

COUNCIL MEETING AGENDA



To: Councillors: J.R. Van Schalkwyk (Speaker)
H.F. Du Rand (Executive Mayor)
E. J. Lamprecht
F. Kees
D. Julius
A. Bokwana
G. Libazi
J.A. Matthysen
M.T.A. Swart
D.J. Julius
I.H. Ferguson

Ex Officio: A.Vorster (Municipal Manager)
E. Wassermann (Director: Financial Services)
K. Stuurman (Director: Community Services)
J. Bester (Acting: Director: Infrastructure Services)
R. Brunings (Manager: Town Planning and Building Control)

AGENDA FOR AN ORDINARY COUNCIL MEETING

Notice is hereby given that an **Ordinary Council meeting** of the Municipal Council of Swellendam Municipality will be held on **Thursday, 28 November 2024** at **10:00** in the **Council Chambers, Rhenius Street, Swellendam** to consider the items attached hereto.

A handwritten signature in black ink, appearing to read "JRS", is written above a horizontal line.

J R VAN SCHALKWYK
SPEAKER

DATE: 22/11/2024

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1. OPENING AND WELCOME

Rules of Order regulating the conduct of Meetings of the Council of the Municipality of Swellendam (Provincial Gazette 6347 dated 3 March 2006)

PART 3: MEETINGS

4. Commencement of Meeting

The speaker must take the chair precisely at the time for which the meeting is convened and must proceed immediately with the business of the meeting subject to section 14.

14. Quorum

- (1) A majority of the members constitutes the quorum.
- (2) If there is no quorum at the time for which the meeting is scheduled, the speaker must take the chair as soon as a quorum is present.
- (3) Whenever there is no quorum, the start of the meeting must be delayed for no longer than 30 minutes and if at the end of the period, there is no quorum, the speaker must adjourn the meeting to another time, date and venue at his or her discretion and record the names of those members present.
- (4) Whenever the speaker is not present and there is no quorum, the municipal manager must act in accordance with the procedure prescribed in terms of subsection 14(3).
- (5) Whenever during a meeting there is no quorum, the speaker must suspend the proceedings until a quorum is again present or adjourn the meeting if a longer time has passed than the speaker has allowed and there is still no quorum.
- (6) Whenever a meeting is adjourned owing to the absence of a quorum, the speaker must convene a meeting within seven (7) days where the rest of the matters on the agenda must be dealt with.

2. ELECTION OF ACTING SPEAKER, IF NECESSARY

Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)

41. Acting speakers

If the speaker of a municipal council is absent or not available to perform the functions of speaker, or during a vacancy, the council must elect another councillor to act as speaker.

3. APPLICATION FOR LEAVE OF ABSENCE

Rules of Order regulating the conduct of Meetings of the Council of the Municipality of Swellendam (Provincial Gazette 6347 dated 3 March 2006)

PART 3: MEETINGS

11. Leave of Absence

A member who wishes to absent himself or herself from meetings must act in accordance with the rules relating to the leave of absence from the council as determined by council.

Item A2481: Council meeting of 21 November 2013:

PROPOSED AMENDMENTS – ITEM A2446 OF 7 OCTOBER 2013: RULES OF ORDER AND PROCEDURES WITH REGARDS TO ALLEDGED TRANSGRESSION OF THE CODE OF CONDUCT FOR COUNCILLORS

1. That the following procedures be reconfirmed by means of which councillors may apply for leave of absence from 'n council meeting:

LEAVE OF ABSENCE

1. Application for leave of absence from a meeting of the Council must be addressed to the Speaker of Council in writing and signed by the member who is applying for such leave.
2. The Speaker of Council may only consider applications for leave of absence which are in writing. Applications for leave of absence which are not in writing may not be considered.
3. Notwithstanding Section 2 above, applications for leave of absence from a meeting are deemed to have been granted if:
 - 3.1 the Council or Mayor delegated the relevant member to act elsewhere on behalf of the Council in a matter; or
 - 3.2 if the Council requests the member to leave the relevant meeting in circumstances envisaged in Item 3(b) of the code of conduct of Schedule 1 to the Systems Act, or the member recuses him/herself.
4. The Speaker may, subject to Sections 2 and 3 above, grant leave of absence to a member for the following reasons:

- 4.1 illness of the member a medical certificate must be handed to the office of the Speaker in this regard within 5 working days after the Council meeting, for which leave of absence was applied by the member as proof of illness.
 - 4.2 essential business or personal commitments, or personal circumstances of the member.
 - 4.3 When the member is not permitted to attend the meeting due to circumstances envisaged in item 3(b) of the Code of Conduct for Councillors in Schedule 1 to the Systems Act;
 - 4.4 Any other circumstances where the member is prevented from attending the meeting.
2. That the following revised fines are imposed in respect of situations where councillors fail to remain in attendance of council meetings:
- FINES IN TERMS OF PARAGRAPH 4(2)(b) OF THE CODE OF CONDUCT FOR COUNCILLORS**
- In the case where the accused councillor was convicted that he or she failed to remain in attendance at a meeting of the Council, the Council may impose the following penalties:
- a. 1st transgression, 10 % of the Councillor's monthly remuneration;
 - b. 2nd transgression, 15 % of the Councillor's monthly remuneration;
 - c. 3rd transgression, 20 % of the Councillor's monthly remuneration;
 - d. 4th transgression, 25%of the Councillor's monthly remuneration; and
 - e. 25% for each subsequent transgression.
3. That the disciplinary committee, as established, handles complaints against councillors who are guilty of paragraph 4(2)(b) of the code of conduct Councillors as per schedule 1 of Municipal Systems Act, 2000 (Act 32 of 2000).

3.1 A blank application for leave of absence form is enclosed

3.2 The attendance registers will be available at the meeting

Rules of Order regulating the conduct of Meetings of the Council of the Municipality of Swellendam (Provincial Gazette 6347 dated 3 March 2006)

PART 3: MEETINGS

10. Attendance of meetings

- (1) Every member attending a meeting of the council must sign his or her name in the attendance register kept for such purpose.
- (2) A member must attend each meeting except when-
 - (a) leave of absence is granted in terms of section 11; or
 - (b) the member is required to withdraw in terms of law.

4. MOTIONS OF JOY AND SORROW

4.1 Announcement of birthdays:

None

4.2 Announcements of deaths by Municipal Manager

October 2024

SWELLENDAM	
Baby Bachobonke	Swellendam
Marrina Evertson	Swellendam
Arno de Bruin	Swellendam
Elizabeth Johanna Breda	Swellendam
Sarah Dyers	Swellendam
Tiaan Marnawel	Swellendam
Keshia Pekeur	Swellendam
Lukhanyo Mbuqe	Swellendam
Clara Klaasen	Swellendam
Elroy Ralph Moses	Swellendam

Rachel Rossouw	Swellendam
Majory Anne Daries	Swellendam
Ferdinand Cronje	Swellendam
Luvo Mdange	Swellendam
Joseph Satira	Swellendam
Reboloke Mathiase	Swellendam
Johannes Arendse	Swellendam
Patricia Sauls	Swellendam
Susanna White	Swellendam
Samuel Abrahams	Swellendam
Phillip Siegelaar	Swellendam
BARRYDALE	
Roseline Tallies	Barrydale
Denzil Marthinus	Barrydale
Johannes Kees	Barrydale
Ashley Damons	Barrydale
Fredrick Snyman	Barrydale
Susanna Pretorius	Barrydale
Jennifer Ben	Barrydale
SUURBRAAK	
Mondré Pretorius	Suurbraak
Wilma Hector	Suurbraak
Desroux Sauls	Suurbraak
Baby Baardman	Suurbraak

5. SPEECHES AND SUBMISSIONS

6. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

7. STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR

8. DISCLOSURE OF INTERESTS BY COUNCILLORS

Local Government: Municipal Structures Act, 1998 (Act 117 of 1998)

5. Disclosure of interests

- (1) A councillor must-
 - (a) disclose to the municipal council, or to any committee of which that councillor is a member, any direct or indirect personal or private business interest that that councillor, or any spouse, partner or business associate of that councillor may have in any matter before the council or the committee; and
 - (b) withdraw from the proceedings of the council or committee when that matter is considered by the council or committee, unless the council or committee decides that the councillor's direct or indirect interest in the matter is trivial or irrelevant.
- (2) A councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the municipality, must disclose full particulars of the benefit of which the councillor is aware at the first meeting of the municipal council at which it is possible for the councillor to make the disclosure.
- (3) This section does not apply to an interest or benefit which a councillor, or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the municipality.

9. MATTERS FOR CONSIDERATION

Rules of Order regulating the conduct of Meetings of the Council of the Municipality of Swellendam (Provincial Gazette 6347 dated 3 March 2006)

PART 4: DECISION

15. Unopposed Matters

Whenever council is called upon to consider a matter before it and there is no opposition from any member, a unanimous vote will be recorded in the minutes.

16. Opposed Matters

- (1) After attempts to reach consensus on certain matters have failed, the speaker must put the matter under discussion to the vote. Motions must be moved and seconded by members. Hereafter the speaker must call upon the members to indicate by a show of hands whether they are for such motions or against it, whereupon he or she declare the result of such vote.
- (2) Upon the speaker's declaration of the result of a vote, a member may demand for his or her vote to be recorded against the decision concerned and the municipal manager shall ensure that such vote is recorded in the minutes.
- (3) If there is an equality of votes in respect of a matter on which voting takes place, the speaker must exercise his or her casting vote, in addition to his or her deliberative vote, provided that the speaker may not exercise a casting vote in terms of any matter set out in section 160(2) of the Constitution.

