

MINUTES FOR **CONFIRMATION**

- 11.1 Minutes of an Ordinary Council meeting held on Tuesday,
30 January 2024. Pg. 1 – 72

ORDINARY COUNCIL MEETING

MINUTES



**MINUTES OF AN ORDINARY COUNCIL MEETING
HELD ON TUESDAY, 30 JANUARY 2024 AT 10:00
IN THE COUNCIL CHAMBERS, RHENIUS STREET,
SWELLENDAM.**

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Yours sincerely



J.R. VAN SCHALKWYK

SPEAKER

23 February 2024

DATE

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**MINUTES OF AN ORDINARY MEETING OF THE MUNICIPAL COUNCIL OF SWELLENDAM
MUNICIPALITY HELD ON TUESDAY, 30 JANUARY 2024 AT 10:01 IN THE COUNCIL
CHAMBERS, RHENIUS STREET, SWELLENDAM.**

PRESENT:

Councillor	
J.R. van Schalkwyk	Speaker
H.F. Du Rand	Executive Mayor
E.J. Lamprecht	
F. Kees	
A. Bokwana	
D. Julius	
J.A. Matthysen	
G. Libazi	
D.J. Julius	
M.T.A. Swart	
I.H. Ferguson	

IN ATTENDANCE:

A. Vorster	Municipal Manager
E. Wassermann	Director: Financial Services
W. Treurnicht	(Acting: Director of Infrastructure Services)
K. Stuurman	Director: Community Services
J. Etzebeth	(Manager: Administrative Support)

SECRETARIAT:

K. Uys

RECORDING OFFICER:

K. Uys

ALSO PRESENT:

4 members of the public

1. OPENING AND WELCOME

At 10:01 the Speaker, Councillor J.R.van Schalkwyk welcomed everyone at the Council meeting and declared the meeting duly constituted with a quorum present. Councillor D. Julius rendered an opening prayer.

2. ELECTION OF ACTING SPEAKER, IF NECESSARY
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None

3. APPLICATION FOR LEAVE OF ABSENCE

None

4. MOTIONS OF JOY AND SORROW

4.1 Announcement of birthdays and anniversary:

Donovan J. Julius	01 January
Agnes Bokwana	09 January
E. Wassermann	10 January
W. Treurnicht	25 January
Frans Kees	02 February

The Speaker also congratulated Councillor I.H. Ferguson again on his birthday which he celebrated on 22 December 2023.

4.2 Announcements of deaths by Municipal Manager

November - December 2023

SWELLENDAM	
Hester Petronella Theron	Swellendam
Jomondo Meyer	Swellendam
William Johannes Calits	Swellendam
Dirk Johannes Carolus	Swellendam
Jan Abrahams	Swellendam
Johandrè Dawid Temmers	Swellendam
Meinard William Van der Weide	Swellendam
Ronald Charles Van der Weide	Swellendam
Hans Johannes Jonkers	Swellendam
Evani Gxara	Swellendam
Dora Mbela	Swellendam
Delia Charmaine Oktober	Swellendam
Hannelie Abrams	Swellendam
Miena Pietersen	Swellendam
Redgy Donivan Witbooi	Swellendam
Petrus Elliot Van Niekerk	Swellendam
Julie Pietersen	Swellendam
Joan Pekeur	Swellendam
Pieter Gaffley	Swellendam
Rachel Hendrina Abrahams	Swellendam
Andrew Andries Booysen	Swellendam
Miena Pietersen	Swellendam
Pieter Edons	Swellendam
Hendrik Miggels	Swellendam
Philip Evertson	Swellendam
Martha Abrahams	Swellendam
Mazaphuke Ernest Fuma	Swellendam
John Jamale Semema	Swellendam
Dirk Fortuin	Swellendam

Jacobus Johannes Rossouw	Swellendam
Peter Pick	Swellendam
Andre Jonas	Swellendam
Sellwyn Grant Gertse	Swellendam
Ella September	Swellendam
Willemina Johanna Claasen	Swellendam
Gertruida Baadjies	Swellendam
Herald Silberbauer	Swellendam
Paul Colson	Swellendam

The Municipal Manager, Mrs A. Vorster rendered a prayer in tribute to those who passed away with special acknowledgement of the passing of Ms A. Rossouw's life partner, Mr W. Arendorf.

5. SPEECHES AND SUBMISSIONS

None

6. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

The Speaker, Councillor J.R. van Schalkwyk afforded the two Chief Whips of the DA and ANC the opportunity to make statements should they so wish.

The Chief Whip of the DA, Councillor D. Julius welcomed everyone present at the first Council meeting for 2024 and congratulated all matriculants together with their parents who assisted and supported them in passing their matric exams. He asked that those matriculants who did not pass, be supported as well. Councillor Julius said that he hoped that the public would walk along with Council on the road ahead in 2024.

The Chief Whip of the ANC, Councillor M.T.A. Swart wished all Councillors a blessed 2024. She said that she believed that it would be a year of many challenges but that God would lead Council through it to make it a successful year. She shared that Barrydale High School made history with a 100% pass rate for 2023 and congratulated all the learners on passing the exams. She expressed concern about a learner who excelled in the exams by placing second but there was no opportunity for her to study further. The Municipal Manager indicated that she would request the HR Manager, Mr P. Le Roux to follow it up.

She said that she believed that all Councillors could make a success of the year 2024 by taking hands and work together as a Council to take the whole of Swellendam Municipality forward. She said that all communities had shortages and asked that Councillors looked beyond politics and saw one Swellendam in service delivery.

The Speaker said that it concerned him how opportunities were few for matriculants nowadays with much more challenges facing them. He said that it was important to assist them in any way possible to have hope for the future. He said Councillors should keep in mind that any politician had the power to create a future that was richer in opportunity with the freedom for young people to choose what they wanted to do.

7. STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR

The Executive Mayor, Councillor H.F. Du Rand welcomed everyone to the year 2024 and said that Councillors should not forget what the municipality achieved during the last two years. He thanked the administration for all their endeavours under very trying circumstances. He wished everyone good luck for the year ahead and encouraged all to keep on doing their best moving forward.

8. DISCLOSURE OF INTERESTS BY COUNCILLORS

None

9. MATTERS FOR CONSIDERATION

9.1 Items tabled by officials were considered by Council as reflected:

9.1.1

Item number A1. 30.01.2024

SUPPLY CHAIN MANAGEMENT MONTHLY REPORT – DECEMBER 2023

Report by the Director Financial Services:	Ms. E Wassermann
Department	Financial Services
Section	Supply Chain Management
File number	9/2/1/5

PURPOSE OF REPORT

The SCM monthly report is prepared to inform Council on key SCM monthly activities and adhere to the reporting requirements in terms of the Legislative Framework.

FACTS AND BACKGROUND

In terms of section 6 of the Supply Chain Management Regulations, Council has a responsibility to maintain oversight over the implementation of the Supply Chain Management Policy.

Section 36(2) of the Supply Chain Management Regulation requires that the accounting officer must record the reasons for any deviation from the procurement process and report it to the next council meeting.

DISCUSSION

The SCM monthly report for December 2023 is attached **on pages 1 to 7 of the Annexures** to enable the council to fulfil its oversight role. The report informs on the following matters:

- Procurement Statistics for the month
- Awards made above R 100 000 which was reported to National Treasury
- SCM deviations

There are no material problems with the implementation of SCM policy.

LEGAL IMPLICATIONS

- Municipal Finance Management Act, 2003
- Municipal Supply Chain Management Regulation, 2005
- Municipal Supply Chain Management Policy, 2022

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

None

This item served on the Mayoral Committee meeting held on Wednesday, 24 January 2024.

RECOMMENDED TO COUNCIL

1. that Council takes cognisance of the Supply Chain Management Report for December 2023 attached **on pages 1 to 7 of the Annexures.**

RESOLVED

Item A1/30/01/2024

1. that Council takes cognisance of the Supply Chain Management Report for December 2023 attached **on pages 1 to 7 of the Annexures.**

9.1.2

Item number A2. 30.01.2023

AMENDMENT OF SUPPLY CHAIN MANAGEMENT REGULATION FOR THE 2023/2024 FINANCIAL YEAR

Report by the Director Financial Services: Ms. E Wasserman

Department Financial Services

Section Supply Chain Management

File number 8/2/B

PURPOSE OF REPORT

The report is to inform the Council of the amendments to the Supply Chain Regulations which must be implemented with immediate effect. The result is that the Supply Chain Management Policy (SCM) for 2023 must be amended to align with the new regulations. Linked to the SCM Policy a separate preferential procurement policy is required.

FACTS AND BACKGROUND

Before the issuing of the new procurement policy, the Provincial Treasury and information received from the Western Cape Audits, advised municipalities to have separate preferential procurement policies. In the municipality's case, the preferential part was included in one combined policy.

On 14 December 2023, the National Treasury circulated the amendments to the Municipal Supply Chain Management Regulations as gazetted in Government Gazette Notice 4198 Numbered 49863 to be implemented with immediate effect. The gazette is attached on **pages 8 to 10 of the Annexures**.

DISCUSSION

The main changes in the amended regulations are:

The range of procurement processes was amended as follows:

PROCUREMENT METHOD	PREVIOUS THRESHOLD	NEW THRESHOLD
Petty Cash Purchases	Where the transaction value is less than or equal to R2 000.	Remain the same
Written or Verbal Price Quotations	Where the estimated transaction value exceeds R2 000 and is less than or equal to R10 000.	Removed from regulations
Formal Written Price Quotations	Where the estimated transaction value exceeds R10 000 and is less than or equal to R200 000	Where the estimated transaction value exceeds R2 000 and is less than or equal to R300 000

Competitive Bids	Where the estimated transaction value exceeds R200 000, or for any contract exceeding one year in duration	Where the estimated transaction value exceeds R300 000
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Except for the amended procurement ranges, municipalities were advised to separate preferential procurement to allow for a stand-alone policy. The Preferential Procurement part included in the current SCM Policy was therefore removed and is submitted as a separate policy on **pages 11 to 25 of the Annexures**. The track changes to the policy are included on **pages 26 to 83 of the Annexures**.

Other minor changes were also made which is reflected in the SCM policy track changes document.

The impact of formal written quotations is that all the suppliers from quotations above R2000 need to complete the SCM MDB forms which are:

- MBD 4 – Declaration of Interest
- MBD 6.1 – Preference Points Schedule
- MBD 8 – Declaration of past supply chain performance
- MBD 9 – Independent Bid determination.
- Pricing Schedule and or quotation.

Secondly, this will increase the administration burden on SCM as a vast amount of quotations is between R2000 and R30 000 which must now meet the new SCM requirements. In the past, these requirements were only applicable above R30 000.

SMME Suppliers and Emergent Enterprises must now have BBBE certificates or affidavits to claim preference points for all procurements above R2000. In the past, this was only applicable above R30 000.

Since the implementation, SCM already experienced difficulties with suppliers who are unwilling to complete these documents for small procurement amounts. It is evident that it will become more difficult to procure which might lead to increased prices, limit the number of available suppliers and contribute to longer and or delays in the procurement of goods and services. This will result in more frustration by the public as it might affect response time by the municipality.

The municipality is currently investigating with other municipalities and the Provincial Treasury of the Western Cape to improve methods to simplify the new SCM requirements.

The SCM Unit plans sessions to invite small contractors, SMME's and emerging contractors to discuss the impact and the new SCM requirements.

LEGAL IMPLICATIONS

Non-compliance with the amended SCM Regulations

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

The regulations were unexpected and a surprise when gazetted on 14 December 2023. The new regulations' implementation date was with immediate effect. The SCM Unit had therefore no choice but to implement temporary arrangements with immediate effect to ensure compliance with the new regulations. The result will be procurement transactions from 14 December 2023 which will differ from the SCM Policy of 2023 as a result of the regulation amendments. This should not result in irregular expenditure as a policy cannot contradict a regulation.

However, to be transparent a separate report will be tabled to Council to take note of the procurement transactions from 14 December 2023 until the date of approval of the amended SCM Policy for 2023/2024, which differs from the 2023 SCM Policy implemented from 1 July 2023.

Director: Infrastructure Services

None

Municipal Manager

None

This item served on the Mayoral Committee meeting held on Wednesday, 24 January 2024.

RECOMMENDED TO COUNCIL

1. that Council takes cognisance of the amendments to the Municipal Supply Chain Management Regulations, 2005;
2. that Council adopts the amended SCM Policy to be in line with the amended Municipal Supply Chain Management Regulations, 2005 attached on pages 26 to 83 of the Annexures.
3. that Council adopts the amended Preferential Procurement Policy attached on page 11 to 25 of the Annexures.
4. that Council make public the amended policies.
5. that an information session be held for small contractors, SMME's and emerging enterprises to explain the new SCM requirements.
6. that a separate report be tabled on the SCM transactions from 14 December 2023 until date of approval of the policies.

DISCUSSION

The Executive Mayor, Councillor H.F. Du Rand thanked the administration for acting pre-emptively by implementing the SCM Regulations as promulgated by National Treasury as soon as it was notified. He said that all the SCM transactions from the period 14 December 2023 to date of approval of the policies would be reported to Council. He requested that an information session be scheduled to assist small businesses, contractors and emerging enterprises to guide them through the new Supply Chain Management requirements.

