

MINUTES FOR **CONFIRMATION**

The following minutes are distributed as a separate document for confirmation:

- 11.1** Minutes of an Ordinary Council meeting as held on Thursday, 30 November 2023.
- 11.2** Minutes of a Special Council meeting as held virtually on Monday, 11 December 2023.
- 11.3** Minutes of a In-Committee Council Meeting as held virtually on Monday, 11 December 2023.

ORDINARY COUNCIL MEETING

MINUTES



**MINUTES OF AN ORDINARY COUNCIL MEETING
HELD ON THURSDAY, 30 NOVEMBER 2023 AT
10:00 IN THE COUNCIL CHAMBERS, RHENIUS
STREET, SWELLENDAM.**

**PLEASE RETAIN THIS DOCUMENT FOR RECORD
PURPOSES AS IT WILL NOT BE CIRCULATED
AGAIN.**

Yours sincerely

A handwritten signature in black ink, appearing to be "J.R. Van Schalkwyk", written over a horizontal line.

J.R. VAN SCHALKWYK

SPEAKER

26 January 2024

DATE

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None

4. MOTIONS OF JOY AND SORROW

4.1 Announcement of Councillors' birthdays and anniversary:

None

4.2 Announcements of deaths by Municipal Manager

September - October 2023

SWELLENDAM	
Dawid Andrew Boes	Swellendam
Joseph Slingers	Swellendam
Ella Engelbrecht	Swellendam
Leonard Andrew Johannes Adams	Swellendam
Duran Aydin Kleinhans	Swellendam
El-Jay Hendricks	Swellendam
Catherina Johanna Quinot	Swellendam
Marthinus Denoven Witbooi	Swellendam
Wilhelmina Juries	Swellendam
Peter Benjamin Nakoe	Swellendam
Patricia Mankwente	Swellendam
David Slingers	Swellendam
Ryan Percyville Swarts	Swellendam
Ronel Martus	Swellendam
Tina Stander	Swellendam
Sanna Middelpoos	Swellendam
Jaffat Alfredo Burger	Swellendam
Jan Johannes Witbooi	Swellendam
Madeline Coetzee	Swellendam
Johanna Elizabeth Rousseau	Swellendam
Caroline Fortuin	Swellendam
Willie Hansen	Swellendam
Baby Jemaar	Swellendam
Qhamisa Denise Manewel	Swellendam
Tom August	Swellendam
Bradley Davids	Swellendam
Eben White	Swellendam
Magrieta Christoffels	Swellendam
Andrew Windvogel	Swellendam
Sarah Slingers	Swellendam
Elizabeth Lorraine Johnson	Swellendam
SUURBRAAK	

5. SPEECHES AND SUBMISSIONS

None

6. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

"Good morning Honourable Mayor du Rand, Portfolio Chairs, Councillors and Municipal Staff.

As with all endings, it is an opportune time for us to take stock and assess ourselves and our impact on the community we serve. And just as importantly as individuals and as Christians, we would do well to reflect on our characters and our standing with our Saviour. Especially considering the times we are living in.

For most of us, 2023 has been a year like no other. It was a year that brought changes, cheer, and challenges in equal measure.

In council, we have welcomed three new faces. We have endured an extraordinary by-election, that restored balance to our council and hints at more changes to come in 2024 and 2026. We have a new speaker, a new MAYCO member and a new MPAC chair. And more than a few of our councillors have experienced loss in their families and our thoughts are with you during this time.

For the administration, we have seen leaders come and go, but more than anything else, the events of 2023 have shown us the strength and tenacity of our municipal staff, as they stood firm and continued to deliver in the face of enormous trials.

Our residents, much like our municipal staff, have shown us the best of ourselves. Despite that, they are going hungry because of inflation and their businesses are suffering because of load shedding, yet when senseless violence destroyed their peace, they stood in the gap wielding kindness, selflessness, and neighbourliness as if it was just another Tuesday.

As much as most of us are likely to go on leave, and many of us need it. But as we slow down, the festive season will keep our most essential workers even busier. These are our true heroes - traffic officials who must manage increased traffic volumes, paramedics who stand between life and death, electrical staff who are called out at all times of the day and night, and municipal staff who will stand knee-deep in waste, or dangle on the top of a cherry picker in howling wind. So that we may benefit from basic services. It is our essential workers that are the very best of us, and we salute them.

In August, Swellendam's mostly peaceful demeanour was violently uprooted, and our divisions were laid bare for all to see. But it was not only violent actions that divided us, but it was also unfortunate and divisive words that pushed us even further apart, words that have left deep scars that still fester today.

After a year of divisiveness, it isn't easy to see past our differences. It is up to each one of us however to determine what we are first. Are we first a South African, first a Christian, first a blue or yellow t-shirt, or first a Human Being?

There are many more options that you can choose from.

I ask simply to illustrate that if we so choose to see each other as fellow human beings, travelling on the same path through a foreign land, waiting for our Father in Heaven to send his risen Son, Jesus Christ, to return to take us home. Maybe then we will find respect for each other and achieve unity built on something eternal.

In a time of crisis, leadership is critical. Not partisan leadership, but a magnanimous, humble leadership that unites communities behind a shared vision and resonates with elected officials, to find the solutions that South Africans so desperately need, to unlock the potential that lifts hope to victory over adversity. It is my hope that in 2024, we will find that leadership, within ourselves.

I want to thank all of you for playing your part in this unforgettable year. May you take the learnings of 2023 and turn them into the solutions of 2024.

I want to wish all of you a blessed festive season, which I hope will include slow quality time with your families and cherished memories with friends. I hope you will enjoy travel mercies and be blessed with a Merry Christmas and Happy New Year.

It is my wish that in 2024, you will return with renewed energy, humbler attitudes, innovative solutions and new perspectives– as our work is not done and our duty is not yet served.

God Bless and Go Well".

The Speaker said that after the disruptions in the last Council meetings, he had a discussion with both Whips of the two parties to discuss the Rules of Order in order to keep their caucuses in check with their conduct in Council meetings. He said that Councillors were disrespecting the sanctity of the Council Chambers if the Rules of Order were not followed.

He added that he was introducing a system regarding counter proposals or opposing recommendations in terms of which Councillors will be expected to read new recommendations from a written note as formulated by their respective caucuses.

He said that if Councillors were not prepared with a final recommendation, they will be provided caucus time to come back with a written recommendation for this purpose.

7. STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR

The Executive Mayor, Councillor H.F. Du Rand thanked the municipal staff, administration and Senior Management for what they have done while they had to endure a lot of difficulties during the year especially the latter part of the year. He thanked everyone for doing their part throughout the year.

He wished everyone a merry Christmas and expressed the hope that they have the time to rest and spend time with their families.

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 A177. 30.11.2023

PROPOSED REGIONAL WASTE TO ENERGY FACILITY IN SWELLENDAM

Report by the Manager, Solid Waste and Environment. Mr J. van Niekerk

Department	Community Services
Section	Solid Waste and Environment
File Number	16/5/1/1

PURPOSE OF THE REPORT

The purpose of this report is to propose a Solid Waste solution for Swellendam and possibly surrounding municipalities (Cape Agulhas, Langeberg, Theewaterskloof and Hessequa) through a central Waste to Energy (W2E) Plant located at Bontebok Landfill Site. In previous council reports of February 2023 "State of Bontebok Landfill Site" and March 23 "Waste to Energy (W2E) – Expression of interest" it was agreed that W2E would be a desired solution for Swellendam's waste and that we could do so at a no - low cost to municipality model. W2E is a viable solution but the minimum daily tonnage needed exceeds our production, therefore we need our neighbouring municipalities to provide the extra tonnage to make a W2E plant a viable solution.

FACTS AND BACKGROUND

- Airspace (available landfill space left) for the Bontebok Landfill site is approximately 12-23 months depending on waste minimisation and landfill compaction
- Creation of a new cell which will allow another +-20 years of landfill use = R62 - 90M
- Cost to transport to Karwyderskraal = R22M - R42M per year depending on a short- or long-term option
- Cost of a W2E solution has been proposed at zero cost to the municipality but will incur small partnership costs
 - Cape Agulhas, Theewaterskloof, Langeberg and Hessequa have shown in principle interest in this model
- We have 16 W2E companies that have shown interest in Swellendam all with a zero cost to municipality proposal
- W2E can produce syngas or euro 4 diesel both of which can be converted to electricity
- A W2E plant requires 100+ tons per day to make it viable over a 10-year amortisation period
- Swellendam produces 25 tons per day

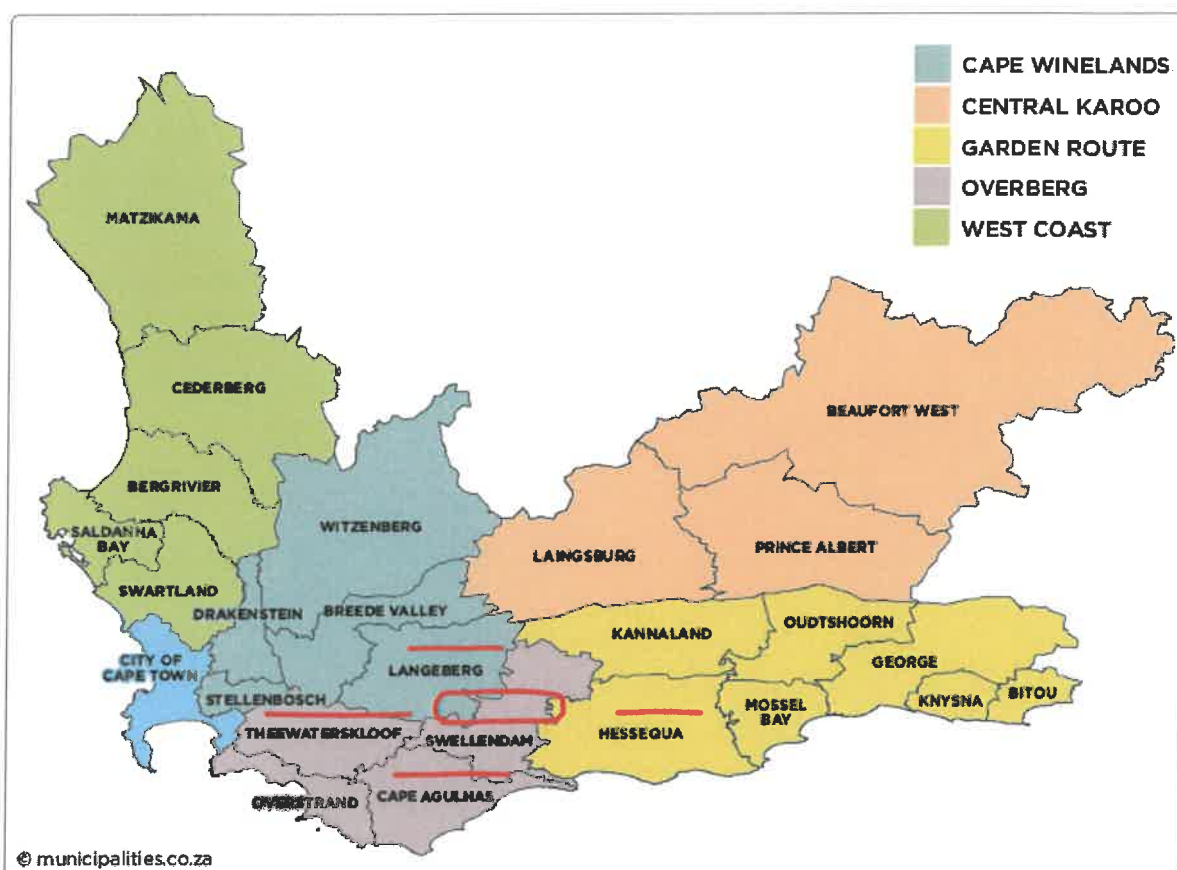
If Bontebok reaches its airspace limit, costs ranging from a tariff increase of between R111,78 and R163,13 per household per month and a minimum capital cost of R21,970,000 (present-day estimate) will be necessary if we follow a new landfill or delivery model.

The current situation is that all general waste that is not diverted is dumped at the Bontebok Landfill and covered with covering material.

What is being done to reduce waste at the Bontebok Landfill

- Organic Waste Diversion through our new compost site
- Builders rubble diversion
- Recycling initiatives in Swellendam
- Waste minimisation marketing and awareness building at all levels of society

These initiatives are not enough, we will run out of landfill space in the next 24 months according to Ducharme Consulting in their "Cost provisions for the closure and rehabilitation of existing landfill sites 30 June 2023", report the airspace calculation suggests that the remaining useful life of the Bontebok Landfill will reach capacity in 2025



The options are

- Apply to **increase landfill airspace**
 - o This is not being allowed for landfill sites that do not have liners. Bontebok Landfill site does not have a liner.
- According to Jan Palm's report (Western Cape Governmental Department of Environmental Affairs and Development Planning, Assessment of the Municipal Integrated Waste Management Infrastructure Oct 2016) if Bontebok runs out of airspace, the cost of a **new waste cell** would be **R62 - 90M**
 - o This does not include the cost of site closure for the existing site
 - o This is not an environmentally conscious solution. Burying waste is not a good financial solution as all waste has value. It is not a good environmental solution as it adds to hazardous gasses and ground leachate. It is not a good solution for the municipality as we are spending money without a return.