PART 7: RULES OF DEBATE

23. Member to address the chair

A member who speaks at a meeting must address the chair and may do so in any one of the three official languages of the Province of the Western Cape.

24. Order or priority

When a member wishes to address the council, he or she must first have the permission of the speaker.

25. Precedence of speaker

Whenever the speaker addresses the meeting, all members must be silent so that the speaker may be heard without any interruption.

26. Relevance

- (1) A member who speaks must direct his speech strictly to the subject or matter under discussion or to an explanation or to a point of order.
- (2) No discussion may be permitted-
 - (a) which will anticipate any matter on the agenda;
 - (b) on any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of enquiry is pending.

27. Right to speak

A member or non-member may speak on any matter before the council as determined by the speaker, provided that speeches of all members and non-members are allocated in a fair manner.

28. Length of speeches

The speaker determines the length of speeches.

31. Speaker's ruling on points of order and explanation

- (1) The ruling of the speaker on a point of order or an explanation shall be final and not open to discussion.
- (2) The ruling of the speaker on any point of order raised as to the interpretation of these rules must be entered in the minutes.

9.1 Items submitted by officials to Council

9.1.1

Item number A185. 28.11.2024

APPLICATION FOR A PUBLIC ART PERMIT: LIVING STATUES - STREET PERFORMERS

Report by	Senior Manager Land Use Planning
Department	Municipal Manager's Office
Section	Property Administration
File number	14/3

PURPOSE OF REPORT

To set out a proposal for a Public Art Permit, as lodged by the ATKV (Swellendam) – “Living Statues – for a decision.

FACTS AND BACKGROUND

The ATKV has lodged an application for a Public Art Permit in terms of the approved Swellendam Municipality Public Art Policy (April 2024) – copy of Policy attached at **Annexure A.1**. The “Living Statues” initiative is a local interpretation of an international street performers art form, whereby performers who are painted “gold” and dressed in period costumes, act out short scenes on receipt of a donation. On completion of the scene the performers resume a statuesque form, proceeding only on receipt of a further donation.

The ATKV has proposed 10 performers, who will be placed at key locations along Swellengrebel Street – see documentation **attached as Annexure A.2**. It is understood that all the locations will be on private property, but visible from Swellengrebel Street. The primary objective is to raise money and to engage with tourists (domestic and international) who frequent the various historic buildings within the heritage hub. The “Living Statues” will be in-place for 2 hours a day (1 hour in the morning, 1 hour in the afternoon) from 1 December 2024 to 15 January 2025.

It is understood that the performers will not be requiring built installations and the like, although some of the performers will be making use of various small (domestic) props.

DISCUSSION

Council's Public Art Policy make specific provision for such initiatives and can thus be accommodated, provided the affected property owners give written consent and Council is satisfied that the initiative:

“.....does not offend, discriminate, or exhibit overtly political messaging. Works are similarly to be considered in terms of safety, integrity, visual impact and overall standard and quality. Essentially a work is to contribute positively to the public space, by way of its aesthetics and visual interest, but should also encourage contemplation and thought.”

LEGAL IMPLICATIONS

If located on Municipal property, the following legislation would be applicable:

- 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

None.

PERSONNEL IMPLICATIONS

None.

COMMUNICATIONS IMPLICATIONS

None.

COMMENTS FROM DEPARTMENTS

Director: Community Services

No comment.

Director: Financial Services

No comment.

Director: Infrastructure and Planning Services

The Item is supported.

Acting Municipal Manager

None

This item served on the Infrastructure Services Portfolio Committee meeting held on Wednesday, 13 November 2024 and the Mayoral Committee meeting held on Monday, 18 November 2024.

RECOMMENDED TO COUNCIL

1. The content of this report be noted.
2. Council considers the proposal and issues a decision as to its support for the "Living Statues" initiative, or not, with reasons.
3. The Municipal Manager be authorised to engage with the applicant and to conclude the application process as per Council's decision, and in terms of the approved policy.

9.1.2

Item number A186. 28.11.2024

BARRYDALE CEMETERY (SMITSVILLE) AND EXTENSION: REZONING, SUBDIVISION AND CONSOLIDATION OF MUNICIPAL LAND

Report by Senior Manager Land Use Planning
Department Infrastructure and Planning Services
Section Town Planning and Building Control
File number 16/6/2/1

PURPOSE OF REPORT

To set out a proposal for the rezoning, subdivision and consolidation of municipal land, to accommodate the Barrydale Cemetery (Smitsville) and its extension - 3.08ha.

FACTS AND BACKGROUND

The cemetery in Barrydale (Smitsville) has been operational in its current format for many years, but never formalised. It is located along a portion of the western boundary of Smitsville, 2.6km south-east of the central village. The existing cemetery measures some 2.5ha in extent and comprises in the order of 3500-4000 graves. The cemetery is currently located across Erf 1056, Erf 1069 and on a portion of Remainder of the farm Tradauwshoek No.65, Swellendam.

It is proposed to expand the existing cemetery southwards by some 9 800m², which translates into approximately 1 600 graves, affording the cemetery additional capacity for approximately 45-50 years, at Barrydale's current death rate.

Please refer to the [Site Plan](#) below:



DISCUSSION

Currently the denoted Barrydale Cemetery (Smitsville) is 90% full and needs to be expanded. Moreover, the existing cemetery is located across cadastral boundaries and across properties not zoned for cemetery purposes. The proposal is to subdivide the portions of the existing cemetery and the area required for the proposed extension, from Remainder of the farm Tradauwhoek No.65 (Commonage) and to simultaneously consolidate this land parcel with Erf 1069 and Erf 1056 to form a single cadastral entity – see Surveyed Sketch Plan attached as Annexure A.3. This entity will then be rezoned to Community and Institutional Zone, which makes legislative provision for a cemetery in terms of the Integrated Zoning Scheme By-law 2020. On completion of this process, a formal layout for the graves (existing and proposed) within the surveyed cemetery boundary can be prepared, to be undertaken via a separate process.

In order to initiate the above, to be undertaken in terms of the Swellendam By-Law on Municipal Land Use Planning, Council as the landowner, must first resolve to support the intended rezoning, subdivision and consolidation, and to make its intention known to the public for comment. The cemetery is provided for in the current Spatial Development Framework (SDF).

It is noted that an informal settlement, currently comprising some 27 households, is located on commonage land (65/0) immediately to the south of the proposed cemetery extension area. The settlement is known as "Gwarrie Kamp". Gwarrie Kamp has grown significantly over the past months. Whilst provision will be made to accommodate existing residents, requisite steps will need to be taken to ensure that the settlement does not impinge on the boundaries of the cemetery and its required extension, particularly as said residents are aware of the extension area, and that all the relevant specialist studies for the cemetery have already been concluded. See excerpt from the Municipal GIS drone imagery (December 2023) below:



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

The land use planning process will be undertaken in-house.

PERSONNEL IMPLICATIONS

None at this stage.

COMMUNICATIONS IMPLICATIONS

Preparation of public advertisements.

COMMENTS FROM DEPARTMENTS

Director: Community Services

The Barrydale cemetery site is running out of space and we need to urgently make more space available. The layout, process and plans are supported for implementation as soon as possible.

Director: Financial Services

No comment.

Director: Infrastructure and Planning Services

No comment.

Acting Municipal Manager

None

This item served on the Infrastructure Services Portfolio Committee meeting held on Wednesday, 13 November 2024 and the Mayoral Committee meeting held on Monday, 18 November 2024.

RECOMMENDED TO COUNCIL

1. The content of this report be noted.
2. Council, as the landowner, resolves to support the intended rezoning, subdivision and consolidation of portion of Remainder of the Farm Tradauwshoek No.65, Erf 1069 and Erf 1056, Barrydale, to make provision for the Barrydale (Smitsville) Cemetery and its extension (3.06ha).

3. Council's decision be advertised for public comment.
4. If no objections are received, the Municipal Manager be authorised to initiate and finalise the requisite land use planning process, to be tabled with the Swellendam Municipal Planning Tribunal for a decision.

9.1.3

Item number A187. 28.11.2024

MEMBERSHIP OF MEDICAL AID SCHEMES AND REGISTRATION OF DEPENDENTS ON ACCREDITED MEDICAL SCHEMES POLICY

Report of the Municipal Manager: Mrs. R. Saptoe

Department Acting Municipal Manager

Section Human Resources

File number: 4/5/B

File number

PURPOSE OF REPORT

To obtain approval for a Membership of Medical Schemes and Registration of Dependents on Accredited Schemes Policy.

FACTS AND BACKGROUND

The South African Local Government Bargaining Council (SALGBC) makes provision that permanent employees may opt to join one of the accredited medical aid schemes. In terms of the Main Collective Agreement the Municipality must pay a 60% subsidy towards the employees' membership fee. Since 2009 Swellendam Municipality had obligatory medical aid participation as a service condition for all staff members, this decision was recalled by Council on 27 June 2024 as participation to a medical aid scheme is not legally prescribed and that membership must be the choice of the employee. The Municipality also paid a subsidy towards continued membership to a medical aid scheme to employees who retired and / or terminated their employment and had 15 years of continuous employment with the Municipality.

Documentation is attached as Annexure A.4.