With regard to the information session, Councillor M.T.A. Swart requested that it be steered by an official of National Treasury to explain all the new requirements.

The Municipal Manager indicated that the municipality already requested for training by Provincial Treasury for the emerging contractors and SMME's on supply chain procurement and how to tender and submit their bids. She said that the request was supported by Provincial Treasury but that the date just had to be finalized. She added that she would submit a request to National Treasury for them to join the initiative.

The Municipal Manager indicated that there would be irregular expenditure as the amended SCM Regulations were promulgated with immediate effect. She said that the municipality's SCM policy had to be amended as it was not in line with the new regulations and that a separate Preferential Procurement Policy had to be drafted.

The Executive Mayor, Councillor H.F. Du Rand indicated that these policies would have to be workshopped by Council so that it could be approved for the new financial year together with the annual budget.

The Speaker, Councillor J.R. van Schalkwyk confirmed that all Councillors were in support of the recommendation as-is.

UNANIMOUSLY RESOLVED

Item A2/30/01/2024

1. that Council takes cognisance of the amendments to the Municipal Supply Chain Management Regulations, 2005;
2. that Council adopts the amended SCM Policy to be in line with the amended Municipal Supply Chain Management Regulations, 2005 attached on pages 26 to 83 of the Annexures.
3. that Council adopts the amended Preferential Procurement Policy attached on page 11 to 25 of the Annexures.
4. that Council make public the amended policies.
5. that an information session be held for small contractors, SMME's and emerging enterprises to explain the new SCM requirements.
6. that a separate report be tabled on the SCM transactions from 14 December 2023 until date of approval of the policies.

9.1.3

Item number A3. 30.01.2024

SUPPLY CHAIN MANAGEMENT QUARTERLY REPORT – DECEMBER 2023

Report by the Director Financial Services:

Ms E Wasserman

Department

Financial Services

Section

Supply Chain Management

File number

9/2/1/5

PURPOSE OF REPORT

The SCM quarterly report is prepared to inform the Council of the key SCM quarterly activities and adhere to the reporting requirements in terms of the Legislative Framework.

FACTS AND BACKGROUND

In terms of section 6 of the Supply Chain Management Regulations, the Council has a responsibility to maintain oversight over the implementation of the Supply Chain Management Policy.

Section 36(2) of the Supply Chain Management Regulation requires that the accounting officer must record the reasons for any deviation from the procurement process and report it to the next council meeting.

DISCUSSION

The SCM quarterly report for Dec 2023 is attached **on pages 84 to 97 of the Annexures** to enable the council to fulfill its oversight role. The report informs on the following matters:

- Procurement Statistics for the month
- Awards made above R 100 000 which were reported to National Treasury
- SCM deviations
- BBBE

There are no material problems with the implementation of the SCM policy.

Emerging Risks

On 14 December 2023, the Supply Chain Management Regulations were amended with immediate effect. The purpose of the amendment is to increase the procurement thresholds and delete the part of written and verbal quotations to be replaced with only formal written price quotations above R2000.00. This means that a formal process must now be followed to obtain quotations from R2000.00

This will have an impact on small SMME contractors to complete additional documents before they can provide quotations as well as for the municipality as it will result in an additional administrative burden and longer procurement processes to procure minor items.

A separate report will be tabled on the details of the new procurement regulation.

LEGAL IMPLICATIONS

- Municipal Finance Management Act, 2003
- Municipal Supply Chain Management Regulation, 2005
- Municipal Supply Chain Management Policy, 2021

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

None

This item served on the Mayoral Committee meeting held on Wednesday, 24 January 2024.

RECOMMENDED TO COUNCIL

1. that Council takes cognisance of the Supply Chain Management Quarterly Report for December 2023 attached **on pages 84 to 97 of the Annexures.**
2. that Council takes note of the emerging risks of the new procurement regulations as gazetted on 14 December 2023.

DISCUSSION

The Speaker confirmed that all Councillors took note of the Supply Chain Quarterly Report for December 2023.

RESOLVED

Item A3/30/01/2024

1. that Council takes cognisance of the Supply Chain Management Quarterly Report for December 2023 attached **on pages 84 to 97 of the Annexures.**
2. that Council takes note of the emerging risks of the new procurement regulations as gazetted on 14 December 2023.

9.1.4

Item number A4. 30.01.2024

MONTHLY REPORT OF MUNICIPAL MANAGER: DECEMBER 2023 AND JANUARY 2024

AUDITOR-GENERAL

The annual audit undertaken by the Auditor-General is still underway. The audit report is delayed and is expected to be finalized in February 2024. This implies that the draft Annual Report will be delayed as it has to include the report by the Auditor-General. The delay in tabling the draft Annual Report has been reported to the Western Cape MEC for Local Government, COGTA and National Treasury.

SIU ACCOUNT

The Municipality received a notice to settle the outstanding Special Investigation Unit account of more than R1 million resulting from an investigation undertaken by the SIU in 2012. As this account is older than eleven years, it was requested that the amount be written off.

CIVIL UNREST

With warnings of civil protest to take place from 15 January 2024 onwards, the Municipal Manager instituted an internal business resilience task team to address the ongoing risk. Continuous monitoring via crime intelligence is taking place, with constant engagement of relevant law enforcement role players and internal staff.

TOURISM DEVELOPMENT

The Net for Pret Tourism Meander took place in Barrydale during December 2023, highlighting the indigent heritage of the area and contributing to social cohesion. A full report of the initiative will be tabled to the next meeting of the Corporate Services Portfolio.

Swellendam Municipality will take part in the Knysna Outdoor Adventure Tourism Show later this year and preparation is currently taking place to prepare marketing material in this respect.

A discussion with Drostdy Museum took place on 17 January 2024 to explore possible collaboration for a community festival in October 2024.

WATER RESTRICTIONS

Water restrictions level 1 still remains in place within Barrydale and Swellendam and will remain in place until the end of February 2024. No water shortages were experienced during the peak holiday period.

SECTION 30 NEMA TRANSGRESSIONS

Two Section 30 NEMA transgressions took place during December 2023 when sewerage spillage from the N2 pump station took place. Remedial action took place to address the spillage. An engagement with the Overberg District Municipality took place in December to discuss the remedial actions needed and to monitor the steps to be undertaken according to the Pre-Directive.

CAPITAL EXPENDITURE

Concern remains on the capital expenditure to December. Though the MIG expenditure is on track (72.2% to date), the overall expenditure of the capital budget is slower than expected. The slow progress on the overall capital expenditure is due to the disruptions experienced due to the civil unrest that hampered the business operations and caused concerns about possible re-allocation of capital expenditure from own funds to cover the expenditure incurred due to

the civil unrest. The changes in the national procurement regulations that were gazetted in December 2023, will also hamper the procurement process going forward.

In terms of mitigation on capital expenditure, monthly meetings on capital expenditure in terms of the procurement plan is held, with amended timelines, allowing for mitigation measures to ensure that the capital budget is spend in full.

An amendment of the SCM Policy and a separate Preferential Procurement Policy as required by the amended SCM Regulations will be tabled to Council in January 2024.

LOCAL ECONOMIC DEVELOPMENT

The Municipal Manager approached Cobra to provide community training to community members on basic plumbing skills. The aim of this training is to provide basic plumbing skills that will allow participants to operate their own basic plumbing business and also enhances participants' competitive edge in the labour market. Enhancing plumbing skills within the community also contributes in combatting leak detection and water losses in general. The target grouping for this training was community members affected by Gender Based Violence, parolees to be re-introduced into the community, early school drop outs and the general unemployed. The training took place from 15-19 January 2024 and 100 participants participated in this event.

LITIGATION

A motion of litigation was received on 19 January 2024 from Dynarc Capital to litigate in the Western Cape High Court on 2 February 2024. A senior attorney has been appointed to defend the motion in the High Court.

ERF 422 MALAGAS

Erf 422 Malagas was registered in the name of Swellendam Municipality in December 2023. A dispute was registered against the Municipality on a portion of Erf 422 Malagas from a neighbouring property owner and this will be tabled via a portfolio committee for Council consideration.

FILLING OF VACANCY: DIRECTOR: TECHNICAL SERVICES

During December 2023, the Directorship of the Technical Department, was allocated to Mr J Bester and Mr W Treurnicht alternatively to allow for leave accommodation. The interview to fill the vacancy took place in December 2023 and the Selection Panel will meet on 24 January 2024 to formulate a recommendation to Council.

STAFF COMPLEMENT

The Town Manager vacancy was filled in December 2023 and the official took office on 2 January 2024.

The Administrative Officer: Property Management resigned to be effective 31 January 2024. The PA to the Executive Mayor resigned to be effective 15 March 2024. The filling of the vacancies has been requested.

The Performance and Compliance Officer vacancy is in the process to be filled with the interviews to be conducted before the end of January 2024.

ORGANISATIONAL REVIEW

The organizational review is in the final phase with the final consultation with the Local Labour Forum to take place in February 2024, after which it will be tabled to the Council for final resolution.

A Vorster

MUNICIPAL MANAGER

This item served on the Mayoral Committee meeting held on Wednesday, 24 January 2024.

RECOMMENDED TO COUNCIL

1. that cognizance be taken of the monthly report of the Municipal Manager for December 2023 and January 2024.
2. that Council takes note that the tabling of the draft Annual Report will be delayed as it must include the Auditor General's report by the Auditor-General which is still underway and expected to be finalized in February 2024.
3. that cognizance be taken of a request made by the municipality to write off the outstanding amount of R1 million resulting from an investigation undertaken by the SIU in 2012.
4. that cognizance be taken that after warnings of civil protests, the Municipal Manager instituted an internal Business Resilience Task team to address the ongoing risk.
5. that cognizance be taken that the water restrictions within Barrydale and Swellendam will remain in place until the end of February and that notice will be sent out to the public.
6. that Council takes note that the Tourism Budget has been reduced from R1.2 million to R570 000 of which R50 000 remain after allocations have been made and that the positioning of Swellendam as an adventure destination should be prioritised.
7. that Council takes note of the two Section 30 NEMA transgressions that took place during December 2023 when sewerage spillage from the N2 pump station occurred whereafter remedial action took place to address the spillage. The Infrastructure Department was instructed to come up with an action plan to prevent future spillages and to monitor the steps to be undertaken according to the Pre-Directive which was issued.
8. that Council takes note of the MIG expenditure which is on track with 72.2% to date, however, the overall expenditure of the capital budget was slower than expected due to the disruptions experienced due to the civil unrest.
9. that cognizance be taken of the basic plumbing skills training presented by Cobra that took place from 15-19 January 2024 and 100 participants participated in this event and that the Municipal Manager be requested to follow this initiative up with similar opportunities in future.
10. that Council takes note that the municipality will proceed with a motion of litigation that was received on 19 January 2024 from Dynarc Capital to litigate in the Western Cape High Court on 2 February 2024.
11. that Council takes note that a recommendation by the Selection Panel for the filling of the vacancy of the Director Infrastructure Services will be tabled to Council.
12. that Council takes note of the finalization of the new organizational review that will take place in February 2024 after which it will be tabled to Council.

DISCUSSION

The Municipal Manager, Mrs A. Vorster said that after the resignation of the Administrative Officer: Property Management, an agreement was met that she would stay in the position until the end of April 2024 to allow time to find a suitable candidate.

She added that as the Annual Report would be submitted late due to the Auditor General's report that would only be issued in February 2024, a Special Council meeting would be requested to table the Annual Report together with the AG's report. She shared that a comprehensive report on Tourism Development would be tabled to the next Portfolio Committee meeting. She said that with regard to LED, a construction imbizo would be held in Barrydale and about 50 people would be accommodated.

The Executive Mayor, Councillor H.F. Du Rand acclaimed the Project Management Division of the Infrastructure Department managed by Mr J. Bester, on the achievement of spending 72.2% of MIG funds by December 2023 which was the best in the Western Cape. He said with all the budget cuts of National Department, hopefully the municipality would qualify for more funding from National Treasury. He requested that Council's congratulations be extended to Mr Bester.

Councillor J.A. Matthysen congratulated National Government for the initiative of providing MIG funds to municipalities to be able to proceed with projects. He asked whether the SIU responded to the municipality's request to write off the outstanding R1 million whereby the Municipal Manager responded that no response has been received yet.

Councillor M.T.A. Swart said that she would want to see the progress on the housing project included in the Municipal Manager's report and when it could be expected for people to be able to move into the new houses. She asked that the Municipal Manager provide a detailed report of the insurance with regard to the buildings and asked that the written response of the insurer be provided as proof to Council.

The Speaker said that his office was informed of emerging threats against Councillors and requested that his office be kept up to date in respect of any threats in this regard.

Councillor M.T.A. Swart raised concern with regard to the recent threats as reported and said that the administration should make sure to test the credibility of the threats before any action was taken as it cost the municipality a lot of money to hire security services to come and do nothing due to false information.

The Executive Mayor said no expenditure was incurred as no security was appointed and the municipality was only implementing precautionary measures.

The Speaker confirmed that the monthly report of the Municipal Manager for December 2023 and January 2024 was noted by Council.

