

MINUTES FOR **COGNISANCE**

The following minutes are distributed for cognisance:

- 10.1** Minutes of an Ordinary Mayoral Committee meeting held on Tuesday, 19 March 2024.

MAYORAL COMMITTEE MEETING MINUTES



**MINUTES OF THE MAYORAL COMMITTEE MEETING
HELD ON TUESDAY, 19 MARCH 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**

19/04/2024

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	5
5.		CONFIRMATION OF MINUTES	5
6.		MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING	5
7.		STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR	6
8.		DISCLOSURE OF INTERESTS BY COUNCILLORS	6
9.		FINANCIAL REPORTING	6
9.1		The Section 71 Reports for February 2024 (Separate Addendum)	6
10.		MATTERS FOR CONSIDERATION	7
10.1		Items submitted by officials of Council	7
10.1.1	Item A37	Community Services: Lease of Commonage Land Barrydale	7
10.1.2	Item A38.	Supply Chain Management Monthly Report – February 2024	12
10.1.3	Item A39.	STS Electricity Pre-Paid Meters Conversion Progress	14
10.1.4	Item A40.	Draft Swellendam Coastal Access Land By-Law, 2023, in terms of the National Environmental Management: Integrated Coastal Management Act, 2008 (Act No.24 of 2008)	18
10.1.5	Item A41.	Application to Purchase a Portion of Street Reserve, Odendaal Street, Swellendam	21
10.1.6	Item A42.	Alienation of Municipal Property in Railton – Erf 4301	24

10.1.7	Item A43.	Resubmission: Alienation of Erf 842, Barrydale	28
10.1.8	Item A44.	Supply Chain Management: Procurement Activities: New SCM Regulations Effective from 14 December 2023 until the Approved Amendment of the SCM Policy	31
10.1.9	Item A45.	Monthly Report for February / March Office of the Municipal Manager	34
10.2		Consideration Of Matters Which Require Non-Disclosure	38
10.3		Consideration of urgent matters	38
11.		MINUTES OF PORTFOLIO COMMITTEES	38
12.		GENERAL	38
13.		CLOSURE	38

MINUTES OF AN ORDINARY MEETING OF THE MAYORAL COMMITTEE OF SWELLENDAM MUNICIPALITY HELD ON TUESDAY, 19 MARCH 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)
	K. Stuurman	(Director: Community Services)
	W. Treurnicht	(Acting Director: Infrastructure Services)
	J. Etzebeth	(Manager: Administrative Support Services)

SECRETARIAT:

K. Opperman

RECORDING OFFICER:

K. Opperman

ALSO PRESENT:

A.Hattingh: Chief Clerk (Speakers Office) (from 9:11 to 9:23)

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. The Municipal Manager, Mrs A. Vorster rendered an opening prayer.

2. ELECTION OF CHAIRPERSON, IF NECESSARY

None

3. APPLICATION FOR LEAVE OF ABSENCE
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RESOLVED

- 3.1 that leave of absence from the Mayoral Committee meeting held on Tuesday, 19 March 2024 be granted to the Director Financial Services, Ms E. Wassermann.

4. SPEECHES AND SUBMISSIONS

The Chairperson congratulated Councillor E.J. Lamprecht on her birthday as she celebrated it on Monday, 18 March 2024.

5. CONFIRMATION OF MINUTES

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

RESOLVED:

- 5.1 that the minutes of an ordinary meeting of the Mayoral Committee meeting held on Wednesday, 21 February 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 Monday, 12 February 2024**

Informal Settlements Report: p.6:

The Executive Mayor confirmed that the housing meeting was held and would proceed with further engagements. He asked whether the municipality discussed the possibility of going from 20 to 10 Amps with the Provincial Department whereby Mr K. Stuurman responded that he would follow up on the matter.

Employee Wellness

The Executive Mayor indicated that it was discussed that an amount would be made available on the draft budget for the employee mental wellness which would be put out on tender to start from 1 July 2024. He said that it was important for the employer to look after the wellbeing of employees.

Russel Street

In response to a question raised by the Executive Mayor, with regard to Russel Street and Van Riebeeck Street, Mr W. Treurnicht reported that the tender closed, however, the tender prices received were much higher than the budgeted amount. He said that the municipality would try to get the evaluation report from the consultant by the end of the month.

Estate Accounts: p.8

The Executive Mayor said that he was aware that many residents paid their estate accounts after the 50% rebate was previously approved. He was of the opinion that the deceased estate accounts would not have an impact on the budget, however, Council would have to make a decision on the way forward in that regard. He said that Council should consider closing long overdue estate accounts, or transfer the responsibility to the relatives to pay the outstanding accounts.

Subdivision of Municipal Industrial Land – Erf 8241 Swellendam (2.5 ha)

The Executive Mayor asked whether there has been a new proposal for erven next to the Traffic Department whereby the Municipal Manager, Mrs A. Vorster shared that the matter has been discussed by Senior Management and came up with a proposed layout which would now be referred to land surveyors. The Executive Mayor indicated that Co-Space had a request for a 5000 m² erf which would be able to accommodate 30 units that could be expanded to 50 units.

The Executive Mayor requested that the municipality made sure that the erven be prepared for sale and be investment ready with the availability of service connections in order for investors to be more interested to settle in Swellendam.

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 February 2024

RESOLVED

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

DISCUSSION

The Executive Mayor, Councillor H.F. Du Rand asked what the progress on the capital budget was whereby the Municipal Manager, Mrs A. Vorster shared that the tenders have been advertised but the municipality had a challenge with Russel Street where the tenders have been much higher than expected. She said that the administrative processes have been finalised and implementation would start from April 2024.

In response to a question raised by the Executive Mayor with regard to the Transnet Land, the Municipal Manager shared that the R4.4 million could now be transferred to the attorneys while waiting for the registration to be completed

10.1 Items submitted by officials of the Council

10.1.1

Item number A37. 19.03.2024

Resolved as Item B5/19/03/2024

COMMUNITY SERVICES: LEASE OF COMMONAGE LAND BARRYDALE

Report by the Director Community Services: Mr. K. Stuurman

Department

Community Services

Section

Community Services

File Number

7/2/3/1/1

PURPOSE OF REPORT

To table applications for the lease of commonage land in Barrydale for approval.