DISCUSSION

This policy makes provision for administrative measures when staff want to cancel their current medical aid scheme membership because of the Council decision. This policy also makes provision for existing employees to qualify for continued membership on certain conditions. Due to the lifting of the compulsory medical aid membership as a service condition it also changes the current practice of continued subsidised membership by the Municipality whereby current employees who retires and / or terminates services due to ill health and has 15 years of continuous employment with the Municipality are entitled to a 70% subsidy towards their medical aid membership fees.

As from the date of approval of this policy only existing employees will qualify for continued membership as there are no legal mandatory obligation on the employer to pay subsidy for continued membership after any form of termination of employment. All existing employees will qualify for continued membership in terms of the conditions set out in this policy.

LEGAL IMPLICATIONS

Basic Conditions of Employment Act (BCEA)
SALGBC Main Collective Agreement

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION 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 Wednesday, 13 November 2024 and the Mayoral Committee meeting of Monday, 18 November 2024.

RECOMMENDED

It is recommended to Council to approve the Policy on Membership of Medical Schemes and Registration of Dependents on Accredited Schemes.

9.1.4

Item number A188.

28.11.2024

REPORT ON: POLICY TO MANAGE REQUESTS FOR NOTCH INCREASES AND ONCE-OFF CASH COMPENSATION FOR UNRELATED AND ADDITIONAL DUTIES AND FUNCTIONS

Report of the Municipal Manager: Mrs. R. Saptoe

Department	Acting Municipal Manager
Section	Human Resources
File number	4/5/B

PURPOSE OF REPORT

To obtain approval for a policy to Manage Requests for Notch Increases and Once-Off Cash Compensation for Unrelated and Additional Duties and Functions in Swellendam Municipality to attract, retain, motivate and reward high-caliber employees and aims to encourage high levels of performance that are sustainable and aligned with the strategic direction and specific value drivers of the municipality.

FACTS AND BACKGROUND

This policy is drafted for the organisational needs of Swellendam Municipality and it should be noted that the remuneration arrangements of collective bargaining processes at the South African Local Government Bargaining Council (SALGBC) are not governed by this policy.

The Municipal Manager as the Accounting Officer is in terms of the Local Government Municipal Systems Act responsible for the development of the staff establishment of the municipality. Currently there is no mechanism that allows the Accounting Officer, Senior Management to consider additional notch increases and / or any other form of additional compensation.

Documentation is attached as Annexure A.5.

DISCUSSION

The purpose of this policy is:

- To consider notch increases and once-off cash payments over and above the remuneration to employees as determined by collective bargaining processes at the South African Local Government Bargaining Council (SALGBC)
- To consider compensation for employees who perform work unrelated and distinctly separate from their primary job focus and purpose.
- To determine the process the municipal manager / senior management must adhere to in order to consider notch increases and / or compensation,
- To facilitate the implementation of such notch increase / compensation outcomes.

This policy was drafted by the Policy Committee and were accepted for approval by the Local Labour Forum of 14 March 2023. At the Local Labour Forum of 13 June 2024, it was accepted that this policy should be sent to Council to consider the approval thereof.

LEGAL IMPLICATIONS

Basic Conditions of Employment Act (BCEA)
Labour Relations Act (LRA)

FINANCIAL IMPLICATIONS

Additional Employee remuneration budget

PERSONNEL IMPLICATIONS

COMMUNICATION IMPLICATIONS

COMMENTS FROM DEPARTMENTS

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

None

RECOMMENDED

It is recommended to Council to consider the approval of a policy to manage Requests for Notch Increases and Once-Off Cash Compensation for Unrelated and Additional Duties and Functions in Swellendam Municipality.

This item served on the Corporate- and Financial Services Portfolio Committee meeting held on Wednesday, 13 November 2024 and the Mayoral Committee meeting of Monday, 18 November 2024.

RECOMMENDED BY MAYCO

that the Policy to manage Requests for Notch Increases and Once-Off Cash Compensation for Unrelated and Additional Duties and Functions in Swellendam Municipality be workshopped with Councillors, before approval.

9.1.5

Item number A189. 28.11.2024

MUNICIPAL RESIDENTIAL POLICY

Report by the Municipal Manager: Mrs. R. Saptoe

Department	Acting Municipal Manager
Section	Human Resources
File Number	4/5/B

PURPOSE OF REPORT

To obtain approval for a Municipal Residential Policy for staff occupying municipal residences of the Municipality and to provide guidelines for the implementation thereof in Swellendam Municipality.

FACTS AND BACKGROUND

Accommodation is a personal responsibility and employees are responsible for their own accommodation according to preference and Swellendam Municipality are under no obligation to provide accommodation to any employee.

Swellendam Municipality has four (4) Municipal residences available and under the circumstances that an employee is required by virtue of occupying an identified post to be accommodated at or within the direct environment of his / her work area, Swellendam Municipality may make official accommodation available to employees.

Municipal Accommodation that Swellendam Municipality owns are:

Klipperivier Residence currently occupied by the Manager: Water Services – an lease agreement is in place between Swellendam Municipality and the occupant and a market related rental amount is paid by the occupant per month.

Municipal Yard Residence will become available at market related rental for the first time, the previous occupant retired and did not pay any rent due to certain additional functions that were not part of his normal function and remuneration.

Municipal Caravan Park Residence currently occupied by the Resort Supervisor's current agreement entitles the Resort Supervisor to only pay water and electricity and no rental amount is due per month, due to the required functions of the post on the premises. (with the lapse of the current agreement, new occupants will be required to pay a market related rental amount in terms of the policy).

Gert Booysen Oval Residence currently occupied by the Caretaker of Sportsfield current agreement entitles the Caretake to only pay water and electricity and no rental amount is due per month, due to the required functions of the post on the premises.

(with the lapse of the current agreement, new occupants will be required to pay a market related rental amount in terms of the policy)

Documentation is attached as Annexure A.6.

DISCUSSION

This policy is drafted for the organisational needs of Swellendam Municipality based on functional necessity as assessed by the Manager of the applicable Directorate or his / her delegate on the condition that such accommodation is available.

Application for official accommodation shall be made to the Property Administration Department which shall include a motivation from the Manager of the relevant section stating the post of the applicant, the criteria applied to the post to determine the necessity and a full and proper motivation supporting the allocation of the official accommodation to the applicant. The Property Administration Department shall be responsible to draw up a written lease agreement and such lease shall be entered into between the Employee and Swellendam Municipality.

LEGAL IMPLICATIONS

Rental Housing Act 1999

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

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 November 2024:

RECOMMENDED

that the Municipal Residential Policy be approved by Council.

This item served on the Mayoral Committee meeting held on Monday, 18 November 2024:

that the Municipal Residential Policy be workshopped by Council before final approval.

9.1.6

Item number A190. 28.11.2024

REWARD IN TERMS OF THE ANTI CORRUPTION AND WHISTLE BLOWING POLICY AND STRATEGY

Department: Office of the Municipal Manager

Section: Office of the Municipal Manager

File number: 5/16/1

PURPOSE OF THE REPORT

To submit the revision of the approved amount of the reward for information received in terms of the Anti-Corruption and Whistle Blowing Policy to Council for approval.

FACTS AND BACKGROUND

During a meeting held on 30 September 2015 the then Council has resolved as follows per Item C21:

"Item C21. 30.09.2015

VOORLEGGING VAN VERSKEIE BELEIDSDOKUMENTE

Eenparige Besluit:

1. Dat die volgende Beleidsdokumente aanvaar word vir implementering op 1 Oktober 2015:
 - a) Beleid op Donasies en Skenkings
 - b) Dienste handves.
 - c) Beleid op Regshulp vir Amptenare en Raadslede.
 - d) Corporate Identity and Coat of Arms Policy
2. Dat die volgende Beleid in beginsel aanvaar word vir publieke kommentaar en insette:
 - (a) Teen-Korrupsie en Fluitjieblaas Beleid
 - (b) Boombeleid
3. Dat die Lugkwaliteitsbestuursplan aanvaar word en ingesluit word in die GOP.
4. Dat 'n beloning van R200-00 per geval uitgelooft word vir lede van die publiek wat gevalle van korrupsie, bedrog en finansiële wangedrag, storting van vullis en rommel en ander oorlaste aanmeld en dat die beloning slegs uitbetaal word waar sodanige aangemelde sake suksesvol vervolgt word hetsy deur dissiplinêre optrede of deur regsprosesse.
5. Dat delegasie 43 van die delegasies gewysig word deur dit te vervang met die volgende bewoording:

Delegation number 43: "To authorise the payment of a reward, as determined by council from time to time, to any person who furnishes information leading to the successful criminal prosecution of any person, who has committed any criminal act against the Municipality, or who has caused a public nuisance in terms of the Swellendam Municipal Prevention of Public Nuisances By-Law. Delegate authority Executive Mayor and Municipal Manager."

The Anti-Corruption and Whistleblowing Policy was subsequently adopted in 2016 per Item A24:

“Eenparige Besluit:

1. Dat die volgende Beleidsdokumente aanvaar word vir implementering op 1 Maart 2016:
 - a) Beleid vir die aanwending van Wyksfondse;
 - b) Teen Korrupsie en Fluitjieblaas Beleid
2. Dat die volgende Verordeninge aanvaar word vir publikasie in die Provinsiale Koerant:
 - a) Verordening vir die hou van geleenthede;
 - b) Verordening op Informele Handel
3. Dat die volgende Verordeninge in beginsel aanvaar word vir publieke kommentaar en insette.
 - a) Verordening insake die Beheer oor Begraafplase en
 - b) Verordening insake Openbare Geriewe”

The amount for such rewards of R200,00 has not been reviewed since 2015 and it is suggested that it be determined at R2,000.00.

