ANNEXURE C

Policies

2026/2027

APPOINTMENT OF CONSULTANTS POLICY

Approval by Council xxx

Implementation Date1 July 2026

TABLE OF CONTENTS

1. INTRODUCTION

2. DEFINITION

3. OBJECTIVE

4. SCOPE OF APPLICATION

5. LEGISLATIVE FRAMEWORK

6. APPOINTMENT ARRANGEMENTS

6.1. APPOINTMENT OF CONSULTANTS

6.1.1 PRIMARY REASONS FOR APPOINTMENT OF CONSULTANTS

6.1.2 MINIMUM REQUIREMENTS WHEN APPOINTING CONSULTANTS

6.1.3 SELECTION METHODS FOR THE APPOINTMENT OF CONSULTANTS

6.1.4. EMPLOYMENT CONTRACT OR AGREEMENT

6.1.5. TERMS AND CONDITIONS

6.2 RENUMERATION OF CONSULTANTS

1. INTRODUCTION

2. DEFINITION

For the purpose of this policy, the following definitions apply:

''Consultant" - An external person or organization that provides a service to the municipality in those areas, where the municipality either lacks the required specialized skills or Capacity.

"Lack of skills and capacity" –

- Insufficient physical resources within the Municipality;
- Relevant knowledge, expertise and, - experience that may not exist within the municipality

3. OBJECTIVE

To set clear guidelines in the appointment of consultants and to ensure that consultants are paid within a regulated environment that is fair and equitable, thereby maximizing the value added to the municipality.

4. SCOPE OF APPLICATION

This Policy is applicable to the appointment of all consultants by the Municipality

5. LEGISLATIVE FRAMEWORK

The municipality's operations are governed by an array of different acts and this policy should be understood within that context.

The following Acts and prescripts are central in defining the municipality's boundaries and areas of influence:

- Local Government: Municipal Structures Act, 1998 (Act of 117 of 1998)
- Local Government: Municipal Systems Act, 2000 (Act 32 of 2000)
- Local Government: Municipal Finance Management Act, 2003 (Act 53 of 2003)
- The Municipal Cost Containment Regulations, 2019, here after referred to as the Regulations.

6. CONSULTANTS

6.1 APPOINTMENT OF CONSULTANTS

a) The appointment of consultants shall adhere to regulation 5 of the Regulations.

b) Managers may recommend the appointment of consultants to render specific services if the Municipality lacks the required skills or necessary capacity and those funds are available within their existing budgets.

c) The relevant Manager will be responsible to prepare a needs analysis on the required form, specifications and, a term of reference and submit it together with the request to appoint a consultant to the Municipal Specification Committee.

d) The municipality will only contract with consultants if the needs analysis report drafted by the relevant department confirms that the municipality does not have the requisite skills or resources in its permanent employment to perform the services required.

e) All appointments of consultants in the municipality shall be in writing recommended by the Municipal Bid Adjudication Committee and approved by the Accounting Officer.

f) The Municipality will undertake all engagements of consultants in accordance with the SCM Regulations and the municipality's SCM Policy.

6.1.1 PRIMARY REASONS FOR APPOINTMENT OF CONSULTANTS

Consultants are engaged principally for the following reasons:

a) To provide specialized services for limited periods without any obligation of permanent employment;
b) To benefit from superior knowledge, transfer of skills, where applicable, and upgrading of a knowledge base while executing an assignment;
c) To provide independent advice on the most suitable approaches, methodologies and, solutions of projects.

6.1.2 MINIMUM REQUIREMENTS WHEN APPOINTING CONSULTANTS

When appointing consultants, it is necessary to strive to satisfy the following minimum requirements:

a) Meeting the highest standards of quality and efficiency;
b) Obtaining advice that is unbiased that is, being delivered by a consultant acting independently from an affiliation, economic or otherwise, which may cause conflict between the consultant's interests and those of government;
c) Ensuring that the advice proposed or assignments executed, are meeting the ethical principles of the consultancy professions.

6.1.3 SELECTION METHOD(S) FOR THE APPOINTMENT OF CONSULTANTS

The following are methods most generally used for the appointment of consultants:

a) Quality and cost-based selection
b) Quality based selection
c) Selection under a fixed budget
d) Least cost selection
e) Single source selection

6.1.4 EMPLOYMENT CONTRACT OR AGREEMENT

a) All appointments shall be by means of a written contract or agreement, between the Municipality and the consultant concerned;

b) The Accounting Officer shall sign as the duly appointed representative of the Municipality;

c) The Accounting Officer may approve the extension of employment contracts or agreements provided that:

i. Sufficient funds are available;
ii. The extension is required as a result of additional operational requirements;
iii. The original terms of reference have not been deviated from;
iv. Delivery has been satisfactory and in accordance with the terms of reference; and
v. There must be skills transfer.

d) The Accounting Officer should ensure that contracts for consultants include retention and penalty clauses for poor performance and in this regard against the above specification, the accounting officer must invoke such clauses, where deemed necessary.

e) The Accounting officer must appoint consultants on a time and cost basis with specific start and end dates. These dates must be clearly stated in the contract or agreement.

f) Where practical, the appointment of consultant will be on a specific output specified basis, subject to specific measurable objectives and associated remuneration;

g) The Manager Supply Chain will ensure that contracts with consultants shall include overall cost ceilings by specifying whether the contract price is inclusive or exclusive of travel and subsistence disbursements.

h) The Supply Chain Manager will ensure that the tender documentation for the appointment of consultants contains a clause that the remuneration rates are subject to negotiation, not exceeding the rates mentioned in paragraph 6.2 below.

i) The Manager Supply Chain will ensure that all contracts with consultants include a clause specifying whether or not the transfer of skills will be part of the contract and where applicable, specify the nature and details thereof

6.1.5 TERMS AND CONDITIONS

Written contracts or agreements shall, as a minimum, contain the following:

a) Defined deliverables and quantifiable minimum service levels;
b) The mechanisms allowing for the frequent monitoring of progress in terms of the agreed objectives;
c) The period of employment;
d) The terms and conditions in terms of a specific regulation, code or collective agreement or tender;
e) The notice period required by either side to terminate the contract;
f) The rates agreed upon;
g) Overall cost ceilings as per paragraph 6.1.4 (g)
h) Transfer of skills where applicable, as per paragraph 6.1.4 (i);
i)
j) The frequency of payment;
k) The method of payment; and

Dispute resolution mechanisms, inclusive of steps to be taken if service delivery is not satisfactory

.6.1.6 PERFORMANCE MANAGEMENT

The performance of the consultant under the agreement must be monitored by the end user department on monthly basis: The end user must complete the performance evaluation of the consultant in the prescribed format and submit the completed form to the Supply Chain Management (SCM) Unit for monitoring and recordkeeping purposes.

Any instances of non-performance must be duly reported, and a record of non-performing consultants should be kept by the SCM Unit.

6.2 PAYMENT OF CONSULTANTS

The Municipal Manager will adopt a fair and reasonable remuneration framework for consultants in terms of regulation 5 (2) of the Regulations taking into account the rates:

a) determined in the ''Guideline on the fees for audits undertaken on behalf of the Auditor General of South Africa''; issued by the South African Institute of Chartered Accountants (SAICA);
b) set out in the ''Guide on Hourly Fee Rates for Consultants" issued by the Department of Public Service and Administration; or
c) as prescribed buy the body of regulating the profession of the consultant.

Furthermore, in terms of regulation 5 (4) of the Regulation, the Accounting Officer will negotiate cost-effective consultancy rates for international consultants, taking into account the relevant international and market-determined rates.

i. The travel and subsistence costs of consultants must be in accordance with the national travel policy issued by the National Department of Transport, as updated from time to time. (Regulation 5 (8).)

6.3 REVIEW AND APPROVAL

This policy will be reviewed as and when required.

ASSET MANAGEMENT POLICY

Approval by Council xxx

Implementation Date 1 July 2026

I N D E X

1. INTRODUCTION 2
2. OBJECTIVE 2
3. STATUTARY FRAMEWORK 3
4. ACCOUNTING STANDARDS 3
5. DEFINITIONS 3
6. BACKGROUND 9
7. DELEGATION OF POWERS 10
8. RESPONSIBILITY 10
9. FINANCIAL MANAGEMENT 12
10. INTERNAL CONTROLS 15
11. PHYSICAL CONTROLS AND MANAGEMENT 17
12. CLASSIFICATION, AGGREGATIONS & COMPONENTS 18
13. ACCOUNTING TREATMENT OF ASSETS 19
14. MAINTENANCE 29
15. SAFEKEEPING OF ASSETS 29
16. LOSS, DAMAGE AND DESTRUCTION OF ASSETS 29
17. SHORT TITLE 30
18. REVIEW PROCESSES 30
19. IMPLEMENTATION 30
APPENDIX A 31

1. INTRODUCTION

This Policy for the management of assets has been designed to assist management and officials of the Swellendam Municipality with the description of management procedures for Property, Plant and Equipment, Investment Property, Heritage Assets and Intangible Assets. It also should assist with the capacity to differentiate between activities, which are acceptable in terms of general authorization, supervisory responsibilities and limits of authority to the management of assets and functions of the organisation.

This Policy will provide certainty with respect to the handling of asset management procedures undertaken within the organization and will ensure that management and employees understand their respective responsibilities and duties.

For the purpose of this policy, assets exclude inventory and monetary assets such as debtors.

This Policy replaces all asset management procedures/instructions and memoranda that have been previously issued.

Non-compliance with this policy will result in the following of disciplinary procedures in terms of the Human Resource policy and procedures of the Municipality.

2. OBJECTIVE

The objective of this policy is to ensure that assets of the Municipality are properly managed and accounted for by: -

- The accurate recording of essential asset information;
- The accurate recording of asset movements;
- Exercising strict physical controls over all assets;
- Treating the assets correctly in the Municipality's financial statements;
- Providing accurate and meaningful management information;
- Compliance with the Council's accounting policies and Generally Recognised Accounting Practices;
- Adequate insuring of assets;
- Sufficient maintenance of Council's assets;
- Ensuring that managers are aware of their responsibilities with regard to the assets; and
- Setting out the standards of management, recording and internal controls so as to safeguard the assets against inappropriate utilisation or loss.

3. STATUTARY FRAMEWORK

The statutory framework of this policy is:

- The Constitution of the Republic of South Africa; 1996;
- Local Government: Municipal Systems Act; 2000;
- Local Government: Municipal Finance Management Act; 2003;
- Municipal Asset Transfer Regulation No. 878 of 2008;
- Generally Recognised Accounting Practice (GRAP); and
- Interpretations of the standards of GRAP issued by the Accounting Standards Board (IGRAP 1-17);
- Supply Chain Management Regulations No. 868 of 2005;

4. ACCOUNTING STANDARDS

This document constitutes a policy statement and shall not take precedence over the standards specified by the Accounting Standards Board. The relevant accounting standards include:

- GRAP 1 - Presentation of Financial Statements;
- GRAP 13 - Leases;
- GRAP 16 - Investment Property;
- GRAP 17 - Property, Plant and Equipment;
- GRAP 21 – Impairment of Non-Cash Generating Assets;
- GRAP 26 - Impairment of Cash Generating Assets;
- GRAP 27 - Agriculture
- GRAP 31 - Intangible Assets;
- GRAP 100 - Discontinued Operations; and
- GRAP 103 – Heritage Assets.

Other relevant accounting standards:

- GRAP 12 - Inventory; and
- GRAP 11 – Construction Contracts.

5. DEFINITIONS

An attempt has been made to use definitions in terms of legislation, accounting standards and other guidance on asset management. Should any uncertainty occur regarding a certain definition, the definition must be referred to in terms of the original relevant legislation or accounting standard.

"Accounting officer" means the Municipal Manager appointed in terms of Section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) and in charge of the administration and accounting responsibilities in terms of Section 60 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003).

"Active market" is a market where all the following circumstances must be present:

- The assets which are traded in the market are homogenous;
- A willing buyer and willing seller normally exists at any given time; and
- Prices are available to the public.

"Agricultural activity" is the management by a municipality of the biological transformation of biological assets for sale, into agricultural produce, or into additional biological assets.

"Agricultural produce" is the harvested product of the entity's biological assets.

"*Amortisation*" is the systematic allocation of the depreciable amount of an intangible asset over its useful life.

"Assets" are resources controlled by the municipality as a result of past events and from which future economic benefit or service potential are expected to flow. However for the purpose of this policy exclude inventory and other monetary assets.

"Asset Manager" is any official to whom the responsibility has been delegated and who needs to account for the control, use, physical and financial management of the Municipality's assets, in terms of the municipality's standards, policies and procedures and relevant guidelines.

"*Asset register*" is the recording of the information on each asset which supports the effective financial and technical management of the assets and which complies with statutory requirements.

"Biological Asset" is a living animal or plant.

"Biological Transformation" comprises the processes of growth, degeneration, production and procreation that cause qualitative or quantitative changes to a biological asset.

"Capital asset" –

(a) Any immovable asset such as land, property or buildings; or
(b) Any movable asset that can be used continuously or repeatedly for more than one year in the production of supply of goods or services, for rental to others or for administration purposes, and from which future economic or social benefit can be derived, such as plant, machinery and equipment.

"*Carrying amount*" is the amount at which an asset is included in the financial statements after deducting any accumulated depreciation and accumulated impairment losses thereon from the recorded value thereof.

"Chief Financial Officer" means an officer of a municipality designated by the municipal manager to be administratively in charge of the budgetary and treasury functions.

"Class of property, plant and equipment" means a grouping of assets of a similar nature or function in a municipality's operations that is shown as a single item for the purpose of disclosure in the financial statements.

"Commercial service" means a service other than a municipal service:

(a) Provided by a private sector party or organ of state to or for a municipality or municipal entity on a commercial basis; and
(b) Purchased by a municipality or municipal entity through the supply chain management policy.

"*Community assets*" are defined as any asset that contributes to the community's well-being. Examples are parks, libraries and fire stations.

"Control of an asset" arises when the entity can use or otherwise benefit from the asset in pursuit of its objectives and can exclude or otherwise regulate the access of others to that benefit.

"Cost" is the amount of cash or cash equivalents paid or the fair value of the other consideration given to acquire an asset at the time of its acquisition or construction or where applicable, the amount attributed to that asset when

initially recognized in accordance with the specific requirements of Standards of GRAP.

"Depreciation" is the systematic allocation of the depreciable amount of an asset over its useful life.

"Depreciable amount" for the calculation of depreciation is the cost of an asset, or other amount substituted for cost in the financial statements, less its residual value.

"Disposal" in relation to capital assets, includes-

(a) The deconstruction, demolition or destruction, of the capital assets; or
(b) Any other process that leads to a loss of ownership of capital assets, excluding transfer of ownership

"Disposal Management System" means the system envisioned in regulation 40 of the Municipal Supply Chain Management Regulations, published in General Notice Nr. 868 of 2005.

"*Fair value*" is the amount for which an asset could be exchanged between knowledgeable willing parties in an arm's length transaction.

"GRAP" is Standards of Generally Recognised Accounting Practice

"Head of Department / Senior Manager" means a manager referred to in Section 56 of the Municipal Systems Act.

"Heritage assets" are defined as assets that have a cultural, environmental, historical, natural, scientific, technological or artistic significance and are held indefinitely for the benefit of present and future generations.

"Historical Cost" means the original purchase price or the cost of acquisition of capital assets at the time of acquiring the asset.

"Impairment" is a loss in the future economic benefits or service potential of an asset, over and above the systematic recognition of the loss of the asset's future economic benefits or service potential through depreciation.
"Impairment loss" of a cash-generating asset is the amount by which the carrying amount of an asset exceeds its recoverable amount.

"***Impairment loss" of a non-cash-generating asset*** is the amount by which the carrying amount of an asset exceeds its recoverable service amount.

"Improvement / Rehabilitation" is an improvement or change to an existing asset to increase its original service potential, for example useful lifetime, capacity, quality and/or functionality.

"Infrastructure assets" are defined as any asset that is part of a network of similar assets. Examples are roads, water reticulation schemes, sewage purification and trunk mains, transport terminals and car parks.

"Investment properties" are defined as property (land or a building-or part of a building-or both) held (by the owner or by lessee under a finance lease) to earn rentals or for capital appreciation or both, rather than for:

(a) use in the production and supply of goods or services or for administrative purposes; or
(b) sale in the ordinary course of business.

"Intangible assets" are identifiable non-monetary assets without physical substance.

"*Manager*" means each senior manager and each municipal official exercising financial management responsibilities.

"Municipal valuation" means the official valuation of an immovable property as reflected in the Municipality's valuation roll.

"Municipality" means the Swellendam Municipality.

"Organ of state" means:

(a) a national department of national public entity;
(b) a provincial department of provincial public entity;
(c) a municipality or municipal entity; or
(d) any other organ of state within the meaning assigned to 'organ of state' in section 239 of the Constitution.

"*Other assets*" are defined as assets utilized in normal operations. Examples are plant, equipment, motor vehicles and furniture and fittings.

"*Property, plant and equipment" (PPE)* means tangible assets that:

(a) are held by a municipality for use in the production or supply of goods or services, for rental to others, or for administrative purposes, and

(b) are expected to have a useful life extending for more than one financial year.

"Net Realisable Value" means estimated selling price in the ordinary course of operations less the estimated costs of completion and the estimated costs necessary to make the sale, exchange or distribution ***"Recoverable amount"*** is the higher of a cash-generating asset's net selling price and its value in use.

"Recoverable service amount" is the higher of a non-cash-generating asset's fair value minus the cost to sell and its value in use.

"Remaining useful life" *of a depreciable PPE asset is the time remaining until an asset ceases to provide required standard of performance or economic usefulness.*

"Residual value" of an asset is the estimated amount that an entity would currently obtain from disposal of the asset, after deducting the estimated costs of disposal, if the asset were already of the age and condition expected at the end of its useful life.

"Right to utilise, control and manage" means the right to use, control and manage the capital asset for a period of longer than one calendar month, without giving up ownership of the asset. In other words, where the granting of such a right does not lead to the transfer or permanent disposal of the asset, for example when a right is obtained through a rental contract, rental or rental agreement.

"Service Provider" –

(a) with regards to a municipal service, means a private sector party or organ of state appointed by the municipality, in terms of Section 8 of the MSA, to perform a municipal service accordance with the Act; or
(b) with regards to a commercial service, means a private sector party or organ of state appointed by the municipality or municipal entity in terms of the supply chain management policy to perform a commercial service to or for the municipality as an independent contractor.

"Supply Chain Management Policy" means the supply chain management policy of the municipality or municipal entity as required in terms of Chapter 11 of the Act.

"The Act" means the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003).

"Transfer" means with regards to a capital assets or sub-assets the transfer of ownership as a result of sales and other transactions.

***"Useful life"* – is or:**

- the period of time over which an asset is expected to be used by the municipality; or
- the number of production or similar units expected to be obtained from the asset by the municipality's accounting officer.

6. BACKGROUND

The utilization and management of property, plant and equipment, investment property, heritage assets, intangible assets and agricultural assets is the prime mechanism by which the Municipality can fulfil its constitutional mandates for:-

- Delivery of sustainable services;
- Social and economic development;
- Promoting safe and healthy environments; and
- Fulfilling the basic needs to the community.

As trustees on behalf of the local community, the Municipality has a legislative and moral obligation to ensure it implements policies to safeguard the monetary value and future service provision invested in assets.

The policy for the management of assets deals with the Municipal rules required to ensure the enforcement of appropriate stewardship of assets. Stewardship has two components being the:-

- Financial administration by the Chief Financial Officer; and
- Physical administration by the relevant managers.

Statutory provisions are being implemented to protect public property against arbitrary and inappropriate management or disposals by local government.

Accounting standards have been approved by the Accounting Standards Board to ensure the appropriate financial treatment for property, plant and equipment, investment property, intangible assets, heritage assets and agricultural assets. The requirements of these accounting standards include:-

- The compilation of asset registers covering all assets controlled by the Municipality.
- Accounting treatment for the acquisition, disposal, recording and depreciation / amortisation of assets.

- The standards to which financial records must be maintained to comply with the accounting standards.

7. DELEGATION OF POWERS

This policy should be applied with due observance of the Municipality's policy with regard to delegated powers. Such delegations refer to delegations between the Municipal Manager and other responsible officials as well as between the Council and the Executive Mayor and the Council and the Municipal Manager. All delegations in terms of this policy must be recorded in writing.

In accordance with the Local Government: Municipal Finance Management Act (Act 56 of 2003) (MFMA), the Municipal Manager is the accounting officer of the Municipality and therefore all designated officials are accountable to him/her. The Municipal Manager is therefore accountable for all transactions entered into by his/her designates.

The overall responsibility of asset management lies with the Municipal Manager. However, the day to day handling of assets should be the responsibility of all officials in terms of delegated authority reduced in writing.

8. RESPONSIBILITY

Municipal Manager

The Municipal Manager is responsible for the management of the assets of the Municipality, including the safeguarding and the maintenance of those assets. He/she must ensure that:-

- The Municipality has and maintains a management, accounting and information system that accounts for the assets of the Municipality.
- The Municipality's assets are valued in accordance with standards of Generally Recognized Accounting Practice (GRAP).
- The Municipality has and maintains a system of internal control of assets, including an asset register.
- Senior managers and other officials comply with this policy.

Chief Financial Officer

The Chief Financial Officer is responsible to the Municipal Manager to ensure that the Municipality's assets are safeguarded and maintained. He/she may delegate or otherwise assign responsibility for performing these functions to others but he/she will remain accountable for ensuring that these activities are performed. He/she must ensure that:-

- Appropriate systems of financial management and internal control are established and carried out diligently.
- The financial and other resources of the Municipality assigned to him/her are utilized effectively, efficiently, economically and transparently.
- Any unauthorized, irregular or fruitless or wasteful expenditure, and losses resulting from criminal or negligent conduct, are prevented.
- The systems, processes and registers required to substantiate the financial values of the Municipality's assets are maintained to standards sufficient to satisfy the requirements of effective management.
- Financial processes are established and maintained to ensure the Municipality's financial resources are optimally utilized through appropriate asset plan, budgeting, purchasing, maintenance and disposal decisions.
- The Municipal Manager is appropriately advised on the exercise of powers and duties pertaining to the financial administration of assets.
- The senior managers are appropriately advised on the exercise of their powers and duties pertaining to the financial administration of assets.

Senior Manager

The Senior Managers must ensure that:

- Appropriate systems of physical management and control are established and carried out for assets in their area of responsibility.
- The Municipal resources assigned to them are utilized effectively, efficiently, economically and transparently.
- The assets under their control must be properly safeguarded and maintained to the required level and that risk management systems must exist and be maintained.
- Any unauthorized, irregular or fruitless or wasteful utilization and losses resulting from criminal or negligent conduct are prevented.
- Their management systems and controls can provide an accurate, reliable and up to date account of assets under their control.

- They are able to justify that their plans, budgets, purchasing, maintenance and disposal decisions for assets optimally achieve the Municipality's strategic objectives.
- The purchase of assets complies with all municipal policies and procedures.
- All moveable property, plant and equipment is duly processed and identified and inspected as being in order before it is received into their stewardship.
- All moveable assets received into their stewardship are appropriately safeguarded against inappropriate use or loss. This will include control over the physical access to these assets and regular stock takes to ensure that no losses have occurred. Any known losses should be immediately reported to the Chief Financial Officer.
- Assets are appropriately utilized for the purpose for which the municipality acquired them.

The senior managers may delegate or otherwise assign responsibility for performing these functions to others but they will remain accountable for ensuring that these activities are performed.

9. FINANCIAL MANAGEMENT

The Chief Financial Officer is accountable to ensure the Manager receives all reasonable assistance, guidance and explanation to enable them to achieve their planning requirements.

Approval to Acquire Property Plant and equipment

Expenditure can only be incurred on a capital project if:

- The funds have been appropriated in the capital budget,
- The project, including the total cost and funding sources, has been approved by Council,
- The Chief Financial Officer confirms that funding is available for that specific project,
- Any contract that will impose financial obligations beyond two years after the budget year is appropriately disclosed; and
- It complies with the supply chain management policy.

Approval for the acquisition of assets will occur in terms of the Municipality's delegations and powers and payment for such assets shall be made in terms of the Municipality's financial policies and regulations.

Funding of capital projects

Within the municipality's on-going financial, legislative and administrative capacity, the Chief Financial Officer will establish and maintain the funding strategies that optimise the municipality's ability to achieve its strategic objectives as stated in the integrated development plan. The acquisition of assets will not be funded over a period longer than the useful life of that asset.

Funding source types can include the following:

- External loans;
- Government grants;
- Public contributions and donations;
- Finance leases; and
- Surplus cash.

Disposal of Assets

In terms of Section 14 of the MFMA the municipality may not transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of an asset needed to provide the minimum level of basic municipal services, unless such asset is obsolete or surplus to requirements or beyond a state of good repair or being replaced and provided that the delivery of the minimum level of basic municipal services is not compromised as a result of the disposal of the asset.

The municipality may transfer ownership or otherwise dispose of an asset other than one contemplated, but only after the Council, in a meeting open to the public:

- Has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services, and
- Has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.

The decision by the Municipal Council that a specific asset is not needed to provide the minimum level of basic municipal services, may not be reversed by the municipality after that asset had been sold, transferred or otherwise disposed of.

The disposal of an item of property, plant or equipment must be fair, equitable, transparent, competitive and cost effective and comply with a prescribed regulatory framework for municipal supply chain management and the Supply Chain Management Policy of the municipality and the Asset Transfer Regulations.

The transfer of assets to another municipality, municipal entity, national or provincial organ of state in circumstances and in respect of categories of asset approved by the National Treasury, provided that such transfers are in accordance with a prescribed framework, are excluded from these provisions.

Every departmental head shall report to the Chief Financial Officer on 30 April of each financial year on any fixed assets which she/he wishes to have written off, stating in full the reason for such recommendation. The Chief Financial Officer shall consolidate all such reports, and shall promptly submit a recommendation to the Council on the fixed assets to be written off.

The Chief Financial Officer shall thereafter consolidate the requests received from the various departments, and shall promptly report such consolidated information to the Council or the Municipal Manager of the municipality, as the case may be, recommending the process of alienation to be adopted.

Once assets are alienated, the Chief Financial Officer shall in terms of GRAP adjust the asset register for the current year and shall, for the ensuing year, delete the asset from the accounting records and the asset register.

If the proceeds of the alienation are less than the carrying value recorded in the fixed asset register, such difference shall be recognised as a loss in the Statement of Financial Performance of the department or vote concerned.

If the proceeds of the alienation, on the other hand, are more than the carrying value of the fixed asset concerned, the difference shall be recognised as a gain in the Statement of Financial Performance of the department or vote concerned.

All assets earmarked for write-off must be sold by either way of:

- Written price quotations;
- A competitive bidding process;
- Auction; or
- At market related prices.

Loss, theft, destruction or impairment of assets

Every Senior Manager shall ensure that any incident of loss, theft, destruction, or material impairment of any asset controlled or used by the department in question is promptly reported in writing to the Chief Financial Officer and in cases of suspected theft or malicious damage, also to the South African Police Services.

10. INTERNAL CONTROLS

Asset Register

The Chief Financial Officer will establish and maintain the Register containing key financial data on each item of Property, Plant or Equipment, Investment Property, Intangible Assets and Heritage Assets that satisfies the criterion for recognition.

The asset register shall be maintained in the format determined by the Chief Financial Officer, which format shall comply with the requirements of GRAP and any other accounting requirements which may be prescribed.

The details in the asset register must, as far as possible, include:

- A unique identification number;
- GIS identification number in the case of infrastructure;
- A short but meaningful description of each asset;
- Date of acquisition of the date that the asset was ready for use;
- Location of the asset;
- The responsible manager and department(s) or vote(s) within which the asset will be used;
- The title deed number, in the case of fixed property;
- The erf number, in the case of fixed property;
- The measurement basis of the asset (Cost or Fair Value);
- The original useful life of the asset;
- The revised useful life of the asset;
- The residual value of the asset;
- The revised residual value of the asset;
- The historical cost or revalued amount or fair value, where no cost is available;
- The accumulated depreciation to date;
- Depreciation charged for the current financial year;
- The carrying value of the asset;
- Impairment losses incurred during the financial year (and the reversal of such losses, where applicable);
- Increases or decreases resulting from revaluations (if relevant);

- Source of finance;
- Condition of the asset;
- Date and value of disposal;
- Selling price.

All Senior managers under whose control any asset falls shall promptly provide the Chief Financial Officer in writing with any information required to compile the asset register, and shall promptly advise the Chief Financial Officer in writing of any material change which may occur in respect of such information.

Identification of fixed assets

The Municipal Manager shall ensure that the Municipality maintains a fixed asset identification system.

The identification system shall –

- be determined by the Municipal Manager, in consultation with the Chief Financial Officer and departmental heads;
- comply with any legal prescriptions;
- take into account any recommendations of the Auditor-General as indicated in the Municipality's audit report(s); and
- be decided upon within the context of the Municipality's available budgetary and human resources.

Every departmental head shall ensure that the asset identification system approved for the Municipality is scrupulously applied in respect of all fixed assets controlled or used by the department in question.

An asset shall be recorded in the assets register. If the asset is constructed over a period of time, it shall be recorded as work-in-progress until it is available for use, where after it shall be appropriately capitalised as a fixed asset. The fact that an asset has been fully depreciated shall not in itself be a reason for deleting it from the register.

Controls relating to the asset register should be sufficient to provide Senior Managers with an accurate, reliable and up-to-date account of assets under their control, in line with the standards specified by the Chief Financial Officer and as required by relevant legislative and other requirements.

These controls must include:

- Details of the physical management;

- The recording of all acquisitions, assignments, transfers, losses and disposals of assets;
- Regular stock-takes; and
- Systems audits to confirm the accuracy of the records.

The Chief Financial Officer must establish a system to ensure that each moveable asset bears a unique identification number/ barcode which shall be recorded in the asset register.

Senior managers must ensure that the asset identification system approved for use by the municipality is scrupulously applied to all assets controlled or used by the department in question.

11. PHYSICAL CONTROLS AND MANAGEMENT

Responsibilities of the Asset Control Section

The BTO section will undertake an annual stock take of assets as part of the annual reporting process.

The date of acquisition

- The date of acquisition of assets is deemed to be the time when legal title and control passes to the municipality.

- This may vary for different categories of assets but will usually be the point of time when an asset is brought into use or when final payment for that item is approved.

Verification of Assets

Every Senior manager, assisted by BTO shall at least annually undertake a complete physical verification of all assets under his control.

The results of such verification shall be reported to the Chief Financial Officer in the format as required by the Chief Financial Officer.

The annual verification should be conducted with the verification report reaching the Chief Financial Officer by not later than 31 August.

Insurance of assets

The Municipal Manager shall ensure that all movable assets should at least be covered against fire and theft and municipal buildings and infrastructure assets should as far as possible be covered against fire and allied perils.

The Municipal Manager shall, taking into account the budgetary resources of the Municipality, recommend to the Council, after consulting with the Chief Financial Officer, the basis of the insurance to be applied to each type of fixed asset, which shall be –

- The carrying value; or
- The replacement value.

12. CLASSIFICATION, AGGREGATIONS & COMPONENTS

Classification of assets

Any asset recognized as an asset under this policy will be classified according to nationally recognized categories.

These categories have been specified by the Accounting Standards Board.

All assets should be classified under the following headings in the Asset Register:

12.1 Property, plant and equipment

- Infrastructure assets (assets which are part of a network of similar assets);
- Community assets (resources contributing to the general well-being of the community);
- Computer equipment;
- Furniture and Office Equipment;
- Machinery and Equipment;
- Transport Assets ;
- Information and communication infrastructure; and
- Other assets (which include land and buildings and ordinary operational resources).

12.2 Investment property

12.3 Intangible assets

12.4 Heritage assets

12.5 Capital finance lease assets

13. ACCOUNTING TREATMENT OF ASSETS

Recognition of Assets

An item of property, plant or equipment will be recognized as an asset when:

- It is probable that future economic benefits or potential service delivery associated with the asset will flow to the municipality;
- The cost of the asset to the municipality can be measured reliably;
- The municipality has control over the asset; and
- The asset is expected to be used during more than one financial year.

Initial Measurement

An item of property, plant or equipment that qualifies for recognition as an asset should be initially measured at its "cost of acquisition".

The "cost of acquisition" usually includes the following:
- Cost price;
- Delivery costs;
- Installation costs;
- Professional fees for architects and engineers;
- Site development costs;
- Contractor fees;
- Import duties;
- Non-refundable taxes (Ex VAT on passenger vehicles).

PPE, intangible assets, heritage assets and investment property that qualify for recognition shall be capitalised at cost. Interest on deferred payments will be expensed. Biological assets that qualify for recognition shall be capitalised at fair value less cost to sell.

Donations or exchanges

Where an item of property plant or equipment is acquired at no cost, or for a nominal cost, it will be initially measured at its fair value as at the date of acquisition and included in the asset register.

Carrying amount of assets

Subsequent to initial recognition as an asset, an item of property, plant or equipment should be carried at its cost of acquisition less any accumulated depreciation and accumulated impairments.

The only exceptions to this rule shall be investment assets as well as heritage assets.

Measurement after recognition

Measurement after recognition shall be on the following basis:

- PPE: cost model;
- Heritage assets: cost model;
- Investment property: cost model; and
- Intangible assets: cost model.

Depreciation

All assets, except land, assets under construction and heritage assets, shall be depreciated – or in the case of intangible assets, amortised. All intangible assets, other than intangibles with an indefinite useful life, shall be amortised over their remaining useful lives.

Depreciation and amortisation are defined as the monetary quantification by which PPE and Intangible Assets are used in the provision of economic benefits or service delivery.

The depreciable amount of an item of property, plant or equipment should be allocated on a systematic basis over its useful life.

The depreciable amount of an asset is determined after deducting the residual value of the asset. In practice, the residual value of an asset is often insignificant and, therefore, is immaterial in the calculation of the depreciable amount.

When the benchmark treatment is adopted and the residual value is likely to be significant, the residual value is estimated at the date of acquisition. The estimate is based on the residual value prevailing at the date of the estimate for similar property assets that have reached the end of their useful lives and have operated under conditions similar to those under which the property asset will be used.

The depreciation charge for each period will be recognized as an expense against the budget of the relevant Manager.

The depreciation method used shall reflect the pattern in which the assets' future economic benefits or service potential are expected to erode the value of the asset.

A variety of depreciation methods can be used to allocate the depreciable amount of an asset on a systematic basis over its useful life. These methods include

- the straight-line method;
- the diminishing balance method; and
- the units of production method.

Straight-line depreciation results in a constant charge over the useful life if the asset's residual value does not change.

The diminishing balance method results in a decreasing charge over the useful life.
The units of production method results in a charge based on the expected use or output.

The method of depreciation / amortisation is applied consistently from period to period unless there is a change in the expected pattern of consumption of those future economic benefits or service potential.

The preferred depreciation method will be the straight-line method unless otherwise agreed to in writing by the Chief Financial Officer.

Depreciation shall initially be calculated from the day the asset is available for use.

Each Senior manager, acting in consultation with the Chief Financial Officer, shall ensure that reasonable budgetary provision is made annually for the depreciation of all applicable assets controlled or used by the department in question or expected to be so controlled or used during the ensuing financial year.

Initial determination of useful life

Each Manager needs to determine the useful life of a particular item or class of asset through the development of a strategic asset management plan. The determination of useful life should be developed as part of any pre-acquisition planning that would consider, inter alia, the following factors:

- The program that will optimize the expected long term costs of owning that asset;
- Economic obsolescence because it is too expensive to maintain;
- Functional obsolescence because it no longer meets the municipality's needs,
- Technological obsolescence;
- Social obsolescence due to changing demographics; and
- Legal obsolescence due to statutory constraints.

A schedule of useful lives is included as an annexure. These should be used as a guide only because asset lives experienced may greatly vary from those recommended lives.

In the case of an item of PPE or Intangible Asset which is not listed in this annexure, the relevant head of department in consultation with the Chief Financial Officer Chief Financial Officer shall determine a useful operating life and shall be guided in determining such useful life by the likely pattern in which the item's economic benefits or service potential will be consumed.

Spares purchased specifically for a particular asset or class of assets at the time of the initial acquisition and which would become redundant if that asset or class was retired or use of that asset or class was discontinued, must be considered to form part of the historical cost of that asset or class. The depreciable amount of such spares must be allocated over the useful life of the asset or class.

Review of useful life and residual value

Only the Chief Financial Officer in consultation with the responsible Manager may amend the useful operating life or the residual value assigned to any asset.

The Chief Financial Officer shall amend the useful operating life or the residual value assigned to any asset if it becomes known that such asset has been materially impaired or improperly maintained to such an extent that its useful operating life will not be attained, or any other event has occurred

which materially affects the pattern in which the asset's economic benefits or service potential will be consumed.

If the value of an asset item of PPE has been diminished to such an extent that it has no or a negligible further useful operating life or value such fixed asset shall be written off from the date in which such diminution in value occurs.

Similarly, if an item of PPE has been lost, stolen or damaged beyond repair, it shall be fully depreciated in the financial year in which such event occurs, and if the item has physically ceased to exist, it shall be written off in the fixed asset register.

In all of the foregoing instances, the additional depreciation expenses shall be debited to the department or vote controlling or using the item of PPE or intangible asset in question.

The useful life and the residual value of an item of property, plant or equipment must be reviewed annually and if these revised expectations are significantly different from previous estimates, then the depreciation charge for the current and future periods must be adjusted and the additional depreciation expenses shall be debited to the department or vote controlling or using the fixed asset in question.

Additional depreciation not budgeted for as a result of unforeseeable or unavoidable circumstances must be provided for in an adjustments budget and, if such circumstances arises close to the end of the financial year and there will not be time for Council to consider the adjustments before the end of the financial year, may be approved by the Mayor in terms of Section 29 of the MFMA, provided that any other provisions of the MFMA be complied with.

Review of depreciation method

The depreciation method applicable to a class of asset must be reviewed annually, and if there has been a significant change in the expected pattern of economic benefits or potential service delivery from those assets, the method must be changed to reflect the changed pattern.

When such a change in depreciation method is necessary the change must be reflected as a change in the accounting estimate and the depreciation charge for the current and future periods should be adjusted.

Subsequent expenditure on assets

Subsequent expenditure relating to an item of property, plant or equipment that has already been capitalised must be added to the carrying amount of the asset when such expenditure will increase the useful life of the asset or increase the efficiency of the asset or reduce the cost of operating the asset and resulting in financial or service delivery benefits.

All other expenditure must be recognized as an expense in the period in which it occurred.

Before allowing the capitalization of subsequent expenditure, the Chief Financial Officer must be satisfied that this expenditure will significantly:

- Increase the life of that asset beyond that stated in the asset register, or

- Increase the quality of service provided by that asset beyond the existing level of service, or
- Increase the quantity of services that asset can provide, or
- Reduce the future assessed costs of maintaining that asset.

Expenditure that is proposed to be capitalized must also conform to recognition criteria for assets and should also be appropriately included in the approved capital budget.

Impairment Losses

The carrying amount of an item or a group of identical items of Property, Plant and Equipment, Intangible Assets and Investment Property should be reviewed periodically in order to assess whether or not the recoverable amount has declined below the carrying amount.

The recoverable amount is the amount that the municipality expects to recover from the future use of the asset including its residual value on disposal. When such a decline has occurred, the carrying amount should be reduced to the recoverable amount. The amount of the reduction should be recognised as an expense immediately, unless it reverses a previous revaluation in which case it should be charged to a non-distributable reserve.

The recoverable amount of individual assets, or groups of identical assets, is determined separately and the carrying amount reduced to recoverable amount on an individual asset, or group of identical assets, basis. However, there may be circumstances when it may not be possible to assess the recoverable amount of an asset on this basis, for example when all of the

plant and equipment in a sewerage purification works is used for the same purpose. In such circumstances, the carrying amount of each of the related assets is reduced in proportion to the overall decline in recoverable amount of the smallest grouping of assets for which it is possible to make an assessment of recoverable amount.

The following may be indicators that an asset is impaired:

- The asset has been damaged;
- The asset has become technologically obsolete;
- The asset remains idle for a considerable period either prior to it being put into use or during its useful life; and
- Land is purchased at market value and is to be utilized for subsidized housing developments, where the subsidy is less than the purchase price.

The following steps will be considered when informing the CFO:

- Are in a state of damage at year end;
- Are technologically obsolete at year end;
- Have remained idle for a considerable period either prior to them being put into use at year end or during their useful life;
- Are subject to impairment losses because the subsidies to be received in exchange for assets are less than the carrying amounts. An example of this is land that is purchased at market value and is to be utilized for subsidized housing developments.
- The recoverable amounts of these assets need to be determined by calculating the net selling price per asset as defined above.
- The impairment loss per asset is the difference between the net selling price and the carrying value of the asset.

Subsequent increase in recoverable amount

A subsequent increase in the recoverable amount of an asset, previously impaired due to a decline in the carrying amount, should be written back when the circumstances and events that led to the write-down or write-off cease to exist and there is persuasive evidence that the new circumstances and events will persist for the foreseeable future.

The amount written back should be reduced by the amount that would have been recognized as depreciation had the write-down or write-off not occurred.

Accounting treatment on Disposal

An asset should be eliminated from the Asset Register on disposal or when the asset is permanently withdrawn from use and no future economic benefits or potential service delivery is expected from its existence.

Gains or losses arising from the retirement or disposal of an asset should be determined as the difference between the actual or estimated net disposal proceeds and the carrying amount of the asset, and should be recognized as revenue or expense in the financial records.

Reinstatement, maintenance and other expenses

Only expenses incurred in the enhancement of a fixed asset (in the form of improved or increased services or benefits flowing from the use of such asset) or in the material extension of the useful operating life of a fixed asset shall be capitalised.

Expenses incurred in the maintenance or reinstatement of a fixed asset shall be considered as operating expenses incurred in ensuring that the useful operating life of the asset concerned is attained, and shall not be capitalised, irrespective of the quantum of the expenses concerned.

Expenses which are reasonably ancillary to the bringing into operation of a fixed asset may be capitalised. Such expenses may include but need not be limited to import duties, forward cover costs, transportation, installation, assembly and communication costs.

The following matrix will assist in distinguishing capital expenditure from maintenance expenditure: -

CAPITAL EXPENDITURE	MAINTENANCE
• Acquiring a new asset • Replacing an existing asset • Enhancing an existing asset so that its use is expanded • Further developing an existing asset so that its original useful life is extended	• Restoring an asset so that it can continue to be used for its intended purposes • Maintaining an asset so that it can be used for the period for which it was initially intended

Assets held under leases

Finance leases are leases, which in effect transfer all risks and rewards associated with the ownership of an asset from the lessor to the lessee. Assets held under finance leases are capitalized by the municipality and reflected as such in the Asset Register. These assets shall be recognised at the lower of the fair value of the leased property or, the net present value of the minimum lease payments, each determined at the inception of the lease.. The asset is then depreciated over its expected useful life.

Operating leases are those leases which do not fall within the scope of the above definition. Operating lease rentals are expensed as they become due. Assets held under operating leases are not accounted for in the asset register.

Investment Property

Investment assets shall be accounted for in terms of GRAP 16 and shall not be classified as property, plant and equipment for purposes of preparing the municipality's financial statements.

Investment property includes property (land or a building, or part of a building, or both land and buildings held under a finance lease) held to earn rentals and/or for capital appreciation, rather than held to meet service delivery objectives, the production or supply of goods or services, or the sale of an asset in the ordinary course of operations. Property with a currently undetermined use, is also classified as investment property.

Investment assets shall be recorded in a separate section of the assets register in the same manner as other assets.

Subsequent to initial recognition, items of investment property are measured at cost less accumulated depreciation and any accumulated impairment losses. Land is not depreciated as it is deemed to have an indefinite useful life.

Depreciation is calculated on the depreciable amount, using the straight-line method over the estimated useful lives of the assets. Depreciation of an asset begins when it is available for use, i.e. when it is in the location and condition necessary for it to be capable of operating in the manner intended by management. Components of assets that are significant in relation to the whole asset and that have different useful lives are depreciated separately.

The estimated useful lives, residual values and depreciation method are reviewed at each year end, with the effect of any changes in estimate accounted for on a prospective basis.

Investment property is derecognised when it is disposed or when there are no further economic benefits expected from the use of the investment property. The gain or loss arising on the disposal or retirement of an item of investment property is determined as the difference between the sales proceeds and the carrying value and is recognised in the Statement of Financial Performance.

Assets treated as inventory

Any land or buildings owned or acquired by the municipality with the intention of reselling such property in the ordinary course of business, or any land or buildings owned or acquired by the municipality with the intention of developing such property for the purpose of reselling it in the ordinary course of business, shall be accounted for as inventory, and not included in either property, plant and equipment or investment property in the municipality's financial statements.

Such inventories must be recorded in a separate section of the assets register in the same manner as assets.

Heritage Assets

Heritage assets shall be accounted for in terms of GRAP 103 and shall not be classified separately for purposes of preparing the municipality's financial statements.

Heritage assets shall be recorded in a separate section of the assets register in the same manner as other assets.

Heritage assets shall not be depreciated.

If no original costs or fair values are available in the case of one or more or all heritage assets, the Chief Financial Officer may, if it is believed that the determination of a fair value for the assets in question will be a laborious or expensive undertaking, record such asset or assets in the asset register without an indication of the costs or fair value concerned.

For financial statements purposes, the existence of such heritage assets shall be disclosed by means of an appropriate note.

14. MAINTENANCE

Maintenance Plans

Every Senior Manager shall ensure that a maintenance plan in respect of new infrastructure assets with a value of R500 000 or more is prepared as part of the annual budget preparation process.

If so directed by the Municipal Manager, the maintenance plan shall be submitted to the Council prior to any approval being granted for the acquisition or construction of the infrastructure asset concerned.

The Senior Manager controlling or using the infrastructure asset in question, shall annually report to Municipal Manager, of the extent to which the relevant maintenance plan has been complied with, and of the likely effect which any non-compliance may have on the useful operating life of the asset concerned.

General maintenance of Assets

Every Head of Department shall be directly responsible for ensuring that all assets are properly maintained and in a manner which will ensure that such assets attain their maximum useful operating lives

15. SAFEKEEPING OF ASSETS

Every departmental head shall be directly responsible for the physical safekeeping of any fixed asset controlled or used by her/his department. In discharging this responsibility, every departmental head shall adhere to any written directives issued by the Municipal Manager to the department in question, or generally to all departments, in regard to the control of or safekeeping of the Municipality's fixed assets

16. LOSS, DAMAGE AND DESTRUCTION OF ASSETS

Every departmental head shall ensure that any incident of loss, suspected theft, destruction or material impairment of any fixed asset controlled or used by her/his department is promptly reported in writing to the Municipal

Manager, the Chief Financial Officer, the Internal Auditor and in cases of suspected theft or malicious damage also to the South African Police Service.

The Municipal Manager may, upon receipt of a report in terms of paragraph 29.1, appoint a person, which may be an official of the Municipality or another person –

- to investigate the circumstances of the loss, suspected theft, destruction or impairment of the asset concerned;
- to form and express an opinion with regard to the matter; and
- to submit a written report and recommendations to her/him with regard to the matter, within a period determined by the Municipal Manager.

The Municipal Manager shall take such action as she/he may deem appropriate, which may include disciplinary action, upon receipt of a report in terms of the paragraph above.

17. SHORT TITLE

This policy will be named the Asset Management Policy of the **Swellendam Municipality**.

18. REVIEW PROCESSES

The Asset Management Policy must be reviewed on an annual basis to ensure that it complies with the strategic objectives of the Municipality, as stipulated in the Integrated Development Plan and other applicable legislation.

19. IMPLEMENTATION

This Policy will be implemented annually on the 1 July of each year.

APPENDIX A

SCHEDULE OF EXPECTED USEFUL LIVES OF ASSETS

Intangible assets	Software	5 - 10
Investment property	Land	0
Investment property	Buildingns	100
Property Plant and Equipment		
Infrastructure assets	Electrical Infrastructure -In-use -LV Networks	30 - 60
Infrastructure assets	Electrical Infrastructure -In-use -MV Networks	45 - 61
Infrastructure assets	Electrical Infrastructure -In-use -MV Substations -Cost	20 - 60
Infrastructure assets	Roads Infrastructure	15 - 80
Infrastructure assets	Sanitation Infrastructure	12 - 100
Infrastructure assets	Solid Waste Infrastructure	15 - 52
Infrastructure assets	Storm water Infrastructure	25 - 100
Infrastructure assets	Water Supply Infrastructure -Dams and Weirs	30 - 100
Infrastructure assets	Water Supply Infrastructure -Distribution	0 - 100
Infrastructure assets	Supply Infrastructure -Pump Stations	12 - 80
Infrastructure assets	Water Supply Infrastructure -Reservoirs	15 - 80
Infrastructure assets	Water Supply Infrastructure -Water Treatment Works (WTV	8 - 80
Infrastructure assets	Water Supply Infrastructure - Bulk Mains	60 - 80
Leased Assets	Furniture and office equipement	3 - 8
Community Assets		0 - 100
Libraries		0 - 100
Other Assets		0 - 100
Computer Equipment		3 - 26
Furniture and Office Equipment		4 - 35
Information and Communication Infrastructure		17 - 24
Machinery and Equipment		2 - 30
Transport Assets		9 - 40

BAD DEBT WRITE OFF POLICY

Approved by Council on xxx

Implementation Date 1 July 2026

TABLE OF CONTENT

1. DEFINITIONS 2
3. STEPS TO BE TAKEN BEFORE WRITING OFF DEBT 3
4. WRITE OFF DEBTS OWING TO THE MUNICIPALITY 5
5. DELEGATED AUTHORITY 9
6. CREDIT BUREAU LISTING 10
7. BAD DEBTS RECOVERED 10
8. SHORT TITLE 10

1. DEFINITIONS

1.1 For this policy the following definitions are applicable:

"Accounting Officer" means the Municipal Manager appointed;

"Act" means the Prescription Act, 1969 (Act No. 68 of 1969);

"Council" means the council of the Swellendam Municipality;

"Debt" means an amount owing to the Swellendam Municipality;

"Debtor" means a person who owes the Municipality money for services rendered;

"First time" means from the 2013 / 2014 financial year and onwards;

''Municipality" means the Swellendam Municipality;

"POPIA" means Protection of Personal Information Act Implementation Plan.

2. PURPOSE OF POLICY

2.1 Section 96 of the Local Government: Municipal Systems Act, 32 0f 2000, provides that a municipality must collect all money that is due and payable to it, subject to the provisions of that Act and other applicable legislation.

2.2 It is recognized, however, that circumstances may arise which make the recovery of certain debts impossible, impractical, or financially unfeasible and that such debts may have to be written off.

2.3 The purpose of this policy is to provide a framework for:

(a) limiting the circumstances contemplated in 2.2;

(b) determining, when such circumstances have arisen, whether to write off any debts; and

(c) the procedures for writing off such debts.

3. STEPS TO BE TAKEN BEFORE WRITING OFF DEBT

Before consideration is given for the write-off of any debt the following steps should be taken:

3.1 CREDIT CONTROL AND DEBT COLLECTION POLICY ACTIONS

All the applicable actions as contained in the Credit Control and Debt Collection Policy of the Municipality should have been executed and implemented.

3.2 ESTATE NOTICES MONITORING

Estate notices in the Government Gazette must be checked regularly (on a two-monthly basis) to enable the municipality to institute claims against insolvent and deceased estates of persons owing money to the Municipality.

3.3 TRACING OF DEBTORS

The tracing of debtors will be subject to POPIA if the debtor's address is not known. All reasonable steps must be taken to trace the debtor. The tracing of debtors will be done subject to a reasonable effort to trace the debtor which will include, but is not limited to, the following:

(a) Utilising all the information available (such as vehicle registration number, school attended by children, etc.) to locate the debtor;

(b) Utilising the telephone directory for the last town or city in which the debtor lived to locate the debtor and/or his/her relatives; and

(c) Contacting the following institutions or persons to locate the debtor:

- The Vehicle Registration Authorities;
- The Department of Home Affairs; and
- Officials and/or colleagues at the debtor's last place of employment.

The Accounting Officer shall consider all other economically viable avenues for debt recovery, including the use of tracing agents, factoring of debts, recourse against sureties, guarantors or lessees, etc.

3.4 PREVENTION OF PRESCRIPTION OF DEBT

Prevention

Proceedings out of the appropriate court having for the recovery of debt must be commenced as soon as is appropriate to prevent prescription of the debt. A summons process for payment of the debt must be successfully concluded as soon as possible to prevent the prescription of the debt in terms of the Prescription Act.

Prescription Act, 1969 (Act No. 68 of 1969)

Section 10 (1) of the Prescription Act provides that a debt shall be extinguished by prescription after the lapse of the period which in terms of the relevant law applies in respect of the prescription of such debt. The Municipality cannot legally enforce payment of a debt once the debt has prescribed, but the period of prescription is interrupted: -

(a) By the service on the debtor of any process whereby the creditor claims payment of the debt (Section 15 of the act). "Process" means a Summons or Notice of Motion, which must actually be served on the debtor and not simply issued by the court, and does NOT include a registered letter of demand;

(b) the debtor acknowledges liability, whether expressly or tacitly (Section 14); payment of a portion of the debt can constitute a tacit acknowledgment of liability.

The completion of the prescription may also be delayed in certain circumstances (Section 13 of the act).

In terms of Section 11 of the Prescription Act, 1969 (Act 68 of 1969), the periods of prescription of debts are as follows:

(a) Thirty years in respect of -
(b) any debt secured by a mortgage bond;
(c) any judgment debt;
(d) any debt in respect of any taxation imposed or levied by or under any law; and

(e) any debt owed to the State in respect of any share of the profits, royalties or any similar consideration payable in respect of the right to mine minerals or other substances;

(f) Fifteen years in respect of any debt owed to the State and arising out of an advance or loan of money or a sale or lease of land by the State to the debtor unless a longer period applies in respect of the debt in question in terms of paragraph (a) above;

(g) Six years in respect of a debt arising from a bill of exchange or other negotiable instrument or a notaries contract, unless a longer period applies in respect of the debt in question in terms of paragraph (a) or (b) above;

(h) Three years in respect of all other debts, save where an Act of Parliament provides otherwise.

3.5 GENERAL

Should all the above efforts prove to be unsuccessful and the debtor cannot be traced or it `would be uneconomical to take the matter any further, only then must a submission be made requesting the write-off of the debt. This submission must detail all steps taken and the Municipality must maintain audit trails in such instances and document the reasons for the abandonment of the actions or claims in respect of the debt.

4. WRITE OFF DEBTS OWING TO THE MUNICIPALITY

4.1 GENERAL CONDITIONS

The Municipality will consider debts for write-off in the following general circumstances:

(a) When debts have prescribed, as contemplated in paragraph 3.4 above;

(b) When debts have not been recovered from the deceased, where their estates have been finalized, and recovery of the debts from the heirs is not possible;

(c) When debts are owed by debtors who cannot be traced, notwithstanding compliance with the provisions in paragraph 3.3 above;

(d) When no source documentation is available to substantiate or prove the claims, provided that the Accounting Officer must have satisfied him/herself that all reasonable steps have been taken to locate the source documents;

(e) When the debtor has emigrated without paying the debts, leaving no assets available for attachment and the debtors' whereabouts are unknown;

(f) When it is not economical to pursue the debt further.

Unless affordable arrangements can be made with tracing agents or attorneys, the costs associated with the tracing of a debtor and subsequent legal costs occasioned thereby could exceed the amount claimed. It would therefore not be in the Municipality's interest to attempt recovery of debts where the prospects of recovery are remote, and where the possibility exists that the costs associated with recovery may exceed the debt.

4.2 SPECIFIC CONDITIONS

The Municipality will consider debts for write-off in the following specific circumstances:

(a) Debt associated with ownership of property (Rates accounts)

Debt raised by Council for the services rendered to registered owners of the property/land, i.e., Assessment rates, refuse removal, Sewerage, Availability fees for Electricity and Water, will not be written-off except when the property is disposed of in the liquidation process and the proceeds do not cover the outstanding debt, the balance can then be written-off as irrecoverable.

(b) Debt associated with ownership of property in the absence of a registered estate

On the death of the owner, where no last will or testament exist, no estate has been registered and/or findings of an investigation indicate that the estate is insolvent, all outstanding rates and service charges on the property, up to the date of the death of the owner, should be written off. The write-off in instances like this is subject to the following conditions being complied with:

(i) a certified copy of the death certificate of the owner be obtained;
(ii) a sworn affidavit regarding the insolvency is obtained.

Should the new tenant/owner/authorised person/heir not qualify to be registered as an Indigent, in terms of the Council's Indigent Policy, the outstanding rates and service charges for the period from the death of the previous owner till the date of the new service application remain payable by the new tenant/owner/authorised person/heir and cannot be written off.

Should the new tenant/owner/authorised person/heir qualify to be registered as an Indigent, in terms of the Council's Indigent Policy, The total outstanding amount should be written off.

(c) Metered Services Debt

Debt owed to Council due to consumed metered services, i.e. Water and Electricity consumption will be regarded as irrecoverable in the following instances:

(i) If the debt has prescribed;
(ii) In circumstances contemplated in 4.1 (a) to (f) above.

(d) Sundry Debt

Debt owed to Council arising from auxiliary services rendered by Council will be regarded as irrecoverable in the following instances:

(i) If the debt has prescribed;
(ii) In circumstances contemplated in 4.1 (a) to (f) above.

(e) Indigent Household Debt

Debt owed to Council by an Indigent Household, when registering for the first time in terms of the official Indigent Policy, shall be written off as a once-off concession, subject to a thorough audit investigation and certification to the effect that the household is a bona fide indigent as stipulated in the Indigent Policy.

Debt owed by the deceased estate of the breadwinner of a registered indigent household shall be written off up to the date of the death of the owner.

The write-off in instances like this is subject to the following conditions being complied with:

(i) a certified copy of the death certificate of the owner be obtained;
(ii) a sworn affidavit regarding the indigence is obtained.

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(f) Special cases

The allocation of RDP houses by the Directorate Housing and Development has in some instances resulted in debt raised for the property in the name of the person allocated the house, but who never took occupation due to one of the following reasons:

(i) Occupation took up by illegal occupants;
(ii) Failure to inform the rightful owner about the allocation;
(iii) Alteration of allocation not effected in Council records.

In the above-mentioned cases, there will never be a need to implement the Credit Control and Debt Collection Policy; therefore, a write-off should take place immediately when the directorate involved in the allocation of property issues a memorandum that confirms the above. Furthermore, the write-off should be affected and later reported to Council for ratification purposes.

(g) Nulla Bona and non-registered estates

On the death of the owner, where no estate has been registered the outstanding rates and service charges on the property, will be written off on a Rand for Rand basis to a maximum of 50%. The write-off in instances like this is subject to the following conditions being complied with:

(i) A person/occupant/immediate family member must be identified who will be responsible for the account whilst the estate is finalized.
(ii) On the death of the owner, the person/occupant/immediate family member responsible for the account may register for indigent support subject to the requirements of the indigent policy.
(iii) The estate must be registered in the court by the responsible person and council may assist with councils legal advisor's.
(iv) The person or occupant or immediate family member responsible for the account and estate must settle the remaining amount or acceptable arrangements must be made.

(v) Should the responsible person fail to adhere to the arrangements the debt will be reversed into the account.
(vi) The 50% write off will only occur if the conditions are met.
(vii) False information and non-compliance will lead to full recovery of the outstanding amount and total disconnection of services.

4.3 FINAL ACTION

Whenever all the legal avenues, procedures, and steps listed above have been exhausted, the arrear amounts should be classified as irrecoverable and should be written off by the person to whom the authority to do so has been delegated under the Municipality's system of delegations.

Immediately after 30 June each year, or more regularly if requested by Council, the Accounting Officer must present to the Council a report listing the following:

(a) For noting – details of the debts that were written off during the year ending 30 June under delegated authority, together with the reasons for the write-offs; and

(b) For consideration – details of any debt, not included under (a) above, which is believed to be irrecoverable, together with the reasons for this conclusion. The council shall then approve the write-off of such arrears, it if is satisfied with the reasons provided.

5 DELEGATED AUTHORITY

The Chief Finance Officer is given delegated authority to write-off debt under the following circumstances:

(a) the debt amounts to three thousand rands (R 3 000.00) or less; and

(b) all reasonable steps have been taken to recover the debt as stipulated under paragraph 3 above; and

(c) the debt is considered to be irrecoverable in terms of any one of the conditions stipulated in paragraph 4 above;

(d) to write off interest where applicable arrangements have been made.

In such cases, the reason for each write-off be listed in the report against each item, and audit trails for each write-off must be kept for control purposes.

The Municipal Manager is given authority to write-off debt on a clearance certificate if the debt cannot be recovered through the issuing of the certificate.

6 CREDIT BUREAU LISTING

Debtors whose debts are written off due to any of the following reasons must be listed with the Credit Bureaus:

(a) Untraceable;
(b) Prescription;
(c) Insolvent;
(d) Emigration.

7 BAD DEBTS RECOVERED

The approval of the Council for the write-off of any debt does not mean that actions to recover the money will be terminated, however, further actions will be instituted depending on the costs involved and if the debt is recovered it will be recorded in the financial records of Council as recovered.

8 SHORT TITLE

This policy is called the Bad Debt Write-Off Policy of the Swellendam Municipality.

BANKING, CASH MANAGEMENT AND INVESTMENT POLICY

Approval by Council xxx

Implementation Date 1 July 2026

Table of Contents

1. OBJECTIVE AND SCOPE OF POLICY 2
2. LEGAL PROVISIONS 3
3. PRINCIPLES OF SOUND CASH MANAGEMENT 3
4. CASH COLLECTION 4
5. RECEIPT OF PAYMENTS 4
6. PAYMENTS TO CREDITORS 6
7. MANAGEMENT OF INVENTORY 8
8. CONTRACT MANAGEMENT 10
9. CASH FLOW PROJECTIONS 10
10. INVESTMENT ETHICS 11
11. INVESTMENT PRINCIPLES 12
12. CREDIT RATINGS 14
13. PERMITTED INVESTMENTS 14
14. APPROVED INSTITUTIONS 14
15. CALL DEPOSITS AND FIXED DEPOSITS 14
16. RESTRICTION ON TERM OF INVESTMENTS 15
17. CESSION OF INVESTMENTS 15
18. SUPPLY CHAIN MANAGEMENT POLICY 15
19. CONTROL OVER INVESTMENTS 16
20. REPORTS 17
21. BANKING ARRANGEMENTS 17
22. RAISING OF DEBT 18
23. RELATED POLICIES 18
26. RESPONSIBILITY FOR IMPLEMENTATION 19

1. OBJECTIVE AND SCOPE OF POLICY

1.1. The council and staff of the municipality have an obligation to the community to ensure that the municipality's cash resources are managed effectively and efficiently.

