease agreement for a period of twenty (20) years, from a date yet to be determined:
- Erf 41 and Erf 43, located in 6 Main Road, Moorreesburg
- (b) That the competitive processes be dispensed with in this instance, and the lease be finalised by means of direct negotiation, for the following reasons:
- There is a great need for a youth development facility as the one proposed, and although there are many NGO's functioning within the Swartland, there are very seldom organizations with both the financial means and structures in place to successfully develop and manage such a facility;
 - The applicant has a proven track record of successfully running similar facilities and the direct leasing of the subject property will definitely be to the benefit of the community at large;
 - The proposed facility would be ideally located where the needs and desires are and will be within walking distance to beneficiaries in the surrounding area.
- (c) That a subsidized rental of R120.00 (VAT excluded) per annum be approved, with due regard of the assessment in terms of Regulation 13(2) as addressed in the report;
- (d) That the proposed transaction be advertised for objections and/or counter offers;
- (e) That authorization be given as follows:
- (i) to the Executive Mayoral Committee to deal with any objections and/or counter offers that may be forthcoming regarding the proposed long term and out of hand leasing of the property;
 - (ii) to the Director: Corporate Services to finalise the terms and conditions of lease.

AANBEVELING

- (a) Dat in beginsel goedkeuring verleen word vir die verlening van die reg om die volgende kapitale bate te mag gebruik, te beheer en te bestuur, en gevolglik vir die uit die hand verhuring van die bate aan *The Imibala Trust* onder 'n notariële huurooreenkoms vir 'n periode van twintig (20) jaar, vanaf 'n datum nog bepaal te word:
- Erf 41 en Erf 43 geleë te Hoofweg 6, Moorreesburg
- (b) Dat daar in hierdie geval van die mededingende prosesse afgesien word, en die huur by wyse van direkte onderhandeling gefinaliseer word, vir die volgende redes:
- Daar is 'n groot behoefte aan 'n jeugontwikkelingsfasiliteit soos die voorgestelde een, en alhoewel daar baie nie-regeringsorganisasies in die Swartland funksioneer, is daar selde organisasies met sowel die finansiële middele en strukture in plek om 'n fasiliteit van hierdie aard suksesvol te ontwikkel en te bestuur;
 - Die applikant 'n bewese rekord het van die suksesvolle bestuur van soortgelyke fasiliteite, en die direkte verhuring van die onderwerp eiendom beslis tot voordeel sal wees van die breër gemeenskap;
 - Die voorgestelde fasiliteite ideaal geleë sal wees waar die behoeftes en begeerte is, en binne stapafstand sal wees vir begunstigdes in the omliggende area.
- (c) Dat 'n gesubsidieerde huur van R120.00 (BTW uigesluit) per jaar goedgekeur word, met inagneming van die assessering in terme van Regulasie 13(2) soos aangespreek in die verslag;
- (d) Dat die voorgenome transaksie vir besware en/of teenvoorstelle geadverteer word;
- (e) Dat volmag verleen word
- (i) aan die Uitvoerende Burgemeesterskomitee om te handel met enige besware en/of teenvoorstelle wat teen die voorgenome langtermyn en uit die hand verhuring van die eiendom ontvang mag word;

5./...

- (ii) aan die Direkteur: Korporatiewe Dienste om die terme en voorwaardes van verhuur te finaliseer.

(get) M S Terblanche

MUNISIPALE BESTUURDER

LONG TERM LEASE OF PORTIONS OF ERVEN 41 & 43, MOORREESBURG



Extent: $\pm 5400\text{m}^2$
Zoning: Undetermined





Swartland municipality
Private bag X52
Malmesbury, 7299

Attention: Executive Mayor Alderman J.H. Cleophas
Municipal manager Mr J.J. Scholtz

Somerset West, 22 May 2024

Dear Sirs,

We sincerely appreciate the opportunity that is given to the Imibala Trust to have a positive impact on the local community in Moorreesburg and surroundings.

We would herewith formally like to confirm our interest in the property on 6 Main road in Moorreesburg, formally known as "Kommando building", under a long term notarial lease. (conditions to be finalized)

It is Imibala's objective to be fully operational by the end of the fourth school term in 2024.

Imibala will provide school uniforms to those children who are most needy and cannot afford to buy new clothes, shoes et.

The positive impact on a child's dignity and self-esteem is immediate, Imibala has thus far dressed more than 87.000 children in the Western and Eastern Cape.