Relevant documentation is attached as Annexures A.7 and A8.

LEGAL IMPLICATIONS

Section 8 of the Local Government Act: Municipal Systems Act, 2000 (Act 32 of 2000).
Anti- Corruption and Whistle Blowing Policy.
Prevention of Public Nuisances By-Law.

FINANCIAL IMPLICATIONS

The financial implications that arise in terms of a Policy are managed through the budget. The reward for reporting fraud and corruption and financial maladministration will be funded from the legal services vote in the financial year. An amount of R2000-00 per case is suggested.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS

Director Financial Services

The awards will have to be budgeted for from savings within the virement policy. There was no amounts paid in the previous year, thus no budget provision was made. An amount of R20 000 is proposed for awards.

Municipal Manager

None

This item served on the Mayoral Committee meeting held on Monday, 18 November 2024.

RECOMMENDED

1. that the reward for reporting fraud and corruption and financial maladministration as well as public nuisance transgressions in terms of the Anti – Corruption and Whistle Blowing Policy and the Prevention of Public Nuisances By-Law, 2018 respectively as funded from the Legal Services Vote in the approved 2024/25 Budget be set at an amount of R2,000.00

9.1.7

Item number A192. 28.11.2024

RENAMING OF SECTION 80 COMMITTEES IN ALIGNMENT WITH THE NEW ORGANISATIONAL STRUCTURE

Department	Office of the Municipal Manager
Section	Administrative Support Services
File number	3/3/3/1

PURPOSE OF REPORT

The purpose of the report is to facilitate the renaming of the Section 80 Committees to bring it in alignment with the new Organisational Structure.

FACTS AND BACKGROUND

The adoption of the new Organisational Structure also has implications for the names of two of the Section 80 Committees in the sense that the Directorate Corporate Services no longer exists and the reporting lines of the Directorate were redirected as follows:

- Branch Human Resources reports to the Office of the Municipal Manager;
- Branch Land Use Planning reports to the Director Infrastructure Services;
- Division Administration reports to the Office of the Municipal Manager;
- Property Management Administration reports to the Office of the Municipal Manager

The name of the Directorate Infrastructure Services was changed to Infrastructure and Planning Services.

The following Section 80 Committees were established by Council:

1. Community Services and Housing Portfolio Committee
2. Corporate and Financial Services Portfolio Committee
3. Infrastructure Services Portfolio Committee

Historically the names of the Section 80 Committees are aligned with the Management Structure and currently the Management Structure is constructed as follows:

1. Office of the Municipal Manager
2. Directorate Infrastructure and Planning Services
3. Directorate Financial Services
4. Directorate Community Services

It is suggested that the names of the Corporate and Financial Services Portfolio Committee and Infrastructure Services Portfolio Committee respectively be changed as follows:

1. Finance and Governance Portfolio Committee;

2. Infrastructure and Planning Services Portfolio Committee

LEGAL IMPLICATIONS

- Section 79 and 80 of the Local Government: Municipal Structures Act, No 117 of 1998 (Structures Act)
- Section 160(8) of the Constitution of the Republic of South Africa, 1996 (Constitution)

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

Council's decision to be made public on all relevant platforms.

This item served on the Mayoral Committee meeting held on Monday, 18 November 2024.

RECOMMENDED

1. that the names of the Corporate and Financial Services Portfolio Committee and Infrastructure Services Portfolio Committee respectively be changed as follows:
 - 1.1 Finance and Governance Portfolio Committee;
 - 1.2 Infrastructure and Planning Services Portfolio Committee.

9.1.8

Item number A193.

28.11.2024

ASLA CONTRACT: SWELLENDAM RAILTON HOUSING PROJECT

Prepared by the Director Community Services: Mr. K.D. Stuurman

Department	Community Services
Section	Integrated Human Settlements
File Number	8/3/R

PURPOSE OF REPORT

The ASLA Construction contract for the development of low-cost housing units aims to address critical housing shortages within the Swellendam Municipality.

This report provides an update on the progress, milestones achieved, challenges and upcoming actions required to ensure the projects stays aligned with our strategic housing goals.

FACTS AND BACKGROUND

Contractor	:	ASLA Construction (Pty) Ltd
Project Scope	:	Limited to the following and is subject to grant funding
	(i)	Swellendam South Railton Housing Project:
	a.	Installation of civil engineering services and associated link infrastructure (water, sewer, roads, and stormwater).
	b.	Construction of houses 950.
	(ii)	Conclusion of outstanding matters related to concluded projects:
	a.	Barrydale 82 Housing project: Surveyor-General Plans registration and Transfers of title deeds.
	b.	Suurbraak 35 Housing project: Transfers of title deeds.
Contract End	:	28 November 2024
Budget	:	As per DORA
Funding Source	:	Department of Human Settlements
Revision date	:	28 November 2024

The Municipality appointed ASLA via an SCM Regulation 32 procurement method on 10 August 2012 for the development and implementation of RDP Housing projects within the municipal boundaries as contained in said contract as follows:

Area	Name	Est. Qty	Comment
Swellendam	Railton UISP	306	270 houses were completed while 36 erven were serviced only due to density. Completed during December 2014.
Swellendam	Smartie Town IRDP	115	115 Erven serviced only due to density. Completed during November 2015.
Swellendam	Swellendam 410 PLS	410	Current 950 houses on addendum 4
Barrydale	IRDP	80	82 houses were completed. Completed during May 2021.
Buffeljagsrivier	Site A IRDP		55 houses were completed, 19 erven were serviced, 1 business site and 1 church site. Completed during November 2015.
Buffeljagsrivier	Site B IRDP	36	39 Erven were serviced only. Completed during August 2019.
Suurbrak	IRDP	60	35 houses were completed due to the topographic of the area. Completed during March 2018.

A subsequent contract was concluded on 22 August 2012, to outline the duties and responsibilities of both parties [hereinafter referred to as the 'Main contract'].

As per clause 4.2 of the Main contract, the parties concluded 3 (three) subsequent addendums to the main contract on:

- (i) 7 August 2015: Addendum 1, with the main purpose to amend the scope of work as per clause 2 of the Main contract and to limit the project term to three-years.
- (ii) 8 November 2016: Addendum 2, with the main purpose to include electrical distribution infrastructure and matters related thereto.
- (iii) 28 November 2018: Addendum 3, with the main purpose to clarify the scope of work as specified in the Main contract and Addendum 1.

Clause 2 of the Main contract further provides for a periodic review in terms of section 116(1)(b)(iii) of the Municipal Finance Management Act, 2003, the latter which requires such periodic review at least once every three years. As Addendum 3 was concluded in November 2018, the contractually provided and prescribed three-year periodic review needs to be concluded prior to November 2021 [hereinafter referred to as the MFMA].

Additional to the above, the Municipality was subjected to an annual audit by the Auditor General of South Africa [hereinafter referred to as the AGSA], who, based on its interpretation of the application of SCM Regulation 32, concluded that the Municipality contravened the MFMA and that any contract concluded based on SCM Regulation 32 is therefore irregular and any resultant expenditure is irregular expenditure. This AGSA finding puts the Municipality in a precarious situation with its current contractual relationship with ASLA as all expenditure towards ASLA is currently recorded and treated as irregular expenditure. The Municipality embarked on various pro-active processes to implement appropriate consequence management actions by limiting the Municipality exposure to material irregular expenditure, without invoking an event of breach of contract. One of the actions was to negotiate with ASLA on limiting its contractually committed scope of work.

DISCUSSION

During 2018/19 the AG found the procurement of this piggy back contract irregular whilst this contract was previously audited and found to be in order.

As a mitigation strategy the scope of works were reduced to the following only:

- Swellendam Railton Housing Project

Conclusion of outstanding matters related to concluded projects:

- Barrydale 82 housing project: Surveyor General Plans registration and Title Deeds
- Suurbraak 35 housing project: Title deeds

The following additional risks are identified should the contract be cancelled:

Incomplete houses; vandalism and theft, additional security costs; lack of social development due to people not receiving houses which may also cause public unrest; Possible litigation from ASLA which will cause further delays and costs.

The current milestones on this agreement are as follows

Site Preparation: 100% Completed

Foundations Laid: 457

Currently, 247 units have been completed. 202 are already handed over.

As per the main contract and addendum 4, the viability and continuance of the contract must be reviewed and considered before or on 28 November 2024. The following factors need to be considered:

- (i) Performance against the scope of work
- (ii) Annual review of operational performance output
- (iii) Performance- and governance risks identified by the governance structures
- (iv) Financial obligation outcomes and risks identified
- (v) Other contractual risk matters identified and managed as per the main contract.

Relevant documentation is attached as Annexure A.9.

LEGAL IMPLICATIONS

Municipal Finance Management Act, 56 of 2003

Supply Chain Management Regulations.

Should the contract be cancelled or be approved for extension the municipality must communicate the result with the implementing agent. This might result in litigation by the service provider.