RESOLVED

Item A4/30/01/2024

1. that cognizance be taken of the monthly report of the Municipal Manager for December 2023 and January 2024.
2. that Council takes note that the tabling of the draft Annual Report will be delayed as it must include the Auditor General's report by the Auditor-General which is still underway and expected to be finalized in February 2024.
3. that cognizance be taken of a request made by the municipality to write off the outstanding amount of R1 million resulting from an investigation undertaken by the SIU in 2012.
4. that cognizance be taken that after warnings of civil protests, the Municipal Manager instituted an internal Business Resilience Task team to address the ongoing risk.
5. that cognizance be taken that the water restrictions within Barrydale and Swellendam will remain in place until the end of February and that notice will be sent out to the public.
6. that Council takes note that the Tourism Budget has been reduced from R1.2 million to R570 000 of which R50 000 remain after allocations have been made and that the positioning of Swellendam as an adventure destination should be prioritised.
7. that Council takes note of the two Section 30 NEMA transgressions that took place during December 2023 when sewerage spillage from the N2 pump station occurred whereafter remedial action took place to address the spillage. The Infrastructure Department was instructed to come up with an action plan to prevent future spillages and to monitor the steps to be undertaken according to the Pre-Directive which was issued.

8. that Council takes note of the MIG expenditure which is on track with 72.2% to date, however, the overall expenditure of the capital budget was slower than expected due to the disruptions experienced due to the civil unrest.
9. that cognizance be taken of the basic plumbing skills training presented by Cobra that took place from 15-19 January 2024 and 100 participants participated in this event and that the Municipal Manager be requested to follow this initiative up with similar opportunities in future.
10. that Council takes note that the municipality will proceed with a motion of litigation that was received on 19 January 2024 from Dynarc Capital to litigate in the Western Cape High Court on 2 February 2024.
11. that Council takes note that a recommendation by the Selection Panel for the filling of the vacancy of the Director Infrastructure Services will be tabled to Council.
12. that Council takes note of the finalization of the new organizational review that will take place in February 2024 after which it will be tabled to Council.

9.1.5

Item number A6. 30.01.2024

REQUEST FOR NOMINATIONS OF MEMBERS TO SERVE ON THE GOVERNING BOARD OF THE BREEDE-OLIFANTS CATCHMENT MANAGEMENT AGENCY (BOCMA)

Municipal Manager	A Vorster
Department	Municipal Manager
Section	Administrative Support
File Number	12/2/3/97

PURPOSE OF REPORT

To facilitate the nomination of 2 representatives (Councillors and officials) to serve on the Breede-Olifants Catchment Management Agency (BOCMA) as requested by the Department of Water and Sanitation in terms of Section 81(6) of the National Water Services Act, Act 36 of 1998.

Correspondence received from the Department of Water and Sanitation is attached on **page 98 of the Annexures**.

FACTS AND BACKGROUND

The Minister of Water and Sanitation has amalgamated the Berg-Olifants Proto-Catchment Management Agency(CMA) with the existing Breede-Gouritz CMA which is now the Breede - Olifants CMA (BOCMA) on 28 March 2023.

The purpose of establishing CMA's is to delegate water resource management to the regional or catchment level and to involve local communities, within the framework of the national water resource strategy established in terms of Chapter 2 of the Act. This strategy provides for the framework for the protection, use, development, conservation, management and control of water resources for the community as a whole as well as for the management of water resources at regional or catchment level.

DISCUSSION

The Minister has appointed the Advisory Committee (Selection Panel) to identify the organs of state and bodies representing the different sectors, water users and other interest groups for nomination for the Governing Board. Nominations were called by the Minister which closed on 2 November 2024 but the nominations received did not cover representation in terms of gender, geographical area and skills.

On 18 January 2024 the Department of Water and Sanitation has requested SALGA Western Cape as the identified sector to submit two nominations of suitably qualified persons from its local government sectors, which includes municipalities. Advising that this was a further extension of 2 weeks for nominations, SALGA encouraged Councillors and officials to apply, giving due regard for transformation and gender targets, geographical area and required skill sets.

Key competencies and the general criteria for assessing suitability are outlined in the Call for Nominations included in the **Annexures on pages 99 to 100**.

LEGAL IMPLICATIONS

The National Water Act, Act 36 of 1938.

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

Call for Nominations was published by the Department of Water and Sanitation.

COMMENTS FROM DEPARTMENTS

Town Planning & Building Control

None

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

No further comment.

This item served on the Mayoral Committee meeting held on Wednesday, 24 January 2024.

RECOMMENDED TO COUNCIL

1. that the call for nominations for the appointment of board members to govern the Breede-Olifants Catchment management Agency received from the Department of Water and Sanitation, be noted;
2. that Council nominates two suitably qualified candidates to submit their applications to the Department of Water and Sanitation by 30 January 2024;
3. that it be noted that the final selection process will be conducted through the Department of Water and Sanitation.
4. that the Mayoral Committee nominates Alderman A. Franken to serve as a member of the Breede-Olifants Catchment Management Agency.

PROPOSAL 1:

The Executive Mayor, Councillor H.F. Du Rand said that the municipality may nominate two members to serve on the Breede-Olifants Catchment Management Agency and said that the Mayoral Committee proposed to nominate Alderman A. Franken to serve as a member of the BOCMA Board.

1. that the call for nominations for the appointment of board members to govern the Breede-Olifants Catchment Management Agency received from the Department of Water and Sanitation, be noted;
2. that Council nominates Alderman A. Franken to serve as a member on the Breede-Olifants Catchment management Agency.
3. that it be noted that the final selection process will be conducted through the Department of Water and Sanitation.

Proposer: Councillor H.F. Du Rand
Second: Councillor E.J. Lamprecht

PROPOSAL 2:

Councillor M.T.A. Swart proposed that the Speaker Councillor J.R. van Schalkwyk be nominated to serve on the Board of the Breede-Olifants Catchment Management Agency, as well.

1. that Councillor J.R. van Schalkwyk be nominated as the second candidate to serve on the Breede-Olifants Catchment management Agency.

The Speaker, Councillor J.R. van Schalkwyk indicated that he preferred not to be nominated to serve on the Breede-Olifants Catchment Management Agency as he was of the opinion that it was not his field of expertise. He did not decline the nomination.

Proposer: Councillor M.T.A. Swart
Second: Councillor H.F. Du Rand

Councillor J.A. Matthysen requested for a caucus at 11:03. The Speaker granted a 5-minute caucus.

The meeting reconvened at 11:08.

PROPOSAL:

Councillor M.T.A. Swart proposed that the following two persons be nominated to serve on the Breede-Olifants Catchment Management Agency:

1. that Council nominates Alderman A. Franken and Councillor J.R. van Schalkwyk to serve as members on the Breede-Olifants Catchment Management Agency.

Proposer: Councillor M.T.A. Swart
Second: Councillor H.F. Du Rand

UNANIMOUSLY APPROVED

Item A6/30/01/2024

1. that the call for nominations for the appointment of board members to govern the Breede-Olifants Catchment Management Agency received from the Department of Water and Sanitation, be noted;
2. that Council nominates Alderman A.E. Franken and Councillor J.R. van Schalkwyk to serve as members on the Breede-Olifants Catchment Management Agency.
3. that it be noted that the final selection process will be conducted through the Department of Water and Sanitation.

Councillor G. Libazi requested permission from the Speaker to leave the room at 11:11. She returned at 11:12.

9.1.6

Item number A7. 30.01.2024

TENDER NO: SMT15/22/23 – AMENDMENT OF AGREEMENT_SUPPLY MAINTENANCE AND UPGRADING OF FIRE AND SAFETY EQUIPMENT

Report by the Director Financial Services: Ms. E. Wassermann

Department

Financial Services

Section

Supply Chain Management

File number

8/2

PURPOSE OF REPORT

To inform Council about of a proposed amendment of the existing agreement between Swellendam Municipality and Firewire System Solutions (Pty) Ltd.

FACTS AND BACKGROUND

Firewire System Solutions (Pty) Ltd was appointed through a competitive bidding process on 07 December 2022 for Supply Maintenance and Upgrading of Fire and Safety Equipment for the period from 01 January 2023 to 31 December 2025 at an estimated contract value of R248,173.32 (Incl. VAT).

The agreement was previously amended for the servicing of fire extinguishers for the 2022/2023 financial year at a value of R30,095.50 (including VAT), which represents 12,13% of the original contract value.

A new request was received from the user department for the servicing of fire extinguishers for year 2 and year 3 of the contract as this was accidentally omitted in the tender request document.

MOTIVATION FOR THE AMENDMENT

- To include the annual basic servicing of fire extinguishers.
- The servicing of municipal fire extinguishers is a requirement as per Occupational Health and Safety Act of 1993 (OHSA) and SANS 10400.

LEGAL IMPLICATIONS

In terms of section 116(3) of the Municipal Finance Management Act the following needs to be followed when amending a contract which was procured through a supply chain management policy:

A contract or agreement procured through the supply chain management policy of the municipality or municipal entity may be amended by the parties, but only after—

(a) the reasons for the proposed amendment have been tabled in the council of the municipality or, in the case of a municipal entity, in the council of its parent municipality; and

(b) the local community—

(i) has been given reasonable notice of the intention to amend the contract or agreement; and

(ii) has been invited to submit representations to the municipality or municipal entity.

Notices about the proposed amendment was placed in the Langeberg Bulletin and on the municipal website on Thursday, 16 November 2023. To date no representations were received. Please note that the closing date and time was **Friday, 08 December 2023 at 11:00**

FINANCIAL IMPLICATIONS

The total estimated cost for this amendment is R 100,000.00 (Incl. VAT) for the duration of this contract, as per the rates in the below table:

Qty	Description	Unit Price (VAT Incl.)
1	1 kg DCP Fire Extinguisher - Service	109.25
1	1.5 kg DCP Fire Extinguisher - Service	109.25
1	2 kg CO2 Fire Extinguisher - Service	143.75
1	2.5 kg DCP Fire Extinguisher - Service	143.75
1	4.5 kg DCP Fire Extinguisher - Service	143.75
1	5 kg CO2 Fire Extinguisher - Service	143.75
1	9 kg DCP Fire Extinguisher - Service	143.75

COMMUNICATIONS IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

None

RECOMMENDED

1. that the proposed amendment of the agreement between Swellendam Municipality and Firewire System Solutions (Pty) Ltd for the Supply Maintenance and Upgrading of Fire and Safety Equipment to the estimated amount of R 100,000.00 (Incl. VAT), be noted by Council.

The Speaker confirmed that all Councillors took note of the item and recommendation as-is.

RESOLVED

Item A7/30/01/2024

1. that the proposed amendment of the agreement between Swellendam Municipality and Firewire System Solutions (Pty) Ltd for the Supply Maintenance and Upgrading of Fire and Safety Equipment to the estimated amount of R 100,000.00 (Incl. VAT), be noted by Council.

9.1.7

Item number A8. 30.01.2024

REVIEW OF THE COMPILATION OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE

Report of the Municipal Manager: Mrs A Vorster

Department Office of the Municipal Manager

File number 3/3/3/1

PURPOSE OF REPORT

A request was received from the Speaker to re-consider the compilation of the MPAC.

FACTS AND BACKGROUND

The MPAC meeting compilation as per Council resolution A57/24/04/2023 is as follows:

1. that Councillor A.Bokwana be appointed as the Chairperson of the Municipal Public Accounts Committee (MPAC).
2. that Councillor D. Julius be appointed as the alternate member on the Municipal Public Accounts Committee (MPAC).
3. that Councillor J.A. Matthysen and Councillor D.J. Julius be appointed as members of the Municipal Public Accounts Committee (MPAC).

DISCUSSION

In accordance with the provisions of Section 79 (1) (a) and (b) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) (hereinafter referred to as the Structures Act), a municipality may establish one or more committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers and appoint the members of such committee from among its members.

In terms of Section 79A of the Structures Act, it is compulsory for the Council to establish a Municipal Public Accounts Committee, (hereinafter referred to as the MPAC). Section 129 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), (hereinafter referred to as the MFMA), deals with the oversight report on the annual report and makes reference to an oversight committee that can assist council in dealing with the annual report.

The MPAC serves as an oversight committee to exercise oversight over the executive obligations of council. The MPAC will assist council to hold the executive to account, and to ensure the efficient and effective use of municipal resources. Also, the MPAC would help to increase council and public awareness of the financial and performance issues of the municipality.

Composition and Term

In terms of the MPAC Terms of Reference, Section 5.1 The mayor or executive mayor, deputy mayor or executive deputy mayor, any member of the executive committee, any member of the mayoral committee, speaker, whip and municipal officials are not allowed to be members of the municipal public accounts committee.

5.2 The chairperson of the MPAC must be appointed by council in terms of Section 79 (2)(c) of the Structures Act.

5.3 The MPAC will comprise solely of councillors appointed by resolution of a council meeting.

5.4 The chairperson of MPAC shall be elected by Council.

5.5 Councillors serving on MPAC will be appointed for a term as approved by the Council. 5.6 If the chairperson of the MPAC is absent from a specific meeting of MPAC, the Deputy Chairperson will chair the meeting.