- Costs for **transport to Karwyderskraal** based on Jan Palm's report (Overberg District Municipality, Karwyderskraal Regional Waste Disposal Facility Transport Options for Swellendam Municipality Sep 2020) describes numerous scenarios that will occur if Bontebok reaches its airspace ranging from a **tariff increase of between R111,78 and R163,13 and a capital cost of a minimum of R22M and a top end of R42M**. A short-term delivery solution to Karwyderskraal could be done for approximately **R22M which includes 3 new compactor trucks** to deliver to Riviersonderend transfer station.

- This is also not an environmentally conscious solution. Transporting waste is not a good financial solution as it costs fuel and we are giving waste away that has a potential worth **200-500 KWh per ton**. It is not a good environmental solution as transport adds to global warming. It is not a good solution for the municipality as we are spending money without a return.

- Waste to energy solution (already accepted by Council)**

- A W2E solution would reduce our general waste by up to 95%, the remaining waste is carbon-rich inert ash that has many useful purposes.
- W2E would convert waste to heat and specific gasses which could be used to create electricity, diesel, ethanol or various other forms of energy
- W2E could produce approximately 60KW/t of waste depending on its calorific value
- We have had 7 companies express interest in a no-cost or a low cost to Municipality option where we supply the fuel and they sell the product
- A W2E solution would take a minimum of 12 months to capacitate

DISCUSSION

Council has already concluded that W2E is the preferred direction for Swellendam given the situation we face. The limiting factor is that Swellendam does not produce enough waste for this to be an option as 100 tons per day is needed to make a W2E plant financially viable in under 10 years. If less than 100 tons per day is processed then the amortisation period becomes longer than 10 years and financing become difficult from the W2E companies' side.

Our solution is to accept waste from other sources, for example

SDM MSW	+ - 25t/d	
SDM Sewage sludge	+ - 3t/d	
Langeberg	+ - 60t/d	In principle they are interested
Theewaterskloof	? t/d	Not viable in terms of transport
Cape Agulhas	+ - 60t/d	In principle they are interested
Hessequa	? t/d	In principle they are interested
Swellendam abattoir	+ - 7t/d	In principle they are interested
SOILL	+ - 2t/d	In principle they are interested
Tyres	? t/d	This is a near limitless resource
Possible Total	145 + tons per day	

If we set up agreements with local business and neighbouring municipalities, we will have excess material to justify a W2E solution that will not only get rid of our unwanted waste but will also produce significant electricity and or diesel that we would be able to purchase at a preferable rate at a predictable increase per year.

LEGAL IMPLICATIONS

- Provincial Organic Waste Strategy (2020)
- Swellendam Municipality waste licence for Bontebok Landfill
- Western Cape Government: Climate Change Response Strategy (2014)

- Constitution of the Republic of South Africa, 1996
- National Environmental Management Act 107 of 1998
- Western Cape Government: Climate Change Response Strategy (2014)
- National Norms and Standards for Disposal of Waste to Landfill GN 636 of 2013
- Circular economy in line with EPR, NWMS, SWM, NEMWA
- Agreements with neighbouring municipalities guaranteeing delivery of waste and a possible purchase of the resultant energy (electricity or diesel) from those municipalities.

FINANCIAL IMPLICATIONS

• Until W2E is active

- Temporary delivery to Karwyderskraal could make use of the newly built Riviersonderend Transfer Station which would put enormous pressure on our waste compactor trucks that range from 14-27 years old (the maximum recommended age for a compactor truck is 7 years) but would cost an estimated R22M/y which is four times as much as the current cost of running the Bontebok Landfill Site. This will occur from the time our landfill site is at capacity which could be between 24-36 months depending waste minimisation and compaction and effective management of the Bontebok Landfill Site.

• Once W2E is set up

- Removing the necessity to build another cell at R62-90M
- After W2E is active there would still be a need for basic waste management at the Bontebok Landfill but significantly less than currently. From 85-95% less waste
- The cost saving of buying electricity and diesel at a preferred rate and predictable yearly increase has yet to be determined.
- Job creation
- W2E at Bontebok Landfill will cost Swellendam Municipality in:
 - Installing electrical infrastructure if electricity is produced
 - Installing a water line for basic consumption at the Bontebok Landfill Site
 - Use of Bontebok Landfill site for the W2E plant = no cost

• If W2E route is not followed

- Permanent setup and delivery to Karwyderskraal is R42M for the first year and around half that for the following years
- Bontebok Landfill closure and rehabilitation costs to be determined

PERSONNEL IMPLICATIONS

COMMUNICATION IMPLICATIONS

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, 22 November 2023.

RECOMMENDED TO COUNCIL

1. that cognizance be taken of the report on the proposed Regional Waste to Energy facility in Swellendam at this stage and it be noted that the process would take up to two and a half years for the municipality to implement.
2. that Council approves that formal in-principle agreements with surrounding municipalities and businesses to collect waste, be entered into.
3. that the APAC and MPAC conduct a thorough evaluation of the service and submit a report for submission to Council.
4. that Council takes note of the need to buy more vehicles for waste removal to accommodate the 950 houses of the new housing project in Railton.

DISCUSSION

In response to a question raised by Councillor M.T.A. Swart with regard to how the proposed project would affect the service provider on site at the Bontebok Landfill Site, Mr K. Stuurman, Director of Community Services said that the service provider who was on site's agreement has been extended to 30 June 2024 which was when the municipality will go out on tender again for similar services. He added that the need for such services will phase out when the Waste 2 Energy process comes into process.

Councillor J.A. Matthysen raised concern with regard to the tender that now has to be advertised for a second round and said that it was a waste of municipal funds. He asked that it be avoided in future by making sure that the tender applications received adhered to all the requirements.

The Municipal Manager, Mrs A. Vorster responded that after the tender has been advertised allegations were received in terms of the procurement process which had to be investigated and referred back to get a legal opinion. She said that it was advised that the tender be not awarded but that it be re-advertised. She added that the process was to ensure that the municipality was legally compliant. She said that the Waste 2 Energy process was a new concept to try and create more landfill airspace and should not be confused with the management of the landfill site as it was two different processes.

Councillor J.A. Matthysen asked that the Municipal Manager disclosed the legal opinion provided by the lawyers with regard to what motivated the decision for the municipality not to proceed with the first tender process whereby the Municipal Manager indicated that it was a possible litigation matter and as such she was not comfortable with sharing the information at a public platform.

The Executive Mayor, Councillor H.F. Du Rand asked why the process took 12 months for the Waste 2 Energy tender to be re-advertised whereby the Municipal Manager, Ms A. Vorster explained that the process took long due to it being new technology that has to be tried and tested in South Africa. She said that municipalities have not yet embarked on successful projects like these which meant that there was no road map to be followed. She added that the municipality also struggled to get the correct specifications and had to engage with other municipalities in this regard.

Mr Stuurman indicated that the tender has been finalized, however, a bid specification meeting still has to be held whereafter the tender could only be advertised by 15 January 2024 due to the public procurement festive period 2023/2024 as prescribed by National Treasury.

Councillor Swart asked that all relevant information with regard to items be included in the Annexures in order to avoid so many questions by Councillors.

The Executive Mayor commended the administration for being innovative to endeavour to solve the waste problem. He added that trying the new process has no risk or financial impact for the municipality apart from the land that will be utilized at the landfill site. He said that the municipality did not know whether the new process would work but will try its best to find viable solutions to an immense problem.

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

UNANIMOUSLY RESOLVED

Item A177/30/11/2023

1. that cognizance be taken of the report on the proposed Regional Waste to Energy facility in Swellendam at this stage and it be noted that the process would take up to two and a half years for the municipality to implement.
2. that Council approves that formal in-principle agreements with surrounding municipalities and businesses to collect waste, be entered into.
3. that the APAC and MPAC conduct a thorough evaluation of the service and submit a report for submission to Council.
4. that Council takes note of the need to buy more vehicles for waste removal to accommodate the 950 houses of the new housing project in Railton.

9.1.2

Item number A178. 30.11.2023

SUPPLY CHAIN MANAGEMENT MONTHLY REPORT – OCTOBER 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 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 October 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, 22 November 2023.

RECOMMENDED TO COUNCIL

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

DISCUSSION

In response to a question raised by Councillor M.T.A. Swart with regard to the amount of R756 337.38 paid to the Red Ants the Municipal Manager indicated that it was paid for their services for three days to safeguard the essential service infrastructure of Council. She said that there was no specific vote for the expense and it was reported as such to Council that it was done from savings and will be addressed in the Amendments Budget.

The Speaker, Councillor J.R. van Schalkwyk confirmed that the recommendation was noted by all Councillors.

RESOLVED

Item A178/30/11/2023

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

9.1.3

Item number A179. 30.11.2023

TENDER NO: SMT22/19/20 – AMENDMENT OF AGREEMENT_SUPPLY, DELIVERY AND ADMINISTRATIVE SUPPORT SERVICES OF A FINE COLLECTION SYSTEM AND CAMERA EQUIPMENT WITH THE RELATED OPERATIONAL SUPPORT

Report by the Director Financial Services:	Ms. E. Wasserman
Department	Financial Services
Section	Supply Chain Management
File number	8/2

PURPOSE OF REPORT

To inform Council in terms of a proposed amendment of the existing agreement between Swellendam Municipality and TMT Services and Supplies (Pty) Ltd.

FACTS AND BACKGROUND

TMT Services and Supplies (Pty) Ltd was appointed through a competitive bidding process on 16 March 2020 for the Supply, Delivery, and Administrative Support Services of a Fine Collection System and Camera Equipment with Related Operational Support for the period from 01 July 2020 to 30 June 2023 at an estimated contract value of R6 989 881,19 (incl. VAT).

The agreement was amended for a further 3-month period from 01 July 2023 to 31 October 2023 in terms of MFMA Circular 62 at an estimated value of R1 048 800 000,00 (incl. VAT), which represents 14,49% of the original contract value.

A tender process could not be concluded due to the uncertainties surrounding the implementation of the AARTO legislation.

LEGAL IMPLICATIONS

In terms of section 116(3) of the Municipal Finance Management Act the following needs to be followed when amending a contract that 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 were placed in the Langeberg Bulletin and on the municipal website on Thursday, 28 September 2023. To date, no representations have been received. Please note that the closing date and time were **Friday, 20 October 2023 at noon**.

FINANCIAL IMPLICATIONS

The total estimated cost for this amendment is R 2,000,000.00 (incl. VAT).

COMMUNICATIONS IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

The finance department has unofficially partnered with two other municipalities with a consultant at no cost to the municipality to prepare a tender document in line with the new AARTO legislation. By sharing ideas, the council will benefit from a newly drafted tender document and some protection for council revenue loss due to AARTO implementation.

Director: Infrastructure Services

None

Municipal Manager

None

This item served on the Mayoral Committee meeting held on Wednesday, 22 November 2023.

RECOMMENDED TO COUNCIL

1. that the proposed amendment of the agreement between Swellendam Municipality and TMT Services and Supplies (Pty) Ltd for the Supply, Delivery, and Administrative Support Services of a Fine Collection System and Camera Equipment with The Related Operational Support for the period 01 November 2023 to 30 June 2024 to the estimated amount of R 2,000,000.00 (incl. VAT), be noted by Council.

DISCUSSION

In response to a question raised by Councillor M.T.A. Swart with regard to why contracts were constantly amended and not advertised to allow other service providers the opportunity, the Municipal Manager, Mrs A. Vorster said that a competitive tender process was always followed, however, in some cases there were practical reasons why the municipality could not go out on tender.

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

RESOLVED

Item A179/30/11/2023

1. that the proposed amendment of the agreement between Swellendam Municipality and TMT Services and Supplies (Pty) Ltd for the Supply, Delivery, and Administrative Support Services of a Fine Collection System and Camera Equipment with The Related Operational Support for the period 01 November 2023 to 30 June 2024 to the estimated amount of R 2,000,000.00 (incl. VAT), be noted by Council.

9.1.4

Item number A180. 30.11.2023

RESUBMISSION: ALIENATION OF TWO PORTIONS OF MUNICIPAL LAND TO THE WESTERN CAPE GOVERNMENT FOR THE EXPANSION OF THE RAILTON CLINIC PROPERTY (ERF 7296)

Municipal Manager:	A. Vorster
Department	Municipal Manager
Section	Property Management
File number	7/2/R

PURPOSE OF REPORT

To submit a request from the Western Cape Government regarding the purchase price of the mentioned municipal property.