FACTS AND BACKGROUND

Following the cancellation of their Lease Agreements that was concluded in August 2021 by some small-scale farmers in respect of commonage land in Barrydale, four (4) camps became available for lease for the remainder of the lease period which was fixed for a period of 9 years and 11 months with effect from 1 July 2021, per Resolution B15/18/08/2021 of the Mayoral Committee.

DISCUSSION

The intention of Council to lease vacant commonage land to small farmers in Barrydale was advertised in the Langeberg Bulletin with closing date 25 August 2023 and any small farmer could apply for the available sites in line with 4.14 of the Land Disposal Policy, 2018, (Lease of municipal commonage land to small scale farmers with a view to assist historically disadvantaged individuals)

Indigent applicants will pay an amount of R100 per year flat rate, irrespective of the size of the plot. Non-indigent applicants to pay a top – up amount based on the fair market value (rate per square metre)

Ten applications were received for the available land from the following applicants:

1. Allouise Elsie Kees
2. Frans Desmond Kees
3. Barrydale Farming Co-Operative Limited
4. Johan Andries Carolis
5. Reitin Tallies
6. Gert Tallies
7. Cornelius Julius Europa
8. Henry Swanepoel
9. Laurel Cadie Barber
10. Yogrando Dowelin Titus

The map for Barrydale commonage land is attached **on page 1 of the Annexures.**

LEGAL IMPLICATIONS

The following legislation regulates property management:

The provisions of section 14 of the Municipal Finance Management Act, 2003, (Act 56 of 2003) (MFMA);

The By-laws relating to the Management and Administration of Immovable Property, 2005.

The Asset Transfer Regulations, 2008.

The Policy on the Management, Administration and Alienation of Immovable Property, 2018.

Land Disposal Policy, 2018.

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

No further comment

Director Financial Services

None

Director Infrastructure Services

Municipal Manager

None

This item served on the Community Services and Housing Portfolio Committee meeting held on Wednesday, 13 March 2024.

RECOMMENDED TO MAYCO

1. that it be noted that the lessees of commonage land in Barrydale have terminated their Lease Agreements prior to the end of the term of lease (31 August 2031), notably Camps B17(c); B18 (c); B22 and B25;

2. that the camps in 1 above be leased to the following applicants from the community of Barrydale and that the term of lease be for the remainder of the initial term of nine years and eleven months that will end on 31 August 2031;

CAMP NO	SIZE HECTARES	NAME & SURNAME
B17 (c)	8.2872	Henry Swanepoel en Yogrando Dowelin Titus
B18 (c)	1	Laurel Cadie - Barber
B22	16.1511	Reithin Talies, Gert Tallies, Cornelius Julius Europa
B25	4.1733	Frans Desmond Kees

3. that the lessee shall be responsible to erect a proper fence on the land to the satisfaction of the municipality and to maintain the fences in a proper state of repair and to maintain contours on the land as required by the Director: Community Services and Director: Infrastructure Services;
4. that the lease be subject to the maintenance and /or formalization of any existing right of way over the land;
5. that the grounds be utilized within 2 years or farming activities in failure of which, the municipality has the right to reclaim the unused land and assign it to another individual under the same conditions;
6. that no subletting of land or portions thereof may take place;
7. that the land may only be used for agricultural activities and no occupation of a property is permitted;
8. that the existing municipal services on the land must be protected by the registration of servitudes and / or related arrangements;
9. that the lessee be responsible to provide water and other essential services needed for farming purposes;
10. that indigent occupants pay an amount of R100 per year flat rate, irrespective of the size of the plot;
11. that non-indigent applicants pay a top – up amount based on the fair market value (rate per square metre);
12. that the Mayoral Committee's intention to lease the commonage land be advertised for public comments and if no objections are received, the Municipal Manager be mandated to sign the Lease Agreements in terms of her delegated authority.

DISCUSSION

The Executive Mayor asked that the recommendation be amended to be in line with the correct time frame:

5. that the grounds be utilized within 12 months or farming activities in failure of which, the municipality has the right to reclaim the unused land and assign it to another individual under the same conditions;

The Executive Mayor requested that a report be compiled with all the information of those using the commonage lands and whether they were complying with the conditions of the lease agreement. The Director of Community Services Mr. K. Stuurman indicated that an audit was planned on the Swellendam and Barrydale commonage land whereafter a report would be tabled to Council. The Executive Mayor requested that the report be tabled in June 2024.

The Municipal Manager, Mrs A. Vorster said that if it was small livestock farmers there had to be a field rotation management plan for the camps because the municipality, as property owner was liable in terms of legislation regulating ground erosion. She said that livestock should be marked with registered animal identification marks. She added that the carrying capacity of the land must also be determined and monitored. Mr Stuurman indicated that all this information would be included in the audit that would follow.

The Municipal Manager said that all these stipulations must be included in the contracts as it had an effect on the land's rehabilitation if the capacity on the land was exceeded and it was necessary to have a cancellation clause.

The Executive Mayor requested that if all the above-mentioned stipulations were not mentioned in the contract, the small-scale farmers be given about 12 months to comply with all the contract conditions.

RESOLVED

Item B5/19/03/2024

1. that it be noted that the lessees of commonage land in Barrydale have terminated their Lease Agreements prior to the end of the term of lease (31 August 2031), notably Camps B17(c); B18 (c); B22 and B25;
2. that the camps in 1 above be leased to the following applicants from the community of Barrydale and that the term of lease be for the remainder of the initial term of nine years and eleven months that will end on 31 August 2031;

CAMP NO	SIZE HECTARES	NAME & SURNAME
B17 (c)	8.2872	Henry Swanepoel en Yogrando Dowelin Titus
B18 (c)	1	Laurel Cadie - Barber
B22	16.1511	Reithin Tallies, Gert Tallies, Cornelius Julius Europa
B25	4.1733	Frans Desmond Kees

3. that the lessee shall be responsible to erect a proper fence on the land to the satisfaction of the municipality and to maintain the fences in a proper state of repair and to maintain contours on the land as required by the Director: Community Services and Director: Infrastructure Services;
4. that the lease be subject to the maintenance and /or formalization of any existing right of way over the land;
5. that the grounds be utilized within 12 months for farming activities in failure of which, the municipality has the right to reclaim the unused land and assign it to another individual under the same conditions;
6. that no subletting of land or portions thereof may take place;
7. that the land may only be used for agricultural activities and no occupation of a property is permitted;
8. that the existing municipal services on the land must be protected by the registration of servitudes and / or related arrangements;
9. that the lessees be responsible to provide water and other essential services needed for farming purposes;
10. that indigent occupants pay an amount of R100 per year flat rate, irrespective of the size of the plot;

11. that non-indigent applicants pay a top – up amount based on the fair market value (rate per square metre);
12. that the Mayoral Committee's intention to lease the commonage land be advertised for public comments and if no objections are received, the Municipal Manager be mandated to sign the Lease Agreements in terms of her delegated authority.

