



NOTULE VAN 'N GEWONE VERGADERING VAN DIE SWARTLAND MUNISIPALE RAAD GEHOU IN DIE STADSAAL, MALMESBURY OP DONDERDAG, 26 OKTOBER 2023 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)	Papier, J R (GOOD)
Booyesen, A M (VF+)	Penxa, B J (ANC)
Fortuin, C (ANC)	Pieters, C (ANC)
Gaika, M F (EFF)	Soldaka, P E (ANC)
Jooste, R J (DA)	Van Essen, T (DA)
Le Minnie, I S (DA)	Van Zyl, M (DA)
Ngozi, M (ANC)	Vermeulen, G (VF+)
O'Kennedy, E C (DA)	Warnick, A K (DA)

Beampes:

Munisipale Bestuurder, mnr J J Scholtz
Direkteur: Siviele Ingenieursdienste, mnr L D Zikmann
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
Bestuurder: Sekretariaat en Rekords, me N Brand

1. OPENING

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

Ds J Steyn van die Nederduits Gereformeerde Kerk Swartland Noord, Malmesbury open die vergadering met skriflesing en gebed op uitnodiging van die Speaker.

Raadslede en amptenare word deur die Speaker geluk gewens met verjaardae in die maande van September en Oktober.

2. VERLOF TOT AFWESIGHEID

Verlof tot afwesigheid word verleen aan rdle N Smit, D B Pypers en C Daniels.

3. AFVAARDIGINGS/VERKLARINGS EN MEDEDELINGS/VOORLEGGINGS

Item 8.1 verwys – Die Speaker rig 'n spesiale woord van verwelkoming aan rdl M F Gaika en gee geleentheid aan haar om mondelings die eed van getrouheid af te lê en te onderteken.

Die Munisipale Bestuurder versoek raadslede om kennis te neem dat daar 'n Spesiale Raadsvergadering geskeduleer is vir Donderdag, 30 November 2023 om 10:00.



MINUTES OF A MEETING OF THE SWARTLAND MUNICIPAL COUNCIL HELD IN THE TOWN HALL, MALMESBURY ON THURSDAY, 26 OCTOBER 2023 AT 10:00

PRESENT:

Speaker, ald M A Rangasamy
Executive Mayor, ald J H Cleophas
Deputy Executive Mayor, clr J M de Beer

COUNCILLORS:

Bess, D G (DA)	Papier, J R (GOOD)
Booyesen, A M (VF+)	Penxa, B J (ANC)
Fortuin, C (ANC)	Pieters, C (ANC)
Gaika, M F (EFF)	Soldaka, P E (ANC)
Jooste, R J (DA)	Van Essen, T (DA)
Le Minnie, I S (DA)	Van Zyl, M (DA)
Ngozi, M (ANC)	Vermeulen, G (VF+)
O'Kennedy, E C (DA)	Warnick, A K (DA)

Officials:

Municipal Manager, Mr J J Scholtz
Director: Civil Engineering Services, Mr L D Zikmann
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
Manager: Secretarial and Records, ms N Brand

1. OPENING

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

Ds J Steyn of the Dutch Reformed Church Swartland North, Malmesbury opened the meeting with a scripture reading and prayer at the invitation of the Speaker.

The Speaker congratulated councillors and officials who had celebrated birthdays in the months of September and October.

2. APOLOGIES

Leave of absence is granted to clr N Smit, D B Pypers and C Daniels.

3. DEPUTATIONS/DECLARATIONS AND COMMUNICATIONS/SUBMISSIONS

Item 8.1 refers – The Speaker extended a special word of welcome to Cllr M F Gaika and allowed for Cllr Gaika to take the Oath of Allegiance.

The Municipal Manager requested councillor to note that a Special Council meeting will be held on Thursday, 30 November 2023 at 10:00

4. NOTULES VIR BEKRAGTIGING

4.1 NOTULE VAN 'N GEWONE RAADSVERGADERING GEHOU 27 JULIE 2023

BESLUIT

(op voorstel van rdl A K Warnick, gesekondeer deur rdl E C O'Kennedy)

Dat die notule van 'n Gewone Raadsvergadering gehou op 27 Julie 2023 goedgekeur en deur die Speaker onderteken word, onderhewig aan die regstelling van die ernommer onder item 8.6 na **Erf 12875** wat verkeerdelik as Erf 12857 genotuleer is.

4.2 NOTULE VAN 'N SPESIALE RAADSVERGADERING GEHOU OP 24 AUGUSTUS 2023

BESLUIT

(op voorstel van rdl A K Warnick, gesekondeer deur rdl E C O'Kennedy)

Dat die notule van 'n Spesiale Raadsvergadering gehou op 24 Augustus 2023 goedgekeur en deur die Speaker onderteken word.

5. VERSLAGDOENING INSAKE GEDELEGEERDE BESLUITNEMING DEUR DIE UITVOERENDE BURGEMEESTER

BESLUIT

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

5.1 NOTULE VAN 'N GEWONE VERGADERING VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE GEHOU OP 19 JULIE 2023

5.2 NOTULE VAN 'N GEWONE VERGADERING VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE GEHOU OP 16 AUGUSTUS 2023

saamgelees met

NOTULES VAN PORTEFEULJEKOMITEEVERGADERINGS GEHOU OP 8 AUGUSTUS 2023

5.3 NOTULE VAN 'N GEWONE VERGADERING VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE GEHOU OP 20 SEPTEMBER 2023

saamgelees met

NOTULES VAN PORTEFEULJEKOMITEEVERGADERINGS GEHOU OP 13 SEPTEMBER 2023

6. VERSLAGDOENING INSAKE GEDELEGEERDE BESLUITNEMING DEUR DIE MUNISIPALE BESTUURDER

BESLUIT

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

6.1 NOTULE VAN 'N VERGADERING VAN DIE BODBEOORDELINGSKOMITEE GEHOU OP 19 JULIE 2023

6.2 NOTULE VAN 'N VERGADERING VAN DIE BODBEOORDELINGSKOMITEE GEHOU OP 28 JULIE 2023

6.3 NOTULE VAN 'N VERGADERING VAN DIE BODBEOORDELINGSKOMITEE GEHOU OP 5 SEPTEMBER 2023

6.4 NOTULE VAN 'N VERGADERING VAN DIE BODBEOORDELINGSKOMITEE GEHOU OP 19 SEPTEMBER 2023

4. MINUTES FOR APPROVAL

4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 27 JULY 2023

RESOLUTION

(proposed by Cllr A K Warnick, seconded by Cllr E C O'Kennedy)

That the minutes of an Ordinary Council Meeting held on 27 July 2023 are approved and signed by the Speaker, subject to the correction of the erf number under Item 8.6 na **Erf 12857** which was wrongly minuted as Erf 12857.

4.2 MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 24 AUGUST 2023

RESOLUTION

(proposed by Cllr A K Warnick, seconded by Cllr E C O'Kennedy)

That the minutes of a Special Council Meeting held on 24 August 2023 are approved and signed by the Speaker.

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

RESOLUTION

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

5.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 19 JULY 2023

5.2 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 16 AUGUST 2023
read in conjunction with
MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 8 AUGUST 2023

5.3 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 20 SEPTEMBER 2023
read in conjunction with
MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 13 SEPTEMBER 2023

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

RESOLUTION

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

6.1 MINUTES OF A MEETING OF THE TENDER AWARD COMMITTEE HELD ON 19 JULY 2023

6.2 MINUTES OF A MEETING OF THE TENDER AWARD COMMITTEE HELD ON 28 JULY 2023

6.3 MINUTES OF A MEETING OF THE TENDER AWARD COMMITTEE HELD ON 5 SEPTEMBER 2023

6.4 MINUTES OF A MEETING OF THE TENDER AWARD COMMITTEE HELD ON 19 SEPTEMBER 2023

**6.5 NOTULE VAN 'N VERGADERING VAN DIE BODBEOORDELINGSKOMITEE
GEHOU OP 27 SEPTEMBER 2023**

7. SAKE VOORSPRUITEND UIT NOTULES

Geen.

8. SAKE VIR BESPREKING

**8.1 (1) BEDANKING AS RAADSLID: MNR A A DUDA / (2) AANWYS VAN NUWE
RAADSLID: ME M F GAIKA (17/17/3/2/4, 3/1/7)**

'n Skrywe is ontvang vanaf mnr A A Duda gedateer 1 September 2023 waarin hy sy bedanking as raadslid van die Swartland Munisipale Raad met ingang van 1 Oktober 2023 bevestig.

Die vakature is aan die Onafhanklike Verkiesingskommissie (OVK) gerapporteer, waarna rdl M F Gaika op 3 Oktober 2023 deur die Onafhanklike Verkiesingskommissie as raadslid van die Swartland Munisipale Raad in die plek van mnr A A Duda aangewys is.

BESLUIT

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

(a) Dat die Raad kennis neem van:

- (i) die bedanking van mnr A A Duda met ingang van 1 Oktober 2023;
- (ii) die wetlike prosedures waaraan voldoen is met die vulling van die proporsionele setel van die EFF in die Raad wat vakant gelaat is met die bedanking van mnr Duda;
- (iii) die verkiesing van raadslid M F Gaika soos bevestig deur die OVK op 3 Oktober 2023;

(b) Dat geleentheid gegee word aan rdl M F Gaika om die eed af te lê;

(c) Dat rdl M F Gaika aangewys word op die volgende komitees van die Raad as verteenwoordiger van die EFF:

- (i) Portefeulekomitee: Siviele en Elektriese Dienste
- (ii) Munisipale Publieke Verantwoordbaarheidskomitee (MPAC)

**8.2 KONTRAK HERSIENING: DARLING GREEN UTILITY (PTY) LTD SOLAR PV AANLEG
(8/2/2/1)**

Darling Green Utility (Pty) Ltd is deur middel van 'n tenderproses gedurende Julie 2022 aangestel vir die voorsiening van sonkrag aan Darling onderhewig daaraan dat uitvoering gegee word aan sekere voorwaardes teen Januarie 2024.

Die diensverskaffer het aansoek gedoen vir uitstel tot 30 Oktober 2024 om aan sekere voorwaardes te voldoen en gevolglik is dit nodig om die oorspronklike ooreenkoms te wysig.

Die wysiging van die ooreenkoms moet ingevolge artikel 116 van die MFMA geskied.

BESLUIT

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

(a) Dat die Raad kennis neem van die besluite geneem deur die Uitvoerende Burgemeesterskomitee op 18 Oktober 2023, soos volg:

- (i) Dat die Uitvoerende Burgermeesterskomitee beginsel goedkeuring gee vir die wysiging van die bestaande ooreenkoms met Darling Green Utility (Pty) Ltd tesame met die nuwe tydslyn vir die nakoming van die voorwaardes;

6.5 MINUTES OF A MEETING OF THE TENDER AWARD COMMITTEE HELD ON 27 SEPTEMBER 2023

7. MATTERS ARISING FROM THE MINUTES

None.

8. MATTERS FOR DISCUSSION

8.1 (1) RESIGNATION OF COUNCILLOR: MR A A DUDA / (2) ELECTION OF NEW COUNCILLOR: MS M F GAIKA (17/17/3/2/4, 3/1/7)

A resignation letter was received from Mr A A Duda dated 1 September 2023 resigning as councillor of the Swartland Municipal Council effective from 1 October 2023.

The vacancy was reported to the IEC, and Ms M F Gaika was appointed on 3 October 2023 by the IEC in the vacancy left by the resignation of Mr A A Duda.

RESOLUTION

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

- (a) That cognisance be taken of:
 - (i) the resignation of Mr A A Duda effective from 1 October 2023;
 - (ii) the statutory procedures adhered to in the filling of the EFF's proportional seat in Council, left vacant as a result of the resignation;
 - (iii) the election of councillor M F Gaika as advised by the IEC on 3 October 2023;
- (b) That cllr M F Gaika be granted the opportunity to take the oath;
- (c) That cllr M F Gaika be appointed to the following committees of Council as representative of the EFF:
 - (i) Portfolio Committee: Civil and Electrical Services
 - (ii) Municipal Public Accounts Committee (MPAC)

8.2 CONTRACT AMENDMENT: DARLING GREEN UTILITY (PTY) LTD SOLAR PV PLANT (8/2/2/1)

Darling Green Utility (Pty) Ltd was appointed by means of a tender process during July 2022 for the provision of renewable solar energy to Swartland Municipality for the town of Darling, subject to the fulfillment of certain conditions by January 2024.

The service provider requested for an extension until 30 October 2024 to meet certain conditions and as a result it is necessary to amend the original agreement.

The amendment of the agreement must be done in accordance with section 116 of the MFMA.

RESOLUTION

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

- (a) That cognisance be taken by Council of the resolution by the Executive Mayoral Committee on 18 October 2023, as follows:
 - (i) That the Executive Mayoral Committee provides in principle approval for the amendment of the existing agreement with Darling Green Utility (Pty) Ltd with new timeframes to met the conditions;
 - (ii)/...

8.2(a)/...

- (ii) Dat die nuwe finale datum vir die nakoming van die oorspronklike voorwaardes aangeteken word as 30 Oktober 2024;
 - (iii) Dat die afskop van die publieke deelname proses vir die wysiging van die ooreenkoms goedgekeur word;
- (b) Dat die Raad die wysiging van die ooreenkoms met Darling Green Utility (Pty) Ltd kondoneer, onderhewig aan die volgende voorwaardes:
- (i) Die vereistes van Artikel 116(3)(b) gevolg word;
 - (ii) Die terugvoer van die publieke deelname proses aan 'n toekomstige Raadsvergadering gerapporteer word;
 - (iii) 'n Versoek vir finale goedkeuring van die wysing van die ooreenkoms met Darling Green Utility (Pty) Ltd asook die meegande tydslyn aan die Raad voorgelê word tydens die Januarie 2024 Raadsvergadering of dat 'n spesiale Raadsvergadering geskeduleer word indien die Januarie 2024 vergadering ná 21 Januarie 2024 geskeduleer is.

8.3 KWARTAALVERSLAG (ARTIKEL 52 VAN MFMA): JULIE TOT SEPTEMBER 2023 (7/1/2/2-2)

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

BESLUIT

(op voorstel van rdl E C O'Kennedy, gesekondeer deur rdl M van Zyl)

Dat kennis geneem word dat die kwartaalverslag op 24 Oktober 2023 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 Julie tot 30 September 2023.

**GETEKEN:
SPEAKER**

8.2(a)/...

- (ii) That the new final date for meeting of the conditions as per the original agreement be set for 30 October 2024;
 - (iii) That the commencement of the public participation process for the amendment of the agreement be approved;
- (b) That the Council condones the amendment of the agreement with Darling Green Utlity (Pty) Ltd subject to the following conditions:
 - (i) the prescripts of Sec 116(3)(b) be followed;
 - (ii) the feedback from the above process be reported to the Council at a future meeting;
 - (iii) a request for final approval for the amendment of the agreement with DGU be presented to Council at the January 2024 Council meeting or a special Council meeting to be called should the January 2024 Council meeting be scheduled after 21 January 2024.

8.3 QUARTERLY REPORT (SECTION 52 OF MFMA): JULY TO SEPTEMBER 2023 (7/1/2/2-2)

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

RESOLUTION

(proposed by Cllr E C O’Kennedy, seconded by Cllr M van Zyl)

That Council takes cognisance of the attached 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 July to 30 September 2023.

**SIGNED
SPEAKER**



NOTULE VAN 'N SPESIALE VERGADERING VAN DIE SWARTLAND MUNISIPALE RAAD GEHOUD IN DIE STADSAAL, MALMESBURY OP DONDERDAG, 30 NOVEMBER 2023 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)
Jooste, R J (DA)	Soldaka, P E (ANC)
Le Minnie, I S (DA)	Van Essen, T (DA)
Ngozi, M (ANC)	Van Zyl, M (DA)
O'Kennedy, E C (DA)	Vermeulen, G (VF+)
Papier, J R (GOOD)	Williams, A M (DA)
Penxa, B J (ANC)	

Beampes:

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
Bestuurder: Sekretariaat en Rekords, me N Brand

1. OPENING

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

Rdl N Smit open die vergadering met skriflesing en gebed op uitnodiging van die Speaker.

Rdl D G Bess lees die bevestiging van Swartland Munisipaliteit voor om op te staan teen Geslaggebaseerde Geweld teen Vroue en Kinders en die Uitvoerende Onderburgemeester, rdl J M de Beer en rdle D G Bess en C Fortuin steek x3 kerse aan ter ondersteuning van die veldtog.

Medelye word betoon aan mnr R du Toit (die voormalige Direkteur: Elektriese Ingenieursdienste) met die afsterwe van sy eggenoot.

2. VERLOF TOT AFWESIGHEID

BESLUIT dat kennis geneem word van die verskonings ontvang vanaf rdle C Daniels en A K Warnick en dat rdl M F Gaika afwesig is sonder verlof.

3. SAKE VIR BESPREKING

3.1/...



MINUTES OF A SPECIAL MEETING OF THE SWARTLAND MUNICIPAL COUNCIL HELD IN THE TOWN HALL, MALMESBURY ON THURSDAY, 30 NOVEMBER 2023 AT 10:00

PRESENT:

Speaker, ald M A Rangasamy
Executive Mayor, ald J H Cleophas
Deputy Executive Mayor, clr J M de Beer

COUNCILLORS:

Bess, D G (DA)	Pieters, C (ANC)
Booyesen, A M (VF+)	Pypers, D C (DA)
Fortuin, C (ANC)	Smit, N (DA)
Jooste, R J (DA)	Soldaka, P E (ANC)
Le Minnie, I S (DA)	Van Essen, T (DA)
Ngozi, M (ANC)	Van Zyl, M (DA)
O'Kennedy, E C (DA)	Vermeulen, G (VF+)
Papier, J R (GOOD)	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 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
Manager: Secretarial and Record Services, Ms N Brand

1. OPENING

The Speaker welcomed the Executive Mayor, alderdames, aldermen, councillors, officials and members of the public.

CIlr N Smit opened the meeting with a scripture reading and prayer at the request of the Speaker.

Condolences were offered to Mr R du Toit (former Director: Electrical Engineering Services) on the passing of his wife.

2. APOLOGIES

COGNISANCE BE TAKEN of the apologies received from cllrs C Daniels and A K Warnick.

RESOLUTION that note is taken that cllr M Gaika is absent without an apology.

3. MATTERS FOR DISCUSSION

3.1/...

3.1 VERKIESING VAN NUWE RAADSLID: MNR A M WILLIAMS (17/17/3/2/4; 3/1/7)

Die Speaker gee geleentheid vir rdl A M William of die Eed van Getrouheid af te lê.

Rdl A M Williams is by wyse van 'n tussenverkiesing in Wyk 7 op 8 November 2023 tot die Swartland Munisipale Raad verkies en is bevestiging dienoreenkomstig vanaf die Onafhanklike Verkiesingskommissie ontvang.

BESLUIT

(op voorstel van rdl E C O'Kennedy, gesekondeer deur rdh J H Cleophas)

- (a) Dat die Raad kennis neem van die verkiesing van rdl A M Williams as wyksraadslid van Wyk 7 met die tussenverkiesing wat op 8 November 2023 plaasgevind het;
- (b) Dat die aanstelling van rdl A M Williams op die munisipale raad met ingang van 8 November 2023 bevestig word;
- (c) Dat rdl A M Williams aangewys word op die volgende komitees van die Raad as verteenwoordiger van die DA:
 - (i) Portefeuljekomitee: Siviele en Elektriese Dienste
 - (ii) Portefeuljekomitee: Beskermingsdienste
 - (iii) Swartland Verkeer- en Wetstoepassingdienste: Oorsigkomitee.

3.2 GOEDKEURING VAN DIE 2023/2024 SPESIALE AANSUIWERINGBEDRYFS-BEGROTING (5/1/1/2 – 23/24)

Artikel 28 van die Plaaslike Regering: Munisipale Finansiële Bestuur, Wet 56 van 2003 (MFMA) bepaal die omstandighede vir die oorweging van 'n aansuiweringsbegroting.

Die Munisipale Bestuurder gee agtergrond tot die fondse wat deur middel van 'n Spesiale Aansuiweringbedryfsbegroting in die 2023/2024 begroting opgeneem moet word, naamlik:

- R500 000 as nooduitgawe wat in beginsel deur die Uitvoerende Burgemeester goedgekeur was na afloop van die brandramp in Malmesbury op 8 Oktober 2023 waarna 54 volwassenes en 29 kinders dakloos gelaat is;
- R680 000 as Munisipale Elektrisiteitbeplanningstoelae om 'n studie insake koste van voorsiening van elektrisiteit uit te voer.

Die Direkteur: Finansiële Dienste bevestig dat wanneer addisionele befondsing bekom word die MFMA bepaal dat dit binne 60 dae in die betrokke begroting opgeneem moet word.

Die Speaker bring die aangeleentheid tot stemming en die goedkeuring van die Spesiale Aansuiweringbedryfsbegroting word beslis (in die afwesigheid van drie raadslede) met 17 stemme ten gunste daarvan en drie raadslede wat buite stemming bly.

BESLUIT

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

- (a) Dat kennis geneem word dat die Begrotingsbeheerkomitee vergader het om die verduidelikings en motiverings van die finansiële en ander sleutel direkteure te oorweeg in 'n poging om die Uitvoerende Burgemeester te adviseer insake die pad vorentoe;
- (b) Dat die in beginsel goedkeuring deur die Uitvoerende Burgemeester van nooduitgawes ten bedrae van R500 000 as onvoorsien en onvermydelik, goedgekeur word soos aangewend volgens die besonderhede in **Aanhangsel A**;
- (c) Dat goedkeuring verleen word om die hoë-vlak bedryfsbegroting vir 2023/2024 as volg te wysig met geen veranderinge aan die buite jare nie:

Tabel/...

3.1 ELECTION OF NEW COUNCILLOR: MR A M WILLIAMS (17/17/3/2/4; 3/1/7)

The Speaker allowed Cllr A M Williams to take the Oath of Allegiance.

Cllr A M Williams was elected to the Swartland Municipal Council through a by-election in Ward 7 on 8 November 2023, and confirmation was received from the Independent Electoral Commission.

RESOLUTION

(proposed by Cllr E C O'Kennedy, seconded by Cllr J H Cleophas)

- (a) That it be noted that Cllr A M Williams was elected as ward councillor of Ward 7 during the by-election that was held on 8 November 2023;
- (b) That it be noted that the appointment of Cllr A M Williams on the municipal council is therefore effective as from 8 November 2023;
- (c) That Cllr A M Williams be appointed to the following committees of Council as representative of the DA:
 - (i) Portfolio Committee: Civil and Electrical Services
 - (ii) Portfolio Committee: Protection Services
 - (iii) Swartland Traffic- and Law Enforcement Services: Supervisory Committee

3.2 APPROVAL OF THE 2023/2024 SPECIAL ADJUSTMENTS OPERATING BUDGET (5/1/1/1, 5/1/1/2-2023/24)

Section 28 of the Local Government: Municipal Financial Management Act, Act 56 of 2003 stipulates the circumstances for the consideration of a Adjustment Budget.

The Municipal Manager provided background to the funding to be included in the budget by way of a Special Adjustment Operating Budget, namely

- R500 000 as emergency expenditure approved by the Executive Mayor for the fire disaster in Malmesbury on 8 October 2023 where 54 adults and 29 children were left homeless;
- R680 000 as Municipal Electricity Resilience Grant to carry out a study regarding the cost of supplying electricity.

The Director: Financial Services confirmed that the MFMA determines that if funding are received it must be taken up in the budget within 60 days.

The Speaker brought the matter to the vote and approval for the Adjustment Operating Budget was decided (in the absence of three councillor) with 17 votes in favour thereof, and three councillors abstaining.

RESOLUTION

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

- (a) That it be noted that the Budget Steering Committee convened to consider the explanations and motivations provided by the financial and other key directors in a bid to advise the Executive Mayor on way forward;
- (b) That the emergency expenditure to the tune of R 500 000 approved in-principle by the Executive Mayor as unforeseen and unavoidable, be approved as appropriated per the detail provided in **Annexure A**;
- (c) That approval be granted to amend the high-level operating budget for 2023/2024 with no amendments to the outer years as follows:

Table/...

3.2/(c)...

	Oorspronklike Begroting 2023/24	Oorrol Aansuiwerings begroting 2023/24	Spesiale Aansuiwerings begroting 2023/24	Oorspronklike Begroting 2024/25	Oorspronklike Begroting 2025/26
Kapitaalebegroting	209 052 395	240 803 827	240 803 827	218 968 545	208 303 329
Bedryfsuitgawes	1 071 330 062	1 072 205 062	1 073 385 062	1 174 132 994	1 371 930 505
Bedryfsinkomste	1 192 485 181	1 221 543 458	1 222 223 458	1 311 049 716	1 489 696 468
Begrote (Surplus)/ Tekort	(121 155 119)	(149 338 396)	(148 838 396)	(136 916 722)	(117 765 963)
Minus: Kapitaal Toekennings en Donasies	107 386 943	135 980 220	135 980 220	115 594 000	91 660 000
(Surplus)/ Tekort	(13 768 176)	(13 358 176)	(12 858 176)	(21 322 722)	(26 105 963)

- (d) Dat kennis geneem word dat die veranderinge in die begroting geen impak op tariewe het ten opsigte van die 2023/2024 finansiële jaar of verder nie, terwyl die begrote netto surplus van R13 358 176 verander na R12 858 176;
- (e) Dat die aangepaste begrotingskedules soos vereis deur die Begroting- en Verslagdoeningregulasies goedgekeur word soos vervat in **(Annexure B: Budget Report and A-Schedules 2023/24 – 2025/26)**;
- (f) 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;
- (g) Dat die Dienslewering- en Begrotingimplementeringsplan (SDBIP) toepaslik dienoooreenkomstig gewysig word.

3.3 KONTRAK HERSIENING: DARLING GREEN UTILITY SOLAR PV AANLEG (K12-14/2022)

Die Raad is op 26 Oktober 2023 ingelig aangaande die voorneme om die ooreenkoms met Darling Green Utility (Pty) Ltd vir die aanbring van 'n Solar PV-aanleg te wysig om lg. tyd tot 30 Oktober 2024 te gee om aan die goedkeuringsvoorwaardes te voldoen, onderhewig aan 'n publieke deelnameproses.

Daar is in totaal 12 kommentare ontvang op die voorneme van die Raad en almal is ten gunste van die wysiging van die ooreenkoms.

BESLUIT

(op voorstel van rdh T van Essen, gesekondeer deur rdl R Jooste)

- (a) Dat kennis geneem word van die publieke deelnameproses wat gevolg is en die insette/kommentaar wat ontvang is;
- (b) Dat die Raad goedkeuring verleen vir die wysiging van die ooreenkoms met Darling Green Utility (Pty) Ltd om teen 30 Oktober 2024 aan al die goedkeuringsvoorwaardes te voldoen;
- (c) Dat die Munisipale Bestuurder met volmag bekleed word om die gewysigde ooreenkoms te onderteken namens die Munisipaliteit.

GETEKEN:
SPEAKER

3.2/(c)...

	Original Budget 2023/24	Roll-Over Adj Budget 2023/24	Special Adj Budget 2023/24	Original Budget 2024/25	Original Budget 2025/26
Capital budget	209 052 395	240 803 827	240 803 827	218 968 545	208 303 329
Operating Expenditure	1 071 330 062	1 072 205 062	1 073 385 062	1 174 132 994	1 371 930 505
Operating Revenue	1 192 485 181	1 221 543 458	1 222 223 458	1 311 049 716	1 489 696 468
Budgeted (Surplus)/ Deficit	(121 155 119)	(149 338 396)	(148 838 396)	(136 916 722)	(117 765 963)
Less: Capital Grants and Donations	107 386 943	135 980 220	135 980 220	115 594 000	91 660 000
(Surplus)/ Deficit	(13 768 176)	(13 358 176)	(12 858 176)	(21 322 722)	(26 105 963)

- (d) That it be noted that the changes to the budget will have no impact on tariffs in respect of the 2023/2024 financial year or beyond, whilst the budgeted net surplus of R 13 358 176 will change to R 12 858 176;
- (e) That the adjusted budget schedules as required by the Budget and Reporting Regulations be approved as set out in **(Annexure B: Budget Report and A-Schedules 2023/24 – 2025/26)**;
- (f) 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;
- (g) That the Service Delivery Budget Implementation Plan (SDBIP) where appropriate be amended accordingly.

3.3 CONTRACT AMENDMENT: DARLING GREEN UTILITY SOLAR PV PLANT

The Council was informed on 26 October 2023 of the intention to amend the agreement with Darling Green Utility (Pty) Ltd for installing a solar PV plant to extend the compliance deadline until 30 October 2024, subject to a public participation process.

A total of 12 comments were received on the Council's intention, and all are in favour of amending the agreement.

RESOLUTION

(proposal by Cllr T van Essen, seconded by Cllr R Jooste)

- (a) That notice is taken of the public participation process that was followed and the input/comments that were received;
- (b) That Council grant approval for the amendment of the agreement with Darling Green Utility (Pty) Ltd to comply with all the approval conditions by 30 October 2024;
- (c) That the Municipal Manager be empowered to sign the amended agreement on behalf of the Municipality.

**SIGNED:
SPEAKER**



NOTULE VAN 'N VERGADERING VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE GEHOU IN DIE BANKETSAAL, MALMESBURY OP WOENSDAG, 18 OKTOBER 2023 OM 10:00

TEENWOORDIG:

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

Lede van die Burgemeesterskomitee:

Rdl D G Bess
Rdh T van Essen
Rdl N Smit
Rdl A K Warnick

Ander raadslede:

Rdh M A Rangasamy (Speaker)

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: Ontwikkelingsdienste, me J S Krieger
Direkteur: Korporatiewe Dienste, me M S Terblanche
Direkteur: Beskermingsdienste, mnr P A C Humphreys
Komiteebeampte, me S Willemse

1. OPENING

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

2. VERLOF TOT AFWESIGHEID

Kennis geneem dat daar geen verskonings ontvang is nie.

3. VOORLEGGINGS/AFVAARDIGINGS/SPREEKBEURTE

Geen.

4. NOTULES

4.1 NOTULE VAN 'N GEWONE UITVOERENDE BURGEMEESTERSKOMITEE-VERGADERING GEHOU OP 20 SEPTEMBER 2023

BESLUIT

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

Dat die notule van 'n Gewone Uitvoerende Burgemeesterskomiteevergadering gehou op 20 September 2023 goedgekeur en deur die Burgemeester onderteken word.

5. OORWEGING VAN AANBEVELINGS EN SAKE VOORTSPRUITEND UIT DIE NOTULE

5.1/...



MINUTES OF A MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD IN THE BANQUET HALL, MALMESBURY, ON WEDNESDAY, 18 OCTOBER 2023 AT 10:00

PRESENT:

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

Members of the Mayoral Committee:

Cllr D G Bess
Cllr T van Essen
Cllr N Smith
Cllr A K Warnick

Other board members:

Cllr M A Rangasamy (Speaker)

Officers:

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: Development Services, Ms J S Krieger
Director: Corporate Services, Ms M S Terblanche
Director: Protective Services, Mr P A C Humphreys
Committee officer, Ms S Willemse

1. OPENING

The Executive Mayor welcomes everyone present and requests the Municipal Manager to open the meeting with scripture reading and prayer.

2. LEAVE OF ABSENCE

It was noted that no apologies were received.

3. SUBMISSIONS/DELEGATIONS/SPEAKING ENGAGEMENTS

None.

4. MINUTES

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 20 SEPTEMBER 2023

RESOLUTION

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

That the minutes of an Ordinary Executive Mayoral Committee meeting held on 20 September 2023 be approved and signed by the Mayor.

5. CONSIDERATION OF RECOMMENDATIONS AND MATTERS ARISING FROM THE MINUTES

5.1 NOTULE VAN 'N PORTEFEULJEKOMITEEVERGADERING GEHOUD OP 11 OKTOBER 2023

5.1.1 MUNISIPALE BESTUUR, ADMINISTRASIE EN FINANSIES

BESLUIT

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

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

6. SAKE VOORTSPRUITEND UIT DIE NOTULES

Geen.

7. NUWE SAKE

7.1 BRAND RAMP IN MALMESBURY: HANDELINGE IN TERME VAN ARTIKEL 29 VAN DIE MFMA, SAAMGELEES MET REGULASIES 71 EN 72 VAN MUNISIPALE BEGROTING- EN VERSLAGDOENINGREGULASIES (17/3/1/1)

'n Totaal van 10 huise in Arendstraat, Wesbank en 20 informele strukture in Ilinge Lethu is op Sondag, 8 Oktober 2023 in 'n brand vernietig en is drie persone dood tydens die tragiese gebeure.

Die geaffekteerde families wat insluit 54 volwassenes en 29 kinders het dringend hulp benodig en is 'n aansoek by die Weskaapse Departement van Infrastruktuur ingedien vir die voorsiening van 20 *emergency fire kits* vir die inwoners van die informele strukture en 4 wendy-huise vir inwoners waarvan huise totaal beskadig is gedurende die brand. Die aansoek ten bedrae van R195 537,00 het ingesluit die voorsiening van dienste aan die wendy-huise en die herstel van die huise wat gedeeltelik beskadig is.

Verdere hulp aan die families wat haweloos gelaat is, sal geskied deur middel van die Swartland Munisipaliteit se Beleid insake Ondersteuning in die geval van Kleiner Rampe.

BESLUIT

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

(a)/...

5.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING HELD ON 11 OCTOBER 2023

5.1.1 MUNICIPAL MANAGEMENT, ADMINISTRATION AND FINANCE

RESOLUTION

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

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

5.1.2 CIVIL AND ELECTRICAL SERVICES

RESOLUTION

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

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

5.1.4 PROTECTION SERVICES

RESOLUTION

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

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

6. MATTERS ARISING FROM THE MINUTES

None.

7. NEW MATTERS

7.1 FIRE DISASTER IN MALMESBURY: ACTIONS IN TERMS OF SECTION 29 OF THE MFMA, READ TOGETHER WITH REGULATIONS 71 AND 72 OF MUNICIPAL BUDGETING AND REPORTING REGULATIONS (17/3/1/1)

A total of 10 houses in Arend Street, Wesbank, and 20 informal structures in Ilinge Lethu were destroyed in a fire on Sunday, 8 October 2023 and three people died during the tragic events.

The affected families, which include 54 adults and 29 children, urgently needed help, and an application was submitted to the Western Cape Department of Infrastructure for the provision of 20 emergency fire kits for the residents of the informal structures and 4 Wendy houses for residents whose homes were totally damaged during the fire. The application, amounting to R195 537,00, included providing services to the Wendy houses and repairing the houses that were partially damaged.

Further help to the families who have been left homeless will be provided through the Swartland Municipality's Policy regarding Support in the event of Smaller Disasters.

RESOLUTION

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

(a)/...

7.1/...

- (a) Dat die Uitvoerende Burgemeesterskomitee kennis neem van die aansoek ingedien by die Provinsiale Departement van Infrastruktuur vir bystand met betrekking tot *emergency fire kits* en *wendy-huise* en dienste aan die geaffekteerde gesinne;
- (b) Dat die Uitvoerende Burgemeesterskomitee kennis neem dat enige onvoorsiene en onvermydelike uitgawes tot 'n maksimum van R500 000 in lyn met die Raad se Beleid insake Ondersteuning in geval van Kleiner Rampe sal geskied;
- (c) Dat die Munisipale Bestuurder gemagtig word om die nooduitgawes aan te gaan, waarvoor daar nie oorspronklik voorsiening gemaak is nie en dat die uitgawe binne 60 dae in sodanige aansuiweringsbegroting gemagtig word soos bepaal deur die MFMA.