COMMENTS FROM DEPARTMENTS

Director: Community Services

It is vitally important that the implementing agent's agreement be extended in order to finish the project. Should this agreement be cancelled, we will have to manage an incomplete project and protect it from vandalism. The allocation by Human Settlements will be withdrawn and a new application will have to be done and this can only take place after a new tender process is completed which will put the project on hold for almost a year. This will damage Council's reputation and can lead to citizens being dissatisfied.

Director: Financial Services

This matter was also forwarded to National and Provincial Treasury of which the letter is attached as Annexure A to regularise the remainder of the irregular expenditure. To date no outcome has been received from National or Provincial Treasury.

Should the contract be further extended, it will result in Irregular expenditure until all top structures are completed. Council should consider the impact of regulation 32 of the MFMA on the anticipated irregular expenditures.

The service provider might take the matter further for litigation as the whole 950 houses were allocated to them as the implementing agent.

Should the contract be cancelled, the remaining grant funding will have to be repaid to the provincial housing department and might impact on future allocations.

Acting Director: Infrastructure Services

Acting Municipal Manager

RECOMMENDED:

Council should consider whether the ASLA Construction contract should be proceeded with or cancelled.

9.1.9

Item number A194. 28.11.2024

ADJUSTMENTS BUDGET: MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK 2024/2025 (ROLL-OVER OF GRANTS AND UNAVOIDABLE)

Report from the Director Financial Services: Ms E Wassermann

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

PURPOSE OF THE REPORT

The purpose of the report is to submit the 2024/2025 Adjustments Budget in respect of the outcome of the unspent grants, unavoidable expenditure and grant corrections.

FACTS AND BACKGROUND

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

The municipality did apply by 31 August 2024 for the rollover of the balance of the unspent grants in terms of the Division of Revenue Act and National Treasury Guidelines.

A letter was received from National Treasury that the Municipal Disaster Recovery Grant of R1 178 755.63 was not approved. The municipality is busy preparing a letter to appeal the outcome.

A further amount of R159 080 was requested from Provincial Treasury on the Municipal Library Replacement Funding to be rolled over due to savings on employee related cost, but was not approved by Provincial Treasury.

A Government Gazette was received on 12 September 2024 where the Municipal Infrastructure Grant allocation was adjusted by National Treasury with R25 000.

On 30 September 2024, Council considered an item, A150 under section 29 of the MFMA to adjust the budget allocation for Russel Street with R695 000.

The Department of Environmental Affairs and Development Planning approved an amount of R257 000 for boreholes and water quality monitoring at the Bontebok Waste Disposal Facility.

The business plan for the Energy Efficiency Demand Side Management Grant was approved and funds are to be re-aligned to agree with the expenditure items as per approved business plan.

DISCUSSION

Based on the above the adjustments are as follows to the 2024/2025 Budget:

Capital Projects:

Function	Project	Amount
Water Services	Swellendam (Railton): Bulk Water Reticulation	(R21 740)
Roads & Stormwater	Upgrade of Russel Street	R695 000
Roads & Stormwater	Erosion damage to Culvert/Outfall, Trichardt Street	R247 769
Roads & Stormwater	Damage to Gabion Retainer Kerk Street Bridge	R97 325
Water Services	Repairs to Earth Channel (Primary Raw Water Storage Facility, Grootkloof 3)	R522 088
Water Services	Grootkloof 1 Raw Water Inlet Erosion	R150 696
Library Services	Paving at Desmond Tutu Library (Back entrance)	R26 500
Library Services	Air-Conditioning Libraries	R30 000
Library Services	Gate Motor (Back Entrance)	R15 000
Library Services	Furniture & Equipment	R45 439
Library Services	People Counter Sensor	R17 000
Solid Waste Management	Drilling and Installation of Boreholes	R240 000
Electricity	Replacement of streetlights in Swellendam Municipality	(R494 609)
	Total	R 1 570 468

Operating Projects (Expenditure)

Function	Project	Amount
Human Resource Management	External Bursaries (Western Cape Financial Management Capability Grant)	R140 000
Library Services	Maintenance of Buildings and Facilities	R20 000
Solid Waste Management	Water Quality Testing	R11 000
Solid Waste Management	Laboratory Testing	R6 000
Electricity	Energy Efficiency Demand Side Management	R493 148
Electricity	Energy Efficiency Awareness	R30 000
	Total	R700 148

Operating Revenue Recognition

Function	Project	Amount
Library Services	Library Services Replacement Funding (Opex)	R 43 091
Water Services	Municipal Infrastructure Grant (Capex)	(R21 740)
Water Services	Municipal Infrastructure Grant (Opex)	(R3 260)
Library Services	Library Services Replacement Funding (Capex)	R133 939
Human Resource Management	Financial Management Capability Grant (Opex)	R140 000
Solid Waste Management	Department of Environmental Affairs & Development Planning (Capital)	R240 000
Solid Waste Management	Department of Environmental Affairs & Development Planning (Opex)	R17 000
Electricity	Energy Efficiency and Demand Side Management Grant (Capex)	(R494 609)
Electricity	Energy Efficiency and Demand Side Management Grant (Opex)	R494 609
	Total	R549 030

Considering the above the 2024/2025 budget is adjusted as follows:

Description	Original Budget	Adjusted Roll-Over Budget Aug 2024	Adjustments	Adjusted Budget (Nov 2024)
Total Revenue	R542 746 228	R577 443 137	R549 030	R577 992 167
Total Expenditure	R522 616 507	R552 542 315	R700 148	R553 242 463
Total Capital	R61 003 609	R76 410 593	R1 570 468	R77 981 061

The B-Schedules is distributed as Annexure A.10 and additional information as Annexure A.11.

LEGAL IMPLICATIONS

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

“Municipal adjustments budgets

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

(2) An adjustments budget-

(b) may appropriate additional revenues that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmes already budgeted for;

(c) may, within a prescribed framework, authorize unforeseeable and unavoidable expenditure recommended by the major of the municipality;

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

In terms of the Municipal Budget and Reporting Regulations: sections 23(2) to (5):

“23(2) Only one adjustments budget referred to in subregulation (1) may be tabled in the municipal council during a financial year, except when the additional revenues contemplated in section 28(2)(b) of the Act are allocations to a municipality in a national or provincial adjustments budget, in which case subregulation (3) applies.”

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

“23(4) An adjustment budget referred to in section 28 (2) (c) of the Act must be tabled in the municipal council at the first available opportunity after the unforeseeable and unavoidable expenditure contemplated in that section was incurred and within the time period set in section 29 (3) of the Act,

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

FINANCIAL IMPLICATIONS

The funding for these projects is available as per the roll-over application and the capital replacement reserve.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

COMMENTS FROM DEPARTMENTS:

Director: Community Services

None

Director: Financial Services

As per the report.

Director: Infrastructure Services

None

Municipal Manager

RECOMMENDED

1. that Council approves the adjustments as listed below for the 2024/2025 financial year:

Capital Projects:

Function	Project	Amount
Water Services	Swellendam (Railton): Bulk Water Reticulation	(R21 740)
Roads & Stormwater	Upgrade of Russel Street	R695 000
Roads & Stormwater	Erosion damage to Culvert/Outfall, Trichardt Street	R247 769
Roads & Stormwater	Damage to Gabion Retainer Kerk Street Bridge	R97 325
Water Services	Repairs to Earth Channel (Primary Raw Water Storage Facility, Grootkloof 3)	R522 088
Water Services	Grootkloof 1 Raw Water Inlet Erosion	R150 696
Library Services	Paving at Desmond Tutu Library (Back entrance)	R26 500
Library Services	Air-Conditioning Libraries	R30 000
Library Services	Gate Motor (Back Entrance)	R15 000
Library Services	Furniture & Equipment	R45 439
Library Services	People Counter Sensor	R17 000
Solid Waste Management	Drilling and Installation of Boreholes	R240 000
Electricity	Replacement of streetlights in Swellendam Municipality	(R494 609)
	Total	R 1 570 468

Operating Expenditure:

Function	Project	Amount
Human Resource Management	External Bursaries (Western Cape Financial Management Capability Grant)	R140 000
Library Services	Maintenance of Buildings and Facilities	R20 000
Solid Waste Management	Water Quality Testing	R11 000
Solid Waste Management	Laboratory Testing	R6 000
Electricity	Energy Efficiency Demand Side Management	R493 148
Electricity	Energy Efficiency Awareness	R30 000
	Total	R700 148

Revenue Recognition

Function	Project	Amount
Library Services	Library Services Replacement Funding (Opex)	R 43 091
Water Services	Municipal Infrastructure Grant (Capex)	(R21 740)
Water Services	Municipal Infrastructure Grant (Opex)	(R3 260)
Library Services	Library Services Replacement Funding (Capex)	R133 939
Human Resource Management	Financial Management Capability Grant (Opex)	R140 000
Solid Waste Management	Department of Environmental Affairs & Development Planning (Capital)	R240 000
Solid Waste Management	Department of Environmental Affairs & Development Planning (Opex)	R17 000
Electricity	Energy Efficiency and Demand Side Management Grant (Capex)	(R494 609)
Electricity	Energy Efficiency and Demand Side Management Grant (Opex)	R494 609
	Total	R549 030

2. that the Adjustments Budget for the Financial year 2024/2025, as set out in the below-prescribed budget tables be approved;
 - 2.1 Table B1 Adjustments Budget Summary;
 - 2.2 Table B2 Adjustments Budget Financial Performance (functional classification);
 - 2.3 Table B3 Adjustments Budget Financial Performance (revenue and expenditure by municipal vote);
 - 2.4 Table B4 Adjustments Budget Financial Performance (revenue and expenditure);
 - 2.5 Table B5 Adjustments Capital Expenditure Budget by vote and funding;
 - 2.6 Table B6 Adjustments Budget Financial Position;
 - 2.7 Table B7 Adjustments Budget Cash Flows;
 - 2.8 Table B8 Cash-backed reserves/accumulated surplus reconciliation;
 - 2.9 Table B9 Asset Management;
 - 2.10 Table B10 Basic service delivery measurement;

3. that the Adjustments Budget be placed on the municipal website and be submitted to Provincial and National Treasury.