FACTS AND BACKGROUND

EXTRACT COUNCIL MINUTES: 08 MAY 2023

UNANIMOUSLY RESOLVED

Item A52/08/05/2023

1. "That portion of Erf 2063 {proposed Erf 8493 (350 square metres)}, and portion of Erf 8498 {proposed Erf 8496 (+/-120 square metres)} are not needed to provide the minimum level of basic municipal services;
2. That the portions (as mentioned in above) can be alienated to the Western Cape Government at a market-related value, as determined by the average of two market value reports;
3. That the principle to sell the mentioned properties, be advertised for public comments;
4. That the mentioned portions be simultaneously consolidated with Erf 7296, Railton, to form part of the Railton Clinic property;
5. That the Western Cape Government be responsible for the costs relating to the land use planning applications such as subdivision, rezoning and consolidation;
6. That the Western Cape Government be responsible for the costs in determining the market value, advertising of the alienation and the Transfer Agreement, as drafted by Council's Attorney;
7. That the Western Cape Government be responsible for the extension or replacement of the current fence surrounding the Railton Clinic, after the land use planning applications are finalized and registration has taken place;
8. That the Western Cape Government be responsible for the funding of a motorised gate for the entrance to the Community Hall;
9. That should any objections be received in respect of this application, the matter be referred back to the Mayoral Committee, for consideration;
10. That should no objection be received, the Municipal Manager be mandated to sign the Transfer Agreement, according to her delegated powers."

DISCUSSION

Notice V4/2023 was placed in the local newspaper and distributed for public comments, but no feedback was received by 11 August 2023.

Two valuation reports were received from Council's valuers with the following values:
Proposed erf 8498 (350 square metres in size) – R3.00 / R5.00 per square metres – average: **R4.00 per square metre, excluding VAT;**
Proposed erf 8493 (120 square metres in size) – R8.00 / R10.00 per square metres – average: **R9.00 per square metre, excluding VAT.**

Find the notice and valuation reports attached **on pages 8 to 9 of the Annexures.**

The following feedback was received from the Western Cape Government regarding the conditions as stipulated in the Council resolution of item A152 of 8 May 2023:

"PROPOSED ACQUISITION OF UNREGISTERED ERVEN 8493 & 8498, SWELLENDAM

Your email correspondence on the 6 August 2023 with the council resolution Item A52/08/2023 has reference.

Following the email correspondence received from Swellendam Local Municipality on the 20 September 2023 as well as additional information received from internal departments of the Western Cape Government (WCG), the WCG accepts the following council conditions:

- 1. Condition 5: The WCG takes note that the cost for the consolidation and rezoning will be for the WCG. It must also be noted that no sub-division is required on the erven that is to be acquired.*
- 2. Condition 7: The WCG be responsible for the extension or replacement of the current fence surrounding the Railton Clinic, after the land-use planning applications are finalized and registration has taken place.*
- 3. Condition 8: The WCG be responsible for the funding of a motorised gate for the entrance to the Community Hall.*

As the future intent of the subject properties will be used by the WCG to render public health services to the Railton Community, and application is thus made to Swellendam Local Municipality to acquire Unregistered Erven 8493 & 8498 at 25% of the market value(s). The application is made in light of budgetary constraints faced by all departments of the WCG.

It should be noted that the amount payable for the 470m² is R2 480.00.

LEGAL IMPLICATIONS

The following legislation regulates property management:

- The stipulations of Section 14 of the Municipal Finance Management Act, 2003, (Act 56 of 2003) (MFMA);
- The By-Law relating to the Management and Administration of Immovable Property, 2005.
- The Asset Transfer Regulations, 2008.
- Land Disposal Policy, 2018

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None.

COMMENTS FROM DEPARTMENTS

Corporate Services

Manager: Town Planning & Building Control

No further comments.

Director: Community Services

No further comments.

Director: Financial Services

No further comments.

Director: Infrastructure Services

No further comments.

Municipal Manager

No further comments.

This item served on the Mayoral Committee meeting held on Wednesday, 22 November 2023.

RECOMMENDED TO COUNCIL

1. that the request from the Western Cape Government to only pay 25% of the market price of R2 480.00 (VAT excluded) for a portion of Erven 8493 and 8498 Railton, in addition to all land use, surveying cost, advertisement cost etc, be not granted.

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

UNANIMOUSLY RESOLVED

Item A180/30/11/2023

1. that the request from the Western Cape Government to only pay 25% of the market price of R2 480.00 (VAT excluded) for a portion of Erven 8493 and 8498 Railton, in addition to all land use, surveying cost, advertisement cost etc, be not granted.

9.1.5

Item number A181. 30.11.2023

ALIENATION OF A RESIDENTIAL PROPERTY, ERF 4624 IN RAILTON – OUT OF HAND

Municipal Manager

A Vorster

Department

Municipal Manager

Section

Property Management

File Number

7/2/R

PURPOSE OF REPORT

To consider selling a municipal property out of hand, after a tender process was followed and no tenders were received.

FACTS AND BACKGROUND

Extract Council minutes: 31 May 2023

UNANIMOUSLY RESOLVED

Item A63/31/05/2023

1. that Erf 4624, Railton, is not needed to provide the minimum level of basic municipal services;
2. that Council in principle has no objection to alienating the land described in (1) above by way of a competitive bidding process, led by the Supply Chain Management Unit, based on a fair market value, as determined by an average of two valuation reports;
3. that the reserve price for erf 4624 Swellendam be set as the average of the two official valuation reports;
4. that the decision of Council, to alienate Erf 4624, Railton, be advertised for public comments;
5. that should any objections be received in respect of this application, the matter be referred back to the Mayoral Committee, for consideration;
6. that should no objection be received; the Municipal Manager be mandated to commence with the Supply Chain Process.

DISCUSSION

Erf 4624, Railton was put on tender (SMQ14/23/24) for alienation, but no tenders were received.

See map attached **on page 10 of the Annexures.**

LEGAL IMPLICATIONS

The following legislation regulates property management:

- The stipulations of Section 14 of the Municipal Management Act, 2003, (Act 56 of 2003) (MFMA);
- The By-Law relating to the Management and Administration of Immovable Property, 2018.

- The Asset Transfer Regulations, 2008.
- Land Disposal Policy, 2018

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Corporate Services

Town Planning & Building Control – Mr R. Brunings

No further comments.

Director: Community Services

No further comments.

Director: Financial Services

No further comments.

Director: Infrastructure Services

No further comments.

Municipal Manager

No further comments.

This item served on the Mayoral Committee meeting held on Wednesday, 22 November 2023.

RECOMMENDED TO COUNCIL

1. that cognizance be taken that no tenders were received for the alienation of Erf 4624, Railton, during a tender process;
2. that Erf 4624, Railton is still not needed to provide the minimum level of basic municipal services;
3. that Erf 4624, Railton, forms part of the municipal inventory of land that can be alienated out of hand, on a first-come-first-serve basis;
4. that Council's attorney be delegated to draft the applicable documents for the transfer;
5. that the Municipal Manager be mandated to sign the Transfer Agreement, according to her delegated powers.

DISCUSSION

Councillor G. Libazi indicated that if Council's policy made provision to sell the property out-of-hand, the ANC would support the recommendation. The Municipal Manager, Mrs A. Vorster confirmed that the policy made provision for it.

Councillor M.T.A. Swart requested permission for temporary leave from the Chambers at 10:45 which was granted by the Speaker. She returned at 10:47.

The Speaker confirmed that ten Councillors were in support of the recommendation as-is with one abstention.

UNANIMOUSLY RESOLVED

Item A181/30/11/2023

1. that cognizance be taken that no tenders were received for the alienation of Erf 4624, Railton, during a tender process;
2. that Erf 4624, Railton is still not needed to provide the minimum level of basic municipal services;
3. that Erf 4624, Railton, forms part of the municipal inventory of land that can be alienated out of hand, on a first-come-first-serve basis;
4. that Council's attorney be delegated to draft the applicable documents for the transfer;
5. that the Municipal Manager be mandated to sign the Transfer Agreement, according to her delegated powers.

9.1.6

Item number A182. 30.11.2023

DONATION OF FIRE HYDRANTS AND FIRE TRUCK: SWELLENDAM HERITAGE ASSOCIATION

Municipal Manager

A. Vorster

Department

Municipal Manager

Section

Property Management

File Number

5/16/1/1

PURPOSE OF REPORT

To consider the donation of antique fire hydrants and fire truck to the Swellendam Heritage Association.

FACTS AND BACKGROUND

Swellendam Municipality received an application from the Swellendam Heritage Association for the following donation:

"The Swellendam Heritage Association writes to you and the town council to request permission to remove and relocate the antique fire engine currently on display at in front of the old library building in Voortrek street.

It is the association's intention to relocate this rare exhibit to an area where it will receive far more exposure to the public, both local and tourist. We are currently liaising with Messrs Boshoff Visser to place the exhibit either at Aan De Eike or Die Wagenweg shopping complex (previously Die Groen Padda) both in the popular tourist area in Swellengrebel Street. BVSA are most keen to host this exhibition and a site meeting between the association and BVSA is in the offing to decide which of the two sites would be best suited.

It is the association's intention to fund the removal and relocation of this exhibit. Therefore it will not be at the municipality's cost. The exhibit will remain the property of the municipality and the Swellendam Heritage Association will remain custodian as it is at present.

We also recently made application to the municipality through the office of Mr Bartho Burger to take possession of the two antique fire hydrants currently in the municipal stores (similar to the one outside the old P&A Shop). These hydrants are incomplete and will never be serviceable again. They would however, once restored, make wonderful companion pieces to the old fire engine exhibit. We have not as yet had a reply to this request and wonder if you would perhaps entertain these two request (the fire engine and fire hydrants) together, as per this letter. Again, the restoration and relocation would be for our association's cost.

Given the recent damage to the fire engine display and the fact that the library has been relocated, we sincerely hope the board will see its way clear to approve our request which is aimed at a more advantageous display of the items as well as them being better protected."

DISCUSSION

The structure that houses the antique fire engine displayed in front of the old library building in Voortrek Street, Swellendam was damaged during the riots of 16 August 2023.

According to the Spatial Development Framework of Swellendam the Swellengrebel area is to be developed as a tourist attraction and thus the relocation of the old fire truck and even the two fire hydrants fit in with confirming this area as a historic tourist area.

The Municipality does not need these assets for the provision of municipal services.

It is, however, suggested that, should Council decide to donate the old fire truck and two fire hydrants to the Swellendam Heritage Association, the placement of the exhibits be liaised with the Aesthetics and Conservation Committee, as it concerns the historic conservation area.

LEGAL IMPLICATIONS

- The stipulations of Section 14 of the Municipal Management Act, 2003, (Act 56 of 2003) (MFMA);

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Corporate Services

Town Planning & Building Control – Mr R. Brunings

No further comments.

Director: Community Services

No further comments.

Director: Financial Services

No further comments.

Director: Infrastructure Services

No further comments.

Municipal Manager

No further comments.

This item served on the Mayoral Committee meeting held on Wednesday, 22 November 2023.

RECOMMENDED TO COUNCIL

1. that cognizance be taken that the Municipality does not require the antique fire truck currently on display in front of the old library building and two historic fire hydrants at the municipal stores for the provision of essential services.
2. that it be approved that the antique fire truck and fire hydrants be lent to the Swellendam Heritage Association for exhibition and safekeeping.

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

UNANIMOUSLY RESOLVED

Item A182/30/11/2023

1. that cognizance be taken that the Municipality does not require the antique fire truck currently on display in front of the old library building and two historic fire hydrants at the municipal stores for the provision of essential services.
2. that it be approved that the antique fire truck and fire hydrants be lent to the Swellendam Heritage Association for exhibition and safekeeping.

9.1.7

Item number A183. 30.11.2023

SCHEDULE OF DATES FOR COUNCIL AND COMMITTEE MEETINGS - PROGRAMME FOR 2024

Report of the Director Corporate Services: Mrs A Vorster

Department Corporate Services
Section Administrative Support
File number 3/3/2/1

PURPOSE OF REPORT

The purpose of this report is to set dates for meetings for the Council, Mayoral and Portfolio Committees for 2024 taking key dates in terms of MFMA compliance into account.