7.2 SWARTLAND MUNISIPALITEIT: BELEID INSAKE NOODBEHUISINGSBYSTAND (17/4/2/B)

Die Swartland Munisipaliteit: Beleid insake Noodbehuisingsbystand spruit voort uit die Nasionale Nood Behuisingsprogram soos bepaal deur die Nasionale Behuisingsbeleid.

Die hoofdoel van die beleid is om tydelike en/of noodhulp te voorsien in die vorm van toegang tot grond en/of basiese munisipale dienste en/of 'n skuiling in 'n wye reeks noodsituasies en/of buitengewone omstandighede.

Dit gebeur op 'n gereelde basis in Suid-Afrika dat huishoudings en gemeenskappe dakloos gelaat word weens 'n verskeidenheid van faktore, ingesluit, die vestigingspatrone van informele strukture, ongunstige weersomstandighede, welsynskwessies, aansteeklike siektes, besetting van onwettige boustrukture, ens. en noodsaak hierdie situasies beleidsriglyne om behoeftige slagoffers te akkommodeer.

BESLUIT

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

Dat die Swartland Munisipaliteit: Beleid insake Noodbehuisingsbystand met onmiddellike effek goedgekeur word.

7.3 HERSIENING VAN KONTRAK: DARLING GREEN UTILITY SOLAR PV AANLEG (16/2/B; 8/2/2/1)

'n Tender is in Julie 2022 aan Darling Green Utility (Pty) Ltd toegeken vir die voorsiening van sonkrag aan Darling onderhewig aan die voldoening van sekere voorwaardes teen Januarie 2024.

Die diensverskaffer het aansoek gedoen vir uitstel tot 30 Oktober 2024 om aan sekere voorwaardes te voldoen en gevolglik is dit nodig om die oorspronklike ooreenkoms te wysig.

Die wysiging van die ooreenkoms moet ingevolge artikel 116 van die MFMA geskied.

BESLUIT

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

- (a) Dat die Uitvoerende Burgermeesterskomitee beginsel goedkeuring gee vir die wysiging van die bestaande ooreenkoms met Darling Green Utility (Pty) Ltd tesame met die nuwe tydslyn vir die nakoming van die voorwaardes;
- (b) Die nuwe finale datum vir die nakoming van die oorspronklike voorwaardes aangeteken word as 30 Oktober 2024;
- (c) Dat die afskop van die publieke deelname proses vir die wysiging van die ooreenkoms goedgekeur word;

7.1/...

- (a) That the Executive Mayoral Committee takes cognizance of the application to the Provincial Department of Infrastructure for assistance with regards to Fire Kits and Wendy Houses and services for the affected families;
- (b) That the Executive Mayoral Committee takes cognizance that any unforeseen and unavoidable expenditure to a maximum of R500 000 will be in line with Council's Policy on support in case of smaller disasters;
- (c) That the municipal manager be authorized to incur the emergency expenditure, not originally provided for and that same be authorized in such adjustment budget within 60 days as envisaged by the MFMA.

7.2 SWARTLAND MUNICIPALITY: POLICY REGARDING EMERGENCY HOUSING ASSISTANCE (17/4/2/B)

The Swartland Municipality: Policy regarding Emergency Housing Assistance arises from the National Emergency Housing Program as determined by the National Housing Policy.

The policy's primary purpose is to provide temporary and/or emergency aid through access to land and/or essential municipal services and/or a shelter in various emergencies and/or extraordinary circumstances.

It happens regularly in South Africa that households and communities are left homeless due to a variety of factors, including the settlement patterns of informal structures, adverse weather conditions, welfare issues, infectious diseases, occupation of illegal building structures, etc., and these situations necessitate policy guidelines to accommodate needy victims.

RESOLUTION

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

That the Swartland Emergency Housing Assistance policy be approved with immediate effect.

7.3 REVIEW OF CONTRACT: DARLING GREEN UTILITY SOLAR PV PLANT (16/2/B; 8/2/2/1)

A tender was awarded in July 2022 to Darling Green Utility (Pty) Ltd for supplying solar power to Darling, subject to the fulfilment of certain conditions by January 2024.

The service provider applied for an extension until 30 October 2024 to meet certain conditions, so it is necessary to amend the original agreement.

The amendment of the agreement must take place in terms of section 116 of the MFMA.

RESOLUTION

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

- (a) That the Executive Mayoral Committee (EMC) provides in principle support/approval for the amendment of the existing agreement with DGU with new timeframes to meet the conditions;
- (b) That the new final date for meeting of the conditions as per the original agreement be set for 30 October 2024;
- (c) That the commencement of the public participation process for the amendment of the agreement be approved;
- (d)/...

7.3/...

- (d) Dat die Raad die wysiging van die ooreenkoms met Darling Green Utility (Pty) Ltd kondoneer, onderhewig aan die volgende voorwaardes:
- Die vereistes van Artikel 116(3)(b) gevolg word;
 - Die terugvoer van die publieke deelname proses aan die Raad tydens 'n toekomstige raadsvergadering gerapporteer word;
 - 'n Versoek vir finale goedkeuring van die wysiging van die ooreenkoms met Darling Green Utility (Pty) Ltd asook die meegaande tydslyn aan die Raad voorgelê word tydens die Januarie 2024 raadsvergadering of dat 'n spesiale raadsvergadering geskeduleer word, indien die Januarie 2024 vergadering ná 21 Januarie 2024 geskeduleer is.

7.4 STARTUP TRIBE ENTREPRENEURIAL ACADEMY (2/1/4/5)

Die StartUp Tribe Entrepreneurial Academy is 'n wêreldwye inisiatief onder leiding van die voorsitter, mnr York Zucchi, wat gratis aanlynklasse aanbied aan kleinsakeondernemings en entrepreneurs. Hierdie inisiatief is reeds by Stad Kaapstad en Mosselbaai met groot sukses geïmplementeer.

Voormelde Akademie is 'n platform wat praktiese kortkurse aanbied vir persone wat graag 'n besigheid wil begin of hul besigheid wil groei om sodoende werkloosheid aan te spreek en persone te bemagtig om 'n bydrae tot die ekonomie te lewer.

Die rol van die Munisipaliteit sal wees om die Akademie aan gemeenskappe bekend te stel by wyse van sosiale media en ander bemarkingstrategieë. Die Munisipaliteit sal verder met behulp van 'n aanlyn-platform toegang hê tot statistieke van deelname in die munisipale gebied.

BESLUIT

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

- Dat die Uitvoerende Burgemeesterskomitee kennis neem dat die *StartUp Tribe Academy* 'n aanlyn-toepassing is wat gratis aanlynkurse bied aan persone wat hul besighede wil begin of groei en dat toegang tot die Akademie gratis is vir enige lid van die publiek;
- Dat die Uitvoerende Burgemeesterskomitee die bekendstelling van die *StartUp Tribe Academy* in die Swartland munisipale gebied ondersteun en dat daar geen finansiële bydrae benodig word nie;
- Dat die Munisipaliteit onderneem om die *StartUp Tribe Academy* deur sy sosiale media en ander platforms te bemark;
- Dat kennis geneem word van die konsep Memorandum van Verstandhouding, Bylae "A", en dat die Munisipale Bestuurder gemagtig word om die finale Memorandum van Verstandhouding namens Swartland Munisipaliteit te onderhandel en te onderteken;
- Dat, indien enige ander dienste in die toekoms van die *StartUp Tribe* benodig word, 'n item in hierdie verband aan Uitvoerende Burgemeesterskomitee voorgelê sal word.

7.5 GEMEENSKAPSBIBLIOTEEK TE KALBASKRAAL (ERF 22 EN 82) (17/8/B)

Die Munisipaliteit is genader deur 'n nie-winsgewende organisasie genaamd, *No Stone*, om hulp te verleen om 'n gemeenskapsbiblioteek in Kalbaskraal op die been te bring. Die organisasie was ook reeds in verbinding met die Provinsiale Biblioteekdiens vir ondersteuning vir die projek.

Verder is die/...

7.3/...

- (d) That Council condone the amendment of the agreement with Darling Green Utility (Pty) Ltd, subject to the following conditions:
- the prescripts of Sec 116(3)(b) be followed;
 - the feedback from the above process be reported to the Council at a future meeting;
 - a request for final approval for the amendment of the agreement with DGU be presented to Council at the January 2024 Council meeting or a special Council meeting to be called should the January 2024 Council meeting be scheduled after 21 January 2024.

7.4 STARTUP TRIBE ENTREPRENEURIAL ACADEMY (2/1/4/5)

The StartUp Tribe Entrepreneurial Academy is a global initiative led by the chairman, Mr York Zucchi, that offers free online classes to small businesses and entrepreneurs. This initiative has already been successfully implemented by the City of Cape Town and Mossel Bay. The aforementioned Academy is a platform that offers practical short courses for people who want to start or grow their businesses to deal with unemployment and empower people to contribute to the economy.

The role of the Municipality will be to introduce the Academy to communities through social media and other marketing strategies. The Municipality will also have access to statistics on participation in the municipal area with the help of an online platform.

RESOLUTION

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

- That the Executive Mayoral Committee takes cognisance that the StartUp Tribe Academy is an online application that offer free online courses to people who want to start or grow their businesses and that the Academy is available to any member of the public, free of charge;
- That the Executive Mayoral Committee support the launch of the StartUp Tribe Academy in the Swartland municipal area, with no financial contribution necessary;
- That the Municipality promote the StartUp Tribe Academy through its social media and other platforms;
- That cognizance be taken of the draft Memorandum of Understanding, Annexure "A", and that the Municipal Manager be mandated to negotiate and sign the final Memorandum of Understanding on behalf of Swartland Municipality;
- That, should any other services be required in future from the StartUp Tribe, an Item be presented to MAYCO in this regard.

7.5 COMMUNITY LIBRARY AT KALBASKRAAL (ERF 22 AND 82) (17/8/B)

The Municipality was approached by a non-profit organisation, No Stone, to provide assistance in setting up a community library in Kalbaskraal. The organisation has also already been in contact with the Provincial Library Service for support for the project.

Furthermore/...

7.5/...

Verder is die organisasie reeds in Kalbaskraal betrokke by ander gemeenskaps-aktiwiteite, onder andere, 'n sokombuis, naaldwerk- en houtwerkprojek, rekenaaropleiding, huiswerkprogramme vir leerders, ens.

BESLUIT

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

- (a) Dat daar kennis geneem word van die inisiatief/projek van die *No Stone* NGO om 'n gemeenskapsbiblioteek te vestig en dat die projek in beginsel ondersteun word, gegewe dit tot voordeel sal strek van die plaaslike gemeenskap;
- (b) Dat die Munisipaliteit hom verbind tot volle samewerking om aan die projek beslag te gee, maar met dien verstande dat:
 - die organisasie/koördineerder met betrekking tot die ligging van die fasiliteit, sal moet voldoen aan die toepaslike grondgebruikswetgewing;
 - indien die projek onder vaandel van 'n nie-winsgewende organisasie bedryf sal word, daar bewys gelewer moet word van registrasie as sulks; en
 - die Munisipaliteit nie finansieel tot die operasionele uitgawes verbonde aan die bedryf van die biblioteek kan bydra nie.

7.6 HUUROOREENKOMS: VODACOM (15/4/6)

Die Raad verhuur spasie (groot $\pm 10 \text{ m}^2$) op die munisipale watertoring in Wesbank, Malmesbury aan Vodacom vir die bedryf van 'n selfoonbasisstasie.

Die huurtermyn het op 30 April 2023 verstryk en het Vodacom hul opsie uitgeoefen om die ooreenkoms met 'n verdere termyn van vyf jaar te verleng.

BESLUIT

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

- (a) Dat 'n huurooreenkoms met Vodacom aangegaan word vir die gebruik van die Wesbank Watertoring vir die bedryf van telekommunikasiedienste, vir 'n verdere vyfjaartermyn, met ingang 1 Mei 2023;
- (b) Dat die huurgeld op R1745.87 per maand, BTW uitgesluit, vasgestel word, met 'n jaarlikse eskalasie van 6%;
- (c) Dat die huurvoorwaardes wat tans geld, van krag sal bly.

7.7 UITSTAANDE DEBITEURE: SEPTEMBER 2023 (5/7/1/1)

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

BESLUIT

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

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

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

BESLUIT

Dat kennis geneem word van die stand van uitstaande versekeringseise tot en met 30 September 2023 soos met die sakelys gesirkuleer.

7.5/...

Furthermore, the organisation is already involved in other community activities in Kalbaskraal, among others, a soup kitchen, sewing and woodworking project, computer training, homework programs for learners, etc.

RESOLUTION

(on the proposal of Cllr J M de Beer, seconded by Cllr A K Warnick)

- (a) That the initiative/project is noted and that it is supported in principle, given the fact that it benefits the local community;
- (b) That the Municipality commits itself to full cooperation to support the project, but on the understanding that:
 - the organisation/coordinator of the facility will have to comply with the applicable land use legislation with regard to the property;
 - if the project will be operated under the auspices of a non-profit organisation, proof of registration as such must be provided; and
 - the Municipality cannot contribute financially to the operational expenses connected to the library.

7.6 RENTAL AGREEMENT: VODACOM (15/4/6)

The Council leases space (large $\pm 10 \text{ m}^2$) on the municipal water tower in Wesbank, Malmesbury, to Vodacom to operate a mobile phone base station.

The lease term expired on 30 April 2023, and Vodacom exercised its option to extend the agreement for a five-year term.

RESOLUTION

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

- (a) That the premises of the Westbank Watertower be leased to Vodacom for a further term of five (5) years for the rendering of communication network services with effect from 1 May 2023;
- (b) That a monthly rental of R1745.87 (VAT exclusive) be charged, which escalates at a rate of 6% per annum;
- (c) That the current conditions of lease remain unchanged.

7.7 OUTSTANDING DEBTORS: SEPTEMBER 2023 (5/7/1/1)

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

RESOLUTION

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

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

Regarding the Asset Management Policy, monthly reports regarding the outstanding insurance claims must be provided.

RESOLUTION

That cognizance be taken of the state of outstanding insurance claims up to and including 30 September 2023 as circulated with the agenda.

7.9 SWARTLAND TOERISME NGO: 2022/2023 JAARVERSLAG/FINANSIËLE STATE (9/1/3/2/1)

Die diensleweringsoorenekoms met Swartland Toerisme NGO bepaal, onder andere, dat sekere dokumentasie op 'n jaarlikse basis aan die Munisipaliteit voorgelê moet word.

BESLUIT

Dat kennis geneem word van:

- (i) die inhoud van die Voorsitter se verslag;
- (ii) die sleutelprestasie-areas soos gemeet vir die tydperk 1 Julie 2022 tot 30 Junie 2023; en
- (iii) die inhoud van die finansiële state vir die 2022/23 finansiële jaar.

7.10 KWARTAALLIKSE VERSLAG INSAKE DIE PRESTASIE VAN KONTRAKTEURS (8/1/B/1)

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

BESLUIT

Dat kennis geneem word van die kwartaallikse verslag ten opsigte van die prestasie van kontrakteurs vir die periode 1 Julie 2023 tot 30 September 2023.

7.11 VERSLAG INSAKE DIE IMPLEMENTERING VAN DIE VOORSIENINGKANAALBESTUURS-BELED VIR DIE PERIODE 1 JULIE 2023 TOT 30 SEPTEMBER 2023 (8/1/B/2)

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

Die verslag vir die periode 1 Julie 2023 tot 30 September 2023 is met die sakelys gesirkuleer.

BESLUIT

- (a) Dat kennis geneem word van die kwartaallikse verslag van die Voorsieningkanaalbestuursbeleid se implementering vir die periode 1 Julie 2023 tot 30 September 2023, wat ingevolge artikel 6(3) van die Regulasies voorgelê moet word asook die verslae van die Formele Tenders (Aanhangsel A), Informele Tenders (Aanhangsel B) en die Afwykingsverslag (Aanhangsel C);
- (b) Dat verder kennis geneem word van die dienste wat vir dieselfde periode gelewer is, met verwysing na die uitsonderings waar dit onprakties sou wees om die mark te toets en gevolglik aanleiding gegee het tot 'n afwyking van die verkrygingsprosesse ingevolge paragraaf 2(6) van die Voorsieningkanaalbestuursbeleid (Bylae D).

7.12 AFWYKING VAN VOORGESKREWE VERKRYGINGS-PROSEDURES: AANSTELLING VAN RVJ WORKS VIR DIE HERSTEL VAN BESKADIGDE VERKEERSLIGTE (8/1/B/2)

Twee verkeersligpale en kamerapaal op die Darlingweg/N7 kruising is deur 'n swaarvoertuig van Darling Romery omgery wat die verkeersligte buite werking gelaat het. Die dringende herstel van die verkeersligte is benodig, aangesien dit 'n baie besige kruising is wat deur swaarvoertuie en ander motoriste gebruik word.

Besluit/...

7.9 SWARTLAND TOURISM NGO: 2022/2023 ANNUAL REPORT/FINANCIAL STATEMENTS (9/1/3/2/1)

The service delivery agreement with Swartland Tourism NGO stipulates, among other things, that specific documentation must be presented to the Municipality annually.

RESOLUTION

That cognisance be taken of:

- (i) the content of the Chairman's report;
- (i) the key performance areas as measured for the period 1 July 2022 to 30 June 2023; and
- (ii) the contents of the financial statements for the 2022/23 financial year.

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

The report regarding the quarterly performance evaluation of contractors appointed in terms of the Supply Channel Management Policy is submitted in compliance with section 116(2) of the MFMA and the core performance indicator of the Municipal Manager.

RESOLUTION

That cognisance be taken of the quarterly report regarding the performance of contractors for the period 1 July 2023 to 30 September 2023.

7.11 REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHANNEL MANAGEMENT POLICY FOR THE PERIOD 1 JULY 2023 TO 30 SEPTEMBER 2023 (8/1/B/2)

The implementation of the Supply Channel Management Policy must be submitted to the Executive Mayor quarterly in paragraph 6(3) of the Municipal Supply Channel Management Regulations.

The report from 1 July 2023 to 30 September 2023 was circulated with the agenda.

RESOLUTION

- (a) That cognisance is taken of the Quarterly Report in respect of the implementation of the Supply Chain Management Policy as envisaged by section 6(3) of the Regulations, as well as reports on the Formal Tenders (Annexure A), Informal Tenders (Annexure B), and the Deviation Report (Annexure C);
- (b) That cognisance is taken of the services rendered for the period 1 July 2023 to 30 September 2023 with reference to the exceptions where it is impractical to test the market and therefore justified a deviation from the procurement processes in terms of paragraph 2(6) of the Supply Chain Management Policy (Annexure D).

7.12 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: APPOINTMENT OF RVJ WORKS FOR THE REPAIR OF DAMAGED TRAFFIC LIGHTS (8/1/B/2)

Two traffic light poles and a camera pole on the Darling Road/N7 intersection were run over by a heavy vehicle from Darling Romery, which left the traffic lights out of action. The urgent repair of the traffic lights is necessary, as it is a bustling intersection used by heavy vehicles and other motorists.

Resolution/...

7.12/...

BESLUIT

- (a) Dat kennis geneem word van die afwyking van die voorgeskrewe verkrygingsprosedures ingevolge klousule 36(2) van die Voorsiening-kanaalbestuurbeleid;
- (b) Dat verder kennis geneem word van die aksie van die Munisipale Bestuurder om die herstel van die verkeersligte by die Darlingweg/N7-kruising wat deur eksterne kragte beskadig is, deur RJV Works ter waarde van R 72 612.44 (BTW ingesluit) goed te keur;
- (c) Dat die rede vir die afwyking van die voorgeskrewe verkrygingsproses soos volg aangeteken word:
 - (i) Die verkeersligte is beskadig as gevolg van eksterne kragte (vragmotor wat teen die ligte gebots het);
 - (ii) Die herstelwerk aan die verkeersligte is as 'n noodgeval hanteer;
- (d) Dat die uitgawe ten bedrae van R 72 612.44 (BTW ingesluit) teen posnommer: 9/117-800-935 verreken word en dat daar voldoende fondse beskikbaar is;
- (e) Dat die Bestuurder: Finansiële State in terme van die Voorsiening-kanaalbestuursbeleid opdrag gegee word om bovermelde rede as nota by die finansiële state in te sluit, wanneer die betrokke state opgestel word.

7.13 AFWYKING VAN VOORGESKREWE VERKRYGINGPROSEDURES: DRINGENDE HERSTELWERK AAN VULLISVERWYDERINGVRAGMOTOR, CK 32551 (8/1/B/2)

Die kompakteer-vullisverwyderingsvragmotor, CK 32551, word in Moortreesburg gebruik vir die verwydering van vaste afval.

BESLUIT

- (a) Dat kennis geneem word van die afwyking van die voorgeskrewe verkrygingsprosedures ingevolge klousule 36(2) van die Voorsiening-kanaalbestuurbeleid;
- (b) Dat verder kennis geneem word van die aksie van die Munisipale Bestuurder om die herstelwerk aan die vullisverwyderingsvragmotor, CK 32551 vir die bedrag van R135,784.64 (BTW uitgesluit) deur UD Trucks Malmesbury goed te keur;
- (c) Dat die rede vir die afwyking van die voorgeskrewe verkrygingsproses soos volg aangeteken word:
 - (i) Die vragmotor sou vir 'n geruime tyd buite werking gelaat word;
 - (ii) Dit sou lei tot 'n ineenstorting in die kapasiteit van die vaste afval-verwyderingsdienste en risiko's vir openbare gesondheid inhou;
 - (iii) Die herstelwerk aan die vragmotor was dus as 'n noodgeval hanteer;
- (d) Dat die uitgawe ten bedrae van R 135,784.64 (BTW uitgesluit) teen posnommer: 9/4-62-5 verreken word en dat daar voldoende fondse beskikbaar is;
- (e) Dat die Bestuurder: Finansiële State in terme van die Voorsiening-kanaalbestuursbeleid opdrag gegee word om bovermelde rede as nota by die finansiële state in te sluit, wanneer die betrokke state opgestel word.

(GET) J H CLEOPHAS
UITVOERENDE BURGEMEESTER

7.12/...

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 Traffic lights at the Darling Road / N7 Intersection which were damaged by external forces, by RJV Works to the value of R 72 612.44 (VAT Inclusive);
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The traffic lights were damaged due to external forces (truck colliding with the lights);
 - (ii) The repairs were regarded as an emergency;
- (d) That there are sufficient funds available and that the expenditure amounting to R 72 612.44 (excluding VAT) is settled against vote number 9/117-800-935;
- (e) That the Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements, when same are compiled.

7.13 DEVIATION FROM PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIRS TO GARBAGE DISPOSAL TRUCK, CK 32551 (8/1/B/2)

The compacting garbage disposal truck, CK 32551, is used in Moortreesburg to remove solid waste.

RESOLUTION

- (a) That the Executive Mayoral Committees take note of the deviation from the prescribed procurement procedures in terms of clause 36(2) of the Supply Chain Management Policy;
- (b) That further notice be taken of the action of the Municipal Manager to approve repairs to the waste removal truck CK 32551 for the amount of R135,784.64 (excluding VAT) by UD Trucks Malmesbury;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) The truck would be left out of service for an extended period of time;
 - (ii) This will result in a failure in the waste removal services capacity and public health risks;
 - (iii) The repair works to the truck therefore is handled as an emergency;
- (d) That there are sufficient funds available and that the expenditure amounting to R 135,784.64 (excluding VAT) is settled against vote number 9/4-62-5;
- (e) That the Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements, when same are compiled.

(SGD) 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, 11 OKTOBER 2023 OM 11:30

TEENWOORDIG:

RAADSLEDE:

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

Penxa, B J
Pypers, D C
Rangasamy, M A

Van Essen, T (rdh)
Van Zyl, M (rdd)

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

BEAMPTES:

Munisipale Bestuurder, mnr J J Scholtz
Direkteur: Beskermingsdienste, mnr P A C Humphreys
Direkteur: Korporatiewe Dienste, me M S Terblanche
Direkteur: Ontwikkelingsdienste, me J S Krieger
Direkteur: Siviele Ingenieursdienste, mnr L D Zikmann
Direkteur: Elektriese Ingenieursdienste, mnr T Möller
Bestuurder: Menslike Nedersettings, mnr S Arendse
Bestuurder: Begrotingskantoor, me H Papier
Komitee beampte, me S Willemse

1. OPENING/VERLOF TOT AFWESIGHEID

Die voorsitter verwelkom almal teenwoordig.

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

Verlof tot afwesigheid word verleen aan rdle A K Warnick, E C O'Kennedy, G Vermeulen, P E Soldaka en die Direkteur: Finansiële Dienste, mnr M A C Bolton.

2. NOTULE

2.1 NOTULE VAN 'N PORTEFEULJEKOMITEEVERGADERING (MUNISIPALE BESTUUR-, ADMINISTRASIE- EN FINANSIESKOMITEE) GEHOU OP 13 SEPTEMBER 2023

BESLUIT

(voorgestel deur rdl D C Pypers, gesekondeer deur rdd M Van Zyl)

Dat die notule van die Portefeuljekomiteevergadering (Munisipale Bestuur-, Administrasie- en Finansieskomitee) gehou op 13 September 2023 goedgekeur word.

3. AFVAARDIGINGS/VOORLEGGINGS/MEDEDELINGS

3.1 SKRYWES VAN DANK EN WAARDERING AAN SWARTLAND MUNISIPALITEIT

BESLUIT

Dat kennis geneem word van die skrywes van dank en waardering aan Swartland Munisipaliteit soos met die sakelys gesirkuleer.



MINUTES OF A MEETING OF THE MUNICIPAL MANAGEMENT, ADMINISTRATION AND FINANCES PORTFOLIO COMMITTEE OF THE SWARTLAND MUNICIPAL COUNCIL HELD ON WEDNESDAY, 11 OCTOBER 2023 AT 11:30

PRESENT:

COUNCILLORS:

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

Penxa, B J
Pypers, D C
Rangasamy, M A

Van Essen, T (ald)
Van Zyl, M (ald)

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

OFFICIALS:

Municipal Manager, mr J J Scholtz
Director: Protection Services, mr P A C Humphreys
Director: Corporate Services, ms M S Terblanche
Director: Civil Engineering Services, mr L D Zikmann
Director: Electrical Engineering Services, mr T Möller
Manager: Human Settlements, mr S Arendse
Manager: Budget Office, ms H Papier
Committee Officer, ms S Willemse

1. OPENING/APOLOGIES

The chairperson welcomed members.

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

Apologies received from clrrs A K Warnick, E C O'Kennedy, G Vermeulen, P E Soldaka and the Director: Financial Services, mr M A C Bolton.

2. MINUTES

2.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING (MUNICIPAL MANAGEMENT, ADMINISTRATION AND FINANCES COMMITTEE) HELD ON 13 SEPTEMBER 2023

RESOLUTION

(proposed by clrr D C Pypers, seconded by ald M van Zyl)

That the minutes of a Portfolio Committee Meeting (Municipal Management, Administration and Finance Committee) held on 13 September 2023 are approved.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

3.1 LETTERS OF THANKS AND APPRECIATION TO SWARTLAND MUNICIPALITY

RESOLUTION

That note is taken of the letters of thanks and appreciation received by the Swartland Municipality, circulated with the agenda.

4. MATTERS ARISING FROM THE MINUTES

None

5. DELEGATED MATTERS IN RESPECT OF MUNICIPAL MANAGER

5.1 MONTHLY REPORT: AUGUST 2023

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

The Municipal Manager explained in detail the departmental KPI's and Projects report. The Municipality has a new system, called IGNITE, whose monthly performance will be measured from now on.

RESOLUTION

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

That cognisance be taken of the monthly report of the Office of the Municipal Manager for August 2023.

6. MATTERS FOR RECOMMENDATION TO THE EXECUTIVE MAYOR

None

7. DELEGATED MATTERS IN RESPECT OF ADMINISTRATION

7.1 MONTHLY REPORT: AUGUST 2023

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

RESOLUTION

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

That cognisance be taken of the monthly report of the Directorate Corporate Services for August 2023.

8. MATTERS FOR RECOMMENDATION TO THE EXECUTIVE MAYOR

None

9. DELEGATED MATTERS IN RESPECT OF FINANCES

9.1 MONTHLY REPORT: AUGUST 2023

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

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 August 2023.

10. MATTERS FOR RECOMMENDATION TO THE EXECUTIVE MAYOR

None

(SGD) CLLR I S LE MINNIE
CHAIRPERSON

4. SAKE VOORTSPRUITEND UIT NOTULES

Geen

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

5.1 MAANDVERSLAG: AUGUSTUS 2023

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

Die Munisipale Bestuurder verduidelik breedvoerig die departementele KPI's en Projekterverslag. Die Munisipaliteit het 'n nuwe stelsel, genaamd IGNITE, waarvan die maandelikse pretasie voortaan gemeet word.

BESLUIT

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

Dat kennis geneem word van die maandverslag van die Munisipale Bestuurder vir Augustus 2023.

6. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

Geen

7. GEDELEGEERDE SAKE M.B.T. ADMINISTRASIE

7.1 MAANDVERSLAG: AUGUSTUS 2023

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

BESLUIT

(op voorstel van rdl N Smit, gesekondeer deur rdl D C Pypers)

Dat kennis geneem word van die maandverslag van die Direkoraat Korporatiewe Dienste vir Augustus 2023.

8. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

Geen

9. GEDELEGEERDE SAKE M.B.T. FINANSIES

9.1 MAANDVERSLAG: AUGUSTUS 2023

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

BESLUIT

(op voorstel van rdl N Smit, gesekondeer deur rdl D C Pypers)

Dat kennis geneem word van die maandverslag van die Direkoraat Finansiële Dienste vir Augustus 2023.

10. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

Geen

(GET) RDL I S LE MINNIE
VOORSITTER



**NOTULE VAN 'N VERGADERING VAN DIE SIVIELE- EN ELEKTRIESE DIENSTE
PORTEFEULJEKOMITEE VAN DIE SWARTLAND MUNISIPALE RAAD GEHOU OP WOENSDAG, 11
OKTOBER 2023 OM 11:41**

TEENWOORDIG:

RAADSLEDE:

Voorsitter, rdl R J Jooste
Ondervoorsitter, rdh T van Essen

Bess, D G	Smit, N
Fortuin, C	Van Zyl, M (rdd)
Pieters, C	

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

BEAMPTES:

Munisipale Bestuurder, mnr J J Scholtz
Direkteur: Beskermingsdienste, mnr P A C Humphreys
Direkteur: Korporatiewe Dienste, me M S Terblanche
Direkteur: Ontwikkelingsdienste, me J S Krieger
Direkteur: Siviele Ingenieursdienste, mnr L D Zikmann
Direkteur: Elektriese Ingenieursdienste, mnr T Möller
Bestuurder: Menslike Nedersettings, mnr S Arendse
Bestuurder: Begrotingskantoor, me H Papier
Komitee beampte, me S Willemsse

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 rdle A K Warnick, E C O'Kennedy en die Direkteur:
Finansiële Dienste, mnr M A C Bolton.

2. NOTULE

**2.1 NOTULES VAN 'N PORTEFEULJEKOMITEEVERGADERING (SIVIELE- EN
ELEKTRIESE DIENSTEKOMITEE) GEHOU OP 13 SEPTEMBER 2023**

BESLUIT

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

Dat die notule van die Portefeuljekomiteevergadering (Siviele- en Elektriese Dienste)
gehou op 13 September 2023 goedgekeur word.

3. AFVAARDIGINGS/VOORLEGGINGS/MEDEDELINGS

Geen

4. SAKE VOORTSPRUITEND UIT NOTULES

Geen

5. GEDELEGEERDE SAKE

5.1. MAANDVERSLAG: AUGUSTUS 2023



**MINUTES OF A MEETING OF THE CIVIL AND ELECTRICAL ENGINEERING SERVICES PORTFOLIO
COMMITTEE OF THE SWARTLAND MUNICIPAL COUNCIL HELD ON WEDNESDAY, 11 OCTOBER
2023 AT 11:41**

PRESENT:

COUNCILLORS:

Chairperson, cllr R J Jooste
Deputy Chairperson, ald T van Essen

Bess, D G	Smit, N
Fortuin, C	Van Zyl, M (ald)
Pieters, C	

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

OFFICIALS:

Municipal Manager, mr J J Scholtz
Director: Protection Services, mr P A C Humphreys
Director: Corporate Services, ms M S Terblanche
Director: Civil Engineering Services, mr L D Zikmann
Director: Electrical Engineering Services, mr T Möller
Manager: Human Settlements, mr S Arendse
Manager: Budget Office, ms H Papier
Committee Officer, ms S Willemsse

1. OPENING/APOLOGIES

The chairperson welcomed members.

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

Apologies received from cllrs A K Warnick, E C O'Kennedy and the Director: Financial Services,
mr M A C Bolton.

2. MINUTES

**2.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING (CIVIL AND ELECTRICAL
SERVICES COMMITTEE) HELD ON 13 SEPTEMBER 2023**

RESOLUTION

(proposed by ald T van Essen, seconded by cllr N Smit)

That the minutes of a Portfolio Committee Meeting (Civil and Electrical Services) held on
13 September 2023 are approved.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

None

4. MATTERS ARISING FROM THE MINUTES

None

5. DELEGATED MATTERS

5.1.1 SIVIELE INGENIEURSDIENSTE

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

Die Direkteur: Siviele Ingenieursdienste gee – onder andere – inligting deur insake die stand van die damvlakke.

Rdl C Fortuin spreek haar kommer uit oor die oorgroei van onkruid op privaaterwe en openbare oopruimtes, veral langs die spoorlyn in Moorreesburg. Die kwessie is 'n gevaar vir die gemeenskap en die Munisipaliteit moet die eienaars in kennis stel om die onkruid te sny.

Die Uitvoerende Burgemeester versoek dat die Munisipaliteit die privaat erwe, waar die oorgroei van onkruid voorkom skoonmaak en die eienaar 'n rekening stuur vir die skoonmaak van die erf.

BESLUIT

(op voorstel van rdl D G Bess, gesekondeer deur rdh M van Zyl)

Dat kennis geneem word van die maandverslag van die Direktoraat Siviele Ingenieursdienste vir Augustus 2023.

5.1.2 ELEKTRIESE INGENIEURSDIENSTE

Die voorsitter lê die maandverslag ter tafel soos met die sakelys gesirkuleer en versoek die Direkteur: Elektriese Ingenieursdienste, mnr T Möller, om belangrike aspekte uit te wys.

BESLUIT

(op voorstel van rdl D G Bess, gesekondeer deur rdh M van Zyl)

Dat kennis geneem word van die maandverslag van die Direktoraat Elektriese Ingenieursdienste vir Augustus 2023.

6. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

Geen

(GET) RDL R J JOOSTE
VOORSITTER

5.1. MONTHLY REPORT: AUGUST 2023

5.1.1 CIVIL ENGINEERING SERVICES

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

The Director: Civil Engineering Services provided - among other things - information regarding the state of the dam levels.

Cllr C Fortuin expressed her concern about the overgrowth of weeds on private plots and public open spaces, especially along the railway line in Moorreesburg. The issue is a danger to the community and the Municipality must notify the owners to cut the weeds.

The Executive Mayor requested that the Municipality cleans the private plots where the overgrowth of weeds is, and sends the owner a bill for the cleaning of the plot.

RESOLVED

(proposed by cllr D G Bess, seconded by ald M van Zyl)

That cognisance be taken of the monthly report of the Directorate Civil Engineering Services for August 2023.

5.1.2 ELECTRICAL ENGINEERING SERVICES

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

RESOLUTION

(proposed cllr D G Bess, seconded by ald T van Essen)

That cognisance be taken of the monthly report of the Directorate: Electrical Engineering Services for August 2023.