1.2. The municipality, therefore, has a responsibility to invest these public revenues knowledgeably and judiciously, and must be able to account fully to the community regarding such investments.

1.3. This policy is intended to provide a framework for ensuring the proper management and investment of its cash resources to ensure:

1.3.1. That the net current asset requirements of the municipality are effectively managed;

1.3.2. That sufficient cash resources are available to finance the capital and operating budgets of the municipality;

1.3.3. That the highest possible return on investments is gained without unnecessary risk, during periods when excess funds are not immediately required;

1.3.4. That in so doing, the primary aim of preserving and ensuring the safety of deposits is promoted;

1.3.5. That there is effective control over the management of bank accounts

1.3.6. That investments are diversified.

1.4. This policy shall apply to the management of all of the cash resources of the Municipality and all investments made by it.

2. LEGAL PROVISIONS

2.1 The municipality shall at all times manage its banking arrangements and investments and conduct its cash management policy in compliance with the provisions of:

2.1.1 The Local Government: Municipal Finance Management Act No. 56 of 2003 ("the MFMA") and

2.1.2 Any Regulations made thereunder, including, in particular, the Municipal Investment Regulations published under GN R308 in Government Gazette 27431 of 1 April 2005 ("the Investment Regulations").

3. PRINCIPLES OF SOUND CASH MANAGEMENT

3.1 To promote sound cash management, the Municipality shall adhere to the following principles:

3.1.1 It shall collect revenue when it is due and bank it promptly;

3.1.2 It shall make payments, including transfers to other levels of government and non-government entities, no earlier than necessary, with due regard for efficient, effective and economical programme delivery and the creditor's normal terms for account payments;

3.1.3 It shall avoid pre-payment for goods or services (i.e. payments in advance of the receipt of goods or services) unless required by the contractual arrangements with the supplier;

3.1.4 It shall accept discounts to effect early payment only when the payment has been included in the monthly cash flow estimates provided to the relevant treasury;

3.1.5 It shall and pursue apply its debt collection policy to ensure that amounts receivable by the municipality are collected and banked promptly;

3.1.6 It shall accurately forecast its cash flow requirements;

3.1.7 It shall synchronize the inflow and outflow of cash;

3.1.8 It shall recognize the time value of money by economically, efficiently and effectively managing cash;

3.1.9 It shall take any other action as may promote the efficient utilisation of cash resources, such as managing inventories to the minimum level necessary for efficient and effective programme delivery, and selling surplus or under-utilised assets; and

3.1.10 It shall avoid bank overdrafts.

4. CASH COLLECTION

4.1. All monies due to the municipality must be collected as soon as possible, either on or immediately after the due date, and banked daily to the credit of the Municipality's primary bank account.

4.2. The Municipality shall endeavour to apply its Credit Control and Debt Collection Policy rigorously to promote the collection of money due to it. This includes charging interest and recovering other costs when appropriate and setting target dates when these are payable.

5. RECEIPT OF PAYMENTS

5.1. The receipt of all monies collected by the council shall be acknowledged forthwith by the issue of a numbered official receipt, as provided in this section.

5.2. When money is received over the counter:

5.2.1. Every payment received by a cashier or other officer responsible for the receipt of money shall be acknowledged at once by the issue of a numbered official receipt or cash ticket; and

5.2.2. Every receipt form which is cancelled will be reattached in the correct place, in the receipt book. Where computer-generated receipts are used, the original receipt must be filed for audit purposes.

5.3. When money is received by Post:

5.3.1. The Registry Clerk shall record all payment remittances as and when received in the cheque register in the presence of a witness;

5.3.2. Post-dated cheques received in the council's mail must also be recorded in the post-dated cheque register, which shall be regarded as the register of remittances received by post;

5.3.3. The cheque register together with all remittances received must be sent to a designated official in the finance section;

5.3.4. The designated official on receipt of the cheque register together with the remittances will code all remittances and submit it to the cashier for receipting;

5.3.5. The cashier will receipt all remittances and issue official receipts to the designated official;

5.3.6. The designated official will record all receipts in the cheque register and return the same to the registry. The registry clerk must ensure that all receipts are recorded in the cheque register;

5.3.7. A separate register for post-dated cheques will be maintained by the Cashier and all post-dated cheques must be stored safely in the registry strong room; and

5.3.8. The Cashier will ensure that all post-dated cheques, which become due, are promptly receipted and recorded in the post-dated cheque register.

5.4. When money is received by electronic transfer, such transfers must be recorded and receipts must be issued on receipt of the bank statement.

6. PAYMENTS TO CREDITORS

6.1 The chief financial officer shall ensure that all tenders and quotations invited by and contracts entered into by the municipality be paid within 30 days of the invoice or statement received subject to that the relevant department has authorised that the work has been completed as satisfactory and or goods were received.

6.2 This rule shall be departed from only where there are financial incentives for the municipality to effect earlier payment, and any such departure shall be approved by the chief financial officer before any payment is made, but shall, in any event, be subject to the provisions of Section 65 of the MFMA.

6.3 Notwithstanding 6.1, in the case of small, and micro enterprises , where such a policy may cause financial hardship to the contractor, the registered enterprises with SCM will be paid weekly subject to the following:

6 .3.1. if the amount to be paid and the invoice for the goods or service in question is received by the municipality by no later than 12 noon of the Thursday of the week in which the goods are delivered or the services rendered.

6.4. The Chief Financial Officer shall make full use of any extended terms of payment offered by suppliers and not settle any accounts earlier than

such extended due date, except if he or she determines that there are financial incentives for the municipality to do so.

6.5. Special payments to creditors (that is to say, payments made in circumstances not contemplated elsewhere in this section 6) shall only be made with the express approval of the municipal manager, who shall be satisfied that there are compelling reasons for making such payments.

6.6. Credit statements must be reconciled monthly.

6.7. Payments must be made only on receipt of an official order excluding ad hoc payments, certified goods received note and official company invoice.

6.8. All payments, other than petty cash disbursements, shall be made through the municipality's bank account(s).

6.9. The chief financial officer shall, in consultation with the municipal manager and with due regard to the council's policy on banking and investments, and subject to 6.10 and municipal delegations determine the rules and procedures relating to the authorisation of electronic payments and bank mandates.

6.10. Only the Municipal Manager or the Chief Financial Officer, or any other senior official of the Municipality acting on the written authority of the Municipal Manager, may withdraw money or authorize the withdrawal of money from any of the Municipality's bank accounts, and shall do so only for the purposes prescribed in Section 11 of the MFMA.

6.11. All requests for payments of whatever nature shall be submitted on payment vouchers, the format of which shall be determined by the chief financial officer. Such vouchers shall be authorised in terms of such rules

and procedures as are determined from time to time by the chief financial officer.

6.12. The maximum amount and nature of petty disbursements, shall be generally determined from time to time by the chief financial officer, subject, however, to the provisions of the Municipality's Supply Chain Management Policy.

6.13. No cash float shall be operated without the authority of the chief financial officer, who may prescribe such procedures relevant to the management of such float as are considered necessary.

6.14. The chief financial officer shall be responsible for the payment of all salaries and remuneration benefits to employees and councillors, and for the determination of the payment system to be used.

6.15. Payments to creditors shall in any event be made in accordance with the provisions of the MFMA, and in particular, with Section 65 thereof.

7. MANAGEMENT OF INVENTORY

7.1. The chief financial officer shall be responsible for the proper administration of all stores.

7.2. If sub-stores are established under the control of any head of department, such head of department shall be similarly responsible for the proper administration of such sub-store, and in doing so shall comply with the stock level policies as determined from time to time by the chief financial officer, acting in consultation with the head of department concerned.

7.3. No sub-store may be established without the prior written consent of the chief financial officer.

7.4. Each head of department shall ensure that such department's inventory levels do not exceed normal operational requirements in the case of items which are not readily available from suppliers, and emergency requirements in the case of items which are readily available from suppliers.

7.5. A stock register, reflecting the undermentioned detail must be kept and updated daily:

7.5.1. Item description;

7.5.2. Stores code number;

7.5.3. Transaction date;

7.5.4. On goods received –

7.5.4.1. Goods delivery note number;

7.5.4.2. Number of items received; and

7.5.4.3. Value of items received.

7.5.5. On goods issued-

7.5.5.1. Requisition number; and

7.5.5.2. Number of items issued.

7.5.6. Balance of items in stock.

7.6. Stock counts must be affected monthly and an annual report reflecting stock shortage and surpluses must be submitted to council as at 30 June of each financial year. All surpluses and shortages must be explained by the Manager SCM.

7.7. Manager SCM shall periodically review the levels of inventory held, and shall ensure that any surplus items be made available to the chief financial officer for sale at a public auction or by other means of disposal, as provided for in the municipality's supply chain management policy.

8. CONTRACT MANAGEMENT

Subject to the provisions of the Municipality's Supply Chain Management Policy:

8.1. All buying contracts shall be administered by the chief financial officer or delegate and all payments relating to such contracts shall be authorised by the chief financial officer or delegate or the head of department concerned; and

8.2. All other contracts, including building, engineering and other civil contracts shall be administered by the head of department concerned, and all payments relating to such contracts shall be authorised by such head of department. The head of department concerned shall ensure that all payment certificates in regard to contracts are properly examined and are correct in all respects before being submitted to the chief financial officer for payment.

9. CASH FLOW PROJECTIONS

9.1. The chief financial officer shall prepare an annual estimate of the municipality's cash flows divided into calendar months, and shall update this estimate on a monthly basis, or more frequently, if considered necessary.

9.2. Provision must be made in the cash flow estimates for the operating and capital requirements of the municipality.

9.3. The operating requirements must include provisions for:

9.3.1. Monthly salary and allowances payments;

9.3.2. Bulk purchases of electricity;

9.3.3. Interest on long term loans;

9.3.4. Maintenance of assets;

9.3.5. General expenditure (payments to current creditors); and

9.3.6. Expected daily and monthly incomes.

9.4. The estimate shall indicate when and for what periods and amounts surplus revenues may be invested, when and for what amounts investments will have to be liquidated, and when (if applicable) either long-term or short-term debt must be incurred. Heads of departments shall in this regard furnish the chief financial officer with all such information as is required, in good time and in the format required by the Chief Financial Officer.

9.5. The Chief Financial Officer shall report to the executive committee or the executive mayor, as the case may be, on a monthly basis (section 71) and to ordinary council meetings per quarter (section 52) the cash flow estimate or revised estimate for such month or reporting period respectively, together with the actual cash flows for the month or period concerned, and cumulatively to date.

9.6. Such report shall also indicate any movements in respect of the municipality's investments, together with appropriate details of the investments concerned.

10. INVESTMENT ETHICS

10.1. The accounting officer is responsible to approved the investments of surplus funds before any investment is made, and to confirm the investments made.

10.2 The Chief Financial Officer shall be responsible for the administration of investing the surplus revenues of the municipality and shall manage such investments in compliance with any policy directives formulated by the

council and prescriptions made by the Minister of Finance, including, in particular, the Investment Regulations.

10.3. In making such investments the Chief Financial Officer shall at all times have only the best interests of the municipality in mind, and shall not accede to any influence by or interference from councillors, investment agents or institutions or any other outside parties.

10.4. No official or councillor of the Municipality may accept any gift, other than an item having such negligible value that it cannot possibly be construed as anything other than a token of goodwill by the donor, from any investment agent or institution or any party with which the Municipality has made or may potentially make an investment.

11. INVESTMENT PRINCIPLES

11.1. When money is available for investment, it shall be invested in accordance with the provisions contained in this policy.

11.2. After determining whether there is cash available for investment and fixing the maximum term of investment, the Chief Financial Officer must determine the best manner in which to invest it. As rates vary according to money market perceptions, quotations must be requested by e-mail, within term limitations, and these must be set out on a schedule.

11.3. In order to limit exposure, where large sums of money are available for investment, the Chief Financial Officer shall ensure that:

11.3.1. they are invested with more than one institution, wherever practicable, in order to limit the risk exposure of the municipality.

11.3.2. As far as it is practically and legally possible, the municipality's investments are so distributed that more than one investment category is covered.

11.4. Although the objective of the chief financial officer in making investments on behalf of the municipality shall always be to obtain the best interest rate on offer, this consideration must be tempered by the degree of risk involved in regard to both the financial institution and the investment instrument concerned. No investment shall be made with an institution where the degree of risk is perceived to be higher than the average risk associated with investment institutions. It can be accepted as a general rule that the larger the return, the greater the risk.

11.5. When investments are placed with smaller registered institutions, the Chief Financial Officer shall ensure that the Municipality is not exposed to undue risk, and shall ensure that the creditworthiness and performance of the institution are satisfactory. Information from which the creditworthiness of financial institutions can be determined must be obtained and analysed at least annually

11.6. The Municipality may not borrow money for reinvestment, as this would mean interest rates would have to be estimated in advance, which can be seen as speculation with public funds.

11.7. Money kept in current accounts should be kept at minimum levels, as it may be more beneficially invested in other accounts such as call deposits.

11.8. If the Chief Financial Officer invests with financial institutions, he or she must ensure that such institutions are registered in terms of the Banks Act 94 of 1990 and that they are approved financial institutions - as approved by the Reserve Bank, from time to time.

12. CREDIT RATINGS

Investments may be made only with institutions having minimum credit ratings as follows:

12.1. [A]

13. PERMITTED INVESTMENTS

The Municipality may invest funds only in investment types permitted under Regulation 6 of the Investment Regulations.

14. APPROVED INSTITUTIONS

Subject to the provisions of paragraph 12 above and to Regulation 10 of the Investment Regulations, the Municipality may make investments with the following institutions, and no others:

14.1. [A]

15. CALL DEPOSITS AND FIXED DEPOSITS

15.1. Before making any call or 32 days deposits, the chief financial officer, shall obtain quotations from at least three institutions. For investments in the excess of 32 days deposits the Municipal Manager will improve the investment.

15.2. Given the volatility of the money market, the chief financial officer, shall, whenever necessary, request quotations by e-mail, and shall record in an appropriate register the name of the institution, the name of the person contacted, and the relevant terms and rates offered by such institution,

as well as any other information which may be relevant (for example, whether the interest is payable monthly or only on maturity, and so forth) or have an e-mail as evidence.

15.3. Once the best investment terms have been identified, written confirmation of the telephonic quotation must be immediately obtained (by facsimile, e-mail or any other expedient means).

15.4. Any monies paid over to the investing institution in terms of the agreed investment shall be paid over only to such institution itself and not to any agent or third party. Once the investment has been made, the Chief Financial Officer shall ensure that the Municipality receives a properly documented confirmation of investment for such investment, issued by the institution concerned in the name of the municipality.

16. RESTRICTION ON TERM OF INVESTMENTS

No investment with a term exceeding 32 days shall be made without the prior approval of the accounting officer according to section 60(2) of the Municipal Systems Act.

17. CESSION OF INVESTMENTS

The cession of any investment of the Municipality as security shall be subject to the provisions of Section 48 of the MFMA.

18. SUPPLY CHAIN MANAGEMENT POLICY

The Municipality shall comply with its Supply Chain Management Policy to the extent that it is applicable to the implementation of any aspect of this policy.

19. CONTROL OVER INVESTMENTS

19.1. The Chief Financial Officer shall ensure that proper records are kept of all investments made by the Municipality.

19.2. Such records shall include an investment register in which the following information shall be recorded:

19.2.1. Name of institution

19.2.2. Capital invested

19.2.3. Date invested

19.2.4. Interest rate

19.2.5. Maturation date

19.2.6. Interest received

19.2.7. Capital repaid; and

19.2.8. Balance invested.

19.3. The investment register and accounting records must be reconciled on a monthly basis.

19.4. The investment register must be examined on a fortnightly basis to identify investments falling due within the next two weeks.

19.5. The Chief Financial Officer must ensure that interest, correctly calculated, is received on due date.

19.6. Investment documents and certificates must be safeguarded electronically. The following documents must be safeguarded:

19.6.1. *Fixed deposit letter or investment confirmations*

19.6.2. Interest rate quoted.

19.6.3. Approval of investment by CFO and Municipal Manager

20. REPORTS

The Municipal Manager shall ensure that reports are submitted to the Mayor as required under Regulation 9 of the Investment Regulations.

21. BANKING ARRANGEMENTS

21.1. The Municipal Manager is responsible for the management of the Municipality's bank accounts, but may delegate this function to the Chief Financial Officer.

21.2. The Municipal Manager and Chief Financial Officer or any other delegated manager are authorised at all times to approve electronic transfers and any other documentation associated with the management of such accounts.

21.3. The Municipal Manager is authorised to appoint, in consultation with the Chief Financial Officer, two or more additional signatories in respect of such accounts, and to amend such appointments from time to time.

21.4. All bank accounts and investments must be in the name of the municipality.

21.5. In compliance with the requirements of good governance, the municipal manager shall open a bank account for ordinary operating purposes, and shall further maintain a separate account for each of the following:

21.5.1. the administration of the external finance fund and of the asset financing reserve (if these accounts are legally permissible);

21.5.2 trust funds; and

21.5.3. the municipality's self-insurance reserve (if legally permissible).

21.6. In determining the number of additional accounts to be maintained, the Municipal Manager, in consultation with the Chief Financial Officer, shall have regard to the likely number of transactions affecting each of the accounts referred to.

21.7. The selection of the Municipality's Bankers shall be carried out in accordance with the Municipality's Supply Chain Management Policy.

22. RAISING OF DEBT

22.1. The municipal manager is responsible for the raising of debt, but may delegate this function to the chief financial officer, who shall then manage this responsibility in consultation with the municipal manager. All debt shall be raised in strict compliance with the requirements of the MFMA and only with the prior approval of the council.

22.2. The raising of debt shall be governed by the municipality's borrowing policy.

23. RELATED POLICIES

This policy must be read in conjunction with the following budget-related policies of the Municipality:

23.1. The Credit Control and Debt Collection Policy;

23.2. The Indigent Management Policy;

23.3. The Supply Chain Management Policy;

23.4. The Budgeting Process Policy;

23.5. The Borrowing Policy;

24. INVESTMENT COMMITTEE

The accounting officer may appoint an investment committee to assist him with oversight on investments. The terms of reference of the committee must be authorised by the municipal manager.

26. RESPONSIBILITY FOR IMPLEMENTATION

The Municipal Manager shall be responsible for the implementation of this policy, provided that the Municipal Manager shall delegate such powers to the Chief Financial Officer as may be required to enable the Chief Financial Officer to perform such duties as are imposed on him or her in terms of this policy, and may delegate such other powers as he or she may deem fit to any staff member of the Municipality

25. REVIEW OF POLICY

This policy is to be reviewed annually.

BORROWING POLICY

Approval by Council xxx

Implementation Date 1 July 2026

TABLE OF CONTENTS

1. DEFINITIONS 2
3. OBJECTIVES OF THE POLICY 3
4. SCOPE 3
5. PRINCIPLES 4
6. DELEGATIONS OF AUTHORITY 5
7. NOMINEE ACCOUNT 5
8. REGISTERED FINANCIAL INSTITUTIONS 5
9. GENERAL BORROWING PRACTICE 5
10. REFINANCING DEBT 9
11. DEBT REPAYMENT PERIOD 9
12. SECURITY 10
13. SHORT TERM DEBT 10
14. DISCLOSURE 11
15. GUARANTEES 11
16. APPROVAL OF LOANS BY THE MUNICIPALITY 11
17. PROVISION FOR REDEMPTION OF LOANS 12
18. NON-REPAYMENT OR NON-SERVICING OF LOAN 12
19. PROHIBITED BORROWING PRACTICES 12
20. SUBMISSION OF DOCUMENTS 13
21. NOTIFICATION TO NATIONAL TREASURY 14
22. REPORTING 15
23. SHORT TITLE 16

1. DEFINITIONS

In this policy, unless the context indicates otherwise –

1.1 "**Authorised official**" means an employee of the Municipality responsible for carrying out any duty or function, or exercising any power in terms of this policy and includes employees delegated to carry out or exercise such duties, functions or powers;

1.2 "**Council**" means the Municipal Council of the Municipality;

1.3 "**Financing agreement**" means any loan agreement, lease, installment, purchase arrangement under which the Municipality undertakes to repay a long-term debt over a period of time;

1.4 "**Lender**" means a juristic person who provides debt finance to the Municipality;

1.5 "**Long term debt**" means debt repayable by the Municipality over a period exceeding one (1) year;

1.6 **"MFMA"** means Municipal Finance Management Act No.56, 2003.

1.7 **"Municipality"** means the Swellendam Municipality**;**

1.8 "**Municipal debt**" means:

(a) A monetary liability or obligation on a Municipality by -
   i. a financing agreement, note, debenture, bond, or overdraft; and
   ii. the issuance of municipal debt instruments; and

(b) A contingent liability such as that created by guaranteeing a monetary liability or obligation of another.

1.9 "**Security**" means any mechanism intended to secure the interest of a lender or investor and includes any of the mechanisms mentioned;

1.10 "**Short term debt**" means debt that is repayable over a period not exceeding one (1) year;

1.11 "**Sinking fund**" means a fund established where provision is made to accumulate sufficient funds to repay the capital on a municipal bond issue at the end of the loan period as a lump sum which is termed a 'bullet' payment;

2. PURPOSE

2.1 To establish a borrowing framework policy for the Municipality and set out the objectives, policies, statutory requirements and guidelines for the borrowing of funds.

3. OBJECTIVES OF THE POLICY

3.1 Swellendam Municipality's aimed at gaining the lowest interest rate on any external borrowings, short-term as well as long-term, but still the credit exposure risk in mind. The effectiveness of this policy is to ensure that the cash management program makes provision for the repayment of interest and redemption on the external borrowings.

3.2 It is the responsibility of the council as a trustee of the community's revenue to ensure that the best repayment interest rates on external borrowings are obtained through a fair and transparent tender process and to ensure compliance with all legislation and Council policies governing borrowings of funds.

4. SCOPE

4.1 The primary goal in the borrowing of funds is to ensure that the funds are obtained at the lowest possible interest rates at minimum risk, within the parameters of authorised borrowings.

4.2 Risk Management

The need to manage interest rate risk, credit risk exposure and to maintain debt within specified limits is the foremost objective of the borrowing policy. To attain this objective, diversification is required to

ensure that the Chief Financial Officer prudently manages interest rate and credit risk exposure.

4.3 Cost of Borrowings

The borrowings should be structured to obtain the lowest interest rate, on the most advantageous terms and conditions, taking cognisance of borrowing risk constraints, infrastructure needs and the borrowing limits determined by Legislation.

4.4 Prudence

Borrowings shall be made with care, skill, prudence and diligence.

5. PRINCIPLES

5.1 The guiding principles in Chapter 6, sections 45 to 51, of the MFMA in terms of short-term and long-term debt must be adhered to facilitate the administration of the council's borrowings.

5.2 Section 46 of the MFMA should be read in conjunction with Section 19 of the MFMA.

5.3 MFMA Circular 71 stipulates the following guidelines regarding borrowing:

5.3.1 Capital Cost (Interest paid and redemption) as a % of Total Operating Expenditure

Formula: Capital Cost (Interest Paid and Redemption) / Total Operating Expenditure x 100
Criteria: 6% - 8%

5.3.2 Debt (Total Borrowings) / Revenue

Formula: (Overdraft + Current Finance Lease Obligation + Non-Finance Lease Obligation + Short Term Borrowings + Long Term Borrowings) Total Operating Revenue
Criteria: Maximum 45%

6. DELEGATIONS OF AUTHORITY

6.1 The relevant legislation in terms of which borrowing decisions are governed is the Local Government Municipal Finance Management Act, No 56 of 2003.

6.2 Local Government Municipal Regulations and Debt Disclosure, Regulation 492, published under Government Gazette 29966, 15 June 2007.

6.3 Council is the only body that can approve external borrowing as a budget item. The Bid Adjudication committee appoints the tender to the successful bidder and thereafter Council will delegate to the Municipal Manager of the municipality to enter into a contract with the successful bidder and the signing thereof.

7. NOMINEE ACCOUNT

7.1 All monies disbursements as a result of the borrowing must be placed into the primary bank account of the municipality and this account must be reported to the National and Provincial Treasury and the Auditor general in terms of section 9 (a) and (b) of the MFMA.

8. REGISTERED FINANCIAL INSTITUTIONS

8.1 When borrowing needs to be done it should be required from the borrowing institutions to state whether they have registered in terms of the bank act of 1990 and/or any other applicable legislation.

9. GENERAL BORROWING PRACTICE

9.1 GENERAL

9.1.1 Borrowings shall be done at an institution offering the most favorable repayment interest rates on the amount to be borrowed over a specific period.

9.1.2 Institutions shall be advised that in submitting their tenders they must offer their best interest rates for the repayment of the interest and redemption on the borrowings. Council has the right to take on a loan in full or just part thereof.

9.1.3 After submission of the tender, no discussion or negotiation will be entered into until such time the tender is awarded to the successful bidder.

9.1.4 Certificates of balances on the outstanding amounts on the loans must be acquired and the end of the financial year.

9.2 TYPES OF LOANS AND FINANCING

9.2.1 Annuity loans

Annuity loans are straightforward and uncomplicated. The loan amount, interest rate and repayment period offered by the Financial Institution are fixed. The calculation of the installment payable on an annuity/fixed redemption basis is simple and straightforward. Normally with an annuity loan, the installment of the loan will be repaid in equal six monthly installments over the term of the loan. The capital portion of the installment will increase over the duration of the loan, and conversely, the interest amount charged will decrease over the loan period. Where the interest rate offered by the Financial Institution is on a variable basis, an interest rate swap (IRS) should be taken out. An IRS agreement will need to be signed with the party agreeing to accept the variable rate and in turn, offer the fixed rate to the Municipality. An Interest Rate Swap Agreement must comply with the terms set out by the International Swap Dealers Association (ISDA). The fixing of debt repayments is an important consideration in meeting the financial requirements of the Municipality, that of annually producing a balanced budget. There are from time to time various options offered by Financial Institutions which need to be treated on their merits and which could invariably result in slightly lower interest rates being offered.

9.2.2 Bullet payment redemption

In this instance, the total capital is usually repaid at the end of the term and interest on the total amount borrowed is paid annually or semi-annually. The interest rate can be fixed and the interest payable is known for the duration of the loan. Cash has to be set aside to repay the capital at the end of the term. The lender could require security in the form of an investment (sinking fund).

9.2.3 Bonds

A Bond is an instrument used by Government and Parastatals such as Telkom, Eskom, Transnet, Corporates and Municipalities to raise loan capital on the open market. Bondholders have the right to interest, usually paid on a semi-annual basis, and the repayment of the capital amount reflected on the stock certificate held on the maturity date. The coupon, maturity, principal value and market value are intrinsic features of 0a Bond. The most critical variable factor in determining Bond rates is the expected long-term trend in inflation, to provide a return that equals inflation plus a risk premium. The higher the risk attached to a borrower, the higher will be the risk premium investors will demand. During its tenure, the Bond will trade on the Bond market at prevailing interest levels. The price of a Bond trading at any given time on the market is a function of prevailing interest rates. Bond prices move inversely to movements in interest rates.

9.2.4 Use of Internal Funds

The Municipality from time to time will use certain of its surplus funds to fund its Capital Program. The utilisation of surplus funds enables the Municipality to reduce its reliance on external debt financing, thereby allowing it to borrow only funds from external sources when favourable market conditions prevail. The use of internal funds impacts negatively on surplus cash for return and should be within limits to reduce the impact on fixed cost coverage.

9.3 OTHER CONSIDERATIONS

9.3.1 The Municipality has by the judicious use of surplus funds and external

long-term debt implemented its Integrated Development Plan, which has facilitated the much-needed service delivery program.

Factors to be considered when borrowing:

(a) The type and extent of benefits to be obtained from the borrowing;
(b) The length of time the benefits will be received;
(c) The beneficiaries of the acquisition or development;
(d) The impact of interest and redemption payments on both current and forecasted property tax and services revenue;
(e) The current and future capacity of the property tax base and rendering of services to pay for borrowings and the rate of growth of the property tax base and services;
(f) Likely movements in interest rates for variable rate borrowings;
(g) Other current and projected sources of funds;
(h) Competing demands for funds; and
(i) Timing of money market interest rate movements and the long-term rates on the interest rate curve.

9.3.2 The Municipality will, in general, seek to limit its dependence on borrowings to minimise future revenue committed to debt servicing and redemption charges. The Municipality may only borrow funds, in terms of the Municipal Finance Management Act, for the purpose of acquiring assets, improving facilities or infrastructure to provide service delivery.

9.3.3 Swellendam Municipality may incur long-term debt only for the purpose of Capital expenditure on infrastructure, property, plant or equipment to be used for the purpose of achieving the objects of Local Government as set out in section 152 of the Constitution.

9.3.4 The use of external loans should be limited to financing infrastructure where a return can be realised from tariffs to service the debt, with long-term benefits to the community as a whole, where indirect revenue streams are subject to financial affordability.

9.3.5 The current gearing for external loans should not exceed the 40% mark (total outstanding debt ÷ total operating revenue less conditional grants). However, if investment in infrastructure is needed to stimulate

economic development with clear benefits for the community as a whole over the short and medium-term, then the gearing ratio may exceed the 40% mark provided that interest and redemption to service external loans shall not exceed 20% of total operating expenditure or subject to financial affordability.

9.4 CONTROL AND MONITORING BORROWINGS

9.4.1 A proper record must be kept and maintained of all the borrowings made, indicating at least the Institution, Borrowing amount, Interest rate, Start date, Closing date, Redemption amount, Interest amount and the purpose of the borrowing.

9.4.2 Repayment schedules received from the borrowing institutions must be checked to verify the correctness of the repayments. Repayment of Interest and redemption must be done in time to avoid penalty interest.

10. REFINANCING DEBT

10.1 Section 46 of the Municipal Finance Management Act provides that the Swellendam Municipality may refinance existing long-term debt if such refinancing is in accordance with the framework as prescribed by the Municipal Finance Management Act. The Municipality may borrow money for the purpose of refinancing existing long term debt, provided the existing long term debt was lawfully incurred and the refinancing will not extend the term of the debt beyond the useful life of the infrastructure, property, plant, or equipment for which the money was originally borrowed.

10.2 Cognisance must be taken of any early repayment penalty clauses in the initial loan agreement, as part of the financial feasibility assessment. No loans will be prematurely redeemed unless there is a financial benefit to the Municipality.

11. DEBT REPAYMENT PERIOD

11.1 Whilst the period for which loan debt may be received will vary from time to time according to the needs of the various Lenders, presently

the typical debt repayment period for loans is fifteen years, though not closely matching the underlying asset lives serviced by the loans.

11.2 Cognisance is taken of the useful lives of the underlying assets to be financed by the debt, and careful consideration is taken of the interest rates on the interest yield curve. Should it be established that it is cost-effective to borrow the funds on a shorter duration (as opposed to the life of the asset) as indicated by the interest yield curve, the loan will be negotiated to optimise the most favourable and cost-effective benefit to the Municipality.

12. SECURITY

12.1 In terms of section 48 of the Municipal Finance Management Act, the Municipality may provide security for any of its debt obligations, including the giving of a lien, pledging, mortgaging or ceding an asset, or giving any other form of collateral. It may cede as security any category of revenue or rights of future revenue. Some Lenders may require the Municipality to agree to restrictions on debt that the Municipality may incur in the future until the secured debt is settled.

13. SHORT TERM DEBT

13.1 The Municipal Finance Management Act provides that the Municipality may incur short term debt only when necessary to bridge shortfalls within a financial year during which the debt is incurred, in expectation of specific and realistic anticipated income to be received within that financial year; or capital needs within a financial year, to be repaid from specific funds to be received from enforceable allocations or long term debt commitments.

13.2 The municipal council may approve an individual transaction or a credit facility for a line of credit or overdraft facility.

13.3 The Municipality must pay off the short-term debt within the same financial year and may not renew or refinance its short-term debt if it will have the effect of extending the short-term debt into a new financial year.

14. DISCLOSURE

14.1 The Municipality must, when interacting with a prospective Lender or when preparing documentation for consideration by a prospective Investor, disclose all relevant information that may be requested or that may be material to the decision of the prospective Lender or Investor. Reasonable care must be taken to ensure the accuracy of any information disclosed. Whilst this is a standard and acceptable business practice, it is also in compliance with section 49 of the Municipal Finance Management Act.

15. GUARANTEES

15.1 The Municipal Finance Management Act provides that the Municipality may not guarantee any debt of any entity unless the entity is a Municipal entity under its sole ownership control. The debt must be reflected in the approved business plan of the entity. The guarantee must be authorised by the Municipality. This must be done in the same manner and subject to the same conditions applicable to any other borrowings. Neither the National nor Provincial Government may guarantee the debt of any Municipality.

16. APPROVAL OF LOANS BY THE MUNICIPALITY

16.1 Section 46 of the Municipal Finance Management Act stipulates that the Municipality may incur long-term debt only if a resolution of the Council, signed by the mayor, has approved the debt agreement and the Accounting Officer has signed the agreement or other document which acknowledges the debt. At least 21 days before the meeting of the Council at which approval for the debt is to be considered, the Municipality must make public an information statement setting out particulars of the proposed debt, including the amount of the proposed debt, the purposes for which the debt is to be incurred and particulars of any security to be provided. The Public, the National Treasury and Provincial Treasury must be invited to submit written comments or representations to the council in respect of the proposed debt.

16.2 A copy of the information statement submitted to Council at least 21 days before the meeting to approve the loan agreement must contain

particulars of –

(a) the essential repayment terms, including the anticipated debt repayment schedule; and
(b) the anticipated total cost in connection with such debt over the repayment period.

17. PROVISION FOR REDEMPTION OF LOANS

17.1 Swellendam Municipality may borrow from Institutions and set up sinking funds to facilitate loan repayments, especially when the repayment is to be met by a bullet payment on the maturity date of the loan. These sinking funds may also be invested directly with the Lender's Bank. The maturity date and accumulated value of such investment must coincide with the maturity date and amount of the intended loan that is to be repaid.

18. NON-REPAYMENT OR NON-SERVICING OF LOAN

18.1 Swellendam Municipality must honour all its loan obligations timeously. Failure to effect prompt payment will adversely affect the raising of future loans at favourable costs of borrowing.

18.2 Failure to pay any loan installment, even by one day, and even if only through an administrative oversight, will have severe repercussions, and may jeopardise the Municipality's credit rating.

18.3 In addition to the timeous payment of the loans, the Municipality must adhere to the covenants stipulated in the loan agreements.

18.4 Any failure by the Municipality to make payments on its loan needs to be reported to the Accounting Officer and the Executive Mayor.

19. PROHIBITED BORROWING PRACTICES

19.1 No commission is payable to an officer or board member, or spouse to, business partner or immediate relative of an officer or board member by an institution, investors, or financiers, for any reference made by

them.

19.2 Any commission, fee, or other compensation paid to any person by an institution must be disclosed by means of a certificate to the municipality by the institution. Any quotation/tender to the municipality given by an institution must be net of fees, commissions, or rewards, but also need to include commissions, rewards or costs, that will be paid in respect of the debt.

19.3 No debt may be made otherwise than in the name of the municipality.

19.4 No person, including officers and council members, may interfere or attempt to interfere in the management of fault attributed by the Accounting Officer or persons delegated by the Accounting Officer.

19.5 Swellendam Municipality shall not borrow for investment purposes, with the sole purpose of investing to earn a return.

19.6 A Municipality may only incur debt if the debt is dominated in Rand and is not indexed to, or affected by, fluctuations in the value of the Rand against any foreign currency.

19.7 No debt shall be made for expenses not related to the functions and powers of the municipality.

20. SUBMISSION OF DOCUMENTS

20.1 When entering into a discussion with a prospective lender with a view to incur short-term or long-term debt, the following information must be made available to the prospective lender.

(a) audited financial statements for the preceding three (3) financial years with audited outcomes;
(b) approved annual budget;
(c) the municipal integrated development plan; and
(d) repayment schedules pertaining to existing short-term or long-term debt.

21. NOTIFICATION TO NATIONAL TREASURY

21.1 The following information must be provided to National Treasury with respect to a long-term debt proposal:

(a) A copy of the information statement required by section 46(3)(a)(i), containing particulars of the proposed borrowing (debt) instrument:
- the name of the municipality;
- where the municipality is located;
- particulars of the proposed debt;
- amount of proposed debt;
- purposes for which the debt is to be incurred;
- particulars of any security to be provided.

(b) If not already incorporated in the information statement, the following information is provided separately, MFMA (46)(3)(b)(i) and (ii):
- amount of debt to be raised through borrowing
- or other means;
- issue date;
- purposes for which the borrowing (debt) is to be incurred;
- interest rate(s) applicable (state whether fixed or variable etc.);
- planned start and end date (term of instrument);
- the detailed repayment schedule for the duration of the borrowing (debt) (showing dates and all payments of principal and interest etc.);
- final maturity date;
- the total estimated cost of the borrowing (debt)
- over the repayment period;
- type of instrument;
- debt amortization terms;
- security to be provided and provide details;
- source of loan funds.

(c) A schedule of consultation undertaken, including, MFMA 46(3)(a)(i) and (ii):
- date(s) when the information statement was made public; and
- details of meetings, media adverts and other methods used to consult on the proposed long-term borrowing (debt);

(d) A copy of the approved budget and relevant documentation supporting the budget, highlighting the asset(s) to be funded by the proposed borrowing (debt) and the revenue to be received. It must be demonstrated that the proposed borrowing (debt) is consistent with the IDP, the capital budget and the revenue is shown accordingly, MFMA 46(6), 17(2), 19

(e) If the borrowing (debt) is for the purpose of refinancing existing long-term borrowing (debt), the following information must be provided, MFMA 46(5):
- description of the asset(s) for which the original loan was required;
- the useful remaining life of the asset(s)
- the net present value of the asset(s), including the discount rate used and any assumptions in the calculations;
- the net present value of projected future payment before refinancing, including the discount rate and assumptions used; and
- the net present value of projected future payments after refinancing, including the discount rate and assumptions used.

(f) A copy of the council/board of directors' resolution approving the borrowing (debt) instrument should be forwarded to the National and relevant Provincial Treasury once approved.

22. REPORTING

22.1 In terms of section 71 of the MFMA, the Municipality must report on all loans at least once a month to the Mayor and Provincial Treasury.

22.2 The Accounting Officer must within 10 working days after the end of each quarter furnish the Mayor, National and Provincial Treasury with a report setting out the detail of each debt portfolio.

22.3 The Accounting Officer must annually measure and report to Council on the performance of its debt in terms of the gearing objectives of this policy

23. SHORT TITLE

23.1 This policy shall be called the Borrowing Policy of the Swellendam Local Municipality.

BUDGET IMPLEMENTATION AND MANAGEMENT POLICY

Approved by Council on xxx

Implementation Date 1 July 2026

TABLE OF CONTENTS

1. DEFINITIONS 3

2. ABBREVIATIONS 10

3. INTRODUCTION 10

4. OBJECTIVE 11

5. BUDGETING PRINCIPLES 11

6. BUDGET PREPARATION PROCESS 15

7. FUNDING OF BUDGET 18

8. UNSPENT FUNDS AND ROLLOVER OF BUDGET 18

9. BUDGET TRANSFERS AND VIREMENTS 18

10. ADJUSTMENT BUDGETS 21

11. UNFORESEEN AND UNAVOIDABLE EXPENDITURE 24

12. BUDGET IMPLEMENTATION 25

13. CONCLUSION 27

14. SHORT TITLE 28

1. DEFINITIONS

1.1 **"Accounting Officer"** means a person appointed in terms of section 54A of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) read with section 60 of the MFMA; and includes any person: -

(a) acting in such a position; and

(b) to whom the Municipal Manager has delegated a power, function or duty in respect of such a delegated power, function or duty.

1.2 "**Allocation**" means:

(a) a municipality's share of the local government's equitable share referred to in section 214(I) (a) of the Constitution;

(b) an allocation of money to the municipality in terms of section 214(1) (c) of the Constitution;

(c) an allocation of money to the municipality in terms of a provincial budget; or

(d) any other allocation of money to the municipality by an organ of state, including by another municipality, otherwise than in compliance with a commercial or other business transaction;

1.3 "**Annual Division of Revenue Act"** means the Act of Parliament, which must be enacted annually in terms of section 214 (1) of the Constitution;

1.4 **"Approved budget**," means an annual budget:

(a) approved by a municipal council in terms of section 24 of the MFMA, or

(b) includes such an annual budget as revised by an adjustments budget in terms of section 28 of the MFMA;

1.5 "**Basic Municipal Service**" means a municipal service that is necessary to ensure an acceptable and reasonable quality of life and which, if not provided, would endanger public health or safety or the environment;

1.6 "**Budget-related Policy**" means a policy of the municipality affecting or affected by the annual budget of the municipality, including:

(a) the tariffs policy, which the municipality must adopt in terms of section 74 of the Municipal Systems Act;

(b) the rates policy which the municipality must adopt in terms of section 3 of the municipal property rates Act;

(c) the credit control and debt collection policy, which the municipality must adopt in terms of section 96 of the Municipal Systems Act;

(d) the cash management and investment policy which the municipality must adopt in terms of section 13(2) of the Act;

(e) a borrowing policy which must comply with Chapter 6 of the Act;

(f) a funding and reserves policy;

(g) a policy related to the long-term financial plan;

(h) the supply chain management policy which the municipality is required to adopt in terms of section 111 of the Act -

(i) any policies dealing with the management and disposal of assets;

(j) any policies dealing with infrastructure investment and capital projects, including –

(i) the policy governing the planning and approval of capital projects; and

(ii) the policy on developer contributions for property developments;

(k) the indigents policy of the municipality;

(l) any policies related to the provision of free basic services;

(m) any policies related to budget implementation and monitoring including:

(i) a policy dealing with the shifting of funds within votes;

(ii) a policy dealing with unforeseen and unavoidable expenditure; and

(iii) policies dealing with management and oversight;

(n) any policies related to managing electricity and water including:

(i) a policy related to the management of losses; and

(ii) a policy to promote conservation and efficiency;

(o) any policies related to personnel including policies on overtime, vacancies, and temporary staff;

(p) any policies dealing with municipal entities, including:

(i) the service delivery agreement; and

(ii) the dividend preference of the municipality; and

(q) any other budget-related or financial management policies of the municipality.

1.7 "**Budget transfer**" means the transfer of an approved budget allocation from one operating or capital line item to another within a vote, with the approval of the relevant senior manager;

1.8 "**Budget Year**" means the financial year of the municipality for which an annual budget is to be approved in terms of section 16(1) of the MFMA;

1.9 "**Capital Budget**" means the approved budget for capital items in a given fiscal period. Capital items are assets with a life expectancy of more than one financial year such as property, plant and equipment. The cost of which is normally written off over several fiscal periods;

1.10 "**Chief Financial Officer**" means a person designated in terms of section 80(2) (a) of the MFMA;

1.11 ''**Council**'' means the municipal council of this municipality referred to in section 18 of the Municipal Structures Act;

1.12 "**Councillor**" means a member of council;

1.13 **"Creditor**", means a person to whom money is owed by the municipality;

1.14 "**Current year**" means the financial year, which has already commenced, but not yet ended;

1.15 **"Delegation**" means the power to perform a function or duty which is given to office bearer, councillor, or staff members either in terms of Sect 59 of the MSA or Sect 79 of the MFMA;

1.16 "**Executive Mayor**" means the councillor elected as the executive mayor of the municipality in terms of section 55 of the Municipal Structures Act;

1.17 "**Generally recognised accounting practice**" means an accounting practice complying with standards applicable to municipalities or municipal entities as determined by the Accounting Standards Board;

1.18 "**Financial recovery plan**" means a plan prepared in terms of section 141 of the MFMA;

1.19 "**Financial statements**", means statements consisting of at least:

(a) statement of financial position;

(b) a statement of financial performance;

(c) a cash-flow statement;

(d) any other statements that may be prescribed; and

(e) any notes to these statements;

1.20 **"Financial year"** means twelve months commencing on 1st July and ending on 30th June each year;

1.21 "**Financing agreement**" includes any loan agreement, lease, and instalment purchase contract or hire purchase arrangement under which the municipality undertakes to repay a long-term debt over a period of time;

1.22 "**Fruitless and wasteful expenditure**" means expenditure that was made in vain and would have been avoided had reasonable care been exercised;

1.23 **"Investment**" in relation to funds of the municipality, means:

(a) the placing on deposit of funds of the municipality with a financial institution; or

(b) the acquisition of assets with funds of the municipality not immediately required, with the primary aim of preserving those funds;

1.24 "**Irregular expenditure**" means:

(a) expenditure incurred by the municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the MFMA Act, and which has not been condoned in terms of section 170 of the MFMA;

(b) expenditure incurred by the municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the

Municipal Systems Act, and which has not been condoned in terms of that Act;

(c) expenditure incurred by the municipality in contravention of, or that is not in accordance with, a requirement of the Public Office-Bearers Act, 1998 (Act No. 20 of 1998); or

(d) expenditure incurred by the municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the supply chain management policy of the municipality or entity or any of the municipality's by-laws giving effect to such policy, and which has not been condoned in terms of such policy or by-law, but excludes expenditure by the municipality which falls within the definition of "unauthorised expenditure";

1.25 **"Lender"** means a person who provides debt finance to the municipality;

1.26 "**Local community**" has the meaning assigned to it in section 1 of the Municipal Systems Act;

1.27 "**Long-term debt"** means debt repayable over a period exceeding one year;

1.28 "**MFMA"** means the Local Government: Municipal Financial Management Act, 2003 (Act 56 of 2003);

1.29 "**Municipal council**" or "council" means the council of the municipality referred to in section 18 of the Municipal Structures Act;

1.30 **"Municipal debt instrument**" means any note, bond, debenture or other evidence of indebtedness issued by the municipality, including dematerialised or electronic evidence of indebtedness intended to be used in trade;

1.31 "**Municipal entity**" has the meaning assigned to it in section 1 of the Municipal Systems Act (refer to the MSA for definition);

1.32 "**Municipality**" means:

(a) when referred to as a corporate body, means the municipality as described in section 2 of the Municipal Systems Act; or

(b) when referred to as a geographic area, means the municipal area determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);

1.33 "**Municipal service**" has the meaning assigned to it in section 1 of the Municipal Systems Act (refer to the MSA for definition);

1.34 "**Municipal Structures Act"** means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

1.35 **"Municipal Systems Act**" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

1.36 "**Municipal tariff**" means a tariff for services which the municipality may set for the provision of a service to the local community, and includes a surcharge on such tariff;

1.37 **"Municipal tax**" means property rates or other taxes, levies or duties that the municipality may impose;

1.38 **"National Treasury**" means the National Treasury established by section 5 of the Public Finance Management Act;

1.39 **"Official**" means:

(a) an employee of the municipality or municipal entity;

(b) a person seconded to the municipality or municipal entity to work as a member of the staff of the municipality or municipal entity; or

(c) a person contracted by the municipality or municipal entity to work as a member of the staff of the municipality or municipal entity otherwise than as an employee;

1.40 "**Overspending"**

(a) means causing the operational or capital expenditure incurred by the municipality during a financial year to exceed the total amount appropriated in that year's budget for its operational or capital expenditure, as the case may be;

(b) in relation to a vote, means causing expenditure under the vote to exceed the amount appropriated for that vote; or

(c) in relation to expenditure under section 26 of the MFMA, means causing expenditure under that section to exceed the limits allowed in subsection (5) of this section;

1.41 "**Past financial year**" means the financial year preceding the current year;

1.42 **"Quarter**" means any of the following periods in a financial year:

(a) 1 July to 30 September refers to as the 1st quarter;

(b) 1 October to 31 December refer to as the 2nd quarter;

(c) 1 January to 31 March refers to as the 3rd quarter; or

(d) 1 April to 30 June referred to as the 4th quarter;

1.43 **"Ring Fenced**" means an exclusive combination of line items grouped for specific purposes for instance salaries and wages.

1.44 "**Service delivery and budget implementation plan**" means a detailed plan approved by the executive mayor of the municipality, in terms of section 53(l) (c) (ii) of the MFMA, for implementing the municipality's delivery of municipal services and which indicate:

a) projections for each month of:

(i) revenue to be collected, by source; and

(ii) operational and capital expenditure, by vote;

b) service delivery targets and performance indicators for each quarter; and

c) any other matters that may be prescribed, and includes any revisions of such plan by the executive mayor in terms of section 54(l) (c) of the MFMA;

1.45 **"Short-term debt**" means debt repayable over a period not exceeding one year;

1.46 "**Unauthorised expenditure",** means any expenditure incurred by a municipality otherwise than in accordance with section 15 or 11(3) of the MFMA, and includes:

(a) overspending of the total amount appropriated in the municipality's approved budget;

(b) overspending of the total amount appropriated for a vote in the approved budget;

(c) expenditure from a vote unrelated to the department or functional area covered by the vote;

(d) expenditure of money appropriated for a specific purpose, otherwise than for that specific purpose;

(e) spending of an allocation referred to in paragraph (b), (c) or (d) of the definition of "allocation" otherwise than in accordance with any conditions of the allocation; or

(f) a grant by the municipality otherwise than in accordance with the MFMA;

1.47 **"Virement"** means the process of transferring an approved budget allocation from one vote to another, with the approval of the Municipal Manager. To enable senior managers to amend budgets in the light of experience or to reflect anticipated changes;

1.48 **"Vote"** means one of the main segments into which a budget of a municipality is divided for the appropriation of funds for the different departments or functional areas of the municipality; and which specifies the total amount that is appropriated for the purposes of the department or functional area concerned.

1.49 **"Vote holder"** means the senior manager to which the vote is assigned.

2. ABBREVIATIONS

2.1 **"CFO"** is the Chief Financial Officer

2.2 **"CM**" is the Council Minute/'s

2.3 **"IDP"** is the Integrated Development Plan

2.4 **"MFMA"** is the Municipal Finance Management Act, Act No. 56 of 2003

2.5 **"MSA"** is the Municipal Systems Act, Act No.32 of 2000

2.6 **"MTREF"** is the Medium-term revenue and expenditure framework

2.7 **"SDBIP"** is the Municipal service delivery and budget implementation plan

3. INTRODUCTION

In terms of the Municipal Finance Management Act, No. 56 of 2003, Chapter 4 on Municipal Budgets, the council of a municipality must for each financial year approve an annual budget for the municipality before the commencement of that financial year. According to Section 16(2) of the MFMA, the executive mayor of the municipality must table the annual budget at a council meeting at least 90 days before the start of the budget year.

This policy must be read, interpreted, implemented and understood against this legislative background. The budget plays a critical role in an attempt to realise diverse community needs. Central to this, the formulation of a municipal budget must take into account the government's macro-economic and fiscal policy fundamentals.

It is therefore imperative that the process followed should be as consultative and inclusive as possible.

4. OBJECTIVE

The objective of the budget policy is to set out a framework for this municipality to deal with:

(a) The preparation of an MTREF budget;

(b) The shifting or virement of funds and budget allocations;

(c) The introduction of adjustment budgets;

(d) Unforeseen and unavoidable expenditure;

(e) Irregular expenditure;

(f) Fruitless and wasteful expenditure; and

(g) To establish and maintain procedures to ensure adherence to the municipality's IDP review and budget processes.

5. BUDGETING PRINCIPLES

5.1 The municipality shall not budget for a cash deficit and should ensure that revenue projections in the budget are realistic taking into account actual collection levels.

5.2 Expenses may only be incurred in terms of the approved annual budget (or adjustments budget) and within the limits of the amounts appropriated for each vote in the approved budget.

5.3 The municipality shall prepare a three-year budget (MTREF budget) and Council shall approve the budget.

5.4 The MTREF budget must at all times be within the framework of the approved municipal Integrated Development Plan (IDP).

5.5 Capital budget:

5.5.1 Only expenditure that meets the definition of a capital budget as per section 1 of this policy shall be included in the capital budget.

5.5.2 The capital budget shall distinguish between renewal, upgrading and new assets.

5.5.3 The envisaged sources of funding for the capital budget must be properly considered. The council must be satisfied that this funding is available and has not been committed for other purposes.

5.5.4 Before approving a capital project, Council **must** consider:

(a) the projected cost of the project overall the ensuing financial years until the project becomes operational; and

(b) future operational costs and any revenues, which may arise in respect of such project, including the likely future impact on the operating budget.

5.5.5 Before approving the capital budget, the council **shall** consider:

(a) the impact on the present and future operating budgets of the municipality concerning finance charges to be incurred on external loans;

(b) depreciation of fixed assets;

(c) maintenance of fixed assets, and

(d) any other ordinary operational expenses associated with any item on such capital budget.

5.5.6 The capital expenditure shall be funded from the following sources:

(a) Revenue or Surplus

Any financing activity from this source must be included in the cash budget to raise sufficient cash for the expenditure. For the commencement of expenditure on an item financed from this source the full amount of physical cash must be ring-fenced or set aside from normal operating funds.

(b) New borrowings (External loans)

External loans can be raised only if it is linked to the financing of an asset. A capital item to be financed from an external loan can only be included in the budget if the loan has been secured or it can be reasonably assumed as being secured. The loan redemption period should not exceed the estimated life span of the asset. Interest payable on external loans shall be included as a cost in the operating budget. Finance charges relating to such loans shall be

charged to or apportioned only between the departments or votes to which the projects relate.

(c) Capital Replacement Reserve (CRR)

The council shall establish a CRR to finance capital projects and the acquisition of assets. Such reserve shall be established from the following sources of revenue:

(i) appropriate cash-backed surpluses to the extent that such surpluses are not required for operational purposes;

(ii) interest on the investments of the CRR appropriated in terms of the investments policy;

(iii) interest earned on investments of unutilised grants;

(iv) VAT claimed back on grants and subsidies; and

(v) proceeds on the sale of assets.

Before any asset can be financed from the CRR the physical cash must be available within the reserve, this fund must be cash-backed. If there is insufficient cash available to fund the CRR reserve then the reserve must be adjusted to equal the available cash.

Surplus cash may be determined at the financial year end by the CFO to be contributed to the capital replacement reserve subject to approval by the municipal manager.

(d) Grant Funding

Non-capital expenditure funded from grants must be budgeted for as part of the revenue budget.

Expenditure must be reimbursed from the funding creditor and transferred the operating and must be budgeted for as such.

Capital expenditure must be budgeted for in the capital budget.

Grant funding must be cash backed at all times and should be secured before spending can take place.

All unutilized grants received must be ring-fenced and cash-backed through an investment or the municipal bank account.

5.6 Operational budget:

5.6.1 The municipality shall budget in each annual and adjustments budget for the contribution to:

(a) provision for accrued leave entitlements equal to 100% of the accrued leave;

(b) continued employee benefits as at 30 June of each financial year;

(c) provision for the impairment of debtors taking into account prior year, current year improvements and future improvement in debt collection percentages;

(d) provision for the obsolescence and deterioration of stock per its store's management policy;

(e) Depreciation and finance charges shall be charged to or apportioned only between the departments or votes to which the projects relate;

(f) At least 5% of the operating budget component of each annual and adjustments budget shall be set aside for maintenance where practical.

5.6.2 When considering the draft annual budget, Council shall consider the impact, which the proposed increases in rates and service tariffs will have on the monthly municipal accounts of households.

5.6.3 The impact of such increases shall be assessed based on a fair sample of randomly selected accounts

5.6.4 The operating budget shall reflect the impact of the capital component on:

(a) depreciation charges;

(b) repairs and maintenance expenses;

(c) interest payable on external borrowings; and

(d) other operating expenses.

5.6.5 The Chief Financial Officer shall ensure that the cost of indigent relief is separately reflected in the appropriate votes as income forgone.

6. BUDGET PREPARATION PROCESS

6.1 FORMULATION OF THE BUDGET

The Accounting Officer with the assistance of the Chief Financial Officer, Manager (*Budget, Reporting and Expenditure*) and the IDP Official shall prepare and draft the IDP & Budget process plan with timetables for the municipality including municipal entities for the ensuing financial year.

The Executive Mayor shall table the IDP & Budget process plan to Council not later than August of each year for approval, together with the draft resolutions and budget-related policies.

The IDP and Budget process plan shall indicate the key deadlines for the review of the IDP as well as the preparation of the MTREF budget. Such target dates shall follow the prescriptions of the Municipal Finance Management Act, Municipal Budget and Reporting regulations, the District Municipality IDP Framework as well as the guidelines set by the National Treasury.

The Chief Financial Officer and senior managers undertake the technical preparation of the budget. The budget must be in the prescribed format as required by National Treasury and must be divided into capital and operating budget.

The budget must contain the information related to the two financial years following the financial year to which the budget relates, as well as the estimated figures for the current year and the three prior year's actual outcomes.

6.2 PUBLIC PARTICIPATION PROCESS

Immediately after the draft annual budget has been tabled, the municipality must convene hearings on the draft budget in April and invite the public, stakeholder organisations, to make representation at the Council hearings and to submit comments in response to the draft budget. This must all be illustrated in the process plan.

6.3 APPROVAL OF THE BUDGET

The council shall consider the Annual Budget for approval not later than 31 May for the ensuing financial year. The council resolution must contain budget policies and performance measures to be adopted.

Should the Council fail to approve the budget before the start of the budget year, the Executive Mayor must inform the MEC for Finance that the budget has not been approved.

The budget tabled to Council for approval shall include the following supporting documents:

6.3.1 draft resolutions approving the budget;

6.3.2 levying property rates, other taxes and tariffs for the financial year concerned;

6.3.3 measurable performance objectives for each budget vote, taking into account the municipality's IDP;

6.3.4 the projected cash flows for the financial year by revenue sources and expenditure votes;

6.3.5 any proposed amendments to the IDP;

6.3.6 any proposed amendments to the budget-related policies;

6.3.7 the cost to the municipality of the salaries, allowances and other benefits of its political office bearers and other Councillors, the Accounting Officer, the Chief Financial Officer, and other senior managers;

6.3.8 particulars of any proposed allocations or grants to other municipalities, municipal entities, external mechanisms assisting the municipality in service delivery, other organs of state, and organisations such as Non-Governmental Organisations, welfare institutions, and so on;

6.3.9 particulars of the municipality's investments; and

6.3.10 various information regarding municipal entities under the shared or sole control of the municipality

6.4 PUBLICATION OF THE BUDGET

6.4.1 Within 10 working days after the draft annual budget has been tabled, the Administrative Support Services Department must post the budget and other budget-related documentation onto the municipal website so that it is accessible to the public.

6.4.2 The Chief Financial Officer must within 10 working days after the draft annual budget is tabled:

(a) submit the approved budget in electronic formats to the National Treasury, the Provincial Treasury as well as post it on the municipal website; and

(b) ensure that a newspaper advertisement is placed that the draft budget is available at the Municipal offices and available for comments.

6.4.3 Once Council have approved the budget the Chief Financial Officer must within 10 working days:

(a) submit the approved budget in electronic formats to the National Treasury, the Provincial Treasury as well as post it on the municipal website, and

(b) ensure that a newspaper advertisement is placed that the budget has been approved and is available at the Municipal offices.

6.5 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP)

The Executive Mayor must approve the Service Delivery and Budget Implementation Plan not later than 28 days after the approval of the Budget by the Council.

The SDBIP shall include the following components:

6.5.1 Monthly projections of revenue to be collected for each source;

6.5.2 Monthly projections of expenditure (operating and capital) and revenue for each vote;

6.5.3 Quarterly projections of service delivery targets and performance indicators for each vote;

6.5.4 Ward information for expenditure and service delivery; and

6.5.5 Detailed capital works plan broken down by ward over three years.

7. FUNDING OF BUDGET

The budget must be funded in terms of the Council's approved funding and reserves policy.

8. UNSPENT FUNDS AND ROLLOVER OF BUDGET

The appropriation of funds in an annual or adjustments budget will lapse to the extent that they are unspent by the end of the relevant budget year, excluding in the following instances:

(a) Funds relating to capital expenditure; or

(b) Unspent grant (if the conditions for such grant funding allow that).

Conditions of the grant fund shall be taken into account in applying for such rollover of funds.

Funding for projects funded from the Capital Replacement Reserve may be rolled over to the next budget year in exceptional circumstances motivated and recommended by the CFO and Municipal Manager.

External Loan funded projects that have been left unspent at the end of the previous financial year may be rolled over, on the condition that the funds be allocated to the council approved loan funded projects as per the previous budget, to be completed in the current year.

No unspent operating budget shall be rolled over to the next budget year.

Application for rollover of unspent conditional grants funds must be forwarded to the budget office by the latest 10 July of each year. Only these applications will be considered for inclusion in an adjustment budget. The adoption by Council will take place not later than 25th August.

9. BUDGET TRANSFERS AND VIREMENTS

9.1 OBJECTIVE

The objective of this section is to allow limited flexibility in the use of budgeted funds to enable management to act on occasions such as disasters, unforeseen expenditure, or savings as they arise to accelerate service delivery in a financially responsible manner.

9.2 FINANCIAL RESPONSIBILITIES

Strict budgetary control must be maintained throughout the financial year so that potential overspends and/or income under-recovery within individual vote is identified at the earliest possible opportunity.

The Accounting Officer has a statutory duty to ensure an effective system of financial control, specifically to ensure compliance with Section 15 of the MFMA, is in place. The budget transfer and virement process are one of these controls.

It is the responsibility of each senior manager and/or head of a department/activity to which funds areallocated, to plan and conduct assigned operations so as not to expend more funds than budgeted.

In addition, they have the responsibility to identify and report any irregular or fruitless and wasteful expenditure in terms of the MFMA section 78.

9.3 VIREMENT AND BUDGET TRANSFER PROCEDURES

9.3.1 All virement/transfer requests must be completed on the appropriate documentation and forwarded to the official responsible to process the virement/transfer.

9.3.2 All virements must be signed by the initiator, the vote holder, the Chief Financial Officer and Municipal Manager.

9.3.3 All budget transfers must be signed by the initiator, the vote holder, the CFO and Municipal Manager per the delegation framework.

9.3.4 All capital transfers more than 40 percent of the project require the approval of the Council subject to the delegation framework.

9.3.5 All documentation must be compiled and approved in line with the delegations as per section 79 of the MFMA before any expenditure can be committed or incurred.

9.3.6 All documentation is filed and safeguarded by the Budget and Reporting Office, to monitor any future budgetary movements and to track how the

funding shifts. Changes are then reported during each Section 71 report as mentioned below.