FACTS AND BACKGROUND

The Local Government: Municipal Financial Management Act 2003 (Act 56 of 2003) and the Local Government: Municipal Systems Act 2000 (Act 32 of 2000) stipulates certain dates on which key decisions need to be taken by Council. In terms of section 29 of the Local Government: Municipal Structures Act 1998 (Act 117 of 1998) the Speaker decides when and where the Council meets. In terms of section 18(2) of the Act a municipal council must meet at least quarterly. The Mayoral Committee reports to the Executive Mayor and it is therefore the Executive Mayor's decision on when and where the Mayoral Committee meets. The Portfolio Committees are chaired by members of the Mayoral Committee and it is the prerogative of the chairpersons to decide when and where the Portfolio Committees meet.

DISCUSSION

Although the various political-office bearers have a prerogative to decide on the meeting dates of the bodies as specified, it is advisable to preset dates. Furthermore, it is impossible for the Council to meet only quarterly due to the following key dates in respect of which compliance issues of the MFMA need to be considered:

Month	Compliance	
January	Midyear report and draft Annual report	Mid-Year performance- section 72 report; Annual report and Section 52 report Section 72 (1) (a) The MM to assess the performance for the first half of the year the 25 th of January Section 72 (1) (b) Submit the midyear report to the Mayor; NT an PT by the 25 th of January (refer also to Regulation 35 of the municipal budget and reporting regulations) Regulation 34 of the municipal budget and reporting regulations the midyear report to be made public within 5 working days of the 25 th of January Section 54 (1) (f) the Mayor to submit the midyear report to council by 31 st of January. Section 127(2) of the MFMA stipulates that the annual report must be tabled in the municipal

	S52 MFMA report Supply Chain Management Regulations: Monthly SCM report Quarterly SCM report	council within seven months after the end of the financial year. Quarterly report to be tabled within 30 days after the end of the quarter. Council has a responsibility to maintain oversight over the implementation of the SCM Policy. The Accounting Officer must record the reasons for any deviation from the procurement process and report it to the next council meeting.
February	Adjustments budget Monthly SCM report	An adjustments budget as per MFMA section 28 (2) (g) may only authorize unauthorized expenditure as anticipated by section 32 (2) (a) (i) of the MFMA, and must deal with – A special adjustments budget tabled in the municipal council when the mayor tables the annual report in terms of section 127 (2) of the Act, which may only deal with unauthorized expenditure from the previous financial year which the council is being requested to authorize in terms of section 32 (2) (a) (i) of the MFMA.
March	Annual report and oversight report and draft IDP and draft budget Monthly SCM report	Section 129 of the MFMA requires the council to consider the annual report within two months after it was tabled in the Council and to adopt an oversight report containing the council's comments on the annual report. Section 22 read with Section 24 of the MFMA deals with the budget and IDP process
April	S52 MFMA report Monthly SCM report Quarterly SCM report	Quarterly report to be tabled within 30 days after the end of the quarter.
May	IDP Section Budget Section 16 of the MFMA Monthly SCM report	The IDP and budget must be approved by the Council before the start of the new financial year.
June	Possible adjustments budget	In terms of Section 28 of the MFMA, the following circumstances may necessitate an adjustments budget, namely: Under-collection of revenue; when additional revenues has become available; unforeseen unavoidable expenditure; utilisation of projected savings in one vote towards spending under another

	Monthly SCM report	vote; spending of funds that were unspent at the end of a financial year; correction of errors in the annual budget; Emergency or other exceptional circumstance.
July	S52 MFMA report Monthly SCM report Quarterly SCM report	Quarterly report to be tabled within 30 days after the end of the quarter.
August	Process plan S21(1)b MFMA Roll over budget S52 MFMA report Monthly SCM report	Process plan to be tabled 10 months before the start of the financial year. Unspent grant funding to be rolled over to new financial year Quarterly report to be tabled within 30 days after the end of the quarter
September	Monthly SCM report	
October	S52 MFMA report Monthly SCM report Quarterly SCM report	Quarterly report to be tabled within 30 days after the end of the quarter.
November	S52 MFMA report Monthly SCM report	
December	Monthly SCM report	

The programme is suggested for approval with the proviso that any changes to any of the dates can be made by the relevant political office-bearer as and when needed and such changes will be communicated timeously. **The programme is attached on pages 11 to 12 of the Annexures.**

LEGAL IMPLICATIONS

The Local Government: Municipal Financial Management Act 2003 (Act 56 of 2003) and the Local Government: Municipal Systems Act 2000 (Act 32 of 2000) stipulates certain dates on which key decisions need to be taken by Council.

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATION

Council meetings must be made public in terms of section 19 of the Systems Act.

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, 22 November 2023.

RECOMMENDED TO COUNCIL

1. that with the proviso that the Speaker in the case of Council meetings, the Executive Mayor in the case of Mayoral Committee meetings and the Chairperson in the case of Portfolio Committee meetings can make changes if required, the schedule of dates for Council, Mayoral Committee and Portfolio Committee meetings for the 2024 calendar year be approved and that any changes to the schedule, be communicated timeously;
2. that changes to the schedule only be made if circumstances beyond control so demand.

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

UNANIMOUSLY RESOLVED

Item A183/30/11/2023

1. that with the proviso that the Speaker in the case of Council meetings, the Executive Mayor in the case of Mayoral Committee meetings and the Chairperson in the case of Portfolio Committee meetings can make changes if required, the schedule of dates for Council, Mayoral Committee and Portfolio Committee meetings for the 2024 calendar year be approved and that any changes to the schedule, be communicated timeously;
2. that changes to the schedule only be made if circumstances beyond control so demand.

9.1.8

Item number A184. 30.11.2023

COUNCIL IN RECESS: PERIOD 11 DECEMBER 2023 UNTIL 12 JANUARY 2024

Report of the Director Corporate Services: Mrs A Vorster

Department	Corporate Services
Section	Administrative Support
File number	3/3/2/1

PURPOSE OF THE REPORT

To obtain confirmation of Council's recess from 11 December 2023 to 12 January 2024.

FACTS AND BACKGROUND

Councillors may wish to have a much-deserved break during the festive season and the report is submitted to obtain a Council resolution in this regard.

The proposed dates for the recess have been determined taking into account the coastal cluster school calendar for 2023/2024 with schools closing on 13 December 2023 and re-opening on (15*) 17 January 2024. (* For educators.)

The mid-year budget and performance assessment is due by the 25th of January each year and as such it is proposed that Council's programme resumes on 15 January 2024 to allow sufficient time to facilitate the scheduling of the Mayoral Committee and Council meetings to consider this report.

During the proposed recess, all urgent matters shall be dealt with by the Executive Mayor in consultation with the Municipal Manager, if and when required in terms of the delegations per Resolution A2374 taken on 5 June 2013, which reads as follows:

RESOLVED:

1. That during periods of recess the Executive Mayor be 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:
 - (b) 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;
 - (c) 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
 - (d) where the public interest so demands, this power be exercised after consultation with as many members of the Mayoral Committee as reasonably possible.
2. "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.
3. All resolutions taken by the EM during recess must be tabled at the next meeting of the Council for ratification.

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

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, 22 November 2023.

RECOMMENDED TO COUNCIL

that it be confirmed that Council will be in recess from 11 December 2023 until 12 January 2024 and that during this period all urgent matters, if and when required, shall be dealt with by the Executive Mayor in consultation with the Municipal Manager in terms of the delegations per Resolution A2374 dated 5 June 2013.

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

UNANIMOUSLY RESOLVED

Item A184/30/11/2023

that it be confirmed that Council will be in recess from 11 December 2023 until 12 January 2024 and that during this period all urgent matters, if and when required, shall be dealt with by the

Executive Mayor in consultation with the Municipal Manager in terms of the delegations per Resolution A2374 dated 5 June 2013.

9.1.9

Item number A185. 30.11.2023

COMMUNITY SERVICES: RESUBMISSION: ALLOCATION OF STREET NAMES: SWELLENDAM, RAILTON HOUSING PROJECT

Report by the Manager Human Settlements, Mr J. Engel.

Department	Community Services
Section	Human Settlements
File Number	17/6/1

PURPOSE OF REPORT

To submit the proposed street names for Swellendam, Railton Housing Project for reconsideration after the matter was referred back by the Mayoral Committee meeting held on 25 October 2023.

FACTS AND BACKGROUND

With the Housing Development in Railton, ten (10) new streets have been developed that need to be named. **(Attached approved Layout on page 13 of the Annexures)** The naming of streets is of utmost importance to the municipality to ensure the delivery of services, billing and also for emergency services. Naming must be dealt with in such a way that it binds the community in the area together rather than creating separation.

During a Housing Community meeting held on 29 November 2022 the Community was informed of the process of naming the ten (10) new streets. A suggestion form was developed and placed at the municipal offices and libraries it was also advertised in the Langeberg Bulletin per notices G12023 to the community to make an input.

NAMING: CRITERIA FOR EVALUATION (Policy for the naming of streets, public places, natural areas, artefacts and council-owned buildings and facilities)

The following criteria in ranked order are to be used to assist determining the suitability of a name (of a new street). Any submission must therefore make a strong case, which motivation should be based on the following:

- a) Must not be offensive or insensitive;
- b) Must promote goodwill and reconciliation;
- c) Will assist in building a sense of ownership, identify and community in a changing society;
- d) Where there is a strong degree of community participation and support;
- e) Should increase the marketing potential and investment attractiveness of an area;
- f) Honour and commemorate noteworthy persons associated with the municipal area. Any such submission or petition to name a feature after people must be accompanied by a detailed motivation, profile of the person and indication why the specific person is worthy of the honour;
- g) Commemorate local, national or international history, places, events, memories or culture of relevance to the people within the municipal area;
- h) Recognize indigenous and international flora, fauna and natural environment relevant to the municipal area;
- i) Recognize the cultural diversity of the municipal area; and
- j) Promote improved place orientation and recognition.

NAMING RULES FOR SELECTION (Policy for the naming of streets, public places, natural areas, artefacts and council-owned buildings and facilities)

The following rules (along with the criteria contained under section 8 above) shall apply for the selection of names for features:

GENERAL

- a) There must be no duplication of names, similarly spelled or phonetically similar names within the previous municipal boundary of the town in which the feature is located (e.g. Barrydale) as well as within a 5 kilometer radius of the feature;
- b) The length of a name should preferably be limited to what can be practically accommodated on a nameboard and maps, which are no more than 20 characters including spaces;
- c) No names should be used which could be construed as commercial advertising; and
- d) Names that would generally improve the municipality's administration and provision of essential services are preferred.

The suggestions that came from the community are as follows:

1. Jan De Mingostraat	2. Tarentaalstraat	3. Rossstraat
4. Abrahamsstraat	5. Witbooistraat	6. Hendricksstraat
7. Lombaardstraat	8. Plaaitsiesstraat	9. Moodiestraat
10. Martinstraat	11. At Laststraat	12. Laaste Uitwegstraat
13. Kawuki Laanstraat	14. Lank Gewagstraat	15. Kan jy nou meerstraat
16. Langastraat	17. Louisostraat	18. Wilde-Alsstraat
19. Buchustraat	20. Suurvrytjiesstraat	21. Saliestraat
22. Knoffelstraat	23. Wynruitstraat	24. Kanniedoodstraat
25. Karmedipstraat	26. Willekeurstraat	27. Kraalbosstraat
28. Morcounchstraat	29. Barren Rooistraat	30. Mchorty groenstraat
31. Dhophronsostraat	32. Lawa khortelestraat	33. Allirkushenstraat
34. Murigankelleystraat	35. Tollanailstraat	36. Robreeusestraat
37. Godleweus straat	38. De Jonghstraat	39. Witbooistraat
40. Pietersstraat	41. Sonneblomstraat	42. Wildebeesstraat
43. Mandelastraat	44. Proteastraat	45. Springbokstraat
46. Jakkelsstraat	47. Pallangstraat	48. Dyersstraat
49. Mandelastraat	50. Spurstraat	51. Buisstraat
52. Chapendekstraat	53. Rainstraat	54. Tysstraat
55. Steunstraat	56. Bultstraat	57. Siyangenstraat
58. Mokatestraat	59. Martinstraat	60. Gertsestraat
61. Peukeurstraat	62. Gertsestraat	63. Thompsonstraat
64. Kokkewietstraat	65. Thompsonstraat	66. Patrysstraat
67. Michealsstraat	68. Gertsestraat	69. Du Randstraat
70. Herandienstraat	71. Frederick Pikestraat	72. Pietie Witbooi straat
73. Mannatjiesstraat	74. Geloogstraat	75. Hopestraat
76. Lovestraat	77. Gee omstraat	78. Together we canstraat
79. Never Give Upstraat	80. Survivestraat	81. Windvogelstraat
82. Gertsestraat	83. Witbooistraat	84. Ry Laanstraat
85. Tinktinkiestraat	86. Verbenastrat	87. Hoepoestraat
88. Katjeeperingstraat	89. Roosmarynstraat	90. Wielie Waalstraat
91. Malvastraat	92. Suikerbekkiestraat	93. Bloekom Laanstraat
94. Dyersstraat	95. De Wetstraat	96. Plaatjiesstraat
97. Swartstraat	98. Jonasstraat	99. Persencestraat
100. Uysstraat	101. Van de Waltstraat	102. Melroosstraat
103. Vermeulenstraat	104. Bantomstraat	105. Lakeystraat
106. Mckechiniestraat	107. Minniesstraat	108. Gaffleystraat
109. Harrystraat	110. Zassstraat	111. Rudolphstraat
112. Platostraat	113. Barandstraat	114. Da Silvastraat
115. Andrewstraat	116. Matthysenstraat	117. Johannesstraat
118. Gertsestraat	119. Vaderstraat	120. Rhodesstraat
121. Jeffreystaat	122. Pepperstraat	123. Uegenestraat
124. Van Niekerkstraat	125. Terensstraat	126. Pietersenstraat
127. Pikkewynstraat	128. Kanariestraat	129. Tarentaalstraat
130. Poustraat	131. Duifstraat	132. Budjiesstraat
133. Uilstraat	134. Kraaistraat	135. Volstruisstraat
136. Pelikaanstraat	136. Mossiestraat	137. Hoenderstraat
138. Patrysstraat	139. Swaanstraat	140. Arendstraat
141. Jan Frederikstraat	142. Kalkoenstraat	143. Aasvoëlstraat
144. Eendstraat	145. Pappegaaistraat	146. Zebrastreet
147. Luiperdstraat	148. Tingtinkiestraat	149. Rykkerstraat