10.1.2

Item number A38. 19.03.2024

SUPPLY CHAIN MANAGEMENT MONTHLY REPORT – FEBRUARY 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 February 2024 is attached **on pages 2 to 9 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 Regulations, 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 Wednesday, 13 March 2024.

RECOMMENDED TO MAYCO

1. that Council takes cognisance of the Supply Chain Management Report for February 2024 attached **on pages 2 to 9 of the Annexures.**

RECOMMENDED TO COUNCIL

1. that Council takes cognisance of the Supply Chain Management Report for February 2024 attached **on pages 2 to 9 of the Annexures.**

10.1.3

Item number A39. 19.03.2024

STS ELECTRICITY PRE-PAID METERS CONVERSION PROGRESS

Report of the Director Financial Services: Ms E. Wassermann

Department Financial Services

Section Finances

File number 16/2/3/1

PURPOSE OF REPORT

The purpose of the report is to inform Council on the progress of the STS electricity pre-paid meters token change in Swellendam Municipality.

FACTS AND BACKGROUND

The Standard Transfer Specification (STS) is the global standard for the transfer of electricity and other utility prepayment tokens. It secures message protocol that allows information to be carried between a point-of-sale (POS) and a prepayment meter and is currently finding wide application in electricity metering and payment systems. Municipalities use the STS technology in their electricity and water utilities business to measure and charge water and electricity. The STS was first introduced in South Africa in 1993 and subsequently published by the International Electro-technical Commission as the IEC62055 series of specifications. The application of the technology is licensed through the STS Association, thus ensuring that the appropriate key-management encryption practices are applied to protect the security of the prepayment transactions of utilities.

The STS provides the facility of generating (e.g. credit transfer) tokens which can only be used by the intended meter, and furthermore in the case of credit tokens, can only be used once in that meter. Each credit token has a unique token identifier (TID) encoded into the 20 digits to prevent token replay at the meter. The TID is a 24-bit field, contained in STS-compliant tokens, that identifies the date and time the token was generated.

All pre-payment meters based on STS technology will stop dispensing electricity on **24 November 2024**, thus presenting a significant risk to the service levels, sales and revenue collection of all municipalities to end-user customers in the electricity utilities business.

Therefore, the prepayment meters will stop accepting new credit tokens, and will then stop dispensing electricity after the existing credits are used up. Any tokens generated after this date and utilizing the 24-digit TID, calculated on the base date 1993, will be rejected by the meters as being old tokens as the TID value encoded in the token will have reset back to zero (0).

DISCUSSION

The municipality has appointed a service provider who will be visiting every household or business where pre-paid electricity meters are installed to enter the special key change tokens.

The service provider commenced with the token change from October 2022.

The service provider inspected all properties with pre-paid meters to allow the team to do the following:

- Determine the correctness of the meter
- Accuracy of the metering equipment
- Do the TID token change
- Confirm if the meter accepts the TID token change
- Ensure that the resident will be able to vend after the token change
- Confirm and update the pre-paid metering system and database.

Various consumer awareness campaigns were done from October 2022 on this matter. To date, the status of the token change in Swellendam is as follows:

Number of pre-paid meters	8001
Number of meters reset	4965 i.e. 62%
Number of outstanding meters	1722

Since October 2023 last year, the process significantly slowed down and very few meters were reset. It was then decided to halt the process temporarily as it is uneconomical to keep teams on site if they do not gain access to convert the meters to STS6.

Problems experienced with the conversion process are:

- No access to houses.
- If clients make appointments, the appointments are not always honoured or done in the agreed time frame.
- Tenants in houses do not want to provide access to service providers.
- No access houses are visited more than once without success.
- Letters are left at the premises, but no appointments are made.
- Residents complaining that phones are just ringing and are not answered.

It is proposed that one last effort be made to convert the outstanding meters. The following methods are proposed:

- Targeted approach in specific areas which is widely advertised. This process may include:
 - Email final demand letters to owners by municipality, if available.
 - Setting up of call centre for appointments between the municipality and service provider. Dedicated persons from the service provider and municipality are to be identified.
 - Municipality to hand deliver letters to properties – Use of EPWP workers.
 - Service provider to provide one team until 30 June 2024 to complete the process.
- If all fails, consider blocking of meters to force the resident to make contact with the municipality to make arrangements.

- Introduce a fee for the conversion from 1 September 2024 if meters are not converted by 31 August 2024.

LEGAL IMPLICATIONS

Electricity Act,
Electricity By-Laws
Local Government: Municipal Systems Act
Local Government: Municipal Finance Management Act

FINANCIAL IMPLICATIONS

An amount of R250,000 was budgeted for the remaining TID token change.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

None

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

The item is supported.

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Wednesday, 13 March 2024.

RECOMENENDED TO MAYCO

1. that the contents of the report on the STS electricity prepaid meters conversion progress be noted.
2. that the remaining consumers be made aware of the TID token change on all pre-paid meters and that lists of the remaining households be submitted to Ward Councillors and Ward Committees to assist the process.
3. that Council implements a targeted approach for the remaining meters.
4. that Council considers blocking the remaining meters as a final resort after June 2024, to force the clients to contact the municipality.
5. that should a client contact the municipality for a token change after the cut-off date of 31 August 2024, a fee for the conversion be implemented as from 1 September 2024.

DISCUSSION

The Executive Mayor, Councillor H.F. Du Rand asked that a correction be made to page 12 of the agenda stipulating the number of meters reset, which was 62%.

The Municipal Manager, Mrs A. Vorster said that if there were members of the community who did not respond by June 2024, the municipality would implement a soft block on the meters where the client would have to contact the municipality who would then inform the client of the conversion that would have to take place before November 2024. She said the process followed would also allow the municipality to verify meters that had been tampered with.

The Executive Mayor asked the Municipal Manager to indicate the approach to be followed step by step in order to be able to provide proof of the process followed to inform the public of the conversion of meters.