5.7 In accordance with section 79(1) (c), of the Structures Act, Council may dissolve the MPAC at any time.

5.8 In accordance with section 79(2) (e), of the Structures Act, Council may remove a member of the MPAC at any time.

LEGISLATIVE IMPLICATIONS

Constitution of RSA, 1996

Local Government: Municipal Structures Act, No 117 of 1998

MPAC: Terms of Reference, 2021

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

None

RECOMMENDED

1. that Council considers the compilation of the Municipal Public Accounts Committee as per the Speaker's request.

DISCUSSION

The Speaker, Councillor J.R. van Schalkwyk indicated that he requested for the Item to be on the agenda as he was concerned with oversight in the municipality and that he was concerned with the veracity and focus of it. He said that he has not been pleased with the way that MPAC has been run for the last 9 months.

He said that oversight was a crucial role of Council and monitoring and evaluating the actions of the Executive and the Administration and the discharge of the vast powers they possess. It also includes avoidance of abuse of power and guarding against underperformance. He said that the MPAC Committee should be looking into all kinds of matters that has not been looked into. He said that he also needed assistance in oversight as Speaker from the MPAC that will launch more investigations that will have to be tabled to Council.

Proposal 1:

Councillor M.T.A. Swart proposed the following recommendation:

1. that the previous Council decision of Item A57/24/04/2023 be rescinded and that the following members be appointed to the Municipal Public Accounts Committee:

Chairperson: Councillor J.A. Matthysen

Deputy Chairperson: DA Member

Member: D. J. Julius

Proposer: Councillor M.T.A. Swart

Seconded: Councillor G. Libazi

Proposal 2:

Councillor H.F. Du Rand proposed that the previous decision on the composition of the Municipal Public Accounts Committee where Councillor A. Bokwana was appointed as the Chairperson remained the same:

1. that Councillor A.Bokwana remain the Chairperson of the Municipal Public Accounts Committee (MPAC).

Proposer: Councillor H.F. Du Rand

Seconded: Councillor E.J. Lamprecht

The TWO DULY seconded proposals were put to a vote by the Speaker by show of hands.

Proposal 1:

Six votes: Councillor M.T.A. Swart; G. Libazi; D.J. Julius; I. Ferguson; J.A. Matthysen and J.R. van Schalkwyk

Proposal 2:

Five votes: Councillor H.F. Du Rand; E.J. Lamprecht; D. Julius; A. Bokwana and F. Kees

RESOLVED

Item A8/30/01/2024

1. that the previous Council decision of Item A57/24/04/2023 be rescinded and that the following members be appointed to the Municipal Public Accounts Committee:

Chairperson: Councillor J.A. Matthysen

Deputy Chairperson: DA Member

Member: D.J. Julius

9.1.8

Item number A9. 30.1.2024

SWELLENDAM GOLF CLUB: REQUEST FOR REBATE ON MUNICIPAL ACCOUNT

Report prepared by:	A. Vorster
Department:	Municipal Manager
Section:	Administrative Support
File number:	5/8/R

PURPOSE OF REPORT

To table a request for a rebate on their municipal account, received from the Swellendam Golf club, for consideration.

FACTS AND BACKGROUND

The Swellendam Golf club in a detailed motivation dated 19 January 2024, received from Mr. Guihan Groenewald, on behalf of the club, submitted a request that Council consider the following:

1. A rebate on the municipal account in respect of water and electricity consumption;
2. Financial assistance with the fencing of the property as they experience considerable damage to the course and greens caused by stray cattle of surrounding commonages;
3. Advice about sourcing funding/sponsorships from foundations, funding institutions etc.;

The above-mentioned letter is attached **on pages 101 to 105 of the Annexures.**

DISCUSSION

The Golf Club leases a portion of Erf 1, Swellendam, in extent 23ha from the municipality. The current lease agreement was concluded on 1 July 2014 and will expire on 30 May 2024. The rental amount is R100 per month, with a 10% annual escalation, currently totaling R271.14 per month.

The club is also billed for water (irrigation water), electricity, sewerage and refuse removal. The amount for water consumption averages from R8500.00 per month.

Sport clubs leasing sport facilities or portions thereof such as the Powell Kelly Stadium are responsible for water and sewerage cost per month, as per the annual municipal tariff, refuse removal is levied departmentally and is the responsibility of the municipality; metered water usage for irrigation is the responsibility of the municipality, and the clubs are responsible to purchase their own pre-paid electricity in terms of resolution B10/19/05/2021, as reflected below:

RESOLVED

Item B10/19/05/2021

1. *that sports clubs leasing sport facilities from the municipality be responsible for the water and sewerage cost per month as per the municipal tariffs determined and approved with the annual budget.*
2. *that the clubs be responsible to purchase their own pre-paid electricity.*
1. *that refuse removal be levied departmentally and be the responsibility of the municipality.*

2. that metered water usage for irrigation be levied departmentally and be the responsibility of the municipality.
3. that the new leases of the Rugby Clubs be with effect from 1 July 2021, and the lease amount be determined annually with the budget process.
4. that the lease amount be paid in advance for the year in July and should the club terminate their lease, during the year no pro-rata refunds be made.
5. that the principle in 6 above also be applied to all other sports clubs on expiry of their lease agreements;
6. that should a new club enter into a lease agreement during the year the lease amount be calculated pro-rata from the date of the lease agreement, whereafter it will be adjusted on the 1 July of each year per the approved tariffs.
7. that the determination of the water usage thresholds be re-considered and the water usage rates rather be managed by the relevant department. In the case of misuse, a penalty be imposed after the necessary processes have been followed with the club.
8. that the following proposed rental amounts for sports clubs be included in the annual tariff list during the annual budget for 2021/2022:

Clubhouse and sport facilities	2021/2022
Rugby Club	R500,00 / annum
Bowling Club	R500,00 / annum
Pigeon Club	R150,00 / annum
Netball Club	R250,00 / annum
Tennis Club	R250,00 / annum
Yoke Club	R250,00 / annum

9. that the rental amounts in 10 above be reviewed annually with the annual budget process.
10. that the current system of a 10% annual increase in rentals fall away and the lease agreements of the Rugby Clubs be amended according to the new system for rentals and service charges.
11. that all sports clubs be informed officially that they will start paying water and sewerage as from 1 July 2021."

The above-mentioned resolution is not implemented in respect of the Swellendam Golf Club.

LEGAL IMPLICATIONS

Municipal Finance Management Act, 2003

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

As per resolution.

COMMENTS FROM DEPARTMENTS

Corporate Services

Manager: Town Planning & Building Control

Not applicable

Director: Community Services

None

Director: Financial Services

None

Acting Director: Infrastructure Services

Not applicable

Municipal Manager

Though the rugby clubs receive irrigation water free, the extent of the water needed by the Golf club, places a high financial burden on the Municipality and therefore a 50% rebate up to 30 June 2024 on irrigation water is suggested. The tariff should then be revisited during the 2024/25 budget compilation process.

RECOMMENDED

1. that the content of the letter dated 19 January 2024 regarding a request for a rebate on their municipal account as well as financial assistance with the fencing of the property received from the Swellendam Golf Club, be noted;
2. that Council express its appreciation toward the Swellendam Golf Club for their contribution to promoting the town as a tourism destination as well as their social investment;
3. that a rebate of 50% on the metered water usage for irrigation, be approved by Council;
4. that the request for financial assistance with the fencing of the property be not granted;
5. that the request for advice regarding funding/sponsorship opportunities be dealt with by the Municipal Manager's office.

DISCUSSION

The Speaker, Councillor J.R. van Schalkwyk indicated that a lot of the sport clubs were battling to pay their bills and it could be a matter to discuss in future to see how these clubs could be assisted.

Councillor M.T.A. Swart said that if the municipality gave a 50% rebate, it would set a precedent and suggested that the municipality waited until all the contracts of the sport clubs lapsed and then give all clubs the same rebate.

PROPOSAL 1:

Councillor M.T.A. Swart proposed the following recommendation:

1. that the Item be **WITHDRAWN** until all other sport clubs' contracts lapsed to review it with complete information on financial statements in order to decide whether the same rebate should be considered for all sport clubs.

Proposer: Councillor M.T.A. Swart

Second: Councillor J.A. Matthysen

PROPOSAL 2:

The Executive Mayor, Councillor H.F. Du Rand proposed the following amendment to the recommendation:

1. that a rebate of 100% on the metered water usage for irrigation, be approved by Council.

Proposer: Councillor H.F. Du Rand

Seconder: Councillor F. Kees

The TWO DULY seconded proposals were put to a vote by the Speaker, by show of hands.

Proposal 1:

Five votes: Councillor M.T.A. Swart; J.A. Matthysen; I.H. Ferguson; D.J. Julius; G. Libazi

Proposal 2:

Six votes: Councillor H.F. Du Rand; F. Kees; D. Julius; A. Bokwana; E.J. Lamprecht; J.R. van Schalkwyk

RESOLVED

Item A9/30/01/2024

1. that the content of the letter dated 19 January 2024 regarding a request for a rebate on their municipal account as well as financial assistance with the fencing of the property received from the Swellendam Golf Club, be noted;
2. that Council express its appreciation toward the Swellendam Golf Club for their contribution to promoting the town as a tourism destination as well as their social investment;
3. that the implementation of a rebate of 100% on the metered water usage for irrigation until the end of the 2023/2024 financial year to evaluate the impact of the rebate, be approved by Council;
4. that the request for financial assistance with the fencing of the property be not granted;
5. that the request for advice regarding funding/sponsorship opportunities be dealt with by the Municipal Manager's office.

9.1.9

Item number A10.

30.01.2024

OVERBERG DISTRICT MUNICIPALITIES – CO-OPERATIVE AGREEMENT ON SHARED SERVICES: SERVICE LEVEL AGREEMENT (SLA)

Report of the Municipal Manager: Ms A Vorster

Department Municipal Manager

Section Shared Service

File number 2/5

PURPOSE OF THE REPORT

The purpose of the report is to submit the Service Level Agreement (SLA) for the Shared Services arrangements between the Overberg District Municipalities for co-operative service delivery on various platforms to Council for cognizance and endorsement.

FACTS AND BACKGROUND

Due to limited resources within municipalities in the Overberg, there is a need to embark on a collaborative service level agreement. The agreement is intended to include the five municipalities in the Overberg, namely:

- Overberg District Municipality (ODM)
- Swellendam Local Municipality (SWE)
- Theewaterskloof Local Municipality (TWK)
- Cape Agulhas Local Municipality (CAM)
- Overstrand Local Municipality (OVER)

The proposed agreement would allow the Municipalities to provide support and operational services to each other in the following fields:

2.1 The parties record that this agreement is concluded in the spirit of cooperation, through provision of assistance to each other regarding public safety and public service delivery.

a. The said service areas will, *inter alia*, include assistance during;

- a. Protest actions;
- b. Taxi violence;
- c. VIP protection;
- d. Policing of illegal activities and businesses.
- e. Xenophobia.

- f. Disaster management.
- g. Land invasions;
- h. Property protection;
- i. Traffic Specialized Municipal Law Enforcement - K9 Unit & LEAP Unit services
- j. Fire hazards;
- k. Service delivery areas as described in Part B of Schedule 4 and 5 of the
- l. Constitution
- m. Serving of Summonses/ Warrants
- n. Additional Court

b. This agreement shall be valid between all the other parties to the agreement.

DISCUSSION

The various municipalities have the powers and functions to provide a public service to its residents in terms of:

- (i) Sections 156 and 229 of the Constitution;
- (ii) Part B of Schedule 4 and 5 of the Constitution;
- (iii) Section 83 of the Structures Act; and
- (iv) Sections 6 and 9 of the Systems Act.

As the municipalities are geographically located close to one another and have agreed to support each other by sharing certain services resources amongst them, subject to the terms and conditions incorporated in the Service Level Agreement, it is proposed that Swellendam Municipality become a party to the agreement. This will allow the municipality to request assistance from the other municipalities where capacity is needed at a reduced rate, with faster response time and without having to follow a procurement process.

The proposed Service Level Agreement is attached as Addendum **on pages 106 to 128 of the Annexures.**

LEGAL IMPLICATIONS

Constitution of the Republic of South Africa, 1996
 Local Government: Municipal Finance Management Act, No. 56 of 2003
 Local Government: Municipal Systems Act, No. 32 of 2000
 National Road Transport Act, Act 5 of 2009;
 Transport Appeal Tribunal Act, Act 39 of 1998;

National Road Traffic Act, Act 93 of 1996;
Criminal Procedure Act, Act 51 of 1977;
Fire Brigade Services Act, Act 99 of 1987;
South African Police Services Act, Act 68 of 1995;
Firearms Control Act, Act 60 of 2000;
Legislation referred to in paragraph 1 (one) above;
Disaster Management Act;
Municipal legislation and By-Laws
The Constitution of the Republic of South Africa, Act 108 of 1996, especially section 41 of the said Act.
Public Administration Management Act (Act 11 of 2014)

FINANCIAL IMPLICATIONS

The borrowing municipality will be responsible for the operational cost. Services rendered by officials deployed as such will be charged at R250 per official per day. Travel cost and public liability and occupational health and safety insurance cost will be covered by the borrowing municipality. If the service is not used, there are no payments necessary.

