

MINUTES FOR **COGNISANCE**

The following minutes are distributed for cognisance:

- 10.1** Minutes of an Ordinary Mayoral Committee meeting held on Wednesday, 21 February 2024.

MAYORAL COMMITTEE MEETING MINUTES



**MINUTES OF THE MAYORAL COMMITTEE MEETING
HELD ON WEDNESDAY, 21 FEBRUARY 2024 AT 09:00
IN THE COUNCIL CHAMBERS, RHENIUS STREET,
SWELLENDAM.**

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

Yours sincerely.

**H.F. DU RAND
EXECUTIVE MAYOR**

DATE

	Item	INDEX	Page
1.		OPENING AND WELCOME	4
2.		ELECTION OF CHAIRPERSON, IF NECESSARY	4
3.		APPLICATION FOR LEAVE OF ABSENCE	4
4.		SPEECHES AND SUBMISSIONS	4
5.		CONFIRMATION OF MINUTES	5
6.		MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING	5
7.		STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR	7
8.		DISCLOSURE OF INTERESTS BY COUNCILLORS	7
9.		FINANCIAL REPORTING	7
9.1		Section 71 Report for January 2024 (Separate Addendum)	7
10.		MATTERS FOR CONSIDERATION	7
10.1		Items submitted by officials of Council	7
10.1.1	Item A20.	Supply Chain Management Monthly Report – January 2024.	8
10.1.2	Item A21.	Relocation and Conservation of the remaining historic street lamps: Drostdy Museum.	10
10.1.3	Item A22.	Subdivision of Municipal Industrial Land – Erf 8241, Swellendam (2.5ha).	13
10.1.4	Item A23.	Overberg JDMA Consolidated Report and Overberg JDMA Project Implementation Plan for October 2023.	19

10.1.5	Item A24.	Report in terms of the SDBIP – Implementation of Council Resolutions – Municipal Manager.	21
10.1.6	Item A25.	Ward Committee Policy	23
10.1.7	Item A26.	Rules of Order Policy	26
10.1.8	Item A27.	Monthly Report of Municipal Manager: January and February 2024.	30
10.1.9	Item A28.	Provincial, National and Local Government Elections: Proposal to waive certain stipulations of the By-Law on Outdoor Advertising and Signage.	32
10.1.10	Item A29.	Grant in Aid to Organisations – 2023/2024	38
10.2		Consideration of Matters Which Require Non-Disclosure	42
10.3		Consideration of urgent matters	42
11.		MINUTES OF PORTFOLIO COMMITTEES	42
12.		GENERAL	42
13.		CLOSURE	42

MINUTES OF AN ORDINARY MEETING OF THE MAYORAL COMMITTEE OF SWELLENDAM MUNICIPALITY HELD ON WEDNESDAY, 21 FEBRUARY 2024 AT 09:00 IN THE COUNCIL CHAMBERS, RHENIUS STREET, SWELLENDAM.

PRESENT:	Councillor	H.F. Du Rand	Executive Mayor
		E. Lamprecht	Member
		F. Kees	Member

IN ATTENDANCE:	A. Vorster	(Municipal Manager)
	E. Wassermann	(Director: Financial Services) (until 10:45)
	K. Stuurman	(Director: Community Services)
	W. Treurnicht	(Acting Director: Infrastructure Services)
	J. Etzebeth	(Manager: Administrative Support Services)

SECRETARIAT:

L. van Rooi

RECORDING OFFICER:

L. van Rooi

1. OPENING AND WELCOME

At 09:00 the Executive Mayor, Councillor H.F. Du Rand welcomed everyone at the Mayoral Committee meeting and declared the meeting duly constituted with a quorum present. Councillor F. Kees rendered an opening prayer.

2. ELECTION OF CHAIRPERSON, IF NECESSARY

None

3. APPLICATION FOR LEAVE OF ABSENCE

None

4. SPEECHES AND SUBMISSIONS

The Executive Mayor conveyed his appreciation to the administration for their diligence and commitment under very trying circumstances amid a prevailing hostile political environment. He

encouraged management to persevere for the sake of the Municipality and community at large.

5. CONFIRMATION OF MINUTES

Proposer: Councillor F. Kees
Seconder: Councillor E.J. Lamprecht

RESOLVED:

- 5.1** that the minutes of an ordinary meeting of the Mayoral Committee meeting held on Wednesday, 24 January 2024 copies of which were circulated prior to the meeting, be taken as read and be hereby confirmed.

6. MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING

6.1 Matters arising from the minutes of the Mayoral Committee meeting held on 24 January 2024

SARS levy on grants

In response to a question raised by the Executive Mayor, the Director of Financial Services, Ms E. Wassermann responded that the VAT levy on grants was a given and that SARS has indicated that Provincial Treasury could not negotiate on behalf of municipalities. She added that she and Mr J. de Jager would make an appointment with SARS before 30 June 2024 to negotiate fines and penalties.

Organisational review

The Municipal Manager, Mrs A. Vorster indicated that the Item regarding the organisational review will be tabled to Council in March 2024 when clarity on the funding of positions would be available.

Transfer stations, Malagas: Lease Agreement

In response to a question by the Executive Mayor, the Director of Community Services, Mr K Stuurman said the agreement was in process of being finalized.

Tug of War Club : Lease Agreement

The Municipal Manager indicated that the lease agreement could only be finalized after expiration of the period for public input.

6.2 Matters arising from the minutes of the meeting of the Community Services and Housing Portfolio Committee meeting held on 14 November 2023.

950 Erven , Railton Housing project

Referring to funding approved for solar geysers for the 950 housing development in Railton, the Director Community Services said that the R 6.9 million was approved by Province. The Director Financial Services added that the funding was approved but it was not on the budget yet which could only happen if the adjustments budget was approved. Should the latter not be approved, all capital projects would come to a halt.

Informal settlements report

The Executive Mayor requested that feedback on reblocking be included in the discussion session to be held during the week of 24 February 2024.

Suurbraak: CPA

In response to a question by the Executive Mayor, the Municipal Manager said that the CPA has not been registered yet and the land was still in the name of the Municipality. She has requested the Director Community Services, to submit a letter to the Department informing them that Swellendam Municipality formally relinquished all CPA land in Suurbraak

SOP for land invasions

The Executive Mayor raised a question about the need for an SOP for land invasion in the absence of funds for implementation. He enquired about the progress in respect of the acquisition of a drone for monitoring land invasion. The Director Financial Services responded that it would have to be included in the new budget, but funds were available to make use of the drone of a private company in the meantime. The Director Community Services should just apply the necessary procurement processes.

6.3. Matters arising from the minutes of a meeting of Finance and Corporate Services Portfolio Committee held on 14 November 2023.

Employee Wellness

The Executive Mayor expressed his support for the request of Mr J Kapp, Senior HR Practitioner that more funds be availed for the employee wellness programme with specific focus on mental health. He requested that consideration be given to have a panel of mental health practitioners at the disposal of employees in need of such a service. He requested the administration to do the necessary preparations in advance so that when funds become available in the new budget, processes would be in place.