6. MATTERS FOR RECOMMENDATION TO THE EXECUTIVE MAYOR

None

(SGD) CLLR R J JOOSTE
CHAIRPERSON



NOTULE VAN 'N VERGADERING VAN DIE ONTWIKKELINGSDIENSTE PORTEFEULJEKOMITEE VAN DIE SWARTLAND MUNISIPALE RAAD GEHOU OP WOENSDAG, 11 OKTOBER 2023 OM 10:00

TEENWOORDIG:

RAADSLEDE:

Ondervoorsitter, rdl D G Bess

Booyesen, A M
Daniels, C
De Beer, J M
Le Minnie, I S

Ngozi, M
Pypers, D C
Rangasamy, M A (rdh)
Smit, N

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

BEAMPTES:

Munisipale Bestuurder, mnr J J Scholtz
Direkteur: Beskermingsdienste, mnr P A C Humphreys
Direkteur: Korporatiewe Dienste, me M S Terblanche
Direkteur: Ontwikkelingsdienste, me J S Krieger
Direkteur: Siviele Ingenieursdienste, mnr L D Zikmann
Direkteur: Elektriese Ingenieursdienste, mnr T Möller
Bestuurder: Menslike Nedersettings, mnr S Arendse
Bestuurder: Begrotingskantoor, me H Papier
Komitee beampte, me S Willemsse

1. OPENING/VERLOF TOT AFWESIGHEID

Die ondervoorsitter verwelkom lede en versoek rdl N Smit om die vergadering met skriflesing en gebed te open.

Die ondervoorsitter bevestig die teenwoordigheid van raadslede wat dien op die Portefeuljekomitee: Ontwikkelingsdienste.

Verlof tot afwesigheid word verleen aan rdl G Vermeulen, P E Soldaka en die Direkteur: Finansiële Dienste, mnr M A C Bolton.

Die ondervoorsitter gee geleentheid aan die Uitvoerende Burgemeester om die vergadering toe te spreek, waarvan hy versoek dat die lede sal opstaan as 'n teken van medelye met families wat gedurende die afgelope naweek geliefdes aan die dood afgestaan het, a.g.v. die Malmesbury onrus.

2. NOTULE

2.1 NOTULES VAN 'N PORTEFEULJEKOMITEEVERGADERING (ONTWIKKELINGSDIENSTE) GEHOU OP 13 SEPTEMBER 2023

BESLUIT

(voorgestel deur rdl D C Pypers, gesekondeer deur rdh M A Rangasamy)

Dat die notule van die Portefeuljekomiteevergadering (Ontwikkelingsdienste) gehou op 13 September 2023 goedgekeur word.

3. AFVAARDIGINGS/VOORLEGGINGS/MEDEDELINGS

3.1 ANTWOORD OP MOSIE ONTVANG VANAF DIE VRYHEIDSFRONT PLUS INSAKE DIE DE HOOP-BEHUISINGSPROJEK



MINUTES OF A MEETING OF THE DEVELOPMENT SERVICES PORTFOLIO COMMITTEE OF THE SWARTLAND MUNICIPAL COUNCIL HELD ON WEDNESDAY, 11 OCTOBER 2023 AT 10:00

PRESENT:

COUNCILLORS:

Deputy chairperson, cllr D G Bess

Booyesen, A M
Daniels, C
De Beer, J M
Le Minnie, I S

Ngozi, M
Pypers, D C
Rangasamy, M A (ald)
Smit, N

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

OFFICIALS:

Municipal Manager, mr J J Scholtz
Director: Protection Services, mr P A C Humphreys
Director: Corporate Services, ms M S Terblanche
Director: Civil Engineering Services, mr L D Zikmann
Director: Electrical Engineering Services, mr T Möller
Manager: Human Settlements, mr S Arendse
Manager: Budget Office, ms H Papier
Committee Officer, ms S Willemsse

1. OPENING/APOLOGIES

The deputy chairperson welcomed members and requested cllr N Smit to open the meeting with a prayer.

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

Apologies received from cllrs G Vermeulen, P E Soldaka and the Director: Financial Services, mr M A C Bolton.

The deputy chairperson gave an opportunity to the Executive Mayor to address the meeting, from which he requested that the members stand up as a sign of sympathy for the families who lost loved ones to death during the weekend, due to the Malmesbury unrest.

2. MINUTES

2.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING (DEVELOPMENT SERVICES) HELD ON 8 AUGUST 2023

RESOLUTION

(proposed by cllr C Daniels, seconded by cllr D C Pypers)

That the minutes of a Portfolio Committee Meeting (Development Services) held on 8 August 2023 are approved.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

3.1 RESPONSE ON MOTION RECEIVED FROM THE FREEDOM FRONT PLUS REGARDING THE DE HOOP HOUSING PROJECT

Op 24 Augustus 2023 was daar 'n Raadsbesluit oor 'n mosie ontvang vanaf rdl A M Booysen, wat stipuleer dat die mosie aanvaar word en dat terugvoer verskaf sal word binne 14 tot 21 dae aan rdl A M Booysen.

Om die De Hoop Fase 1-projek af te handel en om alle De Hoop-navrae uit te klaar is rolspelers, naamlik die Projekbestuurder, Provinsiale Departement Infrastruktuur en NHBRC genooi na die Portefeuļjeraadskomiteevergadering.

Bogenoemde rolspelers bespreek hul rolle oor die hantering met betrekking tot die De Hoop-behuisingsprojek.

Die kontrakteurs moet by die NHBRC geregistreer wees en moet hul werk doen volgens reëls en riglyne van Provinsiale Departement Infrastruktuur sowel as die NHBRC. Laasgenoemde se funksie is om te reguleer en toe te sien dat daar aan die strukturele standaarde van Behuisingsprojekte voldoen word.

Met praktiese voltooiing sal die huis aan die begunstigde oorhandig word, die begunstigde teken 'n tevrede brief ("*happy letter*"). Indien daar enige foute is met die intrek, sal dit gelys word, waarvan dit binne 'n week reggestel moet word.

Verder is daar 'n drie (3) maande retensieperiode en na drie (3) maande sal die retensie uitbetaal word aan die kontrakteur. Daar sal weer 'n inspeksie op die huis wees met die kontrakteur en die huiseienaar en dan sal 'n finale voltooiingsertifikaat gedoen word.

Indien daar enige ander ernstige strukturele kwessies voorkom by die behuising, kan dit gerapporteer word by die Munisipaliteit, sodat dit opgevolg kan word.

Rdl A M Booysen lig die onderstaande vrae uit, naamlik:

Dat die spesifikasies van die boumateriaal elektronies verskaf moet word. Die Munisipale Bestuurder meld dat die spesifikasies van die Provinsiale Departement Infrastruktuur verkry kan word.

Waarom het *Simply Do Construction* op hul eie verslag gereageer. Mnr Meyer meld dat *Simply Do* is kontraktueel die kontrakteur en geregistreerde "*Home Builder*" by die NHBRC en is kans gegee om hul kant van die saak te stel. Sien aangeheg skrywe van *Simply Do*. Die Professionele span en *Simply Do* het saam met rdl A M Booysen huise besigtig, prosesse en aksies bespreek en dit ook skriftelik deurgee.

Waarom het die huiseienaars plastiek baddens ontvang, in plaas van porselein baddens. Die Munisipale Bestuurder meld dat die spesifikasies van die Provinsiale Departement Infrastruktuur verkry kan word.

BESLUIT

(op voorstel van rdl N Smit, gesekondeer deur rdh D C Pypers)

- (a) Dat kennis geneem word van die verslag en kommentaar van die rolspelers, naamlik die Projekbestuurder, Provinsiale Departement Infrastruktuur en NHBRC in die De Hoop-Behuisingsprojek en die reaksie op alle navrae; en
- (b) Dat die verslae vanaf al die rolspelers aanvaar word.

3.2 MALMESBURY ONRUS

Die Munisipale Bestuurder lewer kommentaar insake die Malmesbury onrus wat plaasgevind het op Sondag 8 Oktober 2023. Sowat agt en tagtig (88) mense is geraak, waarvan tien (10) formele huise en agtien (18) informele strukture in 'n brand vernietig is.

'n Gedetailleerde assessering is vir elke formele en informele struktuur gedoen, wat verwys sal word na die Provinsiale Departement Menslike Nedersettings.

Die geaffekteerde gesinne is meestal werkloos en nie in staat om hul huise sonder hulp te herbou nie. Hulle woon tans saam met hul familieledede ver van hul area, wat hul skoolgaande kinders se lewens erg ontwrig.

On 24 August 2023 Council resolved on a motion submitted from clir A M Booysen from the Freedom Front Plus, which stipulates that the motion is accepted and that feedback will be provided to clir A M Booysen within 14 to 21 days.

To conclude the De Hoop Phase 1 project and to clarify on all De Hoop enquiries the stakeholders namely Project Manager, Provincial Department Infrastructure and NHBRC was invited to the Portfolio Council Committee meeting.

The above role players discussed their roles regarding the handling in relation to the De Hoop housing project.

The contractors must be registered with the NHBRC and must do their work according to the rules and guidelines of the Provincial Department of Infrastructure as well as the NHBRC. Last mentioned function is to regulate and ensure that the structural standards of Housing Projects are met.

Upon practical completion, the house will be handed over to the beneficiary, the beneficiary signs a happy letter. If there are any errors with the move-in, they will be listed, of which they must be corrected within a week.

Furthermore, there is a three (3) month retention period and after three (3) months the retention will be paid out to the contractor. There will be another inspection on the house with the contractor and the home owner and then a final completion certificate will be done.

If there are any other serious structural issues at the housing, this can be reported to the Municipality, so that it can be followed up.

Clir A M Booysen stated the following, namely:

That the specifications of the building materials must be provided electronically. The Municipal Manager stated that the specifications can be obtained from the Provincial Department of Infrastructure.

Why did *Simply Do Construction* respond to their own report? Mr Meyer stated that *Simply Do* is contractually the contractor and registered "Home Builder" with the NHBRC and has been given a chance to state their side of the matter. See attached writing from *Simply Do*. The Professional team and *Simply Do* together with clir A M Booysen inspected houses, discussed processes and actions and also passed them on in writing.

Why did the homeowners receive plastic tubs, instead of porcelain tubs. The Municipal Manager stated that the specifications can be obtained from the Provincial Department of Infrastructure.

RESOLUTION

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

- (a) That notice be taken of the report and comments of the role players, namely the Project Manager, Provincial Department of Infrastructure and NHBRC in the De Hoop Housing Project and the response to all inquiries; and
- (b) That the reports from all the role players are accepted.

3.2 MALMESBURY UNREST

The Municipal Manager commented on the Malmesbury unrest that took place on Sunday 8 October 2023. About eighty-eight (88) people were affected, of which ten (10) formal houses and eighteen (18) informal structures were destroyed in a fire.

A detailed assessment was conducted for each formal and informal structure, which will be referred to the Provincial Department of Human Settlements.

3.2/...

Om hul huise te herbou, versoek die Munisipaliteit die Departement Menslike Nedersettings om die gesinne te help met twintig (20) noodbrandstelle vir die informele struktuur inwoners en vier (4) tydelike Wendy Huise (6m² x 3m²) vir die inwoners wie se formele huise heeltemal beskadig is in die brand.

Swartland Munisipaliteit het reeds 'n aansoek ingedien aan die Departement Menslike Nedersettings vir hul noodbehuisingsprogram.

Informele strukture sal bygestaan word in terme van die munisipaliteit se beleid en die noodbrandstelle van die Departement Menslike Nedersettings.

KENNIS GENEEM

4. SAKE VOORTSPRUITEND UIT NOTULES

Geen

5. GEDELEGEERDE SAKE

5.1 MAANDVERSLAG: AUGUSTUS 2023

Die Voorsitter lê die maandverslag ter tafel.

Die Direkteur: Ontwikkelingsdienste, gee inligting deur insake die vordering met die onderskeie behuisingsprojekte en die verskeie projekte wat in Swartland Munisipaliteit aangebied word deur Gemeenskapsontwikkeling.

BESLUIT

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

Dat kennis geneem word van die maandverslag van die Direktoraat Ontwikkelingsdienste vir Augustus 2023.

6. VERSLAGDOENING INSAKE GEDELEGEERDE BESLUITNEMING DEUR

6.1 DIE MUNISIPALE BEPLANNINGSTRIBUNAAL

Dat **KENNIS GENEEM** word van die inhoud van die notule van 'n vergadering van die Munisipale Beplanningstribunaal gehou op 20 September 2023.

7. SAKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

Geen

(GET) RDL D G BESS
ONDERVOORSITTER

3.2/...

The affected families are mostly unemployed and unable to rebuild their homes without help. They currently live with their relatives far from their area, which severely disrupts the lives of their school-going children.

In order to rebuild their houses, the Municipality requested the Department of Human Settlements to help the families with twenty (20) emergency fire kits for the informal structure residents and four (4) temporary Wendy Houses (6m² x 3m²) for the residents whose formal houses are completely damaged in the fire.

Swartland Municipality has already submitted an application to the Department of Human Settlements for their emergency housing programme.

Informal structures will be assisted in terms of the municipality's policy and the emergency fire kits of the Department of Human Settlements.

NOTED

4. MATTERS ARISING FROM THE MINUTES

None

5. DELEGATED MATTERS

5.1 MONTHLY REPORT: AUGUST 2023

The chairperson tabled the monthly report.

The Director: Development Services, gave information regarding the progress with the respective housing projects and the various projects offered in Swartland Municipality by Community Development.

RESOLUTION

(proposed by cllr I S le Minnie, seconded by ald M A Rangasamy)

That cognisance be taken of the monthly report of the Directorate Development Services for August 2023.

6. REPORTING REGARDING DELEGATED DECISION MAKING BY

6.1 THE MUNICIPAL PLANNING TRIBUNAL

Cognisance be taken of the minutes of the Municipal Planning Tribunal held on 20 September 2023.

7. MATTERS FOR RECOMMENDATION TO THE EXECUTIVE MAYOR

None

(SGD) CLLR D G BESS
DEPUTY CHAIRPERSON



NOTULE VAN 'N VERGADERING VAN DIE BESKERMINGSDIENSTE PORTEFEULJEKOMITEE VAN DIE SWARTLAND MUNISIPALE RAAD GEHOU OP WOENSDAG, 11 OKTOBER 2023 OM 11:58

TEENWOORDIG:

RAADSLEDE:

Voorsitter, rdd M van Zyl

Bess, D G	Jooste, R J
Daniels, C	Le Minnie, I S
De Beer, J M	Papier, J R
Fortuin, C	Pieters, C

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

BEAMPTES:

Munisipale Bestuurder, mnr J J Scholtz
Direkteur: Beskermingsdienste, mnr P A C Humphreys
Direkteur: Korporatiewe Dienste, me M S Terblanche
Direkteur: Ontwikkelingsdienste, me J S Krieger
Direkteur: Siviele Ingenieursdienste, mnr L D Zikmann
Direkteur: Elektriese Ingenieursdienste, mnr T Möller
Bestuurder: Menslike Nedersettings, mnr S Arendse
Bestuurder: Begrotingskantoor, me H Papier
Komitee beampte, me S Willemse

1. OPENING/VERLOF TOT AFWESIGHEID

Die voorsitter verwelkom lede.

Die voorsitter bevestig die teenwoordigheid van raadslede wat dien op die Portefeuljekomitee: Beskermingsdienste.

Verlof tot afwesigheid word verleen aan rdl A K Warnick en die Direkteur: Finansiële Dienste, mnr M A C Bolton.

Die voorsitter dra haar gelukwense oor aan rdh M A Rangasamy, wie verjaar.

2. NOTULE

2.1 NOTULES VAN 'N PORTEFEULJEKOMITEEVERGADERING (BESKERMINGS-DIENSTE) GEHOU OP 13 SEPTEMBER 2023

BESLUIT

(voorgestel deur rdl D G Bess, gesekondeer deur rdl C Daniels)

Dat die notule van die Portefeuljekomiteevergadering (Beskermingsdienste) gehou op 13 September 2023 goedgekeur word.

3. AFVAARDIGINGS/VOORLEGGINGS/MEDEDELINGS

Geen

4. SAKE VOORTSPRUITEND UIT NOTULES

Geen



MINUTES OF A MEETING OF THE PROTECTION SERVICES PORTFOLIO COMMITTEE OF THE SWARTLAND MUNICIPAL COUNCIL HELD ON WEDNESDAY, 11 OCTOBER 2023 AT 11:58

PRESENT:

COUNCILLORS:

Chairperson, ald M van Zyl

Bess, D G	Jooste, R J
Daniels, C	Le Minnie, I S
De Beer, J M	Papier, J R
Fortuin, C	Pieters, C

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

OFFICIALS:

Municipal Manager, mr J J Scholtz
Director: Protection Services, mr P A C Humphreys
Director: Corporate Services, ms M S Terblanche
Director: Civil Engineering Services, mr L D Zikmann
Director: Electrical Engineering Services, mr T Möller
Manager: Human Settlements, mr S Arendse
Manager: Budget Office, ms H Papier
Committee Officer, ms S Willemse

1. OPENING/APOLOGIES

The chairperson welcomed members.

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

Apology received from cllr A K Warnick and the Director: Financial Services, mr M A C Bolton.

The chairperson conveyed her congratulations to ald M A Rangasamy, who is celebrating his birthday.

2. MINUTES

2.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING (PROTECTION SERVICES) HELD ON 13 SEPTEMBER 2023

BESLUIT

(proposed by cllr D G Bess, seconded by cllr C Daniels)

That the minutes of a Portfolio Committee Meeting (Protection Services) held on 13 September 2023 are approved.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

None

4. MATTERS ARISING FROM THE MINUTES

None

5. DELEGATED MATTERS

5.1. MONTHLY REPORT AUGUST 2023

- 5.1.1 PERFORMANCE REPORT
- 5.1.2 TRAFFIC AND LAW ENFORCEMENT SERVICES
- 5.1.3 FIRE FIGHTING

The chairperson tabled the monthly report which was circulated with the agenda and requested the Director: Protection Services, mr P A C Humphreys to highlight important aspects therein to councillors.

RESOLUTION

(proposed by cllr I S le Minnie, seconded by cllr R J Jooste)

That cognisance be taken of the monthly reports from the various divisions in the Directorate Protection Services, namely Traffic and Law Enforcement and Fire Fighting, for August 2023.

6. MATTERS FOR RECOMMENDATION TO THE EXECUTIVE MAYOR

None

(SGD) ALD M VAN ZYL
CHAIRPERSON

5. GEDELEGEERDE SAKKE

5.1. MAANDVERSLAG: AUGUSTUS 2023

- 5.1.1 PRESTASIEVERSLAG
- 5.1.1 VERKEER- EN WETSTOEPASSINGSDIENSTE
- 5.1.2 BRANDBESTRYDING

Die voorsitter lê die maandverslag, soos met die sakelys gesirkuleer, ter tafel en gee geleentheid aan die Direkteur: Beskermingsdienste, mnr P A C Humphreys om die belangrikste aspekte uit die maandverslag aan raadslede uit te wys.

BESLUIT

(op voorstel van rdl I S le Minnie, gesekondeer deur rdl R J Jooste)

Dat kennis geneem word van die verslae van die onderskeie afdelings in die Direkoraat Beskermingsdienste, nl. Verkeer- en Wetstoepassing en Brandbestryding vir Augustus 2023.

6. SAKKE VIR AANBEVELINGS AAN DIE UITVOERENDE BURGEMEESTER

Geen

(GET) RDD M VAN ZYL
VOORSITTER



NOTULE VAN 'N VERGADERING VAN DIE UITVOERENDE BURGEMEESTERSKOMITEE GEHOU IN DIE BANKETSAAL, MALMESBURY OP WOENSDAG, 15 NOVEMBER 2023 OM 15:20

TEENWOORDIG:

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

Lede van die Burgemeesterskomitee:

Rdl D G Bess
Rdh T van Essen
Rdl N Smit

Beamptes:

Munisipale Bestuurder, mnr J J Scholtz
Direkteur: Finansiële Dienste, mnr M Bolton
Direkteur: Ontwikkelingsdienste, me J S Krieger
Direkteur: Korporatiewe Dienste, me M S Terblanche
Direkteur: Beskermingsdienste, mnr P A C Humphreys
Senior Bestuurder: Departement Vaste Afval en Handelsdienste, mnr E de Jager
Senior Bestuurder: Departement Elektriese Beplanning en Ontwerp, mnr M J Swanepoel
Bestuurder: Sekretariaat en Rekords, me N Brand

1. OPENING

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

2. VERLOF TOT AFWESIGHEID

BESLUIT dat kennis geneem word van die verskoning ontvang vanaf rdh A K Warnick.

3. VOORLEGGINGS/AFVAARDIGINGS/SPREEKBEURTE

Geen.

4. NOTULES

4.1 NOTULE VAN 'N GEWONE UITVOERENDE BURGEMEESTERSKOMITEE-VERGADERING GEHOU OP 18 OKTOBER 2023

BESLUIT

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

Dat die notule van 'n Gewone Uitvoerende Burgemeesterskomiteevergadering gehou op 18 Oktober 2023 goedgekeur en deur die Burgemeester onderteken word.

5. SAKE VOORTSPRUITEND UIT DIE NOTULES

Geen.



MINUTES OF A MEETING OF THE EXECUTIVE MAYORAL COMMITTEE HELD AT THE BANQUET HALL, MALMESBURY, ON WEDNESDAY, 15 NOVEMBER 2023 AT 15:20

PRESENT:

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

Members of the Mayoral Committee:

Cllr D G Bess
Cllr T van Essen
Cllr N Smit

Officials:

The Municipal Manager, Mr J J Scholtz
Director: Financial Services, Mr M Bolton
Director: Development Services, Ms J S Krieger
Director: Corporate Services, Ms M S Terblanche
Director of Protective Services, Mr P A C Humphreys
Senior Manager: Department of Solid Waste and Commercial Services, Mr E de Jager
Senior Manager: Department of Electrical Planning and Design, Mr M J Swanepoel
Manager: Secretariat and Records, Mrs N Brand

1. OPENING

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

2. LEAVE OF ABSENCE

RESOLVED to take note of the apology received from Cllr A K Warnick.

3. SUBMISSIONS/DELEGATIONS/SPEAKING EVENTS.

None.

4. MINUTES

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYORAL COMMITTEE MEETING HELD ON 18 OCTOBER 2023.

RESOLUTION

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

That the minutes of an Ordinary Executive Mayoral Committee meeting held on 18 October 2023 be approved and signed by the Mayor.

5. MATTERS ARISING FROM THE MINUTES

None.

6. **MAANDVERSLAG: SEPTEMBER 2023**

[Nota: Die prestasie- en finansiële inligting t.o.v. Kwartaal 1 was ingesluit in die artikel 52 MFMA-verslag wat op 26 Oktober 2023 aan die Raad voorgelê was, vandaar die voorlegging van slegs addisionele verslae soos van toepassing op die betrokke direktorate.]

6.1 **SIVIELE INGENIEURSDIENSTE**

Die Senior Bestuurder: Departement Vaste Afval en Handelsdienste behandel enkele aspekte uit die maandverslag en bevestig dat die lugspasie by die Highlands Stortingsterrein doeltreffend bestuur word en dat daar steeds by die Direktooraat se doelwitte gehou word om water te bespaar, al is die damvlakke gunstig.

BESLUIT

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

Dat kennis geneem word van die inhoud van die maandverslag van die Direktooraat: Siviele Ingenieursdienste ten opsigte van September 2023.

6.2 **ELEKTRIESE INGENIEURSDIENSTE**

Die Senior Bestuurder: Departement Elektriese Beplanning en Ontwerp noem, op navraag deur rdh T van Essen, dat daar aansoek gedoen is vir 'n verhoging van maksimum aanvraag aan Darling, Yzerfontein en Klipfontein.

BESLUIT

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

Dat kennis geneem word van die inhoud van die maandverslag van die Direktooraat: Elektriese Ingenieursdienste ten opsigte van September 2023.

6.3 **ONTWIKKELINGSDIENSTE**

Die Direkteur: Ontwikkelingsdienste noem dat die doelwit bereik gaan word om al drie behuiskomitees teen Desember 2023 te verkies vir die nuwe behuisingprojekte in Malmesbury, Darling en Moorreesburg.

Bykans al die titelakties vir die De Hoop-projek is oorgedra, en is daar nog drie uitstaande.

Die Direkteur: Ontwikkelingsdienste noem verder dat daar op 8 Desember 2023 begin sal word met die *courageous*-gesprekvoeringe tussen GBV-ambassadeurs en die gemeenskappe om gesprekvoeringe oor GBV-kwessies aan te moedig.

'n Verdere hoogtepunt is die opleiding van 207 persone as deel van die *parent coaching*-program om die dissipline in huishoudings te herstel.

BESLUIT

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

Dat kennis geneem word van die inhoud van die maandverslag van die Direktooraat: Ontwikkelingsdienste ten opsigte van September 2023.

6.4 **BESKERMINGSDIENSTE**

6.4.1 **VERKEER- EN WETSTOEPASSINGSDIENSTE**

6.4.2 **BRANDWEERDIENSTE**

Die Direkteur: Beskermingsdienste noem dat die wetstoepassers 'n veldtog voor Guy Fawkes geloods het om by alle huiswinkels om te gaan om onwettige vuurwerke te konfiskeer. Die sukses van die veldtog kan daaraan gemeet word dat daar baie min vuurwerke afgevuur is in vergelyking met vorige jare.

Die Direkteur: Beskermingsdienste noem dat daar baie huiswinkels is wat produkte verkoop waarvan die vervaldatum verstreke is. Daar sal 'n program opgestel word om spesiale veldtog te loods om ook hierdie produkte te konfiskeer.

6. **MONTHLY REPORT: SEPTEMBER 2023**

[Note: The performance and financial information about article 1 was included in the section 52 MFMA report, which was submitted to the Council on 26 October 2023; hence, the submission of only additional reports as applicable to the relevant directorates.]

6.1 **CIVIL ENGINEERING SERVICES**

The Senior Manager: Department of Solid Waste and Commercial Services addresses some aspects of the monthly report and confirms that the airspace at the Highlands Landfill is being managed efficiently and that the Directorate's water conservation objectives are being maintained, even though the dam levels are favourable.

RESOLUTION

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

6.2 **ELECTRICAL ENGINEERING SERVICES**

The Senior Manager: Department of Electrical Planning and Design mentions, upon inquiry by Cllr T van Essen, that an application has been made for an increase in maximum demand at Darling, Yzerfontein and Klipfontein.

RESOLUTION

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

6.3 **DEVELOPMENT OF SERVICES**

The Director: Development Services mentions that the goal will be achieved to elect all three housing committees by December 2023 for the new housing projects in Malmesbury, Darling and Moorreesburg.

Almost all the title deeds for the De Hoop project have been transferred, and three are still outstanding.

The Director: Development Services further mentions that on 8 December 2023, the courageous conversations will commence between GBV ambassadors and the communities to encourage discussions about GBV issues.

A further highlight is training 207 persons as part of the parent coaching program to restore household discipline.

RESOLUTION

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

6.4 **PROTECTIVE SERVICES**

6.4.1 **TRAFFIC AND LAW ENFORCEMENT SERVICES**

6.4.2 **FIRE SERVICES**

The Director: Protection Services mentions that the law enforcers launched a campaign before Guy Fawkes to visit all home stores to confiscate illegal fireworks. The campaign's success can be measured by very few fireworks being set off compared to previous years.

The Director: Protective Services mentions that many home stores sell products with expired expiration dates. A program will be set up to launch a special campaign to also confiscate these products.

The Executive Mayor/...

6.4/...

Die Uitvoerende Burgemeester doen 'n beroep op die Direkteur: Beskermingsdienste om die verkeer- en wetstoepassingbeampies aan te moedig om enige ander munisipale dienslewingskwesties aan te meld wat gedurende patrollies opgemerk word.

Die Munisipale Bestuurder noem dat indien Swartland Munisipaliteit 'n "smart city" wil word, daar meer van tegnologie gebruik gemaak sal moet word, bv. die Citizen Appl Lg. sal deur verkeer- en wetstoepassingbeampies en alle ander personeel gebruik kan word om dienslewingskwesties aan te meld. Die Munisipale Bestuurder noem egter dat daar eers 'n gevestigde "back office" moet wees om die stelsel doeltreffend te implementeer.

Die Uitvoerende Burgemeester versoek dat daar gekyk moet word na die skep van 'n laaisone-parking voor die finansiële kantore in Hillstraat, aangesien dit gereeld gebeur dat amptenare daar stop om persone/dokumente op en af te laai.

BESLUIT

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

Dat kennis geneem word van die inhoud van die maadverslag van die Direktoraat: Beskermingsdienste ten opsigte van September 2023.

7. NUWE SAKKE

7.1 BEGROTINGBEHEERKOMITEE: 2023/2024 SPESIALE AANSUIWERING-BEDRYFSBEGROTING, TEGNIESE AANBEVELINGS (5/1/1/1, 5/1/1/2, 5/1/4_23/24)

Die Direkteur: Finansiële Dienste gee agtergrond tot die befondsing wat in die begroting opgeneem moet word by wyse van 'n Spesiale Aansuiweringbedryfsbegroting, naamlik

- R500 000 as nooduitgawe vir die brandramp in Malmesbury op 8 Oktober 2023 waar 54 volwassenes en 29 kinders dakloos gelaat is;
- R680 000 as Munisipale Elektriesiteitsbeplanningstoelae om studie insake koste van voorsiening van elektrisiteit uit te voer.

BESLUIT (vir voorlegging aan die Raad op 30 November 2023)

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

- Dat kennis geneem word dat die Begrotingsbeheerkomitee vergader het om die verduidelikings en motiverings van die finansiële en betrokke direkteure te oorweeg in 'n poging om die Uitvoerende Burgemeester te adviseer insake die pad vorentoe;
- Dat die nooduitgawes ten bedrae van R500 000 deur die Uitvoerende Burgemeester as onvoorsien en onvermydelik in beginsel goedgekeur word, soos aangewend volgens die besonderhede in **Aanhangsel A**;
- Dat goedkeuring verleen word om die hoë-vlak bedryfsbegroting vir 2023/2024 as volg te wysig met geen veranderinge aan die buite jare nie;

	Oorspronklike Begroting 2023/24	Oorrol Aansuiwerings begroting 2023/24	Spesiale Aansuiwerings begroting 2023/24	Oorspronklike Begroting 2024/25	Oorspronklike Begroting 2025/26
Kapitaalbegroting	209 052 395	240 803 827	240 803 827	218 968 545	208 303 329
Bedryfsuitgawes	1 071 330 062	1 072 205 062	1 073 385 062	1 174 132 994	1 371 930 505
Bedryfsinkomste	1 192 485 181	1 221 543 458	1 222 223 458	1 311 049 716	1 489 696 468
Begroting (Surplus)/ Tekort	(121 155 119)	(149 338 396)	(148 838 396)	(136 916 722)	(117 765 963)
Minus: Kapitaal Toekennings en Donasies	107 386 943	135 980 220	135 980 220	115 594 000	91 660 000
(Surplus)/ Tekort	(13 768 176)	(13 358 176)	(12 858 176)	(21 322 722)	(26 105 963)

6.4/...

The Executive Mayor calls on the Director: Protective Services to encourage the traffic and law enforcement officers to report any other municipal service delivery issues noticed during patrols.

The Municipal Manager mentioned that if Swartland Municipality wants to become a "smart city", there will have to be more use of technology, e.g. the Citizen Appl Lg. will be able to be used by traffic and law enforcement officers and all other personnel to report service delivery issues. However, the Municipal Manager mentions that a back office must first be established to implement the system efficiently.

The Executive Mayor requested that consideration be given to creating a loading zone parking in front of the financial offices in Hill Street, as officials often stop there to pick up and drop off persons/documents.

RESOLUTION

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

7. NEW MATTERS

7.1 BUDGET CONTROL COMMITTEE: 2023/2024 SPECIAL REFINING OPERATING BUDGET, TECHNICAL RECOMMENDATIONS (5/1/1/1, 5/1/1/2, 5/1/4_23/24)

The Director: Financial Services provides background on the funding to be included in the budget by way of a Special Refining Operational Budget, namely:

- R500 000 as emergency expenditure for the fire disaster in Malmesbury on 8 October 2023, where 54 adults and 29 children were left homeless;
- R680 000 as Municipal Electricity Planning Grants to carry out studies on electricity costs.

RESOLUTION (to be submitted to the Council on 30 November 2023)

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

- That it be noted that the Budget Steering Committee convened to consider the explanations and motivations provided by the financial and other key directors in a bid to advise the Executive Mayor on way forward;
- That the emergency expenditure to the tune of R 500 000 approved in-principle by the Executive Mayor as unforeseen and unavoidable be approved as appropriated as per the detail provided in **Annexure A**;
- That approval be granted to amend the high-level operating budget for 2023/2024 with no amendments to the outer years as follows:

	Original Budget 2023/24	Roll-Over Adj Budget 2023/24	Special Adj Budget 2023/24	Original Budget 2024/25	Original Budget 2025/26
Capital budget	209 052 395	240 803 827	240 803 827	218 968 545	208 303 329
Operating Expenditure	1 071 330 062	1 072 205 062	1 073 385 062	1 174 132 994	1 371 930 505
Operating Revenue	1 192 485 181	1 221 543 458	1 222 223 458	1 311 049 716	1 489 696 468
Budgeted (Surplus)/ Deficit	(121 155 119)	(149 338 396)	(148 838 396)	(136 916 722)	(117 765 963)
Less: Capital Grants and Donations	107 386 943	135 980 220	135 980 220	115 594 000	91 660 000
(Surplus)/ Deficit	(13 768 176)	(13 358 176)	(12 858 176)	(21 322 722)	(26 105 963)

7.1/...

- (d) Dat kennis geneem word dat die veranderinge in die begroting geen impak op tariewe het ten opsigte van die 2023/2024 finansiële jaar of verder nie, terwyl die begrote netto surplus van R13 358 176 verander na R12 858 176;
- (e) Dat die aangepaste begrotingskedules soos vereis deur die Begroting- en Verslagdoeningregulasies goedgekeur word soos vervat in **(Annexure B: Budget Report and A-Schedules 2023/24 – 2025/26)** uiteengesit;
- (f) 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;
- (g) Dat die Dienslewering- en Begrotingimplementeringsplan (SDBIP) toepaslik dienoreenkomstig gewysig word.

7.2 WYKSKOMITEE: TOEKENNINGSBELEID (3/4/4/B)

Die implementering van die Wykskomitee Toekenningsbeleid sal toesien dat die jaarlikse wyksgelde, wat deur elke wyk ontvang word, op 'n geordende wyse toegeken en spandeer word. Die doelstellings van die beleid is om –

- (1) Aan die mandaat van Plaaslike Regering te voldoen;
- (2) Aan raadsbeleide te voldoen;
- (3) Die doelwitte van die GOP te ondersteun;
- (4) Te verseker dat die geïdentifiseerde projekte tot voordeel van die gemeenskap sal wees.

BESLUIT

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

- (a) Dat daar kennis geneem word van die konsep Wykskomitee Toekenningsbeleid en dat voormelde konsep aan Wyksraadslede gesirkuleer word om kommentaar en insette te lewer;
- (b) Dat die lede van die Uitvoerende Burgemeesterskomitee en senior personeel eweneens versoek word om kommentaar te lewer;
- (c) Dat, afhangende van die omvang van die kommentaar, die finale Wykskomitee Toekenningsbeleid die tydens die Uitvoerende Burgemeesterskomitee-vergadering van 13 Desember 2023 ter tafel gelê word, alternatiewelik vroeg in 2024, vir implementering met ingang van 1 Julie 2024;
- (d) Dat, met die oog op die 2024/2025 finansiële jaar, daar per dorp of streek oorweeg word om op 'n spesifieke tema te fokus, bv. veiligheid soos vervat in paragrawe 6.1 en 6.2 van die konsep beleid.