150. Afrikanerstraat	151. Olyfstraat	152. Suiker kaanstraat
153. Olifantstraat	154. Loeiriestraat	155. Strawberrystraat
156. Swaeltjiesstraat	157. Flaminkstraat	158. Rasperrystraat
159. Bearberrystraat	160. Gooseberrystraat	161. Blueberrystraat
162. Blackberrystraat	163. Cranberrystraat	164. Wildberrystraat
165. Black currant berrystraat	166. Dewberrystraat	167. Black Ruby plumstreet
168. Black Beauty plumstreet	169. Black Amber plumsstreet	170. Santa Rosa plumstreet
171. Cherry plumstreet	172. French plumstreet	173. Olivestreet
174. Pearstreet	175. Plumstreet	176. Lemonstreet
177. Kiwi fruitstreet	178. Melonstreet	179. Papayastreet

LEGAL IMPLICATIONS

None

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 Community Services and Housing Portfolio Committee meeting held on Tuesday, 17 October 2023

RECOMMENDED TO MAYCO

1. that the following street names for the new Housing Development in Railton be proposed for approval:

Cherry Street	French Plum Street	Olive Street
Pear Street	Plum Street	Lemon Street
Kiwi Street	Melon Street	Papaya Street
Landbou Street		

2. that two more street names depicting a tree theme be selected.
3. that the theme 'Die Boord' be proposed for the new Housing Development in Railton.

This item served on the Mayoral Committee meeting held on Wednesday, 25 October 2023 and was referred back to the Community Services and Housing Portfolio Committee with the request that all the names except Landboustraat depict a tree theme and that all the names be in Afrikaans.

This item served on the Mayoral Committee meeting held on Wednesday, 22 November 2023.

RECOMMENDED TO COUNCIL

1. that the following street names for the new Housing Development in Railton be proposed for approval:

Kersiestraat	Papajastraat	Olyfstraat
Peerstraat	Pruimstraat	Lemoenstraat
Kiwistraat	Suurlemoenstraat	Naartjiestraat
Landboustraat		

2. that the theme "Die Boord" be proposed for the area.

DISCUSSION

Councillor J.A. Matthysen shared that there were not enough people present when the public participation process was followed and was of the opinion that the street names should have represented the names of people who made a difference within the community and the municipality. He added that he was not in support of the street name that was suggested by the Provincial Department and if the community was included more in the process, a more informed decision could have been made. Councillor Matthysen indicated that the process must be open and transparent and that the item must be referred back for proper public participation to take place.

Councillor D.J. Julius expressed the opinion that the term "Die Boord" was a pejorative term offending those people who worked on farms in orchards and asked that the name be reconsidered to respect the opinions and views of the people affected by this.

In response to a question raised by the Speaker with regard to whether the final list was presented to the public, Mr K. Stuurman, Director of Community Services indicated that the final list has been presented to the Community Services and Housing Portfolio Committee based on the list provided by the public and the inputs of the Portfolio Committee was tabled to Council for approval.

The Municipal Manager, Mrs A. Vorster suggested that the names be supported in principle and then presented to the community in a public participation process.

PROPOSAL 1:

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

1. that the following street names for the new Housing Development in Raiton be approved:

Kersiestraat	Papajastraat	Olyfstraat
Peerstraat	Pruimstraat	Lemoenstraat
Kiwistraat	Suurlemoenstraat	Naartjiesstraat
Landboustraat		

2. that the theme "Die Boord" be proposed for the area.

Proposer: Councillor H.F. Du Rand

Seconded: Councillor A. Bokwana

Councillor M.T.A. Swart asked for a caucus at 10:57. The Speaker granted an 8-minute caucus.

The meeting reconvened at 11:05.

PROPOSAL 2:

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

1. that the Item be **REFERRED BACK** to allow all the beneficiaries the opportunity to provide their inputs in the naming process of the streets as the process has not been open and transparent.

Proposer: Councillor M.T.A. Swart

Seconded: Councillor D.J. Julius

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

Votes were as follows:

Proposal 1:

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

Proposal 2:

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

RESOLVED

Item A185/30/11/2023

1. that the following street names for the new Housing Development in Raiton be approved:

Kersiestraat	Papajastraat	Olyfstraat
Peerstraat	Pruimstraat	Lemoenstraat
Kiwistraat	Suurlemoenstraat	Naartjiesstraat
Landboustraat		

2. that the theme "Die Boord" be proposed for the area.

9.1.10

Item number A186. 30.11.2023

COMMUNITY SERVICES: RESEARCH ON HOUSING AND HEALTH BY STELLENBOSCH UNIVERSITY

Report by the Manager Human Settlements, Mr J. Engel.

Department	Community Services
Section	Housing
Proposed File number	17/4/1

PURPOSE OF THE REPORT

To submit the request from the Stellenbosch University to include the Railton Housing Project in the Building Healthier Communities Research Study for consideration.

FACTS AND BACKGROUND

Stellenbosch University motivates their request as follows. **Documentation in this regard appears on pages 14 to 34 of the Annexures.**

The Building Healthier Communities study investigates the relationship between health and housing among children and their caregivers. We do this by tracking their health as families move from informal to formal housing. We have funding from DG Murray Trust, National Research Foundation and the Medical Research Foundation for this work, and have assembled a network of work class researchers from many institutions in SA as well as the UK, US and Europe to collaborate on this study. We have signed an MOU with WC DHS, and see them as a strategic partner for this work. Our team is committed to advancing knowledge and contributing to scientific discoveries that have the potential to promote social justice & improve the lives of vulnerable individuals. We have been working with WCDHS for more than 10 years.

By participating in this research study, your Municipality will benefit in the following ways:

- As a participant, you will have the opportunity to gain early insights into the research outcomes, which can enhance your organization's knowledge base and inform decision-making processes.
- Fieldworkers will go through a 10-days training course, earning a level NQF 5 certification from the university.
- The fieldworkers will be paid for the data they collect, and households will be paid for their participation

Comment from the Department of Human Settlements

Documentation in this regard appears on page 35 of the Annexures.

With this letter, the Western Cape Department of Human Settlements confirms its support and endorsement of Stellenbosch University's research project on Housing and Health. This research

is well-aligned to the Western Cape Department of Human Settlement's policy priorities, focusing on the measurement and improvement of the inter-sectoral benefits of its large and long-running housing subsidy programme.

LEGAL IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FORM DEPARTMENTS

Director: Community Services

None

Director: Corporate Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

None

This item served on the Mayoral Committee meeting held on Wednesday, 22 November 2023.

RECOMMENDED TO COUNCIL

that the inclusion of the Railton Housing Project in the Building Healthier Communities Research Study conducted by the Stellenbosch University, be endorsed by Council.

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

UNANIMOUSLY RESOLVED

Item A186/30/11/2023

that the inclusion of the Railton Housing Project in the Building Healthier Communities Research Study conducted by the Stellenbosch University, be endorsed by Council.

MUNICIPAL MANAGER REPORT TO THE EXECUTIVE MAYOR FOR PERIOD OCTOBER TO NOVEMBER 2023

ECONOMIC DEVELOPMENT

The Municipal Manager attended the Overberg Growth for Jobs regional workshop in Caledon. The purpose of this workshop was to brainstorm how the Overberg can promote job creation by coordination, prioritising, planning and implementing the timeous delivery of relevant and smart infrastructural solutions (physical, digital and hybrid) to support break-out economic growth and a connected economy, providing flexible, resilient infrastructure that intelligently connects spaces, places, and people, transforms lives and delivers sustainable value to the economy and ecology of the Overberg and Western Cape. The Renewable Energy projects, national road upgrades, in migration, water security and tourism development were some of the issues raised by the Municipal Manager. The need to cultivate and support an entrepreneurial culture has been identified and prioritised.

As a result, the Municipal Manager contacted COBRA and negotiated that training sessions in basic plumbing will be hosted in Swellendam at the end of January 2024. The targeted audience will be victims of Gender Based Violence, early school drop outs and there will be an outreach to Buffeljags Correctional Services to host the same training in support of those soon to be released. Follow up trainings can be organised as well. The Municipal Manager requested that this training program also be rolled out to all other municipalities in the Overberg, and this was kindly agreed to by COBRA.

The annual financial allocation to the Agricultural Show was made in support of agricultural show activities. An allocation was also made to the Double Century to host the Double Century cycle event that annually brings over R20 million direct investment to the local economy in Swellendam.

Engagements took place with the Swellendam Business Chamber and the local museum around the facilitation of tourism development in the municipal area.

The Municipality secured marketing space to promote the Swellendam municipal area on four international tourism marketing shows on the following dates. Product owners are encouraged and invited to provide marketing material to promote on these international platforms.

Amsterdam (The Netherlands): 16 and 17 January 2024

Den Bosch (The Netherlands): 18 January 2024

Antwerp (Belgium): 19 January 2024

Brussels (Belgium): 21-24 January 2024

A compliance survey is currently being undertaken by the IDP and Law Enforcement division in the whole municipal area, around the operation of House Shops.

NATIONAL ROAD UPGRADES

An engagement took place with SANRAL on the future development of the N2 within the municipal area, including a second entrance to Railton.

The following planning proposals for the upgrade of the N2 is currently proposed by SANRAL.

There will only be 2 entries to Swellendam, with all others being closed off. The proposed entrances will be at Swellengrebel and the R60 turn off. The current entry to Railton through the Station Street extension, the off-ramp at Tredici and the turn-off to the Industrial area will be closed. There will be two entrances to Railton, the one being at Swellengrebel and the

other at the R60 area. This will mean that the entry to Railton from the latter will have to be through Matjoks, which is not practical. Neither is it ideal to channel all traffic to Railton through the smaller neighbourhood roads in Railton. Closing off the existing turn-offs from the N2 to Swellendam, will have dire consequences for the local businesses along these routes and will have severe negative mobility implications. The closing off of the existing industrial area, will have severe detrimental effects on the agri-processing units in the industrial area.

There is also a proposal to divert the current N2 at Buffeljags and to move it back. Concern about the floodline and the need to divert the N2 in Buffeljags was raised, together with the impracticalities of the current proposals. Further discussions were requested.