7 STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR

None

8 DISCLOSURE OF INTERESTS BY COUNCILLORS

None

9 FINANCIAL REPORTING

9.1 Section 71 Report for January 2024

RESOLVED

9.1.1 that cognisance be taken of the Section 71 Report for January 2024.

DISCUSSION

In response to a question raised by the Executive Mayor, Councillor H. F. Du Rand with regard to the cooperation of departments to award tenders or compilation of tender specifications, Ms Wassermann, Director of Financial Services indicated that the Manager Project Management Mr J. Bester handled the bigger projects himself. She said that the two projects that were a concern were the Russel Street and Van Riebeeck Street project as the tender would only be awarded in the next two months and should be completed by 30 June 2024. She said that the prediction was that the project would only be completed by July 2024 which meant that the project would have to be rolled over. She added that the second project of concern that was facing the risk of non completion by 30 June 2024, was the Silo Pump Station project.

The Executive Mayor said that the funds that could not be spent should be rolled over but that it was critical to spend the municipality's own funding on the CRR.

Ms Wassermann said that the second phase of the pipeline project from the pump station to the water works's tender would also be advertised by Friday, 23 February 2024.

The Executive Mayor said that he was pleased to see that the payment rate had a slight increase. He added that the municipality tried to find ways to improve the payment rate in Buffeljagsrivier but that it remained a huge concern with the payment rate being on 21%.

The Executive Mayor indicated that more than half of the municipality's outstanding accounts were older than 90 days with almost R20 million over 180 days.

Ms Wassermann said that there would have to be a discussion session before the approval of the budget to discuss concerns as there was also a concern on estate accounts to which debt was accumulating. She said that if an estate was not registered, the municipality could not do anything. She added that it would help if a day session could be scheduled to discuss possible solutions.

10 MATTERS FOR CONSIDERATION

10.1 Items submitted by officials of the Council

10.1.1

Item number A20. 21.02.2024

SUPPLY CHAIN MANAGEMENT MONTHLY REPORT – JANUARY 2024

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 January 2024 is attached **on pages 1 to 8 of the Annexures** to enable 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 Corporate and Financial Services Portfolio Committee meeting held on Monday, 12 February 2024.

RECOMMENDED

that Council takes cognisance of the Supply Chain Management Report for January 2024 attached on **pages 1 to 8 of the Annexures.**

RECOMMENDED TO COUNCIL

Item A20/21/02/2024

that Council takes cognisance of the Supply Chain Management Report for January 2024 attached on **pages 1 to 8 of the Annexures.**

10.1.2

Item number A21. 21.02.2024

RELOCATION AND CONSERVATION OF THE REMAINING HISTORIC STREET LAMPS: DROSTDY MUSEUM

Report by the Manager Town Planning and Building Control

Department: Corporate Services
Section: Town Planning and Building Control
File number: 5/16/1/11

PURPOSE OF REPORT

To table a request from the Drostdy Museum to relocate and conserve the remaining historic streetlamps currently located in the central business district.

FACTS AND BACKGROUND

A request has been received from the chairperson of the Drostdy Museum that the remaining historic streetlamps in Voortrek Street be removed from their current location and donated to the museum – there are only some 5 remaining streetlamps, which each stand on their own pole and bolted to the ground. Said streetlamps are no longer operational, whilst only the core of the firehose reel remains – see **pages 9 to 11 of the Annexures**. Said items are located along Voortrek Street, in the Central Business District (CBD). The museum has offered to repair them and offer a suitable location within the Drostdy Museum complex gardens and buildings (possibly the rose garden), where they can be maintained and viewed.

DISCUSSION

Given the changing nature of the town, and specifically the CBD, the historic street lamps do not attract the attention and interest of residents and user groups, and are largely overshadowed by current, and more modern, fixtures – some of the street lamps are no longer even directly visible to the public.

It is considered that the museum's offer to fix / restore the small number of remaining historic streetlamps and to relocate these to the museum complex is a very positive one for the town's heritage conservation effort. Moreover, the initiative will ensure that the streetlamps are again used for their purpose and enjoyed in a location where people can appreciate their historic design and value.

If supported the museum will likely have to be assisted with the disconnection and relocation process. Details hereof will be discussed with the relevant parties at that time.

LEGAL IMPLICATIONS

None.

FINANCIAL IMPLICATIONS

None.

PERSONNEL IMPLICATIONS

None at this stage.

COMMUNICATIONS IMPLICATIONS

None.

COMMENTS FROM DEPARTMENTS

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Service

None

Municipal Manager

None

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Monday, 12 February 2024.

RECOMMENDED

1. that the content of the report on the request of the Drostdy Museum to relocate and conserve the remaining historic street lamps in Voortrek Street and the historic five hose reel in the CBD, be noted.
2. that it be noted that the municipality does not require the remaining historic street lamps in Voortrek Street and the historic fire hose reel in the CBD for the provision of essential services.
3. that it be approved that the historic street lamps and the fire hose reel in Voortrek Street, be lent to the Drostdy Museum for exhibition and safekeeping.
4. that the Drostdy Museum be assisted with the disconnection and relocation process, as necessary.

RECOMMENDED TO COUNCIL**Item A21/21/02/2024**

1. that the content of the report on the request of the Drostdy Museum to relocate and conserve the remaining historic street lamps in Voortrek Street in the CBD, be noted.
2. that it be noted that the municipality does not require the remaining historic street lamps in Voortrek Street for the provision of essential services.
3. that it be approved that the historic street lamps and the fire hose reel in Voortrek Street, be lent to the Drostdy Museum for repair, maintenance, exhibition and safekeeping.
4. that the Drostdy Museum be assisted with the disconnection and relocation process, as necessary.

10.1.3

Item number A22. 21.02.2024

SUBDIVISION OF MUNICIPAL INDUSTRIAL LAND – ERF 8241 SWELLENDAM (2.5HA)

Report by the Manager Town Planning and Building Control (R Brunings)

Department	Corporate Services
Section	Town Planning and Building Control
File number	15/2/3

PURPOSE OF REPORT

To set out a proposal for the subdivision of Erf 8241 Swellendam, and sale of the subsequent erven in the open market.

FACTS AND BACKGROUND

Erf 8241 Swellendam was generated on 11 February 2019, the result of a rezoning, consolidation and subdivision process relating to the rationalisation of various portions of municipal land located in the industrial area. It was created with a view to its sale on the open market – see SG Diagram **on pages 12 of the Annexures.**

Erf 8241 is zoned General Industrial in terms of the Integrated Zoning Scheme By-Law 2020 and measures approximately 2.5ha in extent. The property is located adjacent to the Traffic Services offices along Koorlands Street, opposite SSK.