7.3 OOREENKOMS VIR DIE GEBRUIK EN BEDRYF VAN DIE YZERFONTEIN-HAWE: NASIONALE DEPARTEMENT VAN PUBLIEKE WERKE EN INFRASTRUKTUUR (17/10/1/2)

Amptenare van die Nasionale Departement van Publieke Werke en Infrastruktuur was na afloop van 'n besoek aan Yzerfontein-hawe getaak om 'n ooreenkoms tussen vermelde departement en Swartland Munisipaliteit op te stel om lg. in staat te stel om die gebruik en bedryf van die Yzerfontein-hawe te reguleer.

Die Direkteur: Korporatiewe Dienste gee agtergrond tot die onderskeie stukke grond in die Yzerfontein-hawe wat in die ooreenkoms ter sprake is.

Die Munisipale Bestuurder noem dat die ooreenkoms die Munisipaliteit sal in staat stel om bv. die hou van feeste in die hawe te oorweeg sonder enige vertragings wat veroorsaak kan word om eers die insette vanaf die betrokke departement te bekom.

Besluit/...

7.1/...

- (d) That it be noted that the changes to the budget will have no impact on tariffs in respect of the 2023/2024 financial year or beyond, whilst the budgeted net surplus of R13 358 176 will change to R12 858 176;
- (e) That the adjusted budget schedules as required by the Budget and Reporting Regulations be approved as set out in **(Annexure B: Budget Report and A-Schedules 2023/24 – 2025/26)**;
- (f) 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;
- (g) That the Service Delivery Budget Implementation Plan (SDBIP) where appropriate be amended accordingly.

7.2 WARD COMMITTEE: APPROVAL POLICY (3/4/4/B)

Implementing the WCC Allocation Policy will ensure that the annual ward fees received by each ward are allocated and spent in an orderly manner. The objectives of the policy are to:

- (1) fulfil the mandate of Local Government;
- (2) comply with council policies;
- (3) support the aims of the GOP;
- (4) ensure that the identified projects will benefit the community.

RESOLUTION

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

- (a) That the draft Ward Committee Allocation Policy be noted and that the aforementioned draft be circulated to Ward Councillors for comments and input;
- (b) That the Executive Mayoral Committee members and senior staff also be requested to comment;
- (c) That depending on the extent of the comments, the final Ward Committee Allocation Policy be tabled during the Executive Mayoral Committee meeting of 13 December 2023, alternatively early in 2024, for implementation with effect from 1 July 2024;
- (d) That with a view to the 2024/2025 financial year, it be considered to focus on a specific theme per town or region, e.g. safety as contained in paragraphs 6.1 and 6.2 of the draft policy.

7.3 AGREEMENT FOR THE USE AND OPERATION OF THE YZERFONTEIN PORT: NATIONAL DEPARTMENT OF PUBLIC WORKS AND INFRASTRUCTURE (17/10/1/2)

After a visit to Yzerfontein Port, officials from the National Department of Public Works and Infrastructure were tasked to draw up an agreement between the said department and the Swartland Municipality to enable them to regulate the use and operation of Yzerfontein Port.

The Director: Corporate Services provides background on the various parcels of land in the Yzerfontein Port that are the subject of the agreement.

The Municipal Administrator mentions that the agreement will enable the Municipality to consider, e.g., the holding of festivals in the harbour without any delays that can be caused by first obtaining input from the relevant department.

Resolution/...

7.3/...

BESLUIT

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

- (a) Dat die voorgestelde Memorandum van Ooreenkoms tussen die Nasionale Departement van Publieke Werke en Infrastruktuur deur die Munisipaliteit aangegaan word, met effek vanaf 1 Desember 2023 vir 'n periode van 9 jaar en 11 maande, rakende die gebruik en bedryf van die Yzerfontein-hawe (onderhewig aan enige veranderinge/verbeterings wat die komitee mag nodig ag);
- (b) Dat die Munisipale Bestuurder met volmag beklee word om die Ooreenkoms namens die Munisipaliteit te mag onderteken.

7.4 SWARTLAND SPORT EN REKREASIE RAAD: GOEDKEURING VAN GRONDWET (17/9/2/2/4/1)

Die doelstelling van die nuut gestigte Swartland Sport en Rekreasie Raad (SSRR) is om hom, onder andere, te beywer vir die daarstel en bestuur van gemeenskapsportfasiliteite in die Swartland munisipale gebied en die koördinerende sportontwikkeling in gemeenskapsbelang.

Die SSRR word saamgestel uit verteenwoordigers van die sportforums wat vir die verskillende dorpe in die munisipale gebied aangewys is.

Die konsep Grondwet van die SSRR is met die sakelys gesirkuleer vir oorweging en goedkeuring.

BESLUIT

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

- (a) Dat die aangehegte Grondwet van die Swartland Sport en Rekreasie Raad (SSRR) goedgekeur word vir aanvaarding en implementering deur die SSRR, onderhewig aan die volgende wysigings:
 - (i) Paragraaf 3.2: Geen ex gratia betalings aan UR lede betaalbaar sal wees nie, en die betrokke sin gevolglik geskrap word;
 - (ii) Paragraaf 10(5): Die verpligtinge van die Tesourier aangepas word om geouditeerde finansiële state by die Algemene Jaarvergadering voor te lê; Die bepaling in paragraaf 11.2 sodanig omskryf word dat die President, Tesourier en Sekretaris gesamentlik, en nie afsonderlik nie, tekenmagte sal hê om banktransaksies namens die SSRR te behartig;
 - (iv) Paragraaf 18(c): verwysing na 'finansiële state' gewysig te word na 'geouditeerde finansiële state'.
- (b) Dat die SSRR opdrag gegee word om die inhoud van die Grondwet met al sy lede te werkinkel, sodra gefinaliseer;
- (c) Dat 'n ontmoeting gereël word om die vereistes van die Hulptoekenningsbeleid aan die Uitvoerende Raad van die SSRR te verduidelik.

7.5 RIEBEEK KASTEEL: 'THE OU KLOOF HERITAGE LEGACY' (17/13/3)

Die Uitvoerende Burgemeesterskomitee het in September 2022 sy steun aan "The Ou Kloof Heritage Legacy"-projek verleen onderhewig aan die voltooiing van 'n publieke deelnameproses en voldoening aan die betrokke wetgewing.

Daar is 'n kompetisie deur "The Ou Kloof Heritage Legacy" geloods vir die ontwerp van 'n gedenkteken en is die wenner in September 2023 aangekondig.

Die volgende stap is om uitvoering te gee aan Erfenis-Weskaap se bepalings vir die oprigting van gedenktekens en om goedkeuring vanaf die Munisipaliteit te bekom om die gedenkteken op die Riebeeck Kasteel Dorpsplein op te rig, met in ag neming van die Terreinontwikkelingsplan (Opsie 3) wat reeds deur Wes-Kaapse Erfenis goedgekeur is.

7.3/...

RESOLUTION

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

- (a) That the proposed Memorandum of Agreement between the National Department of Public Works and Infrastructure be entered into by the Municipality, with effect from 1 December 2023 for a period of 9 years and 11 months, regarding the use and operation of the Yzerfontein harbour (subject to any changes/improvements the committee may deem necessary);
- (b) That the Municipal Manager be authorized to sign the Agreement on the Municipality's behalf.

7.4 SWARTLAND SPORT AND RECREATION BOARD: APPROVAL OF CONSTITUTION (17/9/2/2/4/1)

The objective of the newly established Swartland Sport and Recreation Council (SSRC) is to, among other things, strive to establish and manage community sports facilities in the Swartland municipal area and coordinate sports development in the community interest.

The SSRC comprises representatives of the sports forums designated for the different towns in the municipal area.

The draft Constitution of the SSRC was circulated with the agenda for consideration and approval.

RESOLUTION

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

- (a) That the attached Constitution of the Swartland Sport & Recreation Council (SSRC) be approved for adoption and implementation by the SSRC, subject to the following modifications:
 - (i) Paragraph 3.2: No ex gratia payments will be payable to UR members, and the relevant sentence is consequently deleted;
 - (ii) Paragraph 10(5): The obligations of the Treasurer are adjusted to present audited financial statements at the Annual General Meeting;
 - (iii) The provision in paragraph 11.2 is defined in such a way that the President, Treasurer and Secretary will jointly, and not separately, have signing powers to handle bank transactions on behalf of the SSRC;
 - (iv) Paragraph 18(c): reference to 'financial statements' to be amended to 'audited financial statements';
- (b) That the SSRC be instructed to workshop the contents of the Constitution with all its members;
- (c) That a meeting be arranged to explain the requirements of the Aid Grant Policy to the Executive Council of the SSRC.

7.5 RIEBEEK-KASTEEL: 'THE OU KLOOF HERITAGE LEGACY' (17/13/3)

In September 2022, the Executive Mayor's Committee supported the "The Ou Kloof Heritage Legacy" project subject to the completion of a public participation process and compliance with the relevant legislation.

A competition was launched by "The Ou Kloof Heritage Legacy" to design a memorial, and the winner was announced in September 2023.

The next step is to implement Heritage Western Cape's provisions for erecting memorials and to obtain approval from the Municipality to erect the memorial on the Riebeeck-Kasteel town square, considering the Site Development Plan (Option 3), which has already been approved by Western Cape Heritage.

Resolution/...

7.5/...

BESLUIT

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

- (a) Dat kennis geneem word van die vordering wat tot dusver gemaak is rakende *The Oukloof Heritage Legacy* projek, en die voorgename gedenkteken wat op die Riebeek Kasteel Dorpsplein opgerig staan te word, lg. synde onderhewig aan finale goedkeuring deur die Munisipaliteit;
- (b) Dat 'n ontmoeting met die projekkomitee by 'n ander vergadering in Riebeek Kasteel, by die Riebeek Vallei Museum, gereël word.

7.6 AANVAARDING VAN WATERDIENSTE OUDITVERSLAG VIR 2022/2023 (16/1/1/B)

Die Munisipaliteit – as 'n Waterdienste Owerheid – is ingevolge die bepalings van die Wet op Waterdienste, Wet 108 van 1997 verplig om jaarliks 'n auditverslag op te stel aangaande die implementering van die Waterdienste Ontwikkelingsplan.

Die Senior Bestuurder: Departement Vaste Afval en Handelsdienste hou enkele hoogtepunte uit die auditverslag voor en noem dat die Munisipaliteit daarin slaag om waterverliese te beperk en 'n bo-gemiddelde standaard te handhaaf in die bedryf van meeste van die rioolsuiweringswerke.

BESLUIT

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

- (a) Dat die 2022/2023 Waterdienste Ouditverslag aanvaar word;
- (b) Dat 'n elektroniese weergawe van die 2022/2023 Waterdienste Ouditverslag op die munisipale webtuiste ter insae van die publiek en ander belangegroep geplaas word en dat 'n hardekopie van die verslag beskikbaar sal wees by die Kantoor van die Direkteur: Siviele Ingenieursdienste.

7.7 VERHUUR VAN RAADSEIENDOM TE MOORREESBURG (12/1/3/1-9/1)

Die Raad verhuur die buitegebou op erf 3432, Moorreesburg sedert 1 Desember 2022 aan me J Eden, eienaar van 'n aangrensende eiendom.

Die Direkteur: Korporatiewe Dienste noem dat die eiendom nie as 'n afsonderlike entiteit verhuur kan word nie, weens die feit dat die eiendom nie toeganklik is, anders as vanuit die eiendom van die huurder nie.

BESLUIT

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

- (a) Dat die buitegeboue op Erf 3432, Moorreesburg vir 'n termyn van 12 maande met ingang van 1 Desember 2023 aan me J Eden verhuur word vir doeleindes van 'n stoorkamer;
- (b) Dat die huurgeld na R340.00 plus BTW per maand verhoog word;
- (c) Dat die bestaande huurvoorwaardes onveranderd bly.

7.8 OOREENKOMS VIR DIE HUUR VAN KANTOORAKKOMMODASIE EN PARKERING TE MALMESBURY (12/1/2-8/5, K1.2-Vol 1&3)

Die behoefte bestaan steeds om kantoorakkommodasie en parkering te huur vanaf SKH Investments Limited vir 'n volgende termyn van drie jaar.

Die huurvoorwaardes bepaal dat die huurder nie minder nie as ses maande voor die verstryking van die huurtermyn skriftelik in kennis gestel moet word insake die hernuwing van die huur, al dan nie – die bestaande huurtermyn verstryk op 30 Junie 2024.

Besluit/...

7.5/...

RESOLUTION

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

- (a) That cognizance be taken of the progress made regarding The Oukloof Heritage Legacy project, and the proposed memorial to be erected on the Riebeek Kasteel Town Square, the latter subject to final approval by the Municipality;
- (b) That consideration be given to meeting with the project committee, at another meeting in either Malmesbury or at the Riebeek Valley Museum.

7.6 ACCEPTANCE OF WATER SERVICES AUDIT REPORT FOR 2022/2023 (16/1/1/B)

The Municipality – as a Water Services Authority – is obliged, in terms of the provisions of the Water Services Act, Act 108 of 1997, to draw up an annual audit report regarding the implementation of the Water Services Development Plan.

The Senior Manager: Department of Solid Waste and Trade Services highlights the audit report and mentions that the Municipality successfully limits water losses and maintains an above-average standard in most sewage treatment works.

RESOLUTION

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

- (a) That the 2022/2023 Water Services Audit Report be accepted;
- (b) That an electronic version of the 2022/2023 Water Services Audit Report be placed on the municipal website for inspection by the public and other interest groups and that a hard copy of the report be available at the Office of the Director: Civil Engineering Services.

7.7 LETTING OF COUNCIL PROPERTY AT MOORREESBURG (12/1/3/1-9/1)

Since 1 December 2022, the Council has been leasing the outbuilding on plot 3432, Moorreesburg, to Ms J Eden, owner of an adjacent property.

The Director: Corporate Services mentions that the property cannot be let as a separate entity due to the fact that the property is not accessible other than from the tenant's property.

RESOLUTION

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

- (a) That the outbuildings on erf 3432, Moorreesburg, be leased to ms J Eden for a term of 12 months as from 1 December 2023 for storeroom purposes;
- (b) That the lease tariff be increased to R340.00, plus VAT, per month;
- (c) That the existing conditions of lease remain unchanged.

7.8 AGREEMENT FOR THE RENTAL OF OFFICE SPACE AND PARKING AT MALMESBURY (12/1/2-8/5, K1.2-Vol 1&3)

The need still exists to rent office accommodation and parking from SKH Investments Limited for another term of three years.

The terms of the lease stipulate that the tenant must be notified in writing no less than six months before the expiry of the lease term to renew the lease, whether or not the existing lease term expires on 30 June 2024.

7.8/...

BESLUIT

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

- (a) Dat goedkeuring verleen word vir die huur van die onderstaande kantoorakkommodasie en parkering vir die termyn soos aangetoon, met ingang vanaf 1 Julie 2024, ten bedrae (BTW uitgesluit) per maand, soos volg:

	Pep-gebou, Malmesbury	Parkering (7 ruimtes)	Totaal/ maand
Jaar 1 (01/07/2024 - 30/06/2025)	R67 649.00	R3 340.04	R70 989.04
Jaar 2 (01/07/2025 - 30/06/2026)	R71 031.45	R3 507.04	R74 538.49
Jaar 3 (01/07/2026 - 30/06/2027)	R74 583.02	R3 682.39	R78 265.41

- (b) Dat die Munisipale Bestuurder met volmag beklee word om die addendum tot die huurooreenkoms met SKH Beleggings Bpk te onderteken, welke addendum vir beide die kantoorakkommodasie en parkering voorsiening maak;
- (c) Dat daar in die toepaslike bedryfsposte voorsiening gemaak sal word vir die huurgeld betaalbaar soos voormeld, asook vir die verpligtinge in terme van klousule 6.2 van die ooreenkomste, welke bydrae tot eiendomsbelasting tans die bedrag van R3 527.60 per maand beloop.

7.9 UITSTAANDE DEBITEURE: OKTOBER 2023 (5/7/1/1)

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

BESLUIT

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

7.10 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 30 Oktober 2023 soos met die sakelys gesirkuleer.

7.11 AFWYKING VAN VOORGESKREWE VERKRYGINGPROSEDURES: AANSTEL VAN DIENSVERSKAFFER VIR DIE VOORSIEN, AFLEWERING EN INSTALLERING VAN DRIE (3) WENDY-HUISE EN TOILETTE VIR DIE GEAFFEKTEERDE INWONERS VA DIE BRANDRAMP IN MALMESBURY (8/1/B/2)

Die nagevolge van die brandramp op 8 Oktober 2023 is dat daar 54 volwassenes en 29 kinders dakloos gelaat is.

'n Aansoek om bystand van die Provinsiale Departement van Infrastruktuur is gedoen in die vorm van die voorsiening van 20 emergency fire kits en vier (4) tydelike Wendy-huise. Die aansoek sal egter 'n geruime tyd neem om af te handel en is voormelde voorrade aangevra om spoedig moontlik hulp te verleen aan die betrokke families.

BESLUIT

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

7.8/...

RESOLUTION

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

- (a) That approval be granted for the lease of the below-mentioned office accommodation and parking for the periods as indicated, with effect from 1 July 2024, at the amounts (excluding VAT) as follows:

	Pep Building, Malmesbury	Parking (7 bays)	Total
Year 1 (01/07/2024 - 30/06/2025)	R67 649.00	R3 340.04	R70 989.04
Year 2 (01/07/2025 - 30/06/2026)	R71 031.45	R3 507.04	R74 538.49
Year 3 (01/07/2026 - 30/06/2027)	R74 583.02	R3 682.39	R78 265.41

- (b) That the Municipal Manager be authorized to sign the addendum to the lease agreement with SKH Investments Ltd, which addendum provides for both the office accommodation and parking;
- (c) That provision be made in the applicable operating votes for the rental as aforesaid, as well as for the obligations in terms of clause 6.2 of the agreements, which contribution towards rates and taxes presently amounts to R3 527.60 per month.

7.9 OUTSTANDING DEBTORS: OCTOBER 2023 (5/7/1/1)

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

RESOLUTION

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

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 30 October 2023 as circulated with the agenda.

7.11 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: SERVICE PROVIDER'S APPOINTMENT FOR THE SUPPLY, DELIVERY AND INSTALLATION OF THREE (3) WENDY HOUSES AND TOILETS FOR THE AFFECTED RESIDENTS OF THE MALMESBURY FIRE DISASTER (8/1/B/2)

The aftermath of the fire disaster on 8 October 2023 left 54 adults and 29 children homeless.

An application for assistance from the Provincial Department of Infrastructure was made by providing 20 emergency fire kits and four (4) temporary Wendy houses. However, the application will take some time to complete, and the above supplies have been requested to assist the affected families as soon as possible.

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;

7.11/...

- (b) Dat verder kennis geneem word van die aksies van die Munisipale Bestuurder, voortspruitend uit 'n noodsituasie, om –
- (i) die kwotasie van M & E Roofing (nie geregistreer vir BTW) te aanvaar ten bedrae van R57 024.00 vir die voorsien, aflewering en installering van drie (3) wendy-huise;
 - (ii) die kwotasie van Cape Concrete (Pty) Ltd ten bedrae van R30 571.83 (BTW ingesluit) te aanvaar vir die voorsien en aflewering van drie voorafvervaardigde toilette; en
 - (iii) dat die wendy-huise en toilette geïnstalleer word by:
 - Arendstraat 165, Malmesbury
 - Arendstraat 167, Malmesbury
 - Arendstraat 177, Malmesbury;
- (c) Dat die redes vir die afwyking van die voorgeskrewe verkrygingsproses soos volg aangeteken word:
- (i) Hulpverlening aan die geaffekteerde huishoudings is in lyn met paragraaf 3.9 van die Beleid insake die Ondersteuning aan Kleiner Rampe wat afwykings van die voorgeskrewe prosedures deur die Munisipale Bestuurder en Uitvoerende Burgemeester toelaat;
 - (ii) Die ondersteuning/hulpverlening aan die kwesbare families is as 'n absolute noodgeval hanteer;
- (d) Dat die uitgawe ten bedrae van R57 024.00 en R30 571.83 (BTW ingesluit) teen posnommer 9/231-843-416 verreken word en dat daar voldoende fondse beskikbaar is;
- (e) Dat die Senior Bestuurder: Finansiële State en Batebestuur in terme van die Voorsieningskanaalbestuursbeleid opdrag gegee word om bovermelde redes as nota by die finansiële state in te sluit, wanneer die betrokke state opgestel word.

7.12 AFWYKING VAN VOORGESKREWE VERKRYGINGS-PROSEDURES: VOORSIEN, AFLEWERING EN DIENS VAN CHEMIESE TOILETTE IN PHOLA PARK (8/1/B/2)

Swartland Munisipaliteit voorsien chemiese toilette in Phola Park 4 aan 18 families wat begunstigdes is van die nuwe laekoste-behuisingsprojek wat in November 2023 'n aanvang neem.

Die bestaande kontrak vir die voorsiening en diens van chemiese toilette verstryk op 31 Oktober 2023. Ten einde basiese dienste aan die betrokke families te voorsien, is die bestaande kontrakteur versoek om die diens tot 31 Maart 2024 te voorsien.

BESLUIT

- (a) Dat kennis geneem word van die afwyking van die voorgeskrewe verkrygingsprosedures ingevolge klousule 36(2) van die Voorsieningskanaalbestuursbeleid;
- (b) Dat verder kennis geneem word van die aksie van die Munisipale Bestuurder om goedkeuring te verleen vir die voorsien, aflewering en diens van chemiese toilette by Phola Park Fase 4;
- (c) Dat die redes vir die afwyking van die voorgeskrewe verkrygingsproses soos volg aangeteken word:
- (i) Basiese dienste aan die betrokke gemeenskap sou vir 'n geruimte tyd nie beskikbaar gewees het, indien die normale proses gevolg is nie;
 - (ii) Die verkryging van voormelde dienste is as 'n noodgeval hanteer;
- (d) Dat die uitgawe ten bedrae van R67 391.40 (BTW uitgesluit) teen posnommer 9/240-543-2943 verreken word en dat daar voldoende fondse beskikbaar is;

7.11/...

- (b) That further notice be taken of the action of the Municipal Manager, arising from an emergency situation, to –
- (i) to approve the acceptance of the quotation for the appointment of M & E Roofing supply, deliver and install three (3) Wendy Houses to the value of R 57 024, 00;
 - (ii) to approve the quotation of Cape Concrete (Pty) Ltd to supply and deliver three precast toilets, both on an emergency basis;
 - (iii) The wendy houses and toilets are to be installed at the following addresses:
 - o 165 Arend Street, Malmesbury
 - o 167 Arend Street, Malmesbury
 - o 177 Arend Street, Malmesbury
- (c) That the reasons for the deviation from the prescribed procurement procedures are as follows:
- (i) The assistance to the affected households is in line with section 3.19 of the Policy on support in case of small disasters which allows deviations from the prescripts by the Municipal Manager and Mayor;
 - (ii) The support/assistance to the vulnerable families is regarded as an absolute emergency;
- (d) That there are sufficient funds available and that the expenditure amounting to R57 024.00 and R30 571.83 (including VAT) is settled against post number 9/231-843-416;
- (e) That the Manager Financial Statements and Control be instructed to include the above mentioned reasons as a note to the financial statements.

7.12 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: SUPPLY, DELIVERY AND SERVICING OF CHEMICAL TOILETS IN THE PHOLA PARK AREA (8/1/B/2)

Swartland Municipality is providing chemical toilets in Phola Park 4 to 18 families who are beneficiaries of the new low-cost housing project starting in November 2023.

The existing contract for the supply and servicing of chemical toilets expires on 31 October 2023. To provide basic services to the affected families, the current contractor was requested to provide the service till 31 March 2024.

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 supply, delivery and servicing of Chemical Toilets at Phola Park Phase 4;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
 - (i) Basic services will not be provided for an extended period whilst following due process;
 - (ii) That the procurement of services be handled as an emergency;
- (d) That there are sufficient funds available and that the expenditure amounting to R67 391.40 (excluding VAT) is settled against post number 9/240-543-2943;
- (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/...

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

7.13 AFWYKING VAN VOORGESKREWE VERKRYGINGSPROSEDURES: HERSTEL VAN MOTOR VAN DIE AIR SCOUR BLOWER BY MALMESBURY WWTW (8/1/B/2)

Die Malmesbury WWTW maak gebruik van membraantegnologie en is die *air scour blower* in belangrike komponent in die behandelingsproses.

BESLUIT

- (a) Dat kennis geneem word van die afwyking van die voorgeskrewe verkrygingsprosedures ingevolge klousule 36(2) van die Voorsieningkanaalbestuurbeleid;
- (b) Dat verder kennis geneem word van die aksie van die Munisipale Bestuurder om goedkeuring te verleen vir die herstel van een van die motors van die Airzen Blower-eenheid by die Malmesbury WWTW deur VWE Installasies Bpk;
- (c) Dat die rede vir die afwyking van die voorgeskrewe verkrygingsproses soos volg aangeteken word:
- (i) Indien die Airzen Blower-eenheid vir 'n geruime tyd buitewerking is, sal dit veroorsaak dat die behandelingsproses faal, dat sub-standaard uitvloeisel gelever word en dat daar skade aan die meganiese komponente van die stelsel kan voorkom;
- (d) Dat die uitgawe ten bedrae van R117 893.50 (BTW uitgesluit) teen posnommer 9/239-57-1041 verreken word en dat daar voldoende fondse beskikbaar is;
- (e) Dat die Senior Bestuurder: Finansiële State en Batebestuur in terme van die Voorsieningkanaalbestuursbeleid opdrag gegee word om bovermelde rede as nota by die finansiële state in te sluit, wanneer die betrokke state opgestel word.

7.14 WYSIGING/TOEVOEGING: SWARTLAND MUNISIPALITEIT: VERORDENING INSAKE MUNISIPALE GRONDGEBRUIKBEPLANNING (PK 8226 VAN 25 MAART 2020) (1/1)

BESLUIT dat die verslag onttrek word.

7.15 AANSOEK OM VAKANSIEVERLOF DEUR MUNISIPALE BESTUURDER EN DIREKTEURE EN AANWYS VAN WAARNEMENDE MUNISIPALE BESTUURDER (4/8/3)

Die Munisipale Bestuurder moet by die Uitvoerende Burgemeesterskomitee aansoek doen om verlof en word derhalwe -

BESLUIT

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

- (a) Dat die aansoek om verlof van die Munisipale Bestuurder vir die volgende dae in beginsel goedgekeur word, naamlik:
- 18 Desember 2023 tot 5 Januarie 2024 (12 dae), met inbegrip daarvan dat dit weens omstandighede mag verander, na oorlegpleging met die Uitvoerende Burgemeester.
- (b) Dat daar kennis geneem word dat die Direkteur: Siviele Ingenieursdienste gedurende voormelde tydperk sal waarneem as Munisipale Bestuurder.
- (c) Dat elke Direkteur, die waarnemende Direkteure in hulle onderskeie departement sal aanwys, ten einde goeie kommunikasie en dienslewering te verseker.

7.13 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURE: REPAIR OF THE MOTOR OF THE AIR SCOUR BLOWER BY MALMESBURY WWTW (8/1/B/2)

The Malmesbury WWTW uses membrane technology, and the air scour blower is a critical component in the treatment process.

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 repairs to the motor of one of the Aerzen blower unit at the Malmesbury waste water treatment works be performed by VWE Installasies BK;
- (c) That the reason for the deviation from the prescribed procurement process be recorded as follows:
- (i) If the Airzen Blower unit is out of action for some time, it will cause the treatment process to fail, sub-standard effluent to be delivered and damage to the mechanical components of the system may occur;
- (d) That there are sufficient funds available and that the expenditure amounting to R117 893.50 (excluding VAT) is settled against post number 9/239-57-1041;
- (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.

7.14 AMENDMENT/ADDITION: SWARTLAND MUNICIPALITY: REGULATION REGARDING MUNICIPAL LAND USE PLANNING (PK 8226 OF 25 MARCH 2020) (1/1)

RESOLVED that the report is withdrawn.

7.15 APPLICATION FOR VACATION LEAVE BY MUNICIPAL DIRECTORS AND MANAGERS AND APPOINTMENT OF ACTING MUNICIPAL MANAGER (4/8/3)

The Municipal Manager shall apply to the Executive Mayor's Committee for leave and shall, therefore, be -

RESOLUTION

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

- (a) That the application for leave of the Municipal Manager for the following days is approved in principle, namely:
- 18 December 2023 to 5 January 2024 (12 days), including that it may change due to circumstances, after consultation with the Executive Mayor;
- (b) That it be noted that the Director: Civil Engineering Services will act as Municipal Manager during the aforementioned period;
- (c) That each Director will appoint the acting Directors in their respective department, in order to ensure good communication and service delivery.

7.16 VERKOOP VAN UITGEDIENDE BATES PER OPENBARE VEILING (5/14/3/5)

Die Batebestuursbeleid reguleer die beskikking van bates deur te verseker dat dit regverdig, billik, deursigtig, mededingend en koste-effektief geskied en dat daar voldoen word aan die Voorsieningskanaalbestuursbeleid van die Munisipaliteit.

Die kriteria vir wegdoening van bates behels die volgende:

- Die bruikbare leeftyd van die bate het verstryk;
- Die bate is verouderd;
- Dit is onekonomies om die bate te herstel of dit is onherstelbaar.

Die lysie van uitgediende bates van die onderskeie direktorate is met die sakelys gesirkuleer.

BESLUIT

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

Dat goedkeuring verleen word dat die uitgediende bates, soos gelys, tydens die openbare veiling verkoop word en dienoreenkomstig vanaf die bateregister verwyder word.

(GET) J H CLEOPHAS
UITVOERENDE BURGEMEESTER

7.16 SALE OF OBSOLETE ASSETS BY PUBLIC AUCTION (5/14/3/5)

The Asset Management Policy regulates the disposal of assets by ensuring that it is conducted fairly, equitably, transparently, competitively, and cost-effectively and that the Municipality's Supply Chain Management Policy is complied with.

The criteria for disposal of assets include the following:

- The useful life of the asset has expired;
- The asset is obsolete;
- It is uneconomical to restore the asset, or it is irrecoverable.

The lists of expired assets of the respective directorates were circulated with the agenda.

RESOLUTION

(proposal by Cllr T of Essen, seconded by Cllr N Smit)

That approval be granted for the obsolete assets, as listed, to be sold at public auction and removed from the asset register accordingly.

(SIGNED) J H CLEOPHAS
EXECUTIVE MAYOR



**MINUTES OF A MEETING OF THE BID ADJUDICATION COMMITTEE HELD IN THE COMMITTEE ROOM:
CORPORATE SERVICES ON TUESDAY, 10 OCTOBER 2023 AT 12:00**

PRESENT

Director: Corporate Services, Ms M S Terblanche
Director: Financial Services, Mr M Bolton
Director: Electrical Engineering Services, Mr T Möller
Snr Manager: Supply Chain Management, Mr P Swart
Director: Development Services, Ms J S Krieger
Manager: Secretariat and Records Services, Ms N Brand

1. OPENING/APOLOGIES

The chairperson opened the meeting.

2. DECLARATION OF INTEREST

RESOLVED that cognisance is taken that no declaration of interests were made.

3. MINUTES

3.1 MINUTES OF A BID ADJUDICATION COMMITTEE MEETING HELD ON 5 SEPTEMBER 2023

RESOLUTION

That the minutes of a Bid Adjudication Committee meeting held on 5 September 2023 be approved.

3.2 MINUTES OF A SPECIAL BID ADJUDICATION COMMITTEE MEETING HELD ON 19 SEPTEMBER 2023

RESOLUTION

That the minutes of a Special Bid Adjudication Committee meeting held on 19 September 2023 be approved.

3.3 MINUTES OF A BID EVALUATION COMMITTEE MEETING HELD ON 22 SEPTEMBER 2023

That **COGNISANCE BE TAKEN** of the minutes of a Bid Evaluation Committee meeting held on 22 September 2023.

4. MATTERS FOR CONSIDERATION

4.1 TENDER T04/23/24: CONSTRUCTION OF NEW WATER CONNECTIONS AT THE YZERFONTEIN CARAVANPARK (8/2/21)

Tenders were invited for the construction of new water connections to service the 13 new caravan sites at the Yzerfontein Caravan Park.

A total of 11 tenders were received of which two tenders complied with the tender specifications and tender requirements – see table below for preferential procurement evaluation.

Table/...

4.1/...

Tenderer	Tender Amount	Preferential Points							
		Points for Price	Contribution Level	B-BBEE Points	Western Cape		Swartland		Total Points
					Yes/No	Points	Yes/No	Points	
Divine Touch Contractors (Pty) Ltd	R 174 696.50	80.00	0	0	Yes	0	No	0	80.00
Nkutwala Construction (Pty) Ltd	R 381 271.00	-14.60	1	0	Yes	4	Yes	6	-4.60

RECOMMENDATION¹

- That Tender T04/23/24 for the Construction of New Water Connections at Yzerfontein Caravan Park be awarded to **Divine Touch Contractors (Pty) Ltd** for the amount of R174 696.50 (including VAT) / R151 910.00 (excluding VAT) for the 2023/2024 financial year and a contract period of 5 weeks;
- That the expense be allocated against vote number, 9/120-780-908: Yzerfontein Caravan Park, Expansion for the 2023/2024 financial year;
- That the matters relating to health and safety be handled by the appointed Health and Safety agent;
- That Clause 5.13 of the General Conditions of Contract 2015 be enforced for late completion.

4.2 TENDER T14/23/24: APPOINTMENT OF HEALTH AND SAFETY AGENT FOR THE PERIOD ENDING 30 JUNE 2026 (8/2/10)

Tenders were invited for the appointment of competent persons to act as the Health and Safety Agent for Swartland Municipality as required by the Construction Regulations of the Occupational Health and Safety Act, Act 85 of 1993.

A total of 17 tenders were received and evaluated in accordance with the 80/20 preferential procurement point system – see table below for the results:

BIDDER	TENDER PRICE	POINTS FOR PRICE	CONTRIBUTION LEVEL	BBBEE POINTS	WESTERN CAPE	POINTS	SWARTLAND	POINTS	PREFERENCE POINTS	TOTAL POINTS
BH Ventures (Pty) Ltd	R 644 660,00	80,00	2	9	Yes	4	No	0	13	93,00
Siyakhatala Safety cc	R 667 471,50	77,17	4	5		0	No	0	5	82,17
Phayona She Solutions (Pty) Ltd	R 960 146,50	40,85	0	0	Yes	4	No	0	4	44,85
Frontline Occupational Safety Consultancy & Services cc	R 1 245 634,00	5,42	1	10		0	No	0	10	15,42
George Farmer Consultancy	R 1 298 534,00	-1,14	1	10	Yes	4	No	0	14	12,86
Safe Working Practice SA	R 1 318 774,00	-3,66	2	9	Yes	4	No	0	13	9,34
Safe Working Practice SA	R 1 360 059,00	-8,78	2	9	Yes	4	No	0	13	4,22
Coetzee CHSA (Pty) Ltd	R 1 575 971,50	-35,57	4	5	Yes	4	No	0	9	-26,57
LHSE Consultancy	R 1 603 284,00	-38,96	4	5	Yes	4	No	0	9	-29,96
NCC Environmental Services (Pty) Ltd	R 1 943 247,00	-81,15	2	9	Yes	4	No	0	13	-68,15

¹ Confirmed by the Municipal Manager on 11 October 2023

BIDDER	TENDER PRICE	POINTS FOR PRICE	CON TRIBUTION LEVEL	BBBEE POINTS	WESTERN CAPE	POINTS	SWARTLAND	POINTS	PREFERENCE POINTS	TOTAL POINTS
Nakhane Projects and Safety Consulting	R 2 637 507,75	-167,31	1	10		0	No	0	10	-157,31
Cairnmead Industrial Consultants (Pty) Ltd	R 3 055 877,75	-219,22	3	8		0	No	0	8	-211,22
Praxos 383 (Pty) Ltd	R 3 647 984,00	-292,70	1	10		0	No	0	10	-282,70
Kele-Thabo Holdings	R 6 105 821,50	-597,71	1	10	No	0	No	0	10	-587,71
Oarona Investments (Pty) Ltd	R 6 551 159,00	-652,98	1	10	No	0	No	0	10	-642,98
Assagy Environmental (Pty) Ltd	R 9 082 309,00	-967,08	1	10	No	0	No	0	10	-957,08

RECOMMENDATION²

- (a) That Tender T14/23/24 for the Appointment of Health and Safety Agent under the Occupational Health and Safety Agent Act, Act 85 of 1993 (Construction Regulations) be awarded to BH Venture (Pty) Ltd for the period ending 30 June 2026 for the tendered tariffs;
- (b) That the expense be financed from the various capital project's vote numbers;
- (c) That the successful bidder must take out public insurance of at least R20 000 000,00 and that proof of such insurance must be submitted within 20 days of the Municipality's acceptance letter.