The current proposals can be seen below:

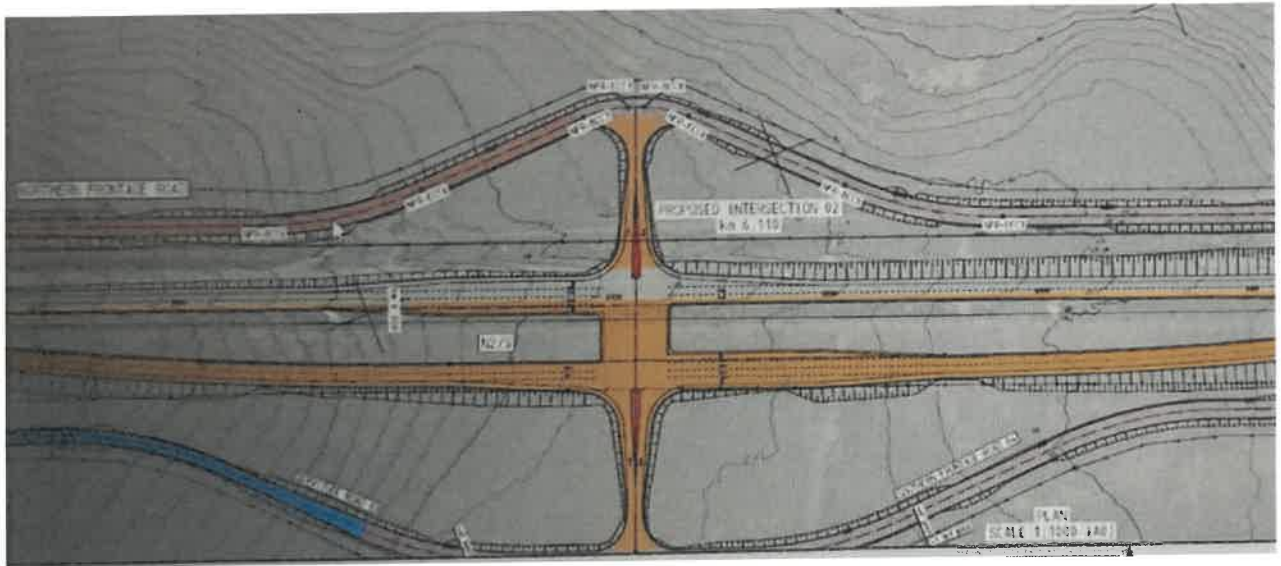
Swellengrebel entrance proposal to Swellendam Central and Railton entry 1.



R60 entrance



Buffeljags proposal



BREEDE RIVER ESTUARY MUNICIPAL LIAISON COMMITTEE

A meeting was held on 16 November 2023 where discussions took place on the proposed extension of the Service Level Agreement with LBRCT, that will now be advertised. It should be noted that Hessequa Municipality still have to table their report to Council and that this item will only be tabled in January or February 2024. The need to review the Public Launch Site Management Plans were raised. It was agreed that the boat licensing tariff setting be engaged on with role players from an early date in 2024 and that there is a need to revisit the municipal by laws to strengthen enforcement.

It should further be noted that the Municipality was informed that there is a pending limitation claim against a portion of the remainder of erf 422 Malagas that is in the process of being registered in name of Swellendam Municipality after the expropriation claim by the Municipality. This portion of land is to be used as a Public Launch Site in future.

LITIGATION

The Executive Mayor provided approval for the appointment of a senior advocate to represent the Municipality in litigation instituted by Dynarc Capital (Pty) Ltd on development contributions pertaining erven 9886 and 9887 Swellendam. A report will be taken to Council in this respect.

BUSINESS RESILIENCE

Swellendam Municipality received furnishing donations from several Western Cape departments which are currently being utilised by staff members. The Municipality will be leasing offices at the Wolfaardt building in Station Street, Swellendam. This area will house administrative and financial staff members. Not everyone will be able to be accommodated at this premises and the Income division will remain at the Desmond Tutu Library, while Geodebt will remain at the side hall at the Town Hall, with paypoints at Pep Stores and the Post Office.

The insurers have now appointed structural engineers for the SASRIA claim assessment and will conduct their official valuation of the administrative building and the Thusong Centre on 23 November 2023.

ORGANISATIONAL DESIGN

The organisational design was discussed with all staff members in the office of the Municipal Manager. Consultation continues in this respect.

VACANCY: DIRECTOR

The applications to fill the vacancy of Director: Technical Engineering Services have closed and a long list is being compiled by the consultant to enable the Selection Panel to undertake shortlisting. The aim is to have a report to Council at the end of November 2023 on the filling of this vacancy.

The above matters are just a high-level overview of the activities in the office of the Municipal Manager.

Regards

A Vorster

MUNICIPAL MANAGER

This item served on the Mayoral Committee meeting held on Wednesday, 22 November 2023.

RECOMMENDED TO COUNCIL

1. that cognisance be taken of the report of the Municipal Manager to the Executive Mayor for Period October to November 2023

DISCUSSION

The Executive Mayor, Councillor H.F. Du Rand indicated that the municipality has been communicating with SANRAL for years with regard to having a second entrance for Railton, however, the administration was not in agreement with the proposal from and requested further discussion.

In response to a question raised by the Speaker with regard to an update on the SASRIA claims, the Municipal Manager, Mrs A. Vorster indicated that a survey has been conducted and the damage has to be quantified by a quantity surveyor. She said that the structural engineer has only been appointed by the service provider a week ago and the municipality had no control over the process which was why the process was taking this long. She said that as soon as the quantity surveyor was appointed and the report was available, it will be reported to Council.

The Municipal Manager reported that Minister A. Bredell was approached for permission for the extension of Mr W. Treurnicht as Acting Director of Infrastructure Services for another 3 months.

The Speaker confirmed that all Councillors took note of the report of the Municipal Manager.

RESOLVED

Item A187/30/11/2023

1. that cognisance be taken of the report of the Municipal Manager to the Executive Mayor for Period October to November 2023

9.1.12

Item number A189. 30.11.2023

COMPILATION OF A COUNCIL DISCIPLINARY COMMITTEE

Director: Corporate Services:

A. Vorster

Department:

Municipal Manager

Section:

Legal Services

File number:

3/3/3/1

PURPOSE OF REPORT

To submit a request for the re-compilation of a Disciplinary Committee for Councillors.

FACTS AND BACKGROUND

Swellendam Municipality approved a Disciplinary Committee per Council resolution Item A172/13/10/2022, taken on 13 October 2022. The Disciplinary Committee established comprises of the following persons:

Chairperson: Councillor F. Kees

Deputy Chairperson: Councillor G. Mangcu-Qotyawe with alternate member: Councillor E.J. Lamprecht

Councillor J.A. Matthysen with alternate member: Councillor M.T.A. Swart

There are currently several investigations underway, whereby complaints have been lodged against several councillors, that at present form part of the Disciplinary Committee and thus it is necessary to revisit the compilation of the Disciplinary Committee.

DISCUSSION

The powers and functions of the Disciplinary Committee includes:

- Ensuring compilation of the Register of Financial Interest on an annual basis.
- The Committee must comply with the Code of Conduct for Councillors.
- The Committee must perform its functions and exercise its powers reasonably assigned to it by The Speaker of Council and in terms of resolutions taken in Council.
- The Committee shall meet as required and report to council on its activities or as and when the cases it investigates are concluded.
- The Chairperson shall have the power to convene special meeting of the Committee to consider urgent matters assigned to it.
- The Committee shall have the power to investigate and make a finding on any alleged breach of the Code of Conduct for Councillors and the Standing Rules in accordance with the procedure laid down in the Code of Conduct and Standing Rules of Council.
- The Committee shall have the power to make appropriate recommendations to Council in accordance with the Code of Conduct of Councillors.

PROCEDURES OF THE COMMITTEE

The meetings of the Disciplinary Committee must be held in closed session when the Committee considers a matter affecting a Councillor and the Committee regards that matter to be confidential.

A matter before the Committee is decided when there is agreement on the matter among the majority of the members present provided the quorum requirements are met.

In considering any matter assigned to it in terms of the conduct of councillors, the Committee must investigate the matter in accordance with the Code of Conduct for Councillors, any other applicable legislation and the Standing Rules of Council.

LEGAL IMPLICATIONS

- RSA Constitution, 1996 – as amended
- Local Government: Municipal Structures Act, No 117 of 1998
- Local Government: Municipal Systems Act No 32 of 2000 as amended
- Code of Conduct of Councillors
- Standing Rules of Council
- Rules of Order: Swellendam Municipality

FINANCIAL IMPLICATIONS

No fee is payable for the sitting of the committee members.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Community Services

None

Director: Financial Services

None

Acting Director: Infrastructure Services

None

Municipal Manager

As per the report.

This item served on the Mayoral Committee meeting held on Wednesday, 25 October 2023.

This item served on the Council meeting held on Tuesday, 31 October 2023 and was referred back to be tabled at the next Council meeting.

RECOMMENDED TO COUNCIL

that Council revisits the compilation of the Disciplinary Committee.

DISCUSSION

PROPOSAL 1:

Councillor H.F. Du Rand proposed that the Disciplinary Committee consists of the following members:

Councillor F. Kees: Chairperson

Councillor D. Julius: Deputy Chairperson

Councillor A. Bokwana: Alternate member

Councillor E.J. Lamprecht: Alternate member

1 ANC Member + Alternate member

Proposer: Councillor H.F. Du Rand

Seconded: Councillor A. Bokwana

PROPOSAL 2:

Councillor M.T.A. Swart proposed the following members to serve on the Disciplinary Committee:

Councillor M.T.A. Swart: Chairperson

Councillor J.A. Matthysen: Deputy Chairperson

Councillor G. Libazi: Alternate member

+ 2 DA Members with Alternate members

Proposer: Councillor M.T.A. Swart

Seconded: Councillor G. Libazi

The TWO DULY proposed recommendations were put to a vote by the Speaker by show of hands.

Proposal 1:

Six Votes: Councillors: H.F. Du Rand; D. Julius; A. Bokwana; E.J. Lamprecht; F. Kees and J.R. van Schalkwyk.

Proposal 2:

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

RESOLVED

that the following members of the Disciplinary Committee be appointed by Council

Councillor F. Kees: Chairperson

Councillor D. Julius: Deputy Chairperson

Councillor A. Bokwana: Alternate member

Councillor E.J. Lamprecht: Alternate member

1 ANC Member + Alternate member

The Speaker then asked that the ANC proposed their member to serve on the Disciplinary Committee as the third member.

Councillor I.H. Ferguson proposed that Councillor M.T.A. Swart be appointed as the ANC member with the Alternate members Councillor J.A. Matthysen and Councillor G. Libazi to serve on the Disciplinary Committee.

UNANIMOUSLY RESOLVED

Item A189/30/11/2023

that the following members of the Disciplinary Committee be appointed by Council:

Councillor F. Kees: Chairperson

Councillor D. Julius: Deputy Chairperson

Councillor A. Bokwana: Alternate member

Councillor E.J. Lamprecht: Alternate member

Councillor M.T.A. Swart: Member

Alternate member: Councillor J.A. Matthysen

Alternate member: Councillor G. Libazi

9.1.13

Item number A190. 30.11.2023

SSEG POLICY AND APPLICATION GUIDELINES

Senior Manager: Technical Services

W Treurnicht

Department

Technical Services

Section

Electricity Services

File number

16/2/B

PURPOSE OF REPORT

To consider the draft SSEG Policy and application guidelines for Small Scale Energy Generation for approval by Council.

FACTS AND BACKGROUND

Due to increases in the price of electricity from the national grid and a steady decline in the price of decentralised generation options such as solar PV small-scale embedded generation (e.g. 'rooftop' type systems), decentralised generators are becoming financially more attractive in South Africa. Increasingly such systems are being installed by businesses and residences. It is therefore important that approval procedures and standards are established by municipal distributors to regularise this fast changing situation.

Municipal distributors are legally obliged to ensure that distribution grid power quality is maintained and safety standards are upheld to protect municipal staff working on the network, to protect the public in general, and to protect municipal infrastructure. Also, the potential revenue impact of accelerating EG installations needs to be managed. This requires that specific EG tariffs are introduced.

Municipalities are obliged to provide open and non-discriminatory access to embedded generators according to the Distribution Code, and also are moving to embrace low-carbon energy and green economic growth opportunities. Municipalities play a vital role in facilitating the growth of the EG market. A user-friendly framework around installation application and approval is important in this regard. Such a framework will also minimise systems being installed without permission, thereby potentially not meeting required safety and quality standards.

This document outlines the municipal requirements and processes for prospective EG installations to connect to the municipal electrical network such that the above factors are balanced. The focus is on SSEG, although broad guidance is provided for larger generators.

Find **documents attached on pages 1 to 80 of the Annexures.**

The policy and processes were advertised for public participation. A public workshop was held in Barrydale and Swellendam, with no one pitching in Swellendam. The workshops solicited no input, but just questions for clarification. The policy was again advertised for public comment, but again no comments were received.

DISCUSSION

The rolling blackouts and energy challenges placed the focus on renewable energy, especially Small-Scale Energy Generation necessitating a Policy, procedures and guidelines to ensure that the installation and use of SSEG is safe for the individual, but also the electrical network of the Municipality.

The Municipality's Electricity Supply By-Law (as promulgated) and national regulations state that no electrical generation equipment may be connected to the municipal electrical network without the express consent of the Municipal Electricity Distributor.

Failure to obtain this consent constitutes an offense that could lead to a fine and/or imprisonment.

Furthermore, the installation may also be in contravention of the Occupational Health and Safety Act (1993), for which punitive sanctions also apply.

Customers found to have illegally connected an SSEG installation to the municipal electrical network (either before or after their electricity meter) shall be instructed to have the installation disconnected from the municipal electrical network. Should the customer fail to have the SSEG disconnected from the municipal electrical network, the Municipality will disconnect the electricity supply to the property.