Furthermore, Imibala will initially offer various programs such as :

- Literacy
- Mathematics
- Coding
- Creative arts
- Performing arts

It is Imibala's goal to establish a central footprint in the Swartland community in Moorreesburg with the objective to further open 2 more Imibala satellites , possibly in Malmesbury and Darling before 2027.

Imibala operates with a full time staff component and a 3-1 ratio of volunteers to staff.

Imibala also has a long track record in cooperating with local businesses in the community.

The Imibala awards program and " world of work" program aims to train young adults and prepare them for the work environment.

Collaboration with the local Sakekamer is vital and essential, I am therefor very pleased with the close relationship the municipality has with the Moorreesburg Sakekamer and I am sure that between our three entities we will be able to have a positive impact on the lives of many children.

Please follow link for more information: www.imibala.com

Under tab news you will find our downloadable digital brochure for more in-depth information.

We look forward to a positive outcome of the council meeting.

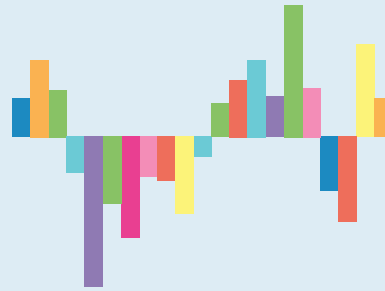
Yours faithfully,

Theo Willemsse
Chief executive officer

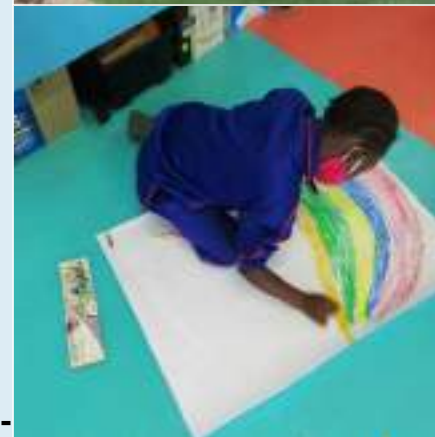
Trustees: Gaynor Rupert | Hanneli Rupert | Lindy White | Gavin Le Roux | Siphiso Puwani

The Imibala Trust is a charity that provides scholarships, uniforms and supplementary education training to children in financial need.

14 Bright St, Somerset West 7130 | 46 Church St, Graaff-Reinet 6280 | +27 (21) 852 0418 | www.imibala.com



Turning Grey
Todays into
Colourful
Tomorrows





Never Stand Still

a message from our ceo

One of the most wonderful things in the world is a smile on a child's face. The Imibala Trust has been instrumental in putting smiles on many children's faces thanks to our generous sponsors over the last 21 years. Your donations have improved the lives of these children in so many ways by restoring their dignity and self-worth and giving them a sense of purpose and belonging, things many of us take for granted. With the help of our sponsors we provide the children with a quality school uniform package and introduce them to the amazing world of the creative and performing arts using only the best of the best techniques and equipment. It is incredible to see the impact a new school uniform makes or the impression left behind by an art, music, dance, pottery or ballet class. Our state of the art classrooms, library and learner advancement centre are all accessible to the children and provide the stepping stones required for them to improve their lives in a stress-free environment. They are offered an escape from their broken homes, broken clothes and less than perfect daily routines. Imibala is a place where they can just be children and immerse themselves in learning and creating. The biggest reward is welcoming back past students who have travelled the Imibala journey from childhood to becoming successful young adults with careers and families of their own. Many return to pay it forward by inspiring the young people currently experiencing what Imibala has to offer. There is nothing more powerful than a helping hand and guidance from someone who has been through the same experience, understands you fully, and inspires you to be the best you can be.

We can never stand still.

Thank you for trusting us to be the helping hand on your behalf and for the care and support of the Imibala children. Together we are stronger.

THEO WILLEMSE

meet the team



our story

Imibala means colours in Xhosa. 'Turning Grey Today's into Colourful Tomorrows'.

Gaynor Rupert has been instrumental in bringing colour and meaning into the lives of an untold number of people in the Helderberg area through her charity, the Imibala Trust.

In 1999 Imibala started as a coffee shop in Andries Pretorius Street. This acted as a platform to empower and train ladies in the art of beading and to provide them with a market. Mrs Rupert then bought an additional property in Bright Street Somerset West and the rest, as they say, is history.