9.4 VIREMENT RESTRICTIONS

9.4.1

9.4.2

9.4.1 Virements are not permitted to the revenue side of the budget.

9.4.2 *No virements of funds across votes (directorates) will be accommodated during the year; unless within the adjustments budget.*

9.4.3 *Virements from the capital budget to the operating budget are not permitted.*

9.4.4 *Virements will not result in adding 'new' projects to the Capital Budget.*

9.4.5 *Virements of conditional grant funds to purposes outside of that specified in the relevant conditional grant framework will not be permitted.*

9.4.6 *The budget savings from the following line items (necessary adjustments) may only be considered and transferred if motivated by the CFO and approved by the Municipal Manager:*

(i) Employee Related Cost

(ii) Remuneration of councillors

(iii) Depreciation and asset impairment

(iv) Finance Charges (Interest on Loan)

(v) Municipal Services Consumption (Water, Electricity, Refuse and Sewerage)

(vi) Bulk Purchases (Water and Electricity)

(vii) Transfers and subsidies paid

9.4.7 There should be prudent limits on the amount of funds that may be moved between Departments. Virements may not exceed a maximum annual limit of 40% except if approved by the Municipal Manager in collaboration with the CFO.

9.4.8 Transfers in capital budget for emergency purposes, must be fully motivated by the relevant Director, subject to the CFO and Municipal Manager approval, subject to that the original projects will still be implemented..

9.4.9 No virement may take place without consent and the approval of the CFO and Municipal Manager per delegation framework.

9.4.10 A virement may not create a new policy, significantly vary current policy or alter the approved outcomes/outputs as approved in the IDP for the current or subsequent years.

9.4.11 No virement may commit the municipality to increase recurrent expenditure, which commits the Council's resources in the following financial year.

9.4.12 An approved virement does not give expenditure authority and all expenditure resulting from approved virements are still subject to the supply chain management policy of the Council as periodically reviewed.

9.4.13 Virements to correct mSCOA segmentation is subject to the approval of the Chief Finance Officer. No limit is applicable to these virements.

9.5 DELEGATIONS

The accounting officer may sub-delegates its delegation to the director of financial services to made budget virements to the amount of R200 000.00.

10. ADJUSTMENT BUDGETS

The council may revise its annual budget through an adjustments budget in terms of section 28 of the MFMA and according to the timelines of the Municipal Budget and Reporting Regulations section 23.

Section 28 (2) of the MFMA determines when an adjustment must be done and when it may be prepared.

The Accounting Officer must promptly prepare an adjustment budget if a material under-collection of revenues arises or is apparent.

The Accounting Officer shall prepare an adjustment budget and appropriate additional revenues, which have become available but only to revise or accelerate spending programs already budgeted for or any areas of critical importance identified by Council.

The Council may in an adjustments budget, and within the prescribed framework, confirm unforeseen and unavoidable expenses on the recommendation of the Executive Mayor.

An adjustments budget:

(a) must adjust the revenue and expenditure estimates downwards if there is material under-collection of revenue during the current year;

(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, authorise unforeseeable and unavoidable expenditure recommended by the mayor of the municipality;

(d) may authorise the utilisation of projected savings in one vote towards spending under another vote;

(e) may authorise the spending of funds that were unspent at the end of the past financial year where the under-spending could not reasonably have been foreseen at the time to include projected roll-overs when the annual budget for the current year was approved by the council;

(f) may correct any errors in the annual budget; and

(g) may provide for any other expenditure within a prescribed framework."

The CFO shall ensure that an adjustments budget:

(a) Comply with the requirements of the National Treasury;

(b) Reflect the budget priorities determined by the Executive Mayor

(c) Are aligned with the IDP;

(d) Comply with all budget-related policies; and

(e) Shall make recommendations to the Executive Mayor on the revision of the IDP and the budget-related policies where these are needed.

An adjustments budget must contain all of the following:

(a) an explanation of how the adjustments affect the approved annual budget;

(b) appropriate motivations for material adjustments; and

(c) an explanation of the impact of any increased spending on the current and future annual budgets.

Any un-appropriate surplus from previous financial years, even if fully cash-backed, shall not be used to balance any adjustments budget, but maybe appropriated to the municipality's capital replacement reserve if cash-backed.

Municipal taxes and tariffs may not be increased during a financial year except if required in terms of a financial recovery plan compiled in terms of section 141 of the MFMA

Unauthorised expenses may be authorised in an adjustments budget.

The table below is a summary of the types of adjustments budgets that may be approved in terms of the Municipal Budget and Reporting Regulations (MBRR), 2009. The first option is to do a virement if there is a need to move budgeted amounts. If the movement in budgeted amount is not allowable via a virement, as per the policy above, then the municipality is required to produce an adjustments budget that must be tabled and approved at a Council meeting.

Types of adjustments budget	Timeframes	Sections of MFMA and MBRR
Downwards adjustment due to under-collection of revenue	Any time	S. 28(2)(a)
Main adjustments budget	Once a year – between tabling of the mid-year assessment and 28 February	S. 28(2)(b, d & f) Reg. 23(1&2)
Additional funds from national / provincial government	60 days after the approval of the relevant national / provincial adjustments budget	S.28(2)(b) Reg. 23(3)
Unforeseen and unavoidable expenditure	Within 60 days of expenditure being incurred	S. 28(2)I, 29(3) & 32 Reg. 23(4), 71 & 72
Roll-over of municipal funds	Before 25 August	S. 28 I , Reg. 23(5)
Authorisation of unauthorized expenditure	In main adjustments budget After the tabling of the annual report for that year (7 months after the financial year end)	S. 28(g), 32, 127(2) Reg. 23(6)

11. UNFORESEEN AND UNAVOIDABLE EXPENDITURE

Before the Executive Mayor considers any authorization of unforeseeable and unavoidable expenditure in terms of Section 29 of the MFMA, the Accounting Officer will ensure that a report is prepared consisting of all the relevant information for the Executive Mayor to make an informed discussion.

The Executive Mayor may authorise such expenses in an emergency or other exceptional circumstances in terms of Section 29 of the MFMA only if:

(a) the expenditure could not have been foreseen at the time the annual budget of the municipality was passed; and

(b) the delay that will be caused pending approval of an adjustments budget by the municipal council in terms of section 28(2)(c) of the Act to authorise the expenditure may –

(i) result in significant financial loss for the municipality;
(ii) cause disruption or suspension, or a serious threat to the continuation, of a basic municipal service;

(iii) lead to loss of life or serious injury or significant damage to property; or
(iv) obstruct the municipality from instituting or defending legal proceedings on an urgent basis.

The Executive Mayor may not authorise expenditure in terms of section 29 of the Act if the expenditure -

was considered by the Council, but not approved in the annual budget or an adjustments budget; or

(a) is required for-

(i) price increases of goods or services during the financial year;
(ii) new municipal services or functions during the financial year;
(iii) the extension of existing municipal services or functions during the financial year;
(iv) the appointment of personnel during the financial year; or
(v) allocating discretionary appropriations to any vote during the financial year; or
(vi) would contravene any existing council policy; or
(vii) is intended to ratify irregular or fruitless and wasteful expenditure.

(b) The authorized amount may not exceed 4% of the approved own revenue included in the annual budget.

The authorisation must be reported by the Executive Mayor to the next Council meeting.

The Accounting Officer must ensure the preparation of an adjustment budget to include the expenses within 30 days.

The Executive Mayor must ensure that Council passes the adjustments budget within sixty days after the expenses were incurred.

12. **BUDGET IMPLEMENTATION**

12.1 MONITORING

The Accounting Officer, with the assistance of the CFO and other senior managers, is responsible for the implementation of the budget and must take reasonable steps to ensure that:

(a) Funds are spent per the approved budget;

(b) Expenses are reduced if expected revenues are less than projected; and

(c) Revenues and expenses are properly monitored.

The Accounting Officer, with the assistance of the CFO, must prepare any adjustment budgets when such budget is necessary and submit them to the Executive Mayor for consideration and tabling to Council.

The Accounting Officer, with the assistance of the CFO, must ensure that the municipality has and maintains an effective system of expenditure control to assist with budget control. Budget control must be performed on the lowest level of the budget, as well as the starting activity of an expense.

The Accounting Officer, with the assistance of the CFO, must ensure that the municipality has and maintains effective systems of:

(a) Revenue collection; and
(b) Debtor management.

The assumptions on which the revenue forecasts were based must be monitored on at least a monthly basis.

The Accounting Officer, with the assistance of the CFO and other senior managers, must report in writing to the Council any impending shortfalls in the annual revenue budget, as well as any impending overspending, together with the steps taken to prevent or rectify these problems

12.2 REPORTING

12.2.1 Monthly budget statements – Section 71 report

The Accounting Officer, with the assistance of the CFO, must not later than ten working days after the end of each calendar month, submit to the Executive Mayor and Provincial and National Treasury a report in terms of section 71 of the MFMA and the prescribed format on the state of the municipality's budget for such calendar month, as well as on the state of the budget cumulatively for the financial year to date.

The report to the National Treasury must include a signed quality certificate and be in electronic format.

12.2.2 Quarterly Reports – Section 52 report

The Accounting officer, with the assistance of the CFO, must assist the Executive Mayor; in his/her duties in terms of section 52(d) of the MFMA to submit to Council within thirty days of the end of each quarter a report on the implementation of the budget and the financial state of affairs of the municipality.

12.2.3 Mid-year budget and performance assessment – Section 72 report

The Accounting Officer must assess the budgetary performance of the municipality for the first half of the financial year, taking into account all the monthly budget reports for the first six months, the service delivery performance of the municipality as against the service delivery targets and performance indicators which were set in the Service Delivery and Budget Implementation Plan (SDBIP).

The Accounting Officer must then submit a report in terms of section 72 of the MFMA on such assessment to the Executive Mayor by 25 January each year and to Council, Provincial Treasury, and National Treasury by 31 January each year.

The Accounting Officer may in such a report make recommendations, after considering the recommendation of the CFO, to prepare an adjustment budget.

13. CONCLUSION

The following documents must be placed and maintained on the municipality's official website:

(a) Annual and adjustments budgets and all budget-related documents;
(b) All budget-related policies;
(c) Integrated Development Plan;
(d) Annual report;
(e) All performance agreements;
(f) All service delivery agreements;
(g) All long-term borrowing contracts; and

All monthly, quarterly and mid-year reports are submitted to the Council on the implementation of the budget and the financial state of affairs of the municipality.

14. **SHORT TITLE**

This policy is called the Budget Implementation and Monitoring Policy.

CONSULTANTS REDUCTION POLICY

Approval by Council xxx

Implementation Date 1 July 2026

AIM

The aim of this policy is to reduce the reliance on consultants.

DEPENDENCY

The Swellendam Municipality is dependent on external consultants due to a lack of resources.

The following resources impact on the capability of the municipality to be self-sufficient and to limit the use of external consultants:

1. Human resources:

   The current staff establishment does not provide for the appointment of specialists in the various fields of local government competencies. Furthermore, the vacancy rate, for unfunded posts, is extremely high due to the number of essential posts in various departments that need to be filled.

   The municipality is dependent on the external public works programme to fill gaps in lower levels of the staff establishment.

   The high overtime expenditure is also a further indicator of a lack of staff capacity.

   small contractors are being appointed through supply chain management processes to fill gaps in the administration and to execute essential tasks.

   The creation of one senior post will have to be funded through the freezing of a number of labour posts and the lower labour vacancy rate is already under pressure.

2. Structural responsibilities

   The managers appointed in terms of the organisational structure are responsible to manage the various existing works on a daily basis. They are overloaded with administrative work and compliance matters. They don't have the time and are not fully equipped in terms of their experience and professional training to act as a consultant for the municipality. They will also not be covered in terms of the current insurance policy of the municipality for professional failures. The insurance policy will have to be extended to include professional indemnity insurance.

   The municipality manages 4 towns and other rural areas from a centralised administration, making it very difficult to attend to community needs by professional people. If there are funds for the extension of the staff establishment, it would be more reasonable to extend the management in the various towns rather than to appoint professional advisers and project managers.

3. Limited budget

The municipality`s budget is already under tremendous constraint and cannot accommodate the funding of additional posts. The high cost of employment is detrimental to the maintenance and operating budget and places a huge burden on service delivery.

4. Upper limits and task job limits

The upper limits of municipal remuneration are not market-related compared to the remuneration of professional people in the private sector. The municipality experiences a serious challenge to attract and retain staff in professional fields of management and it will be much more difficult to appoint professional people for the achievement of specific objectives such as drafting tender specifications for bulk services projects; managing such projects and be accountable and taking the risk associated therewith. In many instances, more than one specialist is needed to draft tender specifications for a single project, such as civil-, structural- and electrical engineering, planners, environmental specialists and planning designers/ architects to plan, design and construct a sewer plant or water purification works. There will have to be a huge hike in upper limits in order to appoint professionals in the various fields.

5. Offices and equipment

The municipality is not equipped to accommodate additional staff as the current staff is already accommodated in remote buildings spread all over the town of Swellendam. Additional office space will be needed and the municipality`s capital budget is insufficient to accommodate this. There is also no grant funding for the construction of office space.

Furthermore, offices for certain professionals must be equipped with specialist equipment such as designer tables, designer's software, plan printers, laboratories, testing equipment and various others.

6. Systems and programmes

There are a number of systems and programmes that the municipally need to maintain in order to render a cost-effective, efficient and reliable service and to be compliant with legislation.

The current systems entails:

a) GIS;
b) SAMRAS financial management;
c) Service delivery and budget implementation;
d) Performance Management;
e) Risk Management;
f) Compliance management;
g) Document management and work flow;
h) ICT and software licenses;

i) Complaints Management.

JUSTIFICATION

The use of consultants is currently non-negotiable for the municipality as it is of utmost importance to ensure service delivery and execute construction work of essential services. We however recognise that any decision to employ consultants or any other external professional service must be fully justified, the procurement properly conducted, the assignment managed effectively and the costs recorded.

Consultants are only used as and when the strategy, structure, management or operations of the specific department is under pressure to fulfil its mandate and render basic services.

We endeavour to use consultants outside the 'business-as-usual' environment when in-house skills are not available and it will be time-limited. Such consultancy services are expected to either provide additional skills or expertise which are not available within the municipality and are engaged to carry out activities such as investigating problems, providing analysis or advice, or assisting with the development of new systems, new structures or new capabilities within the organisation and to prepare specifications and manage the construction of essential services and works.

In some areas of normal daily administration consultancy engagement is seen to be appropriate when:

a) internal capacity is unavailable to undertake a new area of work;
b) Internal capacity is lacking due to a resignation and for the recruitment and training period as such, for instance where a specific system or programme is ultilised;
c) independence/objectivity is required and cannot be provided within the municipality;
d) specialist knowledge or expertise is unavailable internally;
e) legislative requirement where a directive is required to be complient with arising from legislation or due to compliance.

SKILLS TRANSFER

Skills transfer can only be applicable as and when there is internal capacity to be trained and utilised in future. We endeavour to always give explicit consideration to the potential for transferring skills, but it will be limited to areas where capacity exists.

Where skills transfer is not considered practical or appropriate, it will be recorded as such.

REDUCTION OPTIONS

a) Endeavour to get assistance for government departments to take sole responsibility for the execution of large engineering and or construction projects and for the execution of their mandates;
b) Implement a shared services model within the district for professional services;
c) Constantly inform other spheres of government on the cost of compliance and the unnecessary detail needed to comply with legislative requirements;
d) Appoint competent staff;
e) Annually evaluate the staff structure to establish opportunities to extend and fill vacant posts and provide for new posts. The Budget Steercom will annually during the budgetary process consider the annual management report on the appointment of consultants in order to decide on replacing consultants with full-time staff.

Contract Management Policy

Adopted by Council on … May 2026

Implementation 1 July 2026

TABLE OF CONTENTS

1. PRE-AMBLE 2
2. DEFINITIONS 2
3. ABREVIATIONS 4
4. OBJECTIVES 4
5. STATUTORY AND REGULATORY FRAMEWORK FOR MANAGING CONTRACTS 5
6. MAINTENANCE AND CONTRACT ADMINISTRATION 8
7. ROLES AND RESPONSIBILITIES OFFICIALS 9
8. RECORDKEEPING 10
9. CONTRACT HAVING BUDGETARY IMPLICATION BEYOND THREE FINANCIAL YEARS 10
10. RESOLUTION OF DISPUTES, OBJECTIONS, COMPLAINTS, AND QUERIES 11
11. CONTRACT PRICE ESCALATIONS 11
12. PERFORMANCE ON CONTRACTS 11
13. REVIEW OF CONTRACTS 12
14. IMPLEMENTATION AND REVIEW OF POLICY 12

1. PRE-AMBLE

All transactions undertaken by the Swellendam Municipality involves a contract whether explicitly agreed in writing or implicitly implied through actions.

Properly managed contracts by all stakeholders involved, can ensure that services are delivered within specifications as set and agreed by all during the specifications phase and at the agreed cost, (Inclusive of escalation clauses in contracts) time period and qualities of the goods and services procured.

All contracts must be managed throughout the contract Life Cycle, based on the level of management control appropriate for the classification of that contract.

Improperly managed contracts may impact negatively on service delivery. Adverse effects of ineffective contract management include but are not limited to:

1.1. goods and services outside of specification;

1.2. cost overruns;

1.3. poor suppliers-, buyer- or other stakeholder relations;

1.4. negative public perception;

1.5. potentially complete service delivery failures; and

1.6. irregular or unauthorised expenditure

Hence, good contract management by all stakeholders involved is essential for good financial management and will contribute greatly to the effectiveness and efficiency of service delivery. In effect it would give strategic direction to all directorates following a centralised strategy of contract management. This policy must be read in conjunction with the SCM Policy of the Swellendam Municipality.

2. DEFINITIONS

In this Policy, unless the context indicates otherwise-

Accounting Officer ***(in relation to a municipality)***	means the municipal official referred to in section 60 of the MFMA (2003); and includes a person acting as the accounting officer.
Act or MFMA	Means the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003);

Circular 62	means communication from National Treasury by means of a Circular to enhance compliance and accountability to SCM Regulations and the MFMA of 2003.
Contract	means the agreement that results from the acceptance of a bid by the Municipality (mutual agreement)
Contract Alteration	means changing technical writing or input errors to the agreement of the contract without changing the scope of contract.
Contract Amendment	means changing the scope, nature, duration, purpose or objective of the agreement or contract (In context of Circular 62 and section 116 (3) of the MFMA).
Contract Champion	means the official/s within a specific department, responsible for all day-to-day administrative and management activities (including performance management and dispute resolution) during the life cycle of the contract (with delegated powers to perform this function).
Contract Management	means the holistic term of all role players involved in an agreement (SLA/SDA) or contract and include the; SCM contract administrator, contract owner, contract champion and supplier.
SCM Contract Administrator	means the SCM official responsible for monitoring, regulating and reporting on all contract related activities as set out in Section 116 of the MFMA.
Contract Owner	means the Director, that is ultimately accountable for all activities during the life cycle of the contract. The Contract Owner can also be seen as the Budget holder.
Delegation ***(in relation to a duty)***	Includes an instruction or request to perform or to assist in performing the duty.
Official **(In relation to a municipality)**	means: • an employee of a municipality; • a person seconded to a municipality to work as a member of the staff of the municipality; or

	• a person contracted by a municipality to work as a member of the staff of the municipality otherwise than as an employee.
Users	Means all officials as set out in the organogram of the Swellendam Municipality involved with contracts.
User Department	Refers to the official/s within the relevant department of a directorate, as set out in the organogram of the Swellendam Municipality responsible for contract management.

3. ABREVIATIONS

MSA	means Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).
NT	means National Treasury established by section 5 of the Public Finance Management Act.
SCM	means Supply Chain Management
SLA	means Service Level Agreement

4. OBJECTIVES

4.1. To give effect to Section 217 of the Constitution of South Africa (1996) that stipulate:

When an organ of state in the national, provincial or local sphere of government, or any other institution identified in national legislation, contracts for goods or services, it must do so in accordance with a system which is equitable, transparent, competitive, cost-effective and fair.

4.2. The effective and efficient control of contracts procured through the SCM system ensuring:

4.2.1. proper recording and enforcement of contracts throughout the contract life cycle (specifications to contract reviews);

4.2.2. support to the demand management framework as set out in Circular 62 of National Treasury (August 2012), optimizing proper planning, resulting in effective service delivery;

4.2.3. management of Contract Performance;

4.2.4. compliance with the regulatory framework;

4.2.5. to assist officials in understanding their legal and managerial responsibilities with regards to contract management;

4.2.6. the optimization of efficient and sustainable financial well-being of the municipality, resulting in lower cost drivers, and

4.2.7. The continuous development of effective Management Information systems, resulting in strategic support and risk preventions.

4.3. To ensure that no contract procurement of goods and services (excluding land sales or rentals of Swellendam Municipal Assets, which are managed by Property Management Services), takes place outside of the SCM System.

5. STATUTORY AND REGULATORY FRAMEWORK FOR MANAGING CONTRACTS

5.1. All officials and other role players in the Supply Chain Management system of the Swellendam Municipality must implement this Policy in a way that gives effect to:

5.1.1. Section 217 of the Constitution;

5.1.2. Section 116 of the MFMA;

5.1.3. Section 33 of the MFMA;

5.1.4. SCM Regulations and Policy;

5.1.5. any other legislation pertaining to SCM.

5.2. This Policy applies when the Municipality:

5.2.1. procures goods or services;

5.2.2. selects service providers and suppliers to provide assistance in the provision of municipal services including circumstances where Chapter 8 of the Municipal Systems Act applies.

5.3. The accounting officer must at least annually review the implementation of this Policy; when the accounting officer considers it necessary, submit proposals for the amendment of this Policy to Council and in terms of section 62(1)(f)(iv) of the Act,

take all reasonable steps to ensure that the Contract Management Policy is implemented.

5.4. A contract or agreement procured through the Supply Chain Management System of the Municipality must:

5.4.1. be in writing;

5.4.2 stipulate the terms and conditions of the contract or agreement, which must provide for:

5.4.2.1. the termination of the contract or agreement in the case of non- or underperformance;

5.4.2.2. dispute resolution mechanisms to settle disputes between the parties;

5.4.2.3. a periodic review of the contract or agreement once every three years in the case of a contract or agreement for longer than three years; and

5.4.2.4. any other matters that may be prescribed.

5.5. The relevant Director, with delegated powers from the Municipal Manager, must establish capacity in his/her directorate to assist the accounting officer in carrying out the duties set out in section 116(2) of the MFMA.

5.6. Management of Contracts

5.6.1. The accounting officer and delegated officials must take all reasonable steps to:

5.6.1.1. ensure that a contract or agreement procured through the sup-ply chain management policy of the municipality is properly enforced;

5.6.1.2. monitor on a monthly basis the performance of the contractor under the contract or agreement.

5.6.1.3. administrate the contract with the necessary competencies and delegations, ensuring effective management of contracts.

5.6.2. The Contract Owner must ensure that contract champions submit suppliers' performance reports to the SCM contract administrator within 3 business days after the end of each month.

5.6.3. The SCM Contract Administrator submits a consolidated report to the SCM Manager within 5 business days after the end of each month for purposes of Section 116(2)(b) of the Act.

5.6.4. The SCM Manager submits a consolidated report on the performance of contracts or agreements for purposes of Section 116(2)(d), to the Accounting Officer within 10 business days of the end of each quarter.

5.7 Amendment of Contracts

5.7.1. A contract or agreement procured through the supply chain management policy of the municipality may be amended by the parties, in exceptional circumstances.

5.7.2. In terms of Section 116(3) of the MFMA, (56 of 2003), amendments (in compliance with SCM procedures), may only be made after:

5.7.2.1. the local community has been given reasonable notice of the intention to amend the contract or agreement and has been invited to submit representations to the municipality.

5.7.2.2. the reasons for the proposed amendment have been tabled in the council;

5.7.3. Amendments of contracts where the expansion or variation is not more than (NT Circular 62):

5.7.3.1. 20% (construction related goods, services and/or infrastructure projects), and

5.7.3.2. 15% (all other goods and/or services) of the original value of the contract, must be submitted directly to the Contract Management Office for recommendation and further reference to the Accounting Officer for approval.

5.7.4. Amendments of contracts where the expansion or variation is more than the threshold prescribed by National Treasury (Circular 62), must be dealt with in

terms of the provisions of section 116(3) of the MFMA, and are exempt from this process.

5.7.5. Amendments to the contract, without influencing the value or term of the contract, within the scope of the original terms and conditions, may be altered, provided that both parties have consensus on the amendment and the contract amendment is in writing and signed by both parties.

5.7.6. No agreement to amend or vary a contract shall be valid and of any force unless such agreement to amend or vary is entered into in writing and signed by the contracting parties.

5.7.7. Section 33 of the MFMA will apply when an amendment has budgetary implications for a term longer than the 3 (three) financial years. It remains the responsibility of the user department to give effect to section 33, following due process, as stipulated in Section 33 of the MFMA. The SCM Contract Management office will support the relevant user department in order to ensure that compliance to all SCM legislation is adhered to.

5.7.8. All expansions, variations or amendments to the contract sum or contract period must be approved by the delegated authority before implementation thereof.

6. MAINTENANCE AND CONTRACT ADMINISTRATION

6.1. Contract administration includes all administrative duties associated with a contract once it is adjudicated and implemented.

6.2. No rights in terms of an awarded contract will accrue before the SCM objection period and/or objection has been finalised.

6.3. The contract should be signed by all parties concerned (The relevant official should also ensure that the suppliers have the delegated powers to sign and amend the contractual agreement).

6.4. The contract will only be enforceable after all the signatures of the relevant parties are documented.

6.5. A signed service level agreement (if applicable) must be compiled and signed which will incorporate all the relevant sections of the tender documentation.

6.6. All once-off purchases shall have a specified end delivery date.

7. ROLES AND RESPONSIBILITIES OF OFFICIALS

7.1. SCM Contract Administrator is the SCM official responsible for system administration, status and SCM performance reporting on all contract-related activities. For the purposes of contract management activities performed by the relevant role players, the SCM contract administrator will monitor and report on the following activities:

7.1.1. identification and classification of contracts for management purposes in terms of the SCM processes;

7.1.2. recognition, measurement and disclosure;

7.1.3. oversight of contract administration as is provided for in this policy;

7.1.4. document and information management;

7.1.5. ensuring that all applicable contract information is maintained in the applicable electronic contract system

7.2. Contract Champion is responsible for the following activities:

7.2.1. ensuring that all the necessary legal formalities in entering into the contract are adhered to;

7.2.2. ensuring that purchase orders are processed on the financial system in accordance with the pricing schedule;

7.2.3. maintaining adequate records (paper and/or electronic) in sufficient detail on an appropriate contract file to provide an audit trail;

7.2.4. inform the Asset Management section of the location of newly procured assets for asset register and insurance purposes; and where appropriate, in terms of Council's Delegations, authorise invoices due for payment.

7.2.5. to take appropriate action in consultation with the contract owner and the SCM contract administrator, where a contractor is underperforming or is in default or breach of the contract.

7.2.6. ensure performance of suppliers is managed appropriately to the terms and conditions of the contract.

7.3. Contract Owner / Director

7.3.1. The contract owner is responsible for ensuring that contract champions are assigned to all contracts.

7.3.2. The contract owner is ultimately responsible for management of the activities.

7.4. Accounting Officer

7.4.1. The Accounting Officer is responsible for signing contracts with the relevant service provider.

7.4.2. The Accounting Officer is ultimately accountable for the contract.

8. RECORDKEEPING

8.1. Proper records regarding all aspects of the contract must be maintained and kept in accordance with relevant legislation.

8.2. All communication related to contracts must be linked to the master document on the electronic system, by the relevant official.

8.3. Safe custody of all contract documents must be enforced by all relevant users.

8.4. The SCM Contract Administrator is responsible for the electronic capturing of the contract information and maintenance thereof on the Contract Management system.

8.5. The original signed contract must be kept for safekeeping and storage.

9. CONTRACT HAVING BUDGETARY IMPLICATION BEYOND THREE FINANCIAL YEARS

Swellendam Municipality may not enter into any contract that will impose financial obligations beyond the three years covered in the annual budget for that financial year,

unless the requirements of Section 33 of the Municipal Finance Management Act have been fully complied with.

10. RESOLUTION OF DISPUTES, OBJECTIONS, COMPLAINTS, AND QUERIES

The Accounting Officer is responsible for establishing a dispute resolution mechanism as per paragraph 5.4.2.2 and also as required by section 116(1) of the MFMA and paragraph 49 of the SCM Policy.

11. CONTRACT PRICE ESCALATIONS

11.1. An appropriate contract price adjustment formula or specified terms of escalation must be specified in the bid documents.

11.2. Escalation notification must be in writing and presented before the implementation date thereof.

11.3 User departments, in conjunction with SCM contract administrator, are responsible for managing, verifying, and implementing price escalations as per the originally agreed terms and conditions set out in the specifications of the contract and keep proof of evidence to the newly agreed escalations on the system for all other relevant stakeholders to access.

12. PERFORMANCE ON CONTRACTS

12.1. In terms of the SCM Policy and the Municipal Systems Act, the accounting officer must implement an internal monitoring system to determine, based on a retrospective analysis, whether the authorised supply chain management processes were followed and whether the objectives of this Policy were achieved.

12.1.1. Municipality's Performance:

12.1.1.1. The municipality is required to pay creditors within 30 days of receiving all relevant invoice statements.;

12.1.1.2. The municipality is also required to create a favorable environment to receive services and goods without preventing the supplier to perform their duties.

12.1.1.3. All parties involved must perform according to the terms and conditions of the relevant contract, while the contract is alive.

12.2.1. Supplier Performance:

12.2.1.1 The supplier of goods and services is required to perform as per terms and conditions agreed upon and should inform the municipality if circumstances prevent them from performing, with reasons provided, within 5 working days.

12.2.1.2. For all relevant deviations from the agreed terms and conditions of any contract, the key performance indicators (KPI's) should be reviewed as well as the alignment with the strategic objectives established in the IDP.

12.2.1.3. Supplier's performance will be reviewed by Contract Champion on a monthly basis (end of the month), giving effect to section 116 of the MFMA, 2003.

12.2.1.4. Prescribed procedures to evaluate service providers must be complied with.

13. REVIEW OF CONTRACTS

13.1. In terms of section 116 (1) of the MFMA, a contract or agreement procured through the Supply Chain Management system must have a periodic review once every three years in the case of a contract or agreement that are longer than three years.

13.2. The contract owner or champion must conduct, as appropriate, within 3 months after the expiry of contracts, post-contract reviews.

14. IMPLEMENTATION AND REVIEW OF POLICY

This policy will come into effect on 1 July 2026 and will be reviewed at least annually or when required by way of a Council resolution.

COST CONTAINMENT POLICY

Approval by Council xxx

Implementation Date 1 July 2026

Table of Contents

1. DEFINITIONS 2
2. PURPOSE 2
3. OBJECTIVES OF THE POLICY 2
4. SCOPE OF THE POLICY 2
5. LEGISLATIVE FRAMEWORK 2
6. POLICY PRINCIPLES 3
7. USE OF CONSULTANTS 3
8. VEHICLES USED FOR POLITICAL OFFICE-BEARERS 4
9. TRAVEL & SUBSISTENCE 4
10. DOMESTIC ACCOMMODATION 5
11. CREDIT CARDS 5
12. SPONSORSHIPS, EVENTS & CATERING 6
13. COMMUNICATION 6
14. CONFERENCES, MEETINGS & STUDY TOURS 7
15. OTHER RELATED EXPENDITURE ITEMS 8
16. ENFORCEMENT PROCEDURES 8
17. DISCLOSURES OF COST CONTAINMENT MEASURES 8
18. IMPLEMENTATION & REVIEW PROCESS 9
19. CONSEQUENCES FOR NON-ADHERENCE TO THE COST CONTAINMENT MEASURES . 9
20. SHORT TITLE 9

1. DEFINITIONS

"*consultant*" means a professional person, individual partnership, corporation, or a company appointed to provide technical and specialist advice or to assist with a design and implementation of projects or to assist the municipality to achieve its objectives of local government in terms of section 152 of the Constitution.

"*cost containment*" the measures implemented to curtail spending in terms of this policy.

"*municipality*" Swellendam Municipality

2. PURPOSE

The purpose of the policy is to regulate spending and to implement cost containment measures at Swellendam Municipality.

3. OBJECTIVES OF THE POLICY

The objectives of this policy are to:

3.1 To ensure that the resources of the municipality are used effectively, efficiently and economically;

3.2 To implement cost containment measures.

4. SCOPE OF THE POLICY

This policy will apply to all:

4.1 Councilors'; and

4.2 Municipal employees.

5. LEGISLATIVE FRAMEWORK

This policy must be read in conjunction with the -

5.1 The Municipal Finance Management Act, Circular 82, published on 7 December 2016;

5.2 Municipal Cost Containment Regulations, 2018; and

5.3 Travelling and subsistence policy.

6. POLICY PRINCIPLES

6.1 This policy will apply to the procurement of the following goods and/or services:

(i) Use of consultants
(ii) Vehicles used for political office–bearers
(iii) Travel and subsistence
(iv) Domestic accommodation
(v) Credit cards
(vi) Sponsorships, events and catering
(vii) Communication
(viii) Conferences, meetings and study tours
(ix) Any other related expenditure items

7. USE OF CONSULTANTS

7.1 Consultants may only be appointed after an assessment of the needs and requirements has been conducted to support the requirement of the use of consultants.

7.2 The assessment referred to in 7.1 must confirm that the municipality does not have requisite skills or resources in its full time employ to perform the function that the consultant will carry out.

7.3 When consultants are appointed the following should be included in the Service Level Agreements:

(i) Consultants should be appointed on a time and cost basis that has specific start and end dates or as per the Engineering Council of South Africa professional remuneration scales for projects.
(ii) Consultants should be appointed on an output-specific basis, specifying deliverables and the associated remuneration;
(iii) Ensure that cost ceilings are included by specifying the contract price, and whether the contract price is inclusive or exclusive of travel and subsistence disbursements; and
(iv) All engagements with consultants should be undertaken in accordance with the municipality's supply chain management policy.

7.4 Consultancy reduction plans should be developed.

7.5 All contracts with consultants must include a retention fee or a penalty clause for poor performance.

7.6 The specifications and performance of the service provider must be used as a monitoring tool for the work that is to be undertaken and performance must be appropriately recorded and monitored.

8. VEHICLES USED FOR POLITICAL OFFICE-BEARERS

8.1 The threshold limit for vehicle purchases relating to official use by political office–bearers may not exceed seven hundred thousand rand (R700 000) or 70% of the total annual remuneration package for the different grades, whichever is greater.

8.2 The procurement of vehicles must be undertaken using the national government transversal contract mechanism.

8.3 If any other procurement process is used, the cost may not exceed the threshold set out in 8.1.

8.4 Before deciding on another procurement process as in 8.2, the chief financial officer must provide the council with information relating to the following criteria that must be considered:

(i) Status of current vehicles
(ii) Affordability
(iii) Extent of service delivery
(iv) Terrain for effective usage of vehicle
(v) Any other policy of council

8.5 Regardless of their usage, vehicles for official use by public office bearers may only be replaced after completion of 120 000 kilometers.

8.6 Notwithstanding 8.5, a municipality may replace vehicles for official use by public office bearers before the completion of 120 000 kilometers only in instances where the vehicle experiences serious mechanical problems and is in a poor condition, and subject to obtaining a detailed mechanical report by the vehicle manufacturer or approved dealer.

9. TRAVEL & SUBSISTENCE

9.1 An accounting officer:

(i) May only approve the purchase of economy class tickets for officials where the flying time for a flight is five (5) hours or less; and

(ii) For flights that exceed five (5) hours of flying time, may purchase business class tickets *only* for accounting officers, and persons reporting directly to

accounting officers.

9.2 Notwithstanding 9.1, an accounting officer may approve the purchase business class tickets for officials with disabilities.

9.3 International travel to meetings or events will only be approved if it is considered critical to attend the meeting or event, and only the officials that are directly involved with the subject matter will be allowed to attend the meeting or event.

9.4 Officials of the municipality must:

(i) Utilize the municipal fleet, where viable, before incurring costs to hire vehicles;
(ii) Make use of a shuttle service if the cost of such a service provider is lower than:
- the cost of hiring a vehicle;
- the cost of kilometers claimable by the employee; and
- the cost of parking.

(iii) not hire vehicles from a category higher than Group B; and
(iv) where a different class of vehicle is required for a particular terrain or to cater for the special needs of an official, seek the written approval of the accounting officer before hiring the vehicle.

9.5 The municipality must use the negotiated rates for flights and accommodation as communicated by National Treasury, from time to time, or any other cheaper flight or accommodation that is available.

10. DOMESTIC ACCOMMODATION

10.1 An accounting officer must ensure that costs incurred for domestic accommodation and meals are in accordance with the maximum allowable rates for domestic accommodation and meals, as communicated by National Treasury, from time to time, and the travel and subsistence policy of the municipality.

10.2 Overnight accommodation may only be booked where the return trip exceeds 500 kilometres or with prior approval from the Accounting Officer or Delegated Authority where:

10.2.1 Circumstances and limitations result it impractical to return
10.2.2 Circumstances that pose a risk to the health of the official or councillor

11. CREDIT CARDS

11.1 An accounting officer must ensure that no credit card or debit card linked to a bank account of the municipality is issued to any official or public office-bearer.

11.2 Where officials or public office bearers incur expenditure in relation to official municipal activities, such officials and public office bearers must use their personal credit cards or cash, and will request reimbursement from the municipality in terms of the travel and subsistence policy and petty cash policy.

12. SPONSORSHIPS, EVENTS & CATERING

12.1 The municipality may not incur catering expenses for meetings that are only attended by persons in the employ of the municipality, unless prior written approval is obtained from the accounting officer.

12.2 Catering expenses may be incurred by the accounting officer for the following, if they exceed five (5) hours:

(i) Hosting of meetings;
(ii) Conferences;
(iii) Workshops;
(iv) Courses;
(v) Forums;
(vi) Recruitment interviews; and
(vii) Council proceedings

12.3 Entertainment allowances of officials may not exceed two thousand rand (R2 000,00) per person per financial year, unless otherwise approved by the accounting officer.

12.4 Expenses may not be incurred on alcoholic beverages.

12.5 Social functions and events, team building exercises, year-end functions, sporting events, budget speech dinners and other functions that have a social element must not be financed from the municipal budget or by any supplier or sponsors.

12.6 Expenditure may not be incurred on corporate branded items like clothing or goods for personal use of officials, other than uniforms, office supplies and tools of trade, unless the costs thereto are recovered from the affected officials.

12.7 Expenditure may be incurred to host farewell functions in recognition of officials who retire after serving the municipality for ten (10) or more years, or retire on grounds of ill health, the expenditure should not exceed the limits of the petty cash usage as per the petty cash policy of the municipality.

13. COMMUNICATION

13.1 All municipal related events may as far as possible, be advertised on the municipal

website, instead of advertising in magazines or newspapers.

13.2 Publications such as internal newsletters may be designed internally and be published quarterly in an electronic media format and on the municipal website/intranet. Just confirm if done by service provider.

13.3 Newspapers and other related publications for the use of officials must be discontinued on the expiry of existing contracts or supply orders.

13.4 The acquisition of mobile communication services may be done by using the transversal term contracts that have been arranged by the National Treasury.

13.5 The allowances to officials for private calls and data costs are limited to an amount determined by the cellphone and data allowances policy.

14. CONFERENCES, MEETINGS & STUDY TOURS

14.1 Appropriate benchmark costs must be considered prior to granting approval for an official to attend a conference or event within and outside the borders of South Africa.

14.2 The benchmark costs may not exceed an amount determined by National Treasury.

14.3 When considering applications from officials to conferences or events within and outside the borders of South Africa, the accounting officer must take the following into account:

(i) The officials role and responsibilities and the anticipated benefits of the conference or event;
(ii) Whether the conference or event will address the relevant concerns of the municipality;
(iii) The appropriate number of officials to attend the conference or event, not exceeding three officials; and
(iv) Availability of funds to meet expenses related to the conference or event.

14.4 The amount referred to in 14.2 above excludes costs related to travel, accommodation and related expenses, but includes:

(i) Conference or event registration expenses; and
(ii) Any other expense incurred in relation to the conference or event.

14.5 When considering the cost for conferences or events the following items must be excluded, laptops, tablets and other similar tokens that are built into the price of such conferences or events.

14.6 Attendance of conferences will be limited to one (1) per annum with a maximum of two (2) delegates per department. The municipal manager may approve subject to available funds and importance more than one conference per annum.

14.7 Meetings and planning sessions that entail the use of municipal funds must, as far as practically possible, be held in-house.

14.8 Municipal offices and facilities must be utilized for conferences, meetings and strategic planning sessions where an appropriate venue exists within the municipal jurisdiction.

14.9 The municipality must take advantage of early registration discounts by granting the required approvals to attend the conference, event or study tour, in advance.

15. OTHER RELATED EXPENDITURE ITEMS

15.1 All commodities, services and products covered by a transversal contract by the National Treasury may be procured through that transversal contract before approaching the market, in order to benefit from savings and lower prices or rates that have already been negotiated.

15.2 Municipal resources may not be used to fund elections, campaign activities, including the provision of food, clothing and other inducements as part of, or during the election periods.

15.3 Expenditure on tools of trade for political office bearers must be limited to the upper limits as approved and published by the Cabinet member responsible for local government in terms of the Remuneration of Public Office Bearers Act, 1998

16. ENFORCEMENT PROCEDURES

16.1 Failure to implement or comply with this policy may result in any official of the municipality or political office bearer that has authorized or incurred any expenditure contrary to those stipulated herein being held liable for financial misconduct as set out in Chapter 15 of the MFMA.

17. DISCLOSURES OF COST CONTAINMENT MEASURES

17.1 Cost containment measures applied by the municipality must be included in the municipal in-year budget report and annual cost savings must be disclosed in the annual report.

17.2 The measures implemented and aggregate amounts saved per quarter, together

with the regular reports on reprioritization of cost savings, on the implementation of the cost containment measures must be submitted to the municipal council for review and resolution. The municipal council can refer such reports to an appropriate council committee for further recommendations and actions.

17.3 Such reports must be copied to the National Treasury and relevant provincial treasuries within seven calendar days after the report is submitted to municipal council.

18. IMPLEMENTATION & REVIEW PROCESS

18.1 This policy will be reviewed at least annually or when required by way of a council resolution, or when an update is issued by National Treasury.

19. CONSEQUENCES FOR NON-ADHERENCE TO THE COST CONTAINMENT MEASURES

19.1 Any person must report an allegation of non-compliance to the cost containment policy to the accounting officer of the municipality.

19.2 The accounting officer must investigate the allegations and if frivolous, speculative or unfounded, terminate the investigations.

19.3 If the accounting officer determines the allegations are founded, a full investigation must be conducted by the disciplinary board.

19.4 After completion of a full investigation, the disciplinary board must compile a report on the investigations and submit a report to the accounting officer on:
(i) Findings and recommendations; and/or
(ii) Whether disciplinary steps should be taken against the alleged transgressor.

19.5 The accounting officer must table the report with recommendations to the municipal council.

19.6 Subject to the outcome of the council decision the accounting officer must implement the recommendations.

20. SHORT TITLE

20.1 This policy shall be called the Cost Containment Policy of the Swellendam Municipality.

CUSTOMER CARE, CREDIT CONTROL AND DEBT COLLECTION POLICY

Adopted by Council on xxx

Implemented on 1 July 2026

TABLE OF CONTENTS

1. TITLE 4
2. DEFINITIONS 4
3. PURPOSE 11
4. SCOPE 11
5. LEGAL FRAMEWORK 11
6. PRINCIPLES 12
7. OBJECTIVES 12
8. ROLES AND RESPONSIBILITIES 12
8.1. Council 12
8.2. Administration 13
8.3. Customers 13
9. CUSTOMER CARE 14
9.1. Customer Care Objective 14
9.2. Metering 14
9.3. Accounts and billing 15
9.4. Payment facilities and methods 18
9.5. Customer assistance programmes 18
9.6. Subsidy for poor households and indigent households 20
9.7. Additional subsidy categories 21
9.8. Customer categories 21
9.9. Incentives 21
9.10. Enquiries, appeals and service complaints 21
10. CREDIT CONTROL 24
10.1. Applications 24

10.2. Screening, Securities and Deposits 27
10.3. Exceptional arrangements in the opening of new accounts 27
10.4. Terminations and Final Accounts 29
10.5. Metering 30
10.6. Estimated consumption 32
10.7. Payment 33
10.8. Interest on arrears 34
10.9. Limitation, disconnection, or discontinuation of services 34
10.10. Reconnection 36
10.11. Refunds 37
11. DEBT CONTROL 39
11.1. Letter of demand 39
11.2. Hand-over to debt-collectors/agents 39
11.3. Hand-over to attorneys 41
11.4. Other debt collection methods 41
11.5. Costs related to debt collection 42
11.6. Outstanding debt of Councillors and staff 42
11.7. Debt payment arrangements by Customers 42
11.8. Extension of time for payment 44
11.9. Administration orders 45
11.10. Debt write-off 45
12. CERTIFICATES AND CLEARANCES 45
12.1. Services clearance certificates when properties are transferred 45
12.2. Tender certificates 47
13. INCENTIVES AND REBATES 48

14. MISCELLANEOUS MATTERS 49
14.1. Proof of address 49
14.2. Prima facie evidence 50
14.3. Notices 50
14.4. Fraud, offenses and penalties 51
14.5. Entry and inspection 53
15. MANAGEMENT AND INTERNAL CONTROL 54
16. MONITORING AND REPORTING 55
17. REVIEW 56
18. DOCUMENT DEFINITION 56
Effective Date 56
Related Legislation 56
Related Policies, Procedures, Guidelines, Standards, By-laws, Frameworks 57
Replaces/ Repeals 57
Department responsible 57
Unit responsible 57
Applies to 58
Key Words 58
Status 58
Approval Date 58
Version 58

1. TITLE

1.1. Swellendam Municipality Customer Care, Credit Control and Debt Collection Policy.

2. DEFINITIONS

In this Policy any word or expression to which a meaning has been assigned in the Systems Act or MFMA has that meaning, unless the context indicates otherwise-

2.1. "Account" means an account rendered specifying charges for municipal services provided by the Municipality, or any authorized and contracted service provider, and which account may include assessment rates levies.

2.2. "Accounting Officer" means the Municipal Manager appointed in terms of Section 60 of the Municipal Finance Management Act.

2.3. "Annual Budget" shall mean the budget approved by the municipal council for any particular financial year and shall include any adjustments to such budget.

2.4. "Annually" means once every financial year.

2.5. "Arrangement" means a written agreement entered into between the Municipality and the customer where specific repayment parameters are agreed to.

2.6. "Arrears" means those rates and service charges that have not been paid by the due date and for which no arrangement has been made.

2.7. "Authorized Representative" means a person or instance legally appointed by the Municipality to act or to fulfill a duty on its behalf.

2.8. "Availability charge" means where properties are not connected to the municipal infrastructure but can reasonably be connected to the service.

2.9. "Billing Date" means the date upon which the monthly statement is generated and debited to the customer's account.

2.10. "Business and Commercial Property" means:

(i) Property used for the activity of buying, selling or trading in commodities or services and includes any office or other accommodation on the same property, the use of which is incidental to such activity.

(ii) Property on which the administration of the business of private or public entities take place.

2.11. "Bylaw" shall mean legislation passed by the council of the Municipality, and which shall be binding on the Municipality and on the persons and institutions to which it applies.

2.12. "Calendar year" shall mean 12 consecutive months of a financial year(s).

2.13. "Chief Financial Officer" means the person appointed as the Chief Financial Officer of the Municipality, or his or her nominee.

2.14. "Consolidated Account" means an account which is a consolidation of any separate accounts of a person who is liable for payment to the Municipality.

2.15. "Council" means the Council of the Swellendam Municipality.

2.16. "Councillor" shall mean a member of the Council of the Municipality.

2.17. "Credit Control" means all the functions relating to the collection of monies owed by ratepayers and the users of municipal services.

2.18. "Customer" means the occupier of any premises to which the Municipality has agreed to supply or is supplying municipal services, or if no occupier can be identified or located, then the owner of the premises and includes any customer of the Municipality.

2.19. "Day/Days" means calendar days, inclusive of Saturdays, Sundays, and public holidays.

2.20. "Debt Collectors" means an external person, agent or entity appointed by the Municipality to collect monies due and payable to the Municipality, subject to the conditions contained herein.

2.21. "Defaulter" means any person who owes arrears to the Municipality.

2.22. "Delivery Date" shall mean the date on which the periodic account is delivered to the customer or 3 days after the date the account was posted, whichever is the first.

2.23. "Indigent Customer" means the qualifying beneficiaries as identified by the Free Basic Services and Indigent Support Policy of the municipality.

2.24. "Indigent Policy" means the Free Basic Services and Indigent Support Policy adopted by the Council of the municipality.

2.25. "Integrated Development Plan" shall mean a plan formulated and approved as envisaged in Section 25 of the Municipal Systems Act, 2000 (Act 32 of 2000).

2.26. "Interest" means the charge levied on arrears, calculated as the prime rate, charged by the bank which holds the Municipality's primary bank account, plus one percent or such other percentage as may be determined by Council from time to time.

2.27. "Month" means one of twelve months of a calendar year.

2.28. "Monthly Average Consumption" means the monthly average consumption in respect of that property calculated on the basis of consumption over the preceding twelve months.

2.29. "Municipality" or "Municipal Area" shall, where appropriate, mean the geographic area, determined in terms of the Local Government: Municipal

Demarcation Act No. 27 of 1998 as the municipal area pertaining to the Municipality.

2.30. "The Municipality" means the Swellendam Municipality.

2.31. "Municipal Council" or "Council" shall mean the municipal council of Swellendam Municipality as referred to in Section 157(1) of the Constitution.

2.32. "Municipal Pay Point" means any municipal office in the area of jurisdiction of the Municipality designated by Council for such purposes, or any such other places as the Chief Financial Officer may from time to time designate.

2.33. "Municipal Manager" means the Municipal Manager of the Swellendam Municipality or his or her nominee acting in terms of power delegated to him or her by the said Municipal Manager with the concurrence of the Council.

2.34. "Municipal Services" means services provided either by the Municipality, or by an external agent on behalf of the Municipality in terms of a service delivery agreement.

2.35. "Owner" in relation to immovable property means the person as defined by section 1 of the Local Government Municipal Property Rates Act, 2004 (Act 6 of 2004) in whose name the property is registered in terms of the Deeds Registry Act, 1937 (Act 47 of 1937).

2.36. "Person" means a natural and juristic person, including any department of state, statutory bodies, or foreign embassies.

2.37. "POPIA" means the Protection of Personal Information Act, 2013 (Act 4 of 2013).

2.38. "Premises" or "Property" means any portion of land, the external surface boundaries of which are delineated on:

(i) A general plan or diagram registered in terms of the Land Survey Act, 1927 (Act of 1927) or in terms of the Deeds Registry Act,1937 (Act 47 of 1937); or

(ii) A sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986); and

(iii) Which is situated within the area of jurisdiction of the Municipality.

2.39. "Prescribed" means prescribed by this Policy and where applicable by Council or the Municipal Manager.

2.40. "Prescribed debt" means debt that becomes extinguished by prescription in terms of the Prescription Act. 1969 (Act 68 of 1969).

2.41. "Property" means immovable property registered under a separate title in terms of the provisions of the Deeds Registries Act, 1937 (Act 47 of 1937) in the name of a person, including, in the case of a sectional title scheme, a sectional title unit registered in the name of a person and includes unregistered land if the right of ownership can be determined.

2.42. "Rebate" in relation to a rate payable on a property, shall mean a discount granted in terms of Section 15 of the Municipal Property Rates Act, 2004 (Act 6 of 2004) on the amount of the rate payable on the property.

2.43. "Reduction" in respect of a rate payable on a property, means the lowering of the amount for which the property was valued and the rating of that property at that lower amount.

2.44. "Responsible Person" means any person other than the registered owner of an immovable property who is legally responsible for the payment of municipal service charges.

2.45. "Residential property" means improved property that:

(i) Is included in the valuation roll in terms of section 48(2)(b) of the Property Act as residential in respect of which the primary use or permitted use is for residential purposes (60% or more), including any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property. Any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes, if still used dominantly for residential purposes.

(ii) Is a unit registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), used predominantly for residential purposes, and includes any adjoining or adjacent development property registered in the name of the same owner and used together with such residential property as if it were one property. This use must indicate that the two properties cannot be dealt with as separate viable economic units and can only function as if they are one entity. Any such grouping shall be regarded as one residential property for rate rebate and valuation rebate purposes.

(iii) Is owned by a share-block company and is used predominantly for residential purposes.

(iv) Is an old age home used predominantly for residential purposes.

(v) Is a block of flats used predominantly for residential purposes.

(vi) Is a hostel used predominantly for residential purposes.

(vii) Is a residence used for residential purposes situated on a property used for or related educational purposes.

(viii) Is property which is included as residential in a valuation list in terms of section 48(2)(b) of the Act.

(ix) Retirement schemes and life right schemes used predominantly for residential purposes.

2.46. "Residential Unit" means an interconnected suite of rooms which does not include more than one kitchen, designed for the occupation, and use by a single family and which may be part of a residential property containing two or more residential units, attached, or detached, registered in the name of the same owner, and used together with such residential property as if it were one property.

2.47. "Service Charges" means the fees levied by the municipality in terms of its Tariff Policy for any municipal services rendered in respect of an immovable property and includes any penalties, interest, or surcharges levied or imposed in terms of this Policy.

2.48. "Service Delivery Agreement" means an agreement between the municipality and an institution or persons mentioned in section 76(b) of the Systems Act.

2.49. "Sundry Customer Accounts" means accounts raised for miscellaneous charges for services provided by the municipality or charges that were raised against a person because of an action by a person, and were raised in terms of the Council's policies, bylaws, and decisions.

2.50. "Systems Act" means the Local Government: Municipal System Act, 2000 (Act 32 of 2000).

2.51. "Tariff" means the scale of rates, taxes, duties, levies, or other fees which may be imposed by the municipality in respect of immovable property and/ or for municipal services provided.

2.52. "Tariff Policy" means a Tariff Policy adopted by the Council in terms of Section 74 of the Systems Act.

2.53. "User" means the owner or occupier of a property in respect of which municipal services are being rendered.

2.54. "Vacant Property" – means any land without any improvements thereon.

3. PURPOSE

3.1. The policy provides for the following:

3.1.1. Customer care.

3.1.2. Credit control.

3.1.3. Debt collection.

3.1.4. Issuing of certificates and clearances.

3.1.5. Incentives and rebates.

3.1.6. Management and internal control procedures.

3.1.7. Monitoring and reporting procedures.

4. SCOPE

4.1. This policy applies to all past, present, and future customers of the Swellendam Municipality and all contract arrangements, customers and debtors of the municipality.

5. LEGAL FRAMEWORK

5.1. Section 96(b) of the Systems Act, obliges the municipality to collect all money that is due and payable to it, subject to the provisions of relevant legislation.

5.2. Section 62(1)(f)(iii) of the MFMA determines that a municipality must have and implement appropriate Credit Control and Debt Collection mechanisms and section 64(2)(g) determines that the municipality must ensure that interest is charged on arrears on a monthly basis, except where Council has granted exemptions in accordance with its budget-related policies and within the prescribed framework.

6. PRINCIPLES

6.1. This Customer Care, Credit Control and Debt Collection Policy and its implementation will be aligned to the principles stipulated in section 6.1 to section 6.12 of the Revenue Bylaw.

6.2. The Executive Mayor must report the Customer Care, Credit Control and Debt Collection performance results, regularly and efficiently to Council.

7. OBJECTIVES

7.1. The objectives of this Policy are to:

7.1.1. Provide a framework within which the municipality can exercise its executive and legislative authority with regard to credit control and debt collection.

7.1.2. Ensure that all monies due and payable to the municipality are levied and collected in an financially sustainable manner.

7.1.3. Provide a framework for customer care.

7.1.4. Describe credit control measures and sequence of events.

7.1.5. Outline debt collection and credit control procedures and mechanisms.

7.1.6. Set realistic targets for credit control and debt collection.

8. ROLES AND RESPONSIBILITIES

8.1. Council

8.1.1. The Council must:

(i) Ensure that all money which is owed and payable to the Council is collected.

(ii) For this purpose, adopt, maintain, and implement a Customer Care, Credit Control and Debt Collection policy.

(iii) Monitor and supervise the implementation and enforcement of the Council's Customer Care, Credit Control and Debt Collection policy.

(iv) Where necessary, evaluate or adapt the policy and any applicable decrees, or the implementation of the policy to improve the efficiency of its mechanisms, processes and procedures for debt collection.

(v) Keep a record of such policy, which any person may obtain or perusal.

8.2. Administration

8.2.1. The administration must:

(i) Implement and enforce the Council's Customer Care, Credit Control and Debt Collection policy and any applicable regulations.

(ii) Initiate effective administrative mechanisms, processes, and procedures to collect any money that is owed and payable to the Council, in accordance with this Customer Care, Credit Control and Debt Collection policy and such decrees.

(iii) Report the required information on a regular basis at a meeting to Council or an appropriate committee of Council.

8.3. Customers

8.3.1. The owners and/or occupants of premises must allow access to such premises to an authorized representative of the municipality to read, inspect, install or repair any meter or services connection point, or to disconnect, stop or limit the provision of any.

9. CUSTOMER CARE

9.1. Customer Care Objective

9.1.1 The objective of this part is to focus on the customer's need in a responsible and pro-active way to enhance the payment for services and to create a positive and cooperative relationship between the persons responsible for the payment for services received and the Municipality and where applicable, the service provider.

9.2. Metering

9.2.1 The municipality will endeavour, within practical and financial limits, to provide meters to every paying customer for all measurable services.

9.2.2 All meters will be read monthly, as far as possible except pre-paid meters. If the meter is not read monthly, the consumption will be estimated in terms of Council's operational procedures.

9.2.3 Customers must:

(i) Safeguard and maintain service meters in a readable condition.

(ii) Notify the municipality when services are no longer required at a particular service delivery point.

(iii) Maintain credit and pre-payment meters.

(iv) Supply the municipality with accurate information with regard to the supply of services or applications for indigent cases.

9.2.4 Customers are entitled to request verification of meter readings at the prescribed tariff.

9.2.5 Customers are entitled to request testing of meters for accuracy within reason, at the prescribed tariff. If the test reveals the meter to register outside the norm as prescribed by the Trade Metrology Act, 1973 , the charges paid

will be refunded, the meter will be replaced and the customer's account will be adjusted accordingly, subject to a maximum period of 3 months.

9.2.6 Customers will be informed of meter replacement.

9.2.7 Customers must give notice of at least 48 hours to the municipality should a final reading or discontinuation of service be required.

9.2.8 If a service is metered but it cannot be read due to financial and/or human resource constraints or circumstances beyond the control of the municipality or its authorised agent, and the customer is charged for an estimated consumption, the account following the reading of the metered consumption must articulate the difference between the actual consumption and the average consumption where practical.

9.3. Accounts and billing

9.3.1 The municipality will as far as possible render to its customers on the billing system an understandable and accurate statement, which will consolidate all service costs and subsidies granted in terms of this Policy for that property.

9.3.2 Accounts will be produced in accordance with the meter reading cycle and billed according to the accounting month at the applicable tariff for the month and not the reading dates of the meter. The due dates will be linked to the statement date.

9.3.3 The monthly consolidated account can include all charges as provided for in the Municipal Tariff Policy.

9.3.4 Accounts will be rendered monthly in cycles of approximately 30 days.

9.3.5 It is the customer's responsibility to ensure that his/her contact details and all other required details are correct. Customers may request an account by e-mail.

9.3.6 Accounts are delivered monthly. It is the customer's responsibility to enquire from the municipality should an account not be received to ensure timely payment and to obtain a duplicate account when the account is not delivered during the normal billing cycle.

9.3.7 Customers residing outside the borders of the Republic of South Africa will receive only electronic accounts, unless a local address is supplied.

9.3.8 Settlement or due dates will be as indicated on the statement and are normally as follows:

(i) Monthly accounts are payable before or on the 28th day, or the first working day thereafter should it fall on a weekend or public holiday, of the month following the month of the statement of the account.

(ii) Accounts of councillors and employees may be deducted from their salaries/allowances on a monthly basis; alternatively, they may sign a debit order for deduction of the monthly account off their bank account.

(iii) Staff arrears will be dealt with in accordance with Schedule 2(10) of the Systems Act and in terms of any procedures, method or actions referred to in this Policy. Notwithstanding any other procedure, method or action that may be taken in terms of this Policy, the municipality shall deduct any outstanding amount from such staff members' salary after this 3 (three) month period. Outstanding arrears will be settled out of any annual bonus due to the staff members.

(iv) In accordance with Schedule 1(12A) of the Systems Act, a Councillor of the Municipality may not be in arrears to the municipality for rates and service charges for a period longer than 3 months. Notwithstanding any other procedure, method or action that may be taken in terms of this Policy, the municipality shall deduct any outstanding amount from such Councillors' remuneration after this 3 (three) month period.

9.3.9 Where an account is not settled in full, any lesser amount tendered and accepted shall not be deemed to be in full and final settlement of such an account.

9.3.10 Where any payment made to the municipality or its authorised representative by negotiable instrument is later dis-honoured by a bank, the municipality or its authorised agent:

(i) May recover the average bank charges incurred relating to dis-honoured negotiable instruments, together with an administration fee, against the account of the customer.

(ii) Shall regard such an event as a default on payment and services may be discontinued should a valid payment by cash or electronic fund transfer not be made by the date provided by the authorised official.

(iii) May insist on cash, debit order or electronic fund transfer payments for all future accounts.

9.3.11 The municipality must issue a duplicate account or any acceptable alternative to a customer on request.

9.3.12 All contracts for service delivery with tenants will be phased out over a period of time and all new service contracts will only be with the owners of the property.

9.3.13 When tenants are in default, the service contract with the tenant will be cancelled and services transferred to the owner.

9.3.14 Opening of tenant accounts will only be allowed when: The customer is an indigent household, and the property is registered in the name of another person.

9.4. Payment facilities and methods

9.4.1 The municipality will operate and maintain suitable payment facilities, which facilities will be accessible to all customers.

9.4.2 A debtor does not have the right to indicate that the payment is for a specific portion of the account. The municipality will allocate a payment between service debts in accordance with the following priorities:

(i) Property Rates Level 1
(ii) Sundry Levies and Sewerage Level 2
(iii) Refuse Level 3
(iv) Rent Level 4
(v) Water Level 5
(vi) Electricity Level 6

9.4.3 The municipality may, with the consent of a customer, approach an employer of the customer to secure a debit or stop order arrangement.

9.4.4 The municipality will endeavour to appoint a variety of agents for the receipt and transfer of payments to the municipality. The customer will acknowledge in the customer agreement that the use of customer agents in the transmission of payments to the municipality is at the risk of the customer, including the time lapse for transfer of the payment.

9.5. Customer assistance programmes

9.5.1 Water leakages:

(i) If the leakage is on the customer's side of the meter, the customer will be responsible for payment of the full account.

(ii) A customer will qualify for a water leakage discount upon application within 10 days after the leak has been identified/repaired or in the discretion of the Chief Financial Officer.

(iii) The customer will only qualify once in a cycle of 12 months for a discount.