In April 2021 Council resolved as follows:

UNANIMOUSLY RESOLVED

Item A48/29/04/2021

1. that subparagraph 3, 4, 5, 6, 7 and 8 of the Council resolution A23 of 25 February 2021 as reflected below be rescinded.
 - “3. that development proposals for the right to develop be called from prospective developers in terms of a competitive tender process by the Supply Chain Management Unit, for the subdivision and development of the balance of Erf 8241 as described in paragraph 2 above;
 4. that the three proposed development blocks relating to Erf 8240 be made available for a right of development to interested developers with the aim to create a number of Industrial erven for industrial development;
 5. that development proposals for the right to develop be called in terms of a competitive tender process by the Supply Chain Management Unit, from prospective developers for the subdivision and development of the three proposed development blocks related to Erf 8240;
 6. that the development proposals as per paragraphs 3 and 5 above be advertised for 60 days locally but also nationally making use of national marketing development platforms;

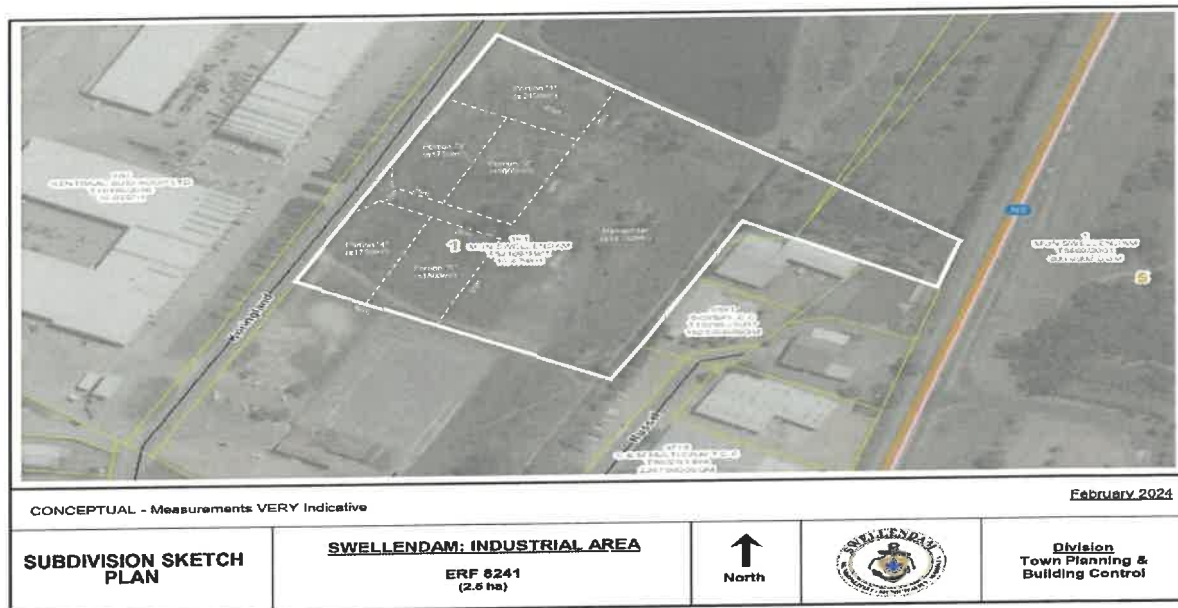
7. *that the Mayoral Committee be mandated to consider the development proposals on a report to be submitted to the Mayoral Committee by the Bid Evaluation Committee, interact and liaise with interested developers and submit a report with recommendations on the development proposals to Council for consideration;*
 8. *that the SWANSS Group of Companies be informed that there are no serviced erven available currently and that they will be informed as soon as the erven have been serviced and are ready for disposal, but if they wish to apply to rent a portion of the Traffic Services erf, the Mayoral Committee will favourably consider such an option; "*
2. that a two-phase bidding process be followed by the Supply Chain Management Unit for the subdivision and development of any or all three of the development blocks related to Erf 8240 on the basis of a right to develop with the aim to create a number of Industrial erven for industrial development but that interested industrialists also be allowed to submit bids for the purchase of a specific block or for all three blocks for own development and not for further subdivision;
 3. that a two-phase bidding process be followed by the Supply Chain Management Unit for the subdivision and development of Erf 8241 on the basis of a right to develop with the aim to create a number of Industrial erven for industrial development;
 4. that proposals for the right to develop be called in terms of a competitive tender process by the Supply Chain Management Unit;
 5. that the conditions as per paragraph 10 of the Council Resolution A35 dated 25 February be applicable to the process as per paragraphs 2 to 4 above;
 6. that the following reserve prices for offers be approved by Council:
 - 6.1 Erf 8240: R202 per square metre
 - 6.2 Erf 8241: R144.00 per square metre

In keeping with the resolution, Erf 8241, Swellendam, was put out to tender in May 2021. No proposals for the 2 Stage Right-to-Develop strategy (as per Point 2 and Point 4 above) were received.

DISCUSSION

Given the lack of response to the tender, it would appear that the appetite of investors to undertake the development of industrial land in Swellendam for downstream commercial sale is lacking at this juncture. However, that is not to say that there are not currently individual business owners / operators who would not be willing to purchase an erf suited to their own needs / budget and to thereby establish themselves in the industrial area per se, even if they would be expected to lay on services to the selected erf.

Accordingly, and after substantial further consideration by Senior Management, it is proposed that Erf 8241 Swellendam be subdivided into several smaller erven and a Remainder. The land use process is to be undertaken in-house, and a land surveyor is to be appointed for the survey work. The initial erven would likely vary in size from 1750m² to 2400m² in extent, with the remainder measuring some 1.4ha. The Remainder is proposed to be retained and subdivided as a subsequent phase of development. It is noted that there have been a number of requests from the public for smaller industrial erven on which to establish workshops for a variety of business initiatives. Please refer to the indicative Subdivision Sketch Plan below, and **on page 13 of the Annexures.**



It is noted further that Council previously resolved to subdivide adjoining Erf 8240 into 3 portions each measuring in excess of 1ha, which are aimed at larger operators.

It is proposed that the new erven be sold on the basis of an open, competitive bidding process and that the remaining erven be sold out of hand.

LEGAL IMPLICATIONS

The following legislation regulates the proclamation of by-laws and the management of Municipal property:

- The Municipal Systems Act, 2000 (Act 32 of 2000)
- The provisions of Section 14 of the Municipal Finance Management Act, 2003 (Act 56 of 2003).
- The By-law relating to the Management and Administration of Immovable Property, 2018.
- The Municipal Asset Transfer Regulations, 2008.
- Municipal Policy in relation to the Management, Administration and Alienation of Immovable Property, 2014.
- Municipal Land Disposal Policy, 2018

FINANCIAL IMPLICATIONS

Cost for the land survey process, which will be in the order of R75 000.00. The land use planning process will be completed in-house.

PERSONNEL IMPLICATIONS

None at this stage.

COMMUNICATIONS IMPLICATIONS

Preparation of public advertisements.

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

No comment received.

Director: Community Services

No comment received.

Director: Financial Services

No comment received.