(sgd) M S TERBLANCHE
CHAIRPERSON

² Confirmed by the Municipal Manager on 11 October 2023



**MINUTES OF A MEETING OF THE BID ADJUDICATION COMMITTEE HELD IN THE COMMITTEE ROOM:
CORPORATE SERVICES ON MONDAY, 30 OCTOBER 2023 AT 14:00**

PRESENT

Director: Corporate Services, Ms M S Terblanche
Director: Financial Services, Mr M Bolton
Director: Electrical Engineering Services, Mr T Möller
Snr Manager: Supply Chain Management, Mr P Swart
Director: Development Services, Ms J S Krieger
Manager: Secretariat and Records Services, Ms N Brand

1. OPENING/APOLOGIES

The chairperson opened the meeting.

2. DECLARATION OF INTEREST

RESOLVED that cognisance is taken that no declaration of interests were made.

3. MINUTES

3.1 MINUTES OF A BID ADJUDICATION COMMITTEE MEETING HELD ON 10 OCTOBER 2023

RESOLUTION

That the minutes of a Bid Adjudication Committee meeting held on 10 October 2023 be approved.

3.2 MINUTES OF A BID EVALUATION COMMITTEE MEETING HELD ON 24 OCTOBER 2023

That **COGNISANCE BE TAKEN** of the minutes of a Bid Evaluation Committee meeting held on 24 October 2023.

4. MATTERS FOR CONSIDERATION

4.1 TENDER T18/23/24: SUPPLY OF CATERING SERVICES FOR THE SONDEZA CAMP BEING HELD FROM 6 TO 15 DESEMBER 2023 AT GANZEKRAAL HOLIDAY RESORT, SITUATED ON THE WEST COAST (8/2/21)

Tenders were invited to provide catering services for the Sondeza Camp to be held from 6 to 15 December 2023 at Ganzekraal.

The two tender received, complied with the tender specifications and requirements and were evaluation in accordance with the 80/20 preferential procurement points system:

		Preferential Points							
Tenderer	Tender amount	Points for Price	Contribution level	BBBEE Points	Western Cape		Swartland		Total points
					Yes/ No	Points	Yes / No	Points	
Feedem Group	R 257 952.49	80.00	1	10		0	No	0	90.00
CSG Food Solutions (Pty) Ltd	R 553 307.03	-11.60	1	10		0	No	0	-1.60

Recommendation/...

4.1/...

RECOMMENDATION¹

(a) That Tender T18/23/24 for the Supply of Catering Services for the entire Sondeza Camp being held from 6 to 15 December 2023 at Ganzekraal Holiday Resort, situated on the West Coast be awarded to Feedem Group (Pty) Ltd for the amount of R257 952.49 (including VAT) / R224 306.51 (excluding VAT);

(b) That the expense be allocated to vote number 9/201-1317-82 (Catering).

4.2 TENDER T16/23/24: SUPPLY AND DELIVERY OF UNIFORMS FOR THE FIRE DEPARTMENT FOR THE PERIOD ENDING 30 JUNE 2024 (8/2/21)

Tenders were invited for the supply and delivery of uniforms for the Fire Department and three tenders were received.

Only one tender complied with the tender specifications and requirements.

RECOMMENDATION²

(a) That tender T16/23/24 for the Supply and Delivery of Uniforms for the Fire Department for the period ending 30 June 2024 be awarded to Sparks & Ellis (Pty) Ltd for the tendered tariffs;

(b) That the expense be allocated to vote number: 9/232-839-2877.

4.3 TENDER T01/23/24: SUPPLY AND DELIVERY OF PROTECTIVE CLOTHING FOR THE PARKS DIVISION OF THE CIVIL ENGINEERING DEPARTMENT (8/2/21)

A total of 15 tenders were received for the supply and delivery of protective clothing for the Parks Division. Five tenders were non-responsive and the remaining tenders were evaluation according to the 80/20 preferential procurement points system:

Tenderer	Tender amount	Preferential Points							
		Points for Price	Contribution level	BBBEE Points	Western Cape		Swartland		Total points
					Yes/ No	Points	Yes / No	Points	
Select PPE (Pty) Ltd	R308,106.68	80.00	1	10	-	-	-	-	90.00
Adjuvo Enterprises	R310,723.10	79.32	0	0	-	-	-	-	79.32
Xco group (Pty) Ltd	R327,680.81	74.92	3	8	No	0	No	0	84.92
NJ and Sons	R346,073.27	70.14	1	10	Yes	4	No	0	84.14
Mochochonono Group (Pty) Ltd	R353,107.50	68.32	1	10	No	0	No	0	78.32
Skonto (Pty) Ltd	R389,813.20	58.78	1	10	-	-	-	-	68.78
Avhashavhi Trading Enterprise	R393,472.97	57.83	1	10	Yes	4	No	0	71.83
Jonkman Trading and Projects (Pty) Ltd	R445,367.00	44.36	0	0	-	-	-	-	44.36
Cyrus Trading (Pty) Ltd	R457,625.25	41.18	0	0	-	-	-	-	41.18
Kroworx Trading	R540,585.10	19.64	1	10	No	0	No	0	29.64

RECOMMENDATION³

(a) That Tender T01.23.24 for the Supply and delivery of protective clothing for the parks division of the civil engineering department be awarded to **Select PPE (Pty) Ltd** for the tendered amount of R308,106.68 Incl Vat (R 267,918.48 Excl Vat) and a delivery period of 14 days;

(b) That the expenditure be funded from votes number 9/236-839-2889, 9/237-839-2889, 9/224-829-2891.

¹ Confirmed by the Municipal Manager on 31 October 2023

² Confirmed by the Municipal Manager on 31 October 2023

³ Confirmed by the Municipal Manager on 31 October 2023

4.4 TENDER T05/23/24: SUPPLY AND DELIVERY OF SMALL REFUSE REMOVAL TIPPER TRUCK (8/2/2)

Tenders were invited for the supply and delivery of a small refuse removal tipper truck and eight tenders were received at the closing data. Three tenders adhered to the tender specifications and requirements and were evaluated in accordance with the 80/20 preferential procurement points system:

		Preferential Points							
Tenderer	Tender amount	Points for Price	Contribution level	BBBEE Points	Western Cape		Swartland		Total points
					Yes/ No	Points	Yes / No	Points	
Fuzion Motors t/a Perdeberg Commercial	R1 006 250.00	80.00	2	9	Yes	4	Yes	6	99.00
CFAO Mobility t/a Williams Hunt	R1 243 025.00	61.18	3	8	No	0	No	0	69.18
Shorts Nissan	R1 370 719.50	51.02	2	9	Yes	4	No	0	64.02

RECOMMENDATION⁴

- That tender T05.23.24 for the Supply and Delivery of a Crew Cab Refuse Removal Tipper Truck (Isuzu NPR 400 AMT) be awarded to Fuzion Motors (PTY) Ltd t/a Perdeberg Commercial for the amount of R 1 006 250.00 (including VAT) / R 875 000.00 (VAT exclusive), and a delivery period of 10 to 13 weeks;
- That the expense be allocated against vote number 9/104-774-900 as replacement of CK 34221.

4.5 TENDER T20/23/24: SUPPLY AND DELIVERY OF PASSENGER VEHICLES, SINGLE CAB BAKKIE AND DOUBLE CAB BAKKIE (8/2/2)

Rates based tenders were invited for the supply and delivery of vehicles which allowed all municipal departments to place orders against firm prices, for:

Part a): Light Passenger Vehicle limited to 1398cc – 1500cc (Hatch Back);
 Part b): Light Passenger Vehicle limited to 1398cc p 1500cc (Sedan);
 Part c): Single Cab Bakkie limited to 2398cc – 2500cc (with Canopy);
 Part d): Double Cab Bakkie between 2398cc – 2500 cc (with Canopy).

A total of 11 tenders were received for each category.

The report contains the details on the tenders that did not comply with the tender specifications and requirements, as well as the reasons for not procuring vehicles in some of the categories.

The remaining tenders were evaluated in accordance with the 80/20 preferential procurement points system:

Part a) Light Passenger Vehicle 1398cc - 1500cc (Hatch Back)

		Preferential Points							
Tenderer	Tender amount/ Vehicle	Points for Price	Contribution level	BBBEE Points	Western Cape		Swartland		Total points
					Yes/ No	Points	Yes / No	Points	
Kusasa Commodities 151 (Pty) Ltd T/A Malmesbury Toyota ¹⁾	R 251 570.88	80.00	0	0	Yes	4	Yes	6	90.00
VW Overberg t/a Rola VW Malmesbury	R 254 057.95	79.21	6	3	Yes	4	Yes	6	92.21
Bidvest McCarthy Toyota N1 City ²⁾	R 256 668.38	78.38	0	0	Yes	4	No	0	82.38
Williams Hunt	R 293 630.11	66.63	3	8	No	0	No	0	74.63

¹⁾ Kusasa Commodities 151 (Pty) Ltd t/a Malmesbury Toyota is a Non-compliant contributor

²⁾ Bidvest McCarthy Toyota N1 City - BEE certificate expired on 25.09.2023, No preferential points awarded

⁴ Confirmed by the Municipal Manager on 31 October 2023

Part c) Single Cab Bakkie 2398 CC - 2500 CC (with Canopy)

		Preferential Points							
Tenderer	Tender amount/ Vehicle	Points for Price	Contri- bution level	BBBEE Points	Western Cape		Swartland		Total points
					Yes/ No	Points	Yes / No	Points	
Bidvest McCarthy Toyota N1 City ¹⁾	R 414 715.26	80.00	0	0	Yes	4	No	0	84.00
Kusasa Commodities 151 (Pty) Ltd T/A Malmesbury Toyota ²⁾	R 541 472.64	55.55	0	0	Yes	4	Yes	6	65.55
Williams Hunt	R 599 364.30	44.38	3	8	No	0	No	0	52.38

¹⁾ Bidvest McCarthy Toyota - BEE certificate expired on 25.09.2023, No preferential points awarded.

²⁾ Kusasa Commodities 151 (Pty) Ltd t/a - Non-compliant contributor

RECOMMENDATION⁵

- That Tender T20/23/24 for the Supply and Delivery of Light Motor Passenger Vehicles (Volkswagen Vivo Trendline Hatchback) be awarded to VW Overberg t/a Rola VW Malmesbury at the firm price of R254 057.96 (incl VAT, VAT cannot be claimed from SARS on passenger vehicles) per vehicle and a delivery period of 6 weeks;
- That Tender T20/23/24 for the Supply and Delivery of Single Cab Bakkies (Toyota Hilux 2.4 GD) be awarded to Bidvest McCarthy Toyota N1 City at the firm price of R414 715.26 (incl VAT) / R360 790.88 (excl VAT) per vehicle and a delivery period of 8 weeks;
- That the contract be financed by means of the 2023/24 capital budget available in terms of the following votes:
 - 9/119-815-950 (for the replacement of CK22572 Nissan NP300 Hardbody)
 - 9/119-816-951 (for the replacement of CK14227 Chevrolet Aveo)
 - 9/119-817-952 (for the replacement of CK18439 Chevrolet Aveo)
 - 9/119-818-953 (for the replacement of CK42165 Chevrolet Aveo)
 - 9/119-819-954 (for the replacement of CK41089 Chevrolet Aveo)
 - 9/119-820-955 (for the replacement of CK40700 Citi Golf 310)
 - 9/126-826-961 (for the replacement of CK39217 Chevrolet Aveo 1.6)
 - 9/126-827-962 (for the replacement of CK43672 Chevrolet Aveo)

4.6 TENDER T02/23/24: SUPPLY AND DELIVERY OF 2X4 SINGLE CAB/CHASSIS TRUCK (8/2/2)

The 2023/2024 capital budget provides for the replacement of CK 38172 and tenders were accordingly invited for one 2x4 single cab/chassis truck for the Fire Department.

A total of three tenders were received and all tenders adhered to the tender requirements and specifications.

		Preferential Points							
Tenderer	Tender amount	Points for Price	Contribution level	BBBEE Points	Western Cape		Swartland		Total points
					Yes/No	Points	Yes/No	Points	
JB's Commercial (Pty) Ltd	R 1 183 925.00	80.00	2	9	Yes	4	Yes	6	99.00
Shorts Nissan CC	R 1 311 874.00	71.35	2	9	Yes	4	No	0	84.35
Sky Metro Equipment (Pty) Ltd	R 1 589 975.00	52.56	1	10	No	0	No	0	62.56

RECOMMENDATION⁶

- That tender T02/23/24 for the Supply and Delivery of one 2 X 4 Single Cab/Chassis Truck, UD Croner PKE250 4x2 FC ATM, be awarded to JB's Commercial (Pty) Ltd for

⁵ Confirmed by the Municipal Manager on 31 October 2023

⁶ Confirmed by the Municipal Manager on 31 October 2023

the amount of R1 183 925.00 (R1 029 500.00 excl. VAT) and a delivery period of 4-8 weeks;

- (b) That the expense be allocated to vote numbers: 9/125-855-998 for the replacement of CK38172;
- (c) The balance after payment for the supply and delivery of one 2 x 4 single cab/chassis will be used to procure a fire fighting pump, hose reels and to build a fire fighting superstructure.

4.7 TENDER T64/22/23: SUPPLY AND DELIVERY OF FIRE FIGHTING EQUIPMENT (8/2/22)

Tenders were invited for fire fighting equipment in order to build a fire fighting superstructure on the vehicle procures under Tender T02/23/24.

Three of the five tenders received adhered to the tender requirements and specification and were evaluated in accordance with the 80/20 preferential procurement points system:

		Preferential Points							
Tenderer	Tender amount	Points for Price	Contribution level	BBBEE Points	Western Cape		Swartland		Total points
					Yes/ No	Points	Yes / No	Points	
F.E.S. Manufacturing (Pty) Ltd	R 1 147 047.83	80.00	2	9	Yes	4	No	0	93.00
Ramcom Cape (Pty) Ltd	R 1 297 886.31	69.48	2	9		0	No	0	78.48

RECOMMENDATION⁷

- (a) That the tender T64/22/23 for the Supply and Delivery of Fire Fighting Equipment be awarded to F.E.S. Manufacturing (Pty) Ltd for the amount of **R 1 147 047.83** (R 997 432.90 excl. VAT) and a delivery period of 12-14 weeks;
- (b) That the expense be allocated to vote numbers: **9/125-855-998 and 9/126-850-993**;
- (c) The items to be purchased:
 - 1x Pump
 - 2x Hose Reels
 - 1x Light Mast
- (d) The balance on vote number 9/125-855-998 after payment for the supply and delivery of firefighting equipment will be used to build the fire appliance superstructure.

(sgd) M S TERBLANCHE
CHAIRPERSON

⁷ Confirmed by the Municipal Manager on 31 October 2023



**MINUTES OF A MEETING OF THE BID ADJUDICATION COMMITTEE HELD IN THE COMMITTEE ROOM:
CORPORATE SERVICES ON WEDNESDAY, 29 NOVEMBER 2023 AT 14:00**

PRESENT

Director: Corporate Services, Ms M S Terblanche
Director: Financial Services, Mr M Bolton
Director: Civil Engineering Services, Mr L D Zikmann
Snr Manager: Supply Chain Management, Mr P Swart
Director: Development Services, Ms J S Krieger
Manager: Secretariat and Records Services, Ms N Brand

1. OPENING/APOLOGIES

The chairperson opened the meeting.

2. DECLARATION OF INTEREST

RESOLVED that cognisance is taken that no declaration of interests were made.

3. MINUTES

3.1 MINUTES OF A BID ADJUDICATION COMMITTEE MEETING HELD ON 30 OCTOBER 2023

RESOLUTION

That the minutes of a Bid Adjudication Committee meeting held on 30 October 2023 be approved.

3.2 MINUTES OF A BID EVALUATION COMMITTEE MEETING HELD ON 22 NOVEMBER 2023

That **COGNISANCE BE TAKEN** of the minutes of a Bid Evaluation Committee meeting held on 22 November 2023.

4. MATTERS FOR CONSIDERATION

4.1 TENDER T13/23/24: REFURBISHMENT OF COUNCIL COMMITTEE ROOM, KERK STREET, MALMESBURY (8/2/21)

Tenders were invited for the refurbishment of the Council Committee Room, Kerk Street, Malmesbury.

A total of six tenders were received of which three tenderers complied with the tender specifications and tender requirements – see table below for the evaluation in accordance with the 80/20 preferential procurement point system:

Tenderer	Tender Amount	Points for Price	Contribution Level	B-BBEE Points	Preferential Points				Total Points
					Western Cape		Swartland		
					Yes/No	Points	Yes/No	Points	
F. Bocks Construction	R 2 819 766.65	76.37	1	10	Yes	4	Yes	6.00	96.37
Vstate Holding	R 2 672 643.70	80.00	1	10	Yes	4	No	0.00	94.00
Greenslade Builders	R 2 999 700.25	64.44	1	10	Yes	4	No	0.00	78.44

Recommendation/...

4.1/...

RECOMMENDATION¹

- That Tender T13.23.24 for the Refurbishment of the council committee room in Kerk Street Malmesbury be awarded to **F. Bocks Construction** for the reduced tender amount of **R 2 193 548.16** (Including 15% VAT) and a contract period of 3 months;
- That the expense be allocated against Vote Numbers 9/108-706-819 Fitting of Council chambers funding 2023/2024;
- That the matters relating to Health and Safety be handled by BH Venture (Pty) Ltd;
- That clause 30.00 of the Principal Building Agreement (Edition 5.0, Code 2101, July 2007 as prepared by the Joint Building Contracts Committee) be enforced for late completion.

4.2 TENDER T17/23/24: SUPPLY, DELIVERY AND OFF-LOADING OF CONVERTED SHIPPING CONTAINERS (8/2/21)

Tenders were invited for the supply, delivery and off-loading of four converted shipping containers into usable spaces to be used at Darling Intercultural Park as part of the Regional Socio-Economic Programme. The containers that are needed are – (1) one fast food, (2) one tuck shop, (3) one clothing shop and (4) one hair salon.

A total of ten tenders were received of which seven tenderers complied with the tender specifications and tender requirements. Preferential procurement points were calculated in accordance with the 80/20 preference point system – see below results:

Tenderer	Tender Amount	Preferential Points							
		Points for Price	Contribution Level	B-BBEE Points	Western Cape		Swartland		Total Points
					Yes/No	Points	Yes/No	Points	
Container Consumables & Industrial Supplies CC	R 803 907.50	80.00	1	10.00	No	0.00	No	0.00	90.00
Container Conversions (Pty) Ltd	R 822 224.70	78.18	1	10.00	No	0.00	No	0.00	88.18
Lipus Goods & Services (Pty) Ltd	R 848 815.00	75.53	1	10.00	Yes	4.00	No	0.00	89.53
Kwikspace Modular Buildings (Pty) Ltd	R 951 502.64	65.31	1	10.00	Yes	0.00	No	0.00	75.31
AWV Project Management (Pty) Ltd	R 958 462.04	64.62	1	10.00	Yes	4.00	No	0.00	78.62
Matamela Enterprises CC	R1 252 350.00	35.37	1	0.00	Yes	4.00	No	0.00	39.37

RECOMMENDATION²

- That Tender T17/23/24 for the Supply, Delivery and Off-Loading of Converted Shipping Containers be awarded to **Container Consumables & Industrial Supplies CC** for the 2023/2024 financial year for the downscaled project and reduced amount of R 733 067.50 (Including 15% VAT and 10% Contingencies)(R 637 450.00 excluding VAT) and a delivery period of 8 weeks;
- That the expense be allocated against the following vote numbers for the 2023/2024 financial year:
 - 9/123-777-904 LED Units/Trading Stalls: Darling - RSEP
 - 9/123-777-905 LED Units/Trading Stalls: Darling - CRR
- That the General Conditions of Contract will be enforced for late completion.

4.3/...

¹ Confirmed by the Municipal Manager on 30 November 2023

² Confirmed by the Municipal Manager on 30 November 2023

4.3 TENDER T21/23/24: REPAIR AND RESURFACING OF NETBALL/TENNIS COMBINATION COURTS AT ROSENHOF AND GENE LOUW SPORTSGROUND, MOORREESBURG (8/2/1)

Tenders were invited for the repair and resurfacing of tennis/netball combination courts in Moorreesburg. The project will be funded from allocations made available by the Department of Cultural Affairs and Sport.

A total of nine tenders were received of which four tenderers complied with the tender specifications and tender requirements.

Preferential procurement points were calculated in accordance with the 80/20 preference point system – see below results:

Tenderer	Tender Amount	Preferential Points							Total Points
		Points for Price	Contribution Level	B-BBEE Points	Western Cape		Swartland		
					Yes/No	Points	Yes/No	Points	
Perfect Bounce Consultants	R939 305.91	80.00	2	9	Yes	4	No	0	93.00
Batsini (PTY) Ltd	R964 062.83	77.89	1	10	Yes	4	No	0	91.89
Protea Sports Courts SA (PTY) Ltd	R996 389.90	75.14	1	10	Yes	0	No	0	85.14
Nkutwala Construction (Pty) Ltd	R1 391 968.05	41.45	1	10	Yes	4	Yes	6	61.45

RECOMMENDATION³

- That the tender T21.23.24: *Repair and resurfacing of netball/tennis combination courts at Rosenhof and Gene Louw sportsground - Moorreesburg* be awarded to Perfect Bounce Consultants for the 2023/2024 financial year, for the downscaled project and reduced amount of R 535 827.08 (Including 15% VAT and 10% Contingencies) (R 465 936.59 excluding VAT) and a reduced contract period of 5 weeks
- That the expense be allocated against the following vote number for the 2023/2024 financial year.
 - 9/106-849-992 - Upgrading of Netball Courts: Moorreesburg
- That Clause 5.13 of the General Conditions of Contract 2015 be enforced for late completion.

4.4 TENDER T03/23/24: SUPPLY AND DELIVER OF 1 X 5000 GVM CAPACITY TRAILER (8/2/2)

The 2023/2024 capital budget provided for the replacement of 1x 5000 kg GVM Trailer in the Parks Department:

Tenders were accordingly invited and a total of two tenders were received. Both tenders adhered to the tender specifications and tender requirements and were evaluated in accordance with the 80/20 preferential procurement point system – see table below:

		Preferential Points							
Tenderer	Tender amount	Points for Price	Contribution level	BBBEE Points	Western Cape		Swartland		Total points
					Yes/ No	Points	Yes / No	Points	
Shacha Trading (PTY)LTD	R 116,500.00	80.00	1	10		0		0	90.00
NHN Bricks and Concrete	R 970,000.00	-506.09	1	10		0		0	-496.09

Recommendation/...

³ Confirmed by the Municipal Manager on 30 November 2023

4.4/...

RECOMMENDATION

- That Tender T03/23/24 for the supply and delivery of 1 x 5000kg GVM capacity trailer be awarded to Shacha Trading for an amount of R116,500.00 (Bidder not VAT registered) and a delivery period of 30 days;
- That the expense be allocated against vote number 9/112-720-834 for the replacement of Trailer, CK 43400.

4.5 TENDER T19/23/24: SUPPLY AND INSTALL INCLINED FRONT RAKE BAR SCREEN AND SCREENING PRESS, DARLING WWTW (8/2/1)

Tenders were invited for the Supply and Install of the Inclined Front Rake Bar Screen and Screening Press at the Darling WWTW.

Only one tender was received and the tenderer complied with all the tender specifications and tender requirements.

RECOMMENDATION⁴

- That Tender T19/23/24 for the supply and install of an Inclined Front Rake Bar screen and Screening Press at the Darling WWTW be awarded to Hidro-Tech Systems (Pty) Ltd for an amount of R1 241 014.45 (including VAT) / R1,079,143.00 (excluding VAT) and a delivery period of 3 months;
- That the expense be allocated against vote number 9/111-695-807.

4.6 TENDER L01/23/24: SALE OF UNREGISTERED ERF 12875, MALMESBURY (8/2/4)

The Municipal Council granted in-principle approval 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 "that unregistered Erf 12875, Malmesbury (1001 m² in extent) be offered for disposal by means of a public competitive process (which may include a two phase bid process) for disposal to institutions with proven experience in Early Childhood Development".

A subsidized reserve price of R16 000 (excluding VAT) was determined by Council.

The proposed disposal was advertised in the media and not comments and/or objections regarding the proposed sale of Erf 12857 were received.

Tenders were invited by means of a two phase bid process for Envelope 1 to contain the Development/Business Proposal for the property and Envelope 2 to contain the monetary offer. A tenderer must achieved 70% in terms of the evaluation criteria for the Development/Business Proposal before the monetary offer be considered.

A total of two tenders were received and one tenderer was disqualified.

RESOLUTION

- That Tender L01/23/24 for the Sale of Unregistered Erf 12875, Malmesbury be awarded to the Maranatha Trust at the amount of R90 000.00 excluding VAT;
- That the Agreement of Sale be entered into by the Director: Corporate Services, provided that the transfer of the asset (subject property) is approved by the Executive Mayoral Committee as per Council resolution dated 27 July 2023.

(sgd) M S TERBLANCHE
CHAIRPERSON

⁴ Confirmed by the Municipal Manager on 30 November 2023



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Munisipale Bestuurder
24 Januarie 2024

7/1/1 MY
WYK: n.v.t.

ITEM 8.1 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL WORD OP 30 JANUARIE 2024

ONDERWERP: VOORLEGGING VAN KONSEP JAARVERSLAG: 2022/2023 FINANSIËLE JAAR
TABLING OF DRAFT ANNUAL REPORT: 2022/2023 FINANCIAL YEAR

1. AGTERGROND / BACKGROUND

The format of the annual report is prescribed by MFMA Circular 63 dated 26 September 2012.

The draft 2022/2023 annual report was submitted to the Office of the Auditor General and the comments received by the Auditor General is already incorporated in the draft annual report. The draft 2022/2023 annual report is attached separately.

During the public participation process comments will be requested from the provincial treasury and provincial department responsible for local government and will be considered by the MPAC during the drafting of the oversight report.

2. WETGEWING / LEGISLATION

Section 127 of the Municipal Finance Management Act, 2003 stipulates that the mayor of a municipality must, within seven months after the end of a financial year, i.e. by end January of the following year, table in the municipal council the annual report of the municipality.

The annual report, in terms of section 121 of the MFMA, must include – inter alia –

- *the annual financial statements of the municipality;*
- *the Auditor-General's audit report on those financial statements;*
- *the annual performance report of the municipality prepared in terms of section 46 of the Municipal Systems Act and the Auditor-General's audit report on same.*

In terme van wetgewing moet die volgende stappe aan uitvoering gegee word:

In terms of legislation the following actions must be adhered to:

A.	Voorlegging van jaarverslag aan Raad [art 127(2), MFMA]	Voor einde Januarie	<i>Tabling of annual report in council [section 127(2), MFMA]</i>
B.	Onmiddellik na tertafellegging, moet die rekenpligtige beampte (1) die jaarverslag openbaar maak; (2) die plaaslike gemeenskap uitnoui om vertoë daaromtrent te rig; en (3) die verslag aan die Ouditeur-Generaal, provinsiale tesourie en provinsiale departement vir plaaslike regering voorlê. [art 127(5), MFMA]	30 Januarie 2024 Sperdatum vir kommentaar: 28 Februarie 2024	<i>Immediately following tabling of the annual report, the accounting officer must (1) make public the annual report; (2) invite the local community to submit representations about same; and (3) submit the annual report to the Auditor-General, provincial treasury and provincial department responsible for local government. [section 127(5), MFMA]</i>
C.	MPAC 'n gedetailleerde analise en hersiening te doen van die jaarverslag, om vertoë ontvang te verwerk en 'n konsep oorsigverslag op te stel vir oorweging deur die volle Raad op 28 Maart 2024;	5 Maart 2024	<i>MPAC to undertake a detailed analysis and review of the annual report and to consider representations and to draft an oversight report for consideration by the full council on 30 March 2023;</i>
D.	Die jaarverslag, asook vertoë in verband daarmee, moet binne twee maande na tertafellegging deur die raad oorweeg/ bespreek word, en 'n oorsigverslag moet aangeneem word wat die raad se kommentaar bevat.	28 Maart 2024	<i>The annual report, along with the representations made, must be submitted to council for consideration within two months after tabling, and an oversight report containing council's comments, must be adopted at such meeting.</i>

	Hierdie vergadering is oop vir die publiek en lede van die plaaslike gemeenskap of staatsorgane moet 'n redelike tyd gegun word om die raad toe te spreek. (artikels 129 & 130, MFMA)		<i>This meeting is open to the public and members of the local community or organs of state must be allowed reasonable time to address the council. (sections 129 & 130, MFMA)</i>
E.	(1) Afskrifte van die notules van die voormelde vergadering moet aan die Ouditeur-Generaal, provinsiale tesourie en die provinsiale departement vir plaaslike regering voorgelê word, en (2) moet die oorsigverslag binne sewe dae nadat dit aanvaar is, openbaar gemaak (geadverteer) word. [art 129(2) & (3)]	(1) teen 3 April 2024 (2) teen 3 April 2024	<i>(1) Copies of the minutes of the above meetings must be submitted to the Auditor-General, provincial treasury and provincial department for local government, and (2) the oversight report must be made public (advertised) within seven days after its adoption by council. [section 129(2) & (3)]</i>

3. **RECOMMENDATION**

- (a) *That cognisance be taken of the annual report in respect of the 2022/2023 financial year, as tabled in terms of section 127(2) of the MFMA, and of which the tabling is done in the format as prescribed by National Treasury's MFMA Circular 63 of 2012;*
- (b) *That cognisance be taken of the following steps to be taken in terms of section 127 of the MFMA, being*
(i) *disclosure of the annual report;*
(ii) *inviting the public to submit representations in connection with the report;*
(iii) *inviting the public and relevant organs of state to attend the council meeting on 28 March 2024, when the annual report and oversight report will be discussed;*
(iv) *submission of the annual report to the Auditor-General, provincial treasury and the provincial department responsible for local government;*
- (c) *That the MPAC, after the closing of comments on the annual report, undertake a detailed analysis of the representations received in order to compile the draft oversight report for consideration by the Council on 28 March 2024;*
- (d) *That councillors who are not members of the MPAC take note that they should also be conducting their own review of the report by inter alia having discussions with their constituents, ward committees and ward representatives to encourage inputs and comments for consideration at the full council meeting on 28 March 2024.*

AANBEVELING

- (a) Dat kennis geneem word van die jaarverslag vir die 2022/2023 finansiële jaar soos voorgelê in terme van artikel 127(2) van die MFMA, en opgestel in die formaat soos voorgeskryf deur MFMA Omsendbrief 63 van 2012 van Nasionale Tesourie;
- (b) Dat kennis geneem word van die opvolgaksies waaraan in terme van artikel 127 van die MFMA uitvoering gegee sal word, te wete –
(i) die openbaarmaking van die jaarverslag;
(ii) die rig van 'n uitnodiging aan die publiek om verhoë daaromtrent te rig;
(iii) uitnodiging aan die publiek en die relevante staatsorgane om die raadsvergadering op 28 Maart 2024 by te woon, wanneer die jaarverslag en oorsigverslag bespreek sal word;
(iv) voorlegging van die jaarverslag aan die Ouditeur-Generaal, provinsiale tesourie en die provinsiale departement verantwoordelik vir plaaslike regering;
- (c) Dat die MPAC, na afloop van die sluiting van kommentaar op die jaarverslag, 'n gedetailleerde analise sal doen van die verhoë wat ontvang is, ten einde die konsep oorsigverslag op te stel vir oorweging deur die Raad op 28 Maart 2024;
- (d) Dat raadslede wat nie op die MPAC dien nie, kennis neem dat dit ook van hulle verwag word om hul eie evaluering van die jaarverslag te doen, onder andere in konsultasie met hul kiesers, wykskomitees en wyksverteenwoordigers om insette en kommentare aan te moedig vir oorweging by die volle raadsvergadering op 28 Maart 2024.

(get) J J Scholtz

MUNISIPALE BESTUURDER



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Munisipale Bestuurder
17 Januarie 2024

7/1/2/2-2
WYK: ALLE

ITEM 8.2 VAN DIE AGENDA VAN 'N RAADSVERGADERING WAT GEHOU SAL WORD
OP 30 JANUARIE 2024.

ONDERWERP: KWARTAALVERSLAG (ARTIKEL 52 van MFMA) – OKTOBER - DESEMBER 2023

SUBJECT: QUARTERLY REPORT (SECTION 52 of MFMA) –OCTOBER - DECEMBER 2023

1. AGTERGROND / BACKGROUND

Die doel van hierdie verslag is om te voldoen aan die vereistes van Artikel 52 (d) van die Wet op Munisipale Finansiële Bestuur, No. 56 van 2003, wat die algemene verantwoordelikhede van die Burgermeester voorskryf om aan die raad die finansiële posisie asook die finansiële vordering van die munisipaliteit voor te lê, gemeet teenoor die goedgekeurde begroting vir die 2de kwartaal soos op 31 Desember 2023.

Hierdie verslag bevat ook die nie-finansiële inligting in die vorm van die munisipaliteit se prestasie gemeet teen die teikens soos uiteengesit in die Topvlak Dienslewering en Begroting Implementeringsplan van 2023/2024.

The purpose of this report is to comply with the requirements of Section 52 (d) of the Municipal Finance Management Act, No. 56 of 2003, which prescribes the general responsibilities of the Mayor to table to council the financial position as well as the financial progress of the municipality, measured against the approved budget for the 2nd quarter as at 31 December 2023.

This report also includes the non-financial information in the form of the municipality's performance measured against the targets set out in the Top Level Service Delivery and Budget Implementation Plan 2023/2024.

2. WETGEWING / LEGISLATION

- 2.1 Local Government: Municipal Systems Act 32 of 2000
- 2.2 Local Government: Municipal Finance Management Act 56 of 2003

3. KOPPELING AAN DIE GOP / LINK TO THE IDP

The monthly report links with Chapter 4 of the IDP - Strategic Goal 5 (A Connected and Innovative Local Government).

4. FINANSIËLE IMPLIKASIE / FINANCIAL IMPLICATION

Not applicable.

Grants and Subsidies received and recognised for the period October to December 2023:

• Local Government Equitable Share	:	R 47 745 000
• Housing Project: De Hoop (Human Settlements)	:	R 24 237 823
• Intergrated National Electrification Programme	:	R 8 158 000
• Municipal Infrastructure Grant (MIG)	:	R 6 808 000
• Libraries	:	R 3 970 000
• Housing Project: Darling (Human Settlements)	:	R 2 843 179
• Housing Project: Sibanye (Human Settlements)	:	R 2 303 634
• Sports Development	:	R 966 374
• EPWP Incentive	:	R 823 000
• Mun Energy Resilience Grant – Receipts	:	R 680 000
• Regional Socio-economic Project (RSEP)	:	R 500 000

5. AANBEVELING / RECOMMENDATION

Dat kennis geneem word dat die kwartaalverslag op 23 January 2024 by die MPAC ter tafel gelê was en dat die MPAC, by wyse van verslagdoening aan die Raad, aanbeveel dat die Raad kennis neem van die kwartaalverslag, soos voorgeskryf deur Artikel 52 van die Wet op Munisipale Finansiële Bestuur, Wet 56 van 2003 ten opsigte van die implementering van die begroting sowel as die prestasie teenoor die Topvlak Dienslewering en Begroting Implementeringsplan van die munisipaliteit vir die periode 1 Oktober tot 31 Desember 2023.