(iv) Suitable proof of repair and costs has been submitted containing the following information:

(a) Date of the repair.

(b) Confirmation that the leak was under the surface and or not easily detectable.

(c) Certification that the material in which the leak occurred was of acceptable standard or an affidavit from the SA police if the water leakage was repaired by the customer subject to the Chief Financial Officer approval.

(v) Discount for household usage will be calculated over the period the leak was present and will be equal to the consumption above the normal consumption of the customer at the rebate tariff applicable. All the usage calculating due to the leak will be charged on the second block of the water tariff.

(vi) It is the responsibility of the customer to control and monitor his/her consumption.

9.5.2 Rate rebates:

(i) The municipal Council may grant rate rebates annually to certain categories of ratepayers in accordance with the Municipality's Property Rates Policy and Bylaws.

(ii) Rate rebates will be subject to certain criteria as determined by Council from time to time.

9.5.3 Arrangements for settlements:

(i) Customers whose municipal accounts become in arrears may enter into an arrangement for settlement of the arrears with the municipality. Such customers will be requested to complete a new application form.

(ii) If required, customers with arrears must agree to the conversion to a pre-payment electricity meter. If and when implemented, the cost of which, and the arrears total, will be paid off either by adding the debt to the arrears bill and repaying it over the agreed period.

(iii) In the case of the customer who is not a natural person, an organ of state, a local authority, a public company or a public corporation, the major shareholder or member will be obligated to guarantee the debt of the customer.

(iv) Council reserves the right to raise the deposit/security requirement of debtors who seek arrangements and/or other stipulations it may deem necessary.

9.6. Subsidy for poor households and indigent households

9.6.1 A basic level of services will be provided to qualifying households with a total gross income level which is below a determined amount, and according to further specified criteria, as determined by the municipality from time to time through the Free Basic Services and Indigent Support Policy.

9.7. Additional subsidy categories

9.7.1 Subject to an equitable share contribution received from National Treasury, Council may provide, free of charge to a customer, basic services as determined from time to time.

9.7.2 Rebates on property rates may be granted to categories of properties or owners in accordance with Council's Property Rates Policy.

9.8. Customer categories

9.8.1 Customers will be categorised according to specific classifications based on amongst others the type of entity, applicable tariffs, and risk levels of the provision of services.

9.8.2 Processes for credit control, debt collection and customer care may differ from category to category, as deemed appropriate from time to time by the Municipal Manager.

9.9. Incentives

9.9.1 The Chief Financial Officer is delegated to waive interest on arrear accounts on condition that full payment of the arrear's capital amount is received in one payment in accordance with council's delegation framework.

9.9.2 The above delegation may be sub delegated to the manager revenue to the amount of R1,000.

9.10. Enquiries, appeals and service complaints

9.10.1 If a customer is convinced that his/her account is inaccurate, he/she can lodge a query, together with supporting documentation and proof, with the municipality before due date for investigation of this account, and where necessary the relevant alterations.

9.10.2 In the interim the debtor must pay an average based on previous consumption where such history of the account is available. Where no such history is available, the debtor is to pay an estimate provided by the municipality before payment due date until the matter is resolved. Failure to make such an interim payment will result in the customer forming part of the normal credit control procedures.

9.10.3 In relation to enquiries, the following applies:

(i) Any aggrieved person may address a grievance or query regarding charges for municipal services to the Chief Financial Officer in writing or may visit any customer care office provided by the Municipality.

(ii) Every customer has the right to ask and to be provided with a clear explanation as to the services being charged and a breakdown of all amounts shown on their account.

(iii) The aggrieved person shall clearly state the basis of his or her dissatisfaction and the desired resolution.

(iv) The lodging of an inquiry shall not relieve the aggrieved person of the responsibility to settle his or her account. An interim payment similar to an average account must be paid by the due date pending finalisation of the enquiry.

(v) The municipality will respond to all inquiries from customers in writing within 30 days from the lodging of the enquiry. Overstrand 14 days. Maybe change?

9.10.4 In relation to disputes, the following applies:

(i) Any alleged dispute which does not meet the definition of dispute, as defined in this policy, will be regarded by the Municipal Manager as a query and the person will be informed in writing thereof.

(ii) In order for a dispute to be registered with the municipality, the following procedures must be followed by the consumer:

(a) The dispute must be submitted in writing and signed by the disputant as correct. The document must then immediately be lodged with the relevant Municipal Managers' Office of the municipality.
(b) No dispute will be registered verbally whether in person or telephonically.
(c) The consumer must furnish full personal particulars including all account numbers held with the municipality, direct contact telephone numbers, fax numbers, postal and e-mail addresses and any other relevant particulars required by the municipality.
(d) The full nature of the dispute including the specific amount involved, account details, and the relevant periods pertaining to that specific amount under dispute, must be described in the correspondence referred to above.

(iii) The onus shall rest with the consumer to ensure that he/she receives a written acknowledgement of the receipt of the dispute, from the Municipal Managers Office of the municipality.

(iv) Any amount not in dispute shall be subject to the requirement of this policy.

(v) The Municipal Manager's decision on disputes shall be final.

(vi) Where appropriate the municipality shall immediately implement appropriate debt collection and credit control measures provided for in this policy, after the consumer in question has been provided with the outcome of the dispute.

9.10.5 Should a consumer not be satisfied with the outcome of the dispute, a consumer may lodge an appeal in terms of section 14 of the Revenue Bylaw.

10. CREDIT CONTROL

10.1. Applications

10.1.1. A customer who requires the provision of municipal services must apply for the service from the municipality. The application must be made on the prescribed form.

10.1.2. The application for the provision of municipal services must be made by the registered owner of immovable property only.

10.1.3. The municipality will not entertain an application for the provision of municipal services by a tenant of a property, or any other person who is not the owner of the property. The only exception will be:

(i) Individuals and Businesses with lease agreements to lease properties from the municipality.

(ii) Government Departments.

(iii) Body Corporates who take the responsibility for the payment of basic water, basic sewer and refuse removal services on behalf of the individual sectional title owners.

(iv) Rates and services accounts will be separated into two separate accounts where there is a tenant, whom is an approved Indigent Customer, on written permission from the registered owner/heir. The account stays in the registered owners name and the owner will at all times be responsible for the account and any outstanding balances.

~~(v) Approved Indigent Customers for the purposes of registering and allocating the applicable subsidy to qualified indigent customers who will be allowed to open an account in the name of the lessee of the property.~~

10.1.4. In case of existing arrangements where tenants have existing accounts, written permission of the owner may be requested from the owner by the Municipality. If the tenant is guilty of non-payment the owner, where permission has been granted, as a last resort is liable for the outstanding debt, except where the property concerned is owned by the Municipality.

10.1.5. An agent may with a proxy open an account in the name of the owner.

10.1.6. By completing the prescribed application form for the provision of municipal services and paying the prescribed deposit, the consumer of services enters into an agreement with the municipality. Such agreement does not constitute a credit facility envisaged in terms of section 8(3) of the National Credit Act (NCA) but shall be incidental credit as envisaged in terms of section 4(6)(b) of the NCA, to which the NCA will only apply to the extent as stipulated in section 5 of the NCA.

10.1.7. The agreement with the municipality makes provision for the following:

(i) An undertaking by the property owner that he or she will be liable for collection costs including administration fees, interest, disconnection and reconnection costs, and any other legal costs occasioned by his or her failure to settle accounts by the due date on an attorney/ client basis.

(ii) An acknowledgement by the property owner that accounts will become due and payable by the due date notwithstanding the fact that the property owner did not receive the account.

(iii) That the onus will be on the property owner to ensure that he or she is in possession of an account before the due date.

(iv) An undertaking by the municipality that it shall do everything in its power to deliver accounts timeously.

10.1.8. The first account for services will be rendered after the first meter reading cycle to be billed following the date of signing the service agreement.

10.1.9. The municipality may refuse to supply services to an applicant should such applicant owe monies to the municipality regarding a previous period when he/she was rendered services by the municipality until such debt has been settled in full. Should the applicant prove to the Chief Financial Officer that he/she is unable to pay, the application will be dealt with in terms of Council's Free Basic Services and Indigent Support Policy.

10.1.10. The municipality will read the meters within the period stipulated in the agreement after notification of a change in ownership or application for the supply of services and render an account within the normal cycle applicable to the property.

10.1.11. Existing consumers of services may be required to sign new agreements in the following instances:

(i) Any change of service profile.

(ii) With any instruction given or actual disconnection or restriction of services or legal action taken.

(iii) Any form of tampering with service networks or meters.

(iv) As determined by the Municipal Manager from time to time.

10.2. Screening, Securities and Deposits

10.2.1. Every customer must, on application for the provision of municipal services pay a deposit to the municipality prior to the provision of any municipal services. The amount of which shall be annually determined by Council and is contained in the tariff schedules issued annually.

10.2.2. No interest will be paid on any deposit held by Council.

10.2.3. Existing customers moving to a new address are required to pay the prescribed customer deposit, as contained in the prescribed annual list of tariffs, on application for the provision of municipal services at the new address.

10.2.4. The customer deposit paid on application for the provision of municipal services may be reviewed annually and may be increased or decreased upon written notice to customers.

10.2.5. On termination of the supply of services the amount of the deposit less any payment due to the municipality will be refunded to an account holder, provided that payments due are less than the deposit paid, and that the account holder has provided a forwarding address.

10.3. Exceptional arrangements in the opening of new accounts

10.3.1. The following arrangements will apply in exceptional cases in relation to RDP Houses:

(i) If the occupier or beneficiary after numerous attempts by the municipality to get them to come and open an account failed, an account will be open on behalf of the beneficiary or occupier by a municipal official by completing the new application form, attach proof occupancy or happy letter or beneficiary proof, attach any documented proof of attempt to contact the owner, occupier to come and open an account if there is any.

(ii) The details of beneficiaries or occupants having been provided by a legitimate authority like the Department of Human Settlement, Councillor or any relevant legitimate government institution or stakeholder, will suffice.

(iii) A municipal official will also create an account on the system under the occupier or beneficiary name, raise the deposit, link all the relevant service charges, and bill the account on monthly basis.

10.3.2. The following arrangements will apply in exceptional cases in relation to the sale and transfer of properties:

(i) If the property has been sold and transferred to the new owner as per the deeds records and the previous owner came to complete the termination of service form and the new owner failed to come and complete the new application form to open an account under his or her name.

(ii) A municipal official will complete a new application form on behalf of the owner, attach proof of ownership from the Deeds Office, attach any documented proof of attempt to contact the owner to come and open an account if there is any.

(iii) A municipal official will create an account on the system under the name of the new owner, raise a relevant deposit, link all the relevant services charges, and bill the account on a monthly basis.

10.4. Terminations and Final Accounts

10.4.1. It is the responsibility of the consumer to notify the municipality when municipal services are no longer required due to the sale of the property or other reasons.

10.4.2. Failure to comply with the provision above renders the consumer liable for all service charges and interest thereon accumulated from the date when the premises are vacated to the date when Council becomes aware of such vacation.

10.4.3. A customer may terminate an agreement for the supply of municipal services by giving at least 21 (twenty- one) days' written notice to the municipality of such termination.

10.4.4. The municipality may terminate an agreement for the supply of municipal services by giving at least 21 (twenty-one) days' written notice to a customer where the premises have been vacated by the customer concerned and no arrangement for the continuation of the agreement has been made with the municipality provided that, in the event of the customer concerned not being the registered owner of the premise, a copy of the aforesaid notice shall also be served on such registered owner.

10.4.5. A customer shall remain liable for all arrears and applicable charges that are payable for municipal services rendered prior to the termination of an agreement.

10.4.6. Upon receipt of a customer's application for the termination of municipal services, the municipality shall:

(i) Take final readings in respect of metered municipal services.

(ii) Prepare and render a final account.

(iii) Appropriate the customer deposit for the reduction or settlement of any outstanding amount owed by the customer.

(iv) Return the customer deposit to the customer if no amount is owed to the municipality.

10.5. Metering

10.5.1. The Municipality may introduce various metering equipment and may encourage customers to convert to a system that is preferred by the Council when Council considers this to be beneficial to its functioning and operations as contemplated in section 9.2 above.

10.5.2. The following applies to the reading of meters:

(i) Meters are read in cycles of approximately 30 days.

(ii) If for any reason the meters cannot be read, the municipality will render an account based on estimated consumption. The estimate will be based on the average of the previous 3 months' consumption.

(iii) The account based on estimated consumption will be adjusted in the subsequent account based on the actual consumption.

(iv) The customer is responsible to ensure access to metering equipment for the purpose of obtaining meter readings for billing purposes.

(v) Customers can, for reasons of non-accessibility to their properties by meter readers, provide the municipality with monthly meter readings for billing purposes, provided that an audit reading can be obtained by the municipality once every six months and provided that a final reading can be obtained should the customer vacate the property.

(vi) If any basic charge or calculation error is discovered in respect of any account rendered to a customer (whether in favour of the Council or customer), the following will apply:

(a) The error shall be corrected in the subsequent account.

(b) Where the discovery is made, any such correction in terms of accounts billed monthly may apply in respect of an account from the date on which the error on the account was discovered.

(c) The correction shall be based on the tariffs applicable during the period.

(d) Corrections will be calculated from the inception of the error and be recovered over a maximun period of three-years

(vii) When an adjustment is made to the consumption registered on a meter, such adjustment will be done according to the conditions stipulated in the Revenue Bylaw and Tariff Policy.

(iv) When a customer vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made by the municipality and the final account rendered accordingly.

10.5.3. The following applies to prepayment metering:

(i) Prepayment services are purchased at prepayment vending points for consumption after the date of purchase.

(ii) The basic levy outstanding for six months plus, on the pre-payment system on 30 June and 31 December each year, will be billed in the following months on the Municipal Financial System and the normal credit control measures will apply.

(iii) Customers may elect to have the daily/basic charge levied on their monthly municipal account instead of paying it as part of the prepaid purchases by completing the application form and submitting it to the municipality before the 15th of the month. All applications received by the 15th will be processed with the following billing cycle.

(iv) The municipality may load an auxiliary on the "pre-payment" system in order to allocate a portion (60%) of the rendered amount to the customer's arrear account for other services.

(v) On request of the customer, copies of the previous prepayment meter vouchers will be produced. Lost vouchers will not be replaced under any circumstances.

(vi) Credits remaining in the prepayment meter will not be refunded when a premise is vacated by a customer or in case of purchasing against a wrong account.

(vii) The municipality shall not be liable for the reinstatement of credit in a prepayment meter due to tampering with, or the incorrect use or abuse of prepayment meters.

(viii) The municipality may appoint vendors for the sale of prepaid electricity but does not guarantee the continued operation of any vendor.

(ix) The municipality may apply all the debt collection functions available on the prepayment system to collect all arrear debt on the account of the customer.

10.6. Estimated consumption

10.6.1. The municipality may levy an estimate of the average consumption of services for any relevant period, in the instances detailed below. An

estimated consumption shall apply until an actual meter reading is obtained:

(i) No meter reading could be obtained in respect of the period concerned.

(ii) Meter malfunctions giving an incorrect reading. If such irregularities are found to be legitimate, the municipality will then charge an average consumption amount as defined in this policy instead of the "metered" consumption.

10.7. Payment

10.7.1. All accounts rendered by the municipality are due and payable on the due date.

10.7.2. All payments, whether made by cash, stop order, electronic payments or payments made through duly authorised agents must be receipted by the municipality by the close of business on the due date.

10.7.3. Accounts rendered by the municipality can be paid at any municipal cashier office and any other pay point as determined by the Municipal Manager from time to time.

10.7.4. The payment methods and facilities supported by the municipality can be used to make payments on accounts.

10.7.5. Payments received in respect of service charges will be allocated as follows on the account of the customer as per 9.4.2 above

10.7.6. Part payment received on an account shall be allocated firstly to reduce any penalty charges that may have accrued on the account.

10.7.7. An official receipt issued by the municipality or its duly authorised agent will be the only proof of payments made.

10.8. Interest on arrears

10.8.1. Account balances which remain unpaid 30-days after the due date of the month when the account becomes payable shall attract interest irrespective of the reason for non-payment.

10.8.2. Interest on arrear debt shall, be calculated for each month, or part thereof, for which such payment remains unpaid.

10.8.3. Interest will be charged from the due date of the month following the month in which the account becomes payable.

10.8.4. In case of outstanding debt owed by residential households, no further interest shall be charged on any outstanding amounts in respect of which an incentive agreement had been concluded for the payment by way of instalment thereof, provided the instalments are paid in full by the due dates thereof.

10.8.5. The interest rate is charged at a prime rate charged as determined by the Reserve Bank.

10.9. Limitation, disconnection, or discontinuation of services

10.9.1. An account rendered to a customer by the Municipality shall be paid by the due date.

10.9.2. If the customer fails to pay any account after the expiry of the due date then, (within a period of fourteen (14) days):

(i) The municipality may limit, disconnect, or discontinue the supply of electricity to the immovable property in question, provided that a dispute as contemplated in Section 102(2) of the Systems Act, had not been declared.

(ii) The Chief Financial Officer or any duly authorised person may instruct attorneys to recover the outstanding amounts owed.

10.9.3. The Municipality may also restrict or terminate the supply of municipal services to any premises whenever a user of services:

(i) Fails to comply with a condition of supply determined by the municipality.

(ii) Fails to repair onsite damage after being advised to do so and having been given reasonable notice to comply.

(iii) Obstructs the efficient supply of any municipal services to another customer.

(iv) Supplies such municipal service to a customer who is not entitled thereto or permits such services to continue.

(v) Causes a situation which in the opinion of the municipality is dangerous or a contravention of relevant legislation.

(vi) Is placed under provisional sequestration, liquidation or judicial management, or commits an act of insolvency in terms of the Insolvency Act.

(vii) If an administration order is granted in terms of section 74 of the Magistrate Court Act in respect of such user.

(viii) Is placed under debt review, or debt counselling, or debt re-arrangement in terms of the National Credit Act.

10.9.4. The limitation, disconnection, or discontinuation of the supply of services shall be affected in the manner that is customarily used or by taking such reasonable and lawful steps as may be necessary.

10.9.5. Any disbursements or charges incurred or raised in respect of the limitation, disconnection, or discontinuation of the supply of water shall be paid by the customer.

10.9.6. If a customer unlawfully reconnects or attempts to reconnect a supply of electricity or water that has been limited, disconnected, or discontinued, then:

(i) The municipality may disconnect or discontinue the supply entirely by removing the service connection from the premises.

(ii) Any disbursements, penalties, or reconnection charges, together with any outstanding amounts owed in respect of rates or municipal services, must be paid in full before a reconnection can be made.

10.9.7. In the case of a customer where the supply of services has been limited, disconnected or discontinued at least twice during the preceding period of twelve (12) months, the municipality may review the amount of the customer deposit required from such customer.

10.9.8. The municipality must provide an owner of a property in its jurisdiction with copies of any agreement entered into with the occupier of the property for the payment of an outstanding account if the owner requests such agreement in writing from the municipality.

10.9.9. The municipality may, in accordance with the provision of section 102 of the Systems Act:

(i) Consolidate any separate accounts of a consumer liable for payments in terms of the Bylaws of the municipality.

(ii) Credit a payment by such a person against any account of that consumer.

10.10. Reconnection

10.10.1. The municipality shall reconnect and/or restore full levels of supply of any of the restricted or discontinued services only after the full amount outstanding is paid or an arrangement has been made including the costs of such disconnection and reconnection or acceptable arrangements having been made for payment of such outstanding amounts in terms of this Policy, or any other condition(s) of this Policy have been complied with.

10.10.2. Only an authorised official shall authorise the reconnection of services or reinstatement of service delivery after satisfactory payment and/or arrangement for payment has been made according to this Policy.

10.11. Refunds

10.11.1. Requests for refunds and payment- transfers must be made to the municipality in writing.

10.11.2. A request for refund form should be completed and lodged at a Customer Care Counter of the municipality, together with the following documentation:

(i) Certified copy of the account holder's Identity Document.

(ii) Proof of consumer banking details letter from bank.

(iii) Copy of proof of payments.

(iv) A copy of a consumer statement to be attached by the relevant municipal official to the refund documents for easy reference.

10.11.3. Only credit amounts appearing on an account will be refunded, subject to the municipality's right to set-off credit balances against any other debt due by the consumer. The municipality's right to offset any debt against any credit paid by a consumer, as provided for in this policy, is subject to the provisions of the Insolvency Act.

10.11.4. Refunds will only be made payable to the registered consumer.

10.11.5. Any incorrect payment made on an account by a third party will be refunded to such third party, only after the third party has submitted proof of the incorrect payment and subject to any law or policy of the municipality.

10.11.6. Where an incorrect account has been paid by a claimant who is also an account holder with the municipality, the claimant is to provide proof of the correct account details and such a payment is to be re–allocated to the correct consumer account.

10.11.7. The municipality reserves the right to periodically determine a bottom threshold for when it is entitled to decline to issue a refund where the cost and administrative burden of issuing the refund is out of balance with the amount to be refunded. The present bottom threshold at the point of the approval of this policy is R30.

10.11.8. The municipality will use the prescribed method when paying a refund to an account holder.

10.11.9. Any arrears on any account of the account holder requesting or entitled to a refund may be set off against any credit balance due to that account holder on any of his accounts before the refund is affected.

10.11.10. There is an obligation on all account holders to ensure that their contact details on the municipality's system are always correct and updated.

10.11.11. The municipality shall be entitled to write back or appropriate any unclaimed money arising from a credit balance of an account holder account, if such amount is not claimed by the account holder within a period of three years from the date when it became due to him/her.

10.11.12. Deceased Estates and Insolvent Estates:

(i) In case of an Estate late the nominated person/appointed executor. In a case where the registered consumer is unable to claim a refund due to reasons beyond his/her control, a Power of Attorney may be solicited in order to process such a refund.

(ii) Refunds will only be made payable to the deceased estate's bank account upon the request of the duly appointed executor or executrix and supply proof of such bank accounts of bank confirmation letters.

(iii) In instances where an estate is wound up in terms of section 18 (3) of the Administration of Estates Act, 1965 (Act 66 of 1965), then the completed Request for Refund form must be supported by the written directives of the Master of the High Court.

10.11.13. Insolvent Estates including any entity In Liquidation: Refunds will only be made payable to:

(i) An insolvent estate's bank account or an entity in liquidation's bank account upon the request of the duly appointed trustee or liquidator.

(ii) To an unrehabilitated insolvent at the request of, or with the support of, the unrehabilitated insolvent's trustee (notwithstanding anything to the contrary contained herein, to a duly authorised nominee at the written request of the trustee or liquidator.

11. DEBT CONTROL

11.1. Letter of demand

11.1.1. A letter of demand will be sent to every owner or consumer who is in arrears with his account with the municipality.

11.2. Hand-over to debt collectors/agents

11.2.1. Debts which have been outstanding for more than 60 days from due date may be handed over to debt collectors appointed by the municipality for the purposes of collecting such debt.

11.2.2. The relevant debt collectors must ensure that the stipulations contained in the National Credit Act with respect to incidental credit are duly complied with.

11.2.3. If the debt collectors are unsuccessful in collecting the debt within 90 days of same being handed over, the debt may be handed over to attorneys for legal action.

11.2.4. Only the Chief Financial Officer or duly appointed official may hand over debts to attorneys for collection, and the Chief Financial Officer shall hand such debts over to attorneys for collection if they have not been collected by debt collectors within the aforementioned period of ninety (90) days, unless the Chief Financial Officer is of the opinion that it shall not be cost effective to do so.

11.2.5. If the Chief Financial Officer is of the opinion that it is appropriate to do so (such as in cases of urgency), he or she may hand over debts for collection to attorneys at any time prior to the expiration of any of the periods referred to above and without first handing them to debt collectors.

11.2.6. The process of collecting debt by debt collectors includes:

(i) The phoning of customers.

(ii) Sending an 'sms' to customers.

(iii) Sending out demand letters.

(iv) Making arrangements with customers to pay off debt in terms of the Council's Customer Care, Customer Care, Credit Control and Debt Collection Policy.

(v) Making follow-up contact with customers on unpaid arrangements.

11.3. Hand-over to attorneys

11.3.1. Debt that could not be collected by the debt collectors and debt that requires urgent legal attention may be handed over to attorneys for legal collection.

11.3.2. The following types of debt will not be handed over to attorneys:

(i) Debt of approved indigent customers that has not yet been written off by the council.

(ii) Debt that is being paid off as per an arrangement with the customer.

(iii) Debt that has not been subject to internal credit control actions for at least two months.

11.3.3. The process of legal collection includes:

(i) Final demands for payment to customers.

(ii) Emolument attachment orders on customer's salaries.

(iii) Summons issued for debt to be paid.

(iv) Default judgment be obtained against the customer.

(v) The attachment of moveable properties and sale in execution of moveable property.

(vi) The attachment of immoveable property and the sale of immoveable property.

11.4. Other debt collection methods

11.4.1. The debt collection methods mentioned in this Policy are not an exhaustive list of methods that can be applied to collect debts and any other methods that can be initiated will be implemented with the approval of Council.

11.5. Costs related to debt collection

11.5.1. Any costs, which include collection costs, charges, disbursements, and legal costs relating to any of the debt collection methods applied to collect the debt will be debited to the account of the defaulting customer.

11.5.2. Nothing contained in this Policy prevents the municipality from taking any other steps for the recovery of debt in terms of any relevant legislation, or any other procedure in any court of competent jurisdiction.

11.6. Outstanding debt of Councillors and staff

11.6.1. All existing staff and Councillors who have not entered into an agreement to pay arrears must do so within thirty days of the approval of this Policy by Council.

11.6.2. All staff joining the municipality must within thirty days sign an agreement to pay arrears.

11.6.3. The repayment period for both Councillors and staff is not to exceed 24 months.

11.6.4. All agreements with Councillors must not exceed the expiry date of the term of office.

11.7. Debt payment arrangements by Customers

11.7.1. One of the key objectives of debt collection is to encourage customers to start paying their monthly accounts in full. In addition, it is also necessary to ensure that arrear debt is addressed. The current average balances on

customer accounts necessitate that innovative ideas be implemented to encourage customers to pay off their arrears. At the same time, it is also of utmost importance that regular payers are not discouraged through the implementation of any possible incentives.

11.7.2. The main aim of an agreement will be to promote full payment of the current account and to address the arrears on a consistent basis.

11.7.3. A customer may enter into a written agreement with the municipality to repay any outstanding and due amount to the municipality under the following conditions:

(i) The outstanding balance, costs and any interest thereon shall be paid in regular and consecutive monthly instalments.

(ii) The current monthly amount must be paid in full.

(iii) The written agreement has to be signed on behalf of the municipality by a duly authorised officer.

(iv) The agreement will be compliant with the requirements of the National Credit Act where applicable.

11.7.4. To determine monthly instalments a comprehensive statement of assets and liabilities of the customer must be compiled by a treasury official. To ensure the continuous payment of such arrangement the amount determined must be affordable to the customer, considering that payment of the monthly current account is a prerequisite for concluding an arrangement.

11.7.5. The municipality may from time to time introduce incentive schemes to improve the debt collection rate.

11.7.6. A customer who cannot pay their arrear debt may enter into an arrangement to pay the account over an extended period of time.

11.7.7. During the time of the debt collection process, but before the debt is handed over to the attorneys a customer may enter into an arrangement to payoff arrear debt, which will be made an order of court by agreement in terms of the Rules of the Court.

11.7.8. The municipality will entertain only one arrangement with a customer to pay off arrear debt. Failure to abide by the arrangement will result in that:

(i) The arrangement shall be terminated with immediate effect.

(ii) The outstanding balance shall immediately become due and payable.

11.7.9. The customer by signing the arrangement agreement to pay off arrear debt acknowledges the following:

(i) The debt is owed to the municipality.

(ii) That on default of the arrangement agreement, interest on arrears will be charged on the amount due, service supply will be disconnected to the property of the customer, or the customer will be blocked from the purchase of services on the prepayment system, and legal proceedings will be instituted to collect the debt.

(iii) That the customer will be liable for all costs, which includes legal costs on an attorney client basis incurred to collect the debt.

11.8. Extension of time for payment

11.8.1. Arrangements are permissible for debtors who experience difficulties in paying their accounts. Any other request for extension will be handled on merit of the individual cases.

11.8.2. Procedures for extension of payment:

(i) The Chief Financial Officer or his delegate is authorized to enter into agreements with the debtors with arrears accounts or grant such debtors extensions for payment.

(ii) The terms applicable for the settlement of arrear debt as well as any upfront payments will be determined by the Chief Financial Officer.

(iii) The arrangement must be in writing and may be in the form of an Acknowledgment of debt.

(iv) One copy of the arrangement must be handed to the Customer.

11.9. Administration orders

11.9.1. On notification that an order for administration in terms of section 74 of the Magistrates Court Act order has been granted, Council will manage the debt that is part of the administration order separately to the current account.

11.9.2. On notification that an order for review of debt, in terms of section 86(7)(c) of the National Credit Act, has been granted, Council will manage the debt that is part of the review order separately to the current account.

11.9.3. The customer will be responsible for the payment of the current monthly account and if the customer defaults on the payment of the account, debt collection action will be implemented.

11.10 Debt write-off

12. Debt write-off will occur as per the municipal Bad Debt Write Off Policy.**CERTIFICATES AND CLEARANCES**

12.1. Services clearance certificates when properties are transferred

12.1.1. The municipality will issue a certificate required for the transfer of immovable property in terms of Section 118 of the Systems Act, which is lodged with the municipality in the prescribed manner.

12.1.2. A certificate will be issued subject to the requirement that all amounts that became due in connection with that property for municipal service fees, surcharges on fees, property rates, and other municipal taxes, levies, and duties during the two years preceding the date of application for the certificate have been fully paid.

12.1.3. Debt older than two years on the property irrespective of whether the owner of the property accumulated the debt will also have to be paid by the owner before the transfer of the property can be affected. In the case of a sequestrated estate, all debt outstanding two years prior to the date of sequestration must be paid before a certificate will be issued.

12.1.4. If the owner refuses to pay the debt which is older than two years (excluding a sequestrated estate) then the Municipality will apply to a competent Court for an order in the following terms:

(i) In the case where there is already a judgment for the payment of the amount, an order that the judgment debt be paid out of the proceeds of the sale before the mortgage debt is settled.

(ii) In the case where there is no judgment debt, for an order staying transfer of the property pending the finalization of a civil action to be instituted against the person who is in law liable for the payment of the outstanding debt.

12.1.5. The above action must be taken before the property is transferred as the statutory lien created by Section 118(3) of the Systems Act only endures until the property has been transferred and in terms of Section 118(1) of the Act the new owner of the property cannot be held liable for the debt that became due before a transfer of a residential property took place.

12.1.6. Rates Clearance Certificates

(i) Will only be issued if all amounts that became due in connection with that property for municipal service fees, surcharges on fees, property rates, and other municipal taxes, levies, and duties during the two years preceding the date of application for the certificate have been fully paid.

(ii) Will be valid for up to 120 days from the date of issue.

(iii) Will not be extended.

(iv) If it expires a new application for clearance must be made.

(v) The Municipal Manager may require the purchaser to apply for all services at the property as part of the application for clearance.

(vi) Prior to any refund of advanced payment collections, the latter will be used to offset any debt accumulated against the property of any tenant debt and any seller's debts. Any refund, in respect of any credit remaining after registration of transfer, has been registered in the Deeds Office, shall be refunded to the seller, subject to any other conditions under any other clause contained in this Policy.

(vii) All debt is deemed to be collectible by the municipality despite a Clearance Certificate issued in terms of section 118 (1)(b) of the Systems Act, and remains a charge against the property which the municipality will collect by attaching the property.

12.2. Tender certificates

12.2.1. A person or an institution reacting to a tender published by the municipality or wishing to enter into a contract to either provide services or goods to the municipality must produce a certificate, on the prescribed form, which

states that regular payment of rates and services accounts are maintained and that the account is currently up to date.

12.2.2. A person who fails to provide such a certificate shall be disqualified from the tendering process.

12.2.3. To this end, copies of the following documents will be required:

(i) Copies of all municipal accounts of the bidder/ service provider concerned.

(ii) Copy of the arrangement agreed in terms of this Policy and the municipality will retain the discretion of whether to exempt the person from compliance.

12.2.4. Where payments are due to a service provider / contractor in respect of goods or services provided to the municipality, the municipality may offset such payment against any arrear amount owing to the municipality as provided for in the contract between the service provider/ contractor and the municipality.

13. INCENTIVES AND REBATES

13.1. To encourage prompt payment and/or to reward regular payers the municipality may consider incentives for the prompt payment of accounts or payment by debit or stop orders, subject to budgetary considerations and prescribed consultation.

13.2. If introduced such an incentive scheme will be reflected in the operating budget as an additional expenditure.

13.3. Eligibility criteria for incentives are the following:

13.3.1 All account holders except to any state department or State-Owned Entity (SOE).

13.3.2 Account holder must not have been in arrears more than 120 days as date of application.

13.3.3 Duly completed application for participation in the scheme must be received and approved by the municipality.

13.4. An account holder may apply to the municipality, in the prescribed form, for any rebate or reversal of interest on an account.

13.5. Rebates and/or interest on outstanding debt can be reversed when:

13.5.1. An account holder would like some relief from interest in order to facilitate the final settlement of all outstanding debt on his account.

13.5.2. Before embarking on litigation to recover outstanding debt.

13.5.3. The mechanism is used as a tool to persuade the account holder to settle his outstanding debt in full.

13.5.4. In the course of litigation, the reversal of interest is used as a negotiating point for the settlement of the matter in court.

13.5.5. In instances where errors with billing have occurred and outstanding arrears should not have accrued interest in the first place.

14. MISCELLANEOUS MATTERS

14.1. Proof of address

14.1.1. Proof of address documents will only be provided to the legal account holder of a property situated within the municipal area.

14.1.2. No proof of address will be provided to:

(i) Spouses of account holder.

(ii) Children of account holder.

(iii) Parents of account holder.

(iv) Any other person/institution.

14.1.3. Proof of address to any person other than the rightful owner should be obtained from the SAPS by affidavit.

14.1.4. A black and white signed and stamped statement will be provided by the municipality as proof of address.

14.2. Prima facie evidence

14.2.1. A certificate endorsed by the municipality, reflecting the amount due and payable to the municipality, shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness reflected therein.

14.3. Notices

14.3.1. A notice or document issued by the municipality in terms of this Policy shall be deemed to be duly issued if signed by a duly authorised representative of the municipality.

14.3.2. If a notice is to be served on a person in terms of this Policy, then such service shall be affected by:

(i) Delivering the notice to him or her personally, or his or her duly authorized agent.

(ii) Delivering the notice at his or her residence or place of employment, to a person apparently not less than 16 (sixteen) years of age, and apparently residing or employed there.

(iii) If he or she has nominated an address for legal purposes, delivering the notice to such an address.

(iv) Registered or certified post addressed to his or her last known address.

(v) In the case of a body corporate, delivering it to the registered office or the business premises of such a body corporate.

(vi) If service cannot be affected in terms of the aforementioned subsections, by affixing it to the principal door of entry of the premises or displaying it in a conspicuous place on the property to which it relates.

14.4. Fraud, offences and penalties

14.4.1. The municipality reserves the right to monitor the service network for signs of tampering or irregularities.

14.4.2. No person may in any manner or for any reason whatsoever tamper or interfere with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the municipality.

14.4.3. Where prima facie evidence exists of a consumer or any person having contravened this Policy, the municipality has the right to disconnect the supply immediately and without prior notice to the account holder

14.4.4. The Revenue Bylaw, section 15, shall apply to any persons guilty of the following offences:

(i) Fails to give the access required by a duly authorized representative of the municipality in terms of this Policy.

(ii) Obstructs or hinders a duly authorised representative of the municipality in the exercise of his or her powers or performance of functions or duties in terms of this Policy

(iii) Unlawfully uses or interferes with municipal equipment or the consumption of services supplied to any customer.

(iv) Tampers with or breaks any seal on a meter or on any equipment belonging to the municipality or causes a meter not to register properly the service used.

(v) Fails, or refuses, to give a duly authorised representative of the municipality such information as he or she may reasonably require for the purpose of exercising or performing his or her powers or functions in terms of this Policy, or gives such representative false or misleading information, knowing it to be false or misleading.

(vi) Contravenes, or fails to comply with, a provision of this Policy.

14.4.5. Additional to the penalties invoked as per section 15 of the Revenue Bylaw, where an account holder or any person has tampered with the equipment, the municipality has the right to:

(i) Recover from the account holder the full cost of his estimated consumption.

(ii) Where a meter has been tampered with, the cost of repairing or replacing an existing meter with another one will be charged to the account of the respective consumer.

(iii) In addition, levy the consumer's account with all municipal charges related to the property, and thereafter suspend the services. That in cases where meters were removed because of theft, penalties due to electricity theft be written off if it is an estate account and the

nominated person and/or beneficiary be responsible to pay 50% of the meter replacement cost and the balance of the account be paid off in instalments. (Council Resolution A225)

(iv) That, in all cases other than deceased estates, where an electricity meter has been removed due to tampering or theft, 50% of the replacement cost of the meter must be paid before Council will re-install the meter and the balance of the account be paid off in instalments. (Council Resolution A225)

If any re-occurrence of theft occurs, the full penalty will be applicable, the meter will be removed permanently and a case opened at the South African Police Services, the meter will not be replaced until the matter has been dealt with by the courts and the resulting court decision will guide further action. (Council Resolution A225)

(v) Where there has been unauthorised consumption of services, remove the connection, the cost of which shall be levied against the account of the consumer, and a criminal case will be opened with the South African Police Services.

(vi) In instances where services have been disconnected due to meter tampering and/or unauthorised consumption of services, the consumer concerned shall be required to follow the necessary processes in terms of applying for municipal services and ensuring that the applicable deposit and connection fees are paid to the municipality.

14.5. Entry and inspection

14.5.1. For any purpose related to the implementation or enforcement of this Policy, and at all reasonable times, or in an emergency, a duly authorised representative of the municipality may enter premises, request information

and carry out such inspection or examination, as he or she may deem necessary:

(i) With regard to the installation or repair of any meter or service connection or reticulation.

(ii) So as to limit, discontinue, disconnect, or reconnect the provision of any service.

14.5.2. If the municipality considers it necessary that work be performed to enable the authorised representative to perform a function referred to above properly and effectively, then it may:

(i) By written notice require the owner or occupier of the premises, at his or her own expense, to do specific work within a specified period.

(ii) If, in its reasonable opinion, the situation is a matter of urgency, then the municipality may do such work, or cause it to be done, at the expense of the owner or occupier, and without written notice.

14.5.3. If the work is carried out for the sole purpose of establishing whether a contravention of this Policy has been committed, and no such contravention has taken place, then the municipality shall bear the expense connected therewith, together with the expense of restoring the premises to its former condition.

15. MANAGEMENT AND INTERNAL CONTROL

15.1 The Municipal Manager, assisted by the Chief Financial Officer, must take all reasonable steps to ensure:

15.1.1 That the municipality's customer care, credit control and debt collection is managed effectively and economically in terms of the prescribed Policy framework.

15.1.2 That the municipality has and maintains a management, accounting and information system that accounts for all customer care, credit control and debt collection activities.

15.1.3 That the municipality has and maintains a system of internal control over its customer care, credit control and debt collection.

15.1.4 That criminal proceedings are instituted against any official of the municipality who has allegedly committed an act of financial misconduct or an offence in terms of the MFMA or this Policy.

15.1.5 To prevent losses arising from fraud, misrepresentations, error, conflict of interest, or imprudent action, a system of internal controls governs the administration and management of customer care, credit control, and debt collection.

15.2 Controls deemed most important include:

(i) Control of collusion, separation of duties.
(ii) Clear delegation of duties.
(iii) Written confirmation of telephonic transactions.
(iv) Documentation of transactions and arrangements.
(v) Code of ethics and standards.
(vi) Strict adherence to the policy.
(vii) Procedures manuals.
(viii) Electronic Funds Transfer limits and a detailed procedure manual for the system.
(ix) Regular reporting to management.

16. MONITORING AND REPORTING

16.1 The Policy must at all-time be transparent and accountable in respect of customer care, credit control, and debt collection.

16.2 The Municipal Manager must submit, as prescribed, to the Council a report describing the management of this Policy.

16.3 The report must include significant and relevant matters, and be presented in a balanced and understandable manner.

16.4 The report should be:

(i) Transparent.
(ii) Reflect accountability.
(iii) Objective.
(iv) Comprehensive.

17. REVIEW

17.1 The Customer Care, Credit Control, and Debt Collection policy shall be reviewed annually in accordance with Section 21(1) (b) (ii) of MFMA.

18. DOCUMENT DEFINITION

Effective Date	**1st July 2025**
Related Legislation	1. Administration of Estates Act, 1965 (Act 66 of 1965). 2. Deeds Registries Act, 1937 (Act 47 of 1937). 3. Insolvency Act 1936 (Act 24 of 1936). 4. Local Government: Municipal Property Rates Act, 2004 (Act 6 of 2004). 5. Local Government: Municipal Systems Act, 2000 (Act 32 of 2000).

	6. Local Government: Municipal Demarcation Act, 1998 (Act 27 of 1998). 7. Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003). 8. Magistrate court Act, 1944 (Act 32 of 1944). 9. Municipal Property Rates Act, 2004. 10. National Credit Act, 2005 (Act No. 34 of 2005). 11. Protection of Personal Information Act, 2013 (Act 4 of 2013). 12. Prescription Act, 1969 (Act 68 of 1969). 13. Sectional Titles Act, 1986 (Act 95 of 1986) 14. Water Services Act 1997 (Act 108 of 1997).
Related Policies, Procedures, Guidelines, Standards, By-laws, Frameworks	1. Revenue Bylaw 2. Properties Bylaw 3. Tariff Policy 4. Free Basic Services and Indigent Policy 5. Debt Write-off and Impairment Policy 6. GRAP 2: Cash flow statements 7. GRAP 9: Revenue from exchange transactions 8. GRAP 23: Revenue for non-exchange transactions 9. GRAP 104: Financial instruments 10. GRAP 108: Statutory receivables 11. GRAP 109: Accounting by Principles and Agents
Replaces/ Repeals	Repeal the Municipal Customer Care, Customer Care, Credit Control and Debt Collection Policy of 2022
Department responsible	Budget and Treasury Office (BTO)
Unit responsible	Revenue Unit

Applies to	Swellendam Municipality consumers
Key Words	Customer Care, Credit Control and Debt Collection Policy
Status	Approved
Approval Date	May 2025
Version	3

FUNDING AND RESERVES POLICY

Approved by Council on xxxx

Implementation Date 1 July 2026

Table of Contents

PART 1: PREAMBLE 2
PART 2: PURPOSE 2
PART 3: ALIGNMENT WITH THE MUNICIPALITIES' STRATEGIC GOALS AND OBJECTIVES 3
PART 4: CONTEXT, PRINCIPLES, VALUES, AND ISSUES 3
PART 5: SCOPE OF APPLICATION 5
PART 6: MAINTENANCE 5
PART 7: IMPLEMENTATION 6
PART 8: GOVERNANCE AND REGULATORY REQUIREMENTS 6
PART 9: FUNDING OF THE ANNUAL BUDGET 9
PART 10: DEBT MANAGEMENT AND IMPAIRMENT 10
PART 11: CASH MANAGEMENT 11
PART 12: FUNDING THE OPERATING BUDGET 11
PART 13: FUNDING THE CAPITAL BUDGET 14
PART 14: FUNDING COMPLIANCE MEASUREMENT 15
PART 15: RESERVES 19
PART 16: PROVISIONS 21
PART 17: OTHER ITEMS TO BE CASH BACKED 22
PART 18: DEFINITIONS 22

PART 1: PREAMBLE

1.1. **WHEREAS** section 8(1) of the Municipal Budget and Reporting Regulations prescribes that a Municipality must have a Funding and Reserve Policy; and

1.2. **WHEREAS** section 168(1) of the MFMA allows the Minister, acting with the concurrence of the Cabinet member responsible for local government, to make regulations or guidelines applicable to municipalities and municipal entities; and

1.3. **WHEREAS** the MFMA aims to modernise budget and financial management practices by placing local government finances on a sustainable footing in order to maximize the capacity of municipalities to deliver services to all residents, customers, users and investors; and

1.4. **WHEREAS** the aforementioned provides for a Municipal Funding and Reserve Policy; and

1.5. **NOW THEREFORE** the Swellendam Municipal Council adopts the Municipal Funding and Reserve Policy as set out in this document.

PART 2: PURPOSE

2. This policy aims to ensure that Swellendam Municipality has sufficient and cost-effective cash funding in order to achieve its objectives through the implementation of its operating and capital budgets and to provide a measure for protection for future losses, as well as providing the necessary cash resources for future capital replacements and other current and non-current liabilities by creating certain reserves.

PART 3: ALIGNMENT WITH THE MUNICIPALITIES' STRATEGIC GOALS AND OBJECTIVES

3. This Policy supports the following municipal strategic directions drawn from the Integrated Development Plan [IDP] and Strategic Development Business and Implementation Plan [SDBIP]:

3.1. **IDP**: "To facilitate economic development and integration of communities by utilising the resources of Council to increase the participation of local people in the mainstream economy and improve their livelihoods without compromising the financial viability of the municipality."

3.2. **SDBIP**: "To manage municipal resources in such a way that it improves the sustainability of the municipal assets and that financial planning and budget linkages can be optimised for improved service delivery and development"

PART 4: CONTEXT, PRINCIPLES, VALUES AND ISSUES

4.1. Section 195 (1) of the Constitution requires that Public administration must be governed by the democratic values and principles enshrined in the Constitution, including, amongst others, the following principles:

a) A high standard of professional ethics must be promoted and maintained.

b) Efficient, economic and effective use of resources must be promoted.

c) Public administration must be development-oriented.

d) Services must be provided impartially, fairly, equitably and without bias.

e) People's needs must be responded to, and the public must be encouraged to participate in policy-making.

f) Public administration must be accountable.

g) Transparency must be fostered by providing the public with timely, accessible and accurate information.

4.2. The principles guiding this Funding and Reserve Policy are derived from the above and will therefore endeavour to promote:

a) Affordability;

b) Financial stability;

c) Equity; and

d) Efficacy.

4.3. Each functionary in the budgeting and accounting process must do so with care and judgement, under the prevailing circumstances, as a person of prudence, discretion and intelligence would exercise to the management of his or her own finances with the primary objective of ensuring that the objectives of this policy are achieved.

4.4. A budget which is not cash-funded or where any of the indicators as listed in this document are negative, will not be passed unless acceptable reasons can be provided.

4.5. This policy sets out the assumptions and methodology for estimating the following:

a) Projected billings, collections and all direct revenues;

b) The provision for revenue that will not be collected;

c) The funds the Municipality can expect to receive from investments;

d) The proceeds the Municipality can expect to receive from the transfer or disposal of assets;

e) The Municipality's borrowing requirements; and

f) The funds to be set aside in reserves.

PART 5: SCOPE OF APPLICATION

5. The Funding and Reserve Policy is applicable to Swellendam Municipality.

PART 6: MAINTENANCE

6.1. This Funding and Reserves Policy is the only policy for the Municipality and replaces any past policies in this regard.

6.2. Given the changing nature of the regulatory, control and operational environment of the Municipality, this Policy will be regularly reviewed and updated on an ongoing basis.

6.3. Any revision of the policy must be approved by the Municipal Council.

6.4. Whenever the Minister of Finance, the National Treasury or the Auditor-General requests changes to the policy by way of legislation, changes to GRAP or otherwise, it must be reviewed and submitted for consideration by the Council on an annual basis. Such submission must be accompanied with a full description of the reasons for the change to the policy.

6.5. When developing or amending this Policy, the Accounting Officer must ensure that the policy:

a) Is consistent with the most recent actual billings and collection trends;

b) Takes into account the credit rating of the municipality, the financial position of the municipality, the cost of borrowing and the capacity to repay debt;

c) Takes into account all the budget-related policies of the municipality, particularly recent amendments to any of those policies;

d) Takes account of any statutory requirements to set aside funds in reserves; and

e) Takes account of the transfer and disposal of assets.

6.6. For clarification of any matter contained in this Policy, queries may be addressed the CFO

PART 7: IMPLEMENTATION

7.1. This Policy is effective from the date of approval by the Council.

7.2. The Policy active before this one is repealed in its totality.

7.3. It is the responsibility of the various Line Department Managers to bring the content of this Policy to the attention of all parties concerned.

7.4. Enquiries on this Policy may be solicited from the Office of the CFO.

PART 8: GOVERNANCE AND REGULATORY REQUIREMENTS

8.1. Funding and reserves in terms of this Policy shall comply with the:

a) Constitution of the Republic of South Africa, 1996 as amended;

b) Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), sections 18, 19 and 168 [MFMA];

c) Local Government: Municipal Budget and Reporting Regulations, 2008 – section 8; and

d) Any other applicable legislation, regulations and policies that may govern funding and reserves and that are not in contradiction with the primary legislation referred to above.

8.2. **MFMA:**

a) Section 18:

1. An annual budget may only be funded from:

a. Realistically anticipated revenues to be collected

b. Cash-backed accumulated funds from previous years' surpluses not committed for other purposes; and

c. Borrowed funds, but only for the capital budget referred to in section 17(2)

2. Revenue projections in the budget must be realistic, taking into account –

a. Projected revenue for the current year based on collection levels to date; and

b. Actual revenue collected in previous financial years.

b) Section 19:

1. A municipality may spend money on a capital project only if-

a. The money for the project, excluding the cost of feasibility studies conducted by or on behalf of the municipality, has been appropriated in the capital budget

b. The project including the total cost, has been approved by the council

c. Section 33 has been complied with, to the extent that that section may e applicable to the project.

d. The sources of funding have been considered, are available and have not been committed for other purposes.

c) Section 168:

1. The Minister, acting with the concurrence of the Cabinet member responsible for local government, may make regulations or guidelines applicable to municipalities and municipal entities, regarding—
   a. financial management and internal control;

2. A regulation or guideline in terms of this section may—
   a. differentiate between different—
      i. kinds of municipalities, which may, for the purposes of this section, be defined either in relation to categories, types or budgetary size of municipalities or in any other manner;
      ii. categories of municipal entities;
      iii. categories of accounting officers; or
      iv. categories of officials; or
   b. be limited in its application to a particular—
      i. kind of municipality, which may, for the purposes of this section, be defined either in relation to a category, type or budgetary size of municipality or in any other manner;
      ii. category of municipal entities;
      iii. category of accounting officers; or iv. category of officials.

3. No guidelines issued in terms of subsection (1) are binding on—
   a. a municipality unless adopted by its council; or
   b. a municipal entity unless adopted by the council of the entity's parent municipality.

8.3. **Municipal Budget and Reporting Regulations:**

a) Section 8:

1. Each Municipality must have a funding and reserve policy which must set out the assumption and methodology for estimating –
   a. Projected billings and collections
   b. The provision for revenue that will not be collected

c. The funds the municipality can expect to receive from municipal entities

d. The proceeds the municipality can expect to receive from municipal entities

e. The proceeds the municipality can expect to receive from the transfer or disposal of assets

f. The municipality's borrowing requirements; and

g. The funds to be set aside in reserves

2. When developing or amending the funding reserves policy of the municipality, the municipal manager must ensure that the policy –

a. Is consistent with the most recent actual billings and collection trends

b. Takes into account the credit rating of the municipality, the financial position of the municipality, the cost of borrowing and the capacity to repay debt

c. Takes into account all the budget-related policies of the municipality, particularly recent amendments to any of those policies;

d. Takes account of any statutory requirements to set aside funds in reserves; and

e. Takes account of the transfer and disposal of assets

PART 9: FUNDING OF THE ANNUAL BUDGET

9.1. The annual budget may only be funded from:

a) Realistic anticipated revenues to be collected;

b) Cash-backed accumulated funds from previous years surpluses and reserves not committed for any other purpose; and

c) Borrowed funds but only for the capital budget.

d) Government grants, equitable share and subsidies.

9.2. Realistic anticipated revenue projections must take into account:

a) Projected revenue for the current year based on collection levels to date; and

b) Actual revenue collected in previous financial years.

9.3. Spending on a capital project may only be commenced once:-

a) the money for the project, excluding the cost of feasibility studies conducted by or on behalf of the municipality, has been appropriated in the capital budget

b) the funding sources have been considered, are available and have not been committed for other purposes.

c) council has considered and approved:

i. The projected cost covering all financial years until the project is operational;

ii. The future operational costs and revenue on the project, including municipal tax and tariff implications.

9.4. In determining whether the budget is actually cash funded and in addition ensuring long - term financial stability, the Municipality will use analytical processes, including those specified by National Treasury from time to time.

PART 10: DEBT MANAGEMENT AND IMPAIRMENT

10.1 Debt must be managed in terms of the Municipality's Credit Control and Debt Management Policy, together with any requirements of this policy.

10.2 Provision for revenue that will not be collected is made against the expenditure item debt impairment and is based on actual collection levels;

PART 11: CASH MANAGEMENT

11. Cash must be managed in terms of the Municipality's Cash Management and Investment Policy.

PART 12: FUNDING THE OPERATING BUDGET

12.1. The operating budget provides funding to departments for their medium term expenditure.

12.2. The municipality categorizes services rendered according to its revenue generating capabilities as follows:

a) Trading services: services that generate predetermined surpluses that can be used to fund other services rendered by the Municipality

b) Economic services: Services that should at least break even, but do not necessarily generate any surpluses to fund other services rendered

c) Rates and General: Services that are funded by property rates, government grants or surpluses generated by the trading services.

12.3 Provision for Bad Debt and Depreciation, although non-cash items, are not to be used to balance operating shortfalls.

12.4 Operating budgets are financed from the following main sources of revenue:

a) Property rates;

b) Service charges;

c) Government grants, equitable share and subsidies;

d) Other sundry revenue, such as fines, interest received, etc.; and

e) Cash back accumulated surpluses from previous years not committed for any other purposes.

12.5. Guiding principles to apply when compiling the operating budget:

a) The annual budget must be cash funded: revenue and expenditure projections must be realistic and the provision for impairment of receivables must be calculated on proven recovery rates;

b) Growth parameters must be realistic and be based on historic patterns adjusted for current reliable information;

c) Tariff adjustments must be fair, taking into consideration general inflation indicators as well as the geographic region's ability to pay;

d) Revenue from government grants and subsidies must be in accordance with the amounts promulgated in the Annual Division of Revenue Act, proven provincial transfers and any possible transfers to or from other municipalities;

e) Revenue from public contributions, donations or any other grants may only be included in the budget if there is acceptable documentation that guarantees the funds such as:

i. A signed service level agreement; or

ii. A contract or written confirmation; or

iii. Any other legally binding document.

f) Property Rates are levied according to the Municipal Property Rates Act and the Municipal Property

Rates Policy;

g) Property Rates rebates and reductions are budgeted either as revenue foregone or as a grant as per a MFMA Budget Circular;

h) Projected revenue for service charges must be realistic and based on current and past trends considering the following factors:

   i. Metered services comprising of electricity and water;

   ii. Refuse removal services; and

   iii. Sewerage services.

i) Rebates, exemptions or reductions for service charges are budgeted either as revenue foregone or as a grant depending on the conditions thereof;

j) Other projected revenue is charged in terms of approved sundry tariffs and fines considering the past trends and expected growth for each category;

k) Provision for revenue that will not be collected is made against the expenditure item debt impairment and is based on actual collection levels;

l) Transfers from the accumulated surplus to fund operating expenditure will only be allowed for specific once-off projects and with no recurring operating expenditure;

m) Interest received from actual long-term and or short-term investments is based on the amount reasonably expected to be earned on cash amounts available;

n) Depreciation charges are fully budgeted for according to the asset register and to limit the impact of the implementation of GRAP 17;

o) Detailed salary budget must be compiled on an annual basis;

p) Sufficient provision must be made for the maintenance of existing and infrastructure assets based on affordable levels as maintenance budgets are normally lower than the recommended levels;

q) Individual expenditure line items are to be revised each year when compiling the budget to ensure proper control over operating expenditure.

PART 13: FUNDING THE CAPITAL BUDGET

13.1. The capital budget provides funding for the Municipality's capital program based on the needs and objectives as identified by the community through the Integrated Development Plan.

13.2. The capital budget also provides for the eradication of infrastructure backlogs, renewal and upgrading of existing infrastructure, new developments and enlargement of bulk infrastructure.

13.3. Provision will be limited to the availability of sources of funding and affordability.

13.4. Funding sources:

a) Own Contributions: Must primarily be funded from the Capital Replacement Reserve;
   (i) May also be funded from surplus cash; and
   (ii) The allocations of the funding sources from own contributions are determined during the budget process.

b) Grants:

   i. From the National and Provincial Revenue Funds has become common practice, especially in order to extend service delivery to previously disadvantaged areas;

ii. Care should be taken that unusual grant funding does not place an unreasonable burden on residents for future maintenance costs which may be higher than the ability to pay;

iii. The Accounting Officer must evaluate annually the long term effect of unusual capital grants on future tariffs, and if deemed necessary, report on such to Council;

iv. Depreciation charges on assets financed from grants and donations must not have a negative effect on tariffs charged to the users of such assets.

c) External Loans:

i. May only be raised in accordance with the municipal Borrowing Policy;

ii. The Accounting Officer must put measures in place to ensure that no unspent portions of loans are utilized for operating purposes;

iii. Difference between proposed capital spending from loans and proposed loans raised must be included in the cash surplus for the year.

PART 14: FUNDING COMPLIANCE MEASUREMENT

14.1. The annual budget must comply with the requirements of the MFMA and this policy.

14.2. The indicators set out in 14.4 – 14.19 must be used as part of the budget process and be submitted with the budget. Any additional indicators recommended by National Treasury in future must also be taken into account, as well as any additional reconciliation items as either determined by the Council or the Accounting Officer.

14.3. If any of the indicators are negative during the compilation or approval process of the budget, the budget may not be approved until all the indicators provide a positive return, unless any negative indicators can be reasonably explained and future budget projections address the turn-around of these indicators within acceptable levels.

14.4. **Cash and Cash Equivalents and Investments:**

a) Positive Cash and Cash equivalent positions should be maintained throughout the year.

b) The forecasted cash position at year end must at least be the amount as calculated in the Reconciliation of Cash Requirements as determined by this policy.

14.5. **Cash plus Investments less Application of Funds:**

a) The Municipal cash position should be sufficient to include:

i. Unspent conditional grants;

ii. Unspent conditional public contributions

iii. Unspent borrowings;

iv. VAT due to SARS;

v. Secured investments;

vi. The cash position of statutory funds such as the Housing Development Fund;

vii. Other working capital requirements; and

viii. The cash position must be sufficient to back reserves as approved by the municipality and those portions of provisions as indicated elsewhere in this policy.

14.6. **Monthly Average Payment Covered by Cash and Cash Equivalents:**

a) Shows the level of risk should the municipality experience financial stress.

14.7. **Surplus/Deficit Excluding Depreciation Offsets:**

a) To ensure a balanced budget but excluding depreciation charges, the depreciation charges may be offset against the net surplus/deficit.

b) Should the budget result in a deficit after the offsetting, the budget will be deemed unfunded and must be revised.

14.8. **Property Rates/Service Charge Revenue Percentage Increase less Macro Inflation Target:**

a) To ensure that tariff increases are in line with macro-economic targets, but also to ensure that revenue increases for the expected growth in the geographic area are realistically calculated.

14.9. **Cash Collection percentage rate:**

a) To establish whether the projected cash to be collected is realistic and complies with section 18 of the MFMA.

b) Collection rate must be based on past en present experience.

c) Not permissible to project a collection rate higher than the current rate.

d) Any improvements in collection rates during the financial year must be appropriated in an Adjustments Budget.

14.10. **Debt Impairment Expense as a Percentage of Billable Revenue:**

a) Provides information whether the contribution to the provision for impairment of receivables is adequate.

14.11. **Capital Payments as a percentage of Capital Expenditure:**

a) Provides information as to the timing for payments on capital projects and utilizing allowed payment terms.

14.12. **Borrowing as a percentage of Capital Expenditure:**

a) Provides information as to the compliance with the MFMA in determining borrowing needs.

14.13 **Grants Revenue as a percentage of Grants Available:**

a) Percentage should never be less than 100 % and the recognition of expected unspent grants at the current year-end as revenue in the next financial year must be substantiated in a separate report attached to the MFMA section 71 report.

14.14. **Consumer Debtors Change:**

a) To determine whether budgeted reductions in outstanding debtors are realistic.
b) An unacceptable high increase in either current- or non- current debtors' balances should be investigated and acted upon.

14.15. **Repairs and Maintenance Expenditure Level:**

a) Property, Plant and Equipment should be maintained properly, in order to ensure sustainable service delivery.
b) Sufficient resources should be allocated to maintain assets and care should be exercised not to allow a declining maintenance program in order to fund other less important expenditure requirements.
c) If maintenance requirements become expensive, a capital strategy should be implemented or reviewed.
d) Maintenance budget should be between 4 % and 8 % of the value of the assets.

14.16. **Asset Renewal/Rehabilitation Expenditure Level:**

a) Supports the indicator for repairs and maintenance.
b) The Accounting Officer must indicate as part of the capital budget, whether each project is a new asset or a replacement/renewal asset in order to determine whether the renewal program is sufficient or needs revision.

14.17. **Financial Performance Budget:**

a) A number of in line items influence the net result of the financial performance budget.
b) Includes capital grant revenue, depreciation charges including those funded from grants and public contributions, unamortized discounts and gains/losses on the disposal of Property, Plant and Equipment.

14.18. **Financial Position Budget:**

a) Provides an overall view of the projected financial position over the periods of the Medium Term Expenditure Framework, including movements in inventory and payables.

14.19. **Cash Flow Budget:**

a) Positive cash flow is a good indicator of a balanced budget, as well as the ability of the municipality to meet its future commitments.

PART 15: RESERVES

15.1. Ensure that funding is readily available for future development and the timeous replacement of infrastructure responsible for service delivery.
15.2. It is prudent for the Municipality to create cash-backed reserves at all time.
15.3. All reserves are ring-fenced as internal reserves within the accumulated surplus, except for provisions allowed by the General Recognized Accounting Practice.

15.4 Cash Funded Reserves:

a) Capital Replacement Reserve (CRR):

i. Only to be utilized for future capital expenditure from own funds and may not be used for maintenance or other operating expenditure.

ii. Must be cash-backed

iii. Council shall establish a CRR for the purpose of :

- Financing capital projects, and
- the acquisition of assets.

iv. The CRR shall be established from the following sources of revenue:

- uappropriated cash-backed surpluses to the extent that such surpluses are not required for operational purposes,
- interest on the investment of CRR, appropriated in terms of the investment policy,
- additional amounts appropriated as contributions at year end.

vi. Before any asset can be financed from the CRR the financing must be available within the reserve and be available as this fund must be cashed backed.

vii. If there is insufficient cash available to fund the CRR this reserve fund must then be adjusted to equal the available cash and approved by the municipal manager.

c) **Other Statutory reserves:**

i. May be necessary to create reserves prescribed by law, such as the Housing Development Fund.

ii. The Accounting Officer must create such reserves according to the directives in the relevant laws

d) **Non-cash Funded Reserves:**

i If required, the Accounting Officer must create a non-cash funded reserves prescribed by GRAP, such as the Revaluation Reserve.