RECOMMENDED TO COUNCIL

1. that the contents of the report on the STS electricity prepaid meters conversion progress be noted.
2. that the remaining consumers be made aware of the TID token change on all pre-paid meters and that lists of the remaining households be submitted to Ward Councillors and Ward Committees to assist the process.
3. that Council implements a targeted approach for the remaining meters.
4. that Council considers soft blocking the remaining meters as a final resort after June 2024, to force the clients to contact the municipality.
5. that should a client contact the municipality for a token change after the cut-off date of 31 August 2024, a fee for the conversion be implemented as from 1 September 2024.

10.1.4

Item number A40. 19.03.2024

DRAFT SWELLENDAM COASTAL ACCESS LAND BY-LAW, 2023, IN TERMS OF THE NATIONAL ENVIRONMENTAL MANAGEMENT: INTEGRATED COASTAL MANAGEMENT ACT, 2008 (ACT NO.24 OF 2008)

Report by Manager Town Planning and Building Control

Department Corporate Services

Section Town Planning and Building Control

File number 1/1

PURPOSE OF REPORT

To table the draft Swellendam Coastal Access Land By-law, 2024, provided for in terms of Section 12 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), for adoption and proclamation.

FACTS AND BACKGROUND

On 5 May 2023 Council resolved as follows:

UNANIMOUSLY RESOLVED

Item A54/08/05/2023

1. That the content of this report be noted.
2. That the draft Swellendam By-law on Coastal Access Land be advertised for public comment, in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
3. That the draft Swellendam By-Law on Coastal Access Land and any public comment received in terms of (2) above, be submitted to Council for consideration in terms of Section 12(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

The draft By-law was duly advertised on 6 July 2023, with a closing date for comment of 11 August 2023. No comment or objections were received during the provided period.

A copy of the proposed Swellendam Coastal Access Land By-law, 2024, is included **on pages 10 to 31 of the Annexures.**

DISCUSSION

As noted previously, the proclamation of the full suite of draft model by-laws, will require of the Administration to take various actions additional to the functions already being carried out in relation to the Breede River Estuary, including, inter alia:

- Establishment of a Coastal Access Committee
- Preparation of a Coastal Access Land Audit
- Delineation of Coastal Access Land
- Provision of facilities within the Coastal Access Land
- Generation of Rules for the use of Coastal Access Land

- Making available law enforcement officers to enforce the provisions of the by-laws
- Budgeting for all of the above

Given the above it was resolved at the meeting of 5 May 2023 to proceed only with the By-Law on Coastal Access Land. The remaining 4 draft model by-laws, namely:

- the By-Law on the Designation of Coastal Access Land;
- the By-Law on the Amendment of Designation of Coastal Access Land;
- the By-Law on the Withdrawal of Designation of Coastal Access Land; and
- the By-Law of the Determination (or Adjustment) of Boundaries of Coastal Access Land

were agreed to be dealt with at a future time, and specifically only once the Coastal Access Land Audit and the actual delineations of applicable Coastal Access Land has been completed.

LEGAL IMPLICATIONS

Publication of the adopted By-Law in the Provincial Gazette.

FINANCIAL IMPLICATIONS

Publication of the adopted By-Law in the Provincial Gazette.

PERSONNEL IMPLICATIONS

None at this stage.

COMMUNICATIONS IMPLICATIONS

Publication of the adopted By-Law in the Provincial Gazette.

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

No further comment received.

Director: Community Services

No further comment received.

Director: Financial Services

No further comment received.

Director: Infrastructure Service

No further comment received.

Municipal Manager

No further comment received.

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Wednesday, 13 March 2024.

RECOMMENDED TO MAYCO

1. that the content of this report be noted.
2. that the draft Swellendam By-law on Coastal Access Land be adopted in terms of Section 12(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).
3. that the draft Swellendam By-Law on Coastal Access Land be published in the Provincial Gazette in terms of Section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

DISCUSSION

The Municipal Manager, Mrs A. Vorster indicated that there were different components to coastal management, however, the municipality was only accepting the Coastal Access Land By-Law. She said that the item was previously tabled to Council, was workshopped and advertised for public input but none was received

The Executive Mayor proposed that point 2 of the recommendation be corrected to the following:

2. *that the draft Swellendam By-law on Coastal Access Land be advertised for public comment again in terms of Section 12(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) whereafter it be tabled for Council for Consideration.*

RECOMMENDED TO COUNCIL

1. that the content of this report be noted.
2. that the draft Swellendam By-law on Coastal Access Land be advertised for public comment again in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) whereafter it be tabled for Council for Consideration.

10.1.5

Item number A41. 19.03.2024

APPLICATION TO PURCHASE A PORTION OF STREET RESERVE, ODENDAAL STREET, SWELLENDAM

Report by	L. Baransky
Department	Municipal Manager
Section	Property Management
File Number	7/2/R

PURPOSE OF REPORT

To consider selling municipal property adjacent to a residential property (*Erf 758*), in Swellendam.

FACTS AND BACKGROUND

The owners of Erf 758, Swellendam, Mr Raymond and Ms Coreen Kral, are planning to erect a double garage on their premises, but the space and entrance to the property is very limited. A portion of the garage (*approximately 8 metres in length*) will encroach on the municipal street reserve in Odendaal Street. The encroachment measures approximately 170 square metres.

The owners therefore applied to buy a portion of the street reserve, adjacent to their property, and are prepared to subdivide, rezone and consolidate the mentioned portion with their property, Erf 758, Swellendam.

The application and site map are attached **on pages 32 to 34 of the Annexures**.

DISCUSSION

Erf 758, Swellendam, is situated on the corner of Lind- and Odendaal Streets, and is a very busy area, because of a creche and a school situated near the mentioned property. The only entrance to Mr Kral's property is from Lind Street, on the corner, which makes it very difficult for them to enter their premises during the day.

The municipal offices and stores are also located down the street, which increases the traffic in the residential area.

Odendaal Street accommodates less traffic than Lind Street, but the entrance will also be located on the corner, as it is the only area where Mr Kral can erect a garage on the premises.

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

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

Traffic Chief: Ms C. Saaiman

Odendaal Street is not that busy. However, the intersection at Lind and Odendaal Street is very busy which could delay the owner when entering his premises. Traffic Services could consider painting a red line at the turn of Lind and Odendaal Streets to keep the corner clean of traffic at all times.