9.1.10

Item number A195. 28.11.2024

DISASTER MANAGEMENT / MITIGATION MEASURES: SPAZA SHOPS (HOUSE SHOPS)

Prepared by the Director Community Services: Mr. K.D Stuurman

Department Community Services

Section Law Enforcement

File number 15/1/4/5

PURPOSE OF REPORT

To advise Council of mitigation measures to be taken in relation to Spaza Shops (House Shops), in response to the National Government's efforts in relation to the problem of contaminated foodstuffs.

FACTS AND BACKGROUND

Nationally, it has been established that a number of children have died as a consequence of ingesting contaminated foodstuffs purchased from Spaza Shops and informal vendors. National Government wants to enforce more control over Spaza Shops through licensing permits and inspections.

DISCUSSION

In Swellendam the so-called "Spaza Shops" are referred to as House Shops. The definition of such operations, as well as the conditions of approval and what is permitted to be sold, varies considerably across the country. House Shops are considered a Consent Use on a zoned Residential property in terms of the Integrated Zoning Scheme By-Law, and are subject to a specific policy approved by Council. Property owners may lodge an application for Consent Use with the Sub-Directorate Town Planning and Building Control for a decision.

It is noted that no applications for House Shops are considered in informal settlements, as only a property owner (a cadastral entity) may apply for Consent Use. It follows then that all House Shops in our informal settlements are legislatively unauthorised.

As House Shops may only sell formally packed and sealed products, as received / purchased from recognised suppliers, and may specifically not provide meals or trade with perishable foodstuffs (such a milk, meat, fish etc) they do not need to register for a Business Licence in terms of the Business Act, 1991, in order to operate. That said, all House Shops do need a Certificate of Acceptability in terms of the National Health Act, as administered by the Overberg District Council (Environmental Health) as they do trade broadly with foodstuffs, such as chips and cooldrinks etc. No repackaging of foodtuffs is permitted.

For the purposes of the national effort / directive(s), Consent Use approval in terms of the Integrated Zoning Scheme By-Law is deemed as "registration", given the above.

LEGAL IMPLICATIONS

Town Planning legislation

Business Act, 71 of 1991
Health legislation
Disaster Management Act
All other relevant legislation

FINANCIAL IMPLICATIONS

No additional financial implications.

PERSONNEL IMPLICATIONS

Law Enforcement and other municipal personnel will assist the Overberg District Council (Environmental Health) and SAPS to enforce the directive and related functions. More regular follow-ups and joint operations will be necessary moving forward to keep stricter control of House Shops.

COMMUNICATION IMPLICATIONS

The National Government and District will be responsible for all communications concerning the process of health and safety. We will do what is required in terms of our own processes and action.

COMMENTS FROM DEPARTMENTS

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Acting Municipal Manager

None

RECOMMENDED

1. that the content of this report be noted.
2. that Communications received from National Government with regards to Spaza Shop Disaster Mitigation Management be noted.
3. that the Administration participate in all joint operations with the Overberg District Council (Environmental Health) and the South African Police Service, to specifically ensure the removal of expired foodstuffs.
4. that all unauthorised House Shops (in terms of the Integrated Zoning Scheme By-law) be closed, in terms of the provisions of the applicable National Disaster legislation.
5. that the Attorney be briefed to secure urgent interdicts to facilitate House Shop closures where necessary.

9.1.11

Item number A196. 28.11.2024

IRREGULAR EXPENDITURE FINANCIAL YEAR 2022- 2023: SWELLENDAM MUNICIPALITY: SUPPLY CHAIN MANAGEMENT: PROVISION OF ACCOUNTING SUPPORT FOR 3 YEARS: MUBESKO AFRICA (PTY) LTD

Report of the Municipal Manager: Ms. A Vorster

Department Municipal Manager

File number 5/15/1/1

PURPOSE OF REPORT

To table a report to the Section 32 Committee of the Local Government: Municipal Financial Management Act, 2003 (MFMA), Act 56 of 2003, in respect of irregular expenditure for consideration.

FACTS AND BACKGROUND

The report deals with the Auditor-General findings in the 2018/ 2019 financial year relating to irregular expenditure in respect of the appointment of Mubesko Africa (Pty) Ltd. The matter was referred to National Treasury for condonation but condonation was turned down.

As a result, the AFS was adjusted to report the appointment of the service provider, Mubesko Africa (PTY)(LTD) as irregular expenditure.

DISCUSSION

There were three matters listed by the Auditor General to support the finding of irregular expenditure, namely the compilation of the bid committee and the functionality criteria, and the legal support supplied by Brasika.

Compilation of the BID committee

The management view is that no non-compliance is evident. Swellendam is a small municipality with a limited number of Directors. Section 12.1.1 of the Supply Chain Management Policy (SCMP) makes provision for secundus for members who are not present. This matter was fully discussed per Item 1 of the Section 32 Committee of 2 June 2020 in a report with the heading: "Irregular Expenditure financial year 2018 - 2019: Swellendam Municipality: Supply Chain Management: Deviations: Composition of the Bid Adjudication Committee."

The municipality informed the AGSA that it disagreed with the finding as there was no non-compliance or any contravention of SCMR 29(2) evident, based on the following arguments:

- (i) The AGSA incorrectly interpreted the SCM Regulations [SCMR] by not distinguishing between the 'Composition of the BAC' versus 'Attendance at BAC meetings'.
- (ii) The AGSA incorrectly interpreted the intention of the legislature, to ensure that when adjudicating tenders, there are sufficient senior finance, SCM, and technical representatives present at BAC meetings and that the CFO has the appropriate expertise and capabilities to represent SCM.

- (iii) The AGSA failed its burden of proof to confirm non-compliance or contravention of SCMR 29(2).

Functionality criteria

The second finding on the matter is related to the technical specifications. Although not the Chairperson, a Manager from the user department, Mr. J de Jager, was also present at the Bid Specification Committee (BSC) meeting as a representative of the user department to address technical enquiries. As the subject matter of the tender relates to Financial Matters, it is argued that Messrs P du Toit (SCM) and J de Jager (Finance) adequately represented the financial, technical, and SCM expertise required on the BEC. Compliant to SCMP 2.12.3, as the CFO was not present at the BAC meeting another manager in the budget and treasury office reporting directly to the CFO represented him, namely Mr. B Beyers (SCM Manager).

This query has been raised by the Auditor-General during various previous audits. Management's response has always been and applied consistently, that a small municipality does not have another option than to allocate more than one function to a member of the various SCM committees. This has been discussed and agreed upon by the Auditor-General during all previous audits.

SCMP 12.2.1 must be read with SCMP 15. 2 which provides as POLICY that:

- a) The end-user must draw up clear specifications and terms of reference.
- b) Include clear evaluation criteria before the invitation of the quotation/bid as offers may only be evaluated according to the criteria stipulated in the quotation/bid document.

SCMP 15.2.1 further provides as PRINCIPLE that it is the responsibility of the end-user through the facilitation of the SCMU and the Bid Specification Committee to compile detailed, clear, and unambiguous specifications with which to source proposals.

The rationale for the arrangements in the SCMP was to maximise the administrative and operational efficiency of SCM operations. For this purpose, the drafting of the first draft of the specifications was sub-delegated in terms of SCMR 5 to the User in terms of SCMP 15.2, whereafter it is considered, augmented, and recommended by the BSC.

It is further evidence that the BSC did apply its mind to the tender, as the BSC minutes reflect that the BSC made amendments as follows:

- Amendments:
 - o Advert;
 - o Special conditions of the contract;
 - o Terms of reference;
 - o Pricing schedule.
- The above amendments will be made by the end-user and SCM."

PPPFA reg 1 defines "functionality" as the ability of a tenderer to provide goods or services per specifications as set out in the tender documents.

SCMP 20.1.1.5 provides that functionality on the other hand provides for factors that, when scored, compare the capacity and ability of each bid to complete a contract successfully.

SCMP 20.1.12.2 provides that a need to invite bids based on functionality as a criterion depends on the nature of the required commodity or service taken into account cost, quality, reliability, viability, and durability of service and the bidder's technical capacity and ability to execute a contract.

It is clear from the above provisions that 'functionality criteria' by its nature is subjective as it has the intention to measure and compare the capability of the bidder to adequately render the service against other bidders.

Prof Bolton, in an article named 'AN ANALYSIS OF THE CRITERIA USED TO EVALUATE AND AWARD PUBLIC TENDERS' explained that under the new preferential procurement regime, functionality criteria have been given a very specific role. In brief, an organ of state must determine whether the functionality is relevant to the particular procurement, and if so, it must provide for it during the qualification stage of the process.

Additionally, it is common cause that an effective and efficient Municipality would achieve an 'unqualified audit' and the direct causal link for achieving such is linked to the accounting support provided to it. It is therefore logical that the Municipality when testing functionality must be in a position to ensure that the preferred bidder does have the necessary ability and capability to achieve at least an 'unqualified audit'.