PERSONNEL IMPLICATIONS

As per the agreement the borrowing municipality will take responsibility for the officials that are deployed to them for the applicable deployed period.

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Community Services

None

Director: Financial Services

The recommendation is supported.

Director: Infrastructure Services

None

Municipal Manager

It is cost effective to make use of the shared services model.

RECOMMENDED TO COUNCIL

1. that Council approves the shared service option as contained in the attached Service Level Agreement to share resources in regard to the following services:

- a) Protest actions;

- b) Taxi violence;
- c) VIP protection;
- d) Policing of illegal activities and businesses.
- e) Xenophobia.
- f) Disaster management.
- g) Land invasions;
- h) Property protection;
- i) Traffic Specialized Municipal Law Enforcement - K9 Unit & LEAP Unit services
- j) Fire hazards;
- k) Service delivery areas as described in Part B of Schedule 4 & 5 of the
- l) Constitution
- m) Serving of Summonses/ Warrants
- n) Additional Court

2. that the Municipal Manager be mandated to sign the Service Level Agreement and be mandated to represent the Municipality on the committee that oversees the implementation of the Shared Service, Service Level Agreement.

DISCUSSION

PROPOSAL:

The Executive Mayor, Councillor H.F. Du Rand proposed that the recommendation be accepted as-is:

1. that Council approves the shared service option as contained in the attached Service Level Agreement to share resources in regard to the following services:
 - a) Protest actions;
 - b) Taxi violence;
 - c) VIP protection;
 - d) Policing of illegal activities and businesses.

- e) Xenophobia.
- f) Disaster management.
- g) Land invasions;
- h) Property protection;
- i) Traffic Specialized Municipal Law Enforcement - K9 Unit & LEAP Unit services
- j) Fire hazards;
- k) Service delivery areas as described in Part B of Schedule 4 & 5 of the
- l) Constitution
- m) Serving of Summonses/ Warrants
- n) Additional Court

2. that the Municipal Manager be mandated to sign the Service Level Agreement and be mandated to represent the Municipality on the committee that oversees the implementation of the Shared Service, Service Level Agreement.

The Speaker confirmed that all Councillors was in support of the recommendation as-is.

UNANIMOUSLY RESOLVED

Item A10/30/11/2024

1. that Council approves the shared service option as contained in the attached Service Level Agreement to share resources in regard to the following services:
 - a) Protest actions;
 - b) Taxi violence;
 - c) VIP protection;
 - d) Policing of illegal activities and businesses.
 - e) Xenophobia.
 - f) Disaster management.
 - g) Land invasions;
 - h) Property protection;
 - i) Traffic Specialized Municipal Law Enforcement - K9 Unit & LEAP Unit

services

- j) Fire hazards;
- k) Service delivery areas as described in Part B of Schedule 4 & 5 of the
- l) Constitution
- m) Serving of Summonses/ Warrants
- n) Additional Court

2. that the Municipal Manager be mandated to sign the Service Level Agreement and be mandated to represent the Municipality on the committee that oversees the implementation of the Shared Service, Service Level Agreement.

9.1.10

Item number A11. 30.01.2024

NOTICE IN TERMS OF SECTION 21 OF THE LOCAL GOVERNMENT MUNICIPAL DEMARCATION ACT, 1998, ACT NO.27 OF 1998

Report prepared by: A. Vorster
Department: Municipal Manager
Section: Administrative Support
File number: 12/2/2/59

PURPOSE OF REPORT

To table the Section 21 MDB Notice issued in terms of the Municipal Demarcation Act, 1998 by the Chairperson of the Municipal Demarcation Board (MDB) regarding the re-determination of the boundaries of municipalities listed in the Schedule contained in Provincial Gazette Extraordinary 8864 of 12 January 2024. Swellendam Local Municipality is one of the affected municipalities.

FACTS AND BACKGROUND

The MDB is mandated in terms of the Constitution to determine and re-determine municipal boundaries.

In terms of Section 21 of the Municipal Demarcation Act, the Board determines or re-determines a municipal boundary:

- On request of a municipality with the concurrence of any other municipality affected by the proposed determination or re-determination;
- On request by the National Minister responsible for Local Government;
- On request by an MEC for Local Government;
- On its own initiative.

DISCUSSION

The MDB has re-determined Swellendam Local Municipality's boundaries (WC034) by excluding portion 9 of Farm 457 from the municipal areas of Swellendam Local Municipality and Overberg District Municipality (DC03) and by including it into the municipal areas of Hessequa Local Municipality (WC042) and the Garden Route District Municipality (DC04)

The re-determined area is depicted on map number **DEM8262** on page 5 of the Provincial Gazette 8864 which is attached on **Pages 148 to 149 of the Annexures**.

Any person/organisation aggrieved by the re-determination may submit objections within 30 calendar days of publication of the Section 21 MDB Notice. (12/01/2024)

Objections must be based on the criteria provided for in Sections 24 and 25 of the Demarcation Act and must include the names and contact details of the person/organisation making representations.

The Demarcation Act is attached on **Pages 129 to 147 of the Annexures**.

LEGAL IMPLICATIONS

The Constitution of the RSA, 1996

The Local Government Municipal Demarcation Act, Act No. 27 of 1998.

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Corporate Services

Manager: Town Planning & Building Control

None

Director: Community Services

None

Director: Financial Services

None

Acting Director: Infrastructure Services

None

Municipal Manager

The proposed amendment is supported by the Municipal administration.

RECOMMENDED

1. that the re-determination of Swellendam Local Municipality's municipal boundaries by excluding portion 9 of Farm 457 from the municipal areas of Swellendam Local Municipality (WC034) and Overberg District Municipality (DC03) and by including it into the municipal areas of Hessequa Local Municipality (WC042) and the Garden Route District Municipality (DC04) by the Municipal Demarcation Board as listed in the Section 21 MDB Notice dated 12 January 2024, Provincial Gazette Extraordinary 8864, be noted.
2. that it be noted that objections must be submitted within 30 calendar days of publication of the notice and must be based on the criteria provided for in Sections 24 and 25 of the Demarcation Act.

The Speaker confirmed that all Councillors took note of the recommendation as-is.

RESOLVED

Item A11/30/01/2024

1. that the re-determination of Swellendam Local Municipality's municipal boundaries by excluding portion 9 of Farm 457 from the municipal areas of Swellendam Local Municipality (WC034) and Overberg District Municipality (DC03) and by including it into the municipal areas of Hessequa Local Municipality (WC042) and the Garden Route District Municipality (DC04) by the Municipal Demarcation Board as listed in the Section 21 MDB Notice dated 12 January 2024, Provincial Gazette Extraordinary 8864, be noted.
2. that it be noted that objections must be submitted within 30 calendar days of publication of the notice and must be based on the criteria provided for in Sections 24 and 25 of the Demarcation Act.

REPORT BY EXECUTIVE MAYOR ON DECISIONS TAKEN DURING RECESS: DECEMBER TO JANUARY 2024

Report of the Executive Mayor, Cllr Francois du Rand

Department Executive Mayor

Section Executive Mayor

File Number 2/5

PURPOSE OF THE REPORT

The purpose of the submission is to report on any decisions taken by the Executive Mayor, during the recess period of December to 15 January 2024.

FACTS AND BACKGROUND

Council was on recess for the period 11 December 2023 to 15 January 2024. During periods of recess, the Executive Mayor is delegated to exercise any power of the Council and/or its political structures, as well as designated powers, in consultation with the Municipal Manager or if the Municipal Manager is not available, the Acting Municipal Manager, Provided that:

- (a) the failure to exercise such power as a matter of urgency would have a substantial detrimental impact on the municipality and/or its services; and/or its people;
- (b) the delegation excludes the exercise of all powers reserved for Council in terms of Section 160 of the Constitution: Passing of By-Laws, Approval of Budget, Imposition of rates and taxes, Levies and Duties, raising of loans
- (c) where the public interest so demands, this power be exercised after consultation with as many members of the Mayoral Committee as reasonably possible.

"Recess" means the period determined by Council resolution when all councillors shall be on official leave and such period shall commence at 17h00 and shall terminate at 08h00 on the dates determined.

All resolutions taken by the EM during recess must be tabled at the next meeting of the Council for ratification.

DISCUSSION

No decision was taken by the Executive Mayor during the recess period of 11 December 2023 to 15 January 2024.

LEGAL IMPLICATIONS

Constitution of the Republic of South Africa, 1996
 Local Government Municipal Structures Act, 117 of 1998
 Local Government Municipal Systems Act, 32 of 2000
 Local Government Municipal Finance Management Act, 56 of 2003
 The delegations as per resolution A2374 dated 5 June 2013.

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Not applicable

RECOMMENDED

1. that Council note that no decision was made by the Executive Mayor as per his delegated powers during the recess period of 11 December 2023 to 15 January 2024.

The Speaker confirmed that all Councillors noted the recommendation as-is.

RESOLVED

Item A12/30/01/2024

1. that Council note that no decision was made by the Executive Mayor as per his delegated powers during the recess period of 11 December 2023 to 15 January 2024.

9.1.12

Item number A13. 30.01.2024

SASRIA INSURANCE CLAIM PROGRESS: CIVIL UNREST AUGUST AND SEPTEMBER 2023

Report of the Municipal Manager

Anneleen Vorster

Department

Municipal Manager

Section

Finance

File Number

5/14/2/2

PURPOSE OF THE REPORT

The purpose of the submission is to report on the progress with the SASRIA claim for the damaged Thusong Service Centre and municipal administrative buildings in Swellendam.

FACTS AND BACKGROUND

Rioters caused the fire damage of the municipal administrative building and the Thusong Service Centre in August and September 2023. The insurance claims for both buildings were submitted to Swellendam Municipality's insurers and they referred the claim to SASRIA. SASRIA appointed a structural engineer, BVi Consulting Engineers, and the municipality also appointed a structural engineer as part of the processing of the claim.

An inspection by the structural engineers was undertaken on 23 and 24 November 2023 and a report was issued on their findings on 12 December 2023 as part of the insurance assessment.

DISCUSSION

Administrative Building

The structural report by BVi Consulting Engineers report recommended that the demolition and rebuilding of the severely damaged main section of the building is the best solution. The fire severely damaged about 70% of the brickwork and steel roof structure and roof covering, around the points of origin and there was direct heat exposure to about 70% of the beams and 10% of the external columns, in the main area of the building. The rest of the main building has severe smoke damage, mainly at head height level and above. The adjacent areas have extensive smoke and water damage. See attached report **on pages 150 to 174 of the Annexures**.

Thusong Service Centre

The fire destroyed the timber roof structure and severely damaged about 95% of the brickwork, around the point of origin. The heat severely affected the roof structure in the adjacent passage and also permeated through the openings in the roof level to the adjacent roofs, surrounding the point of origin, affecting mainly the insulation and finishes. The main hall roof at a higher level, only has one point where some smoke damage is visible.

Smoke infiltrated in the insulation and will remain even after cleaning and repair. Demolition of the fire affected areas, and walls that may become unstable as a result, is recommended.

See attached report **on pages 175 to 194 of the Annexures.**

The structural report was also supplied to the Provincial Government to inform the affected government departments.

A Quantity Surveyor is to be appointed by SASRIA to cost the damage and repair needed, before the claim can be further processed. An itemized inventory has been supplied by the municipality to SASRIA.

Municipal costs incurred remains as reported to Council as per the last report of the Municipal Manager.

LEGAL IMPLICATIONS

Constitution of the Republic of South Africa, 1996

Local Government Municipal Structures Act, 117 of 1998

Local Government Municipal Systems Act, 32 of 2000

Local Government Municipal Finance Management Act, 56 of 2003

FINANCIAL IMPLICATIONS

Determination by Quantity Surveyor to be used as baseline to determine further financial implications.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Not applicable

RECOMMENDED

1. that Council takes note of the progress report regarding the SASRIA claim for the Municipal administrative building and the Thusong Service Centre.

The Speaker confirmed that all Councillors took note of the progress report regarding the SASRIA claim.

RESOLVED

Item A13/30/01/2024

1. that Council takes note of the progress report regarding the SASRIA claim for the Municipal administrative building and the Thusong Service Centre.

9.1.13

Item number A14. 30.01.2024

BARRYDALE SPORT CLUB CONTRACT

Report of the Municipal Manager	Anneleen Vorster
Department	Community Service
Section	Sport
File Number	17/6/1/2/1

PURPOSE OF THE REPORT

The purpose of the report is to inform Council of the conditions of the lease contract with Stryders Rugby Voetbal Club for the leasing of Erf 847 Barrydale.

FACTS AND BACKGROUND

Council concluded a lease agreement with Stryders Rugby Voetbal Club on 1 July 2021 for the leasing of erf 847 Barrydale for a period of five years at an annual lease amount of R500.00, payable in monthly installments.

The contract is attached for reference **on pages 195 to 206 of the Annexures.**

DISCUSSION

The Stryders Rugby Voetbal Club leases Erf 847 Barrydale, which includes the sport field, club house, ablutions and pavilion. They may not sub-let, without the prior permission of the municipality, and is also obligated to avail the facilities to other sporting codes as is agreed with them.

The Municipality provided permission to Stryders Rugby Voetbal Club to sub-let the premises to other sporting codes and to levy a basic fee to cover their cost. It is up to the club to manage the sub-leasing of the premises as they retain the overall responsibility for the club.