Director: Infrastructure Service

At a meeting convened to discuss the proposal, the principle to further subdivide Erf 8241 was supported. However, it was requested that the number of disparate vehicular access points directly onto Koringlands Road be minimised.

Municipal Manager

No further comment received.

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Monday, 12 February 2024.

RECOMMENDED

1. that the content of the report on the subdivision of Erf 8241, Swellendam, be noted.
2. that the previous Council resolutions A23/25/02/2021 and A48/29/04/2021, be rescinded.
3. that it be noted that Erf 8241, Swellendam, is not needed for the provision of basic municipal services in terms of Section 14 of the Municipal Finance Management Act, 2003 (Act 56 of 2003).
4. that Erf 8241, Swellendam be subdivided into smaller erven and sold on the basis of an open, competitive bidding process and that the remaining erven become part of the municipal inventory of land that can be sold out of hand.
5. that a reserve price for each of the erven be determined on completion of the land use planning process and receipt of an approved General Plan, based on the findings of 2 independent valuation reports.
6. that the apportionment of costs for the installation of requisite bulk-link services to each of the erven be determined and articulated in a Services Level Agreement, signed by the purchaser of each erf with the Director Infrastructure Services, prior to registration.

7. that the erven be sold on the following basis:

- each erf be put out to tender, on a competitive bidding basis, by the Supply Chain Management Unit and sold to the highest bidder;
- successful bidders to submit suitable guarantees from registered financial institutions, within 30 days of signing the Agreement of Sale;
- the erven not sold on completion of the tender process, become part of the municipal inventory of land that can be sold out of hand in a piecemeal manner, and at the average tender price (per m²) achieved for such erf / erven or at the reserve price set, whichever is the highest;
- the full purchase price for each erf to be settled on date of registration;
- municipal rates be payable, calculated from the date of registration;
- a clause be registered against the title deed of each erf, specifying that in the event that the property remains vacant for two (2) years after the date of first registration, that the municipal rates for improvements will be calculated on the basis of an erected building value of R2 million, until such time as actual construction is complete and the actual value is determined.

RECOMMENDED TO COUNCIL

Item A22/21/02/2024

1. that the content of the report on the subdivision of Erf 8241, Swellendam, be noted.
2. that the previous Council resolutions A23/25/02/2021 and A48/29/04/2021, be rescinded.
3. that it be noted that Erf 8241, Swellendam, is not needed for the provision of basic municipal services in terms of Section 14 of the Municipal Finance Management Act, 2003 (Act 56 of 2003).
4. that Erf 8241, Swellendam be subdivided into smaller erven and sold on the basis of an open, competitive bidding process and that the remaining erven become part of the municipal inventory of land that can be sold out of hand.
5. that a reserve price for each of the erven be determined on completion of the land use planning process and receipt of an approved General Plan, based on the findings of 2 independent valuation reports.
6. that the apportionment of costs for the installation of requisite bulk-link services to each of the erven be determined and articulated in a Services Level Agreement, signed by the purchaser of each erf with the Director Infrastructure Services, prior to registration.

7. that the erven be sold on the following basis:

- each erf be put out to tender, on a competitive bidding basis, by the Supply Chain Management Unit and sold to the highest bidder;
- successful bidders to submit suitable guarantees from registered financial institutions, within 30 days of signing the Agreement of Sale;
- the erven not sold on completion of the tender process, become part of the municipal inventory of land that can be sold out of hand in a piecemeal manner, and at the average tender price (per m²) achieved for such erf / erven or at the reserve price set, whichever is the highest;
- the full purchase price for each erf to be settled on date of registration;

- municipal rates be payable, calculated from the date of registration;
- a clause be registered against the title deed of each erf, specifying that in the event that the property remains vacant for two (2) years after the date of first registration, that the municipal rates for improvements will be calculated on the basis of an erected building value of R2 million, until such time as actual construction is complete and the actual value is determined.

10.1.4

Item number A23. 21.02.2024

OVERBERG JDMA CONSOLIDATED REPORT AND OVERBERG JDMA PROJECT IMPLEMENTATION PLAN FOR OCTOBER 2023

Report of the Municipal Manager: Mrs. A. Vorster

Department

Municipal Manager

Section

Municipal Manager

File number

12/2/3/22

PURPOSE OF THE REPORT

The purpose of this report is to provide the Executive Mayor of Swellendam Municipality together with the Mayoral Committee and all other stakeholders with a progress report reflecting the status of the implementation of projects as well as challenges and risks identified in terms of the Joint District and Metro Approach (JDMA) projects in the Overberg.
(See report on pages 14 to 25 of the Annexures).

FACTS AND BACKGROUND

The Joint District and Metropolitan Approach (JDMA) is premised on principles of co-planning, co-budgeting and co-implementation.

It provides a space where the three spheres of government and private sector can coordinate catalytic projects in a collaborative manner in order to positively impact the lives of citizens.

DISCUSSION

Since the introduction of the JDMA in 2019, the Overberg District had fully implemented and institutionalised the approach as well as the Overberg JDMA Implementation plan.

The Interface team have accordingly been established and implemented agreed upon catalytic projects in their budgeting and planning processes. Resultantly, a number of catalytic projects have been successfully completed and several others are still ongoing.

To facilitate the implementation of projects, the Overberg JDMA Interface team consisting of representatives of all spheres of government and other stakeholders have had several engagements to further sophisticate the institutionalisation of the JDMA processes in the Overberg.

Regular meetings are taking place to ensure that projects maintain their momentum and implementation are monitored on an ongoing basis. Attached please find a progress report reflecting the status of the implementation of projects as well as challenges and risks identified in terms of the Joint District and Metro Approach in the Overberg.

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 Corporate and Financial Services Portfolio Committee meeting held on Monday, 12 February 2024.

RECOMMENDED

that cognizance be taken of the Overberg JDMA Consolidated Report as well as the Overberg JDMA Project Implementation Plan – progress report for October 2023.

RECOMMENDED TO COUNCIL

Item A23/21/02/2024

1. that cognizance be taken of the Overberg Joint District Management Approach Consolidated Report as well as the Overberg JDMA Project Implementation Plan – progress report for October 2023.
2. that the following projects be added to the JDMA Projects:
 - 2.1. Overberg Task Force Tactical Team
 - 2.2. Re-establishment of Public Launch Site: Infanta

10.1.5

Item number A24. 21.02.2024

REPORT IN TERMS OF THE SDBIP – IMPLEMENTATION OF COUNCIL RESOLUTIONS: MUNICIPAL MANAGER

Report of the Municipal Manager: Mrs A. Vorster

Department Office of the Municipal Manager

Division Office of the Municipal Manager

File number 3/2/1/3

PURPOSE OF THE REPORT

In terms of the Service Delivery and Budget Implementation Plan as well as to measure the performance with regard to the implementation of Council Resolutions, a quarterly report is submitted. The resolutions are summarized in a schedule with the comments and actions taken.

The schedules for October 2023 to December 2023 **are attached on pages 26 to 49 of the Annexures.**

DISCUSSION

As under purpose of the report.