COMMENTS FROM DEPARTMENTS

Corporate Services

Town Planning & Building Control – Mr R. Brunings

No objection from a land use perspective; provided the property is subdivided, rezoned and consolidated with Erf 758 – at the applicant's cost. This process must be completed prior to consideration of the building plan to the NBRs.

Director: Community Services

None

Director: Financial Services

None

Acting Director: Infrastructure Services

The sale of part of the road reserve in Odendaal Street on the corner with Lind Street is not supported or recommended.

The sale of the road reserve will reduce visibility on the intersection, especially if the proposed enlargement of the building is carried out. The particular location is close to creches with heavy traffic in the early morning, lunchtime and late afternoon. Good visibility here is therefore extremely important to ensure the safety of road users and pedestrians. The owner is already encroaching on the road reserve with a formal fence. The effect of the fence is limited because there is good transparency through the fence.

Municipal Manager

That, as there is concern about the visibility at the corner of the property, the application is not supported.

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Wednesday, 13 March 2024.

RECOMMENDED TO MAYCO

1. that as there is concern about the visibility at the corner of the property, the application for the purchase of a portion of the street reserve in Odendaal Street adjacent to Erf 758 Swellendam, to build a garage received from Mr R. and Ms C. Kral, be not approved.

DISCUSSION

The Executive Mayor, Councillor H.F. Du Rand said that it was brought to his attention that the applicant claimed that he received permission from the administration to encroach on municipal land.

The Executive Mayor indicated that the Mayoral Committee took note of the application for the purchase of a portion of the street reserve in Odendaal Street adjacent to Erf 758 Swellendam, but that the applicant should provide proof, in writing, of an encroaching agreement, confirming that he received permission from the administration to encroach on municipal property and that this information be provided before the Council meeting on 27 March 2024.

Councillor E.J. Lamprecht indicated she has since been informed by the applicant that he did not have formal permission to encroach on municipal land but that he bought the property as it was.

RECOMMENDED TO COUNCIL

1. that as there is concern about the visibility at the corner of the property, the application for the purchase of a portion of the street reserve in Odendaal Street adjacent to Erf 758 Swellendam, to build a garage received from Mr R. and Ms C. Kral, be not approved.
2. that the applicants in 1 above be advised to apply for the necessary encroachment agreement in respect of the existing encroachment where a fence has been erected, which will be tabled to Council for consideration.

10.1.6

Item number A42. 19.03.2024

ALIENATION OF MUNICIPAL PROPERTY IN RAILTON – ERF 4301

Report of	L. Baransky
Department	Municipal Manager
Section	Property Management
File Number	7/2/R

PURPOSE OF REPORT

To reconsider selling a municipal property, that was already discussed at a previous Council meeting.

FACTS AND BACKGROUND

Erf 4301, Railton is zoned for public open space in a residential area. We did receive a request to alienate this property in 2022, for a residential development, erecting flats. The request was tabled to Council and the following decision was made on 27 January 2022:

UNANIMOUSLY RESOLVED

Item A5/27/01/2022

1. "that Council on reasonable grounds resolves that Erf 4301, Swellendam is not needed to provide the minimum level of basic municipal services.
2. that the sale of Erf 4301 Swellendam be advertised in terms of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the By-Law relating to the Management and Administration of Immovable Property, 2018, the Asset Transfer Regulations, 2008 and the Land Disposal Policy, 2018."

The principle of selling this land were advertised in March 2022, for public comments, but no input was received.

DISCUSSION

Our office receives daily complaints about littering, unlawful activities, and problems on this property. The adjacent owners really struggle to have a hygienic lifestyle in their house and surrounding property. The request to alienate the property was discontinued due to a lack of response from the applicant.

The property has two entrances, from Iris Crescent and Petunia Streets, and a pathway (Erf 4748) from and to Kosmos Street, that is part of the problem for the adjacent owners. The pathway (Erf 4742) on the other side of the property, is not in use, due to the adjacent owners that closed it over time, with vegetation and buildings encroachment. Due to the complaints received about vandalism, noise, illegal littering and dumping, there is a request to purchase the open space.

The following valuation reports was received:

- M. Heyns – R35.00 per square metres, excluding VAT

- C. van Wyk – Erf R36.54 per square metres, excluding VAT

Average: R35.77 per square metres, excluding VAT.

Find a site map attached **on page 35 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, 2005.
- 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

Erf 4301 was specifically created as public open space when this portion of Railton was subdivided for residential purposes. The property is easily accessible from 4 directions, and doubles-up as a pedestrian link between different sections of the adjoining residential area. The fact that some people dump there in an ad-hoc and informal manner ought not to form the basis for alienating well located public open space for (private) residential development. Rather, effort should be made to make the land parcel more user friendly for children and to take action against unauthorised vehicular access etc. through the erection of bollards etc. It is suggested that public representatives co-ordinate the establishment of a local park committee to elevate surveillance of the property and to pass on information of persons transgressing its use as a park property. The sale of the land for residential purposes is not supported from a town planning perspective.

Director: Community Services

This property is currently used as a dumping site and add to the insightfulness in Railton and the alienation of the site is supported

Director: Financial Services

The alienation must follow the Disposal Policy and all applicable financial legislation.

Acting Director: Infrastructure Services

Neighbourhoods becomes congested with no public open spaces available. Children play in the roads which unnecessarily increases safety risks.

A suggestion would rather be to create a sport project around the piece of land to formalize the area into a formal park or small playing field to the benefit of the surrounding community.

Municipal Manager

Though a public open space within neighbourhoods are a much needed commodity and should not be alienated easily. The walk-through across the premises as well as the illegal littering is however not manageable for the Municipality. The alienation of the property will result in a closing off of two walkways that will have to be highlighted during the public participation process. As the area is not needed for essential services, Council may resolve to alienate the erf via a competitive bid process.

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Wednesday, 13 March 2024.

RECOMMENDED TO MAYCO

1. that Erf 4301, Railton, is still not needed to provide the minimum level of basic municipal services;
2. that Council have no objection to alienate Erf 4301, Railton, on an open tender basis, subject to the completion of the necessary land use processes, as well as compliance to the relevant asset transfer regulations;
3. that Council's intention to alienate the property be advertised for public participation;
4. that if the mentioned property is not sold per tender process, it be included as part of the municipal inventory of land that can be alienated out of hand, on a first-come-first-serve basis;
5. that the reserve price for Erf 4301, Railton be R35.77 per square metres (VAT excluded), as set as the average of two official valuation reports;
6. that Erf 4301 be rezoned by the purchaser according to the land use principles.
7. that Council's attorney be delegated to draft the applicable documents for the transfer;
8. that the Municipal Manager be mandated to sign the Transfer Agreement, according to her delegated powers.