How did this develop? The initial property purchased by Imibala Pty Ltd was to promote the work of the charity. Imibala was registered as a Trust in 2005. One of the trustees, Dr Harold Riley, an artist from Manchester, donated a portrait of the late Nelson Mandela to be auctioned at a gala event in New York. Johann Rupert was the highest bidder and the price he paid, was donated by Dr Riley to Imibala: the start of an endowment fund for the newly established Trust. The Sponsor-A-Child programme with an Art programme (initiated by Gaynor Rupert's mother, Donna Downie, and run by volunteers) was established.

In time, drama, pottery, ballet, music, maths and life skills programmes were introduced as Imibala grew organically to meet identified needs of school children of our time. Today there is an Imibala precinct, which extends over 8 properties along Bright Street and Stellendal Road. One belongs to the Imibala Trust while 7 others are made available to the Imibala Trust for their commercial and philanthropic purposes. All funds received from sponsors and donors are allocated exclusively to the children. Funds for the operational costs are provided by the Rupert family.

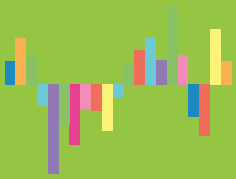
With the move to Bright Street, the focus moved from assisting adults to encouraging primary school children in disadvantaged Helderberg communities to go to school. It was established that a basic need for a school uniform was not able to be provided in many households. This was a concern for school principals as it affected the academic performance of children. To highlight the need for school uniforms, patrons were given a vehicle through which they could sponsor a uniform for a child. In 2002, when statistics were first collated, 53 children were sponsored in 2 schools. By 2021 a sustainable cohort of 2 362 children, from 21 schools receive uniforms. Also provided are weekly extramural programmes involving over 500 Imibala children. More than 70 000 lives have been touched and transformed, by these initiatives.

With the family's connections in the business and sporting worlds, the Rupert family have conveyed their passion for Imibala so effectively that friends, acquaintances and business associates have contributed to the significant growth of the Imibala Trust over the past 21 years. Today, with the support of donors, sponsors and volunteers, The Imibala Trust is growing from strength to strength preparing the youth for a better future.



Children's happiness is what is evident when visiting Imibala - their smiles speak for themselves. The Imibala system allows friends and sponsors to trust that their donations will reach each particular child, with no cost deductions. In our 10 years as sponsors with Imibala, which developed from the little café and gift shop across the street to the very professional and efficient organisation by kind and smiley people, it has only one thing in mind - to make children's schooling a better experience. When we inform people about Imibala and its goals, donors take us seriously, and they have no doubts. Our annual Imibala Golf Cup is an institution in the Swedish colony, participated by generous people motivated to support our group of 100 children. Donors know that 100% of what they give goes to a named Imibala child, untouched. And best of all is to meet the children and hear their love and pride for their schooling.

– STEFAN & INGER | SWEDISH ROTARY MEMBERS



Sponsor A Child



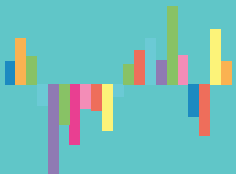
“I have seen first-hand the incredible impact Imibala Trust has on so many children's lives in South Africa. As a business owner, I feel a duty to help cultivate the youth and prepare them for life after school. I am grateful for Imibala Trust being a responsible custodian for disadvantaged youths. It has been amazing to watch Imibala Trust grow, adding new programs to their robust roster, such as ballet. At least once a year, my company, ROAR AFRICA and I receive the most beautiful letters from the students we sponsor. We appreciate the heart-warming letters and are thankful to play a small part of improving life for these precious children. If you are able, I encourage you to volunteer or become a donor to Imibala Trust – make a measurable difference in the lives of South African children.”

– DEBORAH CALMEYER | CEO & FOUNDER – ROAR AFRICA

The Sponsor-A-Child uniform programme is the predominant method we support children. Currently, it impacts the largest number of children who pass through our doors. Together we provide a basic school uniform to vulnerable children from challenged backgrounds, with a current group of 2 362 children from 21 schools in the Helderberg and 10 schools in Graaff-Reinet. As part of responsible Corporate Governance, the Trust conducts an annual verification process to determine the current status of the child. New children are identified and adopted into the programme as part of the continued effort to support parents facing extreme financial and social restraints. When you sponsor a child, you are simply making a life-changing gift to a child in South Africa.

Learn more about Sponsor-A-Child at: www.imibala.com





Creative & Performing Arts

Tereo is a school for street children and children at risk in the Helderberg Basin. While our relationship with Imibala has been of some duration, I have personally only had dealings with Imibala over the last 16 months. What an amazing team of people, who not only understand the challenges our children face but also do exactly what they promise. They are without exception supportive, encouraging and have a real heart for the children they support. Their creative ideas, suggestions and activities for the children at our school bring so much joy and excitement while giving them skills and experiences that will have a lifelong impact.