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

(get) J J Scholtz

MUNICIPAL MANAGER



Verslag ♦ Ingxelo ♦ Report

Office of the Municipal Manager
2024-01-30

7/1/1/2
WARDS: All wards

ITEM 8.3 OF THE AGENDA OF A COUNCIL MEETING TO BE HELD ON 30 JANUARY 2024

SUBJECT: MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT

1. BACKGROUND AND DISCUSSION

Section 72(1) of the Municipal Finance Management Act (MFMA), Act 56 of 2003, stipulates that the accounting officer of a municipality must by 25 January of each year assess the performance of the municipality during the first half of the financial year and submit a report on such assessment to -

- the mayor of the municipality;
- the National Treasury; and
- the relevant provincial treasury.

In terms of Section 54(1)(f) of the MFMA the mayor must, in the case of a section 72 report, submit the report to the council by 31 January of each year.

The document tabled at this meeting was compiled in accordance with the prescriptions of the Municipal Budget and Reporting Regulations (GN 393 of 17 April 2009).

The mid-year budget and performance assessment report must include both financial and non-financial information.

2. INPUTS AND COMMENTS

The report was compiled in collaboration with the Financial Services Department.

3. LEGISLATION

The following acts and regulations are applicable:

- Section 72 of the MFMA (Mid-year budget and performance assessment)
- Section 54 of the MFMA (Budgetary control and early identification of financial problems)
- Regulations 33, 34 and 35 of the Municipal Budget and Reporting Regulations

On the adjustments budget:

- Regulation 23 of the Municipal Budget and Reporting Regulations

4. ALIGNMENT TO THE IDP

The performance management system measures among others the implementation of Chapter 4 of the IDP.

5. FINANCIAL IMPLICATION

None

6. AANBEVELING / RECOMMENDATION

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

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

(get) J J Scholtz

MUNISIPALE BESTUURDER / MUNICIPAL MANAGER

DATUM / DATE: 30 Jan 2024



Verslag ♦ Ingxelo ♦ Report

Office of the Director: Electrical Engineering Services
20 December 2023

5/4/1/3
All Wards

ITEM 8.4 OF THE AGENDA OF AN ORDINARY COUNCIL MEETING TO BE HELD ON 30 JANUARY 2024

SUBJECT: PROPOSED AMENDMENT OF WHEELING TARIFF FOR 2023/24

1. BACKGROUND

In line with developments in the electricity industry and the shortage of energy, as a result of the Eskom challenges, a draft electricity wheeling guideline was developed in May 2023 based on very little available information on the subject and provision was made for a Wheeling Tariff in the Electricity Tariffs File. The updated electricity supply by-law that was gazetted on 11 August 2023 already incorporated the concept of wheeling in Swartland.

In collaboration with Ernest & Young, SALGA and GIZ further work was done to establish the bottlenecks to the implementation of wheeling in municipalities. Swartland Municipality and Ekurhuleni Metro was elected to form part of the pilot programme. Based on the research done a guide for municipalities on how to establish and run the third-party wheeling process was developed and issued for use by all municipalities.

On a national level under the banner of the President's National Energy Crisis Committee (NECOM) various role players including Eskom, Municipalities, SALGA, AMEU and industry specialist are/were involved in Workstream 9 to develop a National Wheeling Framework for presentation to NERSA for consideration and possible implementation across South Africa. This National Framework has not yet been accepted and approved by NERSA resulting in municipalities still implementing their own guidelines based on the guide developed by the EY team.

To provide clarity and guidance to potential generators that might be interested in wheeling energy through the municipal network the original Swartland Draft Guideline needs to be updated for use within the municipality. One of the key changes to the original guideline is the so-called wheeling tariff that is payable by the generator and the energy credit that is provided to the off-taker (the customer).

During the development of the original wheeling tariff, which made use of the Time of Use tariff as a basis a maximum demand charge component was erroneously included which, based on the practice on a national level (at Eskom and other municipalities) should not have been included.

It is proposed that this demand charge be removed from the tariff and that the energy credit to the off-taker be included in the tariff file to provide clarity to potential wheeling generators and off-takers.

Note that based on the Cost of Supply study that we are currently busy with further proposals for tariff restructuring is made but those will only impact the 2024/25 budget and will be addressed in the Draft Budget and Tariff Submission in March 2024.

2. LEGISLATION

In terms of Section 28 of the MFMA a Municipality is allowed to make adjustments to the originally approved budget (as per Sec 16, Sec 17 and Sec 24) for various reasons subject to certain conditions. In general, there are five types of adjustment budgets that may be considered by Council:

- Ordinary Adjustments
- Material under collection of revenue
- Government allocations
- Unforeseen and/or unavoidable expenditure
- Unauthorised expenditure

In this particular case we are dealing with an ordinary adjustment in so far as correcting errors in the originally approved tariffs, which informs the budget, and thus an inclusion in the adjustment budget dealing with this specific issue should be warranted.

3. FINANCIAL IMPLICATION

A wheeling tariff was approved by Council on 25 May 2023 based on the then Draft Wheeling guideline which included a Maximum Demand Charge of R283.36 (Excl VAT) per kVA. Based on the work that has since been done on a national level and enquiries from potential generators it is evident that the generator should not be charged for the power capacity (kVA) that he injects into the network. Imposing a demand charge on the generator would drastically reduce, if not eliminating, the financial viability of any generator for wheeling purposes and in so doing detract the potential positive contribution that wheeling can make to the electricity capacity challenge.

It is thus proposed to amend the existing wheeling tariff for 2023/24, to exclude the erroneous inclusion of the demand charge to the generator and to clarify the energy credit to the off-taker, to only make provision for the following:

1. The generator pays a Network Charge of R2 196.13 (Excl Vat) per month
2. The off taker (existing customer) pays an additional Basic Fee of R500.00 (Excl Vat) per month to cover the cost of reconciling the monthly invoices
3. The off-taker (existing customer) gets an energy credit based on the Eskom Mega Flex Rate minus energy losses percentage (6.25% for 2023/24) for the energy wheeled by the generator.

Since no income was projected in the budget for the 2023/24 financial year for wheeling there would be no loss of revenue to the municipality and thus no impact on the approved budget except for the correction of the tariff.

Based on the attached example the municipality would show a net positive result in both High Season (Winter) and Low Season (Summer) based on typical consumption levels.

Low Season	Expenditure	Revenue	Net Gain
Before	R12 813 489.13	R4 331 760.87	
After	R10 811 732.57	R2 465 913.84	
Variance	R2 001 756.56	R1 865 847.03	R135 909.53
High Season	Expenditure	Revenue	Net Gain
Before	R21 391 010.62	R6 439 259.52	
After	R19 556 887.09	R4 729 847.96	
Variance	R1 834 123.53	R1 709 411.56	R124 711.97

Based on this example it is clear that the municipality would not be worse off after wheeling than before.

4. ALIGNMENT WITH THE INTEGRATED DEVELOPMENT FRAMEWORK

The connection of renewable energy generators to the municipal network aligns well with the following strategic goals of the municipality:

- Strategic Goal 3 - Quality and reliable services (improved energy availability)
- Strategic Goal 4 – A healthy and sustainable environment (green energy)

5. RECOMMENDATION

The matter was considered during an Executive Mayoral Committee meeting held on 24 January 2024 and the amendment of the Wheeling Tariff (to exclude the Demand Charge) is supported, and it is therefore recommended to Council –

- (a) That the Council take note of the error in the existing wheeling tariff;
- (b) That the amendment of the Wheeling Tariff (to exclude the Demand Charge) be approved;
- (c) That the amendment of the Wheeling Tariff will have no adverse impact on the budgetted revenue and no impact on the overall budget of Swartland Municipality;
- (d) That the inclusion of the amended Wheeling Tariff in the Adjustment Budget be approved.

(get) T Möller

MUNISIPALE BESTUURDER

/tm

Wheeling Framework Billing Example					High Season					
Before Wheeling										
Eskom Bill at Source Substation (@11kV)					Off-Taker Bill @ 11kV				Generator	
	Unit of Measure	Units	Rate	R						
Admin Charge	R/Day	31	223,36	6 924,16	Fixed Cost		2196,13	2 196,13		
Tx Network Charge	R/kVA	23 000	14,72	338 560,00	Maximum Demand R/kVA	3977,5	283,36	1 127 064,40		
Dx Network Charge	R/kVA	23 000	28,65	658 950,00						
Network Demand Charge	R/kVA	20 261	54,31	1 100 365,68						
Ancillary Service Charges	R/kWh	8 558 763	0,0071	60 767,22						
Electrification + Rural Subsidy	R/kWh	8 558 763	0,139	1 189 668,06						
Connection Charges	R	1	3 993,00	3 993,00						
Energy Consumption					Energy Consumption					
		kWh	Rate	R		kWh	Rate	R		
Peak Energy Charge		1 448 648	5,7045	8 263 812,52	Peak	352 468	5,5494	1 955 985,92		
Standard Energy Charge		3 520 400	1,7279	6 082 899,16	Standard	844 112	1,6811	1 419 036,68		
Off Peak Energy Charge		3 589 715	0,9385	3 368 947,53	Off Peak	1 199 817	0,9127	1 095 072,98		
Total		8 558 763		17 715 659,20	Total	2 396 397		4 470 095,58		
Total Charges					Total Charges				5 599 356,11	
Vat @ 15%					Vat @ 15%				839 903,42	
Total Eskom Bill					Total Bill to Off Taker				6 439 259,52	
									Total Bill to Generator 0	

Wheeling Framework Billing Example					Low Season				
Before Wheeling									
Eskom Bill at Source Substation (@11kV)					Off-Taker Bill @ 11kV			Generator	
	Unit of Measure	Units	Rate	R					
Admin Charge	R/Day	30	223,36	6 700,80	Fixed Cost	2196,13	2 196,13		
Tx Network Charge	R/kVA	23 000	14,72	338 560,00	Maximum Demand R/kVA	3977,5	1 127 064,40		
Dx Network Charge	R/kVA	23 000	28,65	658 950,00					
Network Demand Charge	R/kVA	18 131	54,31	984 668,00					
Ancillary Service Charges	R/kWh	8 026 429	0,0071	56 987,65					
Electrification + Rural Subsidy	R/kWh	8 026 429	0,139	1 115 673,63					
Connection Charges	R	1	3 993,00	3 993,00					
Energy Consumption					Energy Consumption				
		kWh	Rate	R		kWh	Rate	R	
Peak Energy Charge		1 349 430	1,8606	2 510 749,46	Peak	352 468	1,8101	638 002,33	
Standard Energy Charge		3 256 038	1,2806	4 169 682,26	Standard	844 112	1,2457	1 051 510,32	
Off Peak Energy Charge		3 420 961	0,8121	2 778 162,43	Off Peak	1 199 817	0,7901	947 975,41	
Total		8 026 429		9 458 594,15	Total	2 396 397		2 637 488,06	
Total Charges				12 624 127,22	Total Charges			3 766 748,59	
Vat @ 15%				189 361,91	Vat @ 15%			565 012,29	
Total Eskom Bill				12 813 489,13	Total Bill to Off Taker			4 331 760,87	Total Bill to Generator 0
After Wheeling									
Eskom Bill at Source Substation (@11kV)					Off-Taker Bill @ 11kV			Generator	
	Unit of Measure	Units	Rate	R					
Admin Charge	R/Day	30	223,36	6 700,80	Fixed Cost	2196,13	2 196,13	Energy Wheeled	% of Requirements
Tx Network Charge	R/kVA	23 000	14,72	338 560,00	Maximum Demand R/kVA	3977,5	1 127 064,40		
Dx Network Charge	R/kVA	23 000	28,65	658 950,00					
Network Demand Charge	R/kVA	18 131	54,31	984 668,00	Basic Charge	500	500	Peak	176 234 50%
Ancillary Service Charges	R/kWh	8 026 429	0,01	56 987,65				Standard	675 290 80%
Electrification + Rural Subsidy	R/kWh	8 026 429	0,14	1 115 673,63				Off Peak	959 854 80%
Connection Charges	R	1	3 993,00	3 993,00				Total	1 811 377
Energy Consumption					Energy Consumption			Network Charge	2 196,13 2 196,13
		kWh	Rate	R		kWh	Rate	R	-
Peak Energy Charge		1 173 196	1,8606	2 182 848,48	Peak Energy	352 468	1,8101	638 002,33	
Standard Energy Charge		2 580 748	1,2806	3 304 906,40	Standard Energy	844 112	1,2457	1 051 510,32	
Off Peak Energy Charge		2 461 107	0,8121	1 998 665,32	Off Peak Energy	1 199 817	0,7901	947 975,41	
Total		6 215 052		7 486 420,20	Total	2 396 397		2 637 488,06	
Total Charges				10 651 953,27	Total Charges			3 766 748,59	
Vat @ 15%				159 779,30	Vat @ 15%			565 012,29	
Total Eskom Bill				10 811 732,57	Total Bill to Off Taker			4 331 760,87	
Total Energy Wheeled					Credit to Off Taker (Eskom Megaflex - Losses @ 5,28%)			Total Cost to Generator 2 196,13	
Peak		kWh			Peak Charge	176 234	1,76236	310 587,81	
Standard		176 234			Standard Charge	675 290	1,212984	819 115,70	
Off Peak		675 290			Off Peak Charge	959 854	0,769221	738 339,66	
Total		1 811 377			Total Credit	1 811 377		1 868 043,17	
					Final Bill to Off-Taker			2 463 717,71	
					Note: The rebate/Credit is limited to the maximum of Energy Charges billed by the Municipality				
Reduction Before/After				2 001 756,56	Reduction Before/After		- 1 868 043,17	Increase Before/After	2 196,13
Positive to Swartland				135 909,52					

SWARTLAND MUNICIPALITY							
***** TARIFFS FOR THE FINANCIAL YEAR 2023-2024 *****							
Administration Fee of 15%, applicable with cancellations, damages etc.							

ELECTRICITY: TARIFF CHARGES TRADING SERVICES							
Tariff 1 •Residential Consumers (Houses, Flats & Farms)							
	Inclining Block Tariff						
	Network charge	R 268,11	R 40,22	R 308,33	R 317,68	R 47,65	R 365,34
	Tariff per (0 - 50 kWh)	R 1,352310	R 0,202847	R 1,555157	R 1,602352	R 0,240353	R 1,8427
	Tariff per (51 - 350 kWh)	R 1,738790	R 0,260819	R 1,999609	R 2,060292	R 0,309044	R 2,3693
	Tariff per (351 - 600 kWh)	R 2,447114	R 0,367067	R 2,814181	R 2,899585	R 0,434938	R 3,3345
	Tariff per (> 600 kWh)	R 2,881813	R 0,432272	R 3,314085	R 3,414660	R 0,512199	R 3,9269
Tariff 2 •Commercial < 50 kVA							
Malmesbury (Non Standard, Phasing Out)							
5 Ampère of the rating of a single phase circuit	Basic minimum	R 62,93	R 9,44	R 72,37	R 74,56	R 11,18	R 85,75
	Tariff per kWh	R 2,256139	R 0,338421	R 2,594560	R 2,6733	R 0,4010	R 3,0743
or							
5 Ampère of the rating of a 3-phase circuit	Basic minimum	R 188,78	R 28,32	R 217,10	R 223,69	R 33,55	R 257,24
	Tariff per kWh	R 2,256139	R 0,338421	R 2,594560	R 2,6733	R 0,4010	R 3,0743
Standardized Tariff for all towns within the Swartland Municipal Area							

	2022/2023 Total R/cent Excluded VAT	2022/2023 VAT R/cent 15%	2022/2023 Total TARIFF R/cent VAT INCLUDED	2023/2024 Total R/cent Excluded VAT	2023/2024 VAT R/cent 15%	2023/2024 Total TARIFF R/cent VAT INCLUDED
Commerce usage basic < 20 kVA	R 681,94	R 102,29	R 784,23	R 808,03	R 121,20	R 929,24
Commerce usage basic 20 - 40 kVA	R 896,99	R 134,55	R 1 031,54	R 1 062,84	R 159,43	R 1 222,27
Commerce usage basic 40 - 50 kVA	R 1 637,09	R 245,56	R 1 882,65	R 1 939,79	R 290,97	R 2 230,76
Commerce usage Standard per kWh	R 2,256139	R 0,338421	R 2,594560	R 2,6733	R 0,4010	R 3,0743
<u>Tariff 3 •Maximum Demand Supply for Bulk Consumers</u>						
Maximum Demand:						
The maximum demand measured in kVA during a month	R 356,57	R 53,49	R 410,06	R 422,50	R 63,38	R 485,88
Plus: Active Energy						
The active energy usage measured in kWh, multiplied with the price per kWh	R 0,881070	R 0,132161	R 1,013231	R 1,0440	R 0,1566	R 1,2006
Monthly basic charge	R 1 853,43	R 278,01	R 2 131,44	R 2 196,13	R 329,42	R 2 525,55
<u>Tariff 4 • 15 Ampère Alternative For Tariff 2 (Commercial)</u>						
Tariff per kWh (> or < 100)	R 3,010718	R 0,451608	R 3,462326	R 3,5674	R 0,5351	R 4,1025
<u>Tariff 5 •20 Ampère Residential alternative for Tariff 1 (Household)</u>						
Inclining Block Tariff - Tariff per kWh						
Tariff per (0 - 50 kWh)	R 1,239754	R 0,185963	R 1,425717	R 1,4690	R 0,2203	R 1,6893
Tariff per (51 - 350 kWh)	R 1,626086	R 0,243913	R 1,869999	R 1,9267	R 0,2890	R 2,2158
Tariff per (351 - 600 kWh)	R 2,318289	R 0,347743	R 2,666032	R 2,7469	R 0,4120	R 3,1590
Tariff per (> 600 kWh)	R 2,786145	R 0,417922	R 3,204067	R 3,3013	R 0,4952	R 3,7965
<u>TARIFF 6 •Street lightning</u>						
Tariff per kWh	R 1,427151	R 0,214073	R 1,641224	R 1,6910	R 0,2537	R 1,9447
<u>TARIFF 7 •Prepaid meter system (Indigent Residential)</u>						
In those instances where a Network Charge is applicable to indigent consumers, it will be fully subsidised on their account.						
Inclining Block Tariff						
Tariff per (0 - 50 kWh)	R 1,239754	R 0,185963	R 1,425717	R 1,4690	R 0,2203	R 1,6893
Indigent residential prepaid Tariff per kWh.	R 1,626086	R 0,243913	R 1,869999	R 1,9267	R 0,2890	R 2,2158
Tariff per (351 - 600 kWh)	R 2,318289	R 0,347743	R 2,666032	R 2,7469	R 0,4120	R 3,1590
Tariff per (> 600 kWh)	R 2,786145	R 0,417922	R 3,204067	R 3,3013	R 0,4952	R 3,7965
<u>TARIFF 8 •Alternative for Tariff 2 - Prepaid electricity Commercial</u>						
Single Phase Per kWh	R 3,010718	R 0,451608	R 3,462326	R 3,5674	R 0,5351	R 4,1025
Three Phase Per kWh	R 3,010718	R 0,451608	R 3,462326	R 3,5674	R 0,5351	R 4,1025

		2022/2023 Total R/cent Excluded VAT	2022/2023 VAT R/cent 15%	2022/2023 Total TARIFF R/cent VAT INCLUDED	2023/2024 Total R/cent Excluded VAT	2023/2024 VAT R/cent 15%	2023/2024 Total TARIFF R/cent VAT INCLUDED
Tariff 9 •Sport Grounds							
Sport Grounds - Usage and maintenance	Flood lights Tariff per kWh	R 4,463688	R 0,669553	R 5,133241	R 5,2890	R 0,7934	R 6,0824
Tariff 10 •Special Conditional Time Of Use Tariff for Bulk Consumers		**** NB - Time of Use customers must note that the TOU slots are subject to change pending Nersa/Eskom's clarification.					
Fixed cost per month		R 1 853,43	R 278,01	R 2 131,44	R 2 196,13	R 329,42	R 2 525,55
Maximum demand per KVA		R 239,15	R 35,87	R 275,02	R 283,36	R 42,50	R 325,87
Low Season (Sept - May) Peak period per kWh		R 1,527650	R 0,229147	R 1,756797	R 1,8101	R 0,2715	R 2,0816
Low Season (Sept - May) Standard period per kWh		R 1,051318	R 0,157698	R 1,209015	R 1,2457	R 0,1869	R 1,4326
Low Season (Sept - May) Off-peak period per kWh		R 0,666786	R 0,100018	R 0,766804	R 0,7901	R 0,1185	R 0,9086
High Season (Jun - Aug) Peak period per kWh		R 4,683406	R 0,702511	R 5,385917	R 5,5494	R 0,8324	R 6,3818
High Season (Jun - Aug) Standard Period per kWh		R 1,418733	R 0,212810	R 1,631543	R 1,6811	R 0,2522	R 1,9332
High Season (Jun - Aug) Off-peak Period per kWh		R 0,770267	R 0,115540	R 0,885806	R 0,9127	R 0,1369	R 1,0496
Tariff 11 •Net Metering: Households Non-Indigent:-							
Monthly Basic Charge 1					R 30,00	R 4,50	R 34,50
Network Charge		R 268,11	R 40,22	R 308,33	R 317,68	R 47,65	R 365,34
IMPORT kWh (Supplied by Municipality) Block 1 < 600 kWh		R 2,047471	R 0,307121	R 2,354592	R 2,4260	R 0,3639	R 2,7900
IMPORT kWh (Supplied by Municipality) Block 2 > 600 kWh		R 2,881813	R 0,432272	R 3,314085	R 3,4147	R 0,5122	R 3,9269
EXPORT kWh (Supplied to Municipality: max/month < import kWh)		R 1,084587	R 0,162688	R 1,247275	R 0,7715	R 0,1157	R 0,8872
Tariff 12 •Prepaid Meter System (Non-Indigent Residential)							
Inclining Block Tariff							
Tariff per (0 - 350 kWh)		R 2,537116	R 0,380567	R 2,917683	R 3,0062	R 0,4509	R 3,4572
Tariff per (> 350 kWh)		R 2,762593	R 0,414389	R 3,176982	R 3,2734	R 0,4910	R 3,7644
Tariff 13 •Industrial Net Metering for Approved SSEG							
Monthly basic charge 1					R 30,00	R 4,50	R 34,50
Monthly basic charge 2					R 2 196,13	R 329,42	R 2 525,55
Maximun Demand:							
The maximun demand measured in kVA during a month					R 422,50	R 63,38	R 485,88
Plus: Active Energy							
The active energy ussage measured kWh,multiplied with the price per kWh					R 1,0440	R 0,1566	R 1,2006
Export Energy kWh (Supplied to Mnicipality : Max/month < import kWh					R 0,7715	R 0,1157	R 0,8872
Tariff 14 •Commercial Net Metering for Approved SSEG							
Monthly basic charge 1 (Applicable to all Categories)					R 30,00	R 4,50	R 34,50
Commerce Basic Charge <= 20 kVA					R 808,03	R 121,20	R 929,24
Commerce Basic Charge 21 - 40 kVA					R 1 062,84	R 159,43	R 1 222,27
Commerce Basic Charge 41 - 500 kVA					R 1 939,79	R 290,97	R 2 230,76
Commerce usage Standard per kWh					R 2,6733	R 0,4010	R 3,0743
Export Energy kWh (Supplied to Mnicipality : Max/month < import kWh					R 0,7715	R 0,1157	R 0,8872

	2022/2023 Total R/cent Excluded VAT	2022/2023 VAT R/cent 15%	2022/2023 Total TARIFF R/cent VAT INCLUDED	2023/2024 Total R/cent Excluded VAT	2023/2024 VAT R/cent 15%	2023/2024 Total TARIFF R/cent VAT INCLUDED
<u>Tariff 15: Time Of Use Tariff for Bulk Consumers (Net metering) For Approved SSEG < 1MVA</u>	**** NB - Time of Use customers must note that the TOU slots are subject to change pending Nersa/Eskom's clarification.					
Monthly Basic Charge 1				R 30,00	R 4,50	R 34,50
Fixed cost per month				R 2 196,13	R 329,42	R 2 525,5472
Maximum demand per KVA				R 283,36	R 42,50	R 325,8688
Low Season (Sept - May) Peak period per kWh				R 1,8101	R 0,27	R 2,0816
Low Season (Sept - May) Standard period per kWh				R 1,2457	R 0,19	R 1,4326
Low Season (Sept - May) Off-peak period per kWh				R 0,7901	R 0,12	R 0,9086
High Season (Jun - Aug) Peak period per kWh				R 5,5494	R 0,83	R 6,3818
High Season (Jun - Aug) Standard Period per kWh				R 1,6811	R 0,25	R 1,9333
High Season (Jun - Aug) Off-peak Period per kWh				R 0,9127	R 0,14	R 1,0496
EXPORT Energy kWh (Supplied to Municipality: max/month < import kWh)				R 0,7715	R 0,12	R 0,8872
<u>Tariff 16: Wheeling Charges to Generator with a Wheeling Agreement with an Off-Taker (both the Generator and Off-taker in the Municipal network and Generator feeding in at 11 kV)</u>	**** NB - Time of Use customers must note that the TOU slots are subject to change pending Nersa/Eskom's clarification.					
Time of Use Only						
Admin Charge to Off-Taker				R 500,00	R 75,00	R 575,00
Network Charge per month (to Generator)				R 2 196,13	R 329,42	R 2 525,55
Maximum Demand Charge: per KVA per month (to Generator) Energy Credit to Off-Taker				Calculated at Eskom Megaflex - Energy Losses		

ITEM 8.5 VAN DIE AGENDA VAN 'RAADSVERGADERING WAT GEHOU SAL WORD OP 30 JANUARIE 2024

ONDERWERP: GOEDKEURING VAN DIE 2023/2024 HALF-JAARLIKSE AANSUIWERINGSKAPITAAL EN BEDRYFSBEGROTING

SUBJECT: APPROVAL OF THE 2023/2024 MID-YEAR ADJUSTMENTS CAPITAL AND OPERATING BUDGET

1. BACKGROUND

The Municipal Finance Management Act places specific responsibilities and obligations on the Accounting Officer and Executive Mayor regarding the progress made in respect of the implementation of the originally approved budget and performance measured against the goals set out in the Service Delivery and Budget Implementation Plan. To assist the Mayor with his duties in respect of tabling the adjustments budget, the budget steering committee met on 18 January 2024 to discuss and consider the adjustments as a result of the half-year performance ended 31 December 2023.

Opportunity was given to the Chief Financial Officer to present the detail in respect of the mid-year adjustments and to allow for considering performance to date. During this engagement the BSC in the main wanted to ensure consolidation of expenditure and that the achievement of the objectives set in the main budget is not compromised.

Further to the above, Provincial Gazette 8866 dated 16 January 2024 promulgated additional funding (**see Annexure B-3 for the summary**). The Municipal Infrastructure Grant (MIG) was reduced by R1 653 000 as per the Adjusted Dora, No. 49550. The roll-overs approved by Provincial Treasury for the Financial Management Capability Grants and Human settlements Development Grant must also be approved in the Mid-year Adjustments budget.

1.2 SECTION 72 MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT (LEGISLATIVE RESPONSIBILITIES)

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

- (3) The accounting officer must, as part of the review-
 - (a) make recommendations as to whether an adjustments budget is necessary; and
 - (b) recommend revised projections for revenue and expenditure to the extent that this may be necessary.

SECTION 28 MUNICIPAL ADJUSTMENTS BUDGETS

(2) An adjustments budget-

- (a) must adjust the revenue and expenditure estimates downwards if there is material under-collection of revenue during the current year;
- (b) may appropriate additional revenues that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmes already budgeted for;
- (c) may, within a prescribed framework, authorise unforeseeable and unavoidable expenditure recommended by the mayor of the municipality;
- (d) may authorise the utilisation of projected savings in one vote towards spending under another vote;
- (e) may authorise the spending of funds that were unspent at the end of the past financial year where the under-spending could not reasonably have been foreseen at the time to include projected roll-overs when the annual budget for the current year was approved by the council;
- (f) may correct any errors in the annual budget; and
- (g) may provide for any other expenditure within a prescribed framework.

2. HIGH-LEVEL DISCUSSION / MOTIVATION

The adjustments in respect of the Capital Budget for 2023/2024 (**Annexure A-1: Adjusted 2023/24 Capital Budget**) will result in an increase of R7 886 092, which will increase the 2023/2024 capital budget from R240 803 827 to R248 689 919. Capital projects already completed, of which the final envisaged expenditure figures are known, is adjusted herewith.

The adjustments in respect of the Operating Budget (**Annexure B: Adjusted 2023/24 Operating Budget**) for 2023/24 will result in the gross budgeted surplus of R148 838 396 increasing to R181 070 507 including capital grants and contributions. **The budgeted net surplus excluding capital grants and contributions was R12 858 176 and will increase to a budgeted net surplus of R61 161 508. At this juncture it is appropriate to emphasize that the aforementioned net surplus of R61 161 508, is the more appropriate measurement of budgeted surpluses/deficits from a budgeted cash flow perspective. (Note: excluding the capital infrastructure values of vested infrastructure from the Swartland De Werf development, the net cash surplus reduces to R27 081 134).**

Some adjustments result from additional grant funding in the Provincial Adjustments Budgets and the downward grant adjustment of the Municipal Infrastructure Grant (MIG) being promulgated. The adjustments budget was also informed by an in-depth analysis and consideration of the performance for the mid-year ended 31 December 2023 inclusive of considering the 2022/23 audited outcomes insofar as it impacted the figures in the original budget.

The adjustments to the 2023/2024 balance sheet budget are due to a combination of adjustments to the capital and operating budgets.

2.1 OPERATING EXPENDITURE

Operating expenditure must decrease from R1 073 385 062 to R1 071 352 206. The R2 032 856 decrease in operating expenditure was influenced in the main by the following: (Self explanatory notes attached as **Annexure B-1**)

1. Employee Related Costs – Wages, Salaries and Social Contributions increases in total by R1 489 827 based on the reasons provided in the attached Annexure B-1;
2. Remuneration Of Councillors increases by R338 000 based on the new Upper limits for Councillors;

3. Contribution to Debt impairment decreases by R3 723 608 mainly based on available information and modelling done, linked to year to date payment rates;
4. Bad Debts Written Off increases by R11 191 182 mainly as a result of payment rates for Fines extensively;
5. Impairment of assets increases by R6 056 346 based on projections for the current year;
6. Finance charges decreases by R1 542 370 due to the early settlement and redemption of a DBSA external loan;
7. Bulk Purchases: Electricity decreases by R22 216 583 due to the effect of load-shedding;
8. Other materials decreases by R4 331 670 based on the reasons provided in the attached Annexure B-1;
9. Contracted Services increases by R8 514 822 based on the reasons provided in the attached Annexure B-1;
10. Grants and Subsidies Paid increases by R291 420 mainly due to the approved roll-over and additional allocation for Student bursaries;
11. Operational Cost increases by R1 115 531 based on the reasons provided in the attached Annexure B-1;
12. Accounting Losses increases by R784 247 mainly due to the envisaged accounting (non-cash) losses, based on 2022/23 audited performance and projections for the current year.

Note: The difference between the actual adjustment amounts listed above and the adjustment amounts in the B-schedule are because of virements within departments that now also forms part of the proposed adjusted budget.

2.2 OPERATING REVENUE

Operating revenue must increase from R1 222 223 458 to R1 252 422 713. The R30 199 255 increase in operating revenue was influenced in the main by the following: (Self explanatory notes attached as **Annexure B-2**)

1. Revenue from Electricity service charges decreases by R21 290 696 due to the effect of load-shedding;
2. Revenue from Sewerage service charges increases by R1 311 047 based on the the mid-year performance;
3. Rent of Facilities and Equipment increases by R68 000 based on the mid-year performance;
4. Interest earned on External investments increases by R27 096 159, mainly due to the increased positive cashflow balance of the 2022/23 audited period;
5. Interest earned on Outstanding Debtors increases by R961 568 based on the mid-year performance and the arrangement to accommodate the SASSA payment dates;
6. Fines increases by R7 430 394 based on the 2022/23 audited performance of traffic fines;
7. Licenses and permits increases by R35 895 based on the mid-year performance;
8. Transfer and subsidies - Operational increases by R2 795 972 mainly due to the approved roll-overs and additional funding as per the adjusted Gazette;
9. Transfer and subsidies - Capital increases by R3 953 614 mainly due to the adjustments to the DHS and MIG funded projects;

10. Public Contributions and Donations: Capital decreases by R20 024 835 mainly due to the WCED private funding that will no longer realise in this financial year;
11. Public Contributions and Donations: Operational increases by R120 422 mainly due to donated equipment from TMT;
12. Other revenue increases by R38 185 959 based on the reasons provided in the attached Annexure B-2;
13. Gains decreases by R10 444 244 based on the reasons provided in the attached Annexure B-2.

2.3 CAPITAL EXPENDITURE

CAPITAL PROJECTS ABOVE THE THRESHOLD AS ENVISAGED BY SECTION 19 OF THE MFMA

SECTION 19 (1) requires that council considers 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."

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
 - (b) the future operational costs and revenue on the project, including municipal tax and tariff implications."

An adjustment to the 2023/24 Capital budget also affects the original Section 19 disclosure (**Annexure A-2: Capital Projects ito Sec 19**), due to amendments made to the Construction of New Roads in the Swartland area as a result of the downward grant adjustment of the Municipal Infrastructure Grant (MIG).

The other is the amendment of the project phases of the Malmesbury De Hoop 132/11kV Substation project as a result of the importing of a large component of material that will not realise in 2023/24.

The effect of the adjustments on the finance sources are as follows: (Self explanatory notes attached as **Annexure A-1: Adjusted 2023/24 Capital Budget**)

FINANCING SOURCES	Original Budget 2023/2024	Prior Adj Budgets 2023/2024	Mid-Year Adj Budget 2023/24	Increase / (Decrease)
Capital Replacement Reserve (CRR)	101 665 452	104 823 607	128 780 920	23 957 313
Municipal Infrastructure Grant (MIG)	24 708 000	24 708 000	23 055 000	(1 653 000)
Dept. Human Settlements (DHS)	55 314 000	55 314 000	60 507 000	5 193 000
Integrated National Electrification Programme (INEP)	23 658 000	23 658 000	23 658 000	-
Regional Socio-Economic Project (RSEP)	500 000	500 000	500 000	-
Dept of Local Government	-	8 593 277	8 506 517	(86 760)
Western Cape Education Department (PRIVATE FUNDING)	-	20 000 000	-	(20 000 000)
Contributions / Donations	1 224 943	1 224 943	1 200 108	(24 835)
Dept. Cultural Affairs and Sport	1 016 000	1 016 000	1 016 374	374
Community Safety Grant	40 000	40 000	40 000	-
Fire Service Capacity Building Grant	926 000	926 000	926 000	-
Department of Transport	-	-	500 000	500 000
GRAND TOTAL	209 052 395	240 803 827	248 689 919	7 886 092

2.4 UNAUTHORISED EXPENDITURE AS DISCLOSED IN THE AUDITED 2022-2023 ANNUAL FINANCIAL STATEMENTS

In terms of regulation 23(6)(b) of the MBRR, “a special adjustments budget tabled in the municipal council when the mayor tables the annual report in terms of section 127(2) of the MFMA, which may only deal with unauthorised expenditure from the previous financial year, which the council is being requested to authorise in terms of section 32(2)(a)(i) of the MFMA”. This adjustments budget may only deal with those instances of unauthorised expenditure from the previous financial year that formed part of the 2022/2023 notes in the annual financial statements:

- **Unauthorised expenditure that occurred in the previous financial year, and**
- Any unauthorised expenditure identified by the Auditor-General during the annual audit process;

The following Unauthorized Expenditure has been “incurred” in the amount of R 5 556 386 for the 2022/2023 financial year:

	2023	2022
Opening balance as previously reported	11 717 297	13 258 009
Opening balance as restated	11 717 297	13 258 009
Add: Expenditure identified - current	5 556 386	11 717 297
Less: Approved/authorised by council	(11 717 297)	(13 258 009)
Closing balance	5 556 386	11 717 297

The Department of Protection Services overspent by an amount of R 5 556 386 (2022: R Nil). The overspent amount is as a result of the traffic fines that appeared before the court to be issued for summons. Only the Department of Justice has through the local courts the authority to issue summons on a fine. However, due to the court rolls being full, the rolls were scrapped without due consideration (non-cash transaction). This resulted in a significant overspent for the department against bad debts. The over-spending could not reasonably have been foreseen at the time of the mid-year budget review as court processes fall outside of the ambit of control.