Mindful of the above statement, it is argued that to apply a 48% functionality requirement that a service provider should provide evidence of its ability and capability to support a Municipality in achieving an unqualified audit is seen as reasonable.

It also needs to be considered that various municipalities, across the country, applied this functionality criteria in their tenders.

The AG incorrectly interpreted the functional requirements as well as the evidence required in this regard.

The intention was not a request to provide evidence of assisting specifically to the Swellendam Municipality, but to confirm that the bidder's support can be applied with the specific GIS system applied by the Municipality. Additionally, the evidence required did not require Swellendam specific evidence, but merely 'Evidence that the service provider assisted municipalities/municipal entities to obtain an unqualified audit opinion'.

The Municipality required the bidder to develop SOPs aligned to its financial system, which will only occur once the bid is awarded. Additionally, the evidence required did not require Swellendam specific evidence, but merely 'Evidence of SOPs being developed and implemented for all financial cycles.

It must also be taken into account that

1. 'Functionality' should not be confused with 'specifications'.
2. 'Functionality' has its own set of prescripts as listed above in terms of the PPPFA Regulations read with the SCMP 20.1.15 and 20.12.1.2.
3. The legality test for 'functionality' must therefore be limited to the relevant prescripts.
4. The AG erred in its interpretation of the requirement of 'unqualified audits' and the requirement for 'Swellendam specific evidence' as discussed above.

The following provisions of the SCMP 19.5.2 which provides for the rules relevant to the first stage evaluation of functionality, must also be considered and applied, during the evaluation of bids for functionality:

1. 19.5.2.12 Score sheets should be prepared and provided to panel members to evaluate the bids.
2. 19.5.2.13 The score sheet should contain all the criteria and the weight for each criterion as well as the values to be applied for evaluation as indicated in the bid documents.

3. 19.5.2.14 Each panel member should after thorough evaluation independently provide his/her value to each criterion.
4. 19.5.2.15 Score sheets should be signed by panel members as necessary, written motivation may be requested by panel members where vast discrepancies in the values awarded for each criterion exist.

It is therefore clear that the intention is that a separate panel will conduct the functionality scoring and not the BEC, though the BEC will consider the outcome.

The rationale for the augmentation of the SCMP was to maximise the administrative and operational efficiency of SCM operations. The functionality scoring was sub-delegated in terms of SCMR 5 to a separate panel in terms of SCMP 19.5.2, whereafter it is considered, augmented, and recommended by the BEC.

This finding is a reflection of the auditor's limited understanding of the evidence required to measure a specific functionality criterion.

Although the 'measurement' required appears to be similar, namely 'Evidence that the service provider assisted municipalities/municipal entities to obtain an unqualified audit opinion' it must be read and applied with the criteria for each item, e.g. (o) Evidence that the service provider assisted municipalities/municipal entities to obtain an unqualified audit opinion in relation to the compilation of annual GRAP compliant financial statements.

This finding is dubious and completely in contradiction to the findings being purported by the auditor that the 'functionality requirements and evidence' are non-compliant as per findings 2.2.3 to 2.2.6 and 2.3.2 above.

The main objective for applying functionality criteria and then analysing and scoring the evidence provided, was for the sole purpose to determine the capability and capacity of the provider to provide the required services.

It was also for this purpose that the Municipality applied additional due diligence in sending letters on 22 May 2019, to all three bidders, requesting them to provide additional supporting evidence as follows:

It is argued that the Municipality exhausted all avenues in testing the 'ability and capability of the bidders even allowing all three an additional opportunity to present adequate evidence.

The auditor is cautioned in making subjective value judgments without obtaining appropriate evidence.

Legal advice by Brasika

Brasika Consulting was appointed on 25 April 2018, through a valid competitive bidding process [SMT 22/17/18] to support the Municipality with inter alia SCM Objection support, as the municipality does not have internal legal advisors.

Similar to the Accounting and Auditing Profession is Adv H Venter also bound by her profession to apply all necessary due diligence to prevent any potential conflict of interest and to maintain a high level of integrity.

Brasika Consulting is indeed in certain instances co-opted as a specialist advisor by Moore Stephens and other financial accounting support service providers, to independently provide legal support to their municipal clients. It is important to understand that the services rendered to

Moore Stephens and other similar institutions are based on 'independent legal support' and not as a legal representative of the relevant institutions.

Such support is rendered on an ad hoc arrangement basis and, in those Municipalities, where Brasika Consulting is co-opted by the relevant accounting and auditing firms all due protocol is observed to prevent any potential conflict of interest.

When Swellendam Municipality instructed Brasika Consulting to assist it with the objection received with regards to this tender, Adv Venter immediately applied her normal due diligence to confirm whether any of the service providers listed Brasika Consulting as a 'co-opted specialist advisor' by sending an email to the SCM Manager on 08 July 2019 at 10:07 requesting the following: "(i) Bevestig as dat Mubesko nie my naam gelys het as 'n 'support' vir hulle nie" to which he replied on 08 July 2019 at 12:12 PM: "Ek het na die tender gekyk en dit blyk nie so te wees nie. Op bladsy 89 van hul bylaes het hulle ander name gelys mbt legal support."

Only once any potential conflict was eliminated, did Brasika Consulting accept the instruction.

It is argued that Brasika Consulting fully complied with the requirements of an 'independent and impartial person, not directly involved in the supply chain management processes as per SCMR 50(1), as she had NO involvement in the tender process from inception until the preferred bidder was identified.

The Brasika Consulting report of 17 July 2019 serves as further evidence of the objectivity with which the report was compiled.

As an advocate, permitted to appear in the Supreme Court of South Africa, Adv. Venter is willing to defend this opinion in any appropriate court of law if so required.

There is, therefore, no evidence of a contravention of SCMR 50(1) as:

1. Brasika Consulting did apply due diligence to confirm no potential conflict of interest, and
2. Complied with the requirements of an 'independent and impartial person, not directly involved in the supply chain management processes as it had NO involvement in the tender process from inception until the preferred bidder was identified.

As the AG, albeit baseless, raised a concern with the independence of Brasika Consulting with the management of the objection as per SCMR 50(1), you are advised to consider this concern and perhaps apply an independent due diligence exercise to satisfy the Municipality of due performance.

Since the disclosure of this contract is irregular, National Treasury has issued an additional directive. The directive is part of the attached annexures.

Based on the guideline, the BAC quorum requirements for a meeting must at least be 50% +1. National Treasury reached an agreement with the auditor-general that the new directive be applied prospectively, which means that existing contracts concluded before the directive will remain irregular.

The Mubesko contract is valid until the end of the 2021- 2022 audit and therefore irregular expenditure will occur annually until the contracts have expired.

All the relevant documentation in respect of the matter **is attached as Annexure A.12**. It includes the COMAF, the application to National Treasury, and their responses in two separate letters.

LEGAL IMPLICATIONS

Compliance with the Local Government: Finance Management Act, 2003 (Act 56 of 2003), especially the Supply Chain Management Regulations and the Swellendam Supply Chain Management Policy.

FINANCIAL IMPLICATIONS

R 156,183-21 during the 2022/2023 financial year.

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATIONS

None

Director Financial Services

Section 32 of the MFMA prescribes that unauthorised, irregular or fruitless, and wasteful expenditure must be recovered from the person liable for that expenditure unless the expenditure:

- a) In the case of unauthorised expenditure is-
 - (i) Authorised in an adjustments budget; or
 - (ii) Certified by the municipal council, after an investigation by a council committee, as irrecoverable and written off by the council; and
- b) In the case of irregular or fruitless and wasteful expenditure, is, after an investigation by a council committee, certified by the council as irrecoverable and written off by the council.

For the committee to consider the recoverability of the irregular expenditure, the committee may consider the following:

- a) There is a valid contract in place with the service provider;
- b) The work was executed in terms of the contract and/or service level agreements;
- c) The municipality has received value for money.
- d) The contract did not result in any or other financial loss to the municipality;
- e) The municipality did not report the alleged irregular expenditure to the South African Police as no theft and fraud occurred on the expenditures;

The municipality received a clean audit for the 2021/2022 financial year, confirming that there were no material misstatements and that value for money was received

MUNICIPAL MANAGER

The matter of the Mubesko Holdings appointment is a point of contention that highlights the questionable bona fides under which the AG sometimes operates. The Municipality was led to believe during discussions with the AG SA that if the matter is applied for condonation after the matter has been reported in the Financial Statements it would be sufficient to normalise the contractual matter and that it should not raise the issue of a Section 32 reporting requirement.

During the course of the discussions with National Treasury, it became clear that NT was not going to grant a condonation it believed for an interpretation of an expenditure that it indicated was already reflected as such in the AFS.

This item served on the Section 32 Committee meeting scheduled on Monday, 26 August 2024

RESOLVED

1. that the amount of R 156,183-21 during the 2022/2023 financial year in respect of Swellendam Municipality: Supply Chain Management: Provision of Accounting Support for 3 years: Mubesko Africa (Pty)Ltd, be written-off as irrecoverable in terms of section 32(2)(b) of the MFMA.

This item served on the Council meeting held on Monday, 30 September 2024:

RESOLVED

Item A161/30/09/2024

1. that the report be referred to a Special Council meeting to be held during the next week.

This item served on Council meeting held on Wednesday, 30 October 2024.