At present the facilities are not availed to any club as the municipality is preparing the facilities and field for a school zone athletics event, which will be held in Barrydale for the first time in years.

LEGAL IMPLICATIONS

Constitution of the Republic of South Africa, 1996
Local Government Municipal Structures Act, 117 of 1998
Local Government Municipal Systems Act, 32 of 2000
Local Government Municipal Finance Management Act, 56 of 2003

FINANCIAL IMPLICATIONS

All municipal expenditure at Erf 847 Barrydale must be included in the allocated budget.
Capital expenditure must be prioritized via the IDP process.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Not applicable

RECOMMENDED

1. that Council notes the lease agreement conditions for Erf 847 Barrydale.

DISCUSSION

The Speaker, Councillor J.R. van Schalkwyk said that the purpose of the submission of the item was to gather and share information regarding the matter.

Councillor M.T.A. Swart shared that there have been numerous requests from the public for Council to review the Stryders Rugby Club's contract as the management of the club did not manage the facility properly. She said that they charged the community excessively to sub-let the sports grounds and requested that Council revisit and revise all the clubs' contracts in order to make the facility available for the whole community. She asked that a possible solution be found for the current problem.

The Executive Mayor, Councillor H.F. Du Rand indicated that Council should consider taking back the facility and manage the facility in-house by making it available to everyone who wanted to use it as the current lessee was not taking proper care of the facility. He said that it was the municipality's responsibility to ensure that the facility be utilized for the benefit of the whole community.

He said that there should definitely be further discussions to determine what would be the best way for the municipality and the residents to manage these sport facilities.

Councillor I.H. Ferguson shared that the Barrydale sports facility was built by the community of Barrydale for the use of the Barrydale Flying Eagles Rugby Club and that the municipality spent no funds when the facility was originally developed. He said that it was unfair for the municipality to transfer the facility to the Stryders Rugby Club who had no pride in the history of the facility as it was being mismanaged and vandalized. He asked that the contract of the Stryders Rugby Club be reviewed.

Councillor F. Kees indicated that the Stryders Rugby Club had the right to ask a fee for any club who sub-let the facility from them as it was incorporated into the contract and asked that the right message be communicated to the community in this regard.

Councillor M.T.A. Swart requested that the administration intervene with the club's refusal to allow CPW workers to enter the sports field to do the necessary cleaning.

The Speaker confirmed that there was consensus that the problems regarding the lease of the sports field in Barrydale needed to be addressed for the benefit and satisfaction of the whole community.

He requested that an Item on the leasing of sports facilities in general be tabled to Council to find a solution on how it should be managed going forward.

RESOLVED

Item A14/30/01/2024

1. that Council notes the lease agreement conditions for Erf 847 Barrydale.
1. that an Item on the leasing of sports facilities in general be tabled Council to find a solution on how it should be managed going forward.

The Executive Mayor, Councillor H.F. Du Rand requested permission from the Speaker to leave the room at 12:04. He returned at 12:05.

9.1.14

Item number A15. 30.01.2024

2023/24 MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT FOR THE PERIOD 1 JULY 2023 TO 31 DECEMBER 2023

Report by the Municipal Manager: Ms A Vorster

Department	Municipal Manager
Section	Developmental Services
File number	2/13

PURPOSE OF REPORT

To submit the Midyear Budget & Performance Assessment Report for 2023/2024 to Council for consideration.

FACTS AND BACKGROUND

In terms of Section 72 (1) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) (hereinafter referred to as the MFMA), 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.Thereafter, the mayor must, in terms of Section 54. (1)-
 - (a) Consider the report;
 - (b) Check whether the municipality's approved budget is implemented in accordance with the service delivery and budget implementation plan;
 - (c) Consider and, if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with the approval of the council following approval of an adjustment budget;
- (d) Issue any appropriate instructions to the accounting officer to ensure-
 - (i) That the budget is implemented in accordance with the service delivery and budget implementation plan; and
 - (ii) That spending of funds and revenue collection proceed in accordance with the budget;

- (e) Identify any financial problems facing the municipality, including any emerging or impending financial problems; and
- (f) Submit the report to the council by 31 January of each year.

DISCUSSION

The midyear report for 2023/24 will be tabled at the Council meeting of 31 January 2024. The Midyear Budget & Performance Assessment Report for 2023/2024 **is attached on pages 207 to 277 of the Annexures.**

LEGAL IMPLICATIONS

Municipal Finance Management Act, 2003 (Act 56 of 2003).

FINANCIAL IMPLICATIONS

It is necessary for an Adjustments Budget and to revise the revenue and expenditure as well as the SDBIP.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

The midyear report will be advertised in the local newspapers and on the municipal website and distributed to all municipal offices for scrutiny and comments.

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

Based on the Mid-year assessment it is proposed that an adjustment budget be tabled in February 2024. This is mainly due to the increased expenditure incurred after the riots such as re-establishment cost and security, to account for the insurance claim and to address the decrease in revenue based on preliminary calculations as follows:

Revenue	Amount	Reason
Electricity Services Charges	R400 228	Increase revenue due to less load shedding.
Water Services Charges	(R3 000 000)	Consumption trends.
Sewerage Charges	(R722 000)	Industrial Effluent.
Property Rates:	(R962 000)	Objections and category changes
	R4 283 772	

Although the capital expenditure is low at 23%, several awards were made of which the projects will commence in January 2024. These projects are:

- Railton 950 electrification – R4 544 623 and R2 173 913 – The project will commence by February 2024 to ensure completion by 30 June 2024;
- Landfill Site Bontebok Fencing – R4 781 030 – Project completed. Journal to be passed for donated asset expense on final completion certificate;
- Swellendam Bulk water – R1 599 000 – Second phase to commence end of January;
- Installation of Chlorination system WTW and WWTW – R2 698 050 – Await delivery end February 2024;
- Railton Street front sewers – R800 000 – Estimate completion end February 2024;
- Upgrade of Barrydale Water supply – R5 398 438 – Contract commences, in process;

Director: Infrastructure Services

None

Municipal Manager

Recommendation supported.

RECOMMENDED

1. that the Midyear Budget and Performance Assessment Report for 2023/24 be noted; and
2. that it be noted that an Amended Budget and a report on Revised Expenditure and Revenue will be tabled at the Council meeting scheduled for February 2024 together with the revised Service Delivery and Budget Implementation Plan (SDBIP).
3. that the Midyear Budget and Performance Assessment Report for 2023/24 be placed on the municipal website and submitted to the relevant authorities.

The Speaker confirmed that Council took note of the recommendation as-is.

RESOLVED

Item A15/30/01/2024

1. that the Midyear Budget and Performance Assessment Report for 2023/24 be noted; and
2. that it be noted that an Amended Budget and a report on Revised Expenditure and Revenue will be tabled at the Council meeting scheduled for February 2024 together with the revised Service Delivery and Budget Implementation Plan (SDBIP).
3. that the Midyear Budget and Performance Assessment Report for 2023/24 be placed on the municipal website and submitted to the relevant authorities.

9.1.15

Item number A16. 30.01.2024

SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) AND PERFORMANCE QUARTERLY REPORT FOR PERIOD ENDED 31 DECEMBER 2023

Report of the Municipal Manager:

Mrs A Vorster

Department:

Municipal Manager

Section:

Performance Management

File number:

2/13

PURPOSE OF REPORT

The purpose of the report is to submit to Council the Service Delivery and Budget Implementation Plan (SDBIP) and Performance Quarterly Report for the quarter ended 31 December 2023.

FACTS AND BACKGROUND

In terms of Section 52(d) of the Municipal Finance Management Act, 56 of 2003, the Mayor must within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality. This report informs the council on a quarterly basis of the SDBIP and Budget.

DISCUSSION

The Top Layer SDBIP for the 2023/24 financial year was approved by the Executive Mayor in June 2023. The SDBIP was submitted to Provincial and National Treasury in both electronic and hard copy format. The SDBIP was also made public by placement on the website.

The Quarterly Budget Statement and Quarter SDBIP Report are **attached as on pages 278 to 337 of the Annexures**.

The key elements can graphically be presented as follows:

1. Implementation of Budget

For the second quarter, the following are highlighted.

The total revenue excluding capital transfers and contributions for December 2023 is R50.2 million, with a year-to-date revenue of R212.4 million.

Property rates reflect at 52.1% of the budgeted amount, while the electricity amount raised represents 50.4% of the budgeted amount. The water revenue amount represents 43.3% of the budgeted amount and will have to be adjusted in the amendment budget.

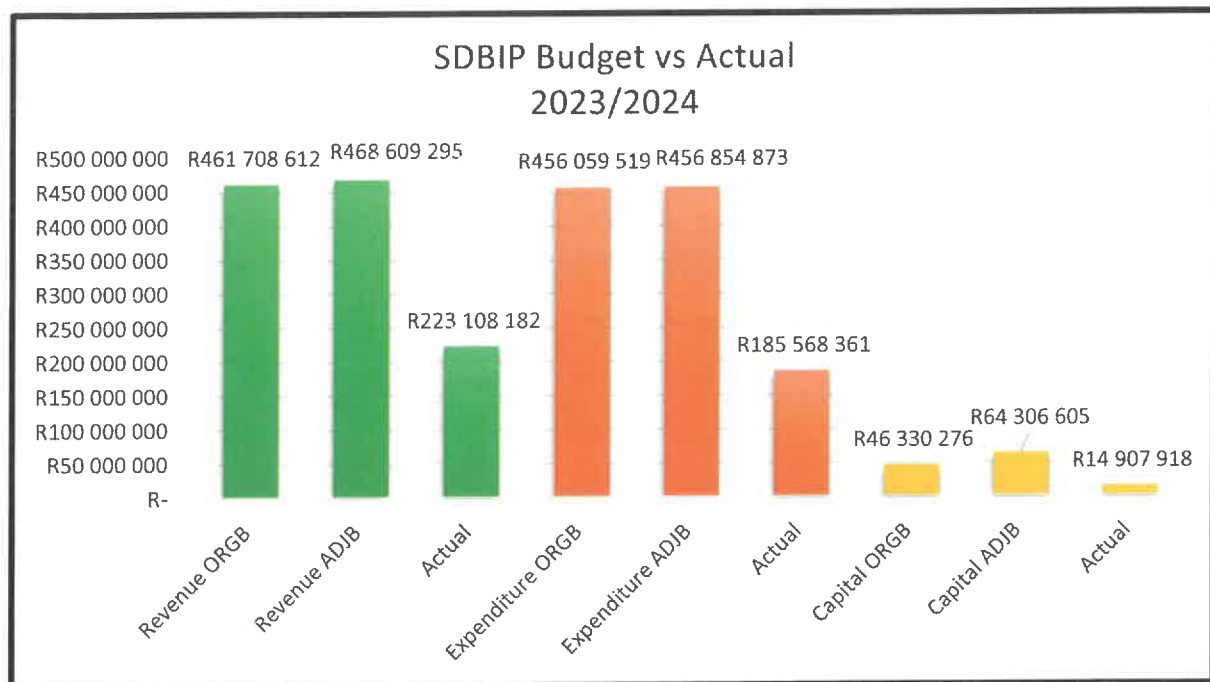
The operational revenue exceeds the budgeted amount due to additional operational funds being received. This will be amended in the amendment budget.

The total expenditure budget is R458.2 million and the year-to-date budget is R229.6 million.

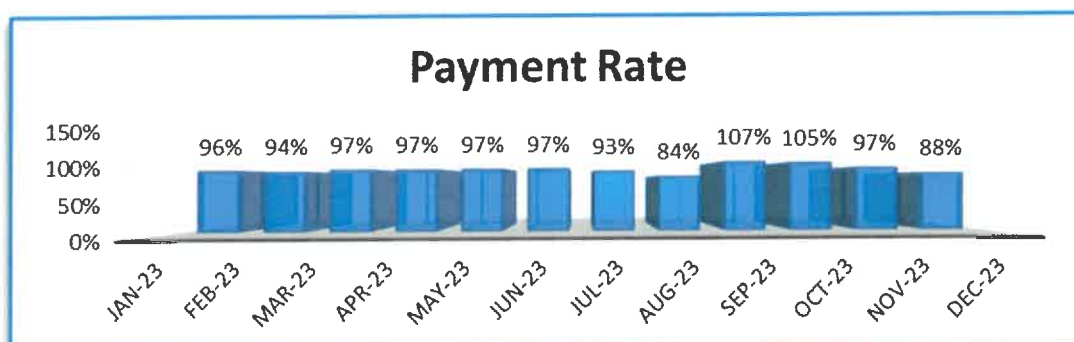
The budgeted amount for capital expenditure is R64.3 million of which R14.9 million has been expended to date, i.e. 23.2%. Capital commitments that amounts to

R8 531 447.67 have been made and measures were implemented to improve capital expenditure.

The actual total cash available at 31 December 2023 amounts to R77.4 million. The liquidity ratio is 228:1, which means the Municipality can honour their short-term debt. The gearing ratio is 4%, while the payment percentage of debtors are at 87.87%.



The payment rate remains under pressure with fluctuations as seen in the previous financial year. The National Government Rates account was not paid by 31 December 2023. Continuous follow-ups are made for the payment.