15.5. **Accounting for Reserves:**

a) Revaluation Reserve:

i. Must be done in accordance with the requirements of GRAP 17.

b) Other Reserves:

i. Must be processed through the Statement of Financial Performance. The required transfer to or from the reserve must be processed in the Statement of Nett Assets to or from the accumulated surplus.

ii. No transaction may be directly appropriated against these reserves.

PART 16: PROVISIONS

16.1. Must be revised annually (treated as current liabilities).

16.2. The Municipality should have the following provisions:

a) Leave provisions;

b) Landfill rehabilitation provisions;

c) Long-service awards; and

d) Post-employment medical care benefit.

e) Bad debt

PART 17: OTHER ITEMS TO BE CASH BACKED

17.1. Donations, public contributions and unspent conditional grants are recognised as revenue to the extent that the Municipality has complied with any of the criteria, conditions or obligations embodied in the relevant funding agreement.

17.2. Consumer deposits may serve as partial security for future payments of an account. These are considered liabilities as the deposit is utilised on the account once the service is terminated.

PART 18: DEFINITIONS

Accounting Officer/AO (MFMA) "-

(a) in relation to a municipality means the municipal official referred to in section 60; or…

(b) in relation to a municipal entity, means the official of the entity referred to in section 93, and includes a

person acting as the accounting officer;"

Allocation (MFMA) – "means—

(a) a municipality's share of the local government's equitable share referred to in section 214(1)(a) of the Constitution;

(b) an allocation of money to a municipality in terms of section 214(1)(c) of the Constitution;

(c) an allocation of money to a municipality in terms of a provincial budget; or

(d) any other allocation of money to a municipality by an organ of state, including by another municipality,

otherwise than in compliance with a commercial or other business transaction;"

Auditor-General "- means the person appointed as Auditor-General in terms of section 193 of the Constitution, and includes a person—

(a) acting as Auditor-General;

(b) acting in terms of a delegation by the Auditor-General; or

(c) designated by the Auditor-General to exercise a power or perform a duty of the Auditor-General;"

Budget-related policy – "means a policy of a municipality affecting or affected by the annual budget of the municipality, including—

(a) the tariffs policy which the municipality must adopt in terms of section 74 of the Municipal Systems Act;

(b) the rates policy which the municipality must adopt in terms of legislation regulating municipal property rates; or

(c) the credit control and debt collection policy which the municipality must adopt in terms of section 96 of the Municipal Systems Act;"

Category – "in relation to municipalities, means a category A, B or C municipality referred to in section 155(1) of the Constitution;"

Current year – "means the financial year which has already commenced, but not yet ended;"

Debt – "means—

(a) a monetary liability or obligation created by a financing agreement, note, debenture, bond or overdraft, or by the issuance of municipal debt instruments; or

(b) a contingent liability such as that created by guaranteeing a monetary liability or obligation of another;"

Financial year – "The 12 month period between 1 July and 30 June." Means a year ending on 30 June

Investment – "in relation to funds of a municipality, means—

(a) the placing on deposit of funds of a municipality with a financial institution; or

(b) the acquisition of assets with funds of a municipality not immediately required, with the primary aim of

preserving those funds;"

Minister – "means the Cabinet member responsible for finance;"

Month – "means one of the 12 months of a calendar year;"

Municipal council or council – "means the council of a municipality referred to in section 18 of the Municipal Structures Act;"

Municipal entity – "has the meaning assigned to it in section 1 of the Municipal Systems Act;"

Municipality –

(a) "when referred to as a corporate body, means a municipality as described in section 2 of the Municipal Systems Act; or

(b) when referred to as a geographic area, means a municipal area determined in terms of the Local

Government: Municipal Demarcation Act, 1998 (Act No. 27 of 1998);"

Municipal manager – "means a person appointed in terms of section 82(1)(a) or (b) of the Municipal Structures Act;"

MFMA: - The Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

Municipal tax – "means property rates or other taxes, levies or duties that a municipality may impose;"

National Treasury – "means the National Treasury established by section 5 of the Public Finance Management Act;"

Official – "in relation to a municipality or municipal entity, means—

(a) an employee of a municipality or municipal entity;

(b) a person seconded to a municipality or municipal entity to work as a member of the staff of the

municipality or municipal entity; or

(c) a person contracted by a municipality or municipal entity to work as a member of the staff of the

municipality or municipal entity otherwise than as an employee;"

Parent municipality – "has the meaning assigned to it in section 1 of the Municipal Systems Act;"

Prescribe – "means prescribe by regulation in terms of section 168;"

Security – "means any mechanism intended to secure the interest of a lender or investor, and includes any of the mechanisms mentioned in section 48(2);"

INDIGENT SUPPORT POLICY

Approved By Council On xxxx

Implementation Date 1 July 2026

Table of Contents

1. PREAMBLE 2
2. DEFINITIONS 2
3. INTRODUCTION 4
4. OBJECTIVES OF POLICY 5
5 LEGISLATIVE FRAMEWORK 5
6 SOCIAL, ECONOMIC AND DEMOGRAPHIC STATISTICS 6
7 TARGETING OF INDIGENT HOUSEHOLDS 6
8 TARGETED APPROACH 6
9 CATEGORIES OF PROPERTIES 8
10 QUALIFICATION CRITERIA 8
11 EXTEND OF INDIGENT SUPPORT 10
12 COMMUNICATION 12
13 INSTITUTIONAL ARRANGEMENTS 12
14 APPLICATION AND REGISTRATION PROCESS 12
15 ASSESSMENT & SCREENING OF APPLICANTS 13
16 APPROVAL / DECLINE PROCESS 14
17 TERMINATION OF INDIGENT SUPPORT 14
18 DRAFTING AND MAINTENANCE OF AN INDIGENT REGISTER 15
19 MONITORING AND REPORTING 16
20 CAPACITY BUILDING 16
21 MISCONDUCT BY OFFICIALS 16
22 OFFENCES AND PENALTIES 17
23 EXIT MECHANISMS 17
24 AUTHENTICATION AND SERVICE OF NOTICES 18
25 STAKEHOLDERS 19
26 SHORT TITLE AND COMMENCEMENT 19

1. PREAMBLE

Whereas the Municipality receives an equitable share contribution from the National Treasury annually;

And whereas the National Department of Provincial and Local Government has issued guidelines regarding indigent support;

And whereas the Municipality wishes to give access to basic services for all of its communities;

Now therefore the Municipal Council of Swellendam Municipality adopts an Indigent Policy as set out in this document.

2. DEFINITIONS

In this policy, unless the context indicates otherwise:

"child-headed household" means a household where both parents are deceased and where all occupants of the property are children of the deceased and are under the legal age to contract for services;

"household" means a registered owner or tenant and his or her spouse and or partner regardless of the number of people living on the property;

"IDP" means the approved integrated development Plan of the municipality;

"indigent" means any household, earning a combined gross income, as determined by this policy in terms of Clause 8.1;

"income" is the gross sum of all monthly income of the occupier received from all sources, including wages, salaries, profits, dividends, pensions, interest received, or investment income received by the occupier including income received by spouses/partners. In the instance where a spouse/partner is no longer part of the household, the applicant must submit an affidavit to declare that (i) the spouse/partner is on a permanent basis no longer part of the household; and (ii) the relationship with the spouse/partner was ended.

"Indigent management system" means a management system applied by Swellendam Municipality for the management of the register of indigent households;

"indigent register" means the database, which has to be updated monthly, designed to contain all the inputted data contained within the completed indigent application forms which contain the following key information:

- Indigent customer details
- Socio-economic details
- Skills details

In addition, the indigent register can provide reports relating to, but not limited to the following;

- Indigent application exceptions
- Skills reporting required for LED/exit strategy
- Socio-economic reporting

"municipality" means the Swellendam Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this policy by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"occupier" A person, including such person's spouse/life partner, who occupies any premises or part thereof and is primarily responsible for financially supporting and maintaining the household, without regard to the title under which he or she so occupies the premises and includes – (a) any person in actual occupation of those premises; (b) any person legally entitled to occupy those premises; (c) any person having the charge of or management of those premises, and includes the agent of any such person when the person is absent from the Republic of South Africa or his whereabouts are unknown; or (d) the owner of those premises.

"official" means any official in the employ of the municipality or agent or service provider appointed by the municipality;

"poor" means any household, earning a combined gross income, as determined by this policy in terms of Clause 8.1;

"premises" includes any piece of land, the external surface boundaries of which are delineated on –

- A general plan or diagram registered in terms of the Land Survey Act, 1997, (Act no. 8 of 1997) or in terms of the Deeds Registries Act, 1937 (Act no. 47 of 1937);
- A general plan registered in terms of the Sectional Titles Act, 1986 (Act no. 95 of 1986) and situated within the jurisdiction of the municipality;

"chief financial officer" means an official duly authorised by the municipality, or an employee of a service provider appointed by the municipality, who is responsible for ensuring that the Indigent Support Policy of the municipality is implemented.

3. INTRODUCTION

3.1. The Municipal Council must give priority to the basic needs of the community, promote the social and economic development of the community and ensure that all residents and communities in the Municipality have access to at least the minimum level of basic municipal services in terms of Section 152(1)(b) and 153(b) of the Constitution.

3.2. Basic services are generally regarded to be access to electricity, access to clean water within a reasonable distance of one's dwelling, basic sanitation, solid waste removal and access to and availability of roads.

3.3. The Constitution recognises Local Government as a distinct sphere of Government and as such also entitles Local Government to a share of nationally raised revenue, which will enable it to perform its basic function of providing essential services to the community within its boundaries.

3.4. The key purpose of an Indigent Policy is to ensure that households with no or lower income are not denied a reasonable service, and on the contrary, the Municipality is not financially burdened with non-payment of services. Provided that grants are received and funds are available, the Indigent Policy should remain intact.

3.5. To achieve this purpose, it is important to set a fair threshold level and then to provide a fair subsidy of tariffs.

3.6. The customer, to qualify as an indigent, needs to complete the necessary documentation as required and agree to regulations and restrictions stipulated by Swellendam Municipality.

3.7. The Indigent Policy be developed within the framework of the municipality's approved IDP and related policies as well as the Local Economic Development Strategy and Poverty Alleviation Program of the municipality.

4. OBJECTIVES OF POLICY

The objectives of this Policy are to:-

4.1 Provide a framework within which the Municipality can exercise its executive and legislative authority about the implementation of financial aid to indigent households in respect of their municipal account;
4.2 Determine the criteria for qualification of indigent and poor households;
4.3 Ensure that the criteria are applied correctly and fairly to all applicants;
4.4 Allow the Municipality to conduct in-house visits to the premises of applicants to verify the actual status of the household;
4.5 Allow the Municipality to maintain of names and addresses of account holders receiving subsidies.

5 LEGISLATIVE FRAMEWORK

This Policy is designed and implemented within the framework of the following legislation:

5.1 The Constitution of the RSA,1996;
5.2 Local Government Municipal Systems Amendment Act, 2003, Act No 44 of 2003;
5.3 The Local Government Municipal Finance Management Act 2003, Act no 56 of 2003;
5.4 The Promotion of Administrative Justice Act, 2000, Act no 3 of 2000;
5.5 The Promotion of Access to Information Act,2000, Act no 2 of 2000; and
5.6 The Local Government Municipal Property Rates Act, 2004, Act no 6 of 2004.
5.7 National Framework for Municipal Indigent Policies and Guidelines for the Implementation of Municipal Indigent Policies.
5.8 Water Services Act (Act No. 108 of 1997)

5.9 Electricity Regulation Act (Act No. 4 of 2006)
5.10 National Policy for the Provision of Basic Refuse Removal Services to Indigent Households (October 2010)
5.11 Free Basic Water Implementation Guideline (August 2002)
5.12 Free Basic Alternative Energy Policy (Households Energy Support Programme) (April 2007)
5.13 Free Basic Sanitation Implementation Strategy (April 2009)

6 SOCIAL, ECONOMIC AND DEMOGRAPHIC STATISTICS

6.1 The municipality has a population of 47 114 with an unemployment rate of 11.4% and a youth unemployment rate of 15%.

6.2 The number of households in the municipality is 15 477 which constitutes an average household size of 3. The average growth rate is 2.6%.

6.3 Households with access to electricity, 95.4%, and 94.8% of households have access to piped water either in their dwelling or in yards. Flush toilets connected to sewerage are 96% with weekly refuse removal at 82.5%

7 TARGETING OF INDIGENT HOUSEHOLDS

7.1 The effective targeting of indigent households and the implementation of this Policy will depend largely on the social analysis included in the IDP, the LED initiatives and other poverty relief Swellendam Municipality. The socio-economic information and performance indicators contained in these documents must form the basis for the targeting of indigent households.

7.2 Against the background of such socio-economic analysis, the Municipality must, within its financial and institutional capacity, decide which targeting approach or option should be applied.

7.3 For the 2025/2026 financial year, the Municipality will use household income as the targeting approach for the registration of indigent customers.

8 TARGETED APPROACH

Cognisance must be taken of the following when Indigent applications are processed:

8.1 Indigent approval is based on the person meeting the criteria required for an indigent application.

8.2 All applicants must complete an official application form, which is to be submitted together with the required supporting documents. The application information will be scrutinized and confirmed by the Municipality before being approved.

8.3 Should the applicant be found to be providing false or fraudulent information in the application, the following will happen:
- 8.3.1 The indigent benefit will be cancelled;
- 8.3.2 All previous discounts for the current financial year will be reversed; and
- 8.3.3 The household may not apply to be registered as an indigent household for the next financial year.

8.4 Consumers must re-apply for the indigent subsidy every twelve months. The indigent status of a consumer remains valid for a twelve (12) month period unless the municipality is otherwise informed. Pensioners older than 60 years will not be required to re-apply annually, instead the municipality will verify their indigent status every three years.

8.5 Should a property, through inheritance, auction, or donation, change ownership, the new occupier and or owner must provide support documentation and evidence to apply for indigent support within 6 months after the change of ownership. The new occupier and or owner must submit an official Indigent application form if he or she believes they meet the Indigent criteria.

8.6 The applicant must be the full-time occupant and may not own any other property within the Republic of South Africa, except in cases where the second property is a vacant plot. Indigent support will only be provided for the primary property which the occupant occupied.

8.7 Should a property be occupied by a person who qualifies for indigence relief, in circumstances where the owner cannot be traced, or contacted or where the property was erroneously registered in an owner's name

according to the Municipality, the client may qualify for indigent support and the arrear debt may be written off.

8.8 Where the criteria for qualification set above for indigent relief is not met, but special circumstances exist, such applications will be submitted to the Chief Finance Officer who will have the discretion, to consider the application and make a recommendation for an interim period of 4 months to allow the customer to correct the non-compliance. If the customer fails, the indigent support will be cancelled and the full services will be levied backdated from interim approval.

8.9 Should a customer application be rejected, the customer is entitled to an efficient, effective and reasonable response to appeals, and should suffer no disadvantage during the processing of a reasonable appeal.

9 CATEGORIES OF PROPERTIES

The following services will be subsidized through the Indigent Support Applications:

9.1 Property Rates;
9.2 Water Fixed and Consumption Charge;
9.3 Electricity Fixed and Consumption Charge;
9.4 Sewerage fixed charge;
9.5 Refuse Fixed charge;
9.6 Any Flat rate for water, sewerage and refuse removal services;
9.7 Any Infrastructure or additional levy is excluded;
9.8 Installation of pre-paid electricity meters costs where a conventional meter is converted to pre-paid.

10 QUALIFICATION CRITERIA

The qualification criteria for indigent support shall be determined by the Municipality from time to time, provided that until the Swellendam Municipality determines otherwise, the following criteria shall apply:

10.1 The applicant must be a resident within the Swellendam Municipal area;
10.2 The applicant must have a valid South African identity document;

10.3 The applicant must be the full-time occupant and may not own any other property within the Republic of South Africa, except in cases where the second property is a vacant plot and not occupied;
10.4 The applicant's property must only be used for residential purposes;
10.5 The total monthly gross income of the registered owner/tenant and his/her spouse or life companion is not more than an amount as determined by Council from time to time.
10.6 The total monthly gross income in par 10.5 excludes social grants received for children and disability grants.
10.7 A tenant may apply for the benefits in respect of the charges he/she is billed for while the landlord remains liable for all ownership-related charges such as rates.
10.8 The surviving spouse or dependents of a deceased estate may apply for assistance.
10.9 Child-headed households confirmed by social services may apply for assistance.
10.10 The Municipality recognises the following categories of indigent support:

10.10.1 Category A:

Support to qualifying households where the combined total gross income of the registered owner/ tenant and his/her spouse or life companion is equal or less to the minimum amount as determined by the National Treasury for state old age grant from time to time ie 2 x State Social Grant or 2 x State old age grant over 75 or combination of the two. Electricity capacity is limited to 20 Amp.

10.10.2 Category B

Support to qualifying households where the combined total gross income of the registered owner/ tenant and his/her spouse or life companion is within the extended amount as determined by the National Treasury for state old age grant from time to time ie 4 x State Social Grant or 4 x State old age grant over 75 or combination of the two. Electricity capacity is limited to 30 Amp.

10.10.3 Category C

Support to qualifying pensioners age 60 and older, where the combined total gross income of the registered owner/ tenant and his/her spouse or life companion is within the extended amount based on the National Treasury for state old age grant from time to time ie 5 x State Social Grant or 5 x State old age grant over 75 or combination of the two.

11 EXTEND OF INDIGENT SUPPORT

11.1 The extent of indigent support will be determined during the compilation of the annual budget. The subsidy for indigent consumers is contained in the tariff list.

11.2 The source of funding of the indigence subsidy is that portion of the Equitable Share contribution received from the National Treasury.

11.3 The subsidy will only be credited to the qualifying customer's accounts until the amount provided on the budget has been exhausted.

11.4 If a customer's consumption or use of a municipal service is more than the subsidised service, the customer will be obliged to pay for such excess consumption.

11.5 Subsidized services may not be accumulated if or when not utilized in full.

11.6 A customer can only receive support for one qualifying category.

11.7 The extent provided per category of Indigent Support is:

11.7.1 Category A – This category of customers will receive the following support per month where applicable per tariff structure:

(i) Free electricity of 50 kWh per month;
(ii) Free water of 6kl per month;
(iii) 100% rebate for flat rate where water is supplied through standpipes per month;
(iv) 100% rebate of the basic levy for water for one service point per month;
(v) 100% rebate for a flat rate for chemical toilet charge per month;
(vi) 100% rebate for the basic levy for sewerage for one service point per month;
(vii) 100% rebate of the basic levy for refuse for one service point per month;
(viii) 100% subsidy of the monthly assessment rates up to a valuation of R750 000 which includes the amount in section 17(i)(h) of the Municipal Property Rates Act (act 6 of 2004)
(ix) 100% subsidy for the installation of a Prepaid meter when converted from a conventional meter;

(x) Outstanding debt of successful applicants may be written off (once) against the council's provision for bad debt.
(xi) Once off 100% subsidy for the installation of a pre-paid meter for indigent users, where the meter was damaged, and requires replacement, excluding incidents of electricity theft. Council Resolution A173.

11.7.2 Category B – This category of customers will receive the following support per month where applicable per tariff structure:
(xii) Free electricity of 20 kWh per month;
(xiii) Free water of 6kl per month;
(xiv) 50% rebate for a flat rate where water is supplied through standpipes per month;
(xv) 50% rebate of the basic levy for water for one service point per month;
(xvi) 50% rebate for a flat rate for chemical toilet charge per month;
(xvii) 50% rebate for the basic levy for sewerage for one service point per month;
(xviii) 50% rebate of the basic levy for refuse for one service point per month;
(xix) 100% subsidy of the monthly assessment rates up to a valuation of R375 000 which includes the amount in section 17(i)(h) of the Municipal Property Rates Act (act 6 of 2004)
(xx) 50% subsidy for the installation of a Prepaid meter when converted from a conventional meter;
(xxi) Outstanding debt of successful applicants may be written off (once) against the council's provision for bad debt.

11.7.3 Category C – This category of customers will receive the following support per month where applicable per tariff structure:
(xxii) 25% rebate for a flat rate where water is supplied through standpipes per month;
(xxiii) 25% rebate of the basic levy for water for one service point per month;
(xxiv) 25% rebate for a flat rate for chemical toilet charge per month;
(xxv) 25% rebate for the basic levy for sewerage for one service point per month;
(xxvi) 25% rebate of the basic levy for refuse for one service point per month;
(xxvii) 25% rebate of the basic electricity levy for one service point per month;

(xxviii) 100% subsidy of the monthly assessment rates up to a valuation of R750 000 which includes the amount in section 17(i)(h) of the Municipal Property Rates Act (act 6 of 2004)

12 COMMUNICATION

12.1 The Municipality must develop a communication strategy in terms of which communities will be informed and educated in order to have a clear understanding of this Policy and its implementation.

12.2 Regular information dissemination and awareness campaigns must be undertaken to eliminate unrealistic expectations both in terms of qualifying for subsidy as well as services provided.

12.3 The communication strategy may include:

12.3.1 Distribution of pamphlets;
12.3.2 Notices on social media platforms;
12.3.3 Notices placed in local newspapers;
12.3.4 Information sharing sessions;
12.3.5 Ward Committees outreaches;

13 INSTITUTIONAL ARRANGEMENTS

13.1 The municipality has designated staff per allocated timeframes in all the municipal Client Service Area Offices, who are familiar with the municipal by-laws and the government legislative framework that are in line with the Indigent Support Policy.

13.2 The indigent registration process is being facilitated collectively with the relevant stakeholders.

14 APPLICATION AND REGISTRATION PROCESS

14.1 An applicant applying for indigent support must complete a formal indigent application form approved by the municipality.

14.2 Such forms will be available at approved registration points provided by the Municipality.

14.3 Applications for the indigent subsidy must be accompanied by the following documentation:

14.3.1 Latest copy of Municipal Account;

14.3.2 Proof of the identity of the applicant and his/her spouse/partner.

14.3.3 Proof of the income of the occupier and his/her spouse or partner of the property; i.e. a letter from his/her employer, salary slip/envelope, pension card, unemployment insurance fund, (UIF) card or a certificate that confirms registration as "looking for employment"; or

14.3.4 Bank Statement and statements for any other investments, for the last three months, certified by the bank and/or financial institution and an affidavit from the applicant that no other bank accounts or investments exist;

14.3.5 If the applicant is a tenant, written proof must be provided that the owner does not foresee any problem if the tenant applies for an indigent subsidy.

14.3.6 If the applicant is not the holder of any bank account, an affidavit from the applicant that no bank account exists.

14.3.7 In the instance of a deceased estate, indigent applications will be considered in accordance with requirements for Deceased Estates as stipulated in the Swellendam Customer Care, Credit Control and Debt Collection Policy, inclusive of submission of the executors letter, or letter of authority from the Master/Court and a letter from the relatives of the deceased confirming responsibility for the account and In the instance of a child headed household, also a report from a social worker.

14.3.8 Incomplete forms or forms without the required documentation attached thereto will be rejected.

15 ASSESSMENT & SCREENING OF APPLICANTS

15.1 Upon registration of an application, all information will be captured and verified by the Indigent Section in terms of the procedures vested in the municipal indigent policy and the National indigent guidelines provided by the National Department of Cooperative Government and Traditional Affairs.

15.2 The verification of the indigents includes:

15.2.1 Income according to bank statements;
15.2.2 Submission of information monthly to COGTA to verify with SARS;
15.2.3 External Mechanisms;
15.2.4 Annual review and application process;

15.3 The municipality may, when deemed necessary, conduct audits to verify applications for information furnished or possible changes in the status of applicants.

16 APPROVAL / DECLINE PROCESS

16.1 Once the application forms have been captured on the municipal indigent register and verification has been completed the Indigent section will make a decision based on the information captured and verified. It shall be dealt with in terms of the municipal indigent policy guideline.

16.2 The applicant will be informed of the outcome of the application process.

16.3 The applicant will have the right to appeal. An applicant who is the registered household owner living within the municipal jurisdiction and therefore feels aggrieved by a decision taken in respect of his/her application may appeal in terms of section 62 of the Municipal System Act 32 of 2000.

16.4 Indigent applications will be approved for a period of twelve months whereafter the customer must apply again to ensure the indigent status did not change. Pensioners older than 60 years will not be required to re-apply annually, instead the municipality will verify their indigent status every three years.

17 TERMINATION OF INDIGENT SUPPORT

17.1 Indigent Support will be terminated under the following circumstances:

17.1.1 Upon the death of the registered indigent customer for that particular property;
17.1.2 Upon sale of the property in respect of which support is granted;
17.1.3 When an approved indigent consumer fails to comply with any of the conditions relevant to the receipt of indigent relief, such person will forfeit his or her status as a registered indigent with immediate effect and will thereafter be treated as an ordinary accountholder.
17.1.4 If a registered indigent is found to have provided false or fraudulent information to the municipality regarding any material condition for registration as an indigent, such person will immediately be removed from the indigent register.
17.1.5 Any customer who made any illegal connection regarding the services provided by the municipality shall automatically without notice be de-registered as an indigent customer from the date on which the municipality or its authorised agent became aware that such information is false; and
17.1.6 Shall be held liable for the payment of all services received in addition to any other legal actions the municipality or its authorised agent may take against such customer;
17.1.7 Shall for a period of twelve (12) months not be allowed to register as an indigent customer whatever the circumstances he/she may have to endure in future;
17.1.8 An indigent customer must immediately request de-registration by the municipality or its authorised agent if his/her circumstances have changed to the extent that he/she no longer meets the qualifications to register as an indigent.
17.1.9 An indigent customer shall automatically be de-registered if an application is not renewed or if such application is not approved.
17.1.10 An indigent customer may at any time request de-registration.

18 DRAFTING AND MAINTENANCE OF AN INDIGENT REGISTER

18.1 The Chief Financial Officer will be responsible to compile and administer the database for households registered in terms of this Policy.

18.2 Registration will take place continuously and in accordance with the programme of quarterly targeted audits and reviews. The Municipality may decide to launch special registration campaigns from time to time.

19 MONITORING AND REPORTING

19.1 The Chief Financial Officer must report monthly via the office of the Municipal Manager to the Finance Portfolio committee on the implementation of the Indigent Policy:
19.1.1 Number of indigent households applications received;
19.1.2 Amount of subsidy allocated per benefit category;
19.1.3 Amount of debt accumulating and debt recovery information (number of customer enquiries, default arrangements, growth or diminishing of arrear debtors, ideally divided into wards, domestic, state, institutional and other such divisions);
19.1.4 Changes in the registered status of indigents.

20 CAPACITY BUILDING

20.1 The municipality must ensure that all officials are appropriately capacitated in Free Basic Services in terms of the following key areas:
20.1.1 Database management
20.1.2 Demand and revenue management; and
20.1.3 Policy and by-law implementation.

21 MISCONDUCT BY OFFICIALS

21.1 Any official of the municipality commits an act of misconduct if he/she deliberately or negligently:
21.1.1 contravenes a provision of this policy;
21.1.2 fails to comply with a duty imposed by a provision of this policy;
21.1.3 makes or permits, or instructs another official of the municipality to make an unauthorised, irregular or fruitless and wasteful expenditure; or
21.1.4 provides incorrect or misleading information in any document or report relating to any activity in terms of this policy.

21.2 The municipality must:
21.2.1 investigate allegations of misconduct or suspected misconduct against an official of the municipality unless such allegations or suspicion are speculative or unfounded; and

21.2.2 if the investigation warrants such a step, institute disciplinary proceedings against the official in accordance with systems and procedures referred to in Section 67 of the Municipal Systems Act, read with Schedule 2 of that Act.

22 OFFENCES AND PENALTIES

22.1 Any person who:

22.1.1 knowingly provides false or misleading information in an application for indigent support; or
22.1.2 fails to notify the municipality of change in status to the extent that the income threshold determined annually is exceeded; or
22.1.3 interferes with or obstructs an official of the municipality in the execution of his/her duties performed in terms if this policy; or
22.1.4 interferes with any measuring- or restrictive device provided by the municipality in terms of the Indigent Support Policy;

22.2 Commits an offence and upon conviction shall be liable to a fine or imprisonment, or either such fine or imprisonment or both such fine and such imprisonment;

22.3 In the case of a continuing offence:
22.3.1 an additional fine or an additional period of imprisonment; or
22.3.2 such additional imprisonment without the option of a fine; or
22.3.3 both such additional fines and imprisonment
22.3.4 for each day on which such offence is continued
22.2.3 a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

23 EXIT MECHANISMS

23.1 Indigent support is aimed to provide a safety net for the most vulnerable in our communities. Whilst poverty remains a challenge in the whole of South Africa, the Municipality's commitment to eradicating unemployment, will continue.

23.2 Swellendam Municipality hopes to implement initiatives that will assist in alleviating poverty and address the socio-economic imbalances entrenched by the past.

23.3 As part of the Municipality's strategy to assist residents to no longer require indigent support to meet their basic needs, the Municipality will strive to encourage economic opportunities, through the stimulation of the local economy by facilitating job growth. One of the measures to do so is to support the Expanded Public Works Programme in all its forms, while also requiring contracting service providers to employ local labour and to ensure a transfer of skills.

23.4 The Municipality encourages an entrepreneurial mindset among residents, enabling them to contribute to the reduction of unemployment in our nation.

23.5 The Municipality will continue to work with government, sector, and private partners to upskill and employ the residents within the community. Skills training workshops for unemployed persons will be rolled out, while, where possible and within a municipal budget, interns will be allowed to sharpen their skills.

23.6 Policies of the Municipality will be aimed to promote and create an environment that stimulates local economic development and growth opportunities.

24 AUTHENTICATION AND SERVICE OF NOTICES

24.1 Any notice or other document that is served on a person is regarded as duly served:

24.1.1 when it has been delivered to that person personally; or

24.1.2 when it has been left at that person's place of residence or business in the Republic with a person over the age of 16 years; or

24.1.3 when it has been posted by registered or certified mail to that person's last known residential or address in the Republic and an acknowledgement of the posting thereof, from the postal service, is obtained; or

24.1.4 if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs 23.1.1, 23.1.2 and 23.1.3;
24.1.5 if that person's address, agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates; or
24.1.6 in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate; or

24.2 Service of a copy is deemed to be service of the original when any notice or other document is served on the owner, occupier, holder of any property or holder of any right in any property, it is sufficient if that person is described in the notice, or other document, as the owner, occupier, holder of the property or holder of the right in question, and it is not necessary to name that person.

25 STAKEHOLDERS

25.1 The stakeholders involved in the development and implementation of this policy are:
25.1.1 Councillors;
25.1.2 Ward Committees;
25.1.3 Municipality Senior Management;
25.1.4 Relevant municipal officials such as Finance, Human Resources, Communications etc;
25.1.5 Residents;
25.1.6 Indigents;
25.1.7 National and Provincial Government Relevant Departments;

26 SHORT TITLE AND COMMENCEMENT

26.1 This policy is known as the Indigent Support Policy which is implemented on the 1 July every year.
26.2 The policy must be reviewed on an annual basis.

PETTY CASH POLICY

Approval by Council xxx

Implementation Date 1 July 2026

Table of Contents

1. DEFINITIONS 2
2. INTRODUCTION 3
3. LEGISLATIVE FRAMEWORK 3
4. OBJECTIVE 3
5. RESPONSIBILITY AND ACCOUNTABILITY 3
6. PETTY CASH POLICY 4
7. ESTABLISHING AND OPERATING A PETTY CASH FLOAT 4
8. SECURITY OF PETTY CASH AND DOCUMENTATION 5
9 DISBURSEMENT OF PETTY CASH 5
10 PETTY CASH ADVANCES TO STAFF MEMBERS 6
11 OUT-OF-POCKET PAYMENTS 6
12. REIMBURSEMENT OF PETTY CASH 6
13 SHORTAGES 7
14 PROCEDURE WHERE A PETTY CASH FLOAT IS REPAID/CANCELLED 7
15. SHORT TITLE 8

1. DEFINITIONS

In this policy, unless the context indicates otherwise -

1.1 **"Accounting Officer"** means the person appointed by the council in terms of section 82 of Act 117 of 1998, also known as the Municipal Manager, and defined in terms of section 60 of Act 56 of 2003 (MFMA).

1.2 **"Advances"** means a relatively small amount of cash, made available by the Petty Cash Officer on request, to buy miscellaneous small items.

1.3 **"Chief Financial Officer"** means the person designated in terms of section 80(2) (a) of Act 56 of 2003 (MFMA), and includes any person acting in that position or to whom authority is delegated.

1.4 **"Petty Cash"** means a relatively small amount of cash kept at hand for making immediate payments for miscellaneous small expenses.

1.5 **"Petty Cash Float"** means the total sum of Petty Cash which has been granted to a Petty Cash Officer.

1.6 **"Petty Cash Officer"** means an employee, made responsible for the day-to-day operating of the Petty Cash Float.

1.7 **"Reconciliation"** means the process of comparing information, for example, cash spent, compared with the relevant documentation and receipts.

2. INTRODUCTION

The accounting officer of a municipality is responsible for the management of the expenditure of the municipality in an effective and controlled manner. Therefore, the Swellendam Municipality adopts the following petty cash policy.

3. LEGISLATIVE FRAMEWORK

Municipal Finance Management Act 56 of 2003
Municipal Supply Chain Management Regulations, 2005

4. OBJECTIVE

Compliance with the regulatory framework in terms of the relevant legislation is required.

5. RESPONSIBILITY AND ACCOUNTABILITY

The key responsibilities in terms of the MFMA (Section 65) are:

5.1 Accounting Officer (Municipal Manager)-

The accounting officer of a municipality is responsible for the management of the expenditure of the municipality.

The accounting officer must take all reasonable steps to ensure—

(a) that the municipality has and maintains an effective system of expenditure control, including procedures for the approval, authorisation, withdrawal and payment of funds;

(b) that the municipality has and maintains a management, accounting and information system which—

  (i) recognises expenditure when it is incurred;

  (ii) accounts for creditors of the municipality; and

  (iii) accounts for payments made by the municipality;

(c) that the municipality has and maintains a system of internal control in respect of creditors and payments;

(d) that payments by the municipality are made—

  (i) directly to the person to whom it is due unless agreed otherwise for reasons as may be prescribed; and

  (ii) either electronically or by way of non-transferable cheques, provided that cash payments and payments by way of cash cheques may be made for exceptional reasons only, and only up to a prescribed limit;

The Municipal Manager delegates authority to the Chief Financial Officer to manage the petty cash in terms of this policy.

6. PETTY CASH POLICY

6.1 The use of a petty cash float is limited to R500 and is strictly confined to individual cash purchases. The amount may be increased to R2000 subject to authorization by the Chief Financial Officer;

6.2 The expenditure with regard to petty cash purchases shall not be deliberately split into more than one transaction to avoid the said limit;

6.3 A petty cash float may not be used for any of the following:

a) the cashing of;
b) loans to any person whatsoever;
c) payment of personal remuneration to any person whatsoever, whether for fees, salaries, wages, travel allowance as part of remuneration, honorarium or other reason, unless authorized by the Chief Financial Officer;
d) for instalment invoices such as rental of equipment or open orders, even if the amount falls within the specified limit;
e) any purchase violating the true meaning of petty cash transactions, or petty cash purchases from a trading creditor that does exist on the Swellendam municipal financial system will be regarded as a deviation from the accepted accounting practices in the use of Petty Cash and shall constitute a serious offense under the Disciplinary Code unless authorized by the Chief Financial Officer;

6.4 The Chief Finance Officer is delegated to determine the number and amount of petty cash floats based on operational requirements. The use of such floats is restricted to the purpose for which they were established.

6.5 The Accounting Officer, or delegated official, may conduct internal audits to evaluate compliance with this policy.

7. ESTABLISHING AND OPERATING A PETTY CASH FLOAT

7.1 To establish a new petty cash float or increase an existing advance, a written application must be made to the Chief Financial Officer by the relevant Director.

7.2 A request for the establishment of an advance will indicate the position of a senior official employee to be held responsible for the control over the petty cash float within the relevant department.

7.3 The senior official employee mentioned under 7.2 will be responsible for the security and leave the arrangement in place to ensure safe custody of funds in the office.

7.4 The minimal security arrangement that will be acceptable is that the float will be kept in a locked box which will be kept in a locked filing cabinet or safe.

7.5 When an advance is approved, the Accountant: Expenditure will advise the relevant Department accordingly and request that the senior official employee mentioned under 7.2 collect the advance.

8. SECURITY OF PETTY CASH AND DOCUMENTATION

8.1 The cash on hand and used petty cash vouchers are to be kept in a locked box for which there should be two keys. One key is to be retained by the petty cash officer (on their person) normally responsible for the petty cash and the other to be kept senior administrative employee mentioned under 7.2 in a sealed envelope in the office safe or other secure places, to be used only in an emergency.

8.2 The locked petty cash box must be kept in a secure place when not in use and should be removed and returned by the responsible staff member only. At no stage should staff other than the responsible administrative/clerical staff member have access to the storage place of the petty cash box.

8.3 Under no circumstance are keys to be left in the lock to the petty cash box, cabinet, or safe.

8.4 If the responsible Petty Cash Officer is either going on leave or is leaving the Municipality's employment, the petty cash float is to be reconciled and signed by the departing- as well as replacement staff members, to indicate their agreement as to its balance.

9 DISBURSEMENT OF PETTY CASH

9.1 Petty cash stationery is available from the Expenditure Section (Financial Services). The form consists of two parts:

a. Cash Purchase Claim page
b. Cash Purchase Record page
c. Receipt for a cash advance (Only when appropriate, refer to paragraph on Advances).

9.2 All details entered on the Cash Purchase Claim must appear on the Cash Purchase record page.

9.3 The Cash Purchase Claim must be completed as follows:

a. Description and cost of the goods/services purchased
b. purchaser's signature
c. correct vote number with an adequate budget to be charged
d. signature of the Officer in Charge of Petty Cash.

9.4 Original receipts and other valid documentation as required must be attached as proof of payment, with the signature of an appropriate financial

delegate on this documentation. The receipt and invoice must be in a formal business format.

9.5 A financial delegate cannot authorise a cash purchase claim where she or he is the purchaser.

10 PETTY CASH ADVANCES TO STAFF MEMBERS

10.1 If it is necessary to make an initial advance to a staff member, a receipt for a cash advance must be completed. The receipt for the cash advance Form must be completed as follows:

a. description and estimated cost of the goods/services purchased;
b. purchaser's signature;
c. correct vote number with an adequate budget to be charged;
d. Signature of the Petty Cash Officer.

10.2 On completion of the purchase, the recording-, documentation- and authorization requirements are stated in the paragraph.

10.3 All advances will be accounted for within 24 hours, by submitting original receipts and other applicable documentation required, attached as proof of payment (with the approval signature on the documentation). Where this cannot be achieved, the buyer will be liable to pay back the advance without any delay or if not possible, alternatively be for the immediate recovery from the individual's salary.

10.4 No more than one advance will be made to any one individual at a time.

11 OUT-OF-POCKET PAYMENTS

11.1 Where a staff member has made a purchase from their funds and seeks reimbursement from the petty cash, supporting documentation must be provided to substantiate the claim.

11.2 The responsibility to ensure that the purchase will be per all the prescriptions of this policy will be the sole responsibility of the purchaser of such item(s).

11.3 The recording, documentation and authorization requirements will be as stated in paragraphs 9.1.

12. REIMBURSEMENT OF PETTY CASH

12.1 A petty cash float is operated on the basis that expenditure from the float is periodically reimbursed. Such reimbursement requires-

a. returning the cash level of the petty cash float to its original level, and;

b. charging the expenditure which has been made to the correct expenditure vote.

12.2 Accordingly, at any point of time, the sum of the cash on hand, i.e. remaining unspent, plus the cash advances for un-finalised purchases, plus the completed cash purchase claim forms, updated on the Summary Cash Purchase Claim form, shall equal the level of the petty cash advanced to a Department.

12.3 Completed Cash Purchase Claim forms, with attached cash register slips, etc., must be submitted to the Expenditure Section for reimbursement after the Summary Claim Cover Page and attached documentation have been authorised by a financial delegate.

12.4 Reimbursement of claims where supporting documentation as prescribed in this policy is absent/missing will be declined.

12.5 The prescribed Summary Cash Purchase Claim form as well as other relevant forms attached to it must be completed in full.

12.6 The most recently completed Cash Purchase Claim form must record the reconciliation of the petty cash float. The Accountant: Expenditure will decline reimbursement of claims where this is not supplied.

12.7 A petty cash float must never be reimbursed with funds derived from any other source whatsoever.

13 SHORTAGES

13.1 Any shortages in respect of a petty cash float must be reimbursed immediately by the responsible petty cash officer.

13.2 Where a petty cash float is stolen the incident must be reported promptly to the Chief Financial Officer in the required format, after a case has been lodged at the South African Police Services.

14 PROCEDURE WHERE A PETTY CASH FLOAT IS REPAID/CANCELLED

14.1 When an advance is no longer required, a departmental memorandum must be submitted, signed by the Manager of the relevant Department, to the Accountant: Expenditure, with the balance of cash on hand and completed and authorized Cash Purchase Claim forms. The most recently

completed Cash Purchase Claim form will record the reconciliation of the petty cash float.

14.2 The Cashier will issue a receipt to the person delivering the cash.

15. SHORT TITLE

15.1 This policy shall be called the Petty Cash Policy of the Swellendam Local Municipality.

RATES POLICY

Approved By Council On xxxx

Implementation Date 1 July 2026

TABLE OF CONTENT

1. DEFINITIONS 2
2. LEGISLATIVE CONTEXT 6
4. PURPOSE OF THE POLICY 8
5. POLICY PRINCIPLES 9
6. SCOPE OF THE POLICY 10
7. APPLICATION OF THE POLICY 10
8. CATEGORIES OF PROPERTY 10
9. CATEGORIES OF OWNERS 11
10. PROPERTIES USED FOR MULTIPLE PURPOSES 11
11. CLASSIFICATION OF SERVICES AND EXPENDITURE 11
12. LEVYING OF RATES 11
13. OWNERSHIP 13
16. DIFFERENT RATING AND RATIOS 14
17. EXEMPTIONS AND REDUCTIONS 14
18. GRANTING OF REBATES 16
19. REDUCTIONS 18
20. COSTS OF EXEMPTIONS, REBATES, REDUCTIONS, PHASING IN OF RATES AND GRANTS-IN-LIEU OF RATES 18
21. SPECIAL RATING AREA 18
22. RATES INCREASES 19
23. REGISTER OF PROPERTIES 19
24. NOTIFICATION OF RATES 19
25. FREQUENCY OF VALUATIONS 19
26. GENERAL VALUATION AND PREPARATION OF VALUATION ROLLS 19
27. DATE OF VALUATION 19
28. COMMENCEMENT AND PERIOD OF VALIDITY OF VALUATION ROLLS 20
30. VALUATION OF PROPERTY IN SECTIONAL TITLE SCHEMES 20
31. SUPPLEMENTARY VALUATIONS 20
32. REGULAR REVIEW OF RATES POLICY 20

1. DEFINITIONS

1.1 **"Act "means** the Local Government: Municipal Property Rates Act, 2004 (Act No.6 of 2004);

1.2 **"Agricultural property,** in relation to the use of a property, means property that is used primarily for agricultural purposes but, without derogating from section 9, excludes any portion thereof that is used commercially for the hospitality of guests, and excludes the use of the property for eco-tourism or the trading in or hunting of game;

1.3 **"Bona fide farmers"** means genuine or real farmers whose dominant income is generated from farming;

1.4 **"Business Property"** means property used for the activity of buying, selling or trading in commodities or services and includes any office or other accommodation on the same property, the use of which is incidental to such activity.

1.5 **"Category" –**

(a) in relation to property, means a category of property determined in terms of section 8 of the Act;
(b) in relation to owners of the property, means a category of owners determined in terms of section 15 (2) of the Act;

1.6 **"Ecotourism property"** means agricultural property used for the purpose of eco-tourism;

1.7 **"Exclusion"** in relation to a municipality's rating power, means a restriction of that power as provided for in section 17 of the Act;

1.8 **"Game farming"** means agricultural property on which the trading in - or the hunting of game takes place;

1.9 **"Household income"** means the gross sum of all monthly income earned by the registered owner and spouse permanently residing at the address.

1.10 **"Income tax act"** means the Income Tax Act,1962 (Act 58 of 1962)

1.11 **"Indigent person"** means a person whose household income does not exceed the minimum household income as predetermined by the council;

1.12 "**Industrial property"** means a branch of trade or manufacturing, production, assembling, or processing of finished or practically finished products from raw materials or fabricated parts. This includes grain silos, factories and any office or other accommodation on the same property, the use of which is incidental to the use of such a property:

1.13 **"Land reform beneficiary"** in relation to a property, means a person who – acquired the property through the Provincial Land and Assistance Act, 1993 (Act 126/1993): the Restitution of Land Rights Act, 1994 (act 22/1994); holds the property subject to the Communal Property Associations Act, 1996 (Act 28 of 1996); or holds or acquires the property in terms of such other land tenure enacted after this Act has taken effect;

1.14 **"Land tenure right" means** a land tenure right as defined in section 1 of the Communal Land Rights Act,2004 (Act no.11of 2004)

1.15 **"Local community"**, in relation to a municipality:

(a) means that body of persons comprising:

(i) the residents of the municipality;
(ii) the ratepayers of the municipality;
(iii) any civic organisations and non-governmental, private sector, or labour organisations or bodies which are involved in local affairs within the municipality; and
(iv) visitors and other people residing outside the municipality who, because of their presence in the municipality, make use of services or facilities provided by the municipality;

(b) Includes, more specifically, the poor and other disadvantaged sections of such body of persons.

1.16 **"Local municipality"** means a municipality that shares municipal executive and legislative authority in its area with a district municipality within whose area it falls, and which is described in section l55(1) of the Constitution as a category B municipality;

1.17 **"Market value"**, in relation to a property, means the value of the property determined under section 46 of the Act;

1.18 **"MEC for Local Government" means** the member of the Executive Council of a province who is responsible for local government in that province;

1.19 "**Mining" means** a property used for mining operations as defined in the Mineral and Petroleum Resources Development Act, 2002 (Act No. 28 of 2002).

1.20 **"Multiple use properties"** in relation to a property, means a property that cannot be assigned to a single category due to the different uses of such a property in which event the property will be valued based on the apportionment of uses in accordance with the applicable category of property in terms of this policy;

1.21 "**Municipality"** means the municipal council for the municipal area of Swellendam

1.22 **"Municipal Properties"** refers to a property that is registered in the name of the municipality and property vested by usage in the name of the Municipality whether it is used by the Municipality itself or made available to other entities without the cost of a rental agent;

1.23 "**Municipal Systems Act**" means the Local Government: Municipal Systems Act, 2000 (Act 32 /2000);

1.24 **"Newly rateable property"** means any rateable property on which property rates were not levied by 30 June 2005 excluding a property that was incorrectly omitted from a valuation roll and for that reason was not rated before that date;

1.25 **"Office bearer",** in relation to places of public worship, means the primary person who officiates at services at that place of worship;

1.26 **"Official residence",** in relation to places of public worship, means: -

(a) a portion of the property used for residential purposes; or
(b) one residential property, if the residential property is not located on the same property as the place of worship;
(c) Registered in the name of a religious community or registered in the name of a trust established for the sole benefit of a religious community and used as a place of residence for an office-bearer;

1.27 **"Occupier"**, in relation to a property, means a person in actual occupation of a property whether or not that person has a right to occupy the property;

1.28 **"Owner"** means:

(a) in relation to property referred to in paragraph *(a)* of the definition of "property", means a person in whose name ownership of the property is registered;
(b) in relation to a right referred to in paragraph *(b)* of the definition of "property", means a person in whose name the right is registered;
(c) in relation to a land tenure right referred to in paragraph *(c)* of the definition of "property", means a person in whose name the right is registered or to whom it was granted in terms of legislation, provided that a person mentioned below may for the purposes of this Act be regarded by a municipality as the owner of a property in the following cases:

(i) a trustee, in the case of a property in a trust excluding state trust land;
(ii) an executor or administrator, in the case of a property, in a deceased estate;
(iii) a trustee or liquidator, in the case of a property, in an insolvent estate or liquidation;
(iv) a judicial manager, in the case of a property, in the estate of a person under judicial management;
(v) a curator, in the case of a property, in the estate of a person under curatorship;
(vi) a person in whose name a usufruct or other personal servitude is registered, in the case of a property that is subject to a usufruct or other personal servitude;
(vii) a lessee, in the case of a property that is registered in the name of a municipality and is leased by it; or
(viii) buyer, in the case of a property that was sold and of which possession was given to the buyer pending registration of ownership in the name of the buyer;

1.28 **"permitted use"**, in relation to a property, means the limited purposes for which the property may be used in terms of –

a) any restrictions imposed by –

(i) a condition of title;
(ii) a provision of a town planning or land use scheme; or

(iii) any legislation applicable to any specific property or properties; or any alleviation of any such restrictions;

1.29 **"Person"** includes an organ of the state;

1.30 **"Place of Public Worship"**, means property used primarily for the purposes of the congregation, excluding a structure that is primarily used for educational instruction in which secular or religious education, is the primary instructive medium: Provided that the property is:-

(a) registered in the name of a religious community;
(b) registered in the name of a trust established for the sole benefit of a religious community; or
(c) subject to land tenure right;

1.31 **"Interest"** means the standard rate of interest, charged on accounts which are not paid by the specified due date, calculated at the prime rate.

1.32 **"Protected area"** means an area that is or has to be listed in the register referred to in section 10 of the National Environmental Management Protected Areas Act, 2003.

1.33 **"Public Benefits Organisation"** means property owned by public benefit organisations and used for any specified public benefit activity listed in item 1 (welfare and humanitarian), item 2 (health care) and item 4 (education and development) of part 1 of the Ninth Schedule to the Income Tax Act.

1.34 **"Public Service Infrastructure"** means publicly controlled infrastructure of the following kinds:

(a) national, provincial, or other public roads on which goods, services, or labour move across a municipal boundary;
(b) water or sewer pipes, ducts or other conduits, dams and water supply reservoirs, water supply reservoirs, water treatment plants, or water pumps forming part of a water or sewer scheme serving the public;
(c) power stations, power substations, or power lines forming part of an electricity scheme serving the public.
(d) gas or liquid fuel plants or refineries or pipelines for gas or liquid fuels, forming part of a scheme for transporting such fuels;
(e) railway lines forming part of a national railway system;
(f) communication towers, masts, exchanges, or lines forming part of a communications system serving the public;
(g) runways or aprons at national or provincial airports;
(h) breakwater, sea walls, channels. Basin, quay walls, jetties, roads, railway or infrastructure used for the provision of water, lights, power, sewerage or similar services of ports, or navigational aids comprising lighthouses, radio navigational aids buoys, beacons or any other device or system used to assist the safe and efficient navigation of vessels;
(i) any other publicly controlled infrastructure as may be prescribed; or
(j) a right registered against the immovable property in connection with infrastructure mentioned in paragraphs (a) to (i)

1.35 **''Public service purposes"**, in relation to the use of a property, means property owned and used by an organ of state as—

(a) Hospitals or clinics;
(b) Schools, pre-schools, early childhood development centres, or further education and training colleges;
(c) National and provincial libraries and archives;
(d) Police stations
(e) Correctional facilities; or
(f) Courts of law
(g) But excludes property contemplated in the definition of ''public service infrastructure'';

1.36 "**Rate"** means a municipal rate on property envisaged in section 229(1)(a) of the Constitution;

1.37 **"Rateable property"** means property on which a municipality may in terms of section 2 of the Act levy; a rate, excluding property fully excluded from the levying of rates in terms of section 17 of the Act;

1.38 **"Ratio",** in relation to section 19 of the Act, means the relationship between the cent amount in the Rand applicable to residential properties and different categories of non- residential properties:

1.39 **"Rebate"**, in relation to a rate payable on a property, means a discount on the amount the rates payable on the property;

1.40 **"Reduction"**, in relation to a rate payable on a property, means the lowering of the amount for which the property was valued and the rating of the property at that lower amount;

1.41 **"Residential Property"** means a property included in a valuation roll in terms of section 48(2)(b) of the Act in respect of which the primary use or permitted use is for residential purposes without derogating from section 9 of the Act.

1.42 **"Sectional titles Act"** means the Sectional Titles Act, 1986 (Act 95/1986);

1.43 **"Sectional title unit"** means a unit defined in section 1 of the Sectional Titles Act;

1.45 **"Vacant Land"** means all undeveloped land on which no immovable improvements have been erected excluding farm properties not used for any purposes as contemplated in section 8(2)(e) of the MPRA

2. LEGISLATIVE CONTEXT

2.1 In terms of Section 229 of the Constitution of the Republic of South Africa, 1996 (No.108 of 1996), a Municipality may impose rates on the property.

2.2 In terms of Section 4(1)(c) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), the municipality has the right to finance the affairs of the municipality by imposing, inter alia. rates on the property.

2.3 In terms of Section 62(1)(f)(ii) of Local Government: Municipal Finance Management Act, 2003 (No. 6 of 2003) the Municipal Manager must ensure that the municipality has implemented a rates policy.

2.4 In terms of the Local Government: Municipal Property Rates Act, 2004 (No.6 of 2004) a municipality in accordance with –

a) Section 2(1), may levy a rate on property in its area; and

b) Section 2(3), must exercise its power to levy a rate on property subject to-

i) Section 229 and any other applicable provisions of the Constitution;
ii) The provisions of the Property Rates Act; and
iii) The rates policy.

2.5 This Policy is mandated by Section 3 of the Local Government: Municipal Property Rates Act, 2004 (No.6 of 2004), which specifically provides that a Municipal must adopt a Rates Policy.

2.6 In terms of section 5(1) of the act, the municipality must annually during its budget process review its Rates Policy and if necessary amend the policy. The amended policy must accompany the annual budget when it is tabled and follow a process of community participation through the budget process.

2.7 In terms of Section 8(1) of the MPRA, a municipality may, in terms of the criteria set out in its rates policy, levy different rates for different categories of rateable property, determined in subsection (2) and (3).

3. OBJECTIVES

3.1 In developing and adopting this rates policy, the council has sought to give effect to the sentiments expressed in the preamble of the Property Rates Act, namely that:

(a) The Constitution enjoins local government to be developmental in nature, in addressing the service delivery priorities of our country and promoting the economic and financial viability of our municipalities;

(b) There is a need to provide local government with access to a sufficient and buoyant source of revenue necessary to fulfill its developmental responsibilities;

(c) Revenues derived from property rates represent a critical source of income for municipalities to achieve their constitutional objectives, especially in areas neglected in the past because of racially discriminatory legislation and practices and;

(d) Municipalities must exercise their power to impose rates within a statutory framework which enhances certainty, uniformity and simplicity across the nation, and which takes account of historical imbalances and the burden of rates on the poor.

3.2 In applying its rates policy, the council shall adhere to all the requirements of the Property Rates Act No. 6 of 2004 including any regulations promulgated in terms of the said Act.

3.3 The objectives of this policy are also to ensure that:

(a) all ratepayers within a specific category are treated equal and reasonable;
(b) all rates levied are affordable; in dealing with the poor/indigent ratepayers the municipality will provide relief measures through exemptions, reductions, or rebates;
(c) rates are levied per the market value of the property as determined through a valuation;
(d) the rate will be based on the value of all rateable property in that category and the amount required by the municipality to balance the operational budget, taking into account the surplus obtained from the trading- and economic services and the amounts required to finance exemptions, reductions and rebates that the municipality may approve from time to time;
(e) income derived from rates will be used to finance community- and subsidised services only;
(f) to optimally safeguard the income base of the municipality through exemptions, reductions and rebates that are reasonable and affordable taking into account the poor/indigent ratepayers.

3.4 To minimize major shocks to certain ratepayers the market values in the new valuation roll or tariffs determent by Council may be phased–in over the entire periods as stipulated in the Rates Act to adhere to the legal requirements of the Property Rates Act (Act 6/2004).

4. PURPOSE OF THE POLICY

The purposes of the policy are to:

4.1 Comply with the provisions section 3 of the Act.

4.2 Determine criteria to be applied for-
(a) the levying of differential rates for different categories of properties;
(b) exemptions;
(c) grants and rebates; and
(d) rate increases.

4.3 Determine or provide criteria for the determination of: -
(a) categories of properties for the purpose of levying different rates; and
(b) categories of owners of properties for the purpose of the granting of exemptions, rebates and reductions.

4.4 Determine how the municipality's powers must be exercised in relation to multi-purpose properties.

4.5 Identify and provide reasons for
(a) exemptions, rebates and reductions;
(b) exclusions; and

(c) rates on properties that must be phased in.

4.6 Contemplate the effect of rates on the poor.

4.7 Take into account the effect of rates on organisations conducting specified public benefit activities and registered in terms of the Income Tax Act for tax exemptions because of those activities, in the case of property owned and used by such organisations for those activities.

4.8 Take into account the effect of rates on public service infrastructure.

4.9 Determine measures to promote local economic and social development.

4.10 Identify all rateable property that is not rated.

5. POLICY PRINCIPLES

5.1 Rates are levied in accordance with the Act as an amount in the rand based on the market value of all rateable property contained in the municipality's valuation roll and supplementary valuation roll.

5.2 As allowed for in the Act, the Municipality has chosen to differentiate between various categories of property and categories of owners of property. Some categories of property and categories of owners are granted relief from rates. The municipality however does not grant relief in respect of payments for rates to any category of owners or properties, or to owners of properties on an individual basis, other than by way of an exemption, rebate, or reduction provided for in this policy.

5.3 There would be no phasing in of rates based on the new valuation roll, except as prescribed by legislation.

5.4 The rates policy for the municipality is based on the following principles:

(a) Equity

The municipality will treat all ratepayers with similar properties the same.

(b) Affordability

The ability of a person to pay rates will be taken into account by the municipality. In dealing with the poor/indigent ratepayers the municipality will provide relief measures through exemptions, reduction, or rebates.

(c) Sustainability

Rating of a property will be implemented in a way that:

i) it supports sustainable local government by providing a stable a buoyant revenue source within the discretionary control of the municipality; and

ii) support local social-economic development.

(d) Cost efficiency

Rates will be based on the value of all rateable property and the amount required by the municipality to balance the operating budget after taking into account profits generated on trading (water, electricity) and economic (refuse removal, sewerage removal) services and the amounts required to finance exemptions, rebate reduction and phasing-in of rates as approved by the municipality from time to time.

6. SCOPE OF THE POLICY

This policy document guides the annual setting (or revision) of property rates.

It does not make specific property rate proposals. Details pertaining to the applications of the various property rates are published in the Provincial Gazette and the Municipality's schedule of tariffs, which must be read in conjunction with this policy.

7. APPLICATION OF THE POLICY

In imposing the rate in the rand for each annual operating budget component, the Municipality shall grant exemptions, rebates and reductions to the categories of properties and categories of owners as allowed for in this policy document.

8. CATEGORIES OF PROPERTY

8.1 Criteria for determining categories of properties to levy different rates and to grant exemptions will be according to:

(a) the use of the property;
(b) the permitted use of the property;

8.2 The municipal valuator of the Swellendam Municipality will be responsible for the categorising of the properties and the maintenance thereof, and any change in the actual use of the property may result in the change of categories.

8.3 Categories of property for the municipality include-

(a) Resident properties;
(b) Industrial properties;
(c) Business and commercial properties;
(d) Agricultural properties;
(e) Mining properties;
(f) Municipal properties;
(g) Properties owned by an organ of state and used for public service purposes;
(h) Public service infrastructure properties;
(i) Properties owned by public benefit organisations and used for specified public benefit activities;
(j) Properties used for multiple purposes, subject to section 10;
(k) Vacant land
(l) Protected Areas

(m) Place of worship

9. CATEGORIES OF OWNERS

9.1 Criteria for determining categories of owners of properties, to grant exemptions, rebates and reductions will be according to the-

(a) indigent status of the owner of a property:
(b) income level of the owner and/or household on a property;
(c) income level of owners of a property who are pensioners or dependant on social grants;
(d) owners of property situated within an area affected by-
  i. a disaster within the meaning of the Disaster Management Act,2002 (Act No.57 of 2002); or
  ii. any other serious adverse social or economic conditions;

(e) owners of residential properties with a market value below a determined threshold;
(f) owners of agricultural properties who are bona fide farmers; and
(g) availability of services funded by rates for a property.

10. PROPERTIES USED FOR MULTIPLE PURPOSES

10.1 Properties used for multiple purposes may be categorized as follows for rating purpose:

(a) by apportioning the market value of a property to the different purposes for which the property is used as determined in item 8 (categories of properties) above
(b) Applying the relevant cent amount in the rand to the corresponding apportioned market value.

10.2 If the market value of the property can be apportioned, each portion must be categorized according to its individual use as determined in item 8 and /or 9 above. If the market value of the property cannot be apportioned to its various use purpose, then such property must be categorized in terms of the dominant use of the property.

11. CLASSIFICATION OF SERVICES AND EXPENDITURE

The Chief Financial Officer shall, subject to the guidelines provided by the Legislation and the Executive Mayor, provide for the classification of services as outlined in the Municipality's annual budget into trading and economic services.

12. LEVYING OF RATES

12.1 In terms of section 7 of the MPRA the Municipality must, subject to subsection 2, levied rates on all rateable property in its area. The municipality will not levy property rates on-

(a) Properties of which the municipality is the owner;

(b) Public Service Infrastructure owned by a municipality entity;

(c) Leased Municipal Properties with a nominal value and/or portions of commonage property where it is not practical to levy property rates.

12.2 Resolution for levying rates

The municipality will follow the process as set out in the Act in notifying the public of any decisions made by Council.

12.3 Liability for rates by property owners:

(a) Rates levied by a municipality on a property must be paid by the owner of the property, subject to section 9 of the Municipal Systems Act.
(b) Joint owners are jointly and severally liable for the amount due for rates on that property.
(c) In a case of agricultural property owned by more than one owner in undivided shares where the holding of such undivided shares was allowed before the commencement of the subdivision of the Agricultural Land Act (Act 70 of 1970) the municipality may consider the following options for determining the liability for rates: If the joint owners are all available, the issue of who is liable for rates will be deal with in the context of whether they have entered into an agreement or not regarding payment of rates liabilities.
(d) Where the joint owners have a written agreement that a specific joint owner is liable for all the rates, the municipality will hold such a joint owner liable in respect of all the rates. A certified copy of the agreement must be submitted to the municipality.
(e) Where there is no agreement, the municipality will hold any one of the joint owners responsible for the whole property or hold any joint owner only liable for his undivided share:

(i) If the joint owners are not traceable with the exception of one joint owner and such joint owner is occupying or using the entire property or a significantly larger portion the municipality will hold that joint owner liable for the total rates bill.