RESOLVED

that the report on Irregular Expenditure Financial Year 2022- 2023: Swellendam Municipality: Supply Chain Management: Provision of Accounting Support for 3 years: Mubesko Africa (Pty) Ltd be referred to MPAC for further investigation.

This item served at the MPAC Committee meeting held on Thursday, 07 November 2024

RECOMMENDED

1. that the amount of R 156,183-21 during the 2022/2023 financial year in respect of Swellendam Municipality: Supply Chain Management: Provision of Accounting Support for 3 years: Mubesko Africa (Pty)Ltd, be written-off as irrecoverable in terms of section 32(2)(b) of the MFMA.

9.1.12

Item number A197. 28.11.2024

SCHEDULE OF DATES FOR COUNCIL AND COMMITTEE MEETINGS - PROGRAMME FOR 2025

Report of the Director Corporate Services: Mrs A Vorster

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

PURPOSE OF REPORT

The purpose of this report is to set dates for meetings for the Council, Mayoral and Portfolio Committees for 2025 taking key dates in terms of MFMA compliance into account.

FACTS AND BACKGROUND

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

DISCUSSION

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

Month	Compliance	
January	Midyear report and draft Annual report	Mid-Year performance- section 72 report; Annual report and Section 52 report Section 72 (1) (a) The MM to assess the performance for the first half of the year the 25 th of January Section 72 (1) (b) Submit the midyear report to the Mayor; NT an PT by the 25 th of January (refer also to Regulation 35 of the municipal budget and reporting regulations) Regulation 34 of the municipal budget and reporting regulations the midyear report to be

	<p>S52 MFMA report</p> <p>Supply Chain Management Regulations: Monthly SCM report</p> <p>Quarterly SCM report</p>	<p>made public within 5 working days of the 25th of January</p> <p>Section 54 (1) (f) the Mayor to submit the midyear report to council by 31st of January.</p> <p>Section 127(2) of the MFMA stipulates that the annual report must be tabled in the municipal council within seven months after the end of the financial year.</p> <p>Quarterly report to be tabled within 30 days after the end of the quarter.</p> <p>Council has a responsibility to maintain oversight over the implementation of the SCM Policy. The Accounting Officer must record the reasons for any deviation from the procurement process and report it to the next council meeting.</p>
February	Adjustments budget Monthly SCM report	An adjustments budget as per MFMA section 28 (2) (g) may only authorize unauthorized expenditure as anticipated by section 32 (2) (a) (i) of the MFMA, and must deal with – A special adjustments budget tabled in the municipal council when the mayor tables the annual report in terms of section 127 (2) of the Act, which may only deal with unauthorized expenditure from the previous financial year which the council is being requested to authorize in terms of section 32 (2) (a) (i) of the MFMA.
March	Annual report and oversight report and draft IDP and draft budget Monthly SCM report	Section 129 of the MFMA requires the council to consider the annual report within two months after it was tabled in the Council and to adopt an oversight report containing the council's comments on the annual report. Section 22 read with Section 24 of the MFMA deals with the budget and IDP process
April	S52 MFMA report Monthly SCM report Quarterly SCM report	Quarterly report to be tabled within 30 days after the end of the quarter.
May	IDP Section Budget Section 16 of the MFMA Monthly SCM report	The IDP and budget must be approved by the Council before the start of the new financial year.
June	Possible adjustments budget Monthly SCM report	In terms of Section 28 of the MFMA, the following circumstances may necessitate an adjustments budget, namely: Under-collection of revenue; when additional revenues has become available; unforeseen unavoidable expenditure; utilisation of projected

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

The programme is suggested for approval with the proviso that any changes to any of the dates can be made by the relevant political office-bearer as and when needed and such changes will be communicated timeously. **The programme is attached Annexure A.13.**

LEGAL IMPLICATIONS

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

FINANCIAL IMPLICATIONS

None

PERSONNEL IMPLICATIONS

None

COMMUNICATION IMPLICATION

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

COMMENTS FROM DEPARTMENTS

Director: Corporate Services

None

Director: Community Services

None

Director: Financial Services

None

Director: Infrastructure Services

None

Municipal Manager

None

RECOMMENDED TO COUNCIL

1. that with the proviso that the Speaker in the case of Council meetings, the Executive Mayor in the case of Mayoral Committee meetings and the Chairperson in the case of Portfolio Committee meetings can make changes if required, the schedule of dates for Council, Mayoral Committee and Portfolio Committee meetings for the 2025 calendar year be approved and that any changes to the schedule, be communicated timeously;
2. that changes to the schedule only be made if circumstances beyond control so demand

9.2 Consideration of matters which require non-disclosure

Rules of Order regulating the conduct of Meetings of the Council of the Municipality of Swellendam (Provincial Gazette 6347 dated 3 March 2006)

PART 3: MEETINGS

6. Non-disclosure of Matters

- (1) Matters which require non-disclosure, must be marked as such in the agenda.
- (2) When such matters are to be considered, the speaker must direct that all members of the public leave the venue of the meeting.
- (3) Any member can prior to the commencement of the meetings, request the speaker to deal with a certain matter as a non-disclosed matter.

9.3 Consideration of urgent matters

Rules of Order regulating the conduct of Meetings of the Council of the Municipality of Swellendam (Provincial Gazette 6347 dated 3 March 2006)

PART 3: MEETINGS

7. Speaker may introduce urgent matters

The speaker may at any time and without notice make any statement or introduce urgent matters.

10 MINUTES OF COMMITTEES AND AD HOC COMMITTEES

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

10.1 Minutes of an Ordinary Mayoral Committee held on Wednesday, 23 October 2024.

11 CONFIRMATION OF MINUTES

Rules of Order regulating the conduct of Meetings of the Council of the Municipality of Swellendam (Provincial Gazette 6347 dated 3 March 2006)

PART 3: MEETINGS

13. Minutes

- (1) The municipal manager must compile the minutes of the proceedings of meetings in printed form.
- (2) The minutes of a meeting must be confirmed by the council at the next meeting and signed by the speaker.
- (3) The minutes shall be taken as read, for the purpose of confirmation, if a copy thereof was sent to each member within a reasonable period before the next meeting.

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

11.1 Minutes of an Ordinary Council meeting held on Wednesday, 30 October 2024

12. MATTERS ARISING FROM THE MINUTES OF THE PREVIOUS MEETING

Rules of Order regulating the conduct of Meetings of the Council of the Municipality of Swellendam (Provincial Gazette 6347 dated 3 March 2006)

PART 3: MEETINGS

13(4). The speaker shall declare that the minutes are open for discussion as soon as the minutes are confirmed.

13. CONSIDERATION OF MATTERS OF EXIGENCY

Rules of Order regulating the conduct of Meetings of the Council of the Municipality of Swellendam (Provincial Gazette 6347 dated 3 March 2006)

PART 7: RULES OF DEBATE

29. Matters of exigency

- (1) A member can prior to the commencement of a meeting direct the attention of the speaker to any matter which does not appear on the agenda and of which no previous notice has been given, for consideration during the meeting.
- (2) The speaker must use his own discretion to decide if the matter must be considered or not during the meeting in terms of subsection (3).
- (3) Urgent matters must be of such a nature that it will receive the approval of the council or that it will not elicit any discussion or only serve as information to members.

14. GENERAL

15. CLOSURE

16. NOTICE TO THE PUBLIC

Rules of Order regulating the conduct of Meetings of the Council of the Municipality of Swellendam (Provincial Gazette 6347 dated 3 March 2006)

PART 3: MEETINGS

8(4). The municipal manager must give notice to the public of the date, time and venue of every meeting by publishing a notice in a local newspaper determined by him or her, provided that he or she may depart from this requirement when time constraints make this impossible.

Swellendam Municipality

Notice is hereby given in terms of Section 19 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) that an **Ordinary Council meeting** of the Municipal Council of Swellendam Municipality is scheduled as follows:

Date: Thursday 28 November 2024

Time: 10:00.

Venue: Council Chambers, Rhenius Street, Swellendam

R. SAPTOE

ACTING MUNICIPAL MANAGER

Notice number: A36/2024

Swellendam Munisipaliteit

Kennisgewing geskied hiermee in terme van Artikel 19 van die Wet op Plaaslike Regering: Wet op Munisipale Stelsels, 2000 (Wet 32 van 2000) dat 'n **Gewone Raadsvergadering** van die Swellendam Munisipale Raad soos volg geskeduleer is:

Datum: Donderdag 28 November 2024

Tyd: 10:00.

Plek: Raadsaal, Rheniusstraat, Swellendam

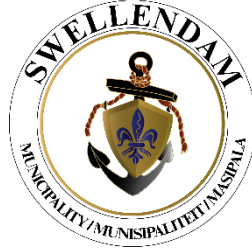
R. SAPTOE

WAARNEMENDE MUNISIPALE BESTUURDER

Kennisgewingnommer: A36/2024

17. BLANK APPLICATION FOR LEAVE OF ABSENCE FORM

SWELLEN DAM MUNICIPALITY



APPLICATION FOR LEAVE OF ABSENCE FROM MEETING

(Note: To be submitted to the Chairperson before the start of the meeting)

Name of Councillor

Herewith I apply for leave of absence from the following meeting(s):

MEETING	DATE
Council Meeting	
Special Council Meeting	
Executive Mayoral Committee Meeting	
Any other Committee/Forum/Workshop (Please specify)	
Reason for absence	

SIGNATURE

DATE