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 Corporate and Financial Services Portfolio Committee meeting held on Monday, 12 February 2024.

RECOMMENDED

that Council takes cognisance of the report on the implementation of Council Resolutions for the period October to December 2023.

RECOMMENDED TO COUNCIL

Item A24/21/02/2024

that Council takes cognisance of the report on the implementation of Council Resolutions for the period October to December 2023.

10.1.6

Item number A25. 21.02.2024

WARD COMMITTEE POLICY

Report of the Municipal Manager

Department

Municipal Manager

Section

Committee Services

File number

3/3/3/15

PURPOSE OF REPORT

The purpose of the report is to submit to the Portfolio Committee a proposed policy on the ward committees.

FACTS AND BACKGROUND

Ward committees have an important role to play in bridging the gap between the Municipality, its Council, and the community. A Ward Committee may make recommendations on any matter affecting its ward to the Ward Councillor, or through the Ward Councillor, to the Local Council, the Executive Committee, or the Executive Mayor. A Ward Committee may have such duties and powers as may be delegated to it by the local Council of Swellendam Municipality in terms of Section 59 of the Municipality System Act.

The following represents duties and powers that may be delegated to Ward Committees by Swellendam Municipality:

- To create formal unbiased communication channels as well as co-operative partnership between the community and the Council;
- Assist the Ward Councilor in identifying challenges and needs of residents;
- Disseminate information in the ward concerning municipal affairs such as the Budget, Integrated Development Planning, Performance Management System (PMS), service delivery options and municipal properties;
- Receive queries and complaints from residents concerning municipal service delivery, communicate it via the Ward Councillor to the Executive Management and provide feedback to the community on their response;
- Ensure constructive and harmonious interaction between the Municipality and community through the use and co-ordination of ward residents' meetings and other community development forums; and

- Interact with other forums and organizations on matters affecting the ward.

A ward committee is to serve as a mobilizing agent for community action within the ward. This may be achieved as follows:

- I. Attending to all matters that affect and benefit the community.
- II. Acting in the best interest of the community.
- III. Ensure the active participation of the community in:
 - Service payment campaigns;
 - The Integrated Development Plan (IDP) process;
 - The Municipality's budgetary process;
 - Decisions about the provision of municipal services; and
 - Decisions about by-laws.

No executive powers may be delegated to Ward Committees.

DISCUSSION

Council's existing ward committee policy has been approved in 2020, but is not comprehensive. A new draft policy for Ward Committees is attached on **pages 50 to 79 of the Annexures** for consideration by Council. The Western Cape Local Government Department will be available to workshop said proposed policy with the Council and ward committee members.

LEGAL IMPLICATIONS

Constitution of RSA, 1996
 Local Government: Municipal Structures Act, Act Nr 117 of 1998
 Local Government: Municipal Systems Act, Act Nr 32 of 2000
 White Paper on Local Government, 1998
 National Policy Framework for Public Participation, 2007

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None.

Municipal Manager

None

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Monday, 12 February 2024.

RECOMMENDED

that the proposed reviewed Policy for Ward Committees be recommended for approval for public participation, including workshops with the ward committees.

RECOMMENDED TO COUNCIL

Item A25/21/02/2024

that the proposed reviewed Policy for Ward Committees be recommended for approval for public participation, including workshops with the ward committees.

10.1.7

Item number A26. 21.02.2024

RULES OF ORDER POLICY

Report of the Municipal Manager

Department

Municipal Manager

Section

Committee Services

File number

17/3/R

PURPOSE OF REPORT

The purpose of the report is to submit to the Portfolio Committee a request that the proposed Rules of Order By-Law be changed to a policy as well as some amendments to the draft.

FACTS AND BACKGROUND

A by-law is a law that is passed by the Council of a municipality to regulate the affairs and the services it provides within its area of jurisdiction. It must be passed by a majority vote of a municipal council. In terms of the Constitution the executive and legislative authority of a municipality is exercised by the municipal council, and one of the methods by which this is done is by passing by-laws.

A municipality may only make by-laws on matters that it has the right to administer. These matters are set out in Schedules 4B and SB of the Constitution.

However, passing by-laws without enforcing it, serves no purpose. Failure by a municipality to enforce its by-laws amounts to a failure to give effect to the obligations imposed upon a municipality by section 152 of the Constitution.

Any councillor or a committee of a municipal council may prepare a draft by-law. It is usually drafted by a municipal department on the instructions of a council committee. The Constitution, the Municipal Structures Act and the Municipal Systems Act set the framework in terms of which a municipal council must pass by-laws. Within this framework, a council may make a by-law to further regulate its internal procedures of lawmaking.

The Constitution sets two basic requirements for municipal lawmaking:

- First, a by-law must have the support of the majority of all the councillors.
- Second, the community must have enjoyed the opportunity to have its say with regard to that by-law. The making of a by-law entails the following steps:

Step 1: A draft by-law is prepared by a councillor or a committee of the council.

Step 2: The council must consult with the community with regard to the draft by-law. It must at least publish the by-law for comment by the public.

Step 3: The by-law is introduced in and debated by the council.

Step 4: The municipal council votes on the by-law.

Step 5: If passed by the council, the bylaw is published and becomes law on that date or a later date set in the by-law.

DISCUSSION

The draft Rules of Order By-Law is attached **on page 80 to 135 of the Annexures**. Council workshopped a draft by-law and approved it for publication, however changes to the by-law were requested. The changes include that calendar days be changed to work days for giving notice of meetings, as well as consideration be given to the number of people needed to submit a motion for removal of office bearers from office and that the by-law rather be made a policy.

Please note the following:

- If the municipality decides to adopt this by-law, the sanctions set out in rule 63 may remain as is.
- Every municipality must ensure that it has all the necessary policies in place. The rules refer to the uniform standing procedure relating to councillor discipline, which must be adopted by every municipal council in terms of item 4(3) of the Code of Conduct. In addition, the "Code of Conduct" calls for policy on a number of issues, including:
- References to decorum in the rules are vague, and should be addressed in a separate policy document by every municipality.
- The rules should be amended as soon as Khoi-San leaders are recognised in terms of the Traditional and Khoi-San Leadership Act, 2019 (Act 3 of 2019) to ensure their involvement in local government matters in the Province.

LEGAL IMPLICATIONS

Constitution of RSA, 1996

Local Government: Municipal Structures Act, Act Nr 117 of 1998

Local Government: Municipal Systems Act, Act Nr 32 of 2000

RISK AND AUDIT IMPLICATIONS

A By-Law should only be adopted, if Council has the ability and willingness to enforce it.

FINANCIAL IMPLICATIONS

By-Laws must be promulgated in the Government Gazette at a high cost.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

As per the resolution made by Council.

COMMENTS FROM DEPARTMENTS

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None.

Municipal Manager

None

This item served on the Corporate and Financial Services Portfolio held on Monday, 12 February 2024

RECOMMENDED

1. that Council considers the proposed changes to the draft Rules of Order and indicate if the Rules of Order should be a by-law or a policy.
2. that the existing Rules of Order By-law be rescinded as and when the newly approved by-law or policy comes into effect.