RECOMMENDATIONS (as recommended by the Executive Mayoral Committee on 24 January 2024)

- (a) That it be noted that the Budget Steering Committee convened to consider the explanations and motivations provided by the financial staff and other directors in a bid to advise the Executive Mayor on way forward;
- (b) That council takes note of the proposed adjustment (as it relates to Section 19) in respect of the Construction of New Roads in the Swartland and the Malmesbury De Hoop 132/11kV Substation project **(Annexure A-2: Capital Projects ito Sec 19)**;
- (c) That approval be granted to amend the high-level capital and operating budget for 2023/2024, with an amendment to the 2024/2025 capital budget and no other amendments to the outer years, as follows:

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

- (d) That it be noted that the changes to the budget will have no impact on tariffs in respect of the 2023/2024 financial year or beyond but will result in an increased budgeted net surplus from R12 858 176 to a budgeted net surplus of R61 161 508;
- (e) That the unauthorised expenditure of R5 556 386 for the 2022/2023 financial year be authorised in this adjustments budget in line with section 32(2)(a)(i) of the Act;
- (f) That the adjusted budget schedules as required by the Budget and Reporting Regulations be approved as set out in **(Annexure C: Budget Report and B-Schedules 2023/24– 2025/26)**;
- (g) That the Director: Financial Services adhere to the requirements of the Budget Circulars and Budget Reforms in the context of the reporting requirements to Provincial and National Treasury;
- (h) That the Service Delivery Budget Implementation Plan (SDBIP) where appropriate be amended accordingly.

AANBEVELINGS (soos aanbeveel deur die Uitvoerende Burgemeesterskomitee op 24 Januarie 2024)

- (a) Dat kennis geneem word dat die Begrotingsbeheerkomitee vergader het om die verduidelikings en motivering van die finansiële personeel en ander direkteure te oorweeg in 'n poging om die Uitvoerende Burgemeester te adviseer insake die pad vorentoe;
- (b) Dat die raad kennis neem van die voorgestelde aanpassing (wat verband hou met Artikel 19) ten opsigte van die Construction of New Roads in die Swartland en die Malmesbury De Hoop 132/11kV Substation projek **(Annexure A-2: Capital Projects ito Sec 19)**;
- (c) Dat goedkeuring verleen word om die hoë-vlak kapitaal- en bedryfsbegroting vir 2023/2024 as volg te wysig, ingesluit 'n wysiging aan die 2024/2025 kapitaalbegroting en met geen ander wysigings aan die buite jare nie:

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

- (d) Dat kennis geneem word dat die veranderinge in die begroting geen impak op tariewe het ten opsigte van die 2023/2024 finansiële jaar nie maar sal lei tot 'n verhoging in die begrote netto surplus van R12 858 176 na 'n begrote netto surplus van R61 161 508;
- (e) Dat die ongemagtigde uitgawe van R5 556 386 vir die 2022/2023 finansiële jaar gemagtig word as deel van die aansuiweringsbegroting in lyn met artikel 32(2)(a)(i) van die Wet;
- (f) Dat die aangepaste begrotingskedules soos vereis deur die Begroting en Verslagdoening Regulasies goedgekeur word soos vervat in **(Annexure C: Budget Report and B-Schedules 2023/24 – 2025/26)**;
- (g) Dat die Direkteur: Finansiële Dienste voldoen aan die vereistes van die Begrotingsomsendbriewe en –formate in die konteks van die verslagdoeningsvereistes aan Provinsiale en Nasionale Tesourie;
- (h) Dat die Dienslewering – en Begroting Implementeringsplan (SDBIP) toepaslik dienooreenkomstig gewysig word.

(Get) M BOLTON

DIREKTEUR: Finansiële Dienste



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Ontwikkelingsdienste
Afdeling: Ontwikkelingsbestuur

24 Januarie 2024

1/1/1/3/14

WYK: Alle wyke

**ITEM 8.6 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL WORD
OP 30 JANUARIE 2024**

**ONDERWERP: VOORGESTELDE WYSIGING VAN DIE SWARTLAND MUNISIPALITEIT:
VERORDENING INSAKE MUNISIPALE GRONDGEBRUIKBEPLANNING (PK 8226
GEDATEER 25 MAART 2020)**
**SUBJECT: PROPOSED AMENDMENT OF THE SWARTLAND MUNICIPALITY: MUNICIPAL
LAND USE PLANNING BY-LAW (PG 8226 DATED 25 MARCH 2020)**

1. BACKGROUND/AGTERGROND

Na aanleiding van die oproerige gebeure in 2023 in die gemeenskappe van Saamstaan, Ilinge Lethu en Phola Park is die behoefte uitgespreek dat daar handelsure vir huiswinkels bepaal moet word.

Due to the rebellious occurrence in the communities of Saamstaan, Ilinge Lethu and Phola Park in 2023 the need was expressed to determine trading hours for house shops.

Currently the Swartland Municipality: Municipal Land Use Planning By-Law (PG 8226 of 25 March 2020) does not provide for the determination of trading hours for house shops.

Tans bevat die Swartland Munisipaliteit: Verordening insake Munisipale Grondgebruikbeplanning (PK 8226 van 25 Maart 2020) geen bepaling ten opsigte van die vasstelling van handelsure vir huiswinkels nie.

2. ADHERENCE TO BY-LAW RELATING TO THE RULES OF THE CONDUCT OF MEETINGS

The tabling of the draft by-law is in accordance with paragraphs 56 and 57 of the Swartland Municipality: By-law relating to the Rules for the Conduct of Meetings (PG 8649 of 18 August 2022):

2.1 Swartland Municipality: Municipal Land Use Planning By-Law

2.1.1 Executive summary

The amendment of the By-law aims to control and regulate the trading hours of house shops in the Swartland municipal area and applies to all house shops within the municipal area.

Further amendments are proposed in order to provide for offences of any of the conditions determined by the Municipality in terms of Schedule 2 to the By-law, i.e. the Swartland Municipality Development Management Scheme) i.r.o. the respective zoning schemes.

2.1.2 Necessity of the amendment of the By-Law

It became clear that the proposed amendments are considered urgent and necessary to ensure the best possible approach to regulate trading hours of house shops.

2.1.3 Content of the By-Law amendment

See excerpts from the By-law regarding the proposed amendments to section 96 of the By-law, and the Schedule to the By-law.

2.1.4 Other by-laws that will have to be repealed or amended if the draft by-law is adopted

None

2.1.5 Any relevant comments or proposals

None

2.1.6 Recommendation

See paragraph 6.

3. LEGISLATION (including public participation)

The constitution, Municipal Structures Act and Municipal Systems Act set the framework in terms of which a municipal council must pass by-laws.

- a) First, a by-law must have the support of the majority of all the councillors;
- b) Secondly, the community must have enjoyed the opportunity to have its say with regard to the by-law.

The making of a by-law entails the following steps:

		Proposed timeframes
Step 1	A draft by-law is prepared by a councillor or a Committee of the council and must be introduced in the council.	Executive Mayoral Committee Meeting of 24 January 2024, introduced in Council on 30 January 2024.
Step 2	The council must consult with the community with regard to the draft by-law. It must at least publish the by-law for comment by the public. Note: the municipality may use the ward committees to discuss the merits of a draft by-law.	Placement of media advertisement on 6 February 2024. Period of comment until 22 March 2024.
Step 3	The by-law is introduced in and debated by the council. Before passing a by-law, a council that has an executive committee or executive mayor, must first require that committee or mayor to give a report and recommendation on the by-law.	To be tabled in Council on 28 March 2024, via Executive Mayoral Committee (meeting on 20 March 2024).
Step 4	The Municipal council votes on the by-law, which – in terms of the Constitution – is to be carried by the majority of all councillors.	Council meeting 28 March 2024
Step 5	If passed by council, the by-law is published in the Provincial Gazette and becomes law on that date or a later date set in the by-law.	By

4. ALIGNMENT WITH THE IDP

The amendment of the By-Law aims to control and regulate the trading hours of house shops in the most effective way possible, which in turn can have a positive impact on a wide range of outcomes of the IDP.

5. FINANCIAL IMPLICATIONS

For Council: The cost relating to publication of the amendment

6. AANBEVEEL (deur die Uitvoerende Burgemeesterskomitee op 24 Januarie 2024 vir oorweging deur die Raad en met verwysing na die aanhangsels)

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

Artikel 96(1): 'n Persoon mag van 'n misdryf beskuldig word en is by skuldigbevinding strafbaar met 'n boete of gevangenisstraf of met beide 'n boete en sodanige gevangenisstraf indien hy of sy –

Artikel 96(1)(a): artikels 25(1), ~~25(5)~~ 25(4), 30(1), 31(4), 41(1), 69(3), 72(2) of 98(2) oortree of versuim om daaraan te voldoen (*wysiging*);

Artikel 96(1)(h): Versuim om te voldoen aan enige van die voorwaardes opgelê in terme van Skedule 2 tot hierdie verordening (toevoeging); en

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

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

RECOMMENDED (by the Executive Mayoral committee on 24 January 2024 for consideration by the Council with reference to the annexures)

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

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

Section 96(1)(a): contravenes or fails to comply with sections 25(1), ~~25(5)~~ 25(4), 30(1), 31(4), 41(1), 69(3), 72(2) of 98(2) (*amendment*);

Section 96(1)(h): Fails to comply with any of the conditions imposed in terms of Schedule 2 to this by-law (addition); and

Schedule 2 (Swartland Municipality Development Management Scheme – Residential zone 2: Medium Density (R2), paragraph 1.2.7(g): The trading hours of the house shop shall be from 06:00 to 21:00 and may not be extended (addition); and

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

(get) A M Zaayman

MUNICIPAL MANAGER

AMZ/ds

HOOFSTUK X AFDWINGING

Afdwinging

95. (1) Die munisipaliteit moet voldoen en voldoening afdwing aan die volgende:
- (a) die bepalings van hierdie verordening;
 - (b) die bepalings van 'n soneringskema;
 - (c) voorwaardes opgelê ingevolge hierdie verordening of enige wet wat deur die Wet op Grondgebruiksbeplanning herroep is.
- (2) Die munisipaliteit mag niks doen wat strydig is met subartikel (1) nie.

Misdrywe en strawwe

96. (1) 'n Persoon mag van 'n misdryf beskuldig word en is by skuldigbevinding strafbaar met 'n boete of gevangenisstraf of met beide 'n boete en sodanige gevangenisstraf indien hy of sy—
- (a) artikels 25(1), ~~25(5)~~ 25(4), 30(1), 31(4), 41(1), 69(3), 72(2) of 98(2) oortree of versuim om daaraan te voldoen;
 - (b) sonder die goedkeuring van die munisipaliteit grond anders aanwend as wat in die soneringskema voorgeskryf word;
 - (c) versuim om by registrasie van die oodrag van eienaarskap van die eerste grondeenheid wat uit 'n onderverdeling voortspruit, na 'n persoon wat nie die ontwikkelaar is nie, alle gemeenskaplike eiendom wat uit die onderverdeling voortspruit na die eenaarsvereniging oor te dra;
 - (d) besonderhede, inligting of antwoorde verskaf in 'n aansoek of in 'n appèl teen 'n besluit oor 'n aansoek of in enige dokumentasie of voorlegging wat verband hou met 'n aansoek of 'n appèl met die wete dat dit onwaar, foutief of misleidend is of met die mening dat dit nie korrek is nie;
 - (e) voorgee om 'n gemagtigde werknemer of die tolk of assistent van 'n gemagtigde werknemer te wees;
 - (f) 'n gemagtigde werknemer verhinder of inmeng in die uitoefening van enige bevoegdheid of die uitvoering van enige plig van daardie werknemer; of
 - (g) versuim om te voldoen aan 'n kennisgewing uitgereik ingevolge artikel 97 van hierdie verordening; of
 - (h) versuim om te voldoen aan enige van die voorwaardes soos opgelê in terme van Skedule 2 tot hierdie verordening;
- (2) 'n Eienaar wat toelaat dat sy of haar grond gebruik word op 'n wyse uiteengesit in subartikel (1)(b) en wat nie daardie gebruik staak of redelike stappe doen om toe te sien dat die gebruik staak nie, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf of met beide 'n boete en sodanige gevangenisstraf.
- (3) Versuim om te voldoen aan 'n kennisgewing, voorskrif of instruksie uitgereik ingevolge hierdie verordening is 'n voortgesette misdryf in welke geval die oortreder onderhewig is aan 'n boete vir elke dag waarop sodanige misdryf voortduur.
- (4) Die munisipaliteit mag boetes en strydigheidshaffings aanneem wat by die afdwinging van hierdie verordening opgelê kan word.

RESIDENSIËLE SONE 2: Medium digtheid (R2)

1.2.7 Huiswinkel

Met die toestaan van 'n vergunningsgebruik vir 'n huiswinkel, kan die munisipaliteit, sonder om daartoe beperk te wees, die volgende voorwaardes oplê:

- (a) die omvang en ligging van die sakekomponent moet duidelik op 'n plan aangetoon word en mag nie 25m² of 50% van die totale vloerruimte oorskry nie (uitgesluit enige toilet, aantrekkamer en stoorkamer), watter ook al die kleiner oppervlakte is;
- (b) addisioneel tot die huiswinkel moet die grondeenheid 'n woonhuis wat deur die eienaar van die huiswinkel bewoon moet word, bevat;
- (c) enige nuwe struktuur of verandering aan die bestaande woonhuis of buitegebou moet by die residensiële karakter van die betrokke gebied aanpas;
- (d) nie meer as drie persone, insluitend die bewoner van die woonhuis, mag toegelaat word om by sake-aktiwiteite op die grondeenheid betrokke te wees nie;
- (e) slegs een teken wat nie groter as 1m² in oppervlakte is nie en wat aan die muur van die woonhuis of buitegebou vas is, sal toegelaat word, en geen gedeelte daarvan mag die erfgrense oorskry nie terwyl die teken slegs die naam van die eienaar, naam van die besigheid en aard van die kleinhandelbesigheid mag aandui;
- (f) die volgende word nie in 'n huiswinkel toegelaat nie:
 - (i) verkoop van wyn en alkoholiese drank;
 - (ii) stoor of verkoop van gas en gashouers;
 - (iii) muntmasjiene;
 - (iv) video speletjies, en
 - (v) snoeker- en potspeltafels;
- (g) die handelsure van 'n huiswinkel sal wees vanaf 06:00 tot 21:00 en mag nie verleng word nie.

CHAPTER X ENFORCEMENT

Enforcement

95. (1) The municipality must comply and enforce compliance with—
- (a) the provisions of this By-Law;
 - (b) the provisions of a Development Management Scheme;
 - (c) conditions imposed in terms of this By-Law or any law repealed by the Land Use Planning Act.
- (2) The municipality may not do anything that conflicts with subsection (1).

Offences and penalties

96. (1) A person may be accused of an offence and is liable upon conviction to a fine or imprisonment or to both a fine and such imprisonment if he or she—
- (a) contravenes or fails to comply with sections 25(1), ~~25(5)~~ 25(4), 30(1), 31(4), 41(1), 69(3), 72(2) or 98(2);
 - (b) utilises land in a manner other than prescribed by a Development Management Scheme without the approval of the municipality;
 - (c) upon registration of the transfer of ownership of the first land unit arising from a subdivision, to a person other than the developer, fails to transfer all common property arising from the subdivision to the owners' association;
 - (d) supplies information or answers in an application, or in an appeal against a decision on an application, or in any documentation or representation related to an application or an appeal, knowing it to be false, incorrect or misleading or not believing them to be correct;
 - (e) falsely professes to be an authorised employee or the interpreter or assistant of an authorised employee;
 - (f) hinders or interferes with an authorised employee in the exercise of any power or the performance of any duty of that employee; or
 - (g) fails to comply with a notice issued in terms of section 97 of this By-Law; or
 - (h) fails to comply with any of the conditions imposed in terms of Schedule 2 to this by-law.
- (2) An owner who permits his or her land to be used in a manner set out in subsection (1)(b) and who does not cease that use or take reasonable steps to ensure that the use ceases, is guilty of an offence and liable upon conviction to a fine or imprisonment or to both a fine and such imprisonment.
- (3) Failure to comply with a notice, direction or instruction referred to in this By-Law constitutes a continuing offence and in such case the offender is liable to a fine for every day such offence continues.
- (4) The municipality may adopt fines and contravention penalties that may be imposed in the enforcement of this By-Law.

RESIDENTIAL ZONE 2: Medium density (R2)

1.2.7 House shop

In granting its consent for a house shop, the municipality may impose, but is not limited to, the following conditions:

- (a) the extent and position of the retail component must be clearly defined on a plan, and shall not exceed 25m² or 50% of total floor space (excluding any toilet, change room and storeroom), whichever is the lesser area;
- (b) in addition to the house shop, the land unit must contain a dwelling which shall be occupied by the proprietor of the house shop;
- (c) any new structure, or alteration to the existing dwelling or outbuilding, shall conform to the residential character of the area concerned;
- (d) no more than three persons, including the occupant of the dwelling, are permitted to be engaged in retail activities on the land unit;
- (e) only one sign shall be permitted and shall not exceed 1m² in area, and shall not exceed the land unit boundaries with any part of it, while it shall indicate only the name of the owner, name of the business and nature of the retail trade;
- (f) the following are not permitted in a house shop:
 - (i) sale of liquor or alcoholic beverages;
 - (ii) storage or sale of gas and gas containers;
 - (iii) vending machines;
 - (iv) video games, and
 - (v) snooker or pool tables;
- (g) the trading hours of a house shop shall be from 06:00 to 21:00 and may not be extended.

ITEM 8.7 ON THE AGENDA OF THE COUNCIL MEETING WHICH WILL BE HELD ON 30
JANUARY 2024

SUBJECT: AMENDMENTS TO THE SUPPLY CHAIN MANAGEMENT POLICY

1. BACKGROUND/DISCUSSION

On 14 December 2023 *Amendments to Regulations Regarding Supply Chain Management* (Attached as Appendix A) has been promulgated in the Government Gazette which took effect on the date of publication in the Gazette.

The Supply Chain Management Policy must be reviewed annually and amended if necessary. The municipality's Supply Chain Management Policy has been amended to be in line with the amended Supply Chain Management Regulations (attached as Annexure A).

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 (Refer pages 10-11, 17-18, 20-22, 38 and 41) to the Supply Chain Management Policy of Swartland Municipality. Words, numbers and sections that are underlined are recommended for addition, while deleted portions are recommended for scrapping.

6. RECOMMENDATION

- (a) That the proposed amendments to Council's Supply Chain Management Policy, as presented in Appendix B, due to the amendments of the Supply Chain Management Regulations (Paragraphs 12, 16-19, 35) be approved with effect from 14 December 2023.
- (b) That the proposed amendments to Council's Supply Chain Management Policy, as presented in Appendix B, in respect of management's oversight responsibilities (Paragraphs 2(6) and 36) be approved with effect from 1 February 2024.

(get) M Bolton

.....
DIRECTOR: Financial Services

NATIONAL TREASURY

NO. 4198

14 December 2023

**LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 -
AMENDMENTS TO REGULATIONS REGARDING SUPPLY CHAIN MANAGEMENT**

The Minister of Finance has, acting with concurrence of the Minister of Cooperative Governance and Traditional Affairs, in terms of section 168(1) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), made amendments to the Regulations published under General Notice No. 868 of 30 May 2005, as amended by Government Notice No. R.31 of 20 January 2017, regarding supply chain management, as set out in the Schedule.

SCHEDULE**Amendment of regulation 1 of the Regulations**

1. Regulation 1 of the Regulations is hereby amended by the deletion of the definition of “written or verbal quotations”.

Amendment of regulation 12 of the Regulations

2. Regulation 12 of the Regulations is hereby amended—
 - (a) by the deletion of paragraph (b) of subregulation (1);
 - (b) by the substitution for paragraphs (c) and (d) of subregulation (1) of the following paragraphs:
 - “(c) formal written price quotations for procurement of a transaction value over—
 - (i) R2000 up to R300 000 (VAT included), in the case of a local municipality;
 - (ii) R2000 up to R200 000 (VAT included), in the case of a district municipality;
 - (iii) R2000 up to R750 000 (VAT included), in the case of a metropolitan municipality; and
 - (d) a competitive bidding process for—
 - (i) procurement above a transaction value of R300 000 (VAT included), in the case of a local municipality;
 - (ii) procurement above a transaction value of R200 000 (VAT included), in the case of a district municipality; and
 - (iii) procurement above a transaction value of R750 000 (VAT included), in the case of a metropolitan municipality.”;
 - (c) by the deletion of subparagraph (i) of paragraph (b) of subregulation (2); and
 - (d) by the substitution for subparagraph (iii) of paragraph (b) of subregulation (2) of the following subparagraph:
 - “(iii) a competitive bidding process be followed for any specific procurement of a transaction value lower than the competitive bidding thresholds specified in subregulation (1)(c)(i) to (iii).”.

Amendment of regulation 14 of the Regulations

3. Regulation 14 of the Regulations is hereby amended by the substitution for subparagraph (i) of paragraph (a) of subregulation (1) of the following subparagraph:
- “(i) to keep a list of accredited prospective providers of goods and services that must be used for the procurement requirements of the municipality or municipal entity through formal written price quotations;”.

Deletion of regulation 16 of the Regulations

4. Regulation 16 is hereby deleted.

Amendment of regulation 18 of the Regulations

5. Regulation 18 of the Regulations is hereby amended—
- (a) by the substitution for the heading of the following heading:
“Procedures for procuring goods or services through formal written price quotations”;
- (b) by the substitution for the words preceding paragraph (a) of the following words:
“A supply chain management policy must determine the procedure for the procurement of goods or services through formal written formal written price quotations, and must stipulate—”; and
- (c) by the substitution for paragraph (c) and (d) of the following paragraphs:
“(c) that the accounting officer must take all reasonable steps to ensure that the procurement of goods and services through formal written price quotations is not abused;”; and
(d) that the accounting officer or chief financial officer must on a monthly basis be notified in writing of all formal written price quotations accepted by an official acting in terms of a subdelegation; and”.

Substitution of regulation 19 of the Regulations

6. Regulation 19 of the Regulations is hereby substituted for the following regulation:
“A supply chain management policy must specify—
- (a) that goods or services above a transaction value of—
(i) R300 000 (VAT included), in the case of a local municipality;
(ii) R200 000 (VAT included), in the case of a district municipality; and
(iii) R750 000 (VAT included), in the case of a metropolitan municipality,
may be procured by the municipality or municipal entity only through a competitive bidding process, subject to regulation 11(2); and
- (b) that no requirement for goods or services above an estimated transaction value of—
(i) R300 000 (VAT included), in the case of a local municipality;
(ii) R200 000 (VAT included), in the case of a district municipality; and
(iii) R750 000 (VAT included), in the case of a metropolitan municipality,
may deliberately be split into parts or items of lesser value merely for the sake of procuring the goods or services otherwise than through a competitive bidding process.”.

Amendment of regulation 35 of the Regulations

7. Regulation 35 of the regulations is hereby amended by the substitution for subregulations (1) and (2) of the following subregulations:

- “(1) A supply chain management policy may allow the accounting officer to procure consulting services provided that any Treasury guidelines in respect of consulting services are taken into account when such procurement is made.
- (2) A contract for the provision of consultancy services to a municipality or municipal entity must be procured through competitive bids if—
 - (a) the value of the contract exceeds—
 - (i) R300 000 (VAT included), in the case of a local municipality;
 - (ii) R200 000 (VAT included), in the case of a district municipality;
 - or
 - (iii) R750 000 (VAT included), in the case of a metropolitan municipality; or
 - (b) the period of the contract exceeds one year.”.

Commencement

8. These Regulations take effect on the date of publication in the *Gazette*.



Verslag ♦ Ingxelo ♦ Report

Office of the Director: Corporate Services

Ward 3

12/2/5/2-12/1

ITEM 8.8 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL WORD OP 30 JANUARIE 2024

ONDERWERP:	VOORGESTELDE UIT-DIE-HAND-VERVREEMDING VAN GEDEELTES VAN ERWE 2267 EN 2244, RIEBEEK-WES
SUBJECT:	PROPOSED OUT OF HAND ALIENATION OF PORTIONS OF ERVEN 2267 EN 2244, RIEBEEK WEST

1. BACKGROUND

- 1.1 Group 35 (Pty) Ltd, the owner of Group 35 Foods, i.e. the flour mill located on Erf 2106 Riebeek West, entered into discussions with municipal role-players during the later part of 2023 regarding the possible purchase of portions of Erven 2267 and 2244, Riebeek West that border on Erf 2106. The letter attached hereto marked **Annexure A** was subsequently submitted to the Municipality as motivation for the applicant's request to purchase the said portions of land. The applicant appointed a surveyor at their cost to provisionally survey the portions required, as depicted on the location map marked **Annexure B** hereto. The properties concerned are presently zoned as open space zone 1, and partially contains a storm water system which was formalized as part of the most recent housing project, and which has been excluded from the surveyed area.
- 1.2 The subject properties total $\pm 9949 \text{ m}^2$, are presently vacant, and – should it be sold to Group 35 – must be subdivided, rezoned and consolidated with Erf 2106, since it cannot be used separately as viable entities.
- 1.3 The municipal valuer proposes that the land be sold at R100/m², taking into consideration its intended use as industrial property and based on recent sales of similar (commercial) properties in the surrounding area.
- 1.4 **Hierdie verslag word voorgelê om goedkeuring van die Raad te bekom om gedeeltes van erwe 2244 en 2267, Riebeek-Wes ($\pm 0.9949 \text{ ha}$ groot) uit-die-hand-uit aan Group 35 (Pty) Ltd, die eienaar van Erf 2106 te vervreem en oor te dra vir konsolidasie met gemelde eiendom, onderhewig aan die voorwaardes hierin vervat. / This report is submitted to obtain Council's approval for the alienation and out-of-hand transfer of a portions of erven 2244 and 2267, Riebeek West ($\pm 0.9949 \text{ ha}$ in extent) to Group 35 (Pty) Ltd, the owner of Erf 2106 for consolidation with said property, subject to the conditions herein contained.**

2. WETGEWING / LEGISLATION

- 2.1 The transfer of ownership or disposal of capital assets is regulated by the Municipal Finance Management Act, 2003 (MFMA), the Municipal Asset Transfer Regulations, 2008 (MATR) as well as Council's By-law and Policy relating to the Transfer of Municipal Capital Assets, the latter being effective as from 22 May 2015.
- 2.2 The legislative framework applicable in this instance in respect of non-exempted capital assets which are not considered high value assets, are dealt with below only in as far as it relates to the proposed disposal.

COMPLIANCE WITH MUNICIPAL FINANCE MANAGEMENT ACT, 2003	
Issues to be considered in terms of Section 14 of the MFMA	Comment
a) Whether the asset is needed to provide the minimum level of basic municipal services	The subject properties to be alienated have at no stage been required by the Municipality for the provision of a minimum of any other level of basic municipal services, neither has it been earmarked for industrial purposes, in view of its location, shape and limitations thereon. If consolidated with Erf 2106 as proposed, it could be utilized for the purpose applied for.
b) Consideration to be given to the fair market value of the asset	It is proposed that the properties be alienated at R100/m ² , VAT excluded, based on the sale of commercial properties in the area and in view of its intended use.
c) Consideration to be given to the economic and community value to be received in exchange for the asset	Council will gain the selling price of the subject properties and a further monthly income in respect of rates and taxes. The properties are regarded 'non-viable assets' in that they cannot be developed on their own or function as separate entities.

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 properties are 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 properties and a further monthly income in respect of rates and taxes.
c) The extent to which any compensation to be received i.r.o. the proposed transfer or disposal will result in a significant economic or financial cost benefit to the municipality	Financial benefits as a result of the selling price and payment for services.
d) The risks and rewards associated with the operation or control of the capital asset that is to be transferred or disposed of in relation to the municipality's interests	Risks will be managed in terms of the sale conditions and Deed of Sale.
e) The effect that the proposed transfer or disposal will have on the credit rating of the municipality, its ability to raise long-term of short-term borrowings in the future and its financial position and cash flow	No effect
f) Any limitations or conditions attached to the capital asset or the transfer or disposal of the asset, and the consequences of any potential non-compliance with those conditions	No limitations
g) The estimated cost of the proposed transfer or disposal	All costs related to the transaction will be for the purchaser's account.
h) The transfer of any liabilities and reserve funds associated with the capital asset	No liabilities
i) Any comments or representation on the proposed transfer or disposal received from the local community and other interested persons	The intention to alienate the subject properties is still to be advertised for public comment.
j) Any written views and recommendations on the proposed transfer or disposal by the National Treasurer and relevant provincial treasury	Not applicable (applicable i.r.o. high value assets only)
k) The interest of any affected organ of state, the municipality's own strategic, legal and economic interests and the interests of the local community	The properties are not required for municipal purposes, nor does the Municipality enjoy any economic benefit from same in its present shape and usage. 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 out-of-hand sale.
2) A floor price or minimum compensation for the capital asset	The properties to be sold at no less than its municipal valuation, in order to reflect fair market value.
3) Whether the capital asset may be transferred for less than its fair market value, in which case the municipal council must first consider the criteria set out in regulation 13(2)	Not applicable
4) A framework within which direct negotiations for the transfer or disposal of the capital asset must be conducted with another person, if transfer or disposal is subject to direct negotiations.	Not applicable

2.3 COMPLIANCE WITH COUNCIL LEGISLATION

- 2.3.1 Council's By-law relating to the Transfer of Municipal Capital Assets PN 7394 dated 22 May 2015 determines that the municipality may sell or let capital assets out of hand as contemplated in the municipality's Municipal Asset Transfer Policy, provided that its full reasons for preferring such out of hand sale or lease must be recorded in the minutes of the meeting concerned (clause 6).
- 2.3.2 Council's Municipal Asset Transfer Policy determines that in respect of assets which can only be utilized by one or more adjacent land owners, a transaction may be approved by the Council without any competitive process having been followed, including in response to an unsolicited bid, on the basis that no purpose would be served by a competitive process. Furthermore, upon approval of a transaction contemplated as such, the municipal manager must minute the reasons for the decision.

3. ALIGNMENT TO THE IDP

The proposed project can be linked to Strategic Goal 2 (Economic Transformation), as per Council's Integrated Development Plan 2023.

4. FINANCIAL IMPLICATION

- 4.1 Council will gain the selling price of the subject property and a further monthly income in respect of the rates and taxes.
- 4.2 Based on the municipal valuer's assessment, it is recommended that the compensation for same be calculated at R100,00/m², estimated (subject to final survey) at R994 900.00 in total, VAT excluded.

5. AANBEVELING

- (a) Dat die Raad goedkeuring verleen in terme van die toepaslike Verordening asook Artikel 14 van die Wet op Munisipale Finansiële Bestuur, 2003 dat gedeeltes van Erwe 2244 en 2267, Riebeek-Wes (± 0.9949 ha groot) uit-die-hand-uit vervreem en oorgedra word aan Group 35 (Pty) Ltd vir konsolidasie met Erf 2106, en wel ten bedrae van R100/m², BTW uitgesluit, onderhewig aan die voorwaardes hierin vermeld;
- (b) Dat kennis geneem word dat die tersaaklike eiendomme in geen stadium vir die verskaffing van 'n minimum of enige ander vlak van basiese munisipale dienste benodig was of word nie;
- (c) Dat die volgende redes genotuleer word vir die uit-die-hand vervreemding soos voormeld, sonder om 'n openbare mededingingsproses te deurloop:

- (i) Die tersaaklike eiendomme as 'nie-bestaansbare bates' kwalifiseer deurdat dit as gevolg van fisiese beperkings nie op hul eie as afsonderlike entiteite ontwikkel kan word nie en slegs funksioneel raak indien dit vervreem word aan 'n aangrensende eienaar vir gebruik tesame met sy of haar eiendom, soos voorgestel;
 - (ii) Die voorgestelde samesmelting van die tersaaklike eiendomme met Erf 2106 en die aanwending daarvan vir kommersiële doeleindes, aansluit by Strategiese Doelwit 2 van die 2023 Geïntegreerde Ontwikkelingsplan, naamlik om ekonomiese transformasie te ontsluit, om as sulks mobiliteit en ekonomiese skakels te verstewig en om die ekonomiese potensiaal van Swartland-wyke (in hierdie geval wyk 3) te fasiliteer;
 - (iii) Die eiendomme in hul huidige formaat nie enige ekonomiese of ander voordeel vir die Munisipaliteit inhou nie, en slegs by konsolidasie met Erf 2106 bydraend sal wees tot die ekonomiese voordeel wat die huidige aanwending van Erf 2106 vir die betrokke gemeenskap inhou, wat baat uit werksgeleenthede op die eiendom, soos gemotiveer deur die koper;
- (d) Dat die transaksie onderhewig sal wees aan die volgende voorwaardes:
- (i) Die koper sal, benewens die koopprys, verantwoordelik wees vir alle aanvullende en toevallige kostes wat uit die transaksie mag voortspruit, ingesluit advertensiekostes, oordragkoste en die kostes wat verband hou die relevante grondgebruiksaansoeke (waaronder onderverdeling, hersonering) asook kostes van konsolidasie en padsluiting;
 - (ii) Enige verbeterings op die tersaaklike eiendomme slegs mag geskied met toestemming van die Munisipaliteit en met inagneming van bestaande serwitute en dienste-installasies, waaronder die volgende en vir welke kostes die koper aanspreeklik sal wees:
 - Die formalisering van die munisipale stormwaterstelsel oor Langstraat wat deur die voorgestelde konsolidasie geaffekteer sal word, voor afvoering daarvan en aansluiting by die bestaande munisipale grondkanaal, om ontwerp te word deur 'n professionele ingenieur en oorgesien/goedgekeur te word tydens konstruksie, en verder onderhewig daaraan dat hierdie planne aan die Siviele Ingenieursdepartement voorgelê sal word vir goedkeuring. Verder, om te verseker dat hierdie gedeelte van die pyp effektief bly funksioneer in ooreenstemming met die stormwaterverordening;
 - Die indiening van ingenieursverslae, welke verslae die ipak van die konsolidasie en fabrieksuitbreidings op die bestaande munisipale dienste moet aanspreek, onder andere toegang vir die munisipale riooltenkers tot die rioolopgaartenk wat op Erf 2106 geleë is;
 - (iii) Voldoening deur die koper aan alle voorwaardes wat as deel van die grondgebruiksgoedkeuring, indien uitgereik, neergelê mag word;
 - (iv) Eienaarskap van die grond nie die koper vrystel van enige verpligtinge teenoor ander owerhede, en dus nie enige regte van lg. of enige ander owerhede ontnem ten opsigte van die betrokke grondgedeeltes nie;
- (e) Dat die voorgenome transaksie in die media geadverteer word vir kommentaar en/of potensiële besware, en dat die uitvoerende burgemeester met volmag beklee word om in oorlegpleging met sy komitee te handel met enige besware wat ontvang sou word;
- (f) Dat alvorens die voorneme geadverteer word, daar eers skriftelike bevestiging van die koper bekom word dat hulle tot die voorwaardes soos vervat in hierdie verslag, instem;
- (g) Dat volmag verleen word aan die Direkteur: Korporatiewe Dienste om die verkoop-ooreenkoms te mag finaliseer en onderteken.