2. Implementation of Performance

The implementation of performance is graphically presented below. There were six targets which were not met namely:

TL 27 – Achieve an unqualified audit for the 2022/23 financial year – the AG report is expected in February 2024.

TL33 – Spend 90% of the roads and stormwater maintenance budget by 2024 – contractor could not come on site in second quarter of the financial year. A total of R5.5 million will however be spent within February 2024.

TL35 – Spend 90% of the waste water maintenance budget by 30 June 2024 – Procurement process delayed – appointment to be made in February 2024.

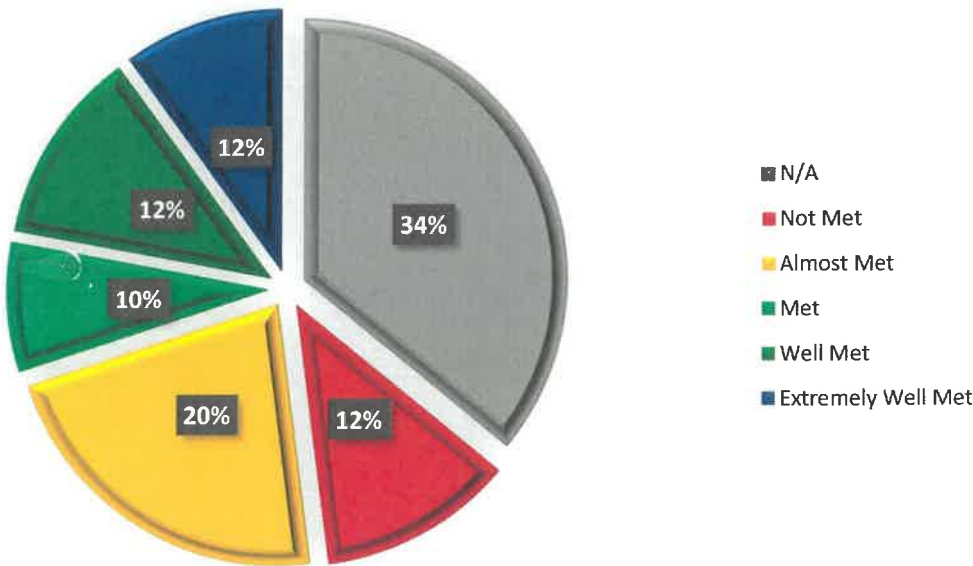
TL39 – Spend 95% of the capital budget allocated for the Railton Upgrading of Gravel Roads and Stormwater Phase 3 by 30 June 2024 – Project initiated on 18 January 2024 – survey, Geotech and design in progress

TL 40 – Spend 95% of the capital budget allocated for the rehabilitation of Van Riebeeck Street in Barrydale by 30 June 2024 – Design stage in progress. Tender document submitted to Bid Specification on 31 January 2024

TL 45 – Spend 95% of capital budget allocated for the rehabilitation of roads in Industrial area by 30 June 2024. - Design stage in progress. Tender document submitted to Bid Specification on 31 January 2024

The ten KPI's almost met is due to the amendment in the indigent policy, that will require an amendment of the SDBIP targets in February 2024.

Swellendam Municipality



LEGAL IMPLICATIONS

Section 52(d) of the MFMA;

FINANCIAL IMPLICATIONS

No direct financial implication.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

Comments on the municipality's financial position for quarter two is contained in the quarterly report.

Director: Infrastructure Services

None

Municipal Manager

None

RECOMMENDED

1. that Council takes cognizance of the 2023/24 Top Layer Service Delivery and Budget Implementation Plan (SDBIP) and Performance quarterly report for the quarter ended 31 December 2023.
2. that Council takes note of the report on the implementation of the budget and financial state of affairs of the municipality for the quarter ending December 2023, in terms of Section 52 (d) of the MFMA.

The Speaker confirmed that Council took note of the recommendation as-is.

RESOLVED

Item A16/30/01/2024

1. that Council takes cognizance of the 2023/24 Top Layer Service Delivery and Budget Implementation Plan (SDBIP) and Performance quarterly report for the quarter ended 31 December 2023.
2. that Council takes note of the report on the implementation of the budget and financial state of affairs of the municipality for the quarter ending December 2023, in terms of Section 52 (d) of the MFMA.

Councillor M.T.A. Swart requested permission from the Speaker to leave the room at 12:12. She returned at 12:15.

9.1.16

Item number A17. 30.01.2024

2023/2024 STRATEGIC AND OPERATIONAL RISK REGISTER

Office of the Municipal Manager

Department	Office of the Municipal Manager
Section	Risk Management
File number	3/3/3/16

PURPOSE OF REPORT

The purpose of the report is to submit the 2023/2024 Strategic and Operational Risk Register to Council for consideration and approval.

FACTS AND BACKGROUND

In order for the Municipal Manager to ensure that risk management is properly addressed, it is imperative to have a sound and updated Strategic and Operational Risk Register which record all the potential risks the municipality encounters. Additionally, on a quarterly basis, risk assessments are conducted with the various stakeholders to reassess the risks on the Strategic and Operational Risk Register.

DISCUSSION

2023/2024 STRATEGIC AND OPERATIONAL RISK REGISTER

The Strategic and Operational Risk Register is presented at the Fraud and Risk Management Committee on a quarterly basis. The Strategic and Operational Risk Register were tabled to the Fraud and Risk Management Committee on 29 November 2023, and will also be tabled to the Audit and Performance Audit Committee (APAC) on 11 December 2023 for review and comments.

The following 2023/24 Strategic and Operational Risk Register is hereby tabled for adoption:

- 2023/24 Strategic and Operational Risk Register

Annexures are attached as Annexure A:

1. 2023/2024 Strategic and Operational Risk Register

LEGAL IMPLICATIONS

In terms of section 62 of the Local Government: Municipal Finance Management Act 2003 [Act 56 of 2006] [MFMA] the Municipal Manager is responsible for managing the Municipality's financial administration. For this purpose, the Municipal Manager must take all reasonable steps to ensure, amongst others, that the Municipality has and maintains effective, efficient and transparent systems of financial and risk management and internal control.

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

None

This item served on the Public Accounts Committee meeting held on Tuesday, 12 December 2023.

RECOMMENDED TO COUNCIL

1. that cognizance be taken of the Strategic and Operational Risk Register for the 2023/24 financial year.

2. that Council highlights any risk that in their opinion, should be included, deleted or prioritized within the Risk Register.

DISCUSSION

Councillor H.F. Du Rand suggested that Council have a workshop session to align the municipality's risks with the budget so that everyone was aware of where the highest risks were and what could be done to mitigate the risks. He added that early March 2024 would be a good time to have the workshop.

RESOLVED

Item A17/30/01/2024

1. that cognizance be taken of the Strategic and Operational Risk Register for the 2023/24 financial year.
2. that Council highlights any risk that in their opinion, should be included, deleted or prioritized within the Risk Register.
3. that a workshop be scheduled in March 2024 on the highest identified risks within the municipality, its alignment with the budget and how it could be mitigated.

REPORT ON THE IMPACT OF THE IMPLEMENTATION OF THE AARTO ACT**Section**

Community Services

File number

17/2/R

PURPOSE OF THE REPORT

To update Council on the latest on the implementation of the AARTO (Administrative Adjudication of Road Traffic Offences Act) and the effect it will have on Swellendam Local Municipality.

FACTS AND BACKGROUND

The AARTO Administrative Adjudication of Road Traffic Offences Act was originally approved in 1998 and was implemented as a pilot study in Gauteng for the past 10 years.

The President approved the implementation for the rest of the country in 2021. AARTO however could not be implemented due to a court judgement that AARTO was unconstitutional. This decision was however taken on review to the Constitutional Court and the decision was set aside.

Following the new judgement by the Constitutional Court a new date was set for AARTO implementation as the 1st of July 2024. In the meantime, a few changes were approved to the AARTO ACT and the Regulations.

DISCUSSION

Most western Cape municipalities are still not comfortable with AARTO and indicated that they are not ready for implementation and did not feel comfortable with the implementation of AARTO. They are also of the opinion that RTIA (Road Traffic Infringement Agency) is also not in a position to deal with the administrative burden it will cause.

AARTO aims to implement a demerit system for drivers, and decriminalizes all road traffic infringements and deal with it outside of the courts in an administrative capacity. The argument is that it will reduce road accidents. This however still need to be proven as it did not change any behavior in the province where it was piloted. The option to go to court is still available if all administrative processes have been exhausted

In Swellendam AARTO must be implemented from the 1st of July 2024.

In order for AARTO to function properly as it currently stands, the Municipality must also enter into an agreement with the South African Post Office (SAPO) for the issuing of notices to alleged infringers. This is also a huge stumbling block as we now know the post offices are closing down and they cannot guarantee sustainable delivery of mail. This cost is also for the municipality to cover. RTIA which is the infringement agency does not enter into this agreement at all and puts the financial burden on the municipality, which rightfully should be a 3-party agreement.

The flow of notices will be as follows:

- Infringement notice (Traffic fine)

This notice is issued by us, the issuing authority letting the infringer know he/she transgressed a traffic law. This can be hand drawn and issued next to the road or can be served via post or via electronic format. This notice gives the infringer 32 days to pay the fine and gets 50% discount

- **Courtesy letter**
If the infringer fails to act within 32 days the RTIA issue a courtesy letter. This letter removes the 50% discount and adds fees for the letter and makes the total amount payable. This letter gives the infringer the following options, pay in full, make written representation, arrange payment in installments
- **Enforcement order**
After 32 days with no response the enforcement order is issued by RTIA. This document has the following effect, it blocks issuing of driver's licence cards, vehicle disks and professional driving permits. It allocates demerit points to the infringer, If the threshold of 15 points is reached the drivers licence can be suspended or cancelled.

LEGAL IMPLICATIONS

In Terms of the Constitution, Traffic and Parking is a municipal competence. In terms of AARTO various infringement notices are developed which doubles the amount of writing an officer will have to do in the field and if any of the information produced by the transgressor does not agree with what is on record in e-Natis, the notice is discarded.

Any appeals will eventually go to the appeals tribunal, and the courts as a last resort. All traffic and transport related transgressions including municipal bylaws are part of the AARTO process. Arrests can be affected for serious infringements such as drunken driving, reckless or negligent driving and will as such be dealt with by the Criminal Procedure Act.

FINANCIAL IMPLICATIONS

Financial implication will be a high risk for all Municipalities.

The offender can pay his/her fines within 30 days and automatically get a 50% discount.

This money will have to be paid over to RTIA within 10 days and they will pay it back to the municipality. There is however no guarantee on payback time frames.

For all electronic payments received by the municipality, the municipality may reclaim 3% for administrative costs.

All payment will first be paid over to RTIA for reconciliation purposes and the Municipal part will be paid back.

The Municipality will have to procure new infringement books to correspond with AARTO infringement notices.

All new software and ICT equipment will have to be procured. It is still unclear if RTIA will supply Municipalities with speed cameras and handheld devices and when this will happen.

All provincial fines including the Weighbridge will go direct to the provincial government and not to Swellendam as is currently the case, which can be a loss of revenue of between R 5 000 000 to R7 000 000.

The flow of fines income will be as follows:

Per Hand:

Fines are handed to the transgressor and loaded onto the RTIA software. If the fine is paid within 32 days, a 50% discount is granted.

Should the infringer opt to pay somewhere else, the money is paid to RTIA minus 3% and after reconciliation at RTIA, it is paid into the municipality's account. The municipality has to pay

over to RTIA all fines paid and they will pay back to the municipality (no time frames are set to pay back to the municipality but the municipality has to pay over within 10 days).

Electronic fines (cameras)

Fines get loaded onto RTIA software.

They issue a notice via post office for which we pay R32 per notice. If paid within 32 days, the same scenario comes into play as discussed above.

Should any fines be paid after 32 days all the funds go to RTIA and nothing gets paid back the municipality.

All our fines however get handed to SAPO for action which we pay for.

1. The fine
2. Courtesy letter
3. Enforcement order

PERSONNEL IMPLICATIONS

We will have to train all personnel on the new software and officials on the issuing of fines. The municipality's agreement with TMT will come to an end as RTIA takes over that role.

COMMUNICATION IMPLICATIONS

None.

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

The AARTO Act originally passed into law in 1998 and has been in force for more than twelve years in the jurisdiction of the Metropolitan Municipalities of Tshwane (from 1 July 2008) and Johannesburg (from 1 November 2008). Unfortunately, it is apparent that few people know much, if anything about the AARTO Act and how it affects them. The AARTO Act differs entirely from the Criminal Procedures Act which has been and still is used to prosecute road traffic offences everywhere in South Africa, except Tshwane and Johannesburg.

The AARTO Amendment Bill, 2015 was assented to and signed by the President on 13 August 2019 and is now the Administrative Adjudication of Road Traffic Offences Amendment Act, No 4 of 2019. On 2 October 2020 the Department of Transport published new draft regulations to accompany the AARTO Amendment Act. This was intended to be implemented nationally from 1 July 2021.