RECOMMENDED TO COUNCIL

Item A26/21/02/2024

1. that Council indicates if the Rules of Order should be a by-law or a policy.
2. that the following proposed changes to the draft Rules of Order be considered by Council

Chapter 1,
- Section 2(1)(b): Application and Interpretation

Committees to be excluded from the application of the rules to be added:
- Mayoral Committee and Section 80 Committees.

Chapter 2,

- Section 5(1)(c): Agenda: the agenda for an ordinary Council meeting must be provided to councillors 7 calendar days (5 working days) prior to the day of the meeting.
- Section 5(1)(d): Agenda: Special Council meetings: add the following: if the approval of a budget is included in the agenda of a special council meeting, the notice period for such meeting shall be 7 calendar days (5 working days)

Chapter 7,

- Section 55: Removal of Office Bearers from Office: reconsider the number of councillors required to second a motion to remove the Speaker, Executive Mayor or Deputy Executive Mayor from Office.

3. that the existing Rules of Order By-law be rescinded as and when the newly approved by-law or policy comes into effect.

10.1.8

Item number A27. 21.02.2024

MONTHLY REPORT OF MUNICIPAL MANAGER: JANUARY AND FEBRUARY 2024

Report by the Municipal Manager, Mrs A. Vorster

AUDITOR-GENERAL

The annual 2022/2023 audit undertaken by the Auditor-General is still underway with the expected issuing of the final report mid to late February 2024 after which the Annual Report will be tabled to Council and advertised for public input.

LAND REFORM

The Municipality approved the cross-boundary service level agreement for law enforcement collaboration with municipalities in the Overberg. Signature of this agreement is still awaited from other municipalities.

An urgent law enforcement workshop was called with law enforcement and crime intelligence role players in the Overberg at Helderstroom on 6 February 2024 where the risk of land invasions has been highlighted. Swellendam Municipality is one of the high-risk areas according to crime intelligence reports. Labour brokering in the agricultural sector has been identified as one of the root causes for immigration and an urgent intervention in this respect is needed.

The need for credible crime intelligence and fast response has been emphasized. The Municipality's administration is preparing against land invasions, including the verification of property ownership, the identification of open, vulnerable land and regular inspections. The next step would be to invite specific owners of open land to an information session on how to deal with land invasions and to raise general awareness around the need to report illegal structures and the processes to be rolled-out to address these issues.

TOURISM DEVELOPMENT

A tourism role player sector engagement is planned for the end of February.

WATER RESTRICTIONS

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

LOCAL ECONOMIC DEVELOPMENT

Swellendam Municipality partnered with Mr Charlie Thomas to train residents to obtain their learner driver's licence. 60 community members were trained in Swellendam on 6,7 and 8 February. 20 community members were trained in Buffeljagsrivier on 13 to 15 February 2024 and there are plans to roll this project out to the other towns as well.

A construction training session aimed at emerging contractors is scheduled for 22 February 2024 in Barrydale.

Since last year the Municipality's administration did door-to-door visits to spaza shops/ house shops to collect information on the operation and compliance of this sector. This study is finishing up now.

The Municipality partnered with SEFA to target house shop owners to roll out financial aid programs for house shops in the form of a R10 500 grant coupon to purchase stock. This workshop and information session is scheduled for 13 February 2024.

A presentation by Brenthurst Foundation on a commercial study that they did in Swellendam was attended by senior management on 8 February 2024 at Teatro. Possible collaboration with the foundation is being investigated.

LITIGATION

A motion of litigation was received on 19 January 2024 from Dynarc Capital to litigate in the Western Cape High Court on 2 February 2024. A senior attorney has been appointed to defend the motion in the High Court, subsequently Part A of the application was withdrawn by the applicant with the offer to carry the litigation cost of the Municipality. Part B of the application will continue.

FILLING OF VACANCY: DIRECTOR: TECHNICAL SERVICES

An offer was made to the successful candidate for the position of Director: Technical Services, but the offer was declined. A request was submitted to the Department of Local Government to deploy an official while the Municipality continue with the recruitment process.

STAFF COMPLEMENT

Mr Zander Wiese was appointed as Performance and Compliance Officer as of 5 February 2024. The focus is to ensure that performance management is rolled out in full by end of February 2024.

ORGANISATIONAL REVIEW

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

COGTA ENGAGEMENT

A meeting with officials from national COGTA and the Department of Local Government in the Western Cape took place on 26 January 2024 on the Indigent Policy of Council and the Municipality's Institutional Resilience Plan.

A Vorster
MUNICIPAL MANAGER

RECOMMENDED TO COUNCIL

Item A27/21/02/2024

1. that cognisance be taken of the monthly report of the Municipal Manager for January and February 2024.
2. that the Municipal Manager be requested to facilitate a discussion session on the implementation of the House Shop Policy.

10.1.9

Item number A28. 21.02.2024

PROVINCIAL, NATIONAL AND LOCAL GOVERNMENT ELECTIONS: PROPOSAL TO WAIVE CERTAIN STIPULATIONS OF THE BY-LAW ON OUTDOOR ADVERTISING AND SIGNAGE

Report of the Municipal Manager: Mrs. A. Vorster

Department	Office of the Municipal Manager
Division	Office of the Municipal Manager
File number	10/2/1/1

PURPOSE OF REPORT

The purpose of this report is to submit a proposal that Council waives certain stipulations of the By-Law on Outdoor Advertising and Signage for the display of posters for the national, provincial and local government elections.

Council's consideration of exemption from the payment of the deposit fee by the Independent Election Commission for the display of election registration posters during local government, provincial and national elections, is also tabled.

FACTS AND BACKGROUND

During the 2021 general local government election cycle, the Council has resolved as follows:

UNANIMOUSLY RESOLVED

Item A88/24/06/2021

1. that the following stipulations as per Annexure 11 of the By-Law on outdoor advertising and signage be waived for the national local government election on 27 October 2021
 - i. Posters, banners, tear-drop banners and flags may be displayed from the date of payment of the deposit of the posters and must be removed within 14 days from the date of the event or the last day thereof as applicable.
 - ii. Only one poster or flag per organisation may be erected on every second streetlight pole.
 - iii. The restriction of posters to be erected at a height of 2 metres be waived.
 - iv. No posters, banners, tear-drop banners and flags may be displayed within 30 meters of any road traffic sign or traffic signal.
 - v. Posters, banners tear-drop banners and flags may only be erected to advertise the event and the name or emblem of a sponsor may not cover more than 20% of the surface of the material. For elections the period be extended to 14 days after the date of the election.
 - vi. Posters, banners, tear-drop banners and flags, excluding election posters and flags, may only be erected in the roads, or places as indicated by the Municipality and may not be erected in residential areas or on bridges. No political banners will be allowed.