DISCUSSION

Councillor E.J. Lamprecht indicated that the dark alleys and passages were becoming a problem due to increased littering and rape cases happening in communities and would suggest that the passages be closed for pedestrians to prevent such cases.

The Municipal Manager, Mrs A. Vorster said that this was an open space and would be put out on an open tender process, however, the person buying the open space must apply for rezoning of the land.

The Executive Mayor, Councillor H.F. Du Rand said that should the property be sold, it would only be allowed for residential purposes and no other rezoning would be allowed on the property. He agreed that due process be followed to determine the way forward.

RECOMMENDED TO COUNCIL

1. that it be noted that Erf 4301, Railton, is still not needed to provide the minimum level of basic municipal services;
2. that Council have no objection to alienate Erf 4301, Railton, on an open tender basis, subject to the completion of the necessary land use processes, as well as compliance to the relevant asset transfer regulations;
3. that Council's intention to alienate the property be advertised for public participation;
4. that if the mentioned property is not sold per tender process, it be included as part of the municipal inventory of land that can be alienated out of hand, on a first-come-first-serve basis;
5. that the reserve price for Erf 4301, Railton be R35.77 per square metres (VAT excluded), as set as the average of two official valuation reports;
6. that Erf 4301 be rezoned by the purchaser according to the land use principles.
7. that Council's attorney be delegated to draft the applicable documents for the transfer;
8. that the Municipal Manager be mandated to sign the Transfer Agreement, according to her delegated powers.

10.1.7

Item number A43. 13.03.2024

RESUBMISSION: ALIENATION OF ERF 842, BARRYDALE

Property Management	L. Baransky
Department	Corporate Services
Section	Property Administration
File Number	7/2/R

PURPOSE OF REPORT

To resubmit an application to buy a municipal plot, Erf 842, Barrydale.

FACTS AND BACKGROUND

Extract: Corporate and Financial Services Portfolio Minutes: 18 September 2023

RESOLVED

Item A120/18/09/2023

1. "that the item be **WITHDRAWN** to engage in further discussion with Mr G.S. van Niekerk on the idea of contributing in the development of a new Informal Trade Centre in Barrydale."

DISCUSSION

A meeting was scheduled with the applicant to inform him of the discussion and decision of the Portfolio Committee. It is not currently supported to sell Erf 842, because there are public ablutions situated on the premises and it is used for hawking purposes. The only way the municipality could consider selling the property, is if the new owner keeps and maintains the public ablutions or erect new public ablutions on another property of the municipality. All the relevant costs will be for the new owners' account.

The applicant did confirm that he is willing to move the public ablutions, at his cost, to another property of the municipality. The Municipality must decide if they want public ablution facilities on the municipal property, where the municipal offices are placed. Erf 842 Barrydale is also used for informal trading and there are no other premises available for informal trading. There are no hawking sites on the streets of Barrydale. It is not supported that informal trading sites be accommodated on the same erf as the municipal office due to the increased risk in terms of security.

LEGAL IMPLICATIONS

The following legislation regulates property management:

- 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 Asset Transfer Regulations, 2008.

- Land Disposal Policy, 2018

FINANCIAL IMPLICATIONS

Revenue will be received through the sale of land.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

As per resolution.

COMMENTS FROM DEPARTMENTS

Town Planning & Building Control – Mr R. Brunings

A similar / suitable alternative space for hawking purposes, with ablution facilities, located within the defined central business district still has to be identified. The specifications and anticipated cost for constructing said ablutions facilities will have to be determined.

Director: Community Services

We don't have any alternative available sites to use as site for informal businesses and the relocation is not supported

Director: Financial Services

No further comment.

Infrastructure Services

Accommodating hawkers at the municipal office will congest the area and make it difficult for regular clients that need to visit the municipal office and library. Limited space and parking are available at the municipal office street front.

Municipal Manager

There is concern about accommodating public ablutions next to the municipal office as it will lead to congregation of the public, increasing the security risk around the buildings. The further concern is accommodating informal trading within the road reserve/ pavements of Barrydale, that are not wide.

This item served on the Corporate and Financial Services Portfolio Committee meeting held on Wednesday, 13 March 2024.

RECOMMENDED TO MAYCO

1. that as there is no viable alternative for the placement of ablutions on the same premises as the municipal building and as there is no alternative for an informal trading site within the CBD of

Barrydale, Council do not alienate Erf 842 Barrydale at this stage, until a full study of alternative premises for public ablutions and informal trading has been undertaken.

2. that the study in 1 above includes the old play grounds in Barrydale for the purpose of considering moving the informal trading hub next to Route 62.

DISCUSSION

The Executive Mayor Councillor H.F. Du Rand said that should the applicant be interested in buying the property, he would have to be willing to first commit to building the public ablution facility, parking space and space for the informal business hub. He said that once that was completed, Council would consider selling the property to whoever received the tender in an open tender process.

The Municipal Manager, Mrs A. Vorster said that a study would have to be done to determine what the best use for the property would be as a taxi rank was also a need in the town. She said that open spaces in the different towns were a problem as members of the community were exercising public drinking in open spaces which was a criminal offence and should be addressed by Law Enforcement.

The Executive Mayor said that the law had to be enforced and implemented consistently in all areas and at any event.

Councillor F. Kees suggested that the property be advertised in an open tender process and whoever the tender was awarded to, be responsible for the reallocation of the informal trading hub centre, ablution facility and parking space.

The Executive Mayor proposed the following amendment to the recommendation:

1. that the Mayoral Committee did not oppose to the alienation of Erf 842 Barrydale by following due processes subject to all legal requirements and that the successful tenderer undertake the responsibility of the costs involving the re-allocation of the informal trading hub and ablution facility.
2. that the municipality undertake to do a study on the optimal placing of the re-allocation of the ablution facility and the informal trading hub.