RECOMMENDATION

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

- (b) *That cognizance be taken that the subject properties have at no stage been required for the provision of a minimum or any other level of basic municipal services;*
- (c) *That the following reasons be recorded for the out-of-hand alienation as above and for not undergoing a competitive process:*
 - (i) *The subject properties qualify as 'non-viable land' in that due to physical constraints they cannot be developed on their own and only becomes functional if alienated to an adjoining owner for usage in conjunction with his or her property, as proposed;*
 - (ii) *The proposed merging of the subject properties with Erf 2106 and the use of same for commercial purposes, links up with Strategic Goal 2 of the 2023 Integrated Development Plan, namely to unlock economic transformation, and as such to strengthen mobility and economic links and to facilitate the economic potential of Swartland wards (in this instance ward 3);*
 - (iii) *The properties in their existing shape do not have any economic or other benefit for the Municipality, and only by consolidation with Erf 2106 will contribute to the economic benefit derived from the present use of the Erf 2106 by means of job opportunities created for the community, as motivated by the purchaser;*
- (d) *That the transaction shall be subject to the following conditions:*
 - (i) *The purchaser, in addition to the purchase price, shall be responsible for all costs ancillary and incidental to this transaction, including advertisement costs, transfer costs and costs related to the relevant land use applications (including subdivision, rezoning) as well as the costs of consolidation and road closure;*
 - (ii) *Any improvements to the subject properties may only take place with the permission of the Municipality and by taking into account existing servitudes and service installations, amongst which the following, for which costs the purchaser shall be responsible:*
 - *The formalization of the municipal storm water system over Long Street that will be affected by the proposed consolidation, before discharging and connecting to the existing municipal earth channel, to be designed by a professional engineer and supervised/approved during construction and subject to these plans being submitted to the Civil Engineering Department for approval. Further, to ensure that this portion of the pipe remains functioning effectively in accordance with the storm water by-law;*
 - *The submission of engineers' reports, which reports are to address the impact of the consolidation and extensions to the factory on the existing municipal services, i.a. access for municipal sewage tankers to the sewage storage tank located on Erf 2106*
 - (iii) *Compliance by the purchaser with all conditions that may be imposed as a result of the land use approval, if issued;*
 - (iv) *Ownership of the land does not exempt the purchaser from any obligations towards other authorities, and it therefore does not deprive the latter or any other authorities from any rights pertaining to the specific portion of land;*
- (e) *That the proposed transaction be advertised in the media for public comments and/or potential objections, and the executive mayor (in consultation with his committee) be authorized to deal with any objections that may be forthcoming;*
- (f) *That before the intention is advertised, written confirmation first be obtained from the purchaser that they agree to the conditions as provided for in this report;*
- (g) *That the Director: Corporate Services be authorized to finalise the conditions of sale, and to sign the deed of sale on the Municipality's behalf.*

(get) M S Terblanche

MUNISIPALE BESTUURDER



Scott Millar
Group 35 Foods
Station Road,
Riebeek Wes, South Africa
06 December 2023

The Esteemed Members of the Swartland Municipality Council
Swartland Municipality Head Office
1 Kerk Street
Malmesbury, South Africa

Letter of Motivation for Land Acquisition Adjacent to Group 35 Foods: ERF 2267 & 2244

Dear Council Members,

On behalf of Group 35 Foods, a key player in the Riebeek Wes business community, I am presenting our proposal for the acquisition of the land adjacent to our existing facility. This expansion is not just a strategic move for our business but also a commitment to the economic and social upliftment of our community.

Our Expansion Projects and Their Real-World Impact:

1. **Building New Silos for the Flour Mill:** Our plan to construct additional silos is a direct response to our growing production demands. This expansion will enable us to store more raw materials, ensuring a steadier and more reliable supply chain – and allowing us to buy and store more wheat directly from local farmers during harvest time. By doing so, we not only solidify our business's foundation but also offer more consistent business to local suppliers, particularly the farming community. We also expect this to create at least 3 jobs. This expansion is a testament to our belief in the region's agricultural potential and our commitment to local economic stability.
2. **Establishing an Extrusion Plant:** The extrusion plant is a step towards diversifying our operations. This facility will allow us to venture into new markets, broadening our product range and enhancing our competitive edge. As a result, we expect to create at least 8 jobs, providing new employment opportunities that range from technical positions to administrative roles. This diversification also means greater resilience for our business, a factor that contributes to the economic health of the region. 8 jobs

P.O. Box 682, Riebeek West 7306 | Erf 1700, Station Road, Riebeek West
Tel 022 461 2500 | Fax 022 461 2507 | E-mail info@group35foods.co.za | www.group35foods.co.za

Director: SK Millar



3. **Constructing a Storage Warehouse:** A new storage warehouse is critical for managing our increased inventory efficiently. This facility will not only streamline our operations but also create jobs during its construction. Moreover, we expect the facility to require at least 4 additional jobs for its ongoing operations.
4. **Setting Up a Bread Bakery:** The bread bakery is more than just a new business venture; it's an opportunity for community engagement and upliftment. By offering local bakery products made from local raw materials directly to locals, we will foster a connection with the community. Furthermore, the lack of transport required in the supply chain will allow us to supply the local community at the lowest possible prices. Most importantly, we expect this bakery to create up to 60 jobs for the local community (depending on power availability). This bakery is our way of embedding ourselves deeper into the fabric of Riebeek Wes, not just as a business but as a community partner.

Our approach to this expansion is grounded in practicality and a sincere commitment to the community. We are not just expanding our physical footprint; we are deepening our roots in Riebeek Wes, ensuring that our growth translates into real benefits for the local economy and its people.

We hope to move forward with your support and are open to any discussions or clarifications that you may require.

Thank you for considering our proposal.

Warm regards,



Scott Millar

Director

Group 35 Foods

scottm@afreshbrands.co.za

+27 82 452 2676





Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Korporatiewe Dienste
24 Januarie 2024

12/2/5/2-1/4

Ward 7

ITEM 8.9 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL WORD OP 30 JANUARIE 2024

ONDERWERP:	VOORGESTELDE VERVREEMDING VAN SAKEPERSEEL (ERF 1308) TE ABBOTSDALE
SUBJECT:	PROPOSED ALIENATION OF BUSINESS SITE (ERF 1308) IN ABBOTSDALE

1. AGTERGROND/BACKGROUND

- 1.1 Swartland Municipality is the registered owner of the following vacant property in Abbotsdale, as indicated on the locality map attached hereto as **Annexure A**, i.e.:
 - Erf 1308, 318 m² in extent, located in 6 Jasmyn Street (opposite the public library)
- 1.2 Said property is zoned Business Zone 1: General Business, which zone aims to provide for mixed use development, general business activities and intensive business opportunity with relatively few restrictions in order to promote urban viability and economic growth.
- 1.3 Interest by members of the Abbotsdale community has recently been expressed in the property; hence, it is herein proposed that the property be offered for disposal by public tender.
- 1.4 The property's valuation as per the 2023 valuation roll is as follows:
 - Erf 1308 R56 000,00 (excluding VAT)
- 1.5 The purchase agreement to be concluded with the successful tenderers shall be subject to pre-determined suspensive conditions, *inter alia* that the purchaser will have to submit a site development plan by a date to be specified, as well as draft plans and elevations of the building/s to be erected, to the satisfaction of and approval by the Municipality, failing which no transfer shall take place. Similarly, the deed of sale shall determine that liquidated damages (at an amount to be determined) shall be recoverable from the purchaser should the development not materialize within a specified period.
- 1.6 **Hierdie verslag word voorgelê om goedkeuring van die Raad te bekom om erf 1308 Abbotsdale by wyse van openbare tender vir vervreemding aan te bied. / This report is submitted to obtain Council's approval to dispose of erf 1308 Abbotsdale by means of public tender.**

2. WETGEWING / LEGISLATION

- 2.1 The transfer of ownership or disposal of capital assets is regulated by the Municipal Finance Management Act, 2003 (MFMA), the Municipal Asset Transfer Regulations, 2008 (MATR) as well as Council's By-law and Policy relating to the Transfer of Municipal Capital Assets, the latter being effective as from 22 May 2015.

- 2.2 The legislative framework applicable in this instance in respect of non-exempted capital assets which are not considered high value assets, are dealt with below only in as far as it relates to the proposed disposals:

COMPLIANCE WITH MUNICIPAL FINANCE MANAGEMENT ACT, 2003	
Issues to be considered in terms of Section 14 of the MFMA	Comment
a) Whether the asset is needed to provide the minimum level of basic municipal services	The property to be sold by competitive bid has at no stage nor is now required for the provision of a minimum of any other level of basic municipal services. It has been earmarked for business from the outset.
b) Consideration to be given to the fair market value of the asset	The municipal valuation i.r.o. the subject property is considered to be fair market value, and is to be determined as reserve selling price in this instance.
c) Consideration to be given to the economic and community value to be received in exchange for the asset	The community is to benefit in that development of the subject property will result in the establishment of business (and consequently, job opportunities), and will thus also improve access to economic activities within shorter walking/travel distance. Council will gain the selling price of the subject property and a further monthly income in respect of the rates and taxes i.r.o. the businesses to be established on same. The payment of liquidated damages should the property not be developed within two years after transfer is effected, will be accommodated as a condition of sale.

COMPLIANCE WITH MUNICIPAL ASSET TRANSFER REGULATIONS (GG 31346 DATED 22 AUGUST 2008)	
Issues to be considered in terms of Regulation 7 of the MATR	Comment
a) Whether the capital asset may be required for the municipality's own use at a later stage.	The property is not required for municipal purposes.
b) The expected loss or gain that is expected to result from the proposed transfer or disposal	Council will gain the selling price of the subject property and a further monthly income in respect of the rates and taxes.
c) The extent to which any compensation to be received i.r.o. the proposed transfer or disposal will result in a significant economic or financial cost benefit to the municipality	Financial benefits as a result of the selling price and payment for services.
d) The risks and rewards associated with the operation or control of the capital asset that is to be transferred or disposed of in relation to the municipality's interests	Risks will be managed in terms of the sale conditions and deed of sale.
e) The effect that the proposed transfer or disposal will have on the credit rating of the municipality, its ability to raise long-term 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
g) The estimated cost of the proposed transfer or disposal	All costs related to the transaction will be for the purchasers' account.
h) The transfer of any liabilities and reserve funds associated with the capital asset	No liabilities
i) Any comments or representation on the proposed transfer or disposal received from the local community and other interested persons	If approval is granted herewith, Council's intention will be advertised for public comment, to be submitted to and dealt with by the mayoral committee.

2.2/...

j) Any written views and recommendations on the proposed transfer or disposal by the National Treasurer and relevant provincial treasury	Not applicable (applicable i.r.o. high value assets only)
k) The interest of any affected organ of state, the municipality's own strategic, legal and economic interests and the interests of the local community	The property is not required for municipal purposes. The proposed transaction can be linked to Strategic Goal 2 (Economic Transformation) as per Council's Integrated Development Plan 2023.
l) Compliance with the legislative regime applicable to the proposed transfer or disposal	Yes, addressed in this report, as well as in the deed of sale
Conditions that may be imposed, in terms of Regulation 11, pertaining to the following:	Comment
1) The way in which the capital asset is to be sold or disposed of	Direct alienation by means of competitive bid.
2) A floor price or minimum compensation for the capital asset	The property is to be sold at not less than the reserve selling price, as per its municipal valuation.
3) Whether the capital asset may be transferred for less than its fair market value, in which case the municipal council must first consider the criteria set out in regulation 13(2)	Not applicable
4) A framework within which direct negotiations for the transfer or disposal of the capital asset must be conducted with another person, if transfer or disposal is subject to direct negotiations.	Not applicable

2.3 Council's By-law relating to the Transfer of Municipal Capital Assets PN 7394 dated 22 May 2015 determines that the municipality may, in achieving its operational needs and strategic objectives – inter alia – dispose of capital assets and rights in capital assets by way of direct sale, public tender, auction or direct negotiation [section 4 (c)].

2.4 Council's Municipal Asset Transfer Policy, in clause 6, provides for various disposal options, which may include one or more of the following, i.e. public auction, competitive bidding, closed bidding or call for proposals. The competitive bidding process may involve to call for purely financial offers for the asset offered for alienation, which is recommended in this instance as being the more practical (and less costly) method.

2.5 The Asset Transfer Policy furthermore determined that where viable assets remain unsold after any competitive process, the unsold assets may be sold out-of-hand at the reserve price or higher as long as the reserve price corresponds with fair market value.

3. KOPPELING AAN DIE GOP / ALIGNMENT TO THE IDP

The proposed transaction can be linked to Strategic Goal 2 (Economic Transformation) as per Council's Integrated Development Plan 2023.

4. FINANSIËLE IMPLIKASIE / FINANCIAL IMPLICATION

Council will gain the selling price of the subject property and a further monthly income in respect of rates and taxes.

5. AANBEVELING

(a)/...

5./...

- (a) Dat die Raad in beginsel goedkeuring verleen in terme van Artikel 14 van die Wet op Munisipale Finansiële Bestuur, 2003 en die Verordening en Beleid insake Oordrag van Munisipale Bates dat finansiële aanbiedinge by wyse van openbare tender gevra word vir die vervreemding van die volgende vakante onroerende eiendom in Abbotsdale, gesoneer Sakesone 1: Algemene Sake:
- Erf 1308, Jasmynstraat 6, Abbotsdale (318 m² groot)
- (b) Dat kennis geneem word dat die eiendom wat te koop aangebied staan te word in geen stadium vir die verskaffing van 'n minimum of enige ander vlak van basiese munisipale dienste 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 1308 R56 000,00
- (d) Dat die koper, benewens die koopprys, verantwoordelik sal wees vir alle aanvullende en toevallige kostes wat uit die transaksie mag voortspruit;
- (e) Dat die voorgename transaksie in die media geadverteer word vir kommentaar en/of potensiele 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 Abbotsdale, zoned Business Zone 1: General Business:
- Erf 1308, 6 Jasmyn Street, Abbotsdale (318 m² in extent)
- (b) That cognizance be taken that the property to be sold has at no stage been earmarked for the provision of a minimum or any other level of basic municipal services;
- (c)/...

5./...

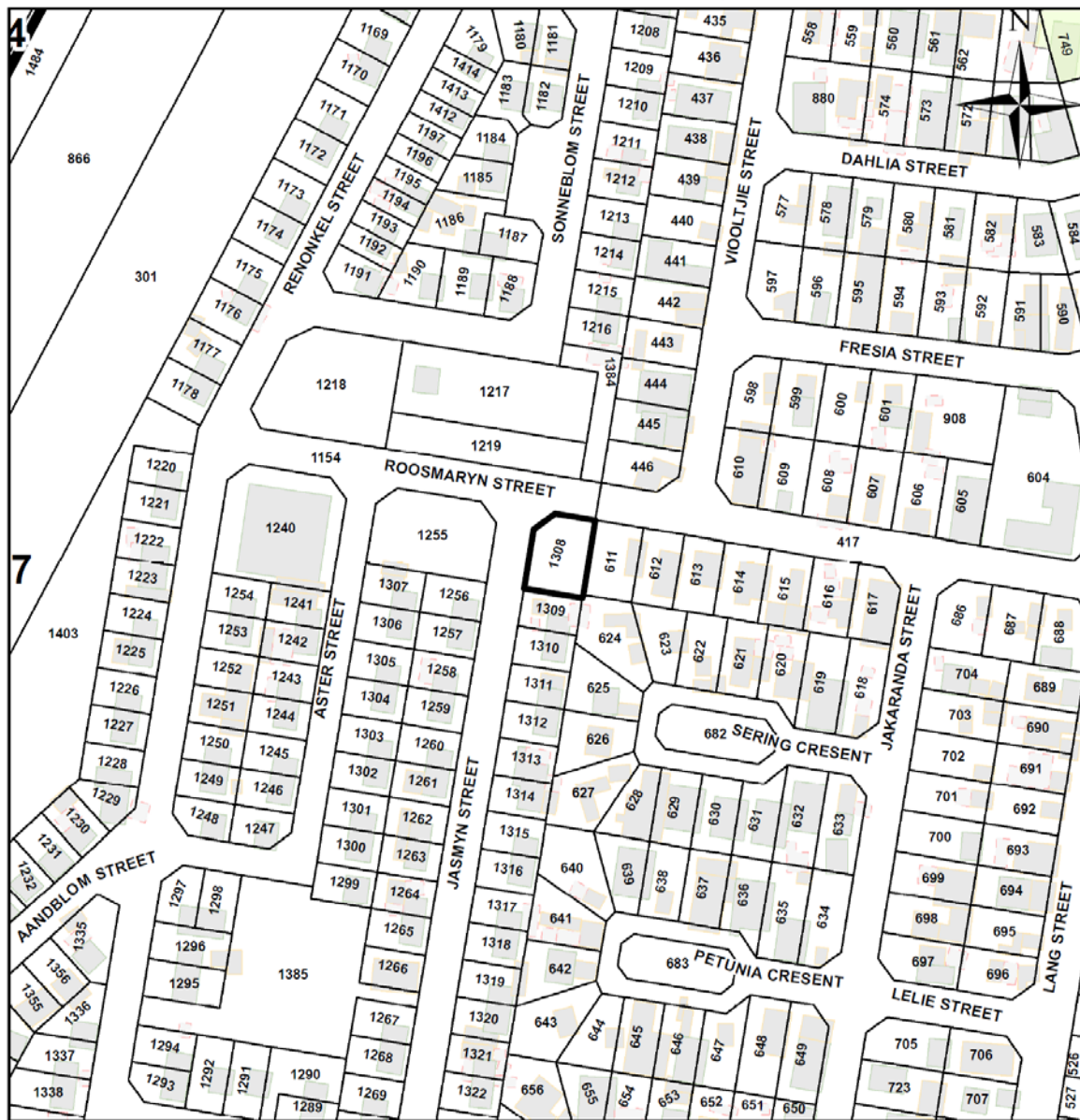
- (c) That the reserve price (VAT exclusive) for the property be determined as follows, which reserve price is considered by Council to fairly represent the market value of same:
- Erf 1308 R56 000,00
- (d) That the purchaser, in addition to the purchase price, shall be responsible for all costs ancillary and incidental to this transaction;
- (e) That the proposed transaction be advertised in the media for public comments and/or potential objections;
- (f) That authorization be given as follows:
- (i) to the Executive Mayoral Committee to
 - to deal with any comments and/or objections received in respect of the proposed transaction and
 - to finalise a decision regarding the transfer of the asset after all applicable Supply Chain and other legal prescripts have been complied with;
 - (ii) to the Director: Corporate Services to finalise the conditions of sale for tender purposes with all the relevant internal role-players;
- (g) That approval be granted that should the property remain unsold after the competitive process, it be sold out-of-hand on a 'first come first serve' basis at the reserve price or higher, provided that the reserve price corresponds with fair market value (based on the municipal valuation of the property when alienation takes place), and provided further that the same suspensive conditions to be included in the deed of sale, shall apply to such transaction.

(get) M S Terblanche

MUNISIPALE BESTUURDER

Mst/raadsitems, SM5/Vervreemding van sakeperseel, Abbotsdale

LOCATION PLAN OF ERF 1308, ABBOTSDALE



Extent: 318m²
Zoning: Business Zone 1





Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Ontwikkelingsdienste
Departement : Ontwikkelingsbestuur
24 January 2024

15/2/21
WYK: 1-12

ITEM 8.10 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOU SAL
WORD OP 30 JANUARIE 2024

ONDERWERP: AANSTELLING VAN LEDE VAN DIE WAARDASIEAPPÈLRAAD VIR SWARTLAND MUNISIPALITEIT SUBJECT : APPOINTMENT OF VALUATION APPEAL BOARD MEMBERS FOR SWARTLAND MUNICIPALITY

1. BACKGROUND

- 1.1 The period of the current Swartland Valuation Appeal Board members expires on 31 March 2024.
- 1.2 Therefor the Council of Swartland Municipality intends to recommend to the Minister of Local Government in the Western Cape, in terms of the provisions of Chapter 7 of the Property Rates Act, No 6 of 2004, the appointment of the Chairperson and members of the Swartland Valuation Appeal Board.
- 1.3 The functions and composition of the Valuation Appeal Board is set out in sections 57 and 58 of the Property Rates Act No. 6 of 2004. **See annexure A.**
- 1.4 Written applications for competent and duly qualified persons with sufficient knowledge/experience in the valuation of property have been invited to serve as chairman and members of the Swartland Valuation Appeal Board.
- 1.5 The following applications have been received namely :

Adv W Zybrands (Wellington)
Mr P A Gerber (Wellington)
Mr L Pool (George)
Mr T Retief (Wellington)
Mr I Bray (Mbombela)
- 1.5 For detail see **annexure marked "B"** and full application on file that will be available at the meeting.
- 1.7 The Municipality is currently busy with the general valuation process. It is expected that the Valuation Appeal Board will be involved in the valuation process during the last quarter of this financial year 2023/2024 dealing with appeals, should any be received.
- 1.8 The purpose of this report is to recommend the appointment of the new members of the Valuation Appeal Board for a period of 4 years in terms of section 60 of the Property Rates Act, No 6 of 2004.
- 1.9 The following members is recommended :

Adv W Zybrands : Chairperson
Mr P A Gerber : Valuer/Member
Mr T Retief : Valuer/Member
Mr L Pool : Secundi/Valuer/Member

- 1.10 The recommendation of Adv. Zybrands and Mr Gerber and Mr Retief is based on saving on travelling and accommodation as any travel claims will be limited to Wellington, instead of George and Mbombela and no accommodation will be needed.

2. **AANBEVELING**

- 2.1 Hiermee word aanbeveel dat die volgende name van persone aan die minister van Plaaslike Regering vir aanstelling as voorsitter en lede van Swartland Munisipaliteit se waardasieappèlraad voorgelê word.

Waardasie Appèlraad :

Adv W Zybrands	:	Voorsitter
Mr P A Gerber	:	Waardeerder/Lid
Mr T Retief	:	Waardeerder/Lid
Mr L Pool	:	Secundi/Waardeerder/Lid

- 2.2 Die termyn van die lede 4 jaar is.

2. **RECOMMENDATION**

- 2.1 *It is hereby recommended that the names of the following persons has to be submitted to the Minister of Local Government for appointment as chairperson and members of the valuation appeal board of Swartland Municipality:*

Valuation Appeal board:

Adv W Zybrands	:	Chairperson
Mr P A Gerber	:	Valuer/Member
Mr T Retief	:	Valuer/Member
Mr L Pool	:	Secundi/Valuer/Member

- 2.2 The period for members are 4 years.

(get) A M Zaayman

MUNISIPALE BESTUURDER

AMZ/ds

Die bepalings van artikels 57 en 58 van die Eiendomsbelastingwet met betrekking tot die funksies en samestelling van die Waardasie-Appélraad, lees soos volg:

57. Funksies

Die funksies van 'n appélraad is —

- (a) *om appélle teen die besluite van 'n munisipale waardeerder aan te hoor betreffende besware teen aangeleenthede wat weerspieël word in of weggelaat is uit die waardasielys van 'n munisipaliteit in die gebied waarvoor dit ingevolge artikel 56 ingestel is; en*
- (b) *om besluite van 'n munisipale waardeerder wat ingevolge artikel 52 aan hom voorgelê is, te hersien..*

58. Samestelling

(1) *'n Appélraad bestaan uit—*

- (a) *'n Voorsitter, wat 'n persoon is met regskwalifikasies en voldoende ondervinding van die regspleging moet hê; en*
- (b) *ten minste twee en hoogstens vier ander lede met voldoende kennis of ondervinding van die waardering van eiendom, van wie ten minste een —*
 - (i) *'n professionele waardeerder moet wees wat geregistreer is ingevolge die Wet op Eiendomswareerdersprofessie, 2000 (Wet No 47. van 2000)*
 - (ii) *mag 'n professionele geassosieerde waardeerder wees, sonder beperkings en met ten minste 10 jaar ondervinding wat geregistreer is ingevolge die Wet op Eiendomswareerdersprofessie, 2000 (Wet No 47. van 2000), indien 'n professionele waardeerder nie aangestel is nie.*

(Artikel 58(1)(b) is vervang deur Artikel 24 van Wet 29 van 2014)

- (2) *Die voorsitter en ander lede van 'n appélraad moet deur die LUR vir Plaaslike Regering in die provinsie met inagneming van die behoefte aan verteenwoordigendheid, insluitende geslagsverteenwoordigendheid aangestel word.*
- (3) *Die LUR vir plaaslike regering moet by die aanstelling van persone vir die appélraad 'n deursigtige proses volg wat aan enige voorgeskrewe norme en standaarde voldoen.*

The provisions of section 57 and 58 of the Property Rates Act regarding the Functions and Composition of a valuation appeal board, read as follows:

57. Functions

The functions of an appeal board are—

- (a) to hear and decide appeals against the decisions of a municipal valuer concerning objections to matters reflected in, or omitted from, the valuation roll of a municipality in the area for which it was established in terms of section 56; and*
- (b) to review decisions of a municipal valuer submitted to it in terms of section 52.*

58. Composition

(1) An appeal board consists of—

- (a) a chairperson, who must be a person with legal qualifications and sufficient experience in the administration of justice; and*
- (b) not fewer than two and not more than four other members with sufficient knowledge of or experience in the valuation of property, of which at least one—*
 - (i) must be a professional valuer registered in terms of the Property Valuers Profession Act, 2000 (Act No. 47 of 2000); or*
 - (ii) may be a professional associated valuer, without restrictions and with at least ten years experience, registered in terms of the Property Valuers Profession Act, 2000 (Act No. 47 of 2000), if a professional valuer cannot be appointed.*

(Section 58(1)(b) substituted by section 24 of Act 29 of 2014)

- (2) The chairperson and other members of an appeal board must be appointed by the MEC for local government in the province, taking into account the need for representivity, including gender representivity.*
- (3) The MEC for local government must follow a transparent process complying with any prescribed norms and standards when making appointments to an appeal board.*

Aanhangsel B

Naam	Geslag	Ouderdom	Woonagtig	Kwalifikasies	Ondervinding
Werner Zybrands	Male	78	Betties Bay	BA LLB	Recently a member of various Municipalities Valuation Appeal Boards. Currently chairperson of both Overstrand VAB and Theewaterskloof VAB
Laurie Pool	Male	77	George	Professional Valuer	Working as full time property valuer for SKW since 2005, all types of valuations.
P A Gerber	Male	61	Wellington	Professional Valuer	Member of various Municipalities Valuations Appeal Boards.
Tobie Retief	Male	52	Wellington	Professional Valuer	Working as Professional Valuer for Rode & Associates since 2008.
Ikraamuddien Bray	Male	48	Mbombela	Professional Valuer	Vast experience in general valuations processes, all valuation types. Presently with the Department of Public Works, Roads and Transport with the Mpumalanga Provincial Government. Also member of Valuation Appeal Boards for municipalities in Mpumalanga. Indicates that he is relocating to the Western Cape but with no certainty.



Verslag ♦ Ingxelo ♦ Report

Kantoor van die Direkteur: Development Services
Department : Development Management

18 January 2024

15/4/1

ITEM 8.11 VAN DIE AGENDA VAN 'N GEWONE RAADSVERGADERING WAT GEHOUSAL WORD OP 30 JANUARIE 2024

ONDERWERP:	AANSTEL VAN PERSONEEL IN BOUBEHEER AFDELING
SUBJECT:	APPOINTMENT OF OFFICIALS IN THE BUILDING CONTROL DIVISION

1. AGTERGROND / BACKGROUND

Council resolution dated 29 April 2021 refers:

“

- *Section 28 (4) of the Act 103 of 1977, stipulates that a council may delegate any power conferred upon it, other than the appointment of Chief Building Control Officer:*
 - *therefore it is recommended that the appointment of Mr.B Groeneveld as Chief Building Control Officer, in accordance with Section 5(i) of the National Regulations and Building Standards Act, No.103 of 1977, be confirmed as from 1 April 2021.*
- *Both Ms. E Juries and Mr B Keulder has been appointed to perform the functions of Building Control Officer in the absence of Mr. Groeneveld, in accordance with section 5(i) of the National Building Regulations and Building Standards Act No. 103 of 1977. Ms. E Juries and Mr B Keulder have the relevant Diploma in Building and Quantity Surveying.*

2. BESPREKING / DISCUSSION

Ms E Juries has resigned and mr M J Jacobs has been appointed.

Mr M J has the relevant Diploma in Building since 1999 with many years of experience in the building field.

The purpose of this report is to replace the appointment of Ms E Juries with Mr M J Jacobs to act as Building Control Officer in accordance with the National Building Regulations and Building Standard Act nr. 103 of 1977 in the absence of Mr Groeneveld.

3. AANBEVELING / RECOMMENDATION

- (a) *Mr M J Jacobs be appointed to perform the functions of Building Control Officer in the absence of Mr Groeneveld, in accordance with section 5(i) of the National Building Regulations and Building Standards Act nr. 103/1977.*
- (b) *The appointment of Ms E Juries be cancelled.*

(get) A M Zaayman

MUNISIPALE BESTUURDER

AMZ/ds



ITEM 8.12 OF THE AGENDA OF AN ORDINARY MUNICIPAL COUNCIL MEETING TO BE HELD 30 JANUARY 2024

ONDERWERP: GEDRAGSKODE VIR RAADSLEDE: VERKLARING VAN BELANGE
SUBJECT: CODE OF CONDUCT FOR COUNCILLORS: DECLARATION OF INTERESTS

1. AGTERGROND / BACKGROUND

Die Gedragskode vir Raadslede soos vervat in Bylae 7 van die Munisipale Strukturewet, sowel as die Plaaslike Regering: Munisipale Stelsels Regulasies, 2023 het betrekking.

The Code of Conduct for Councillors, as contained in Schedule 7 of the Municipal Structures Act, as well as the Local Government: Municipal Systems Regulations, 2023 refers.

2. DECLARATION OF INTERESTS

Items 6, 7 and 8 of the Code of Conduct for Councillors determine as follows:

6. Disclosure of interests.—(1) A councillor must—

- (a) disclose to the municipal council, or to any committee of which that councillor is a member, any direct or indirect personal or private business interest that that councillor, or any spouse, partner or business associate of that councillor may have in any matter before the council or the committee; and
- (b) withdraw from the proceedings of the council or committee when that matter is considered by the council or committee, unless the council or committee decides that the councillor's direct or indirect interest in the matter is trivial or irrelevant.

(2) A councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councillor is aware at the first meeting of the municipal council.

(3) This section does not apply to an interest or benefit which a councillor, or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the municipality.

7. Personal gain.—(1) A councillor may not use the position or privileges of a councillor, or confidential information obtained as a councillor, for private gain or to improperly benefit another person.

(2) No councillor may be a party to or beneficiary under a contract for the provision of goods or services to any municipality or any municipal entity established by a municipality.

8. Declaration of interests.—(1) When elected or appointed, a councillor must within 60 days declare in writing to the municipal manager the following financial interests held by that councillor—

- (a) Shares and securities in any company;
- (b) membership of any close corporation;
- (c) interest in any trust;
- (d) directorships;
- (e) partnerships;
- (f) other financial interests in any business undertaking;
- (g) employment and remuneration;
- (h) interest in property;

- (i) pension; and
- (j) subsidies, grants and sponsorships by any organisation.
- (2) Any change in the nature or detail of the financial interests of a councillor must be declared in writing to the municipal manager annually.
- (3) Gifts received by a councillor above a prescribed amount must also be declared in accordance with subitem (1).
- (4) The municipal council must determine which of the financial interests referred in subitem (1) must be made public having regard to the need for confidentiality and the public interest for disclosure.

2.1 Betreffende die voorgeskrewe bedrag van geskenke deur raadslede ontvang wat verklaar moet word, bepaal die Plaaslike Regering: Munisipale Stelsels Regulasies, 2023, die volgende –

Artikel 6(1): Geskenke wat deur 'n raadslid ontvang is, moet ingevolge item 8(1) van die Kode skriftelik aan die munisipale bestuurder verklaar word waar—

- (a) die waarde van 'n geskenk R1 000 of 'n hoër bedrag soos van tyd tot tyd deur die Minister bepaal, oorskry; en
- (b) die waarde van geskenke wat in enige kalender jaar van 'n enkele bron ontvang is, die drempel van R1 000 of die bedrag ingevolge subregulasie (a) deur die Minister bepaal, oorskry.

Artikel 6(2): 'n Verklaring van geskenke deur 'n raadslid ontvang, moet—

- (a) 'n beskrywing van die geskenke bevat; en
- (b) die waarde en bron van sodanige geskenk of geskenke aandui.

2.1 *As for the value of gifts to be declared, the Local Government: Municipal Systems Regulations, 2023 stipulate that:*

Section 6(1): “Gifts received by a councillor must be declared in writing to the municipal manager in terms of item 8(1) of the Code where –

- (a) the value of a gift exceeds R1000,00 or a higher amount as may be determined by the Minister from time to time; and*
- (b) the value of gifts received from a single source in any calendar year exceeds the threshold of R1 000,00 or the amount determined by the Minister in terms of sub-regulation (a).*

Section 6(2): “A declaration of gifts received by a councillor must –

- (a) contain a description of the gifts; and*
- (b) indicate the value and source of such gift or gifts..”*

3. Dit word nie van raadslede vereis om die volle omvang aan te dui van bv. aandele in 'n maatskappy nie, maar slegs dat aandele gehou word in bv. Yskor, ABSA Bank, ens.

It is not expected from councillors to indicate the full extent of, eg. shares in a company, but only to indicate the shares held, eg. Yskor, ABSA Bank, etc.

4. Raadslede word versoek, en sal jaarliks daaraan herinner word, om hierdie inligting aan die Direkteur: Korporatiewe Dienste deur te gee. Die vorm vir hierdie doeleindes is apart tot die sakelys gesirkuleer en moet teen nie later nie as Woensdag, 14 Februarie 2024 terugbesorg word.

Councillors are requested, and will in future be reminded annually, to submit these particulars to the Office of the Director: Corporate Services. The form for these purposes is circulated separately to the agenda and to be returned by no later than Wednesday, 14 February 2024.

5. **RECOMMENDATION**

- (a) That councillors take cognisance of the requirements in terms of Item 6 to 8 of the Code of Conduct;
- (b) That councillors take cognisance that the nature or detail of the financial interests of a councillor referred to in Item 8 of the Code of Conduct for Councillors, must be **declared**

in writing to the Municipal Manager, including gifts received by such councillor in excess of R1 000,00;

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

AANBEVELING

- (a) Dat raadslede kennis neem van die bepalings ingevolge items 6 tot 8 van die Gedragskode vir Raadslede;
- (b) Dat raadslede kennis neem dat die aard of detail van die finansiële belange van 'n raadslid soos na verwys in Item 8 van die Gedragskode vir Raadslede, **jaarliks op skrif aan die Munisipale Bestuurder verklaar moet word**, ingesluit geskenke wat deur 'n raadslid ontvang word en wat in waarde R1 000,00 oorskry;
- (c) Dat kennis geneem word dat die verklaring soos na verwys in paragraaf (b), teen nie later nie as Woensdag, 14 Februarie 2024 by die Direkteur: Korporatiewe Dienste ingedien moet word.

(get) J J Scholtz

MUNISIPALE BESTUURDER