— ANN COETZEE | PROJECT MANAGER AT TEREIO SCHOOL

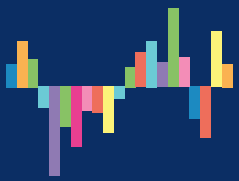
The Creative and Performing Arts Department encourage more than 500 children to discover and develop creative skills in a way that is not always possible at school. Imibala facilitators and volunteers nurture the children and help them with life skills wherever possible.

The programmes are informal and aimed at giving children exposure for the period of one year, with the exception of ballet and music. These activities are carefully correlated with their school schedules to ensure their academic school day is not disrupted. This provides a platform from which to offer programmes that make a substantial difference in the lives of the children currently, and as they prepare for their lives after school.

art | ballet | dance | drama | music | pottery

Sponsorship of Imibala projects can be discussed by visiting: www.imibala.com





Learner Advancement



“ I have been fortunate to get to know some of the team behind Imibala and become familiar with the various projects they facilitate. Their energy and dedication to making a difference are ubiquitous every step of the way. The level of comprehensive support they provide for the learners' and overall well-being is remarkable. The students are really fortunate to have such a team of amazing people supporting them. ”

– XAVIER VON STEIN | VOLUNTEER & FOUNDER OF SMART SCIENCE

imibala
learner advancement

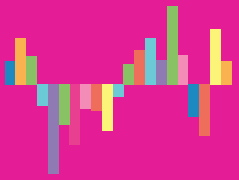
Imibala's Learner Advancement Department offers academic and personal development programmes. The focus of this department is to provide programmes that are complementary to the school curriculum and add value to each child's developmental journey. Programmes are targeted at both primary and high school learners and offer them a range of subjects: computer-enhanced Math lessons, LEGO play, coding, life skills and leadership development.

More recently, Learner Advancement has launched two projects aimed at preparing Grade 12 learners for the world of work, particularly related to the hospitality industry. This is achieved through a learner-centred educational approach that focuses on empowering learners to take charge of their personal development. Learner Advancement is an exciting and very dynamic space in the Imibala collection of projects.

maths | **computer literacy & coding** | **smart lead** | **accelerate** | **safe study** | **lego play** | **life skills**

Sponsorship of Imibala projects can be discussed by visiting: www.imibala.com





Selfless action is a source of strength



“My time as a volunteer at Imibala has been wonderful. I have enjoyed every moment that I've spent there, from packing food parcels and making sandwiches to assisting the Imibala staff with the Sponsor-A-Child programme. I have come to learn that no kind gesture is too small and that a helping hand always makes a difference no matter how simple the task might be. Imibala is doing such amazing work; each child that enters Imibala is made to feel special and cared for. It has been incredible to see how these children's lives have been changed. Imibala has made such a big difference to the lives of so many children.”

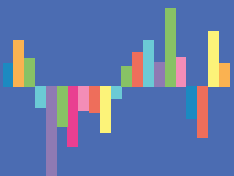
– HELEN BARNARD | STUDENT VOLUNTEER

Selfless contributions are the best and greatest assets of our society. Volunteers generously dedicate their time and talent to assist us in the teaching of our programmes, which has been a luxury that we do not take for granted. There are many areas for volunteering and the focus is on providing a safe space for children to develop exciting new skills. Imibala is able to run a lean ship in terms of staff capacity, because of the skills that volunteers contribute to our work.

‘Volunteering is at the very core of being a human. No one has made it through life without someone else’s help.’ – HEATHER FRENCH HENRY

To find out more about volunteering please visit: www.imibala.com





Take a bite out of hunger

“ We have sponsored several needy children through Imibala for many years while visiting South Africa, and have always been impressed that each child receives clothing and school equipment to the full value of the sponsorship fees. The children are treated with great kindness when receiving their gifts. As a consequence of our satisfaction we have encouraged friends, schools and our local Rotary Club to also sponsor children through the Imibala Trust. We have seen 'our children' grow in confidence and self-esteem as a result of sponsorship.”

– PETER AND MARGARET WOOD | DONCASTER



imibala
hungry for change

The Imibala Trust initiated the 'Feed-A-Family' campaign in 2020 to support the children and their families with weekly food parcels. The nutritional food parcels consist of non-perishable items, delivered and distributed to the neediest children through our partner schools.