In cases where unauthorised reverse feed-in takes place which results in the meter reversing to the benefit of the customer, the municipality may institute action to recover lost revenue and relevant punitive fines will be applicable.

No exemption from any of the Municipality's requirements shall be granted for "retrospective applications". This will have a significant impact on the existing SSEG installations and should be carefully considered in the implementation of the Policy.

As no input were received on the proposed policy and procedures, the policy and procedures are tabled to Council for approval.

LEGAL IMPLICATIONS

The following legislation applies:

RSA Constitution, 1996

Local Government: Municipal Structures Act, No. 117 of 1998

Local Government: Municipal Systems Act, No 32 of 2000

Electricity Regulation Act, (Act No. 4 of 2006)

National Energy Regulator Act, (Act No. 4 of 2004)

South African Renewable Power Plant Grid Code (although the NRS 097-2 series cover most issues relevant to SSEG)

NRS 048: Electricity Supply – Quality of Supply

SANS 10142-1, including SANS 10142-1-2: The wiring of premises (as amended and published)

SANS 474 / NRS 057: Code of Practice for Electricity Metering

Swellendam Municipality Electricity Supply by-law

Electrical Installation Regulations, 2009

Occupation Health and Safety Act (Act 85 of 1993)

Magistrate's Court Act No 32 of 1944

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

As per resolution.

COMMENTS FROM DEPARTMENTS

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

As per report.

Municipal Manager

As per report.

RECOMMENDED TO COUNCIL

1. that the SSEG policy, procedures, guidelines, and application forms as attached on pages **1 to 80 of the Annexures** be approved for implementation as of 1 December 2023, subject to a transitional implementation period of 12 months.
2. that a grace period of 12 months will apply for the registration of systems installed prior to 1 December 2023.

The Speaker confirmed that all Councillors were in support of adopting the SSEG Policy unanimously.

UNANIMOUSLY RESOLVED

Item A190/30/11/2023

1. that the SSEG policy, procedures, guidelines, and application forms as attached on pages **1 to 80 of the Annexures** be approved for implementation as of 1 December 2023, subject to a transitional implementation period of 12 months.
2. that a grace period of 12 months will apply for the registration of systems installed prior to 1 December 2023.

9.1.14

Item number A191. 31.11.2023

ADJUSTMENT OF MEMBERSHIP OF THE MUNICIPAL PLANNING TRIBUNAL

Report of the Manager Town Planning and Building Control: Mr R. Brunings

Department	Corporate Services
Section	Town Planning & Building Control
Proposed File number	15/1/5

PURPOSE OF REPORT

To table the names of proposed new members of the Municipal Tribunal (MPT), for the duration of its current term.

FACTS AND BACKGROUND

Members of the MPT serve a term of 5 years. In terms of Section 71 of the By-Law on Municipal Land Use Planning 2020, the MPT is to comprise at least the following: 3 employees in full-time service of the Municipality, and 2 persons who are not employees of the Municipality or councillors. The MPT current comprises the following persons, as set out in the Provincial Gazette 8442, as published on 4 June 2021:

Employees:

- A. Groenewald (Municipal Manager) - Chairperson
- D. Du Plessis (Director Corporate Services) - Vice Chairperson
- F. Erasmus (Director Infrastructure Services)

Non Employees:

- T. Rebel (Chief Town and Regional Planner – Western Cape Government)
- H. Visser (Director Development Planning – Hessequa Municipality)
- J. Pienaar (Manager Town Planning and Building Control – Theewaterskloof Municipality)

Much has changed since June 2021, with all of the appointed "Employees" having since vacated their posts at the Municipality, and one "Non Employee" (J. Pienaar) having resigned from the Theewaterskloof Municipality with effect from 30 June 2023.

DISCUSSION

Whilst the appointment of "Employees" in relation to the MPT links to the post, and not to the person (although the names must be published in the Provincial Gazette), the appointment of "Non-Employees" is to follow a nomination process, and is subject to consideration by an Evaluations Panel. In this regard it is noted that the By-Law provides for an invitation to be extended to organised local government to nominate a suitably qualified professional person to serve on a MPT [(Section 72(1)(a))], which then also serves to facilitate shared services and / or cost saving measures.

Given Mr Pienaar's resignation, it has become necessary to appoint another secundi member to the MPT. Invitations were sent to both the Theewaterskloof and Langeberg Municipalities (as adjoining municipality's) to nominate a suitably qualified official. Only the Langeberg Municipality responded – **see letter attached on pages 81 to 84 of the Annexures.**

The Evaluation Panel, convened as per Section 17(7) of the By-Law and comprising the Municipal Manager, the acting Director Infrastructure Services and the Director Community

Services are satisfied that the nominated officials (Ms Brunings – Manager Town Planning and Building Control, with the Langeberg Municipality and Mr C Venter of Mosselbay Municipality) meets the requirements and can be recommended to Council for appointment to the MPT as a secundi member – see CV's attached on **pages 85 to 96 of the Annexures**.

As far as the “Employees” are concerned, the following members are proposed to be appointed for the remainder of the current term:

- A. Vorster (Municipal Manager) - Chairperson
- K. Stuurman (Director Community Services) - Vice Chairperson
- W. Treurnicht (Manager Infrastructure Services)

The term of appointment of the abovementioned persons would be until the end of the current 5 year cycle, which is 30 June 2026. Existing members can be reappointed for another term.

LEGAL IMPLICATIONS

The Municipal Planning Tribunal is established in terms of Sections 70 to 78 of the Swellendam Municipality By-Law on Land Use Planning, 2020.

FINANCIAL IMPLICATIONS

The appointment of MPT members from the local and provincial government sector serves as a cost saving measure, as there is no need to reimburse such members directly for their time or travel. Swellendam has a similar reciprocal arrangement with the Theewaterskloof and Agulhas Municipality's as of our officials already serve on their tribunals. The same would be applicable to the Langeberg Municipality.

PERSONNEL IMPLICATIONS

Attendance at meetings.

COMMUNICATION IMPLICATIONS

Placement of a Notice in the Provincial Gazette.

COMMENTS FROM DEPARTMENTS

Director: Community Services

Both Ms T Brunings and Mr C Venter complies with the requirements.

Director: Financial Services

None

Director: Infrastructure Services

Both Ms T Brunings and Mr C Venter complies with the requirements.

Municipal Manager

As both Ms T Brunings and Mr C Venter complies with the requirements, it is recommended that Mr C Venter is appointed as secundi to avoid any perception of bias.

RECOMMENDED

That Council resolves as follows:

1. The contents of the report be noted.

2. The following employees of the Swellendam Municipality be appointed as members of the Municipal Planning Tribunal for the balance of its current term:
 - A. Vorster (Municipal Manager) - Chairperson
 - K. Stuurman (Director Community Services) - Vice Chairperson
 - W. Treurnicht (Manager Infrastructure Services)
3. The following non-employee be appointed as a secundi member of the Municipal Planning Tribunal for the balance of its current term:
 - C. Venter (Manager Town Planning and Building Control – Mosselbay Municipality)
4. The following non-employees be retained as members of the Municipal Planning Tribunal for the balance of its current term:
 - T. Rebel (Chief Town and Regional Planner – Western Cape Government)
 - H. Visser (Director Development Planning – Hessequa Municipality)
5. The names of the Swellendam MPT be published in the Provincial Gazette.

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

UNANIMOUSLY RESOLVED

Item A191/30/11/2023

That Council resolves as follows:

1. The contents of the report be noted.
2. The following employees of the Swellendam Municipality be appointed as members of the Municipal Planning Tribunal for the balance of its current term:
 - A. Vorster (Municipal Manager) - Chairperson
 - K. Stuurman (Director Community Services) - Vice Chairperson
 - W. Treurnicht (Manager Infrastructure Services)
3. The following non-employee be appointed as a secundi member of the Municipal Planning Tribunal for the balance of its current term:
 - C. Venter (Manager Town Planning and Building Control – Mosselbay Municipality)
4. The following non-employees be retained as members of the Municipal Planning Tribunal for the balance of its current term:
 - T. Rebel (Chief Town and Regional Planner – Western Cape Government)
 - H. Visser (Director Development Planning – Hessequa Municipality)
5. The names of the Swellendam MPT be published in the Provincial Gazette.

9.1.15

Item number A192. 30.11.2023

ADJUSTMENTS BUDGET: MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK 2023/2024 (Roll-over Budget)

Report from the Director Financial Services: Ms E Wassermann

Department	Financial Services
Section	Budget
Proposed File number	5/1/1/20

PURPOSE OF THE REPORT

The purpose of the report is to submit the 2023/2024 roll-over adjustments budget in respect of unspent grants that were approved by Provincial as well as National Treasury, an additional grant gazette by Provincial Treasury, a decrease in certain National Treasury grants as well as Departmental Agency grant.

FACTS AND BACKGROUND

The Council must apply for a rollover of any grants received from the National Government or Provincial Government that are unspent on 30 June of a financial year subject to the funds being committed and reasons for the underspending has been provided.

The municipality did apply on 31 August 2023 for the rollover of certain unspent grants as prescribed by National Treasury and Provincial Treasury.

The Adjustment Budget is circulated as a separate addendum.

DISCUSSION

The following Provincial Treasury grants received were unspent as of 30 June 2023 and approval to roll over these grants was already received. The approval letter is attached:

Capital Projects:

Function	Project	Amount
Refuse	Skips	R 250 000
	Total	R 250 000

Operating Projects:

Function	Project	Amount
Housing	Title Deeds Restoration cost	R 160 600
Municipal Manager	Bursaries	R 90 000
	Total	R 250 600

The following National Treasury grants received were unspent as of 30 June 2023 and approval to roll over these grants was already received. The approval letter is attached:

Capital Projects:

Function	Project	Amount
Water	Swellendam (Railton): Bulk Water Reticulation and Distribution	R490 461
Water	Upgrading of Barrydale Bulk Water Supply Phase 2	R6 208 203
Streets	Hermitage Gravel Road Upgrade	R1 753 000
Water	Repairs to earth channel (Primary raw water storage facility, Grootkloof 3)	R850 000
Stormwater	Erosion damage to culvert/outfall, Trichardt Street	R350 000
Water	Grootkloof 1 raw water inlet erosion	R 450 000
Stormwater	Damage to gabion retainer Kerk Street bridge approach	R150 000
Total		R10 251 664

The following grants from National Treasury gazetted for the 2023/2024 financial year were reduced in the Division of Revenue Amendment Bill as published in the Government Gazette No 49550 of 24 October 2023:

Capital Projects:

Grant	Function	Project	Amount
Municipal Infrastructure Grant	Water	Swellendam (Railton): Bulk Water Reticulation	R895 000 (Including PMU)
Water Services Infrastructure Grant	Water	Swellendam (Railton): Upgrade of Bakenskop and Railton Pumpstation, completion of rising main to Railton reservoir	R589 000
Total			R1 484 000

The following grant from Provincial Treasury was gazetted on 6 October 2023 in Provincial Gazette 8835:

Capital Projects:

Function	Project	Amount
Water	Rietkuil New Reservoir and Supply Link	R2 000 000
Total		R2 000 000

Operating Projects:

Function	Project	Amount
Water	Options Analysis and Viability of Bufflejagsdam (as additional water source for Swellendam LM)	R938 000
Total		R938 000

The following Departmental Agency grant received was unspent as of 30 June 2023:

Grant	Function	Project	Amount
Service SETA	Human Resources	Provision of Accredited Training Services	R273 523
Total			R273 523

The following District Municipality grant received was unspent as of 30 June 2023:

Grant	Function	Project	Amount
Safety Forum	Public Safety	Safety Forum (Various Expenditure) 2021/2022 as well as 2022/2023 financial years	R70 000
		Total	R70 000

The B-Schedules will be distributed under separate cover.

LEGAL IMPLICATIONS

In terms of section 16 of the MFMA (act 56 of 2003),

"Municipal adjustments budgets

28. (1) *A municipality may revise an approved annual budget through an adjustment budget.*

(2) An adjustments budget-

(e) may authorise the spending of funds that were unspent at the end of the past financial year where the underspending could not reasonably have been foreseen at the time to include projected rollovers when the annual budget for the current year was approved by Council."

In terms of the Municipal Budget and Reporting Regulations: sections 23(3) and (5):

"23(3) If a national or provincial adjustments budget allocates or transfers additional revenues to a municipality, the mayor of the municipality must, at the next available council meeting, but within 60 days of the approval of the relevant national or provincial adjustment budget, table an adjustments budget referred to in section 28(2)(b) of the Act in the municipal council to appropriate these additional revenues."

"23(5) An adjustments budget referred to in section 28(2)(e) of the Act may only be tabled after the end of the financial year to which the roll-overs relate, and must be approved by the municipal council by the 25 August of the financial year following the financial year to which the roll-overs relate."