RECOMMENDED TO COUNCIL

1. that due processes be followed in the alienation of Erf 842 Barrydale, subject to all legal requirements and that the successful tenderer undertake the responsibility of the costs involving the re-allocation of the informal trading hub and ablution facility.
2. that a full study on the optimal placing for the re-allocation of the ablution facility and the informal trading hub inclusive of the taxi rank, be conducted by the administration.

10.1.8

Item number A44. 19.03.2024

SUPPLY CHAIN MANAGEMENT: PROCUREMENT ACTIVITIES: NEW SCM REGULATIONS EFFECTIVE FROM 14 DECEMBER 2023 UNTIL THE APPROVED AMENDMENT OF THE SCM POLICY

Report by the Director Financial Services: Ms. E Wassermann

Department Financial Services

Section Supply Chain Management

File number 1/2/1/119

Attachments None

PURPOSE OF REPORT

To inform the Council on the procurement activities since the implementation of the new SCM Regulations effective 14 December 2023 until approval of the amended SCM Policy for 2023.

FACTS AND BACKGROUND

On 14 December 2023 the Minister of Finance published in the Government Gazette no: 49863 amendments to the Regulations published under General Notice No. 868 of 30 May 2005, as amended by Government Notice No. R.31 of 20 January 2017 regarding supply chain management.

The main change affecting the Municipality is the omittance of written or verbal quotations which in fact means that all procurement above R2 000 to R300 000 must be procured through a formal written price quotation process which resulted in additional administration.

The other change is that a tender process can now start at R300 000 instead of R200 000.

DISCUSSION

The problem with these amendments was that it became effective with immediate effect and therefore it prevented municipalities to change its SCM Policies within time. This resulted that procurements from that period were done in terms of the amended regulations but not in line with the Municipality's SCM Policy.

Below is a summary of transactions made from 14 December 2023 to 31 January 2024:

Procurement Type	No of transactions	Value
0 – R2 000	208	R 197 758.62
R2 001 – R300 000	136	R3 754 351.60
Above R300 000	7	R9 382 452.97

Most of the transactions between R2 001 – R300 000 were procured through existing contracts, however the following were procured via obtaining ad hoc quotations:

Order date	Order No	Supplier	Value
2024/01/29	116124	Devac (Pty) Ltd	R4 376.26
2023/12/20	117564	Temmers Algemene Dienste (Pty) Ltd	R9 747.35
2023/12/20	117572	Swellendam Meubelmark	R14 670.00
2024/01/02	117603	GG Meyer	R2 900.00
2024/01/04	117610	AH Marais Seuns (Pty) Ltd	R3 944.50
2024/01/11	117646	SSK	R2 193.00
2024/01/12	117650	JM Carelse	R3 816.00
2024/01/12	117664	LSL Enterprises (Pty) Ltd	R3 330.00
2024/01/19	117726	Karel Mokate	R13 000.00
2024/01/24	117780	DHG Swanepoel	R6 120.00
2024/01/25	117808	SSK	R5 099.91
2024/01/25	117811	Cumax 232 CC	R2 900.00
2024/01/30	117835	Worcester Flight Centre	R3 531.00
2024/01/31	117852	Arc Con (Pty) Ltd	R26 910.00
2024/01/31	117853	SWD Elektries (Pty) Ltd	R13 817.93
Total			R116 355.96

LEGAL IMPLICATIONS

- Municipal Finance Management Act, 2003
- Municipal Supply Chain Management Regulations, 2005
- Municipal Supply Chain Management Policy, 2023

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 procurement transactions which was not in line with the SCM Policy, but in line with the new SCM Regulations.

RECOMMENDED TO COUNCIL

1. that Council takes cognisance of the procurement transactions which was not in line with the SCM Policy, but in line with the new SCM Regulations.

10.1.9

Item number A45. 19.03.2024

MONTHLY REPORT FOR FEBRUARY / MARCH

OFFICE OF THE MUNICIPAL MANAGER

The following matters for the month of February and March 2024 is provided:

ORGANISATIONAL DESIGN

The organisational design for Swellendam Municipality was drafted and is ready to be tabled to the Local Labour Forum and Council. Engagements with the unions took place with senior management to allow for the tabling of the organisational design with the draft budget in March 2024.

VACANCIES

The vacancy for the position of Technical Director will be advertised over the long weekend of 23 March 2024. It is recommended that Mr Joost Bester be considered by Council for the acting position. The position of PA: Executive Mayor was advertised and a new appointee takes office on 1 April 2024.

The interviews for the vacancy of administrator in the property management division is taking place in the week of 18 March 2024 for appointment on 1 May 2024.

A temporary relief official in Building Control has been appointed on 18 March 2024.

DISCIPLINARY PROCESSES

Councillors

The consultant appointed for the investigation of councillors resigned and a new process for procuring a service provider for the investigator has commenced. The bid for the advisor to the Disciplinary Committee of Council on legal matters was circulated twice, with non-responsive tenders being submitted. This process has to be repeated.

Public Participation Workshop

Discussions with Provincial Government took place on the proposed public participation workshop and ward committee policy. The public participation workshop will be held in three towns on 3 and 4 April 2024.

Staff

The Municipal Manager held a meeting with staff in the water purification and reticulation division on challenges with the operations and employee performance. It was found that there is a breakdown in communication within the division and therefore a report on challenges within the division has been requested. Instruction for monthly minuted meetings to monitor progress with the challenges identified, was issued.

IDP Outreaches

The IDP and Budget, as well as Performance Management and Spatial Development Framework review is scheduled to be approved in draft format at the end of March 2024. The administration is preparing for the compilation of these documents. This included internal departmental meetings on capital and

operational budgets, the attendance of Budget Steering Committee meetings and several public engagements. As the IDP is a five-year plan, the needs identified during the initial round still remain as priorities. The review process includes feedback on progress made and the inclusion of new needs and developments that is identified through various public participation methods such as the Link App complaint system, stakeholder meetings, ward committee and feedback meetings and other sector engagements, including one-on-one engagements with the public. This need identification is not limited to a one meeting engagement but is a continuous process. IDP open days were held in each ward. This is a new concept that allows the administration to reach people that do not normally attend public meetings and allows for an extended discussion with the members of the public by senior management. The Administration aims to host these events twice a year, in the hope to cultivate a better understanding of the operations of the Municipality. Standing meetings with the Malagas Ratepayers Association and the Infanta Rate Payers Association took place. The First Thursday initiative of the Mayor in Barrydale was attended in both Smitsville and Barrydale Village. The Municipal Manager also attended the Ward 2 feedback meeting.