Imibala adapted and revised its strategy for 2021 and from the 1st of January, the MyLife-porridge campaign was added to our programme. This effectively means that we feed all our children daily with a well-balanced, nutritional meal. Breakfast has been suggested to positively affect learning in children in terms of behaviour, cognitive development and school performance.

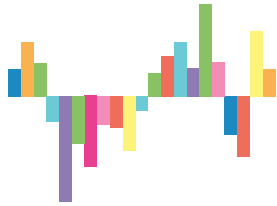
‘If you can't feed a hundred people, then feed just one.’ – MOTHER TERESA.

Sponsorship of Imibala projects can be discussed by visiting: www.imibala.com





Imibala means 'colours' in Xhosa. The soundwave icon was inspired by children's laughter, with each colour representing one of our initiatives.



governance

The Imibala Trust was founded by Mrs Gaynor Rupert and is supported by 4 additional Trustees:
Mrs J A Preller, Ms H M Rupert, Mrs L White and Mr G le Roux.
This Board of Trustees has monthly oversight of the income, expenses and all activities of the Trust.
The accounts of the Trust are audited annually by PWC.
The Trust is a registered not-for-profit organisation NPO 046-758
and also has a PBO status, number 93001 7783.

reach out

The Imibala Trust, 14 Bright Street, Audas Estate, Somerset West, Western Cape 7130
Phone: +27 21 852 0418

Theo Willemse, CEO
Tel: +27 (0) 21 852 0418 | Cell: +27 (0) 72 956 5818
Email: theo@imibala.com | info@imibala.com

Learn more about Imibala at:



@theimibalastrust



@imibala.com



@imibala_trust_npo



Words of gratitude.

Thank

You

Getting creative with a beautiful drawing to show his appreciation.



Letters

Witnessing sponsors meet the children they support is heartwarming.



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Korporatiewe Dienste
21 Mei 2024

12/2/5/2-8/5

Ward 9

ITEM 8.9 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL WORD OP 31 MEI 2024

ONDERWERP:	VOORGESTELDE VERVREEMDING VAN SAKEPERSEEL (ERF 11793, GEDEELTE VAN ERF 11654) TE MALMESBURY
SUBJECT:	PROPOSED ALIENATION OF BUSINESS SITE (ERF 11793, PORTION OF ERF 11654) IN MALMESBURY

1. AGTERGROND/BACKGROUND

- 1.1 Swartland Municipality is the registered owner of the following vacant property in Malmesbury, as depicted on the locality map attached hereto as **Annexure A**, i.e.:
 - Erf 11793 (portion of Erf 11654), 658 m² in extent, located on Alfa Street, between Nxenye Kholeka & Ahmed Kathrada Street
- 1.2 Said property is zoned Business Zone 2: Neighbourhood Business, which zone aims to provide for low intensity commercial and mixed-use development which satisfies the needs of the local precinct for commodities and personal services. Such development should be limited in extent and must be able to integrate with the adjacent precinct without adversely affecting the amenities of the residential precinct.
- 1.3 The following primary uses apply to Business Zone 2: business premises, shopping centre, medical consulting rooms, offices, flats, public parking, rooftop base station, wine shop, filming
- 1.4 Interest has recently been expressed in the property; hence, it is herein proposed that the property be offered for disposal by public tender.
- 1.5 The property's valuation as per the 2023 valuation roll is as follows:
 - Erf 11793 R125 000,00 (excluding VAT)
- 1.6 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.
- 1.7 **Hierdie verslag word voorgelê om goedkeuring van die Raad te bekom om erf 11793 Malmesbury by wyse van openbare tender vir vervreemding aan te bied. / This report is submitted to obtain Council's approval to dispose of erf 11793, Malmesbury by means of public tender.**

2./...

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 or 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

2.2/...

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 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 determines 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) 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 Malmesbury, gesoneer Sakesone 2: Woonbuurtsake:
- Erf 11793 (gedeelte Erf 11654), Alfastraat, Malmesbury (658 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 geormerk 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 11793 R125 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 voorgename 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 voorgename 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 koop-ooreenkoms 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 Malmesbury, zoned Business Zone 2: Neighbourhood Business:
- Erf 11793 (portion Erf 11654), Alfa Street, Malmesbury (658 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)/...

5./...

- (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 11793 R125 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

LOCATION PLAN OF ERF 11793, (PORTION OF ERF 11654), MALMESBURY



Extent: 658m²
Zoning: Business Zone 2