(ii) If the traceable joint owner is only using or occupying a small portion of the entire property, the municipality will hold that joint owner only responsible for his own undivided share in that property.

12.4 Method and time of payment:

(a) The municipality will recover the rate levied in periodic instalments of equal amounts in twelve months. The monthly instalment is payable on or before the day determined by the Council for payment of services, following the month in which it has been levied. Interest will be charged at prime interest rate for any late payments received.

(b) Annual Payment Arrangements

By prior arrangement with the municipality the rate may be paid in a single amount before 30 September of the year, it is levied in, however, the

application must be submitted before 31 May before the financial year of implementation of the arrangement.

13. OWNERSHIP

13.1 Properties, which vest in the Municipality during developments, i.e. open spaces and roads should be transferred at the cost of the developer to the Municipality. Until such time, rates levied will be for the account of the developer.

14. CLEARANCE CERTIFICATE

14.1 On the sale of any property in the municipal jurisdiction, Council will withhold the transfer until all rates, service and sundry charges and any estimated amounts for the duration of the certificate in connection with the property are paid, by withholding a clearance certificate in terms of Section 118 of the Municipal Systems Act as well as recent court cases.

14.2 If the full amount cannot be paid upon application by the owner, a guarantee from the conveyor may be accepted for payment on date of registration.

14.3 When debt has been written off as irrecoverable it will not be recovered again when a clearance certificate on a property is issued.

14.4 All separate debts owed to this municipality by a debtor shall be deemed to be consolidated and will be applied as such with the request for rates clearance.

14.5 The municipality will issue such clearance certificate on receipt of an application on the prescribed form from the owner or conveyor.

14.6 All payments will be allocated to the subject property.

14.7 No interest shall be paid by the Municipality to the registered seller in respect of these payments which are deemed to be due.

14.8 Where any residential or non-residential debtor has entered into an arrangement with the Municipality in respect of the arrears on a property, the prescribed certificate as referred to in Section 118 of the Systems Act, will not be issued until such time as the full outstanding amount has been paid.

14.9 The rates clearance certificate validation period is 60 days and the amount due for payment is calculated as follows:

- Rates clearance figures issued will include 3 (three) months advance collections plus all current outstanding debt on the property
- Rates Clearance figures will be valid until 30 June of a financial year, if monies are paid in full until such date. However, should attorneys request to extend the certificate for 120 days beyond this date, and this extension of time surpasses the date of 30 June the full new year's rates or estimated rates become payable in full.

14.10 All amounts that are due must be paid in full before the issuing of any clearance certificate in terms of Section 118, of the Systems Act; and

14.11 The Municipality will not be responsible for the apportionment of rates and/or services due or paid in respect of any rates clearances and registrations.

15. LEVYING OF RATES ON PROPERTY IN SECTIONAL TITLE SCHEME

16.1 A rate on property, which is subject to a sectional title scheme, will be levied on the individual sectional title units in the scheme.

16. DIFFERENT RATING AND RATIOS

16.1 Different ratings among the various property categories may be done by way of setting different cent amounts in the rand for each property category and/or by way of reductions and rebates.

16.2 Differential rating amongst the various property categories will be done by way of setting different cents in the Rand for each property category and levied according to the market value of their properties.

16.3 The following rates ratios will apply in determining the cent in the rand in line with the regulations published in terms of the act:

Categories	The ratio in relation to residential properties.
Residential Property	1:1
Agricultural Property	1:0.25
Industrial Property	1:1.15
Business and Commercial Properties	1:1.15
Mining Properties	1:1.15
Properties owned by an organ of state and used for public service purposes;	1:1.15
Public Service Infrastructure	1:0.00
Properties owned by public benefit organisations and used for specified public benefit activities;	1:0.25
Vacant Land	1:5

17. EXEMPTIONS AND REDUCTIONS

17.1 A municipality may not levy the following impermissible rates in terms of sections 16 (1) and 17 (1) of the Act:

(a) Rates that would prejudice national economic policies.
(b) that would prejudice economic activities across boundaries
(c) Rates that would prejudice national mobility of goods, services, capital, or labour
(d) On the first 30% of the market value of public service infrastructure
(e) On any part of the seashore as defined in the Seashore Act
(f) On any part of the territorial waters of the Republic in terms of the Marine Zones Act (15/1994)
(g) On any island of which the state is the owner including the Prince Edward Islands
(h) On a special nature reserve, national park or nature reserve within the meaning of the National Environmental Management: Protected Areas Act, 2003 (Act no 57 of 2003), or of a national botanical garden within the meaning of the National Environment Management: Biodiversity Act of 2004(Act no 10 of 2004) which are

not developed or used for commercial, business or residential agricultural purposes.

(i) On mining rights or a mining permit within the meaning of the Mineral and Petroleum Resources Development Act, 2002 (Act 28 of 2002)

(j) On a property belonging to a land reform beneficiary or his or her heirs, provided that this exclusion lapses ten years from the date on which such beneficiary's title was registered in the office of the Registrar of deeds or upon the alienation of the property by the land reform beneficiary or his or her heirs, dependents or spouse.

(k) On the first R15, 000 of the market value of a property assigned in the valuation roll or supplementary valuation roll to a category determined as residential property or multiple used property provided that one or more component is used for residential purposes.

(l) On property registered in the name of and used primarily as a place of public worship by a religious community, including an official residence registered in the name of that community, which is occupied by an office-bearer of that community who is, officiates at services at that place of worship. (The exclusion lapses if not used for the purposes as indicated above)

17.2 The following categories of properties are in addition fully or partially exempted from rates:

a) Residential Properties

Owners of residential property qualifying for indigent support in terms of the Council's Indigent Policy will be exempted from paying property rates on an amount as annually determined by the council during the budget process.

This is an important part of the council's Indigent Policy and is aimed primarily at alleviating poverty.

b) Public Service Infrastructure

Public service infrastructure (as defined in the Act) will be 100% exempted from paying property tax on the market value of the property.

c) Cemeteries and crematoriums

All burial facilities registered in the names of private persons and operated not for gain are exempted from paying rates.

d) Museums

All properties to which the provisions of the National Heritage Resources Act, 1999 (Act 25 of 1999) apply, or an institution that has been declared to be subject to the Cultural Institutions Act, 1998 (Act 119 of 1998) are exempted from paying rates.

e) Public Benefit Organisations

The following Public Benefit Organisations may apply for the exemption of property rates subject to producing a tax exemption certificate issued by the

South African Revenue Services (SARS) as contemplated in Part 1 of the Ninth Schedule of the Income Tax Act, 1962 (Act 58 of 1962):

i) Charitable institutions

Property belonging to not-for-gain institutions or organizations that perform charitable work and is registered as such are exempt from paying rates.

ii) Sporting bodies

Property used by an organization whose sole purpose is to use the property for sporting purposes on a non-professional basis is exempt from paying rates.

iii) Cultural institutions

Properties declared in terms of the Cultural Institutions Act, Act 29 of 1969, or the Cultural Institutions Act, 1989 (Act 66 of 1989) are exempt from paying rates.

iv) Libraries, art galleries and botanical gardens

Registered in the name of private persons, open to the public and not operated for gain are exempt from paying rates.

v) Animal welfare

Property owned or used by institutions/ organisations whose exclusive aim is to protect birds, reptiles and animals on a not-for-gain basis are exempt from paying rates.

18. GRANTING OF REBATES

18.1 Categories of properties and or owners:

(a) Business, Commercial and Industrial properties

The municipality may grant rebates to enterprises that promote local, social and economic development in its area of jurisdiction, based on its Local, Social and Economic Development Policy.

The following criteria will apply:
i) Job creation in the municipal area;
ii) The social uplifting of the local community; and
iii) Creation of infrastructure for the benefit of the community

Rebates will be granted on application subject to:

i) A business plan issued by the directors of the company indicating how the local, social and economic development objectives of the municipality are going to be met;

ii) A continuation plan issued by the directors and certified by auditors of the company stating that the objectives have been met in the first year after establishment and how the company plan to continue to meet the objectives;
iii) An assessment by the municipal manager or his/her nominee indicating that the company qualifies; and
iv) A Council resolution.

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(c) Malagas, Malagas Holiday Area, Infanta, Infanta Park, Riverine, Rietkuil and Oorkant Rivier in Suurbraak

A rebate annually determined by Council during its budget process may apply to Malagas, Malagas Holiday Resort Area, Infanta, Infanta Park, Riverine, Rietkuil and Oorkant die Rivier in Suurbraak. In these areas, there is limited municipal infrastructure and limited services are rendered. When the municipality is in a position to render services in one of the mentioned areas it will no longer qualify for a rebate.

(d) Retired and Disabled Persons Rebate

Retired and disabled persons qualify for special rebates according to monthly household income. To qualify for the rebate a property owner must:

i) Occupy the property as his/ her normal residence;
ii) Be at least 60 years of age or retired due to medical reasons or in receipt of a disability pension.
iii) Receive a total monthly income from all sources (including income of spouses of the owner) not exceeding the amount annually set by Council Is not the owner of more than one property; and provided that where the owner is unable to occupy the property due to no fault of his/her own, the spouse or minor children may satisfy the occupancy requirement.

Method of application

Property owners must apply on a prescribed application form for a rebate as determined by the municipality. Applications must (where applicable) be accompanied by:

i) A certified copy of the identity document or any other proof of the owner's age which is acceptable to the municipality;
ii) an affidavit from the owner;
iii) if the owner is a disabled person proof of a disability pension must be supplied; and
iv) if the owner has retired at an earlier stage for medical reasons proof thereof must be submitted.
v) These applications must reach the municipality before the end of May preceding the start of the new municipal financial year for which relief is sought.
vi) The Municipality retains the right to refuse rebates if the details supplied in the application form are incomplete, incorrect, or false or is received after the date set in (v) above.

19. REDUCTIONS

19.1 A reduction in the municipal valuation as contemplated in section 15(1) (b) of Act will be granted where the value of a property is affected by-

(a) a disaster within the meaning of Disaster Management Act, 2002 (Act No.57 of 2002); or
(b) any other serious adverse social or economic conditions

19.2 The reduction will be in relation to the certificate issued for this purpose by the municipal valuer.

19.3 All categories of owners can apply for a reduction in the rates payable as described above.

19.4 The reduction will only be granted as per Council resolution.

20. COSTS OF EXEMPTIONS, REBATES, REDUCTIONS, PHASING IN OF RATES AND GRANTS-IN-LIEU OF RATES

20.1 During the budget process, the Chief Financial Officer must inform the council of all the costs associated with the suggested exemptions, rebates, reductions, phasing in of rates and grants-in-lieu of rates.

20.2 Provisions must be made in the operating budget for the full: –
(a) potential income associated with property rates; and
(b) the full costs associated with exemptions, rebates, reductions, phasing in of rates and grants-in-lieu of rates.

20.3 Projections regarding revenue foregone for a financial year in relation to exemptions, rebates, reductions, exclusions, phasing in, etc. must be reflected in the council's annual budget for that year.

20.4 A list of all exemptions, rebates, reductions, exclusions, phasing in, etc. must be tabled before the council.

21. SPECIAL RATING AREA

21.1 The municipality may by council resolution and in terms of the applicable by-law determine an area within its boundaries as a special rating area to raise funds for improving or upgrading that area, and differentiate between categories of the property when levying an additional rate

21.2 Before determining a special rating area, the municipality must consult the local community on the proposed boundaries of the area, the proposed improvement or upgrading of the area and obtain the consent of the majority of the ratepayers in that proposed special rating area.

21.3 The municipality must determine the boundaries and indicate how the area is to be improved or upgraded by the funds derived from the additional rate. Establish a

separate accounting and record-keeping system regarding the revenue generated by the special rate and the improvement or upgrading of the area.

21.4 The municipality may establish a committee composed of persons representing the community to act as a consultative and advisory forum. Representativity, including gender, must be considered when such a committee is established.

22. RATES INCREASES

22.1 The municipality will consider increasing rates annually during the budget process.

22.2 Rate increases will be used to finance the increase in operating costs of the municipal budget.

22.3 All increases in property rates will be communicated to the local.

23. REGISTER OF PROPERTIES

25.1 The Chief Financial Officer must draw up and maintain a register of properties as contemplated in section 23 of the Act.

24. NOTIFICATION OF RATES

24.1 The municipality will give notice of all rates approved at the annual budget meeting at least 30 days before the date that the rates become effective. Accounts delivered after 30 days' notice will be based on the new rates.

24.2 A notice stating the purport of the municipality's resolution and the date on which the new rates become operational will be displayed by the municipality at places provided for that purpose.

25. FREQUENCY OF VALUATIONS

25.1 The municipality shall prepare a new valuation roll every 5 (five) years and a supplementary valuation roll annually.

26. GENERAL VALUATION AND PREPARATION OF VALUATION ROLLS

26.1 A municipality intending to levy a rate on a property must cause a general valuation to be made of all properties in the municipality and must prepare a valuation roll of all properties in terms of such valuation. All rateable properties in a municipal area must be valued during such general valuation, including all properties fully or partially excluded from rates in terms of Section 17 of the present Act.

27. DATE OF VALUATION

27.1 For the purposes of a general valuation, a municipality must determine a date that may be not more than 12 months before the start of the financial year in which the valuation roll is to be first implemented.

27.2 The general valuation must reflect the market values of properties in accordance with market conditions which apply as at the date of the valuation, and in accordance with any other applicable provisions of the present Act.

28. COMMENCEMENT AND PERIOD OF VALIDITY OF VALUATION ROLLS

28.1 A valuation roll takes effect from the start of the financial year following completion of the public inspection period required by the present Act, and remains valid for that financial year or for one or more subsequent financial years, as the municipality may decide, but in total not for more than four financial years. Section 32(2) provides for the extension of the period of validity of the valuation roll by the MEC for Local Government, but only up to a period of five financial years, and only in specified circumstances.

29. GENERAL BASIS OF VALUATION

31.1 The market value of a property is the amount the property would have realized if sold on the date of valuation in the open market by a willing seller to a willing buyer.

30. VALUATION OF PROPERTY IN SECTIONAL TITLE SCHEMES

32.1 When valuing a property that is subject to a sectional title scheme, the valuer must determine the market value of each sectional title unit in the scheme.

31. SUPPLEMENTARY VALUATIONS

31.1 A municipality must regularly, but at least once a year, update its valuation roll by causing –

(a) a supplementary valuation roll to be prepared, if section 78 of the act applies; or

(b) the valuation roll to be amended, if section 79 of the act applies.

31.2 The supplementary valuations shall be submitted to the Municipal Manager for approval of the levying of rates on such property(ies) in accordance with such valuation.

31.3 Any valuations performed shall be included in the next Supplementary Valuation prepared by the municipal valuer without any amendments to the valuation and any objections to such valuation may only be lodged once such Supplementary Valuation is made public in terms of section 49 of the Act.

31.4 If a property has been transferred to a new owner and a supplementary valuation took place, the previous owner, as well as the new owner, will jointly and separately be held responsible for settling the supplementary rates account.

32. REGULAR REVIEW OF RATES POLICY

The rates policy must be reviewed on an annual basis during the Budget period to ensure that it complies with the Municipality's strategic objectives and with legislation.

33. SHORT TITLE

This policy is the Property Rates Policy of the Swellendam Municipality.

RESTRICTED SUPPLIER POLICY

Approved .....

Implementation Date 1 July 2026

Swellendam Municipality | 2026

Table of Contents

1. DEFINITIONS 2
2. PURPOSE 4
3. OBJECTIVES 4
4. POLICY STATEMENT 5
5. APPLICABILITY TO FIRMS / PARTNERSHIPS / INDIVIDUALS 5
6. GROUNDS FOR RESTRICTION 5
7. PROCEDURES 6
8. PUBLICATION 8
9. UPLIFTING OF SANCTION 9
10. ONUS 9
11. SANCTIONS 9
12. COMPOSITION OF RESTRICTION COMMITTEE AND THE APPOINTMENT OF MEMBERS 10
13. MEETING PROCEDURES 12
14. PRESCRIBED FORMS 13
15. REVIEW 14
16. SHORT TITLE 14

1. DEFINITIONS

''*appeal authority*'' shall mean an independent and impartial person appointed by the accounting officer in terms of section 57 of the supply chain management policy.

''applicant'' shall mean a department or managerate with the Swellendam Municipality who lodged the complaint. "C*omplainant*" shall have a corresponding meaning.

''award'' shall mean the acceptance of a bid or proposal.

"restricting" shall mean the act of disqualifying a person or an entity from participating in the procurement process of Swellendam Municipality.

''restricting authority'' shall mean the person/s or committee/s that have delegated authority to blacklist or restrict a tenderer/supplier/contractor.

"restricting period" shall mean the period for which the tenderer is barred from participating in the procuring processes.

''contract period'' shall mean the duration of the contract as set out in the contract.

''delisting'' shall mean removal of a person/entity, after the period of blacklisting expires.

''eligibility documents '' shall mean:

- Tax clearance and municipal fee declarations and certificates certifying that the bidder has no undisputed commitments for municipal fees due to any municipality or overdue for a period of 30 days or more.
- Declarations by tenderers certifying the correctness of information and certifying validity of authority to act (Regulation 14 of the Preferential Policy Framework Act 5 of 2000).
- Certificates declaring details of private or business interests in terms of Regulation 46(e) of the Supply Chain Management Regulations.
- CIDB certificates, (Construction Industry and Development Board accreditation certificates).
- Proof of registration of a company, close corporation, co-operative or any other document requiring formal registration.
- Any partnership agreement or agreement of joint venture, memorandum of articles of a company, association agreement or any other agreement establishing a business entity.
- Statement setting out details of work undertaken in the government/ public sector/organs of state in the past five (5) years, including particulars of persons who assessed the work and who can be contacted to verify completion/non completion of the contract.

- Audited financial statements where applicable, or books of account.

- Or any other document prescribed by law or specifically requested by Swellendam Municipality.

''Directors" shall mean a person appointed as manager directly accountable to the municipal manager.

''fronting" shall mean companies with no black economic empowerment (BEE) status illegally claiming to be headed by previously disadvantaged individuals and claim false BEE credentials in order to win tender contracts.

''irregular practice'' shall include, but not be limited to:

(i) fronting;
(ii) misrepresentation on eligibility documents or application forms or any other returnable document which contains information which will have a material bearing on the award;
(iii) attempt to bribe/bribing an official by monetary or non-monetary inducements or attempt to influence an official directly or indirectly involved with the procurement process, in order to:
    - a tender
    - retain a tender
    - withdraw from a tender
(iv) deliberately omitting information, or misrepresenting information which would have a bearing on the award of a tender;
(v) committing of fraud or extortion in relation to the bidding process;
(vi) obtaining information on the contents of other bids in the same tender which one would not ordinarily be entitled to in terms of the Promotion of Access to Information Act (PAIA) No. 2 of 2000, which information is in the possession and under the control of the municipality;
(vii) collusive tendering;
(viii) restrictive horizontal and vertical practices as defined by the Competition Act;
(ix) committing an exclusionary act as defined by the Competition Act; and
(x) any other activity which is not specifically set out in this definition, but constitutes an unlawful or unfair/improper business practice.

''municipality'' shall mean Swellendam Municipality or any municipal entities, whichever is applicable.

''non-performance'' shall mean default on a contract in the public/ government sector by willfully or negligently:

(i) failing to perform at all;
(ii) failing to complete work timeously without good reason;
(iii) delivering defective performance, i.e. poor workmanship or substandard materials;
(iv) being in breach of a material term of the contract;
(v) failing to achieve a specified participation goal as set out in the tender

documents; and
(vi) despite being given written notice to remedy non-performance.

"Manager" shall mean all managers who are responsible for managing the respective votes of the municipality and to whom powers and duties for this purpose have been delegated in terms of section 79 of the Local Government : Municipal Finance Management Act, Act 56 of 2003 and any other senior officials designated by the accounting officer.

"Service Provider" shall mean any person, business, company, trust etc who do business with the Swellendam Municipality through a procurement process.

2. PURPOSE

The municipality is committed in terms of its procurement policies to acquire the best goods and services for the council while also supporting small businesses, local economic development and previously disadvantaged service deliverers.

In order that these objectives are achieved, the standard of the goods and services delivered and the method of doing business must be of an acceptable standard.

This policy shall govern the restricting of defaulters at the following stages:

(i) registration on the municipality's database;
(ii) during the bidding process, that is, from the advertisement, until the award; and
(iii) after the award of contracts, that is, during the contract period or roll out.

3. OBJECTIVES

3.1 To prevent the municipality from doing business with persons, business, organizations or entities who abuse the supply chain management system by committing a corrupt, fraudulent, unfair or irregular practice/s.

3.2 To prevent the municipality from doing business with individual persons, business, organizations or entities who default on any contract, performance willfully or negligently.

3.3 To develop a uniform criteria and a fair process for barring such persons, tenderers and business entities who engage in 3.1 and/or above.

3.4 To discourage persons who are blacklisted from re-entering the procurement arena by setting up new business entities and by using existing business entities to tender for public sphere work, during the restriction period.

4. POLICY STATEMENT

A service provider who is blacklisted by Swellendam Municipality or who has already been included on the National Treasury's register of tender defaulters shall not be allowed to participate in the bidding for work offered by the municipality during the period of disqualification.

5. APPLICABILITY TO FIRMS / PARTNERSHIPS / INDIVIDUALS

5.1 Any restriction imposed on any business entity by Swellendam Municipality will, at the discretion of the municipality, also be applicable to any partner, director, manager or other person who wholly or partly exercises or exercised or may exercise control over the enterprise.

5.2 Whilst such persons are blacklisted, such persons may re-organize themselves into new entities, however such new entities will be precluded from tendering for work put out to tender by Swellendam Municipality.

5.3 The onus is on the contractor who is so blacklisted to advise his business associates and/or partners that he has been blacklisted.

5.4 As concerns existing business entities, example holding companies and subsidiaries of which the blacklisted entity/person is a member, shareholder, associate, and the restriction committee may at its discretion depending on the level of complicity of the blacklisted person/entity in the current restriction application blacklist such entities.

6. GROUNDS FOR RESTRICTION

6.1 Committing an irregular practice/s as defined above.

6.2 Failing to achieve a specified goal as is stipulated in the tender document in terms of regulation 15(1) of the preferential procurement regulations.

6.3 Committing of any offence as set out in section 12 and 13 of the Prevention and Combating of Corrupt Activities Act, Act 12 of 2004.

6.4 Persistent non–performance as defined above.

6.5 A conviction in respect of a related criminal activity, by a competent court of law, for which the sentence is a term of imprisonment of not less than six (6) months.

7. PROCEDURES

7.1 Application

7.1.1 The complainant must apply on prescribed forms to be collected from the supply chain unit or any other department duly authorized by the accounting officer.

7.1.2 The application form shall make provision for reasons for the application, which if not stated shall render the application null and void and shall not be considered.

7.1.3 The applicant's application shall be signed by the relevant director.

7.1.4 In the case of applications for restriction pertaining to construction or works, where non-performance is claimed, (excluding failure to achieve specified goals) the application is to be accompanied by proof:

- that the contractor has been advised in writing of his non-performance and had been given an opportunity to remedy the non-performance, a certificate from a consultant registered engineer, or an internal report from a suitably qualified official confirming the non-performance and failure to remedy.

- in addition, a final demand must be issued by accounting officer or any duly authorized official requesting the contractor to perform not later than fourteen (14) days from the date of the notice.

- in the case of applications in respect of contracts other than contracts mentioned above and failure to achieve specified goals a copy of all notices served on the supplier/contractor to perform must be attached to the application.

7.2 Notification

7.2.1 The completed application form shall be lodged with the supply chain management unit or any duly authorized department by the accounting officer.

7.2.2 Supply chain management unit or any duly authorized department shall send out a notification to the person or entity against whom the application is made.

7.2.3 The notice shall be sent by registered post or delivery by hand to the person/entity concerned.

7.2.4 The notice shall set out:

(a) The basis of the claim, together with all supporting documents.

(b) The time period within which the respondent is to respond, by furnishing reasons why he/she/it should not be blacklisted.

(c) The place for the delivery of the response.

7.3 Response

The respondent shall be expected in his response to indicate whether or not he admits or denies the allegations and the reasons for denial, if applicable and why the sanction should not be imposed.

The restriction committee shall make its determination based on the application and response. Should either the complainant or the respondent wish to give oral evidence then this must be indicated in writing with the filing of the application and response, respectively.

7.4 Notification of date

7.4.1 The supply chain unit shall upon receipt of the response then advice the respondent and the complainant of a date for consideration of the matter.

7.4.2 This notice shall:

(a) Advise both parties of the date for consideration by the restriction committee which shall be a date not less than twenty (20) calendar days from the date of the notice.

(b) The respondent may submit a statement setting out the basis of any denial and any supporting documents and, should he/she/it wish to present evidence in person, that he/she/it is to advise so that suitable arrangements may be made.

7.4.3 If the respondent does not respond to the first notice despite proper notification, he/she shall be deemed to have no objection and the restriction authority may proceed with the consideration and finalization of the matter.

7.4.4 Any documentation received from the respondent shall be made available to the applicant, who may file a written response thereto. A copy of which shall be made available to the respondent.

7.5 The hearing

7.5.1 The restriction authority shall on the basis of application, together with all other papers filed impose an appropriate sanction.

7.5.2 The restriction authority shall not be precluded from calling for oral evidence on issues of clarity or dispute of fact.

7.5.3 The restriction authority shall allow the respondent to make oral representations where he has exercised the right to do so, in advance.

7.5.4 The restriction authority shall make a decision on the facts before it, and issue an order within ten (10) working days after the conclusion of the hearing.

7.6 Notification of decision and order

7.6.1 The supply chain unit or any duly authorized department shall advise the parties of the decision in writing within ten (10) working days of the decision being made, by enclosing in the notice, a copy of the order.

7.6.2 The order shall contain the following information:

(a) The decision.

(b) The effective date of the sanction, the date of the expiration of the sanction and the date of commencement of the tenderer into the public tender arena, which will be the next working day, if the expiry falls on weekend or South African public holiday.

7.6.3 The decision notice shall enclose the order and set out the following:

(a) The reasons for the decision.

(b) The right of appeal against the decision and/or sanction.

7.6.4 The mayoral committee to receive regular reports as soon as there are incidents of restriction.

7.7 Appeal

An appeal against the restriction committee's decision shall lie with a competent court of law.

7.8 Effect of the decision

A contractor is restricted from the effective date as set out in the order referred to in 7.5.4. This means that no department within the municipality may award a contract to such person/entity from the effective date to the expiry of the period set out in the order.

8. PUBLICATION

The supply chain unit or any duly authorized department shall advise the National Treasury of the decision of the restriction authority within ten (10) working days of any restrictions, period of restriction, reasons and the date of commencement of the restriction that it imposes against the respondent.

The supply chain unit or any duly authorized department shall publicize the findings of the restriction authority on its website.

9. UPLIFTING OF SANCTION

9.1 The accounting officer based on good reasons may amend or uplift any restriction which is imposed on the contractor by the restriction authority.

9.2 Application for the uplifting of the restriction must be made by the respondent.

9.3 Such reasons for amendment or upliftment must be furnished to National Treasury within ten (10) working days of the amendment or upliftment.

9.4 An application for uplifting may only be made after the respondent has been suspended for at least a year from the effective date of the decision where the sanction is for three (3) or more years.

9.5 Furthermore if an application is refused, the applicant shall be precluded from bringing a further application for a period of six (6) months from such refusal after obtaining a legal opinion on this course of action.

10. ONUS

The onus shall rest with the tenderer to ensure that he/she is removed from the defaulters list / Swellendam Municipality's website once the period of restriction has expired.

11. SANCTIONS

11.1 If the restriction authority is satisfied that there are grounds to blacklist, the restriction authority must decide on the restriction period based on the merits of each matter. The restriction authority shall take into account, inter alias, the following:

- the seriousness of the offence;
- previous similar conduct in bidding processes in other municipalities and Swellendam Municipality when imposing the sanction;
- the hardship/inconvenience that has been occasioned by the tender/contractor's conduct;
- other remedies which the municipality has/may invoke; and/or
- the financial logs by the municipality.

11.2 The municipality shall not be precluded from invoking its conventional remedies in law.

12. COMPOSITION OF RESTRICTION COMMITTEE AND THE APPOINTMENT OF MEMBERS

The restriction committee shall be established by Swellendam Municipality to consider applications for the restricting of tenderers and contractors who wish to do business with the municipality / are already doing business with the municipality.

The restriction committee shall be appointed by the accounting officer of the municipality, in collaboration with the council.

12.1 Criteria for appointment

The restriction committee must consist of at least the following disciplines:

(i) Director responsible for the application
(ii) Manager responsible for supply chain management;
(iii) Manager responsible for legal and administration;
(iv) legal expert;
(v) any other manager as delegated by the municipal manager.

The chairperson will be appointed by the municipal manager.

12.2 Quorum

There shall be at least four (4) persons in attendance for the full duration of the meeting.

A duly convened committee at which a quorum is present shall have all the powers vested in them by this policy.

12.3 Secondment

For the purpose of continuity and not to delay meetings, the accounting officer may also appoint secundi to temporary replace members that are absent from meetings due to illness, leave, etc. The accounting officer will also decide whether or not such secondment will have the same powers than members.

12.4 Duties and powers of the various office bearers

12.4.1 Chairperson

- has a casting vote as well as a deliberate vote;
- retains all his/her rights as a member;
- may adjourn a meeting;
- may rule on points of order which will be final; and
- may withdraw any proposal or other matters under discussion before it is put to the vote; and convene extraordinary committee meetings on request.

The chairperson shall –

- maintain order during a meeting and ensure that business is conducted in an orderly manner;
- before opening a meeting, ensure that it is properly constituted;
- protect the rights of every member;
- vacate his seat to the vice chairperson, should he/she wish to partake in a discussion in a partial manner;
- regulate participation in discussions;
- deal with items in sequence of the agenda;
- ensure that members know exactly what they are required to vote on;
- ensure that only one member holds the floor at any one time;
- provide guidance by directing the meeting, but shall not dominate;
- conduct meetings in a formal manner; and
- formulate the decisions to be minuted clearly and sign and approve the minutes after they have been verified for correctness.

12.4.2 Admin

The secretariat shall –

- in conjunction with the chairperson compile an agenda and determine dates of meetings;
- give notice of proposed meetings to committee members;
- process and distribute all submissions/reports together with the agenda to committee members at least three working days before the actual meeting takes place;
- minute all decision taken at meetings;
- adhere strictly to the stipulations of the National Archives of South Africa Act, No. 43 of 1996 and accompanying directives;
- ensure that the proceedings at meetings are recorded mechanically;
- give written feedback of all decisions taken by the committee;
- be responsible for all the administrative tasks of the committee; and
- furnish copies of minutes required.

12.4.3 Members

Members of the committee shall –

- be fully conversant with the powers and limitations of the committee as well as all directives pertaining to restriction, including the relevant sections of the SCM regulations, Preferential Procurement Policy Framework Act and accompanying regulations, all directives and circulars issued by National Treasury as well as the delegated powers issued by the accounting officer and at all times act in accordance with above-mentioned legislation, regulations and procedures;

- apply their mind to matters at hand in order to take meaningful and accountable decisions and in the event of doubt or uncertainty, to propose that matters be referred back for clarification;

- in advance, furnish a written apology should he/she not be able to attend a meeting;
- strive to be punctual for meetings and stay for the duration of a meeting;
- prepare properly for each meeting by studying the agenda and submission/reports;
- be familiar with meetings procedures in order to make a contribution in the correct manner; and
- refrain from repetition and duplication of contributions by other members.

Members have the right to –

- have advance knowledge of the agenda;
- submit proposals and participate in proceedings;
- vote; and
- have a dissenting voice, as well as the member's reasons therefore, recorded.

12.4.4Co-opted members/advisors

Co-opted members/advisors have the same powers and duties as members but excluding the right to vote on any matter under discussion.

13. MEETING PROCEDURES

13.1 Notice of meetings

- The agenda/committee pack of a meeting serves as the program of the meeting, the agenda/committee pack shall be made available to members at least three (3) working days before the actual meeting.
- To fully consider the committee pack prepared for members in advance.
- To fully understand Swellendam Municipality's procurement processes and the legislation and policy dealing with municipal procurement.
- To apply themselves with diligence to the matter at hand.
- To pronounce on the matter, having had regard to the merits of the matter, by either restricting the tenderer/contractor and imposing upon him an appropriate sanction, or by dismissing the application.
- To prepare an order duly signed by the committee chair.

13.2 In order to afford members the opportunity to prepare for the meeting, the agenda shall be made available to members at least three working days before

the actual meeting.

13.3 Submissions / reports to the committee

All submissions/reports to the committee must be in writing.

13.4 Minutes

13.4.1 The minutes will be the written record reflecting in a brief, clear and impartial manner the decisions of the committee. The signed minutes will serve as proof of the decisions of the committee.

13.4.2 Should a member wish to have a specific matter other than a decision recorded, it must be specifically requested. A member's reasons for dissenting voice must also be recorded.

13.4.3 Proceedings are also recorded mechanically to enable the secretary to prepare verbatim reports when required by a court of law.

13.5 Register

13.5.1 Members shall sign a register at each meeting, serving as attendance register as well as an undertaking to confidentiality of that meeting.

13.5.2 This register will also provide for the declaration of interest. Any interest which may infringe, or might reasonably be deemed to infringe on member's impartiality in any matter relevant to their duties, must be recorded.

13.5.3 Members must declare and record all gifts and invitations accepted to social events received from suppliers in the register.

13.6 Chairperson

13.6.1 Each meeting will be presided over by the chairperson. In the absence of the chairperson, the municipal manager must appoint a temporary chairperson, in which case he/she will occupy the chair for the whole meeting, even if the chairperson should arrive during the course of the meeting.

14. PRESCRIBED FORMS

Attached as annexures to the restriction policy are the prescribed forms which must be used in the restriction procedures:

14.1 Restriction application forms (Annexure A)

14.2 Notification forms:

- Notice of non-performance (Annexure B)
- Notice of final demand by accounting officer (Annexure C)

- Notice of bidder of application to blacklist (Annexure D)
- Notice of the decision (Annexure E)

14.3 Restriction by appeal authority (Annexure F)

15. REVIEW

This policy will be revised annually to ensure it complies with changes in applicable legislation and regulation.

16. SHORT TITLE

This policy shall be called the Restriction Policy of the Swellendam Municipality.

ANNEXURE A
RESTRICTION APPLICATION FORM

APPLICATION

Name of the department and cluster making application

_____

Name of and capacity of official making the statement on behalf of the department

_____

How is the official in 2.2 above involved in this contract/tender on which this application is based?

_____

DETAILS OF CONTRACT / TENDER

Is the tender / contract for supply of goods / service or a construction / works contract?

goods/services ☐ construction/works ☐
(please indicate with a 'x')

Name of department which is the owner of the tender/contract and the tender/contract number and description

_____

_____

When did the tender/contract commence?

_____

Is the tender/contract complete? If not, at what stage is the contract currently?

_____

If the contract was terminated, when was the contract terminated, for what reasons and by whom was contract terminated?

_____

If the contract has been terminated, the applicant is to attach copies of all notices which have been served on the contractor, placing him in breach/advising of termination and calling on the contractor to perform

_____

What process was followed to remedy the contract/tender? Attach proof of documentation (written letter of non-compliance, final document notices served)?

_____

_____

REASONS FOR APPLICATION

The applicant is to state the basis of this application, and to attach a statement in support of thereof. The statement is to set out in detail all particulars of the basis of the claim, as this will be used as evidence on which the restriction committee will make its decision.

In the case of non-performance, a certificate from a registered engineer (in works contracts), or suitably qualified person (in contracts other than works contracts) confirming the non- performance is to be accompanied by the statement, referred to above.

All supporting documentation, such as the tender/contract/ performance or progress reports, notices served, other relevant correspondence should be attached to the application.

GENERAL (to be filled in by all applicants)

Is the conduct of the tenderer/contractor, an offence?

_____

_____

If so, in terms of what legislation. Has a report been made to the South African Police or has municipal prosecution been instituted If yes, state the CAS. Number/case number. If not, is it likely that a report will be made in the future?

_____

Have any other remedies been invoked against the contractor? Example, penalties or damages claimed. Details to be provided.

_____

_____

Does the contractor have any other contracts running concurrently with the municipality? Ps state.

_____

Does the applicant wish to make oral representations at the hearing, or can the restriction committee make its findings on the statement in 4.1 above?

_____

DOMICILLIUM OF RESPONDENT (Person/s / bidder / contractor against whom this application is made)

If the Domicillium of the respondent is known state the address for the purposes of serving notification in terms of the restriction guidelines.

_____

Signature of applicant…….....

Name of Signatory in Print ……

Signed at: …… **Date of Application**: ……

ANNEXURE B
NOTICE 1

The name of contractor and details

By Registered Post / Hand Delivery Date of Notice (this is extremely important)
Sir

NOTICE OF NON-PERFORMANCE / BREACH OF CONTRACT NO: .....

You are hereby notified that you have failed to perform this contract satisfactorily in that you have not …….. at all/timeously/according to an acceptable standard (*delete whichever is not applicable).

You are hereby requested to regularize your non-performance/breach within fourteen (14) days from the date of this letter, by doing

_____

_____

_____

failing which the municipality shall have the right to cancel this contract, institute a claim for damages, and invoke any other remedy that the municipality may have in terms of the contract, and in law.

Be further advised that should you fail to remedy the breach above, an application may be made by this department to bar you from tendering for future contracts with the municipality.

Yours faithfully

MUNICIPAL MANAGER

If hand delivered, make provision for signatures of persons receiving

ANNEXURE C
NOTICE 2

Details of Contractor, as in Notice 1

By Registered Post / Hand Delivery

Date (impt*)

Sirs

FINAL NOTIFICATION OF NON-PERFORMANCE / BREACH OF CONTRACT NO. …….

We refer to notice dated (date of Notice 1), attach copy for ease of reference).

We have been advised that despite the aforesaid notice, you have failed/refused* (*delete which is not applicable) to comply with the notice.

You are hereby advised that this notification demands, that you perform as set out in the attached notice within the time period stipulated in this notice (state the date, it must be calculated as fourteen (14) calendar days), failing which the department shall despite any remedies the municipality may have set out in the notification dated …….. (first notice) make application to blacklist/restrict you from applying for any work within the government sector.

Yours faithfully

MUNICIPAL MANAGER

ANNEXURE D
NOTICE 3

Notification to Contractor

Contractor's details

Date By Registered Post / Hand Delivery

Sirs

NOTIFICATION OF APPLICATION FOR RESTRICTION

Kindly take note that an Application has be made against you on ..... date at ..... (venue) for the consideration of restriction of:

..... (name of the company) The basis of the allegations against you are:

_____

_____

The likely sanction which will be imposed is restricting/restriction of the person/entity for a period of not more than ten (10) years.

You are advised that you may oppose this application

You are required to file your objections by no later than (date, being not more than fourteen (14) days) from date hereof, failing which it shall be presumed that you have no objections and the application shall be finalized *in absentia.*

Should you wish to give evidence orally, kindly indicate this in your response.

Yours faithfully

MUNICIPAL MANAGER

ANNEXURE E
NOTICE 4

Contractor's details

Date of Notice

Sirs

NOTIFICATION OF THE DECISION OF RESTRICTION COMMITTEE

You are advised that the Restriction Committee at its sitting on (date of consideration) made the following decision against (contractor).

Decision:

_____

_____

_____

_____

You are further advised that you are entitled to appeal the decision in a court of law.

Yours faithfully

MUNICIPAL MANAGER

ANNEXURE F

RESTRICTION ORDER

At its sitting, the RESTRICTION COMMITTEE ordered

that (COMPANY) be blacklisted.

Period of restriction:

Effective date : **……..**

Date of expiry : **……..**

Dated at Swellendam this 20…..

SIGNED
CHAIRPERSON OF RESTRICTION COMMITTEE

Dated at Swellendam this ……..…….

Swellendam Municipality application form for restriction/restriction of tenderers/contractors

Framework Policy for Infrastructure Procurement

Adopted by Council on .....

Implementation 1 July 2026

TABLE OF CONTENTS

1
Framework Policy for Infrastructure Procurement 1
TITLE 3
1. DEFINITIONS 3
2. INTRODUCTION 4
3. SCOPE 5
4. BID COMMITTEE SYSTEM 6
5. PROCUREMENT GATES 6
6. MAINTENANCE 7
7. IMPLEMENTATION 7
8. COMMENCEMENT AND REVIEW 7

TITLE

1.1. Swellendam Municipality (SM) Infrastructure Procurement Policy.

1. DEFINITIONS

In this Policy, any word or expression to which a meaning has been assigned in the MFMA, PPPFA and the SCM Regulations has that meaning, unless the context indicates otherwise, and in the event of a conflict, the meaning attached thereto by National Legislation shall prevail:

1.1. "Agent": person or organization that is not an employee of SM that acts on the SM's behalf in the application of this document.

1.2. "Authorised person": the Municipal Manager or chief executive or the appropriately delegated authority to award, cancel, amend, extend or transfer a contract or order.

1.3. "Conflict of interest": any situation in which:

1.3.1. Someone in a position of trust has competing professional or personal interests which make it difficult for him to fulfil his duties impartially,

1.3.2. An individual or organization is in a position to exploit a professional or official capacity in some way for his personal or for corporate benefit, or

1.3.3. Incompatibility or contradictory interests exist between an employee and the organization which employs that employee.

1.4. "Contract manager": person responsible for administering a package on behalf of the employer and performing duties relating to the overall management of such contract from the implementer's point of view.

1.5. family member: a person's spouse, whether in a marriage or in a customary union according to indigenous law, domestic partner in a civil union, or child, parent, brother, sister, whether such a relationship results from birth, marriage or adoption

1.6. "Framework agreement": an agreement between an organ of state and one or more contractors, the purpose of which is to establish the terms governing orders to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged.

1.7. "Gate": a control point at the end of a process where a decision is required before proceeding to the next process or activity.

1.8. "Gateway review": an independent review of the available information at a gate upon which a decision to proceed or not to the next process is based.

1.9. "Gratification": an inducement to perform an improper act.

1.10. "Infrastructure delivery": the combination of all planning, technical, administrative and managerial actions associated with the construction, supply, renovation, rehabilitation, alteration, maintenance, operation or disposal of infrastructure.

1.11. "Infrastructure procurement": the procurement of goods or services including any combination thereof associated with the acquisition, renovation, rehabilitation, alteration, maintenance, operation, or disposal of infrastructure.

1.12. "Maintenance": the combination of all technical and associated administrative actions during an item's service life to retain it in a state in which it can satisfactorily perform its required function.

1.13. "Operation": combination of all technical, administrative and managerial actions, other than maintenance actions, that results in the item being in use.

1.14. "Order": an instruction to provide goods, services or any combination thereof under a framework agreement.

1.15. "Organ of state": an organ of state as defined in section 239 of the Constitution of the Republic of South Africa.

1.16. "Procurement document": documentation used to initiate or conclude (or both) a contract or the issuing of an order.

1.17. "Principal": a natural person who is a partner in a partnership, a sole proprietor, a director a company established in terms of the Companies Act of 2008 (Act No. 71 of 2008) or a member of a close corporation registered in terms of the Close Corporation Act, 1984, (Act No. 69 of 1984).

1.18. "Standard": the latest edition of the Standard for Infrastructure Delivery and Procurement Management as published by National Treasury.

1.19. "Working day": any day of a week on which is not a Sunday, Saturday, or public holiday.

1.20. Words importing the singular shall include the plural and vice versa and words importing the masculine gender shall include females and words importing persons shall include companies, closed corporations, and firms unless the context clearly indicates otherwise.

2. INTRODUCTION

2.1. Municipalities have the executive authority to administer various matters assigned to them in terms of section 156 of the Constitution and by being the nearest to communities these matters mostly relate to the provision of sustainable basic services.

In rendering these basic services, municipalities are reliant on adequate, safe, and reliable infrastructure.

2.2. It is important to understand that the 'delivery' of services does not end with the commissioning of the infrastructure or the building, but once the infrastructure has been commissioned, the activities necessary to ensure that it continues to perform must be carried out, such as the necessary staff being appointed, and the necessary budgets being approved. 'Delivery' needs to be universally understood as embracing not just the commissioning of infrastructure and buildings, but also the management and maintenance of that infrastructure or that building for the whole of its designed life.

2.3. To support the municipalities in addressing the above challenges whilst ensuring a common approach to infrastructure delivery, the National Treasury commenced a process in 2012 by adopting an Infrastructure Delivery Management System [IDMS] as the chosen government-wide system for infrastructure delivery in South Africa and issued the Standard for Infrastructure Procurement and Delivery Management [SIPDM] for adaptation and adoption by municipalities.

2.4. Due to various implementation challenges the National Treasure reviewed the IDMS an in October 2020 issued MFMA circular 106, supported by Annexure A: Local Government Framework for Infrastructure Delivery and Procurement Management [LGFIDPM]. The LGFIDPM is an infrastructure delivery management system for municipalities to integrate an asset management strategy, and policy to guide infrastructure planning, delivery management and decision-making. The LGFIDPM introduces the initial process focusing on the project processes of infrastructure delivery management and infrastructure procurement. It also recognises the different capacities in the various categories of municipalities and therefore requests municipalities to review their institutional and capacities before adapting and adopting the proposed model. The Framework provides minimum requirements for the implementation of Infrastructure Delivery and Procurement Management through (1) Project processes for infrastructure delivery management, and (2) Infrastructure procurement gates.

2.5. This Policy supports the concept of procurement gates for infrastructure procurement.

3. SCOPE

3.1. This policy establishes the Swellendam Municipality's policy framework for infrastructure delivery and procurement management in accordance with the

provisions of the regulatory frameworks for procurement and supply chain management. It includes the procurement of goods and services necessary for a new facility to be occupied and used as a functional entity but excludes the following for which different prescripts apply:

a) The storage of goods and equipment following their delivery to SM which are stored and issued to contractors or to employees;
b) The disposal or letting of land;
c) The conclusion of any form of land availability agreement;
d) The leasing or rental of moveable assets; and
e) Public private partnerships.

3.2. Read and applied with the SM SCM Policy and PPPFA Policy, this Policy applies additionally to all infrastructure procurement projects with an estimated value exceeding R 50m and Framework agreements.

3.3. For infrastructure procurement projects below this value the SCM Policy and CIDB prescripts applies.

4. BID COMMITTEE SYSTEM

4.1. The existing SCM bid committee system comprising of the Bid Specification Committee, Bid Evaluation Committee and Bid Adjudication Committee shall be applied, subject to each committee having at least one relevant technical expert of infrastructure and construction matters as member.

4.2. Although not exceeding R50m, the Bid Evaluation Committee shall, where competition for the issuing of an order amongst framework contractors takes place and the value of the order exceeds the financial threshold for quotations, evaluate the quotations received.

5. PROCUREMENT GATES

5.1. The following procurement activities and gates apply relevant to this Policy:

Gate	Activity	**Sub-Activity** (see Table 3 of the standard)	Key action	Responsible person
PG 1	**Establish what is to be procured**	Obtain permission to start with the procurement process	Decide to proceed / not to proceed with the procurement based on the broad scope of work and the financial estimates.	Relevant Director
PG 2	**Decide on procurement strategy**	Obtain approval for procurement strategies that are to be adopted including specific approvals to	Confirm the selection of strategies so that tender offers can be solicited	Relevant Director

Gate	Activity	**Sub-Activity** (see Table 3 of the standard)	Key action	Responsible person
		approach a confined market or the use of the negotiation procedure		
PG 3	**Solicit tender offers**	Obtain approval for procurement documents	Grant approval for the issuing of the procurement documents	Director
PG 4		Confirm that budgets are in place	Confirm that finance is available for the procurement to take place	Director / Budget Office
PG 5	**Evaluate tender offers**	Obtain authorisation to proceed with the next phase of the tender process in the qualified, proposal, or competitive negotiations procedure	Review evaluation report, ratify recommendations, and authorise progression to the next stage of the tender process	Bid Evaluation Committee
PG 6		Confirm recommendations contained in the tender evaluation report	Review recommendations of the evaluation committee and refer the matter back to the evaluation committee for reconsideration or make recommendations for award	Bid Adjudication Committee
PG 7	**Award contract**	Award contract	Formally accept the tender offer in writing and issue the contractor with a signed copy of the contract	Relevant Director
		Upload data in financial management and payment system	Verify data and upload the contractor's particulars and data associated with the contract or order	Contract Administrator

6. MAINTENANCE

6.1. Given the changing nature of the regulatory, control, and operational environment of the Municipality, this Policy will be regularly reviewed and updated on an ongoing basis.

6.2. For clarification of any matter contained in this Policy, please address queries to the Infrastructure Director.

7. IMPLEMENTATION

7.1. This Policy is effective from Council Resolution.

8. COMMENCEMENT AND REVIEW

8.1. This Policy shall commence on 01 July 2026 and be reviewed annually in accordance with Section 21(1)(b)(ii) of MFMA.

Supply Chain Management Policy

Adopted by Council on .....

Implementation 1 July 2026

TABLE OF CONTENTS

1. DEFINITIONS 4

SUPPLY CHAIN MANAGEMENT FRAMEWORK AND PRINCIPLES 6

2. SUPPLY CHAIN MANAGEMENT POLICIES 6

3 ADOPTION AND AMENDMENT OF SUPPLY CHAIN MANAGEMENT POLICIES 8

4 DELEGATION OF SUPPLY CHAIN MANAGEMENT POWERS AND DUTIES 8

5 SUB-DELEGATIONS 9

6 OVERSIGHT ROLE OF COUNCIL OF SWELLENDAM MUNICIPALITY 10

7 SUPPLY CHAIN MANAGEMENT UNIT 11

8 TRAINING OF SUPPLY CHAIN MANAGEMENT OFFICIALS 11

CHAPTER 2 – SUPPLY CHAIN MANAGEMENT POLICY FRAMEWORK 11

9 FORMAT OF SUPPLY CHAIN MANAGEMENT POLICY 11

PART 1 – DEMAND MANAGEMENT 11

10 SYSTEM OF DEMAND MANAGEMENT 11

PART 2 – ACQUISITION MANAGEMENT 13

11 SYSTEM OF ACQUISITION MANAGEMENT 13

12 RANGE OF PROCUREMENT PROCESSES 14

13 GENERAL PRECONDITIONS FOR CONSIDERATION OF WRITTEN QUOTATIONS OR BIDS 15

14 LIST OF ACCREDITED PROSPECTIVE PROVIDERS 15

15 PETTY CASH PURCHASES 16

16 FORMAL WRITTEN PRICE QUOTATION 16

17 PROCEDURES FOR PROCURING GOODS OR SERVICES THROUGH FORMAL WRITTEN PRICE QUOTATIONS 17

18 COMPETITIVE BIDS 18

19 PROCESS FOR COMPETITIVE BIDDING 18
21 PUBLIC INVITATION FOR COMPETITIVE BIDS 20
22 PROCEDURE FOR HANDLING, OPENING AND RECORDING OF BIDS 21
23 NEGOTIATIONS WITH PREFERRED BIDDERS 22
24 TWO-STAGE BIDDING PROCESS 22
25 COMMITTEE SYSTEM FOR COMPETITIVE BIDS 23
26 BID SPECIFICATION COMMITTEES 23
27 BID EVALUATION COMMITTEES 24
28 BID ADJUDICATION COMMITTEE 25
29 PROCUREMENT OF BANKING SERVICE 27
30 PROCUREMENT OF IT RELATED GOODS OR SERVICES 27
31 PROCUREMENT OF GOODS AND SERVICES UNDER CONTRACTS SECURED BY OTHER ORGANS OF STATE 28
32 PROCUREMENT OF GOODS NECESSITATING SPECIAL SAFETY ARRANGEMENTS 29
33 PROUDLY SA CAMPAIGN AND LOCAL PRODUCTION AND CONTENT 29
34 APPOINTMENT OF CONSULTANTS 29
35 DEVIATION FROM AND RATIFICATION OF MINOR BREACHES OF, PROCUREMENT PROCESSES 30
36 UNSOLICITED BIDS 32
37 COMBATING OF ABUSE OF SUPPLY CHAIN MANAGEMENT SYSTEM 33
PART 3 – LOGISTICS, DISPOSAL, RISK AND PERFORMANCE MANAGEMENT 34
38 LOGISTICS MANAGEMENT 34
39 DISPOSAL MANAGEMENT 35
40 RISK MANAGEMENT 36
41 PERFORMANCE MANAGEMENT 36

PART 4 - OTHER MATTERS 36

42 PROHIBITION ON AWARDS TO PERSONS WHOSE TAX MATTERS ARE NOT IN ORDER. 36

43 PROHIBITION ON AWARDS TO PERSONS IN THE SERVICE OF THE STATE..... 37

44 AWARDS TO CLOSE FAMILY MEMBERS OF PERSONS IN THE SERVICE OF THE STATE.. 37

45 ETHICAL STANDARDS 38

46 INDUCEMENTS, REWARDS, GIFTS AND FAVOURS TO MUNICIPALITIES, MUNICIPAL ENTITIES, OFFICIALS AND OTHER ROLE PLAYERS 39

47 SPONSORSHIP 40

48 OBJECTIONS AND COMPLAINTS..... 40

49 RESOLUTION OF DISPUTES, OBJECTIONS, COMPLAINTS AND QUERIES 41

50 CONTRACTS PROVIDING FOR COMPENSATION BASED ON TURNOVER 42

51 CONTRACT MANAGEMENT..... 42

52 REVIEW..... 42

1. DEFINITIONS

In this Policy, any word or expression to which a meaning has been assigned in the MFMA, PPPFA and the SCM Regulations has that meaning, unless the context indicates otherwise:

1.1. **"Adjudication points":** means the points referred to in the Preferential Procurement Regulations, 2022 and the Preferential Procurement Policy also referred to as "evaluation points".

1.2. **"Bidder":** means any person submitting a bid.

1.3. **"Broad-Based Black Economic Empowerment (BBBEE) Act":** means the Broad-Based Black Economic Empowerment Act, 53 of 2003 and Code of Good Practice thereto.

1.4. **"Accounting Officer":** means the Municipal Manager as defined in Section 60 of the Municipal Finance Management Act, 56 of 2003.

1.5. **"Closure Date":** means the time and day specified in the bid documents for the receipt of the bids.

1.6. **"Competitive Bidding Process":** means a competitive bidding process referred to in Regulation 12(1)(d) of the Supply Chain Management Regulations.

1.7. **"Competitive Bid":** means a bid in terms of a competitive bidding process.

1.8. **"Construction Industry Development Board (CIDB) Act":** means the Construction Industry Development Board Act, 38 of 2000 and includes the regulations pertaining thereto.

1.9. **"Consultant":** means a person or entity providing services requiring knowledge-based expertise, and includes professional service providers.

1.10. **"Contract":** means the agreement which is concluded when the Municipality accepts, in writing, a bid or quote submitted by a provider.

1.11. **"Long term contract"** means a contract with a duration period exceeding one year.

1.12. **"Long term nature contract"** means a contract with a duration exceeding three years

1.13. **"Contractor":** means any person or entity whose bid or quote has been accepted by the Municipality.

1.14. **"Day(s)":** means calendar days unless the context indicates otherwise.

1.15. **"Delegated Authority":** means any person or committee delegated with authority by the Municipality in terms of the provisions of the Municipal Finance Management Act, 56 of 2003.

1.16. **"Disability":** means, in respect of a person, a permanent impairment of a physical, intellectual or sensory function, which results in restricted, or lack of, ability to perform an activity in the manner or in the range considered normal for a human being.

1.17. **"Final Award":** in relation to bids or quotations submitted for a contract, means the final decision on which bid or quote to accept.

1.18. **"Formal Written Price Quotation", "Quotation" or "Quote":** means a formal written quotation or electronic offer to the Municipality in response to an invitation to submit an offer.

1.19. **"In the service of the state":** means:

1.19.1. A member of any municipal council, any provincial legislature or the National Assembly or the National Council of Provinces;

1.19.2. An official of any municipality or municipal entity;

1.19.3. An employee of any national or provincial department, national or provincial public entity or constitutional institution within the meaning of the Public Finance Management Act, 1 of 1999;

1.19.4. A member of the board of directors of any municipal entity;

1.19.5. A member of the accounting authority of any national or provincial public entity; or

1.19.6. an employee of Parliament or a provincial legislature.

1.20. **"List of accredited prospective providers":** means the list of accredited prospective service providers which a municipality or municipal entity must keep in terms of Regulation 14 of the Supply Chain Management Regulations.

1.21. **"Municipal Entity":** means an entity as defined in Section 1 of the Municipal System Act, 32 of 2000.

1.22. **"Person"** includes a natural or juristic entity.

1.23. **"PPPFA"** means the Preferential Procurement Policy Framework Act, 5 of 2000.

1.24. **"SARS"** means the South African Revenue Services.

1.25. **"Supply Chain Management (SCM) Regulations"** means the Municipal Supply Chain Management Regulations published in Government Gazette 27636 of 30 May 2005.

1.26. **"The Act" (MFMA):** means the Local Government: Municipal Finance Management Act, 56 of 2003.

1.27. **"Treasury Guidelines":** means any guidelines on supply chain management issued by the Minister in terms of section 168 of the MFMA;

1.28. **"Unsolicited Bid":** means an offer submitted by any person at its own initiative without having been invited by the Municipality to do so.

1.29. Words importing the singular shall include the plural and vice versa and words importing the masculine gender shall include females and words importing persons shall include companies, closed corporations and firms, unless the context clearly indicates otherwise.

SUPPLY CHAIN MANAGEMENT FRAMEWORK AND PRINCIPLES

2. SUPPLY CHAIN MANAGEMENT POLICIES

2.1. The Swellendam Municipality shall in line with Section 111 of the Municipal Finance Management Act implement a supply chain management policy, that -

(a) gives effect to:

(i) section 217 of the Constitution, and

(ii) Part 1 of chapter 11 and other applicable provisions of the Act;

(b) is fair, equitable, transparent, competitive and cost effective;

(c) complies with:

(i) the regulatory framework prescribed in Chapter 2 of these Regulations; and

(ii) any minimum norms and standards that may be prescribed in terms of section 168 of the Act;

(d) is consistent with other applicable legislations that is, and not limited to;

(i) The Preferential Procurement Policy Framework Act of 2000

(ii) The Preferential Procurement Policy Framework Regulations of 2022

(iii) The Broad-Based Black Economic Empowerment Act;

(iv) The Construction Industry Development Board Act;

(v) The Local Government : Municipal Systems Act;

(vi) The Municipal Finance Management Act;

(vii) The Supply Chain Management Regulations;

(viii) The Promotion of Administration Justice Act;

(ix) The promotion of Access to Information Act,

(e) Does not undermine the objective for uniformity in supply chain management systems between organs of state in all spheres; and

(f) is consistent with national economic policy concerning the promotion of investments and doing business with the public sector.

2.2. Swellendam Municipality may not act otherwise than in accordance with its policy when:

(a) procuring goods or services in line with the provisions of the sourcing strategy and the procurement plans;

(b) disposing of goods no longer needed;

(c) selecting contractors to provide assistance in the provision of municipal services otherwise than in circumstances where chapter 8 of the Municipal Systems Act applies, or

(d) Selecting external mechanisms referred to in section 83 of that Act.

2.3. Unless stated otherwise, this Policy does not apply if the Swellendam Municipality contracts with another organ of state for:

(i) The provision of goods and services to the municipality,

(ii) The provision of a municipal service, or assistance in provision of the municipal service, or

(iii) The procurement of goods and services under a contract secured by other organ of state, provided that the relevant supplier has agreed to such procurement.

2.4 The Municipal Manager shall approve the utilization of a contract secured by another organ of the state in accordance with section 32 of this Policy.

2.5 The municipality may utilize contracts secured by another organ of the state if the contracts are still valid and comply with the requirements of the National Treasury.

3 ADOPTION AND AMENDMENT OF SUPPLY CHAIN MANAGEMENT POLICIES

3.1. This policy is effective from the implementation date on after adopted by Council and the Municipal Manager shall annually review the implementation of the policy and submit proposals for the amendment of the policy to the council if deems necessary.

3.2. This policy shall ensure that the objectives of uniformity in supply chain management processes are achieved, and the supply chain management regulations published under GN868 in Government Gazette 27636 of 30 May 2005 are complied with.

3.3. The Municipal Manager shall report to Provincial Treasury and National Treasury deviations from the guideline standard policy.

3.4. The Municipal Manager shall take all reasonable steps to ensure that the municipality implements a supply chain management policy in accordance with Regulation 2 of the Municipal Supply Chain Management regulations.

4 DELEGATION OF SUPPLY CHAIN MANAGEMENT POWERS AND DUTIES

4.1. Council shall delegate the Municipal Manager to exercise all powers and duties to enable him or her to;

(a) to discharge the supply chain management responsibilities conferred in terms of:

(i) Chapter 8 or 10 of the Act; and

(ii) the supply chain management policy of the municipality;

(b) to maximize administrative and operational efficiency in the implementation of the policy;

(c) to enforce reasonable cost-effective measures, prevention of fraud, corruption, favoritism, unfair and irregular practices in the implementation of supply chain management policy; and

(d) to comply with his responsibilities in terms of section 115 and other applicable provisions of the Act.

4.2 No delegation or sub-delegation on any supply chain management powers or duties may be made to:

(a) A person who is not an official of the municipality; or

(b) A committee which is not exclusively composed of officials of the municipality.

4.3 This provision may not be read as permitting an official to whom the power to make final awards has been delegated, to make a final award in a competitive bidding process otherwise than through the committee system provided for in regulation 26.

5 SUB-DELEGATIONS

5.1. The Municipal Manager may sub-delegate in terms of section 79 of the Act powers and duties delegated in terms of section 4.1.

5.2. Subject to the Supply Chain Management Regulation 5(2) and the Exemption Regulations of 5 May 2020, the Municipal Manager shall not delegate or sub-delegate any supply chain management powers or duties:

(a) to a person who is not an official of the Swellendam Municipality; or

(b) to a committee which is not exclusively composed of officials of the Swellendam Municipality, unless in the event of a tender where other organs of state are participating.

5.3. A senior official or bid adjudication committee to which the power to make final awards has been sub-delegated in accordance with section 5.2 must within five (5) working days of the end of each month submits a written report to the Chief

Financial Officer containing particulars of each final award made by such official or committee during that month, including:

(a) the amount of the award;
(b) the name of the person to whom the award was made;
(c) the reason why the award was made to that person.

5.4. The powers delegated to any official of the Swellendam Municipality shall be reviewed on an annual basis and such review will form part of the annual report of supply chain management.