The National Department of Transport commenced on a process to roll out AARTO Service Outlets in support of the implementation of AARTO. Several municipalities in the Western Cape were identified as pilot sites. The Western Cape MEC, however was not approached to authorize operation in the Western Cape and due to the concern on the impact of AARTO on the finances of the Municipalities as well as the impracticality of AARTO, the MEC was requested by the Municipal Managers' Forum not to grant said approval.

Director: Community Services

None

Director: Financial Services

The implementation of AARTO will have a serious financial impact on the municipality:

The main revenue from traffic fines is on the N2 which is a provincial road. From the report, if the fine is not paid within 32 days, all the funds go to RTIA.

This means that Council can only retain traffic fines if paid within 32 days after an automatic discount of 50% was granted.

Based on the current traffic fines history, the paid municipality traffic fines will decline from ± R 7, 4 million to ± R360 000. This means that the traffic department budget net position will decline from a surplus of R3, 7 million to a deficit of (R1, 9 million).

Included in the calculation is the cost to be paid for the 32 days' notice, etc.

The revenue loss must then be recovered through cross subsidisation with other tariffs to balance the budget, or alternatives expenditure must be reduced.

The municipality does not have the revenue base to absorb the revenue loss.

It is recommended that the impact be submitted to the relevant stakeholders and SALGA National to reconsider the implementation of AARTO

Director: Infrastructure Services

The AARTO process will not be problematic in so far as the TAXI industry only, but it will also be a problem to identify the driver of the infringing vehicle in fleet owners where a proxy will be fined in his personal capacity but not as the representor of the fleet owner. The general stewardship over the money trail documentation will be extremely difficult to audit, why must it be transferred just to the RTIA and just to be transferred back. If it is true that SALGA supports the AARTO process they should have gotten a mandate from SALGA members as they got no executive powers over municipalities. The proposal entails that SAPO will obtain a revenue stream from the process without the successful collection of the payment from the infringement. The obligation to make use of SAPO for the notices feels like a funding method to keep a failing state institution unduly alive.

Municipal Manager

The financial implications of AARTO are extremely significant and substantial to the financial sustainability of the Traffic Services and to the Municipality. The various scenarios show losses of between R 3.7 million to as much as R 5m and more. Currently the service generates a surplus and is crucial to the financial wellbeing of the Municipality. A loss of R 3 million to R 5 million will mean not just shutting down the Traffic Services but also a reduction in other posts and functions that are dependent on the surpluses generated by the Traffic Services Department.

This item served on the Public Accounts Committee meeting held on Tuesday, 12 December 2023.

RECOMMENDED TO COUNCIL

1. that Council takes note of the impact of the implementation of the AARTO Amended Act 4 of 2019 for Swellendam Municipality taking into effect on 1 July 2024.
2. that the Road Traffic Infringement Agency make a presentation to Council on the AARTO Amended Act of 2019.

The Speaker confirmed that Council took note of the implementation of the AARTO Amendment Act 4 of 2019 and expected a presentation by the Road Traffic Infringement Agency.

RESOLVED

Item A18/30/01/2024

1. that Council takes note of the impact of the implementation of the AARTO Amended Act 4 of 2019 for Swellendam Municipality taking into effect on 1 July 2024.
2. that the Road Traffic Infringement Agency be requested to do a presentation to Council on the AARTO Amended Act of 2019.

Councillor J.A. Matthysen requested permission from the Speaker to leave the room at 12:30. He returned at 12:33.

9.1.18

Item number A19. 30.01.2024

MONTHLY REPORT: WATER SERVICES: OCTOBER 2023: WATER RESILIENCE

Municipal Manager

A. Vorster

Department

Municipal Manager

Section

Disaster Management

File Number

PURPOSE OF REPORT

To inform Council about the risks inherent to water provision in Swellendam Municipal area.

FACTS AND BACKGROUND

South Africa is, by some accounts, already 'out 'of water. In an already water-scarce country, demand outstrips supply, while water treatment plants falter and the country's climate continue to warm at unprecedented — and deadly — rates.

A perfect storm, experts warn, is coming.

During the first decade of South Africa's democracy, 13.4 million people gained access to basic water services. But a tap in a home or in the yard is no guarantee that clean water regularly flows through it.

Experts have spent more than a decade measuring the water South Africa has and comparing it to what it needs to fill the nation's kettles, water its crops and mine its riches.

By 2002, what South Africa used in water was already outstripping what it had, says Dr Anthony Turton, professor at the Centre for Environmental Management at the University of the Free State. In 2003, scientists believed South Africa possessed 53 billion cubic metres of water. Today, Turton says better modelling and declining rainfall have placed that figure at about 49 billion cubic metres.

"After all considerations, it was discovered that we had allocated about 98% of all the water available in the country. Effectively we became water-deficient in 2002," explains Turton.

He warns that South Africa is transitioning to a fundamentally water-constrained economy. Meanwhile, sewage management systems are collapsing and the country threatens to outstrip its capacity to process safe drinking water.

Turton concludes: "The South African water sector is entering the early phase of a 'perfect storm' driven by the convergence of significant drivers over which no [one] individual has any control."

The average annual temperature in South Africa has increased by at least 1°C during the last 50 years, almost twice the global average, according to a 2021 study published in the journal *Environmental Research*.

Temperatures in the country are projected to continue to rise at a greater rate than the global average. A child born in the next 20 years could grow old in a country that is up to six degrees hotter than average temperatures nearly a century before, the study warns. And heat, as the nation saw this past week, can be deadly.

The South African Medical Research Council's Dr Caradee Wright says the recent deaths of farmworkers in the Northern Cape should be a warning.

Emerging research also suggests that hotter temperatures may be linked with some types of birth defects, particularly holes in fetuses' hearts. And as more homes go without steady access to water, the public health threats only grow, Wright warns.

"When you don't have continuous water supply, you store water," she says, "and when you store water, you immediately start to run into trouble."

In many homes, families store water in open-air containers, often dipping in the same shared cup to collect water. With each cupful, new germs are introduced into bins that are rarely cleaned.

In an environment like this, diarrheal disease — which can be deadly in small children, the elderly and people with weaker immune systems — can spread like wildfire. And the country's health system — like its water infrastructure — may not be prepared to cope with new waves of disease that accompany a hotter, more water-scarce world.

Further drastic warming is projected in southern Africa for as long as global warming continues. This regional warming will be accompanied by more frequent and intense heat waves, increasingly impacting on human comfort, health and mortality.

"Over the next 20 years, it is likely that heat waves of unprecedented intensity and duration will occur in southern Africa."

2023 is highly likely to be the hottest year ever recorded. And climate change is to blame for one-quarter of the global population being exposed to dangerous levels of extreme heat.

We do get heatwaves in South Africa at this time of the year, as a result of high-pressure systems sitting over parts of the country that act like a heat dome, trapping sinking hot air at the surface.

We are used to getting it at this time of the year, but having a heatwave that's gone on for 10 days is definitely a little bit out of the ordinary and extreme.

Higher global temperatures mean that it's easier for temperatures to reach the heatwave threshold – and that we have entered El Niño, which tends to have warmer and drier conditions across the country. What we are looking at this year is the combined effects of ongoing global warming, with a strong El Niño event, and that has led to all these temperature records being broken across the world. Scientists have found that June, July, August, September and October 2023 were the hottest months since records began in the mid-1800s.

Therefore, we can now say with certainty that 2023 will be the warmest year ever recorded by humans, with records going back to roughly 1850," said Engelbrecht.

Swellendam Municipality experienced good rainfall over the past rainy season, but that does not necessarily mean that the Municipality is able to provide uninterrupted and sustainable water to the community.

On Friday 1 December 2023 Swellendam Municipality implemented level 2 water restrictions in Barrydale and Swellendam due to high water consumption and a disruption in water provision in the portions of Barrydale and Railton, Swellendam.

It is clear that water provision will remain a significant risk for municipalities and stringent water resilience programs and future planning will have to be implemented to address this.

A presentation will be made at the Council meeting on the water quality and current implementation plans to address the sustainable service delivery of water within the communities. **(See presentation attached as separate Annexure B)**

LEGAL IMPLICATIONS

The following legislation regulates property management:

- The Municipal Finance Management Act, 2003, (Act 56 of 2003) (MFMA);
- The By-Law relating to Water Services, 2013
- The Water Services Act, 108 of 1997 as amended

This item served on the Municipal Public Accounts meeting held on Tuesday, 12 December 2023.

RECOMMENDED TO COUNCIL

1. that Council takes cognizance of the presentation made by the Municipal Manager, Mrs A. Vorster to improve water resilience.
2. that the municipality made provision in the staff component to be compliant in terms of the amount of Water Process Controllers that has to be appointed.
3. that initiatives be implemented to promote awareness.
4. that the municipality's Water Services Programme be updated in collaboration with SALGA.
5. that water restrictions be implemented to save water.

The Speaker confirmed that ten Councillors present were in support of the recommendation being accepted as-is. Councillor J.A. Matthysen was absent from the room with the permission of the Speaker during the discussion of the Item.

UNANIMOUSLY RESOLVED

Item A19/30/01/2024

1. that Council takes cognizance of the presentation made by the Municipal Manager, Mrs A. Vorster to improve water resilience.
2. that the municipality made provision in the staff component to be compliant in terms of the amount of Water Process Controllers that has to be appointed.
3. that initiatives be implemented to promote awareness.
4. that the municipality's Water Services Programme be updated in collaboration with SALGA.
5. that water restrictions be implemented to save water.

9.2 Consideration of matters which require non-disclosure

See In-Committee meeting minutes.

9.3 Consideration of urgent matters

None

10 MINUTES OF COMMITTEES AND AD HOC COMMITTEES

RESOLVED:

- 10.1 that the minutes of Ordinary Mayoral Committee meeting held on Wednesday, 22 November 2023 which were sent to all Councillors within a reasonable time prior to the meeting, be taken as read and be hereby noted.
- 10.2 that the minutes of a Special Mayoral Committee meeting held on Thursday, 07 December 2023 which were sent to all Councillors within a reasonable time prior to the meeting, be taken as read and be hereby noted.
- 10.3 that the minutes of a Municipal Public Accounts Committee meeting held on Tuesday, 12 December 2023 which were sent to all Councillors within a reasonable time prior to the meeting, be taken as read and be hereby noted.

11 CONFIRMATION OF MINUTES

Proposer: Councillor E.J. Lamprecht
Seconded: Councillor A. Bokwana

RESOLVED:

- 11.1 that the minutes of an Ordinary Council meeting held on Thursday, 30 November 2023 which were sent to all Councillors within a reasonable time prior to the meeting, be taken as read and be hereby confirmed.
- 11.2 that the minutes of the Special Council meeting held virtually on Monday, 11 December 2023 which were sent to all Councillors within a reasonable time prior to the meeting, be taken as read and be hereby confirmed.
- 11.3 that the minutes of an In-Committee Council meeting held virtually on Monday, 11 December 2023 which were sent to all Councillors within reasonable time prior to the meeting, be taken as read and be hereby confirmed.

12. MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING

12.1 Matters arising from the minutes: p.9: Item A177: Proposed Regional Waste to Energy Facility in Swellendam:

The Executive Mayor, Councillor H.F. Du Rand asked that an update be provided on the Waste-to-Energy project whereby the Municipal Manager, Mrs A. Vorster responded that the municipality verified the specifications with an attorney where after it was sent to the Bid Adjudication Committee and was expected to go out on tender in February 2024.

12.2 Matters arising from the minutes: p.20. Item A180: Resubmission: Alienation of two Portions of Municipal Land to the Western Cape Government For The Expansion of the Railton Clinic Property (Erf 7296):

The Executive Mayor asked for an update on Council resolution, Item A180: Resubmission: Alienation of two portions of municipal land to the Western Cape Government for the expansion of the Railton Clinic Property (Erf 7296), which indicated that the payment of 25% on the amount of R2 480 would not be granted whereby the Municipal Manager responded that the Western Cape Government was still complaining that they did not want to pay for the valuations which the municipality was in disagreement with as there was a conflict in legislation in the duties of the two entities. She said that the PFMA required that the WCG should obtain valuations and the MFMA required that the municipality should obtain valuations as well. She added that the matter was being addressed as the WCG has not paid the amount yet.

12.3 Matters arising from the minutes: p.23: Item A181: Alienation of residential property Erf 4624 in Railton – Out of hand:

In response to a question raised by the Executive Mayor, Councillor H.F. Du Rand, the Municipal Manager, Mrs A. Vorster indicated that it was dealt with on a first come first served basis. She said that with the regular updates received by the municipality it was confirmed that there have been two offers for the property that was being processed.

12.4 Matters arising from the minutes: p.53: Item A190: SSEG Policy and Application Guidelines:

In response to a question raised by the Executive Mayor, Councillor H.F. Du Rand with regard to the progress in the process of SSEG applications, Mr W. Treurnicht, Acting Director Infrastructure Services indicated that they have started with some of the applications but has not advertised the enforcement period as the municipality was waiting for the tender for the new electricity meters because as soon as the municipality started to receive applications it had to provide meters to replace the old conventional electricity meters.

13. CONSIDERATION OF MATTERS OF EXIGENCY

None

14. GENERAL

None

15. CLOSURE

The Speaker thanked everyone for their time and commitment to attend the meeting.

The meeting adjourned at 12:42.