1. that for the national local government election on 27 October 2021, the period to remove the posters be extended to 14 days after the election day;
2. that for the national local government election on 27 October 2021, posters be erected on stipulated locations only
3. that for the national local government elections on 27 October 2021 political parties be allowed to place posters in all area except where it is prohibited to do so; such as traffic signs, traffic signals, central ridges, existing advertising signs or any municipal buildings, walls, fences or over hydrant identification signs or any public infrastructure so identified.
4. Where permission is granted by private property owners, such owners will be subjected to the outdoor signage and advertising by-law.

An enquiry on the means of obtaining a Council Resolution exempting the IEC from the payment of the deposit fee for the display of posters, was received from Cantare Schierholt of the IEC.

DISCUSSION

1. It is suggested that the following stipulations outlined in Annexure 11 of the By-Law on Outdoor Advertising and Signage for all provincial, national, and local government elections be waived:
 - i) Posters, tear-drop banners, and flags may be displayed from the deposit payment date but not earlier than 90 days before the event and must be removed within 14 days from the event date.
 - ii) Only one poster or flag per organisation may be erected on every second streetlight pole.
 - iii) No posters, banners, tear-drop banners, or flags may be displayed within 30 metres of a stop sign and may not obstruct the view of any stop sign or hinder pedestrian/vehicular traffic.
 - iv) Posters, banners, tear-drop banners, and flags, excluding election materials, may only be erected in locations designated by the Municipality, avoiding residential areas and bridges.
 - v) Posters and flags must be uniformly erected at a minimum height of approximately 2 meters.
 - vi) Posters measuring a maximum of 120 cm x 100 cm must be mounted on a board and affixed securely with stout string or plastic fastening without damaged caused to the poles. No securing material with a metal content is permitted.
2. Posters are allowed in all areas except where prohibited, such as on traffic signs, central ridges, existing advertising signs, municipal buildings, walls, fences, or over hydrant identification signs or any public infrastructure.
3. It is suggested that the following stipulations of the By-Law will remain in effect:

- i) The Municipality will levy a tariff to remove unauthorised material.
- ii) All materials used for affixing posters must be removed along with the posters.
- iii) The Municipality reserves the right to remove indecent, torn, or hazardous posters.
- iv) The Municipality is exempt from liability arising from the display of posters.
- v) Organisations or individuals must pay a deposit determined by the Municipality before displaying posters.
- vi) The Municipality may remove non-compliant posters.
- vii) Posters not removed by the due date may be removed by the Municipality, forfeiting the deposit.

Established in terms of Chapter 9 of the Constitution as a State Institution tasked with strengthening constitutional democracy, the Independent Election Commission's function is to manage free and fair elections of national, provincial and municipal legislative bodies in accordance with national legislation. Within this context it is suggested that the IEC be exempted from the payment of the deposit fee for the display of election registration posters during local government elections as well as provincial and national elections.

LEGAL IMPLICATIONS

- Local Government: Systems Act, 2000 (Act 32 of 2000).
- By-Law on Outdoor Advertising and Signage.

FINANCIAL IMPLICATIONS

Annexure 11 of the By-Law on Outdoor Advertising and Signage determines the rules regarding temporary posters. The display of posters during election campaigns is also subject to the stipulations of Annexure 11. A deposit of R5680.00 (until 30 June 2024, thereafter in accordance with the amended tariff schedule as provided in the 2024/25 Budget) must be paid by political parties/independent candidates who wish to erect posters. The deposit will only be refunded once the posters have been removed within a time frame specified in the By-Law.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENT FROM DEPARTMENTS

Director: Corporate Services

No further comment

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

The item is presented by the Municipal Manager

RECOMMENDED

1. that the following stipulations outlined in Annexure 11 of the By-Law on Outdoor Advertising and Signage be amended for all provincial, national, and local government elections be waived:
 - i) Posters, tear-drop banners, and flags may be displayed from the deposit payment date but not earlier than 90 days before the event and must be removed within 14 days from the event date.
 - ii) Only one poster or flag per organisation may be erected on every second streetlight pole.
 - iii) No posters, banners, tear-drop banners, or flags may be displayed within 30 metres of a stop sign and may not obstruct the view of any stop sign or hinder pedestrian/vehicular traffic.
 - iv) Posters, banners, tear-drop banners, and flags, excluding election materials, may only be erected in locations designated by the Municipality, avoiding residential areas and bridges.
 - v) Posters and flags must be uniformly erected at a minimum height of approximately 2 meters.
 - vi) Posters measuring a maximum of 120 cm x 100 cm must be mounted on a board and affixed securely with stout string or plastic fastening without damaged caused to the poles. No securing material with a metal content is permitted.
2. that posters be allowed in all areas except where prohibited, such as on traffic signs, central ridges, existing advertising signs, municipal buildings, walls, fences, or over hydrant identification signs or any public infrastructure.

3. that it be confirmed that the following stipulations of the By-Law will still apply in terms of the by-law:
 - i) The Municipality will levy a tariff to remove unauthorised material.
 - ii) All materials used for affixing posters must be removed along with the posters.
 - iii) The Municipality reserves the right to remove indecent, torn, or hazardous posters.
 - iv) The Municipality is exempt from liability arising from the display of posters.
 - v) Organisations or individuals must pay a deposit determined by the Municipality before displaying posters.
 - vi) The Municipality may remove non-compliant posters.
 - vii) Posters not removed by the due date may be removed by the Municipality, forfeiting the deposit.
- 4) that approval be granted that the Independent Election Commission be exempted from the payment of the deposit fee for the display of election registration posters during all local government, provincial and national elections, however the stipulations of the Outdoor Advertising Signage By-Law to remain applicable.

RECOMMENDED TO COUNCIL

Item A28/21/02/2024

1. that the following stipulations outlined in Annexure 11 of the By-Law on Outdoor Advertising and Signage be amended for all provincial, national, and local government elections be waived:
 - i) Posters, tear-drop banners, and flags may be displayed from the deposit payment date but not earlier than 90 days before the event and must be removed within 14 days from the event date.
 - ii) Only one poster or flag per organisation may be erected on every second streetlight pole.
 - iii) No posters, banners, tear-drop banners, or flags may be displayed within 30 metres of a stop sign and may not obstruct the view of any stop sign or hinder pedestrian/vehicular traffic.
 - iv) Posters, banners, tear-drop banners, and flags, excluding election materials, may only be erected in locations designated by the Municipality, avoiding residential areas and bridges.
 - v) Posters and flags must be uniformly erected at a minimum height of approximately 2 meters.
 - vi) Posters measuring a maximum of 120 cm x 100 cm must be mounted on a board and affixed securely with stout string or plastic fastening without damaged caused to the poles. No securing material with a metal content is permitted.
2. that posters be allowed in all areas except where prohibited, such as on traffic signs, central ridges, existing advertising signs, municipal buildings, walls, fences, or over hydrant identification signs or any public infrastructure.
3. that it be confirmed that the following stipulations of the By-Law will still apply in terms of the by-law:

- i) The Municipality will levy a tariff to remove unauthorised material.
 - ii) All materials used for affixing posters must be removed along with the posters.
 - iii) The Municipality reserves the right to remove indecent, torn, or hazardous posters.
 - iv) The Municipality is exempt from liability arising from the display of posters.
 - v) Organisations or individuals must pay a deposit determined by the Municipality before displaying posters.
 - vi) The Municipality may remove non-compliant posters.
 - vii) Posters not removed by the due date may be removed by the Municipality, forfeiting the deposit.
- 4) that approval be granted that the Independent Election Commission be exempted from the payment of the deposit fee for the display of election registration posters during all local government, provincial and national elections, however the stipulations of the Outdoor Advertising Signage By-Law to remain applicable.