5.5 The register of delegation of powers, if necessary, will be updated on an annual basis including the signature specimen.

5.6. All delegated powers of acting capacity must be in writing and approved by the relevant delegated official.

5.8. This provision may not be interpreted as permitting an official to whom the power to make final awards has been subdelegated, to make a final award in a competitive bidding process otherwise than through the committee system provided for in section 25.

5.9. No decision-making in terms of any supply chain management powers and duties may be delegated to an advisor or consultant.

6 OVERSIGHT ROLE OF COUNCIL OF SWELLENDAM MUNICIPALITY

6.1. The Council of the Swellendam Municipality shall maintain oversight over the implementation of this supply chain management policy.

6.2. For the purposes of such oversight the Municipal Manager shall:

(a) within 30 working days of the end of each financial year, submit a report on the implementation of this policy to the Council of the municipality;
(b) whenever there are serious and material problems in the implementation of the is policy, immediately submit a report to the Council.

6.3. The Municipal Manager shall, within 10 working days of the end of each quarter, submit a report on the implementation of this policy to the Executive Mayor of the Swellendam Municipality.

6.4. The Swellendam Municipality shall publish and make public all the Supply Chain Management reports of the municipality in accordance with section 21A of the Municipal System Act. To comply with this section, all Supply Chain Management reports shall be published on the municipal website 10 working days after the tabling and approval by Council.

7 SUPPLY CHAIN MANAGEMENT UNIT

7.1. The Municipal Manager shall establish a Supply Chain Management unit to implement this policy.

7.2. The Supply Chain Management unit shall operate under the direct supervision of the Chief Financial Officer.

8 TRAINING OF SUPPLY CHAIN MANAGEMENT OFFICIALS

8.1. The training of officials involved in implementing a supply chain management policy shall be in accordance with any treasury guidelines on supply chain management.

CHAPTER 2 – SUPPLY CHAIN MANAGEMENT POLICY FRAMEWORK

9 FORMAT OF SUPPLY CHAIN MANAGEMENT POLICY

9.1. The supply chain management system implemented shall ensure there is effective:

(1) Demand management;
(2) Acquisition management;
(3) Logistics management;
(4) Disposal management;
(5) Risk management; and
(6) Performance management.

PART 1 – DEMAND MANAGEMENT

10 SYSTEM OF DEMAND MANAGEMENT

10.1. The Municipal Manager shall implement an effective system of demand management in order to ensure that the resources required to support the strategic and operational commitments of the municipality are delivered at the correct time, at the right price and at the right location, and that the quantity and quality satisfy the needs of the municipality.

10.2. The following systems and procedures shall be implemented to achieve the demand management objectives:

(a) Procurement plans (demand management plans) in line with the service delivery budget implementation plan (SDBIP) should be in place and approved by the Municipal Manager before the start of the new financial year or revised after the approval of the adjustment budget.

(b) A sourcing strategy for goods and services including infrastructure must be implemented to ensure cost effectiveness and value for money.

10.3. As per the Cost Containment Regulations of 2019, the Municipality will annually review cost-containment as part of their strategic and/or annual performance planning exercises, which sets out specific measures to be taken to improve cost-efficiencies, the effectiveness of supply chain management processes and procedures, the elimination of wasteful expenditure as well as to ensure that value for money is achieved in the delivery of programmes and services.

10.4. Matters to be considered within the cost-containment plan should also include the following:

(a) Consultants;
(b) Catering;
(c) Entertainment;
(d) Alcohol;
(e) Corporate branding;
(f) Social functions;
(g) Newspapers and other publications;
(h) Telephone and cell-phones;
(i) Advertising;

(j) Hiring of venues;
(k) Hosting and attending conferences;
(l) Travel and subsistence;
(m) Inventory management;
(n) Water and electricity consumption;
(o) Communication; and
(p) Reporting requirements.

PART 2 – ACQUISITION MANAGEMENT

11 SYSTEM OF ACQUISITION MANAGEMENT

11.1. This policy shall provide for an effective system of Acquisition management in order to ensure:

(a) that goods and services are procured by the municipality in accordance with authorized processes only;
(b) that expenditure on goods and services is incurred in term of an approved budget in terms of section 15 of the Act;
(c) that the threshold values for the different procurement processes are complied with;
(d) that the bid documentations, evaluation and adjudication criteria, and a general condition of a contract, are in accordance with any applicable legislation; and
(e) that any adopted Treasury guidelines on acquisition management are properly considered.

11.2. This policy, except where provided otherwise, does not apply in respect of the procurement of goods and services contemplated in section 110(2) of the Act, including:

(a) water from the Department of Water Affairs or a public entity, another municipality or a municipal entity; and
(b) electricity from Eskom or another public entity, another municipal entity.
(c) Insurance and warranty claims with the Municipality's Insurer

(d) Pauper burial services to a maximum of R3 500

(e) And those prescribed by the Municipal Grant-in Aid policy

11.3. When procuring goods or services contemplated in section 110(2) of the Act the Municipality shall make public the fact in its Annual Report that it procures such goods or services otherwise than through its supply chain management system, including:

(a) the kind of goods or services; and
(b) the name of the supplier.

12 RANGE OF PROCUREMENT PROCESSES

12.1. This policy shall, subject to section 11.2 and as per Amended Regulations of 14 December 2023 provide for the procurement of goods and services by way of:

(a) Petty cash purchases, up to a transaction value of R 2 000 (VAT included);
(b) Formal written price quotations for procurements of a transaction value over R2 000 to R300 000 (VAT included); and
    (i) a competitive bidding process for procurements above a transaction value of R300 000 (VAT included);

12.2. The Municipal Manager may lower, but not increase, the different threshold values specified in section 12.1 or direct that:

(a) formal written price quotations be obtained for any specific procurement of a transaction value lower than R10 000; or
(b) a competitive bidding process be followed for any specific procurement of a transaction value lower than R300 000.

12.3 The procurement of goods or services may not deliberately be split into parts or items of lesser value merely to avoid complying with the requirements of this policy.

12.4. When determining transaction values, a requirement for goods or services consisting of different parts or items must as far as possible be treated and dealt with as a single transaction, except in instances of rates-based tenders and quotations, where it is not possible to determine the quantities upfront.

13 GENERAL PRECONDITIONS FOR CONSIDERATION OF WRITTEN QUOTATIONS OR BIDS

13.1. The municipality shall not consider a written quotation or bid unless the service provider who submitted the quotation or bid:

(a) has furnished the municipality with:

(i) full name;
(ii) identification number or company or other registration number; and
(iii) tax reference number and vat registration number, if any;

(b) has authorized the municipality to obtain a tax clearance from the South African Revenue Services that the provider's tax matters are in order; and

(c) has indicated:

(i) whether the person is in the service of the state, or has been in the service of the state in the previous twelve months;
(ii) if the provider is not a natural person, whether any of its directors, managers, principal shareholders or stakeholders is in the service of the state, or has been in the services of the state in the previous twelve months; or
(ii) whether a spouse, child or parent of the provider or of a director, manager, shareholder or stakeholder referred to in section 13(c)(ii) is in the service of the state, or has been in the service of the state in the previous twelve months.

14 LIST OF ACCREDITED PROSPECTIVE PROVIDERS

14.1. The municipality shall conduct business with suppliers that are registered on the National Treasury Central Suppliers Database.

14.2. The municipality may opt to maintain its own database of local suppliers, subject to compliance with Regulation 14, namely to:

(a) keep a list of accredited prospective providers of goods and services that must be used for the procurement requirements of the municipality through formal written quotations up to R 30 000; and

(b) at least once a year through newspapers commonly circulating locally, the website of the municipality and any other appropriate ways, to invite prospective providers of goods or services to apply for evaluation and listing as accredited prospective providers;

(c) specify the listing criteria for accredited prospective providers; and

(d) disallow the listing of any prospective provider whose name appears on the National Treasury's database as a person prohibited from doing business with the public sector.

14.3. The list contemplated in section 14(2) above, must be updated at least quarterly to include any additional prospective providers and any new commodities or types of services. Prospective providers must be allowed to submit applications for listing at any time.

14.4. The list must be compiled per commodity and per type of service.

15 PETTY CASH PURCHASES

15.1. This policy stipulates the conditions for the procurement of goods by means of petty cash purchases referred to in regulation 12(1)(a), which must include conditions:

(a) The cash petty purchase should not exceed R2 000 (Vat included) per transaction and each petty cash holder should not exceed a maximum of R2 000 petty cash expenditure per month.

(b) The petty cash holders must when replenishing petty cash provide a reconciliation to the Chief Financial Officer, including-

(i) the total amount of petty cash purchases for the period; and

(ii) receipts and appropriate documents for each purchase.

16 FORMAL WRITTEN PRICE QUOTATION

16.1. Formal written price quotations must be obtained from at least three different providers whose names appear on the Municipal or National Treasury Central Suppliers Database as contemplated by section 14. Quotations may be obtained from providers who are not listed, provided that such providers meet the listing criteria in the supply chain management policy required by section 14(1)(b) and (c).

16.2. The written quotations must meet the following criteria;

(i) Where practical it must be signed by the suppliers, with the exceptions of quotations received by electronic mail;

(ii) Have both physical and postal address of the supplier, company name and registration, VAT number, if applicable;

(iii) Costs clearly broken down (itemized bill);

(iv) The closing date for quotations less than or equal to R30 000 in value must be at least 2 (two) days after publication of the request for quotations. This period may be shortened upon approval by the Manager: SCM; and

(v) The details of the information on the quotation must be similar to the details captured on the Municipal or National Treasury Central Suppliers Database.

16.3. Where it is not possible to obtain at least three quotations, the reasons must be recorded and reported to the Supply Chain Manager or Chief Financial Officer for prior approval.

16.4. The names of the potential providers and their written quotations must be recorded.

17 PROCEDURES FOR PROCURING GOODS OR SERVICES THROUGH FORMAL WRITTEN PRICE QUOTATIONS

17.4 Procurement of goods and services that in excess of R30 000 (VAT included) that are to be procured by means of formal written price quotations must, in addition to the requirements of section 16, be advertised for at least seven (7) days on the municipal website and an official notice board of the of the municipality.

17.2. When using the list of accredited prospective providers the Municipality must promote ongoing competition amongst providers, including by inviting providers to

submit quotations on a rotation basis, unless differently specified during the procurement process.

17.3. The Municipal Manager shall take all reasonable steps to ensure that the procurement of goods and services through formal written price quotations is not abused.

17.4. The Chief Financial Officer must on a monthly basis be notified in writing of all formal written quotations accepted by an official acting in terms of a sub-delegation.

17.5. The Supply Chain Management Unit must keep proper record.

18 COMPETITIVE BIDS

18.1. The procurement of goods or services above a transaction value of R300 000 (VAT included) shall be done by the municipality only through a competitive bidding process, subject to section 11.2 of this Policy.

18.2. No requirement for goods or services above an estimated transaction value of R300 000 (VAT included), may deliberately be split into parts or items of lesser value merely to avoid complying with the requirements of the policy.

19 PROCESS FOR COMPETITIVE BIDDING

19.1. This policy provides procedures for a competitive bidding process for each of the following stages:

(a) the compilation of bidding documentation providing at least for:

(i) A standardized bid documents will be utilized when procuring goods and services for the municipality. In case of construction related projects, the CIDB standardized document will be utilized.

(ii) Suppliers will upon payment of a tender deposit fee, request the bid document from the Supply Chain Management Unit in the prescribed format determined by the Bid Specification Committee and approved by the Municipal Manager or delegated official. The tender deposit fee may be waived by the Municipal Manager under certain conditions.

(iii) The functionality evaluation criteria that will apply. Where functionality is used as criteria to evaluate bids, a minimum of two officials with a thorough knowledge of the subject matter will be required to do technical evaluations.

(b) Site meetings/briefing sessions will be held only if the project necessitates such clarification and physical inspections of the site and it shall be stated on the advertisement of the bid.

(c) Two officials from Supply Chain Management Unit shall be responsible for collecting of the bids from tender box and opening of the bids in public and where practical the prices of bids received will be announced, including the name of the bidder. All bids will be opened at 11h00 on the prescribed date.

(d) Evaluation of bids

(i) Bids will be evaluated in accordance with the criteria as stipulated in the bid document.

(ii) Only bids as per the prescribed format will be accepted.

(e) Contracts or bids will only be awarded to companies that complies in all respects to the applicable evaluation criteria set out on the bid documents.

(g) Administration of contracts will be stipulated in the tender documentation.

(h) The supply chain management unit will maintain proper records.

20 BID DOCUMENTATION FOR COMPETITIVE BIDS

20.1. The bid documentation for competitive bidding must take into account –

(a) the general conditions of contract;
(b) any adopted Treasury guidelines on bid documentation; and
(c) the requirements of the Construction Industry Development Board, in the case of a bid relating to construction, upgrading or refurbishment of buildings or infrastructure;
(d) the Preferential Procurement regulations of 2022 read with the municipal Preferential Procurement Policy.

20.2. The bid documentation must:

(a) Include the evaluation and adjudication criteria, including any criteria required by other applicable legislation.

(b) Compel bidders to declare any conflict of interest they may have in the transaction for which the bid is submitted.

(c) Stipulate that disputes must be settled by means of mutual consultation, mediation (with or without legal representation), or when unsuccessful, in a South African court of law.

(d) If the value of the transaction is expected to exceed R10 million (VAT included), require bidders to furnish:

(i) If the bidder is required by law to prepare annual financial statements, their annual financial statements:

(aa) for the past three years; or

(bb) since their establishment if established during the past three years;

(ii) a certificate signed by the bidder certifying that the bidder has no undisputed commitments for municipal services towards a municipality or other service provider in respect of which payment is overdue for more than 30 days;

(iii) particulars of any contracts awarded to the bidder by an organ of state during the past five years, including particulars of any material non-compliance or dispute concerning the execution of such contract.

(iv) a statement indicating whether any portion of the goods or services are expected to be sourced from outside the Republic, and, if so, what portion and whether any portion of payment from the municipality is expected to be transferred out of the Republic.

21 PUBLIC INVITATION FOR COMPETITIVE BIDS

21.1. The public will be invited through the advertisement of the bids on the National Treasury tender e-portal, municipal website, notice boards and Construction Industry Development Board i-tender if the bid is relating to construction works.

21.2. The closing date for the submission of bids may not be less than 30 days in the case of transactions over R10 million (VAT included), or which are of a long-term nature, or 14 days in any other case, from the date on which the advertisement. All projects awarded on rates bases shall be capped below the threshold on (ten) R 10 million, unless such bid was advertised for a period as not less than 30 days.

21.3. This policy shall allow the Municipal manager to determine a closure date for the submission of bids which is less than the 30- or 14-days requirement, but only if such shorter period can be justified on the grounds of urgency or emergency or any exceptional cases. Reasons for such motivation should be recorded for audit purposes and poor planning cannot be provided as a reason for the deviation.

21.4. Bids submitted to the municipality must be sealed in an envelope as no bids will be accepted if it is not properly sealed.

21.5. Where bids are requested in electronic format, such bids must be supplemented by sealed hard copies.

21.6. The bids submitted by the service providers must be valid for a period of ninety (90) days and the validity period may be extended for further period. The following procedures and processes shall be followed in extension of the validity date:

(a) Requests for the extension of validity dates must be extended to all service providers who submitted bids. Requests submitted to bidders must be kept for future reference.
(b) Service providers have consented on the extension.
(c) Bids will regarded as non-responsive, where price changes are offered due to the extension of the validity date.
(d) Service providers shall have seven (7) working days to respond to a request for the extension of the validity date.
(e) Every case will be treated on its own merit, however, no response from services providers does not render the tender process null and void.

22 PROCEDURE FOR HANDLING, OPENING AND RECORDING OF BIDS

22.1. This policy determines the procedure for the handling, opening and recording of bids -

(a) stipulate that bids:

(i) may be opened only in public at 11h00 on the day of closing; and

(ii) must be opened at the same time and as soon as possible after the period for the submission of bids has expired;

(b) confer on any bidder or member of the public the right to request that the names of the bidders who submitted bids in time must be read out and, if practical, also each bidder's total bidding price; and

(c) requires the Municipal manager –

(i) to record in a register all bids received in time as per the clock as displaced in the municipality building;

(ii) to make the register all bids received in time; and

(iii) to publish the entries in the register and the bid results on the website of the municipality.

23 NEGOTIATIONS WITH PREFERRED BIDDERS

23.1. The Municipal Manager or delegated authority may negotiate the final terms of a contract with bidders identified through a competitive bidding process as preferred bidder, provided that such negotiation:

(a) does not allow any preferred bidder a second or unfair opportunity;

(b) is not to the detriment of any other bidder; and

(c) does not lead to a higher price than the bid as submitted provided the rates have been adjusted by the municipal manager or delegated committee to complies with legislative requirements or to standardize prices/ rates for various service providers appointed for the very same scope of works.

23.2. Minutes of such negotiations must be kept for record purposes.

24 TWO-STAGE BIDDING PROCESS

24.1. This policy allows a two-stage bidding process for:

(a) large complex projects;

(b) projects where it may be undesirable to prepare complete detailed technical specifications; or

(c) long-term nature projects with a duration period exceeding three years.

24.2. In the first stage technical proposals on conceptual design or performance specifications should be invited, subject to technical as well as commercial clarifications and adjustment.

24.3. In the second stage final technical proposals and priced bids should be invited.

25 COMMITTEE SYSTEM FOR COMPETITIVE BIDS

25.1. The following bid committees shall be established by the Municipal Manager;

(a) a bid specification committee;

(b) a bid evaluation committee; and

(c) a bid adjudication committee;

25.2. The Municipal Manager shall appoint the members of each committee, considering section 117 of the Act.

25.3 The Municipal Manager may allow for the attendance or oversight process by a neutral or independent observer when this is appropriate for ensuring fairness and promoting transparency.

25.4. The committee system must be consistent with sections 26, 27, 28 and any other applicable legislation.

25.5. The Municipal manager may apply the committee system to formal written price quotations.

26 BID SPECIFICATION COMMITTEES

26.1. A bid specification committee shall compile the specifications for competitive bids.

26.2. The specifications:

(a) shall be drafted in an unbiased manner to allow all potential suppliers to offer their goods or services;

(b) shall take account of any accepted standards such as those issued by Standards the South Africa, the International Standards Organization, or an authority accredited or recognized by the South African National Accreditation System with which the equipment or material or workmanship should comply;

(c) where possible, be described in terms of performance required rather than in term of performance required rather than in terms of descriptive characteristics for design;

(d) may not create trade barriers in contract requirements in the forms of specifications, plans, drawings, designs, testing, and test methods, packaging, marking or labeling of conformity certification;

(e) may not make reference to any particular trade mark, name, patent, design, type, specific origin or producer unless there is no other sufficiently precise or intelligible way of describing the characteristics of the work, in which case such reference must be accompanied by the words "equivalent";

(f) must indicate each specific goal for which points may be awarded in terms of the points system set out in the supply chain management policy of the municipality or municipal entity; and

(g) must be approved by the Municipal manager or any delegated official prior to publication of the invitation for bids.

26.3. A bid specification committee must be composed of one or more officials of the municipality or municipal entity; preferable the manager responsible for the function involved, and may, when appropriate, include external specialist advisors.

26.4 No person, advisor or corporate entity involved with the bid specification committee, or director of such a corporate entity, may bid for any resulting contracts.

27 BID EVALUATION COMMITTEES

27.1. A bid evaluation committee shall:

(a) evaluate bids in accordance with:

(i) the specifications for a specific procurement; and

(ii) the points system as prescribed in terms of the Preferential Procurement Act and its Regulations and the municipal Preferential Procurement Policy;

(b) evaluate each bidder's ability to execute the contract;

(c) check in respect of the recommended whether municipal rates and taxes and service charges are not in arrears; and

(d) submit to the adjudication committee a report and recommendations regarding the award of the bid or any other related matter.

27.2. A bid evaluation committee must as far as possible be composed of:

(a) officials from departments requiring the goods or services; and

(b) at least one supply chain management practitioner.

27.3. In relation to section 27.2 above, any matter deferred by an evaluation committee must be concluded by that particular committee. In exceptional cases whereby the project must be concluded by a different committee, the committee members must take into consideration matters raised by the previous committee prior to making a determination.

28 BID ADJUDICATION COMMITTEE

28.1. A bid adjudication committee shall:

(a) consider the report and recommendations of the bid evaluation committee; and

(b) either –

(i) depending on its delegations, make a final ward or a recommendation to the Municipal Manager to make the final award; or

(ii) make another recommendation to the Municipal Manager how to proceed with the relevant procurement.

28.2. A bid adjudication committee shall comprise of all Directors of the municipality which must include –

(i) the chief financial officer or, if the chief financial officer is not available, another manager in the budget and treasury office and designated by the chief financial officer;

(ii) at least one senior supply chain management practitioner who is an official of the municipality; and

(iii) a technical expert in the relevant field who is an official of the municipality has such an expert.

28.3. The Municipal Manager must appoint the chairperson of the committee. If the chairperson is absent from a meeting, the members of the committee who are present must elect one of them to preside at the meeting.

28.4. The quorum of the meeting will be formed by 50% + 1 member.

28.5. Neither a member of a bid evaluation committee, nor an advisor or person assisting the evaluation committee, may be a member of a bid adjudication committee.

28.6. If a bid adjudication committee considers awarding a bid other than the one recommended by the bid evaluation committee, the bid adjudication committee must firstly refer the matter back to the evaluation committee for re-consideration and should it still wish to make a different award or recommendation:

(a) check in respect of the preferred bidder whether that bidder's municipal rates and taxes and municipal service charges are not in areas; and

(b) notify the Municipal Manager in writing.

28.7. The Municipal Manager may –

(i) after due consideration of the reasons for the deviation, ratify or reject the decision of the bid adjudication committee; and

(ii) if the decision of the bid adjudication committee is rejected, refer the decision of the adjudication committee back to that committee for reconsideration.

28.8. The Municipal Manager may at any stage of a bidding process, refer any recommendation made by the evaluation committee or the adjudication committee back to that committee for reconsideration of the recommendation.

28.9. The Municipal Manager must comply with section 114 of the Act within 10 working days.

28.10. A bid may be cancelled, prior to the final award of the contract, if:

28.10.1. due to changed circumstances, there is no longer a need for the goods, services or construction works requested;

28.10.2. funds are insufficient or no longer available to cover the total envisaged expenditure;

28.10.3. no acceptable bids are received;

28.10.4. there is a material irregularity in the tender process identified through internal review or during an objection process; or

28.10.5. if negotiations have failed with the tenderers up to and including the tenderer scoring the third highest points where the prices offered is not market related.

28.11. If it becomes necessary to cancel and or re-advertise formal bids, then a report to this effect shall be submitted to the Bid Adjudication Committee for decision.

29 PROCUREMENT OF BANKING SERVICE

29.1. A contract for the provision of banking services to a municipality-

(a) must be procured through competitive bids;

(b) must be consistent with sections 7 or 85 of the Act; and

(c) may not be for a period of more than five years at a time.

29.2. The process for procuring a contract for banking services must commence at least nine months before the end of an existing contract.

29.3. The closure date for the submission of bids may not be less than 60 days from the date on which the advertisement is placed. Bids must be restricted to banks registered in terms of the Banks Act, 1990 (Act No. 94 of 1990).

30 PROCUREMENT OF IT RELATED GOODS OR SERVICES

30.1. The Municipal Manager is authorised to request the State Information Technology Agency (SITA) to assist the municipality with the acquisition of IT related goods or services through a competitive bidding process.

30.2. The parties must enter into a written agreement to regulate the services rendered by, and the payments to be made to, SITA.

30.3. The municipal must notify SITA together with a motivation of the IT needs of the municipality if:

(a) the transaction value of IT related goods or services required by the municipality in any financial year will exceed R50 million (VAT included); or

(b) the transaction value of a contract to be procured by the municipality entity whether for one or more years exceeds R50 million (VAT included).

30.4. If SITA comments on the submission and the municipality disagrees with such comments, the comments, and the reasons for rejecting or not following such comments must be submitted to the Council, the National Treasury, the relevant Provincial Treasury and the Auditor General.

31 PROCUREMENT OF GOODS AND SERVICES UNDER CONTRACTS SECURED BY OTHER ORGANS OF STATE

31.1. The Municipal Manager may procure goods or services for the municipality under a contract secured by another organ of state, but only if:

(a) the contract has been secured by that other organ of state by means of a competitive bidding process applicable to that organ of state;

(b) the municipality has no reason to believe that such contract was not validly procured;

(c) there are demonstrable discount or benefits for the municipality to do so; and

(d) that other organ of state and the provider have consented to such procurement in writing.

31.2. The municipality may only participate in contracts that are still valid and the term of the appointment will not exceed the original contract period or the scope of work.

31.3. The municipality will only give approval for participation to other organs of state for contracts that are still valid, and the approval period will not exceed the original contract period or the scope of work.

31.4. Request for participation in a specific contract will be acceptable only if it is addressed to the Municipal Manager. No request from the service providers will be accepted by the municipality.

31.5. Participation in National Treasury transversal tenders is governed by this section.

32 PROCUREMENT OF GOODS NECESSITATING SPECIAL SAFETY ARRANGEMENTS

32.1. The policy must restrict the acquisition and storage of goods in bulk (other than water) which necessitate special safety arrangements, including gasses and fuel.

32.2. Where the storage of goods in bulk is justified, such justification must be based on sound reasons, including the total cost of ownership and cost advantages for the municipality.

33 PROUDLY SA CAMPAIGN AND LOCAL PRODUCTION AND CONTENT

33.1. The Municipal Manager must ensure compliance with the Proudly South African campaign on the procurement of goods or services.

34 APPOINTMENT OF CONSULTANTS

34.1. The Municipal Manager may procure consulting services provided that any Treasury guidelines in respect of consulting services are considered when such procurements are made.

34.2. A contract for the provision of consultancy services to a municipality must be procured through competitive bids if:

(a) the value of the contract exceeds R300 000 (VAT included); or

(b) the duration period of the contract exceeds one year.

34.3. In addition to any requirements prescribed by the Supply Chain Management Regulations for competitive bids, bidders must furnish the municipality with particulars of:

(a) all consultancy services provided to an organ of state in the last five years; and
(b) any similar consultancy services provided to an organ of state in the last five years.

34.4. The Municipal Manager may establish a database of professional consultants following a competitive bidding process and the use of those professional consultants on a rotational basis.

34.5. The municipality must ensure that copyright in any documents and systems produced, and the patent rights or ownership in any plant, machinery, thing, system or process designed or devised, by a consultant in the course of the consultancy service is vested in the municipality.

35 DEVIATION FROM AND RATIFICATION OF MINOR BREACHES OF, PROCUREMENT PROCESSES

35.1. The Municipal Manager may:

(a) dispense with the official procurement processes established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only:

(i) in an emergency;
(ii) if such goods or services are produced or available from a single provider only;
(iii) for the acquisition of special works of art or historical objects where specifications are difficult to compile;
(iv) acquisition of animals for zoos; or
(v) in any other exceptional case where it is impractical or impossible to follow the official procurement processes; and

(b) ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.

35.2. The Municipal Manager must record the reasons for any deviations or ratification in terms of section 35.1(a) and (b) and report them to the next meeting of the Council and include as a note the annual financial statements.

35.3. Section 35.2 does not apply to the procurement of goods and services contemplated in section 11.2 of this policy.

35.4. National Treasury Guidelines provide for single-source selection in exceptional cases for consulting services. The justification for single-source selection must be examined in the context of the overall interests of the Municipality and the project.

35.5. Single-source selection may be appropriate only if it presents a clear advantage over competition:

(i) for services that represent a natural continuation of previous work carried out by the consultant, and continuity of downstream work is considered essential;
(ii) where rapid selection is essential;
(iii) for very small appointments;
(iv) when only one consultant is qualified or has experience of exceptional worth for the project.

35.6. The reasons for single-source selection must be fully motivated in a report and approved by the Bid Adjudication Committee prior to conclusion of a contract, provided that if the award is for an amount of R300 000 or less, such award shall be approved by the Manager: Supply Chain Management.

35.7. Consultant appointments approved in terms of a single-source selection process must be formalised in a written contract which describes the terms and conditions of contract, as well as the scope of services required.

36 UNSOLICITED BIDS

36.1. Subject to section 113 of the Act, the Municipal Manager is not obliged to consider unsolicited bids received outside a normal bidding process.

36.2. If the Municipal Manager decides in terms of section 113(2) of the Act to consider an unsolicited bid, it may do so only if:

(a) the product or service offered in terms of the bid is a demonstrably or proven unique innovative concept;
(b) the product or service will be exceptionally beneficial to, or have exceptional cost advantages for, the municipality;
(c) the person who made the bid is the sole provider of the product or service; and
(d) the reasons for not going through the normal bidding processes are found to be sound.

36.3. If the Municipal Manager decides to consider an unsolicited bid that complies with section 36.2, the municipality must make its decision public in accordance with section 21A of the Municipal System Act, together with:

(a) its reasons as to why the bid should not be open to other competitors;
(b) an explanation of the potential benefits for the municipality were it to accept the unsolicited bid; and
(c) an invitation to the public or other potential suppliers to submit their comments within 30 days of the notice.

36.4. Once the municipality has received written comments pursuant to section 36.3, it must submit such comments, including any responses from the unsolicited bidder to the National Treasure and the relevant provincial treasury for comment.

36.5. The adjudication committee must consider the unsolicited bid and may award the bid or make a recommendation to the Municipal Manager, depending on its delegations.

36.6. A meeting of the adjudication committee to consider an unsolicited bid must be open to the public.

36.7. When considering the matter, the adjudication committee must consider:

(a) any comments submitted by the public; and

(b) any written comments and recommendations of the National Treasury or the relevant Provincial Treasury.

36.8. If any recommendations of the National Treasury or Provincial Treasury are rejected or not followed, the Municipal Manager must submit to the Auditor General, the relevant provincial treasury and those recommendations.

36.9. Such submissions must be made within seven days after the decisions on the award of the unsolicited bid are taken, but no contract committing the municipality to the bid may be entered into or signed within 30 days of submission.

37 COMBATING OF ABUSE OF SUPPLY CHAIN MANAGEMENT SYSTEM

37.1. Measures to combat abuse of the supply chain management system must be put in place and the Municipal Manager must;

(a) take all reasonable steps to prevent such abuse;

(b) investigate any allegations against an official or other role player of fraud, corruption, favouritism, unfair or irregular practices or failure to comply with the supply chain management policy, and when justified:

(i) take appropriate steps against such official or other role player; or

(ii) report any alleged criminal conduct to the South African Police Service;

(c) check the National Treasury's database prior to awarding any contract to ensure that no recommended bidder, or any of its directors, is listed as a person prohibited from doing business with the public sector;

(d) reject any bid from a bidder:

(i) if any municipal rates and taxes or municipal service charges owed by that bidder or any of its directors to the municipality or municipal entity, or to any other municipality or municipal entity, are in areas for more than three months; or

(ii) who during the last five years has failed to perform satisfactorily on a previous contract with the municipality or municipal entity or any other

organ of state after written notice was given to that bidder that performance was unsatisfactory;

(e) reject a recommendation for the award of a contract if the recommended bidder, or any of its directors, has committed a corrupt or fraudulent act in competing for the particular contract;

(f) cancel a contract awarded to a person if –

(i) the person committed any corrupt or fraudulent act during the bidding process or the execution of the contract; or

(ii) an official or other role player committed any corrupt or fraudulent act during the bidding process or the execution of the contract that benefited that person;

(g) to reject the bid of any bidder or any of its directors –

(i) has abused the supply chain management system of the municipality or municipal entity or has committed any improper conduct in relation to such system;

(ii) has been convicted for fraud or corruption during the past five years;

(iii) has willfully neglected, reneged on or failed to comply with any government, municipal other public sector contract during the past five years; or

(iii) has been listed in the Register for Tender Defaulters in terms section 29 of the Prevention and Combating of Corrupt Activities Act (No12 of 2004).

37.2. The Municipal Manager must inform the National Treasury and relevant Provincial Treasury in writing of any actions taken in terms of this section.

PART 3 – LOGISTICS, DISPOSAL, RISK AND PERFORMANCE MANAGEMENT

38 LOGISTICS MANAGEMENT

38.1. The municipal processes must allow for an effective system of logistics management to provide for the setting of inventory levels, placing of orders, receiving and distribution of goods, stores, and warehouse management, expediting orders,

transport management, vendor performance, and maintenance and contract administration.

39 DISPOSAL MANAGEMENT

39.1. The municipal processes must provide for an effective system of disposal management for the disposal or letting of assets, including unserviceable, redundant, or obsolete assets, subject to section 14 of the Act.

39.2. The municipal processes must:

(a) specify the ways in which assets may be disposed of, including by:

(i) transferring the asset to another organ of state in terms of a provision of the Act enabling the transfer of assets;

(ii) transferring the asset to another organ of state at market related value or, when appropriate, free of charge;

(iii) selling the asset; or

(iv) destroying the asset;

(b) stipulate that:

(i) immovable property may be sold only at market related prices except when the public interest or the plight of the poor demands otherwise;

(ii) movable assets may be sold either by way of written price quotations, a competitive bidding process, auction or at market-related prices, whichever is the most advantageous to the municipality;

(iii) in the case of the disposal, free or otherwise, of computer equipment, the provincial department of education must first be approached to indicate within 30 days whether any of the local schools are interested in the equipment; and

(iii) in the case of the disposal of firearms, the National Conventional Arms Control Committee has approved any sale or donation of firearms to any person institution within or outside the Republic;

(d) provide that:

(i) immovable property is let at market related rates except when the public interest or the plight of the poor demands otherwise; and

(ii) all fees, charges, rates, tariffs, scales of fees or other charges relating to the letting of immovable property are annually reviewed;

(e) ensure that where assets are traded in for other assets, the highest possible trade-in price is negotiated.

40 RISK MANAGEMENT

40.1. The municipal processes must provide for an effective system of risk management for the identification, consideration, and avoidance of potential risks in the supply chain management system.

40.2. Risk management must include:

(a) the identification of risks on a case-by- case basis;

(b) the allocation of risks to the party best suited to manage such risks;

(c) acceptance of the cost of the risk where the cost of transferring the risk is greater than that of retaining it;

(d) the management of risks in a pro-active manner and the provision of adequate for residual risks; and

(e) the assignment of relative risks to the contracting parties through clear and unambiguous contract documentation.

41 PERFORMANCE MANAGEMENT

41.1. The municipal processes must provide for an effective internal monitoring system in order to determine, on the basis of a retrospective analysis, whether the authorized supply chain management processes are being followed and whether the desired objectives are being achieved.

PART 4 - OTHER MATTERS

42 PROHIBITION ON AWARDS TO PERSONS WHOSE TAX MATTERS ARE NOT IN ORDER

42.1. The municipality, irrespective of the procurement process followed, may not make any award above R30 000 to a person whose tax matters have not been declared by the South African Revenue Service to be in order.

42.2. Before making an award to a person, a municipality will first check with SARS portal whether that person's tax matters are in order.

42.3. Where a supplier does not submit a tax compliance status PIN but provides a CSD number, the Municipal Manager should utilise the CSD number via its website www.csd.gov.za to access the supplier records and verify tax compliance status.

43 PROHIBITION ON AWARDS TO PERSONS IN THE SERVICE OF THE STATE

43.1. This policy, irrespective of the procurement process followed, states that the municipality may not make any award to a person;

(a) who is in the service of the state;
(b) if that person is not a natural person, of which any director, manager, principal shareholder or stake holder is a person in the service of the state; or
(c) who is an advisor or consultant contracted with the municipality or municipal entity.

43.2. The municipality will utilise the CSD as its sole available resource to check if directors, managers, principal shareholders are in the employment of the state.

44 AWARDS TO CLOSE FAMILY MEMBERS OF PERSONS IN THE SERVICE OF THE STATE

44.1. The notes to the annual financial statements of a municipality must disclose particulars of any award of more than R2 000 to a person who is a spouse, child or parent of a person in the service of the state, or has been in the service of a state in the previous twelve months, including;

(a) the name of that person;
(b) the capacity in which that person is in the service of the state; and
(c) the amount of the award.

45 ETHICAL STANDARDS

45.1. This policy establishes a code of ethical standards at section 45.2 for officials and other role players in the supply chain management system in order to promote:

(a) mutual trust and respect; and

(b) an environment where business can be conducted with integrity and in a fair and reasonable manner.

45.2. A municipal code of ethical standards stipulates that an official or other role player involved in the implementation of the supply chain management policy of the municipality:

(a) must treat all providers and potential providers equitably;

(b) may not use his or her position for private gain or to improperly benefit another person;

(c) may not accept any reward, gift, favour, hospitality or other benefit directly or indirectly, including to any close family member, partner or associate of that person;

(d) notwithstanding section 45.2(c), must declare to the Municipal Manager details of any reward, gift, favour, hospitality or other benefit promised, offered or granted to that person or to any close family member, partner or associate of that person;

(e) must declare to the Municipal Manager details of any private or business interest which that person, or any close family member, partner or associate, may have in any proposed procurement or disposal process of, or in any award of a contract by, the municipality;

(f) must immediately withdraw from participating in any manner whatsoever in a procurement or disposal process or in the award of a contract in which that person, or any other close family member, partner or associate, has any private or business interest;

(g) must be scrupulous in his or her use of property belonging to the municipality;

(h) must assist the Municipal Manager in combating fraud, corruption, favoritism and unfair and irregular practices in the supply chain management; and

(i) must report to the Municipal Manager any alleged irregular conduct in the supply chain management system which that person may become aware of, including:

(i) any alleged fraud, corruption, favouritism, or unfair conduct;
(ii) any alleged contravention of section 45; or
(iii) any alleged breach of the code of ethical standards.

45.3. This policy provides that:

(a) all declarations in terms of section 45.2(d) and (e) must be recorded in a register which the Municipal Manager or such official delegated to, must keep for this purpose;

(b) determine that all declarations by the Municipal Manager must be made to the mayor of the municipality who must ensure that such declaration are recorded in the register; and

(c) contain measures to ensure that appropriate action is taken against any official or other role player who commits a breach of the code of ethical standards.

45.4. This policy considered the National Treasury's code of conduct for supply chain management practitioners and other role players involved in supply chain management.

45.5. This municipality hereby adopts the National Treasury's code of conduct for supply chain management practitioners and other role players involved in supply chain management. The code of conduct is binding on all officials and other role players involved in the implementation of the supply chain management policy of the municipality.

45.6. Section 45.2(c) does not apply to gifts less than R350 in value.

46 INDUCEMENTS, REWARDS, GIFTS AND FAVOURS TO MUNICIPALITIES, MUNICIPAL ENTITIES, OFFICIALS AND OTHER ROLE PLAYERS

46.1. No person who is a provider or prospective provider of goods or services to the municipality, or recipient or prospective recipient of goods disposed of by a representative or intermediary, promise, offer or grant:

(a) any inducement or reward to the municipality; or for or in connection with the award of a contract; or

(b) any reward, gift, favour, or hospitality to:

(i) any official of the municipality; or

(ii) any other role player involved in the implementation of the supply chain management policy of the municipality.

46.2. The Municipal Manager must promptly report any alleged contravention of section 46.1 to the National Treasury for considering whether the offending person, and any representative or intermediary through which such person, and any representative or intermediary through which such person is alleged to have acted, should be listed in the National Treasury's database of persons prohibited from doing business with the public sector.

46.3. Section 46.1 does not apply to gifts less than R350 in value.

47 SPONSORSHIP

47.1. The municipal manager of Swellendam Municipality must promptly disclose to the National Treasury and the relevant provincial treasury any sponsorship promised. Offered or granted to the municipality, whether directly or through a representative or intermediary, by any person who is:

(a) a provider or prospective of goods or services to the municipality; or

(b) a recipient or prospective recipient of goods disposed or to be disposed, of by the municipality.

48 OBJECTIONS AND COMPLAINTS

48.1. This policy allows persons aggrieved by decisions or actions taken by the municipality or municipal entity in the implementation of its supply chain management system, to lodge within 14 days of the decision or action a written

objection or complaint to the municipality or municipal entity against the decision or action.

48.2. If a person indicated that they intend to raise an objection but fails to pay the prescribed tariff within a period of 48-hours after being informed of the payment obligation, the matter will be regarded as resolved and closed.

49 RESOLUTION OF DISPUTES, OBJECTIONS, COMPLAINTS AND QUERIES

49.1. The Municipal Manager may establish a dispute resolution mechanism, which may include a committee of officials or a person, that did not participate or are not directly involved in the supply chain management processes of the municipality:

(a) to assist in the resolution of disputes between the municipality other persons regarding:

(i) any decisions or actions taken by the municipality in the implementation of its supply chain management system; or

(ii) any matter arising from a contract awarded during its supply chain management system; or

(b) to deal with objections, complaints, or queries regarding any such decisions or actions or any matters arising from such contract.

49.2. The Municipal Manager, or another official designated by the Municipal Manager, is responsible for assisting the appointed person or committee to perform his or her functions effectively.

49.3. The person or committee appointed must:

(a) strive to resolve promptly all disputes, objections, complaints, or queries received; and

(b) submit monthly reports to the Municipal Manager on all disputes, objections, complaints, or queries received, attended to, or resolved.

49.4. A dispute, objection, complaint, or query may be referred to the relevant provincial treasury if –

(a) the dispute, objection, complaint or query is not resolved within 60 days; or

(b) no response is received from the municipality within 60 days.

49.5. If the provincial treasury does not or cannot resolve the matter, the dispute, objection, complaint, or query may be referred to the National Treasury for resolution.

50 CONTRACTS PROVIDING FOR COMPENSATION BASED ON TURNOVER

50.1. If a service provider acts on behalf of a municipality to provide any service or act as a collector of fees, service charges or taxes and the compensation payable to the service provider is fixed as an agreed percentage of turnover for the service or the amount collected or the amount collected, the contract between the service provider and the municipality must stipulate –

(a) a cap on the compensation payable to the service provider; and
(b) that such compensation must be performance-based.

51 CONTRACT MANAGEMENT

51.1. Contracts will be implemented in terms of the requirements of Section 116 of the Act and Council's Contract Management Policy.

52 REVIEW

52.1. The Supply Chain Management Policy shall be reviewed annually in accordance with section 21(1)(b)(ii) of MFMA.

PREFERENTIAL PROCUREMENT POLICY

Adopted by Council on .....

Implementation date: 1 July 2026

PREFERENTIAL PROCUREMENT

1. Where this policy does not provide for a matter regulated by the Preferential Procurement Regulations, 2022 the provisions of the regulations will prevail in respect of a "tender" as defined in the regulations.

2. The following procurement strategies are addressed in this Section:

    (a) The application of a preference point system for the specified goals envisaged in Section 2(1)(d) and (e) of the PPPFA, through B-BBEE Contributors and locality.

    (b) The unbundling of large projects, where appropriate, into smaller contracts to ensure that a spread of opportunities is made available to suppliers of various sizes.

    (c) The use of functionality/quality, where appropriate, in procurement processes to ensure that goods supplied are fit for purpose, or that a minimum level of experience and competence in respect of suppliers is attained.

    (d) The increase of employment opportunities by encouraging the use of labour-intensive technologies.

    (e) Continue to redress the skewed employment and ownership patterns in the greater municipal area.

    (f) Achieve the above by providing procurement and employment opportunities to B-BBEE- and SMME- enterprises and disadvantaged individuals and communities.

    (g) Enable local- and socio-economic transformation objectives to be linked to fair, transparent, equitable, competitive, and cost-effective procurement practices that will encourage the entry of emerging business into the municipal area.

    (h) The targeting of labour and/or enterprises from specific areas within the boundaries of the municipal area.

3. Preferential procurement is further enhanced by provisions aimed at improved access to information, simplification of documentation, reduced performance guarantee requirements, reduced retention, reduced payment cycles in accordance with this Policy and good governance.

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Aim

4. The aim of this Policy is to give effect to, and to ensure compliance with, all applicable legislation and national directives in respect of preferential procurement and B-BBEE.

Performance Management

5. The level of B-BBEE contribution and localisation achieved by the Municipality through the application of this policy will be monitored in terms of the supply chain management performance management system.

Preferential Procurement System - Key Principles

6. The key principles of this system are:

    (a) the application of an 80/20 preference point system for procurement (competitive bids or quotations) with a Rand value of greater than R2 000 but less than or equal to R50 000 000;

    (b) the application of a 90/10 preference point system for procurement (competitive bids) with a Rand value greater than R50 000 000;

    (c) if it is unclear which preference point system will be applicable, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system;

    (d) that bids may be declared non-responsive if:

        (i) they fail to meet any special condition of tender if stipulated in the bid documents;

        (ii) they fail to meet objective criteria as prescribed by Section 2(1)(f) of the PPPFA; or

        (iii) they fail to achieve a minimum qualifying score for functionality (quality) if indicated in the bid documents.

7. The preference point system shall be used in the evaluation of responsive bids for the purposes of determining preferred/recommended bidders, and for the adjudication thereof.

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Planning and Stipulation of Preference Point System

8. Prior to embarking on any procurement process, the responsible end user must properly plan for, and, as far as possible, accurately estimate the cost of the goods, services or construction works for which bids are to be invited.

9. The Bid Specification Committee shall, immediately prior to advertising, determine the appropriate preference point system to be used in the evaluation and adjudication of bids, and shall ensure that such is clearly stipulated in the bid documentation.

Evaluation of Bids on Functionality (Quality)

10. Functionality (otherwise known as quality) may be included in the bid evaluation process as a qualifying (eligibility) criterion.

11. If a bid is to be evaluated on functionality, this must be clearly stated in the bid documentation.

12. The evaluation criteria for measuring functionality must be objective.

13. The following must be clearly stipulated in the bid document when evaluating bids on functionality the:

    (a) evaluation criteria for measuring functionality;

    (b) the points for each criterion and, if any, each sub-criterion; and

    (c) the minimum qualifying score for functionality rounded off to the nearest two decimal places (if applicable).

14. The minimum qualifying score for functionality for a tender to be responsive must be determined separately for each tender. The norm for the minimum qualifying score for functionality shall be 60% of the total possible score. For more specialised or complex tenders the minimum score may, at the discretion of the Bid Specification Committee, be increased to up to 70% of the total possible score. The setting of a minimum score any higher than 70% of the total possible score must be motivated to, and approved by, the Manager: Supply Chain Management prior to use and must not be unreasonably restrictive.

15. If a bid fails to achieve the minimum qualifying score for functionality as indicated in the bid document, it must be regarded as non-responsive, and be rejected (not considered any further in the evaluation process).

16. Bids that have achieved the minimum score for functionality, and passed any other responsiveness tests, must be evaluated further in terms of the preference point system prescribed below.

Evaluation and Adjudication of Bids

17. An 80/20 preference point system is stipulated for bids with a Rand value of greater than R2 000, but less than or equal to R50 000 000, and a 90/10 preference point system of procurement with a Rand value of greater than R50 000 000. If it is unclear which preference point system will be applicable, that either the 80/20 or 90/10 preference point system will apply and that the lowest acceptable tender will be used to determine the applicable preference point system.

18. This means that either 80 or 90 points, depending on the Rand value of the bid, will be awarded to the person who offers the lowest price, and proportionately fewer points are awarded to those with higher prices. Either 20 or 10 points are then available as preference points for goals envisaged in Section 2(1)(d) and (e) of the PPPFA.

19. Irrespective of the preference point system used, the following will be applicable:

    (a) Points for preference may be awarded to bidders having attained a B-BBEE status level of contributor and/or for goals envisaged in Section 2(1)(d) and (e) of the PPPFA.

    (b) A tenderer failing to submit proof of B-BBEE status level of contributor or is a non-compliant contributor to B-BBEE may not be disqualified but may only score points for price and must be awarded zero points for preference.

    (c) The points for preference scored by a bidder must be added to the points for price scored, to obtain the total number of adjudication points scored for each responsive bid. The points scored must be rounded off to the nearest two decimal places (if applicable).

    (d) Subject to Section 2(1)(f) of the PPPFA, the contract must be awarded to (and/or order placed with) the bidder that scores the highest total number of adjudication points.

    (e) If the price offered by a tenderer scoring the highest points is not market related, the Municipality may not award the contract to that tenderer, prior to:

        (i) negotiating a market related price with the tenderer scoring the highest points or cancel the tender;

        (ii) if the tenderer does not agree to a market related price, negotiate a market related price with the tenderer scoring the second highest points;

(iii) if the tenderer scoring the second highest points does not agree to a market related price, negotiate a market related price with the tenderer scoring the third highest points; and

(iv) apply the foregoing principles to all formal written price quotations subject to the approval of Manager: Supply Chain Management or his delegated official.

20. If a market-related price is not agreed as envisaged in Section 19(e), the Municipality must cancel the tender.

21. The criteria applicable to break any deadlock where tenderers score the equal number of points will be as follows:

(a) The contract must be awarded to the tenderer that scored the highest points for B-BBEE.

(b) If functionality is part of the evaluation process and two or more tenderers score equal total points and equal preference points for B-BBEE, the contract must be awarded to the tenderer that scored the highest points for functionality.

(c) If two or more tenderers score equal total points in all respects, the award must be decided by the drawing of lots.

22. The remedies for any breach detected for the submission of any false information by a bidder are as follows:

(a) Inform the tenderer accordingly and give the tenderer an opportunity to make representations within 14 days as to why the tender may not be disqualified or, if the tender has already been awarded to the tenderer, the contract should not be terminated in whole or in part.

(b) After considering the representations, the municipality may, if it concludes that such information is false disqualify the tenderer or terminate the contract in whole or in part; and if applicable, claim damages from the tenderer.

Cancellation of Bids

23. The Municipality may cancel bids before the award of a bid as follows:

(a) Due to changed circumstances, there is no longer a need for the goods or services specified in the invitation;

(b) Funds are no longer available to cover the total envisaged expenditure;

DRAFT

(c) No acceptable tender is received;

(d) There is a material irregularity in the tender process; or

(e) The validity period of the tender has lapsed.

24. The decision to cancel a tender invitation must be published in the same way the original tender invitation was advertised.

The Preference Point System for the Procurement (Acquisition) of Goods, Services or Construction Works

25. The following formula must be used to calculate the points out of 80 for price in respect of bids (including price quotations) with a Rand value of greater than R2 000 and up to a Rand value of R50 000 000 (all applicable taxes included):

$$Ps = 80 \frac{[1 - (Pt - Pmin)]}{Pmin}$$

Where :

Ps = Points scored for price of the bid under consideration;

Pt = Price (corrected, if applicable, inclusive of VAT) of the bid under consideration; and

Pmin = Price (corrected, if applicable, inclusive of VAT)) of lowest responsive bid.

26. The 90/10 Preference Point System for the Procurement (Acquisition) of Goods, Services or Construction Works with a Rand Value above R50 000 000. The following formula must be used to calculate the points for price in respect of bids with a Rand value above R50 000 000 (all applicable taxes included):

$$Ps = \frac{90 [1 - (Pt - Pmin)]}{Pmin}$$

Where :

Ps = Points scored for price of the bid under consideration;

Pt = Price (corrected, if applicable, inclusive of VAT)) of the bid under consideration; and

Pmin = Price (corrected, if applicable, inclusive of VAT)) of lowest responsive bid.

27. 80/20 preference points system for tenders for income-generating contracts with Rand value equal to or below R50 million 1) The following formula must be used to calculate the points for price in respect of an invitation for tender for income-generating contracts, with a Rand value equal to or below R50 million, inclusive of all applicable taxes:

$$Ps = 80 [1 + (Pt - Pmax)]$$

Pmax

a)

Where

Ps = Points scored for price of tender under consideration.

Pt = Price of tender under consideration; and

Pmax = Price of highest acceptable tender

28. A maximum of 20 points may be awarded to a tenderer for the specific goal specified for the tender.

29. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.

30. Subject to Section 2(1)(f) of the PPPFA, the contract must be awarded to the tenderer scoring the highest points.

31. 90/10 preference point system for tenders for income-generating contracts with Rand value above R50 million. The following formula must be used to calculate the points for price in respect of a tender for in-come-generating contracts, with a Rand value above R50 million, inclusive of all applicable taxes:

$$Ps = 90\ \frac{[1 + (Pt - Pmax)]}{Pmax}$$

Where :

Ps = Points scored for price of the bid under consideration;

Pt = Price (corrected, if applicable, inclusive of VAT)) of the bid under consideration; and

Pmax = Price (corrected, if applicable, inclusive of VAT)) of lowest responsive bid.

32. A maximum of 10 points may be awarded to a tenderer for the specific goal specified for the tender.

33. The points scored for the specific goal must be added to the points scored for price and the total must be rounded off to the nearest two decimal places.

34. Subject to Section 2(1)(f) of the PPPFA, the contract must be awarded to the tenderer scoring the highest points.

35. The tendering conditions will stipulate the specific goals, as contemplated in Section 2(1)(d)(ii) of the PPPFA, be attained.

DRAFT

36. A maximum of 20 points (80/20 preference points system) or 10 (90/10) preference points system), will be allocated for specific goals. These goals are:

    (a) contracting with persons, or categories of persons, historically disadvantaged by unfair discrimination on the basis of race, gender or disability.

    (b) the promotion of enterprises located in the local area (phased in approach to be applied for other RDP goals)

37. In respect of Section 36(a), 50% of the 20/10 points will be allocated to promote B-BBEE and points will be allocated in terms of the B-BBEE scorecard as follows:

BBBEE Level	80/20	50%	90,/10	50%
1	20	10	10	5
2	18	9	9	4,5
3	14	7	6	3
4	12	6	5	2,5
5	8	4	4	2
6	6	3	3	1,5
7	4	2	2	1
8	2	1	1	0,5
Non-compliant	0	0	0	0

38. A tenderer must submit proof of its BBBEE status level contributor.

39. A tenderer failing to submit proof of B-BBEE status level of contributor or is a non-compliant contributor to B-BBEE may not be disqualified, but-

    (a) may only score points for price; and

    (b) scores 0 points for B-BBEE status level of contributor, which is in line with Section 2(1)(d)(i) of the Act, where the supplier or service provider did not provide proof thereof.

40. In respect of paragraph 36(b), 50% of the 20/10 points will be allocated to promote locality, and points will be allocated as follows:

Local area of supplier	Number of Points for Preference	
	80/20	90/10
Within the boundaries of the Swellendam municipality	10	5
Within the boundaries of the Overberg District	4	2
Within the boundaries of the Western Cape	2	1
Outside of the boundaries of the Western Cape	0	0

** "Local" means labour and business within the municipal area

41. A tenderer failing to submit proof of required evidence to claim preferences for other specified goals, which is in line with Section 2(1)(d)(ii) of the PPPFA:

    (a) may not be disqualified; and

    (b) scores 0 points out of 10/5 of the relevant specific goals where the supplier or service provider did not stipulate.

42. The preference points scored by a tenderer must be added to the points scored for price.

43. The points scored must be rounded off to the nearest two decimal places.

44. The contract must be awarded to the tenderer scoring the highest points, subject to Section 2(1)(f) of the PPPFA.

Evidence of B-BBEE Status Level

45. To qualify for preference points in terms of this policy, bidders must submit documentary proof of their B-BBEE level of contribution in accordance with the applicable codes of good practise as specified in the tender documents.

46. The submission of such documentary proof must comply with the requirements of instructions in accordance with notices published by the Department of Trade and Industry in the Government Gazette.

47. Bidders who fail to submit the required documentary proof, or certified copies thereof, will be deemed to be non-compliant contributors.

48. Where specific sector charters have been gazetted in terms of the B-BBEE Act, bid documentation for procurement from within such sectors, may specify that only bidders verified, or who are Exempted Micro Enterprises or Qualifying Small Enterprises, in terms of the particular sector charter (or Code of Good Practice), will qualify for a preference. A status level of contributor in respect of generic Codes of Good Practice will not, in such circumstances, qualify for any preference.

49. Where no specific sector charter has been gazetted, the gazetted generic Codes of Good Practice will be applicable to all bidders to qualify for a preference.

50. For the purposes of transparency, bidders shall be required to indicate, in their bid submission, their B-BBEE status level of contribution.

DRAFT

51. Notwithstanding what is contained in the bid submission, preference points may be allocated during the bid evaluation process in accordance with the verified B-BBEE status level (or deemed status level) of contributor as at the closing date of the bid.

Conditions Relating to the Granting of Preferences

52. Bidders must, in the manner stipulated in the bid documentation, declare that:

    (a) the information provided is true and correct;

    (b) the signatory to the bid document is duly authorised; and

    (c) documentary proof regarding any bidding issue will, when required, be submitted to the satisfaction of the Municipality.

53. Only bidders who have completed and signed the necessary declarations may be considered for the granting of preference points.

54. The Bid Evaluation Committee must, when calculating prices, consider any discounts which have been offered unconditionally.

55. A discount which has been offered conditionally must, despite not being taken into account for evaluation purposes, be implemented when payment is effected.

56. A trust, joint venture or co-operative will qualify for preference points for their B-BBEE status level of contributor as a legal entity, provided that the entity has submitted its verified B-BBEE status level certificate (or certified copy thereof) to the Municipality.

57. A trust or joint venture will qualify for preference points for their B-BBEE status level as an unincorporated entity, provided that the entity has submitted its consolidated B-BBEE scorecard as if it is a group structure and that such a consolidated B-BBEE scorecard is prepared for every separate bid. The consolidated B-BBEE scorecard must be submitted in the form of a certificate issued by an accredited verification agency (or a certified copy thereof).

58. A bidder may not be awarded points for B-BBEE status level of contributor if the bid documents indicate that such a bidder intends sub-contracting more than 25% of the value of the contract to any other person not qualifying for at least the points that the bidder qualifies for, unless the intended sub-contractor is an EME that has the capability and ability to execute the sub-contract.

DRAFT

59. A person awarded a contract may not sub-contract more than 25% of the value of the contract to any other enterprise that does not have an equal or higher B-BBEE status level of contributor than the person concerned, unless the contract is sub-contracted to an EME that has the capability and ability to execute the sub-contract. Compliance with this particular requirement must be monitored by the end user during the execution of the contract.

60. A person awarded a contract may only enter into a subcontracting arrangement with the approval of the Municipality.

61. If a service is required that can only be provided by tertiary institutions, such services may be procured through a bidding process from the identified tertiary institutions. The tertiary institutions must submit their B-BBEE status in terms of the specialized scorecard contained in the B-BBEE Codes of Good Practice.

62. If a service is required that can be provided by one or more public entities and enterprises from the private sector, the appointment of a supplier must be done by means of a competitive bidding process. Public entities must submit their B-BBEE status in terms of the specialized scorecard contained in the gazetted B-BBEE Codes of Good Practice.

Other Specific Goals

Unbundling Strategies

63. To encourage increased participation and the sustainable growth of the small business sector, the unbundling of larger projects into smaller, more manageable, contracts are encouraged.

64. Unbundling must however be considered in the context of:

    (a) economies of scale being lost;

    (b) abortive work becoming necessary;

    (c) additional demands (not only financial) being placed on the Municipality's resources; and

    (d) the risk of later phases not being completed because of budget cuts becoming necessary in the future.

65. Unbundling, and all its associated implications, must therefore be carefully considered at the planning stage of any project, and the budgets for, and design thereof, should be structured accordingly.

DRAFT

66. It is important to note that while it is the Municipality's policy to procure goods, services or construction works in the smallest practicable quantities, the practice of parcelling such procurement to avoid complying with the requirements of the different range of procurement processes described in this policy is not permitted.

67. Unbundling strategies can be afforded to the full spectrum of businesses, from those operating as labour only contractors to those operating as prime contractors. Some of these strategies can be summarised as follows:

    (a) Providing third-party management support to enterprises which are not capable of operating as prime contractors.

    (b) Providing training to new entrants.

    (c) Promoting learner-ships, internships, pupil-ships, etc.

    (d) Obligating main contractors or service providers to engage targeted enterprises in the performance of their contracts incorporating resource specifications.

    (e) Foster joint ventures that are formed between large businesses and targeted enterprises *(termed as Structured Joint Ventures)*.

    (f) Encourage and involve funding institutions to assist small businesses with access to finance and negotiate for credit lines.

    (g) Encourage local manufacturing and procurement from small businesses within the municipal area.

    (h) Unbundling of big projects and identifying opportunities and areas/scope of works that can be carried out by emerging contractors bar those from the main assignment shall be pursued vigorously.

Increasing Employment Opportunities

68. One of the Municipality's key socio-economic objectives is to facilitate the creation of employment for the people within the municipal area.

69. Increasing employment opportunities through procurement may be achieved by specifying labour intensive technologies and/or methods of construction in the bid documents.

DRAFT

70. It is up to end users to thoroughly investigate the options available in the above regard, to evaluate the positive versus negative impact of any proposals, and to specify labour intensive technologies and/or methods where appropriate.

71. All labour earning less than a threshold wage, determined in accordance with National Guidelines, that is employed for the provision of services or construction works for the Municipality, shall be reported in the prescribed format, monthly, to the Municipal EPWP Unit.

Targeted Labour and/or Targeted Enterprises

72. The targeting of labour and/or enterprises from specific areas within the boundaries of the Municipal area may be achieved, where appropriate, by specifying in the bid documents, a minimum level of participation (a contract participation goal) that must be achieved in respect of targeted labour and/or targeted enterprises in the performance of the contract.

73. Specified contract participation goals must be measurable and achievable, and the performance in respect of which must be monitored by the end users during the execution of the contract.

74. Where a minimum contract participation goal has been specified in respect of targeted labour and/or enterprises, the supplier is obliged to meet that goal, and must be penalised if he or she does not.

75. Contract participation goals in respect of targeted labour and/or enterprises may not be introduced into the preference point system used for the evaluation of bids.

CSI – Corporate Social Investment

76. Corporate social investment (CSI) is defined as contributions (either employee time and/or resources) that bring benefits over and above those directly associated with the Municipal core business activities.

77. Depending on the principles of fairness and cost-effectiveness, the relevant commodity required, and the profile of the supply industry, the Municipality may require that specific CSI contributions are made in line with the Municipal Grant-in-Aid Policy.

78. The suppliers shall be expected to indicate or provide an outline of socio-economic projects to be implemented through its CSI in the Swellendam Municipal area. Proposed projects must be measurable with a specific focus on vulnerable groups. Bidders can suggest or explore the following socio-economic project practices for consideration:

DRAFT

(a) On-the-job training and development of staff (learnerships), particularly for the unemployed or young people including the recruitment of long-term job seekers and handicapped people;

(b) Young women/mother's upliftment/leadership programme;

(c) Skills development initiatives (technical and soft skills) must be accredited with recognised institutions;

(d) Youth leadership and empowerment projects;

(e) Early childhood development;

(f) Projects can be in collaboration with local CBO's, NGO's and relevant institutions;

(g) Business skills and enterprise support including mentoring of local enterprises; and/or

(h) Development of Parks and open spaces.