MUNICIPAL MANAGERS FORUM AND IDP MASTERCLASS

The Municipal Manager attended the MM forum in Mosselbay on 9 February 2024. The Municipal Manager attended an IDP and budgeting Masterclass in Stellenbosch on 11 and 12 March 2024. The Provincial Government indicated that they will assist the Municipality with the compilation of a Capital Expenditure Framework for our Spatial Development Framework. This is something that our SDF is lacking and must be prioritised.

FINANCIAL STATEMENTS and AUDITOR GENERAL REPORT

The audit by the Auditor-General has been concluded on 13 March 2024. The AG Report and the draft Annual Report will be tabled to the Council at the end of March, after which the Annual Report will be circulated for public participation. It is imperative that the ward councillors discuss the Annual Report highlights with their ward committees and encourage them to provide input, if any on the Annual Report. On receipt of the public inputs, the MPAC will draft an oversight report, which will then be tabled with the final Annual Report to Council.

SALGA: Good Standing

The Municipality paid the outstanding SALGA invoice and is now in good standing with SALGA. Councillors appointed to attend the SALGA working groups are encouraged to provide input and actively participate in the working groups.

Local Economic Development

The Municipal Manager handed over certificates to participants of SEDA training on management on 5 February 2024. The participants were placed at employers during their training and have all successfully completed their training.

The Municipality in partnership with SEDA hosted a contractor training on 5 March 2024 to train contractors on required registrations. The Municipality provided information on the supply chain processes and requirements.

The Municipality partnered with Project Hope on 13 March 2024 to help register unemployed persons. The over 300 attendees received guidance on how to prepare, dress and conduct interviews and the Municipality is busy with the compilation of 300 Curriculum Vitae for the participants.

The Municipality continues to partner with a local driver's licence company to provide lessons so that the participants can obtain their drivers licences.

The Municipality is undertaking changes to the electricity supply at the container units in Barrydale to allow for improved trading. An intervention is needed to ensure that the beneficiaries of this project can become independent. These engagements will take place in April 2024.

Several engagements with possible investors and developers have taken place in an exploratory manner over the reporting period.

SAHRC Report

The South African Human Rights Commission instructed Swellendam Municipality to engage with a private farm owner and occupants on his farm on the lack of basic services to the occupants' dwellings. Initial engagements took place already, but the Municipality was given 60 days to do a final engagement with Overberg Water, Overberg District Municipality and the relevant parties before a final report is provided to the SAHRC.

A Vorster

MUNICIPAL MANAGER

DISCUSSION

Organisational Structure

The Municipal Manager, Mrs A. Vorster said that as part of the budget process, a new organogram had to be designed as part of the financial system which could not be completed yet. She said that should the new organisational structure be implemented, the municipality would look at a 22% increase in tariffs for employee related costs and a 6.2% salary increase which the municipality could not afford.

She said that the idea was to look at a four-year phasing in of the new organisational structure.

The Executive Mayor, Councillor H.F. Du Rand asked when the organogram would be tabled to LLF while the organogram has to be included and be in line with the March draft budget whereby the Municipal Manager indicated that it would only be possible to submit it on Monday, 25 March 2024 because part of what needed to be tabled would be the cost implications. She said that the organogram would then be discussed with the LLF before the tabling of the budget.

She added that she would have to ask for extension of the draft budget to be distributed on Monday, 25 March 2024 as it would not be ready on Friday, 22 March 2024 for distribution.

The Executive Mayor indicated that the critical posts should be identified and incorporated into the budget on an annual basis in order to also be in line with compliance.

The Municipal Manager requested that a workshop be scheduled for Monday, 25 March 2024 with all Councillors and Union Representatives to give feedback on the draft budget.

DISCIPLINARY PROCESSES

Councillors

The Executive Mayor indicted that the disciplinary processes of Councillors were proceeding. He said that the initiator indicated that he would complete the existing cases and only resign thereafter.

The Municipal Manager said that the tender for a legal adviser has been advertised twice but the bid was unresponsive each time. The Executive Mayor was of the opinion that Council did not need a Legal Advisor but permission to send the recording of the meeting to an independent person for transcription.

The Municipal Manager indicated that she could approach the City of Cape Town to find out whether it would be possible for them to provide Swellendam Municipality with a Legal Advisor to provide assistance in the case.

Public Participation Workshop

The Municipal Manager shared that the dates for the public participation workshops would be on 3 April 2024 in Barrydale, 4 April 2024 in Suurbraak and 13 April 2024 in Swellendam.

IDP Outreaches

The Executive Mayor indicated that it was brought to his attention that the attendance of the public of the IDP outreaches have been poor. The Municipal Manager indicated that the absence of Ward Councillors and Ward Committee members at these outreaches might have a huge impact on the attendance of the public, however, the process would proceed in the second semester.

The Municipal Manager said that it was important to have ward feedback meetings with the public as it formed part of the IDP process and would have to be communicated to ward councillors.

Municipal Managers Forum and IDP Masterclass

The Executive Mayor indicated that it was important that the SDF developed with the budget. He said that the SDF must be tabled with the IDP in order to explain where the municipality was and what the way forward would be. He said that should the municipality plan something that was not incorporated into the SDF, it must be added as such.

SAHRC Report

The Municipal Manager said that after the last engagement it was decided that the municipality would service septic tanks on the farm subject to a cost to the owner of the property should such an application be submitted to the municipality. She said that it was found that Overberg Water also did not receive any application to provide water to the farm. She said that a meeting must be scheduled with the farm owner to discuss the matter.

The Municipal Manager said that with the Operational Infanta Slipway Plan, the municipality had to announce a peak season and after liaison with the Infanta Ratepayers Association, Easter Friday and Easter Monday were identified as peak periods as well as 16 December to 5 January.

RECOMMENDED TO COUNCIL

1. that cognisance be taken of the Municipal Manager's report for February – March 2024.
2. that the peak season between 16 December to 5 January, be announced in terms of the Infanta Slipway Operational Plan.

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 Monday, 12 February 2024.
- 11.2** Minutes of a Corporate and Financial Services Portfolio Committee meeting held on Monday, 12 February 2024.
- 11.3** Minutes of a Infrastructure Services Portfolio Committee meeting as held on Monday, 12 February 2024.

12 GENERAL

None

13 CLOSURE

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

The meeting adjourned at 11:17.