10.1.10

Item number A29. 21.02.2024

GRANT IN AID TO ORGANISATIONS – 2023/2024

Report of the Director: Financial Services: Ms E Wassermann

Department

Financial Services

Section

Financial Services

File number

5/16/1/1

PURPOSE OF THE REPORT

The purpose of the report is to inform the Council of applications received from organisations for grant in aid for the 2023/2024 financial year.

FACTS AND BACKGROUND

Section 67 of the Local Government: Municipal Finance Management Act, 2003 (Act no 56 of 2003)- [MFMA] requires a municipality to ensure that certain criteria and conditions are met before funds are transferred to an organisation outside any sphere of government, otherwise than in compliance with a commercial transaction.

Supporting documents are attached **on pages 136 to 151 of the Annexures.**

DISCUSSION

The tables below provide a breakdown of the applications that were received and whether they qualified in terms of Council policy:

Applicant	Registration number	Amount applied for	Qualified
ACVV Barrydale	151-633	R 20,000	Yes
Barrydale Hospice	176-335	R 81 200	Yes
KAPS	020-910	R 50 000	Yes
SPCA Swellendam	005-485	R 60 000	Yes
Swellendam Buurtwag	Not provided	R 30 000	No
Railton Foundation	169-704	R 20 950	Yes
Total		R 262 150	

The following documentation is attached as Annexure A:

- Grant in Aid Pre-Screening Compliance Checklist.
- Grant in Aid Policy, Swellendam Municipality.

LEGAL IMPLICATIONS

Section 67 of the MFMA deals with funds transferred to organizations and bodies outside the government. The stipulations in this regard are as follows:

- "Section 67(1) - Before transferring funds of the municipality to an organization or body outside any sphere of government otherwise than in compliance with a commercial or other business transaction, the accounting officer must be satisfied that the organization or body-
 - a) has the capacity and has agreed-
 - i. to comply with any agreement with the municipality;
 - ii. for the period of the agreement to comply with all reporting, financial management, and auditing requirements as may be stipulated in the agreement;
 - iii. to report at least monthly to the accounting officer on actual expenditure against such transfer; and
 - iv. to submit its audited financial statements for its financial year to the accounting officer promptly;
 - b) implements effective, efficient, and transparent financial management and internal control systems to guard against fraud, theft, and financial mismanagement; and
 - c) has in respect of previous similar transfers complied with all the requirements of this section.
- Section 67(2) - If there has been a failure by an organization or body to comply with the requirements of subsection (1) in respect of a previous transfer, the municipality may despite subsection (1)(c) make a further transfer to that organization or body provided that-
 - a) subsection (1)(a) and (b) is complied with; and
 - b) the relevant provincial treasury has approved the transfer.
- Section 67(3) The accounting officer must through contractual and other appropriate mechanisms enforce compliance with subsection (1).
- Section 67(4) - Subsection (1)(a) does not apply to an organization or body serving the poor or used by the government as an agency to serve the poor, provided-
 - a) that the transfer does not exceed a prescribed limit; and
 - b) that the accounting officer-
 - i. takes all reasonable steps to ensure that the targeted beneficiaries receive the benefit of the transferred funds; and
 - ii. certifies to the Auditor-General that compliance by that organization or body with subsection (1)(a) is uneconomical or unreasonable"

FINANCIAL IMPLICATIONS

The financial implication for the applicants that did apply amounts to R 262 150. There is however only an amount of R 170 000 budgeted for this purpose. The breakdown of budgeted amounts and applications are as follows:

Budget 2023/2024:

Organisations assisting the municipality with functions	- R 100,000
Other organisations	- R 70,000

Applications 2023/2024:

Organisations assisting the municipality with functions - R 110,000
 Other organisations - R 152,150

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

Only five organizations qualified in terms of council policy. It is proposed that the amount of R 170 000 be allocated as follows based on the previous year's allocations:

Applicant	Previous Allocation (2023)	Amount Requested	Amount Recommended
SPCA	R35 000	R60 000	R60 000
KAPS	R35 000	R50 000	R50 000
ACVV Barrydale	R0	R20 000	R20 000
Barrydale Hospice	R0	R81 200	R20 000
Railton Foundation	R3 000	R20 950	R20 000
Swellendam Buurtwag	R0	R30 000	Do not qualify

The applications for grant in aid allocations to organisations will be evaluated on an annual basis. The amounts allocated to organisations annually will therefore be determined based on the organisations that do qualify, the amounts requested as well as the available budgeted funds. Amounts allocated to organisations that do qualify can therefore vary from year to year.

Director: Infrastructure Services

None

Municipal Manager

None

RECOMMENDED

1. that Council decide on the grant in aid allocations for 2023/2024 financial year;
2. that the donations approved only be paid to organizations on receipt of their 2022/2023 financial statements.
3. that the donations approved only be paid to organizations on receipt of any outstanding information or documentation.

RECOMMENDED TO COUNCIL

Item A29/21/02/2024

1. that the Grant in Aid allocations for the 2023/2024 financial year; be approved as follows:

Applicant	Previous Allocation (2023)	Amount Requested	Amount Recommended
SPCA	R35 000	R60 000	R60 000
KAPS	R35 000	R50 000	R50 000
ACVV Barrydale	R0	R20 000	R20 000
Barrydale Hospice	R0	R81 200	R20 000
Railton Foundation	R3 000	R20 950	R20 000
Swellendam Buurtwag	R0	R30 000	Do not qualify

2. that the donations approved only be paid to organizations on receipt of their 2022/2023 financial statements.
3. that the donations approved only be paid to organizations on receipt of any outstanding information or documentation.

10.2 Consideration of matters which require non-disclosure

None

10.3 Consideration of urgent matters

None

11 MINUTES OF THE PORTFOLIO COMMITTEES

RESOLVED:

that cognisance be taken of the following minutes:

- 11.1** Minutes of Community Services and Housing Portfolio Committee meeting held on Tuesday, 14 November 2023.
- 11.2** Minutes of a Corporate and Financial Services Portfolio Committee meeting held on Tuesday, 14 November 2023.
- 11.3** Minutes of a Infrastructure Services Portfolio Committee meeting as held on Tuesday, 14 November 2023.

12 GENERAL

None

13 CLOSURE

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

The meeting adjourned at 12:10.