FINANCIAL IMPLICATIONS

The funding for these projects is available as per the previously approved budget for the 2022/2023 financial year, additional funds allocated in a Provincial Gazette as well as funds reduced in the Division of Revenue Amendment Bill.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS:**Director: Corporate Services**

None

Director: Community Services

None

Director: Financial Services

As per the report.

Director: Infrastructure Services

None

Municipal Manager

None

RECOMMENDED

1. that Council approves the projects listed below to be rolled over to the 2023/2024 financial year:

1.1 Provincial Treasury:**Capital Projects:**

Function	Project	Amount
Refuse	Skips	R 250 000
	Total	R 250 000

Operating Projects:

Function	Project	Amount
Housing	Title Deeds Restoration cost	R 160 600
Municipal Manager	Bursaries	R 90 000
	Total	R 250 600

1.2 National Treasury:**Capital Projects:**

Function	Project	Amount
Water	Swellendam (Railton): Bulk Water Reticulation and Distribution	R 490 461
Water	Upgrading of Barrydale Bulk Water Supply Phase 2	R 6 208 203
Streets	Hermitage Gravel Road Upgrade	R 1 753 000
Water	Repairs to earth channel (Primary raw water storage facility, Grootkloof 3)	R 850 000
Stormwater	Erosion damage to culvert/outfall, Trichardt Street	R 350 000
Water	Grootkloof 1 raw water inlet erosion	R 450 000

Stormwater	Damage to gabion retainer Kerk Street bridge approach	R 150 000
	Total	R 10 251 664

1.3 Departmental Agencies:

Operating Projects:

Grant	Function	Project	Amount
Service SETA	Human Resources	Provision of Accredited Training Services	R 273 523
		Total	R 273 523

1.4 District Municipality:

Operating Project:

Grant	Function	Project	Amount
Safety Forum	Public Safety	Safety Forum (Various Expenditure)	R 70 000
		Total	R 70 000

2. that Council takes cognisance of the following National Treasury grants for 2023/2024 that were reduced in the Division of Revenue Amendment Bill as published in the Government Gazette No 49550 of 24 October 2023:

Grant	Function	Project	Amount
Municipal Infrastructure Grant	Water	Swellendam (Railton): Bulk Water Reticulation	R 895 000 (Including PMU)
Water Services Infrastructure Grant	Water	Swellendam (Railton): Upgrade of Bakenskop and Railton Pumpstation, completion rising main to Railton reservoir	R 589 000
		Total	R 1 484 000

3. that Council takes cognisance of the following Provincial Treasury grant that was gazetted on 6 October 2023 in Provincial Gazette 8835:

Capital Projects:

Function	Project	Amount
Water	Rietkuil New Reservoir and Supply Link	R 2 000 000
	Total	R 2 000 000

Operating Projects:

Function	Project	Amount
Water	Options Analysis and Viability of Bufflejagsdam (as an additional water source for Swellendam LM)	R 938 000
	Total	R 938 000

- 4 that the Roll-Over Adjustments Budget for the Financial year 2023/2024, as set out in the below-prescribed budget tables be approved;

- 4.1 Table B1 Adjustments Budget Summary;

- 4.2 Table B2 Adjustments Budget Financial Performance (functional classification);
- 4.3 Table B3 Adjustments Budget Financial Performance (revenue and expenditure by municipal vote);
- 4.4 Table B4 Adjustments Budget Financial Performance (revenue and expenditure);
- 4.5 Table B5 Adjustments Capital Expenditure Budget by vote and funding;
- 4.6 Table B6 Adjustments Budget Financial Position;
- 4.7 Table B7 Adjustments Budget Cash Flows;
- 4.8 Table B8 Cash-backed reserves/accumulated surplus reconciliation;
- 4.9 Table B9 Asset Management;
- 4.10 Table B10 Basic service delivery measurement;
- 4.11 that the Adjustments Budget be placed on the municipal website and be submitted to Provincial and National Treasury.

DISCUSSION

The Municipal Manager, Mrs A. Vorster indicated that once the municipality received clarity on the roll-over budget, an Amendments Budget must be tabled to Council within a month. She apologized for the late distribution of the Adjustments Budget Item but said that the letters that provided the roll-over were also received late and she thanked the finance department for their endeavours to get it done in time. She added that major changes to the budget will be tabled in the February 2024's adjustments budget.

Councillor M.T.A. Swart raised concern with regard to the municipality not spending project funding in time and asked that money be spent to avoid roll-overs.

Councillor Swart asked whether the requested documents have been submitted to the Auditor General as she believed that the AG was auditing the 2023-2024 financial year.

The Executive Mayor, Councillor H.F. Du Rand called a point of order on relevance.

The Speaker granted the point of order and asked that Councillor M.T.A. Swart stayed on the topic in discussion.

Councillor Swart said that the municipality must make use of project funds when it was available and ask that items not be submitted to Council on such late notice.

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

UNANIMOUSLY RESOLVED

Item A192/30/11/2023

- 1. that Council approves the projects listed below to be rolled over to the 2023/2024 financial year:

1.1 Provincial Treasury:

Capital Projects:

Function	Project	Amount
Refuse	Skips	R 250 000
	Total	R 250 000

Operating Projects:

Function	Project	Amount
Housing	Title Deeds Restoration cost	R 160 600
Municipal Manager	Bursaries	R 90 000
	Total	R 250 600

1.2 National Treasury:

Capital Projects:

Function	Project	Amount
Water	Swellendam (Railton): Bulk Water Reticulation and Distribution	R 490 461
Water	Upgrading of Barrydale Bulk Water Supply Phase 2	R 6 208 203
Streets	Hermitage Gravel Road Upgrade	R 1 753 000
Water	Repairs to earth channel (Primary raw water storage facility, Grootkloof 3)	R 850 000
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Water	Grootkloof 1 raw water inlet erosion	R 450 000
Stormwater	Damage to gabion retainer Kerk Street bridge approach	R 150 000
	Total	R 10 251 664

1.3 Departmental Agencies:

Operating Projects:

Grant	Function	Project	Amount
Service SETA	Human Resources	Provision of Accredited Training Services	R 273 523
		Total	R 273 523

1.4 District Municipality:

Operating Project:

Grant	Function	Project	Amount
Safety Forum	Public Safety	Safety Forum (Various Expenditure)	R 70 000
		Total	R 70 000

2. that Council takes cognisance of the following National Treasury grants for 2023/2024 that were reduced in the Division of Revenue Amendment Bill as published in the Government Gazette No 49550 of 24 October 2023:

Grant	Function	Project	Amount
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Water Services Infrastructure Grant	Water	Swellendam (Railton): Upgrade of Bakenskop and Railton Pumpstation, completion rising main to Railton reservoir	R 589 000
		Total	R 1 484 000

3. that Council takes cognisance of the following Provincial Treasury grant that was gazetted on 6 October 2023 in Provincial Gazette 8835:

Capital Projects:

Function	Project	Amount
Water	Rietkuil New Reservoir and Supply Link	R 2 000 000
	Total	R 2 000 000

Operating Projects:

Function	Project	Amount
Water	Options Analysis and Viability of Bufflejagsdam (as an additional water source for Swellendam LM)	R 938 000
	Total	R 938 000

- 4 that the Roll-Over Adjustments Budget for the Financial year 2023/2024, as set out in the below-prescribed budget tables be approved;
- 4.1 Table B1 Adjustments Budget Summary;
- 4.2 Table B2 Adjustments Budget Financial Performance (functional classification);
- 4.3 Table B3 Adjustments Budget Financial Performance (revenue and expenditure by municipal vote);
- 4.4 Table B4 Adjustments Budget Financial Performance (revenue and expenditure);
- 4.5 Table B5 Adjustments Capital Expenditure Budget by vote and funding;
- 4.6 Table B6 Adjustments Budget Financial Position;
- 4.7 Table B7 Adjustments Budget Cash Flows;
- 4.8 Table B8 Cash-backed reserves/accumulated surplus reconciliation;
- 4.9 Table B9 Asset Management;
- 4.10 Table B10 Basic service delivery measurement;
- 4.11 that the Adjustments Budget be placed on the municipal website and be submitted to Provincial and National Treasury.

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 Wednesday, 25 October 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 H.F. Du Rand
Seconded: Councillor E.J. Lamprecht

RESOLVED:

- 11.1 that the minutes of an Ordinary Council meeting held on Tuesday, 31 October 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 an In-Committee Council meeting held on Tuesday, 31 October 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 a Special Council meeting held on Monday, 13 November 2023 which were sent to all Councillors within reasonable time prior to the meeting, be taken as read and be hereby confirmed.
- 11.4 that the minutes of a Special Council meeting held on Tuesday, 21 November 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: 13 November 2023.

In response to a question raised by the Executive Mayor, Councillor H.F. Du Rand with regard to feedback from the Auditor General on the submission of the Annual Financial Statements, the Speaker indicated that he received a letter stating that the Auditor General must give feedback to the municipality within three months after submission of the AFS, however, due to the municipality's late submission of its AFS, it clashed with the festive season and leave periods which meant that it would only be provided early in the new year. He said that he will forward the letter to all Councillors after the meeting.

13. CONSIDERATION OF MATTERS OF EXIGENCY

None

14. GENERAL

Councillor M.T.A. Swart said that it was not an easy year for the municipality and wanted to thank the administration for all their hard work throughout the year despite of all the difficulties. She wished all a blessed Christmas and a happy new year.

Councillor D. Julius thanked everyone for their contribution to the success of the municipality and of Council. He wished all a merry Christmas and a happy new year.

The Speaker thanked the administration for their hard work throughout the year and said that it was an honour to work with them. He wished all a merry Christmas and a happy new year.

15. CLOSURE

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

The meeting adjourned at 11:41.

SPECIAL COUNCIL MEETING

MINUTES



**MINUTES OF A SPECIAL COUNCIL MEETING OF THE
MUNICIPAL COUNCIL OF SWELLENDAM
MUNICIPALITY HELD VIRTUALLY VIA VIDEO
CONFERENCE ON MONDAY, 11 DECEMBER 2023 AT
14:00.**

**PLEASE RETAIN THIS DOCUMENT FOR RECORD
PURPOSES AS IT WILL NOT BE CIRCULATED AGAIN.**

Yours sincerely


J.R. VAN SCHALKWYK

SPEAKER

26 January 2024

DATE

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

IN ATTENDANCE:	A. Vorster	Municipal Manager
	E. Wassermann	Director: Financial Services
	K. Stuurman	Director: Community Services
	W. Treurnicht	Acting Director: Infrastructure Services
	J. Etzebeth	Manager: Administrative Support
	Li-An Minies	Senior Media and Communications Clerk

K. Uys

K. Uys

At 14:00 the Speaker, Councillor. J.R. van Schalkwyk, welcomed everybody at the Special Council meeting and declared the meeting duly constituted with a quorum present.

3

Councillor J.A. Matthysen rendered an opening prayer.

2. ELECTION OF ACTING SPEAKER, IF NECESSARY

None

3. APPLICATION FOR LEAVE OF ABSENCE

None

4. DISCLOSURE OF INTERESTS BY COUNCILLORS

None

5. SPEECHES AND SUBMISSIONS

The Speaker reminded Councillors of the few notices he announced on disciplinary matters within Council at the last Council meeting on 30 November 2023 and said that he spoke to the two Whips of the ANC and DA and believed that everyone was now aware of the rules for virtual Council meetings. He said that Councillors must remember to mute their microphones when they are not speaking and to get the attention of the Speaker, they must raise their hands and wait for the acknowledgement by the Speaker for an opportunity to speak, in the order indicated by the Speaker. He asked that Councillors do not interrupt each other and wait for their opportunity to speak.

6. MATTERS FOR CONSIDERATION

6.1 Items submitted by officials of Council:

6.1.1

Item number A193. 11.12.2023

SUPPLY CHAIN MANAGEMENT MONTHLY REPORT – NOVEMBER 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 November 2023 is attached as Annexure A 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

RECOMMENDED

1. that Council takes cognisance of the Supply Chain Management Report for November 2023 attached as Annexure A.

RESOLVED

Item A193/11/12/2023

1. that Council takes cognisance of the Supply Chain Management Report for November 2023 attached as Annexure A.

7. CLOSURE

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

He reminded Councillors that the next Ordinary Council meeting was scheduled for 30 January 2024 and that Councillors will return from recess on 15 January 2023 and advised all Councillors to have a good rest during the time as it was a difficult year for everyone.

Councillor M.T.A. Swart wished all Councillors, the administration and the public a merry Christmas and a happy new year and said that she hoped that everyone will come back in 2024 with a positive attitude.

The Executive Mayor, Councillor H.F. Du Rand congratulated Councillor D.J. Julius on his engagement and wished him all the best.

The meeting adjourned at 14:16.