79. It is specifically recorded that NO CSI financial contributions will be required or accepted.

80. The Municipality will adopt a uniform standard in acknowledging, monitoring and reporting on CSI contributions.

Remedies

Actions in Respect of Fraud

81. The Municipal Manager will act against a bidder or person awarded the contract upon detecting that the B-BBEE status level of contribution has been indicated or obtained on a fraudulent basis in terms of SCM Reg 38 relating to the Abuse of this Supply Chain Management System.

Actions in Regard to Non-performance

82. Contractual penalties will be applicable to breaches of the contractual conditions relating to preferential procurement that were found to be committed.

83. If a successful bidder sub-contracts a portion of the tender to another person without making such disclosure and obtaining approval from the Municipality, a penalty of up to 10% of the value of the contract will be imposed.

DRAFT

Inventory Management Policy

Adopted by Council on … May 2026

Implementation 1 July 2026

TABLE OF CONTENTS

1. BACKGROUND 2
2. OBJECTIVE 2
3. ACCOUNTABILITY 2
4. PRINCIPLES OF STOCK MANAGEMENT 2
5. STOCK COUNTS 3
6. STANDARD OPERATING PROCEDURES AND INSTRUCTIONS 3
7. VALUATION OF STOCK ITEMS 4
8. DAMAGED AND OBSOLETE STOCK ITEMS 4
9. ISSUING AND STORAGE OF STOCK ITEMS 4
10. PROCUREMENT OF INVENTORY 5
11. SHORT TITLE 5

1. BACKGROUND

1.1. The stores and stock management function shall be centralised and will operate under the control of the Manager: Supply Chain Management.

1.2. The Manager: Supply Chain Management shall ensure proper financial control, uphold the principle of effective administration, proper stock holding and control, a high standard of service levels as well as product standardisation and ensuring good quality of products.

2. OBJECTIVE

2.1. The aim of this policy is to ensure continued availability of materials for rendering services to the community, by following due processes and procedures that are consistent with Council's Supply Chain Management Policy and other applicable legal and policy frameworks.

3. ACCOUNTABILITY

3.1. In accordance with section 62(1)(c) of the Municipal Finance Management Act (Act 56 of 2003), referred to as the MFMA, the accounting officer of the Municipality is responsible for managing the financial administration of the municipality and must for this purpose take all reasonable steps to ensure that the municipality has and maintains effective, efficient and transparent systems of financial and risk management and internal control.

4. PRINCIPLES OF STOCK MANAGEMENT

4.1. The principles of stock management are as follows –

4.1.1. Consolidation of stock items to avoid duplication and redundancy;

4.1.2. Managing the stores efficiently and cost-effectively;

4.1.3. Managing and monitoring of stock levels;

4.1.4. The setting of inventory levels that includes minimum, maximum and re-order levels and lead times wherever goods are placed in stock;

4.1.5. Maintaining an effective item identification system;

4.1.6. Avoiding fruitless and wasteful expenditure by disposing of redundant material on time;

4.1.7. Designing and implementing internal control systems that seeks to ensure that the Municipality minimizes theft and avoidable losses;

4.1.8. All stock items in the Stock System are coded to ensure that each item has a unique number for the purpose of monitoring spending patterns on types or classes of goods;

4.1.9. Stock items are kept in clearly marked bins located in the store to enable ease of identification at all times;

4.1.10. To prolong the life of stock items kept in the stores, the stores must be kept in a clean, safe, tidy and systematic condition that complies with the health and safety standards as applicable;

4.1.11. Appropriate measures should be taken to minimise the risk associated with the keeping of stock items;

4.1.12. Ordering and receiving of stock must be done in accordance with standard operating procedures and instructions; and

4.1.13. To ensure that appropriate standards of internal controls and stock management are in place to ensure goods placed in the stores are secured and only used for the purpose it was purchased for.

5. STOCK COUNTS

5.1. An annual formal stock count must be undertaken before the end of each financial year. A stock count report, indicating all discrepancies and further recommendations, must be submitted to Council within two months after the end of the financial year.

6. STANDARD OPERATING PROCEDURES AND INSTRUCTIONS

6.1. The Manager: Supply Chain Management or his representative is hereby authorised to direct further instructions and standard operating procedures on the implementation of this policy to all relevant officials.

6.2. Any non-compliance to this policy or any standard operating procedure or any instruction given in terms of this policy shall result in preliminary investigations and if needed the institution of disciplinary procedures in terms of the Collective Agreement on the Disciplinary Procedures Code.

7. VALUATION OF STOCK ITEMS

7.1. In terms of GRAP 12 stock items are valued at the lower of cost by using the first-in-first-out (FIFO) cost basis or net realisable value (NRV) and are recorded exclusive of VAT.

8. DAMAGED AND OBSOLETE STOCK ITEMS

8.1. Stock items that are periodically identified as being damaged must be reported on by the SCM Practitioner as to effect the necessary financial system adjustments.

8.2. On an annual basis damaged and obsolete stock items will be identified as part of the annual stock count process. Such items will be reported on to Council together with appropriate recommendations.

9. ISSUING AND STORAGE OF STOCK ITEMS

9.1. Stock items will be taken up in the Stock System and issued from the Stock System.

9.2. Stock items will not be issued in advance to any department at any stage, except in emergency circumstances after normal working hours that include the existence of one or more of the following situations –

9.2.1. The possibility of human injury or death;

9.2.2. The prevalence of human suffering or deprivation of rights;

9.2.3. The possibility of damage to property, or suffering and death of livestock and animals;

9.2.4. The interruption of essential services, including transportation and communication facilities or support services critical to the effective functioning of the Municipality as a whole;

9.2.5. The possibility of serious damage occurring to the natural environment;

9.2.6. The possibility that failure to take necessary action may result in the Municipality not being able to render an essential community service; and / or

9.2.7. The possibility that the security of the state could be compromised.

9.3. Emergency dispensation shall not be granted in respect of circumstances other than those contemplated in paragraph 9.2 above.

9.4. Stock items that are issued by the Municipal Stores will not be kept at the Municipal Stores premises on behalf of other departments for their future use.

9.5. Only stock items that the Municipal Stores order will be kept at the Municipal Stores premises. No items ordered by any other department, will be kept at the Municipal Stores premises.

9.6. Stock items may be issued to other municipalities provided that the relevant Director and the Chief Financial Officer approve such a request in writing.

9.7. Stock items may be obtained from other municipalities or from government entities (Eskom, etcetera) in cases where the Municipal Stores do not have the necessary stock to ensure that departments can render services, provided that the relevant Director and the Chief Financial Officer approve such a request in writing.

10. PROCUREMENT OF INVENTORY

10.1. All inventory procurement shall be coordinated through the Municipal Stores

10.2. Departments may not procure inventory independently unless formally approved

10.3. Demand planning must be consolidated at central level to:

10.3.1. Leverage economies of scale

10.3.2. Avoid duplication and overstocking

11. SHORT TITLE

10.1. This policy is called the Swellendam Municipality Stock Management Policy.

TARIFF POLICY

Approved by Council

Implementation date 1 July 2026

1. OBJECTIVE

1.1 The objectives of this policy are to ensure that:-

a) all consumers within a specific category are treated equally and reasonably;
b) the income base of the municipality is safeguarded by approving only exemptions, reductions and rebates that are reasonable and affordable;
c) the principles underpinning the Council's Integrated Development Plan are complied with;
d) tariffs are set in a manner that promotes the provision of reliable, sustainable and affordable services to all.

2. DEFINITIONS

2.1 In this tariff policy, unless the context otherwise indicates: -

"**agricultural consumers"**, refer to owners or tenants of agricultural properties and who are registered with SARS as bona fide farmers;

"**availability tariff"** means a charged levied on all properties without improvements, where a basic fee is not levied, to recover fixed costs which do not vary with consumption or volume produced;

"basic charge" also referred to as **"minimum charge"** is: -

a) the recovery of the distribution and billing-related costs, which include having a distribution system in place, plus the cost of the meter, servicing and reading of the meter, mailing the bills and maintaining customer records; and
b) the minimum amount payable by the consumer in respect of a particular service irrespective of the extent to which the service is used during any given period;

"break even" means the financial situation where the income derived by the Municipality from the supply of a service is equal to the aggregate of the fixed and the variable costs associated with the provision of the service concerned;

"business" means the activity of buying, selling or trading in goods or services and includes any office or other accommodation on the same erf, the use of which is incidental to such business, with the exclusion of

agriculture, farming or, inter alia, any other business consisting of cultivation of soils, the gathering in of crops or the rearing of livestock or consisting of the breeding and harvesting of fish or other aquatic organisms;

"commercial or industrial consumers" means industrial undertakings, factories, warehouses, scrap yards, wine cellars, abattoirs, dairy processing plants, fish markets and such like consumers;

"community service" means a service in respect of which the tariffs of a regulatory nature are set at such level that the costs of the service are in general not recovered in full by the tariff, or where the service cannot be measured or only measured at considerable additional cost;

"consumer" means individuals and other legal entities against whom a tariff, fee, charge or other levy specific to identifiable services are levied. Only an owner and not a tenant or lessee may be a consumer;

"**the council"** means Swellendam Municipal Council, and "municipal council" shall have a corresponding meaning;

"development contributions", means a once-off charge in respect of the water, electricity, sewerage, storm water, roads and refuse removal infrastructure of the municipality and which amounts exclude amounts payable towards the operational and maintenance costs of such infrastructure on all application for infrastructure capacity allocation:

a) developer on a property;
b) for the access to a higher capacity allocation due to a rezoning application;
c) for the access to a higher capacity allocation due to a demand for a higher capacity allocation due to the increase in business, industrial and/or any other activity;
d) for the accommodation of a second dwelling;
e) or as a condition of approval of a land use and development application in order to cover the cost of municipal engineering services required as a result of an intensification of land use;

"domestic consumers" means owners of residential properties, group housing, town houses, semi-detached houses and suchlike properties;

"due date" means the date on which the accounts are payable:

a) in relation to accounts payable monthly on a recurring basis, the 28th day of the month which follows on the month during which an account is rendered;
b) in relation to accounts payable annually is the 31st July unless otherwise provided by any other law; and
c) in all other instances as and when demand for payment is made by the Municipality;

"economic services" means services in respect of which the tariffs are set at a level that the total costs of the services are recovered from customers;

"educational institutions" means schools and suchlike institutions;

"fixed costs" means costs which do not vary with consumption or volume produced;

"geographical area" the area of jurisdiction of Swellendam Municipality;

"indigent households" means households that are registered at the municipality as such and meet the municipality's criteria in terms of its credit control and debt collection policy and occupying a property within the jurisdiction of the municipality and "poor households" shall have a corresponding meaning;

"gardening irrigation water", means non-metered and non-purified water supplied for gardening purposes to users on application, where available by way of an irrigation ditch;

"**irrigation water"** means piped and/or metered water supplied for general irrigation purposes;

"MFMA" means the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003);

"minimum charge" shall refer to the minimum amount payable by the consumer in respect of a particular service irrespective of the extent to which the service is used during any given period of time;

"MSA" means the Local Government: Municipal Systems Act, 2000 (Act no 32 of 2000);

“municipality” means the Municipality of Swellendam, its political structures and administration including the Executive Mayor, delegated to perform certain functions;

"owner" in relation to a property, means the person in whose name the property is registered in the Deeds Registry and such owner's successors in title;

"public benefit organisations" means public benefit organizations as defined in section 30 of the Income Tax Act no 58 of 1962;

"resident" means a person who ordinarily resides in the municipal area;

"special agreements" means special tariff agreements entered into with categories of consumers making significant economic contributions to the community and create job opportunities;

"sport and recreation facilities" means properties used exclusively for sport and recreation purposes including school sport fields which are metered separately for water and electricity consumption;

"total costs" means the sum of all fixed and variable costs associated with a service;

"trading services" means services referred to in paragraph 5(1)(a) and in respect of which the tariffs are set at a level that the Council makes a profit on the delivery of the services;

"units consumed" means the number of units consumed of a particular service and are measured in terms of the tariff structure reflected in paragraph 7;

"variable costs" means costs that vary with consumption or volume produced;

"VAT" means Value-Added Tax in terms of the Value-Added Tax Act, 1991, as amended.

3. ABBREVIATIONS

Kg - Kilogram
Kl - Kilolitre (1000 litres)
kVA – Kilovolt-ampere
kWh- Kilowatt-hour
m³ - Cubic meter
MFMA – Municipal Finance Management Act, 2003
MSA – Municipal Systems Act, 2000

4. PURPOSE OF THIS POLICY

4.1 By adopting this policy, the Municipality wants to achieve the following: -

a) compliance with the provisions of section 62(1)(f) of the MFMA;
b) compliance with the provisions of section 74 of the MSA;
c) prescribing procedures for calculating tariffs where the municipality appoints service providers in terms of section 76(b) of the MSA; and
d) To give guidance to the Corporate and Financial Services Portfolio Committee regarding tariff proposals that must be submitted to the council annually during the budget process.

5. TARIFF PRINCIPLES

The principles of the tariff policy are set out in section 74(2) of the MSA and the following are applied: -

5.1 Service tariffs imposed by the municipality shall be viewed as user charges and shall not be viewed as taxes, and therefore the financial ability of the relevant user of the services to which such tariffs relate, shall not be considered as a relevant criterion, except where relief measures for poor households and deserving categories of users are implemented from time to time.

5.2 The municipality shall ensure that its tariffs are uniformly and fairly applied throughout the municipal region.

5.3 Tariffs for the four major services rendered by the municipality, namely:

a) Electricity;
b) Water;
c) Waste Water (Sewerage); and

d) Solid Waste (Refuse Removal)

shall as far as possible recover the expenses associated with the rendering of each service concerned. The tariff, which a particular user pays, shall therefore be directly related to the standard of service received and / or the quantity of the particular service used or consumed.

5.4 In line with the principles embodied in the Constitution and in other legislation pertaining to local government, the municipality may differentiate between different categories of users and consumers regarding the tariffs which it levies. Such differentiation shall, however, at all-time be reasonable, and shall be fully disclosed in each annual budget.

5.5 The municipality's tariff policy shall be transparent, and the extent to which there is cross-subsidising between categories of consumers or users shall be disclosed to users.

5.6 The municipality shall ensure that its tariffs shall be readily understandable by all users affected by the tariff policy.

5.7 The municipality undertakes to render its services cost effectively in order to ensure the best possible cost of service delivery.

5.8 In the case of directly measurable services, namely electricity and water, the consumption of such services shall be properly metered by the municipality, and meters shall be read, wherever circumstances reasonably permit, on a monthly basis. If a service is metered but cannot be read the customer is charged for an estimated consumption.

5.9 In considering the costing of water, electricity and sewerage services the municipality shall take due cognisance of the high capital cost of establishing and expanding such services, and of the resultant high fixed costs, as opposed to variable costs of operating these services. The municipality therefore undertakes to plan the management and expansion of the services carefully in order to ensure that both current and reasonably expected future demands are adequately catered for, and that demand levels which fluctuate significantly over shorter periods are also met. This may imply that the services may at times or for certain periods operate at less than full capacity, and the costs of such surplus capacity must also be covered in the tariffs which are annually levied.

5.10 The Municipality shall, by adopting what is fundamentally a two-part tariff structure, namely a fixed minimum charge coupled with a charge based on consumption, endeavour to address the demands which both future expansion and variable demand cycles and other fluctuations will make on service delivery.

5.11 Users of municipal services should be treated equitably in the application of tariffs.

5.12 The amount individual users pay for services should generally be in proportion to their use of that service.

5.13 Poor households must have access to at least basic services through –

a) tariffs that cover only operating and maintenance cost;
b) special tariffs or lifeline tariffs for low levels of use of;
c) consumption of services or for basic levels of service; and
d) any other direct or indirect method of subsidization of tariffs for poor households.

5.14 Tariffs must reflect the costs reasonably associated with rendering the service, including capital, operating, maintenance, administration and replacement costs, and interest charged.

5.15 Tariffs must be set at levels that facilitate the financial sustainability of the service, taking into account subsidization from sources other than the service concerned.

5.16 Provision may be made in appropriate circumstances for a surcharge on the tariff for a service.

5.17 Provision may be made for the promotion of local economic development through special tariffs for categories of commercial and industrial users.

5.18 The municipality must ensure that its tariffs are uniformly and fairly applied throughout the municipal area.

5.19 Poor households will have access to basic services through the indigency relief as defined in the free basic services and indigent support policy.

5.20 Tariffs must be cost reflective associated with each service rendered to ensure financial sustainability of each service, taking into account subsidization to rates services except for economic services.

5.21 Provision may be made in appropriate circumstances for a surcharge on the tariff for a service. This will be necessary for major breakdowns and backlogs in infrastructure and periods of drought when a restriction of usage is required.

5.22 The municipality may impose a penalty on the existing tariff structure or measures of discouraging service demand to prohibit exorbitant use in appropriate circumstances to encourage efficient and effective use of resources.

5.23 Development contributions to finance new developments and subdivisions will be required from all developers.

5.24 Vat is included in all tariffs where applicable.

5.25 A property used for multiple purposes must, for purpose of these tariffs be assigned to a category determined by the council for properties used for a purpose corresponding with the dominant use of the property if the Municipality cannot readily make an apportionment in relation to the services concerned and the categories of users, whether such use is lawful or not;

5.26 The zoning of a property will determine the applicable tariff. Applications for consent use will be assessed on an individual basis by the Town Planning Department and applicable tariffs will be based on the outcome of the application.

5.27 In order to provide the Municipality with appropriate security for payment of amounts owing to it from time to time for services rendered, the Council shall impose a system of deposits payable by customers. The deposits shall be set with due regard to the potential financial risk associated with the amounts owing from time to time. The level of the deposits shall be revised annually depending on the default instances.

6. CATEGORIES OF CONSUMERS

6.1 Separate tariff structures may be imposed for the following categories of consumers:-

(a) domestic consumers;
(b) commercial consumers;
(c) industrial consumers;
(d) agricultural consumers;
(e) municipalities;
(f) consumers with whom special agreements were made;
(g) consumers in certain geographical areas;
(h) sports and recreation facilities;
(i) educational institutions;
(j) public benefit organisations and such like institutions;
(k) indigent consumers.
(l) Vacant land

6.2 Different categories of residential or domestic consumers as well as for services may be defined based on the municipality's indigent and free basic service policies and may include:
(a) formalized informal settlements / rural villages;
(b) pensioners;
(c) proclaimed informal settlements / rural villages; and

6.3 Where substantially different demands are made on the infrastructure to provide a service to a specific group of users within a category, or the standard of services required by such users, the council may, after having considered a report by the Municipal Manager or the relevant Director, determine differentiated tariffs for the different consumers within the specific category.

6.4 The differentiation must be based on one or more of the following elements: infrastructure costs; volume of usage; availability and service standards. Indigent consumers must qualify in terms of the municipality's indigent policy.

6.5 If, for purposes of determining the tariff applicable to a particular user or category of users, the user or category of users has not specifically been included under a defined category of users, the Chief Finance Officer shall, by applying the closest match principle, determine the category under which the user or category of users fits in best taking into account the nature of the service concerned and the user or category of users involved.

7. INCENTIVE POLICY

Tariffs may include incentives for waste minimization strategy.

8. INDIGENT RELIEF

8.1 Tariffs will not reflect relief granted to indigent households. Such relief will be developed as a separate policy and be subject to the discretion of the Council as to its sustainability.

8.2 All such relief will be reflected, accounted for and disclosed separately in invoices, account statements, budgets, financial statements or reports.

8.3 During the implementation of such policy, cognisance will be taken of the fact that the existing tariffs and procedures may require an amendment to accommodate the above clauses and that such amendments will be phased in over time.

8.4 Indigent households are expected to manage their consumption of services within the levels of relief granted.

8.5 Assistance and management of indigent households are contained in the Customer Care and Debt Collection Policy/By-Law. The Municipality, however, retains the right to limit consumption through prepaid meters or restrictions if the accounts of assisted households fall into arrears.

9. EXPENDITURE CLASSIFICATION AND COST ELEMENTS

9.1 To determine tariffs for the various services the municipality must include all cost elements associated with each service, which include specifically the following but not limited to:

(a) Cost of bulk purchases.
(b) Distribution cost which includes distribution losses.
(c) Depreciation and finance charges.
(d) Maintenance of infrastructure and replacement costs.
(e) Administration and general costs item, including:
    (i) service charges from other departments delivering support services such as finance, corporate, human resources et cetera.
    (ii) reasonable overhead costs associated directly with each service.
    (iii) adequate contributions to provisions such as bad debts, leave, long service etc.
    (iv) all other general operating costs associated with the service concerned such as employee-related costs, free basic services, contracted services et cetera.

(v) departmental consumption.

(f) The intended surplus to be generated for the financial year, such surplus to be applied as follows:
(i) as an appropriation to capital reserves; and/or
(ii) generally, in relief of rates and general services
(iii) the cost of approved indigence relief measures

9.2 Expenditure will be classified in accordance with mSCOA and GRAP.

10. TARIFF TYPES

10.1 In determining, the type of tariff applicable to the type of service the municipality shall make use of the following options or a combination of the same.

(a) Single tariff

This tariff shall consist of a cost per unit consumed. All costs will be recovered through unit charges at the level where income and expenditure break even. Subject to a recommendation by the Chief Financial Officer the council may decide to approve profits on trading services during the budget meeting. Such profits will be added to the fixed and variable cost of the service to calculate the tariffs.

(b) Cost related two to three-part tariff

This tariff shall consist of two to three parts. Management, capital, maintenance and operating costs will be recovered by grouping certain components together e.g. management, capital and maintenance costs may be grouped together and be recovered by a fixed charge, independent of consumption for all classes of consumers, while the variable costs may be recovered by a unit charge per unit consumed. Three and four part tariffs will be used to calculate the tariff for electricity and to provide for maximum demand and usage during limited demand.

(c) Inclining block tariff

This tariff is based on consumption levels being categorised into blocks, the tariff being determined and increased as consumption levels increase.

(d) Declining block tariff

This tariff is the opposite of the inclining block tariff and consumption levels increase. This tariff will only be used for special agreements.

(e) Regulating tariff

This tariff is of a regulatory nature and the municipality may recover the full or a portion of the cost associated with rendering the service. This tariff will inter alia be used in respect of gardening irrigation water.

(f) Time-of-use tariff

This tariff is based on fixed charges and seasonally and time-differentiated energy and demand charges.

(g) Cost plus mark-up tariff

This tariff is for other services rendered.

(h) Prepaid meters tariff

Tariffs for pre-paid meters may be less than the ordinary consumption tariffs levied on the category of consumer concerned to motivate consumers to move to pre-paid metering.

(i) Multiple step tariffs

Multiple-step tariffs are utilised to enable the consumer to exercise control over the cost to themselves.

10. TARIFF STRUCTURES AND METHODS OF CALCULATIONS

The following tariff structure will, where possible, be used to determine tariffs.

10.1 Water

The determination of the water tariffs will be based on the following:

10.1.1 Because water is a scarce resource, and this municipality is dependent on groundwater, the municipality is committed to the prudent conservation of such resources, the tariff levied for the consumption of water shall escalate according to the volume of water consumed.

10.1.2 All domestic water consumers registered per the councils indigent policy will receive the first six (6) kilolitres of water consumed per month free. Thereafter an inclining tariff per kilolitre as approved in council's annual budget will be applicable on metered consumption.

10.1.3 The tariffs for the consumption of purified water shall be based on inclining tariffs per kilolitre for all consumers as approved in councils annual budget per the following blocks:

(a) 0 – 6kl
(b) 7 – 15kl
(c) 16 – 30kl
(d) 31 – 45kl
(e) Above 45kl

10.1.4 Where there is one supply point on a premise which serves more than one consumer's point, basic charges will be charged for each consumer's point.

10.1.5 Every housing and business unit where a separate electricity meter is installed is considered to be a consumer point,

10.1.6 A basic water charge shall be levied against all water consumers as determined by the council in the annual budget-approved tariff list.

10.1.7 A fixed availability charge will be levied on all undeveloped erven with access to a reticulation network irrespective of their permitted or intended use, where those properties are not connected but reasonably can be connected.

10.1.8 Where communal water supply (standpipes) is provided, a fixed informal basic charge may be levied.

10.1.9 The water tariff may include surcharges subject to council's approval.

10.1.10 Water connection charges for all consumer categories other than domestic communal will be charged at the full cost of the installation as determined from time to time.

10.1.11 Penalties on existing tariffs may be introduced during periods of water restrictions to reduce water use to remain with sustainable limits. Because water is a scarce natural source, the municipality may restrict and escalate the tariff levied for the consumption of water subject to the following:

(a) when the capacity level of the water source reaches 60%, water restriction tariff 1 may be applied.
(b) when the capacity level of the water source levels reaches 40%, water restriction tariff 2 may be applied.
(c) when the capacity level of the water source levels reaches 20%, water restriction tariff 3 may be applied.

10.1.12 The municipal departmental water consumption will be charged at cost.

10.1.11 Raw water (Unpurified water) supplied by the municipality on request shall be charged per kilolitre of raw water consumed.

10.1.13 Metered irrigation water supplied by the municipality on an application shall be charged per kilolitre as determined by council resolution.

10.1.14 Leiwater will be charged monthly per application for every 15 to 60 minutes of usage and pump of leiwater.

10.1.15 Informal Settlements will be charged a basic charge based on the first 6kl of water subject to council implementation date.

10.1.16 An infrastructure basic charge for water may be levied as determined by council from time to time.

10.1.17 Approved water tariffs will be implemented on the first of July of every financial year with the month's billing cycle regardless of the actual meter read period or average consumption as may be determined, i.e. an increased tariff will be applicable for a twelve (12) month period.

10.2 Electricity

10.2.1 Guidelines issued by the National Electricity Regulator from time to time form the basis of calculating tariffs;

10.2.2 The Municipality has standardized on the installation of Pre-Payment Meters for all Domestic Consumers. As such it is compulsory for all new domestic connections to be equipped with Pre Payment Meters.

10.2.3 A fixed availability charge will be levied on all undeveloped erven with access to a reticulation network irrespective of their permitted or intended use, where those properties are not connected but reasonably can be connected.

10.2.4 An infrastructure basic charge for electricity may be levied as determined by council from time to time.

10.2.5 Where Council decides to make a profit on the service the profit will be added to the fixed and variable cost before tariffs are calculated.

10.2.6 To make electricity affordable to certain categories of consumers, cross-subsidisation between and within categories of consumers will be allowed, based on the load factors of the categories and consumers within the category.

10.2.7 The first 50 kWh in the tariff block 0 – 50 kWh of electricity per month shall be free of charge to domestic electricity consumers who applied and were approved in terms of the relevant clause as per the Indigent Policy.

10.2.8 Indigent households electricity supply will be limited to 20Amp and the fixed costs will be recovered through an energy charge.

10.2.9 A basic charge per electricity meter or unit in the municipal area, as determined by the Council from time to time, may be charged against all electricity consumers based on the ampere. The municipality's basic charge may vary between a group of customers or categories of consumers as determined annually with the budget:

(a) 0 – 30A
(b) 30 -45A
(c) 60A-80A
(d) 3 Fase 21A-60A Pre-Paid meter
(e) 3 Fase 60A-80A Pre-Paid
(f) 3 Fase 20A-30A Conventional meter

(g) 3 Fase 30-60A Conventional meter
(h) 3 Fase 31 -100A Conventional meter

10.2.10 To apply the abovementioned principles, the consumer types and cost allocations reflected in the following table will be used:-

Categories of consumers	**Fixed charge / Day Charge (Rands/ customer/ month)**	**Energy charge (cents/kWh)**	**Time-of-use Energy charge Peak / Standard/ Off Peak (cents/kWh)**	**Demand and Access charges (Rands/kVa/ month)**	**Charge**
Pre-Paid 20A - Domestic		√			Block 1: 0 - 50kWh Block 2: 51 - 350kWh Block 3: 351 - 600kWh Block 4: > 600kWh
Pre-Paid 30A - Domestic	√	√			Block 1: 0 - 50kWh Block 2: 51 - 350kWh Block 3: 351 - 600kWh Block 4: > 600kWh
Pre-Paid Alternative (Life Line) - Domestic		√			Block 1: 0 - 50kWh Block 2: 51 - 350kWh Block 3: 351 - 600kWh Block 4: > 600kWh
Single Phase Pre-paid and Dometic up 60A	√	√			Block 1: 0 - 50kWh Block 2: 51 - 350kWh Block 3: 351 - 600kWh Block 4: > 600kWh
Three Phase Pre Paid and Conventional Domestic up to 100A	√	√			Block 1: 0 - 50kWh Block 2: 51 - 350kWh Block 3: 351 - 600kWh Block 4: > 600kWh
Commercial Pre-Paid and conventional single phase up to 80A	√	√			Flat rate
Commercial Pre-Paid and conventional three phase up to 80A	√	√			Flat rate
Bulk Consumers	√	√		√	Flat rate
Time of Use tariff	√	√	√	√	Flat rate
Schools single and free phase	√	√			Flat rate

10.2.11 For approved SSEG customers to feed electricity back into the electricity network the SSEG policy will apply according to the tariffs determined annually with the budget. An administrative fee will be payable by the customer and the customer will be paid an export tariff per kWh, An AMI or smart electricity meter must be installed.

10.3 Solid Waste (Refuse removal)

10.3.1 A separate fixed monthly refuse removal charge shall apply to each category of users based on the costs of the service concerned and the applicable level of service and categorised on the number of plastic bags collected.

10.3.2 The fixed basic charge will be based on the number of removals per week.

10.3.3 The tariff for refuse removal for residential units will be one removal per household per week.

10.3.4 A fixed basic charge will be applicable for refuse removal where residents make use of an official transfer/drop-off point;

10.3.5 A dumping site charge will be applicable according to the vehicle tonnage who dump at the municipal landfill site. The dumping site is free of charge for local residential users.

10.3.6 Refuse removal tariff will be raised and is payable by all owners or occupiers of each developed property connected to the water and electricity distribution network of the council or any other service provider or those who have applied to be connected whether such owner or occupier uses the refuse removal service or not or those who are not connected to the distribution networks to whom a refuse removal service is rendered on request.

10.4 Waste Water (Sewerage)

10.4.1 A fixed monthly charge shall be levied on all properties or units within urban areas per sewer point, irrespective of the type of service available based on the category of the consumer as determined by the budget.

10.4.2 A fixed availability charge will be levied on all undeveloped erven with access to a reticulation network irrespective of their permitted or intended use, where those properties are not connected but reasonably can be connected.

10.4.3 An infrastructure basic charge for sewerage may be levied as determined by council from time to time.

10.4.4 An effluent fee may further be payable by factories and other industrial users where prescribed. Wastewater emanating from such users requires special purification measures by the municipality. Such fees shall be based on the toxic content of the wastewater concerned and the costs of the purification per formula in the relevant by-law.

10.4.5 For conservancy tank sanitation services, the waste collection charges will be as set out in the municipal tariffs and shall consist of a fixed basic charge and a fixed collection rate per load. Charges in the removal or collection of conservancy tank contents shall be set out in the municipal tariffs

10.4.6 A fixed basic charge will be payable for each property connected to the sewerage reticulation network distinguishing between domestic and business usage

10.5 Minor Tariffs

10.5.1 All minor tariffs shall be standardised within the municipal region.

10.5.2 All minor tariffs shall be approved by the Council in each annual budget and shall, when deemed appropriate by the Council, be subsidised by property rates and general revenues, particularly when the tariffs will prove uneconomical when charged to cover the cost of the service concerned, or when the cost cannot be determined accurately, or when the tariff is designed purely to regulate rather than finance the use of the particular service or amenity.

10.5.3 Minor tariffs may include fees for the following any other minor tariff as included in the tariff list as approved by the council:

Administration	▪ Access to information ▪ Administration Costs ▪ Advertisements / Advertising ▪ Bank cost on foreign accounts ▪ Deposit ▪ Duplicate Accounts ▪ Duplicate Pay Day Slip ▪ Facsimiles	▪ Photocopies ▪ Placard / Poster Costs ▪ Section 62 Appeals ▪ Tender Objections ▪ Trace of Direct Deposits ▪ Interest on Accounts in Arrear ▪ Laminated documents
Building Control	▪ Administration / Viewing Request, Filing retrieval and Copying of Plans ▪ Building Plans ▪ Demolition application ▪ Heritage Investigations	▪ Plan Printing Fees ▪ Plan Scrutiny Fees ▪ Plan validity extension ▪ Re-inspection fees ▪ Signage
Cemeteries	▪ Grave-depths ▪ Indication of grave	▪ Plot Cost ▪ Wall of Remembrance
Business License	▪ Application for extended Liquor hours ▪ Duplicates ▪ License- Formal	▪ License - Informal ▪ Liquor License ▪ Re-inspection Fee
Commercial Filming/Photographing	▪ Animals ▪ Application Fee ▪ Area required for production and catering ▪ Cancellation Fee	▪ Environmental Control Officer ▪ Permits ▪ Vehicles off Public Roads per Parking Bay
Credit Control & Debt Collecting	▪ Administration fee ▪ Notices ▪ Sheriff fee ▪	▪ SMS ▪ Tracing fee
Development Contributions	▪ Water ▪ Electricity ▪ Sewerage ▪ Roads ▪ Sanitation	▪ Storm water ▪ Solid Waste ▪ Off Grid Developments ▪ Evaluations/Investigations Levies

Electricity	▪ Builders connection ▪ Call-out fee ▪ Cancellation Fee ▪ Capital Contributions ▪ Casual Supplies ▪ Change to SSEG or Time of Use ▪ Change of Circuit Breaker ▪ Commission of Bulk Meter ▪ Connection and Disconnection of Service ▪ Consumer Deposits ▪ Contractor inspections ▪ Conversion of meters ▪ Credit Control and Debt Collection ▪ Damaged cables ▪ Damaged meter ▪ Deposits cables etc. ▪ Development Contribution ▪ Erection & Removal of Banners	▪ Illegal Connection/Tampering Fee ▪ Illuminated Signs ▪ Small Scale Embedded Generation (SSEG) ▪ Meter Testing ▪ Meter Verification ▪ MV Switching ▪ Public Lighting & CCTV ▪ Removal of meter ▪ Replacement ▪ Repositioning of Meter ▪ Service Connections ▪ Special Meter Readings ▪ Sundry Services ▪ Tariff change ▪ Unsafe/illegal connections per visit ▪ Upgrading extension Fee ▪ Way leave ▪ Fee recalculation – no access ▪ Hire of temporary distribution kiosk ▪ Hire of Sleeve Space for fiber optic cable
Fire Services & Disaster Management	▪ Assistance of motor vehicle accidents and rescues ▪ Burn Permits ▪ Events ▪ Extinguishing of Fires ▪ Fire Prevention inspections ▪ Fire Safety	▪ Plot Clearing ▪ Re-inspection Fee under the By- law ▪ Special Services ▪ Standby at fire scene
Housing	▪ Administration	▪ Rental
Law Enforcement	▪ Business & Other Events ▪ Bylaw on outdoor advertising ▪ Impoundment of Informal Traders (Hawkers) goods ▪ Impoundment of illegal Advertising/Agent boards ▪ Inspection Fees ▪ Impoundment of Abandoned/ Obstructing Items ▪ Pound Fee Cattle ▪ Pound fee Dogs and Cats ▪ Pound fee Horses	▪ Pound fee other animals ▪ Pound fee Pigs ▪ Pound Fee Poultry ▪ Pound fee Sheep and Goats ▪ Pound fee Shopping Trolley ▪ Re-inspection Fee ▪ Removal of illegal structure ▪ Storage Fee

Libraries	▪ Damage or lost Library material ▪ Deposits ▪ Facsimiles ▪ Laminated documents ▪ Lost Cards ▪ Penalty for Late Return	▪ Photocopies ▪ Rental of Library Amenities ▪ Scanning ▪ Special Requests ▪ Subscription ▪ Visitors Fee (Handling)
Municipal Buildings	▪ Deposits ▪ Rental of Amenities	▪ Rental of Equipment
Off-Grid Developments/Units	▪ Development Contribution	
Operational Cost	▪ Street Signage	
Parking Fees	* Metered Parking	* Monthly Parking Permit
Property Administration	▪ Application lease/ purchase/ Encroachment [Fee] ▪ Leases	▪ Memorial Benches ▪ Radio Mast
Public Works	▪ Felling and Pruning of Trees ▪ Private Work ▪ Sale of Miscellaneous Items ▪ Storm Water Drainage	▪ Street Signage ▪ Tar and Patch Work ▪ Vehicle Entrances
Recreational Amenities	▪ Boat License/Permits ▪ Caravan Parks ▪ Change Rooms ▪ Clubhouses ▪ Community Halls ▪ Day Camping Site ▪ Deposit ▪ Entrance Fee ▪ Formal Shop Rental ▪ Hawker Stalls ▪ Informal Trader under cover rental	▪ Leases of stalls/containers ▪ Office Rental ▪ Open Spaces ▪ Parking ▪ Public Open Space ▪ Sport Events ▪ Sport Grounds ▪ Support Services ▪ Use of Tractor
Roads	▪ Capital Contributions	▪ Development Contribution
Refuse Removal	▪ Baboon Resistant Bins ▪ Deposits ▪ Rental of Bulk Containers	▪ Self-Dumping ▪ Weigh Bridge
Sewage	▪ Capital Contributions ▪ Connection of tanks ▪ Development Contribution	▪ Disposal ▪ Tank Services ▪ Testing of tanks

Storm water	▪ Development Contribution	
Town Planning	▪ Advertising Cost ▪ Application Fee ▪ Closure of Public Place ▪ Contravention ▪ Penalty ▪ Demolition of Administrative Penalty ▪ Departure ▪ Deposit – Appeal ▪ Determination of Zoning ▪ Exemption ito Section 26 ▪ Extension of Time	▪ Formal Structure ▪ Informal Structures ▪ Land use planning Fee ▪ Permission ito Zoning Scheme ▪ Relaxation of Title Deed ▪ Registered Letter ▪ Removal of Title Deed Restrictions ▪ Search Fee ▪ Spatial Development Framework ▪ Sub-division ▪ Zoning Certificate
Traffic	▪ Business and Other Events ▪ Disabled Parking Tokens ▪ Driver's Licenses ▪ Escorting and Other Services ▪ Hiring Traffic cones ▪ Leaner's Licenses ▪ Parking Meters ▪ Professional Driver's Permits	▪ Removal of Vehicles ▪ Roadworthy Certificates ▪ Storage Fees ▪ Taxi Rank Tokens ▪ Traffic Cones ▪ Towing Charge ▪ Vehicle Registration
Valuation (Property Information)	▪ Access to Information ▪ Clearance Certificates ▪ Deeds Office Registrations ▪ Extract from Valuation Roll	▪ Revaluation ▪ Valuation Certificates ▪ Valuation Roll ▪ Voters' Roll
Water	▪ Administration Fee – recalculation no meter access ▪ Call-out Fee ▪ Capital Contributions ▪ Connection & Disconnection ▪ Consumer Deposits ▪ Convert to water flow restrictor meter ▪ Credit Control and Debt Collection ▪ Damaged Water Meter; Water main & Service Connection ▪ Development Contribution ▪ Final meter reading ▪ Irrigation Water ▪ Illegal Connection/Tampering Fee	▪ Meter Testing ▪ Meter verification ▪ Rebates ▪ Reconnection ▪ Registration of borehole ▪ Removal of meter ▪ Repair of meter ▪ Replacement of Damage meter ▪ Repositioning of meter ▪ Service Connections ▪ Special Meter Readings ▪ Still-off" inspections ▪ Sundry Services ▪ Temporary connections

Wayleaves and the use of Municipal Road Reserves for the Installation of services	▪ Administration and Supervision Fee ▪ Roadway Trench Fee ▪ Remedying, Repairing and Cleaning	
Water	▪ Administration Fee – recalculation no meter access ▪ Call-out Fee ▪ Capital Contributions ▪ Connection & Disconnection ▪ Consumer Deposits ▪ Convert to water flow restrictor meter ▪ Credit Control and Debt Collection ▪ Damaged Water Meter; Water main & Service Connection ▪ Development Contribution ▪ Final meter reading ▪ Irrigation Water ▪ Illegal Connection/Tampering Fee	▪ Meter Testing ▪ Meter verification ▪ Rebates ▪ Reconnection ▪ Registration of borehole ▪ Removal of meter ▪ Repair of meter ▪ Replacement of Damage meter ▪ Repositioning of meter ▪ Service Connections ▪ Special Meter Readings ▪ Still-off" inspections ▪ Sundry Services ▪ Temporary connections
Wayleaves and the use of Municipal Road Reserves for the Installation of services	▪ Administration and Supervision Fee ▪ Roadway Trench Fee ▪ Remedying, Repairing and Cleaning	

10.6. Tariif for gardening irrigation water

10.6.1 The Municipality may allocate available water as gardening irrigation water from any specific water resource within the area of jurisdiction of the Municipality.

10.6.2 Such water shall only be supplied in areas where a water distribution system for that purpose is available and operational, and only owners with access to such irrigation water system may apply for this service.

10.6.3 Consumers must apply annually, on the prescribed application form for this service.

10.6.4 A register is kept at the Municipality containing the particulars of the consumers who have paid the monthly charge for the service.

10.6.5 The allocation of gardening irrigation water shall be conditional, subject to availability and maintenance of the distribution system.

10.6.6 This service will be supplied in accordance with a schedule determined by the municipality.

10.6.7 As the water supplied for this service is not metered, the tariff will be set as an availability tariff of a regulatory nature.

10.6.8 The tariff for piped irrigation water will as an availability and/or charge related to the volume of consumption.

11. DEVELOPMENT CONTRIBUTIONS

The Council will determine development contributions annually as part of the budgetary process.

12. NOTIFICATION OF TARIFFS, FEES AND SERVICE CHARGES

12.1 After a draft budget as required by the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003) has been tabled, the Municipal Manager must invite the local community to submit representations for consideration by the Council. Such invitation includes the draft resolutions on taxes and tariffs proposed.

12.2 After approval of the budget, the Council will give notice of all tariffs approved at the annual budget meeting at least 30 days prior to the date that the tariffs become effective.

12.3 A notice stating the purport of the council resolution, date on which the new tariffs shall become operational and invitation for objections will be advertised by the Municipality.

12.4 All tariffs approved must have been considered at the annual budget meeting. All fees, tariffs and charges will be approved as part of the annual budget by the Council;

(1) The tariffs will come into effect as and when determined by the Council;

12 IMPLEMENTATION OF THE POLICY

(1) The principles contained in this policy will be reflected in the various budget proposals submitted to council on an annual basis, service by-laws as promulgated and adjusted by Council from time to time and the tariff by- laws referred to in section 75 of the Systems Act.

(2) The council may determine conditions applicable to community service of a regulatory nature. These conditions will be reflected in the standing orders of Council.

13 ADJUSTMENT OF ACCOUNTS

(i) Where incorrect debits were raised, the accounts under query will be rectified as necessary within a reasonable time. Customer Care Policy 9.10.3 The municipality will respond to all inquiries from customers in writing within 30 days from the lodging of the enquiry. Overstrand 14 days-Maybe change?

13.1

14 PROCEDURES AND ACCOUNTABILITY

14.1 The Municipal Manager shall ensure that procedures to manage all aspects of this Policy are prepared in the form of a manual, reviewed regularly and that these are formally adopted by him/her for implementation. These procedures will include aspects in this Policy and subscribe to sound principles of internal control.

14.2 The Directors and Managers shall ensure compliance with the procedures as approved from time to time by the Municipal Manager to give effect to the provisions of this Policy.

15 IMPLEMENTATION AND REVIEW PROCESS

15.1 This policy will come into effect on 1 July 2023 and will be reviewed at least annually or when required by way of a Council resolution.

16 SHORT TITLE

This policy is called the Swellendam Municipality Tariff Policy.

UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE POLICY

Approval by Council xxx

Implementation Date 1 July 2026

TABLE OF CONTENTS

1. DEFINITIONS 2
2. PURPOSE 4
3. OBJECTIVES 4
4. APPLICABLE LEGISLATION 5
5. THE ROLE OF THE NATIONAL TREASURY 5
6. THE ROLE OF THE PROVINCIAL TREASURY 6
7. THE ROLE OF THE ACCOUNTING OFFICER 6
8. THE ROLE OF OTHER OFFICIALS OF A MUNICIPALITY 8
9. THE ROLE OF THE MAYOR AND THE MUNICIPAL COUNCIL 8
10. THE ROLE OF THE SECTION 32 COMMITTEE 9
11. THE ROLE OF INTERNAL AUDIT, AUDIT COMMITTEE AND RISK MANAGEMENT 9
12. PROCESS TO BE FOLLOWED 10
13. REPORTING OF UIFW EXPENDITURE 11
14. TREATMENT OF UIFW EXPENDITURE 12
15. CATEGORIES OF UIFW EXPENDITURE 12
16. CONSEQUENCE MANAGEMENT 15
17. REDUCTION PLAN AND STRATEGY 15
18. UIFW EXPENDITURE REDUCTION ACTION PLAN 16
19. SHORT TITLE 17

1. DEFINITIONS

For the purpose of this policy, unless the context indicates otherwise, any word or expression to which a meaning has been attached in the Act shall bear the same meaning and means:-

"**Act**" means the Municipal Finance Management Act No 56 of 2003.

"**Accounting Officer**" means the municipal manager of a municipality as referred to in section 60 of the act and includes a person acting as a municipal manager.

"**Corruption**" means any person who gives or accepts or offers to give or accept any gratification amounting to an unauthorised or improper inducement to act or not to act in a particular manner using is guilty of an offence.

"**Financial Misconduct**" means where the accounting officer or chief financial officer or senior managers or any other official of the municipality deliberately or negligently:

a) Contravenes a provision of the act;
b) Fails to comply with a duty imposed by a provision of the act on the accounting officer of a municipality;
c) Makes or permits or instructs another official of the municipality to make, an unauthorized, irregular or fruitless and wasteful expenditure;
d) Provides incorrect or misleading information in any document which in terms of a requirement of the act must be submitted to the Mayor or the Council of the municipality or to the Auditor-General, the National Treasury or any other organ of state or made public.

"**Fraud**" means the unlawful and intentional making of a misrepresentation that causes actual prejudice or which is potentially prejudicial to another.

"**Forgery**" means the unlawfully and intentionally making a false document to the actual or potential prejudice of another.

"**Irregular Expenditure**" means:

a) Expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the MFMA, and which has not been condoned in terms of section 170 of the MFMA;
b) Expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the Municipal Systems Act, and which has not been condoned in terms of that Act;
c) Expenditure incurred by a municipality in contravention of, or that is not in accordance with, a requirement of the Public Office-Bearers Act, 1998 (Act No. 20 of 1998); or
d) Expenditure incurred by a municipality or municipal entity in contravention of, or that is not in accordance with, a requirement of the supply chain management (SCM) policy of the municipality or entity or any of the municipality's by-laws giving effect to such policy, and which has not been condoned in terms of such policy or by-law; but excludes expenditure by a municipality which falls within the definition of "unauthorised expenditure.

"**Fruitless and Wasteful Expenditure**" means expenditure that was made in vain and would have been avoided had reasonable care been exercised.

"MPAC" means the Municipal Public Accounts Committee.

"MSA" means the Municipal Systems Act No 32 of 2000.

"MTSF" means the Medium-Term Strategic Framework.

"NT" means National Treasury.

"PT" means Provincial Treasury.

"SCM" means the Supply Chain Management Policy of the Swellendam municipality.

"**Theft**" means the unlawful appropriation of moveable corporeal property belonging to another with the intent to deprive the owner permanently of the property.

"**Unauthorised Expenditure**" means any expenditure incurred by a municipality otherwise than in accordance with section 15 or 11(3) of the MFMA, and includes:

a) overspending of the total amount appropriated in the municipality's approved budget;
b) overspending of the total amount appropriated for a vote in the approved budget;
c) expenditure from a vote unrelated to the department or functional area covered by the vote;
d) expenditure of money appropriated for a specific purpose, otherwise than for that specific purpose;
e) spending of an allocation referred to in paragraph (b), (c) or (d) of the definition of "allocation" otherwise than in accordance with any conditions of the allocation or
f) a grant by the municipality otherwise than in accordance with the MFMA.

"**UIFW**" means unauthorised, irregular or fruitless and wasteful expenditure.

2. PURPOSE

2.1 In terms of section 32 of the MFMA, the accounting officer must exercise all reasonable care to prevent and detect unauthorised, irregular or fruitless and wasteful expenditure, and must for this purpose implement effective, efficient and transparent processes of financial risk management

2.2 The purpose of this policy is to establish a UIFW expenditure reduction strategy for the Municipality and set out the objectives, statutory requirements and guidelines for the reduction of UIFW expenditure.

3. OBJECTIVES

3.1 The objectives of the policy include-

a) Emphasising the accountability of employees for the Swellendam Municipality resources;
b) Ensuring that employees have a clear and comprehensive understanding of the procedures they must follow;
c) Ensuring that resources made available to employees are utilised efficiently, effectively, economically and for authorised official purposes only

d) Ensuring that the Municipal resources are managed in compliance with the MFMA, the Treasury Regulations and other relevant legislation;
e) Ensure that UIFW expenditure is detected, processed and recorded timeously.

4. APPLICABLE LEGISLATION

4.1 Municipal Finance Management Act No. 56 of 2003.
4.2 Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings of 2014.
4.3 Municipal Budget and Report Regulations of 2009.
4.4 SCM Regulations of 2003 and related legislation.
4.5 Municipal Systems Act No. 32 of 2000 and related regulations.
4.6 Municipal Structures Act No. 117 of 1998 and related regulations.
4.7 Labour Relations Act No. 66 of 1995 and regulations.
4.8 Disciplinary Regulations for Senior managers of 2010.

5. THE ROLE OF THE NATIONAL TREASURY

5.1 In terms of section 5(2) of the MFMA, NT must monitor and assess compliance by municipalities with the MFMA and take appropriate steps to perform its functions effectively.

5.2 In assisting municipalities to address the historical UIF&W expenditure, NT:
a) Provides support, guidance and advice to municipalities, including internal audit units, audit committees, risk committees, chief financial officers, supply chain management units; disciplinary boards and MPACs on compliance with the MFMA and its regulations;
b) Provides training and capacity building to municipalities on the MFMA and its regulations;
c) Issues MFMA circulars that further clarify the MFMA and its regulations for consistent application;
d) Monitors progress made in addressing UIFW expenditure, as per the MTSF goals;
e) Provides assistance to PT's to support delegated municipalities.

6. THE ROLE OF THE PROVINCIAL TREASURY

6.1 In terms of section 5(3) of the MFMA, a PT must comply with a prescribed framework and monitor compliance with the MFMA by municipalities in the province.

6.2 In terms of section 6 of the MFMA, the Minister of Finance has delegated certain municipalities to the members of the executive council for finance of the respective provinces and duties of the PTs in this regard include the following:

a) Providing support, guidance and advice to municipalities (officials and MPAC) on compliance with the MFMA and its regulations;
b) Providing training and capacity building to municipalities on the MFMA and its regulations;
c) Monitoring progress made in addressing UIFW expenditure, as per the MTSF goals;
d) Providing initiatives to support municipal public accounts committees.

7. THE ROLE OF THE ACCOUNTING OFFICER

7.1 The accounting officer of a municipality must act with fidelity, honesty, integrity and in the best interests of the municipality in managing its financial affairs.

7.2 In terms of section 62(1)(d) of the act, the accounting officer must take all reasonable steps to ensure that unauthorised, irregular or fruitless and wasteful expenditure and other losses are prevented.

7.3 To ensure the proper application of the act, the accounting officer must develop an appropriate system of delegations that will both maximise administrative and operational efficiency and provide adequate checks and balances in the municipality's financial administration.

7.4 In terms of section 79 of the act, the accounting officer must delegate certain functions to the chief financial officer, senior managers or other financial officials.

7.5 In terms of section 32(4) of the act, the accounting officer must promptly inform the mayor, the MEC for local government in the province and the Auditor-General, in writing, of any unauthorised, irregular or fruitless and wasteful expenditure incurred by the municipality. Given the transition of this function, such reports must also be provided to the MEC for Finance in the province as a practice to align with the strategic focus in addressing UIFW.

7.6 The accounting officer must ensure that the council processes and procedures to address UIFW expenditure is dealt with effectively, efficiently and on a timely basis.

7.7 The accounting officer can separate the process when addressing UIFW expenditures such as unauthorised expenditure, which can be followed before the end of the financial year to authorise unauthorised expenditure.

7.8 The accounting officer must ensure that any disciplinary actions that are required as a consequence of the incurrence of UIFW expenditure are instituted within the time limits as contemplated in the Labour Relations Act and other relevant legal frameworks. In addition, the disciplinary process should be conducted following any applicable collective agreement dealing with disciplinary processes applicable to the municipality. For senior managers of municipalities, the disciplinary procedures must be conducted following the Local Government: Disciplinary Regulations for Senior Managers.

7.9 In terms of section 32(6) of the act, the accounting officer must report to the South African Police Service all cases of alleged irregular expenditure that constitute a criminal offence or fraud and corruption.

7.10 In terms of section 125 of the act, municipalities must disclose, in the notes of the annual financial statements, any particulars of any material losses and any material irregular or fruitless and wasteful expenditures, including in the case of a municipality, any material unauthorised expenditure, that occurred during the financial year, and whether these are recoverable.

7.11 In terms of section 62(1)(e) of the act, the accounting officer must take all reasonable steps to ensure that disciplinary or, when appropriate, criminal proceedings are instituted against any official of the municipality who has

allegedly committed an act of financial misconduct or an offence in terms of Chapter 15 of the act.

7.12 Disclose any documents, as may be prescribed, on their website.

8. THE ROLE OF OTHER OFFICIALS OF A MUNICIPALITY

8.1 In terms of section 78(1) of the act, each senior manager of a municipality and each official of a municipality exercising financial management responsibilities must take all reasonable steps within their respective areas of responsibility to ensure that any unauthorised, irregular, fruitless and wasteful expenditure and any other losses are prevented.

9. THE ROLE OF THE MAYOR AND THE MUNICIPAL COUNCIL

9.1 In terms of section 52 of the act, the mayor must provide general political guidance over the fiscal and financial affairs of the municipality.

9.2 The council must oversee the performance of the accounting officer and senior officials in implementing measures to prevent the incurrence of UIFW expenditure, as well as monitoring the implementation of consequence management against the officials responsible for the incurrence of UIFW expenditure.

9.3 In terms of section 32(2)(b) of the act, when a financial loss occurs, recover UIFW expenditure from the person liable for that expenditure unless the expenditure, in the case of UIFW expenditure, is, after an investigation by a council committee, certified by the council as irrecoverable and written off by the council.

9.4 In terms of section 32(7) of the act, the council of a municipality must take all reasonable steps to ensure that all cases referred to in section 32(6) of the MFMA are reported to the South African Police Service if the charge is against the accounting officer; or the accounting officer fails to comply with section 32(6) of the MFMA.

10. THE ROLE OF THE SECTION 32 COMMITTEE

10.1 In terms of section 32(2)(a) of the act, investigate the recoverability of any UIFW expenditures resulting in a financial loss for the municipality after considering the following:

a) The measures already taken to recover such expenditure;
b) The cost of the measures already taken to recover such expenditure;
c) The estimated cost and likely benefit of further measures that can be taken to recover such expenditure;
d) Make recommendations to council whether to recover the UIFW or if the expenditures are irrecoverable;
e) Submit a motivation explaining its recommendations to the municipal council for a final decision.

11. THE ROLE OF INTERNAL AUDIT, AUDIT COMMITTEE AND RISK MANAGEMENT

11.1 Internal audit

a) In terms of section 165 of the act, the internal audit units must assist the accounting officer in their duties by providing independent assurance on internal controls, financial information, risk management, performance management and compliance with legislation;
b) Internal audit units must compile risk-based audit plans, review internal control measures, and ensure that supply chain management, including the requirements of MFMA circular 65, is sufficiently and adequately covered in the annual coverage plan;
c) Internal auditors must be alert to fraud risks and design audit procedures and indicators that would reasonably assist in preventing and detecting potential or actual fraud and corruption;
d) Internal audit units must as far as possible be utilised as a resource to provide the accounting officer with assurance around compliance matters;
e) Provide information and advice to the accounting officer on all cases of UIFW expenditures and assist the Section 32 Committee with the investigations where required;

11.2 Audit committee

a) The audit committees must advise the accounting officer, senior management and the council on internal controls, risk management, performance management and compliance with legislation.
b) The committee is further required to assure the adequacy, reliability and accuracy of financial and performance information.
c) Provide oversight on the section 32 reports on UIFW and make recommendations on internal control, risk management and legislative compliance.

11.3 Risk management

a) The risk management function must identify all the critical risks that may result in the incurrence of UIFW expenditure and ensure that a risk strategy to address the related risks is developed and monitored by both council and the accounting officer.

12. PROCESS TO BE FOLLOWED

12.1 The procedures for the treatment of UIFW expenditure are described below:

a) Any senior manager and or other officials who become aware of or suspect the occurrence of UIFW expenditure must immediately report in writing such expenditure to the accounting officer or his/her delegate;
b) On discovery of alleged UIFW expenditure, the accounting officer or his/her delegate should record the details of the expenditure in a UIFW register;
c) The accounting officer or his/her delegate must investigate the alleged UIFW expenditure;
d) If the UIFW expenditure is confirmed through the preliminary investigation, the accounting officer must submit a report to the council to appoint a council committee to consider the UIFW expenditure;
e) The council committee must make recommendations to the council whether the UIFW must be recovered or written off as irregular;
f) The accounting officer must ensure to institute criminal or disciplinary proceedings against an official charged with the commission of an offence or a breach of the act relating to UIFW expenditure;

g) The accounting officer or delegate must report all cases of alleged UIFW expenditure that constitute a criminal offence and or theft and fraud to the South African Police Service;
h) Subsequent to a Council resolution to recover the UIFW, the accounting officer must in writing request the liable official to pay the UIFW amount within 30 days or in reasonable instalments, failure to hand it over for debt collection process;
i) The accounting officer must incorporate consequence management as part of the expenditure recovery process.

13. REPORTING OF UIFW EXPENDITURE

13.1 The alleged UIFW expenditure must be recorded in the UIFW register by the accounting officer or his/her delegate.

13.2 The register must be updated quarterly and be reported to the next meeting of the Council.

13.3 The register must be updated and be submitted quarterly to the next meeting of the Council and audit committee.

13.4 The register must be submitted quarterly to the national and provincial treasury for oversight.

13.5 The accounting officer must promptly inform the Mayor, the MEC for Local Government in the province and the Auditor-General in writing of any UIFW expenditure including the following:
a) Whether any person is responsible or under investigation for the UIFW expenditure;
b) The steps taken to recover or rectify such expenditure;
c) The steps taken to prevent a recurrence of such expenditure.

13.6 The outcome of the council resolution on the section 32 committee recommendations must be submitted to the MEC for local government, the Auditor-General and the audit committee.

13.7 The UIFW expenditure must be disclosed as a note to the Annual Financial Statements.

14. TREATMENT OF UIFW EXPENDITURE

14.1 Recognition and measurement of UIFW expenditure shall be treated in terms of the act.

15. CATEGORIES OF UIFW EXPENDITURE

15.1 Unauthorised expenditure

a) Overspending must be determined in relation to both the operational budget and the capital budget;
b) The municipality`s operational and capital budgets are divided into 'votes' which represent those components of the budget that have amounts appropriated for the financial year, for different departments or functional areas. Overspending must be determined in relation to each of the votes on both the operational budget and the capital budget for the functional area;
c) Unauthorised expenditure is determined when funds appropriated in a vote for a department or functional area are used for purposes unrelated to the functions of that department or functional area;
d) Unauthorised expenditure is determined when funds designated for a specific purpose or project are used for any other purpose;
e) Any use of conditional grant funds for a purpose other than that specified in the relevant conditional grant framework is classified as unauthorised expenditure;
f) Any grant to an individual is unauthorised expenditure unless it is in terms of the municipality's indigent policy or bursary scheme;
g) Unforeseen and unavoidable expenditure is unauthorised if such expenditure is not passed within 60 days after the expenditure was incurred;
h) Given the above classifications of unauthorised expenditure, the following are examples of expenditures that are NOT unauthorised expenditure:
    - Any over-collection on the revenue side of the budget as this is not an expenditure;

- Any expenditure incurred in respect of any of the transactions mentioned in section 11(1)(a) to (j) of the MFMA;
- Re-allocation of funds and the use of such funds in accordance with a council approved virement policy;
- Overspending of an amount allocated by standard classification on the main budget Table A2 (Budgeted Financial Performance: revenue and expenditure by standard classification), as long as it does not result in overspending of a 'vote' on the main budget Table A3 (Budgeted Financial Performance: revenue and expenditure by municipal vote) and Table A4 (Budgeted Financial Performance: revenue and expenditure;
- Overspending of an amount allocated by standard classification on the main budget Table A5 (Budgeted Capital Expenditure by vote, standard classification and funding) as long as it does not result in overspending of a 'vote' on the main budget Table A5.

i) Council may only authorise unauthorised expenditure in an adjustments budget as follows:
   - Adjustment budget for unforeseen and unavoidable expenditures;
   - Main adjustment budget no later than 28 February of the current year;
   - Special adjustment budget to authorised unauthorised expenditure that occurred in the second half previous financial year, and any unauthorised expenditure identified by the Auditor-General during the annual audit process.

15.2 Fruitless and wastefull expenditure

a) Fruitless and wasteful expenditure is determined when the municipality derived no value for money from the expenditure or the use of other resources and it would have been avoided had reasonable care been exercised.

15.3 Irregular expenditure

a) Irregular expenditure refers to any use of municipal funds that are in contravention of the following legislation:
   - Municipal Finance Management Act, Act 56 of 2003, and its regulations;
   - Municipal Systems Act, Act 32 of 2000, and its regulations;

- Public Office-Bearers Act, Act 20 of 1998, and its regulations; and
- The municipality's supply chain management policy, and any regulations giving effect to that policy:
  i) Procuring of goods or services by means of quotations where the value of the goods/services exceeds the set threshold as determined in the SCM policy;
  ii) Procuring goods or services by means other than through competitive bids where the reason for deviating from the prescribed processes has not been recorded or approved in terms of section 17 of the SCM regulations.;
  iii) Non-adherence to any delegation of authority as approved;
  iv) Expenditure outside contracts or contracts expired and were not extended in terms of MFMA section 116.

b) Given the above classification irregular expenditure may only be written off by Council after an investigation by a Council committee and certified to be irrecoverable as follows:
   - In terms of the act, only NT may condone non-compliance. Therefore, the council resolution wording must be consistent with section 32(2)(b) of the act i.e "council hereby certify the expenditure as irrecoverable and resolve that it be written off or for recovery of the funds".
   - In terms of the MSA, only the Minister of Co-operative Governance and Traditional Affairs may condone non-compliance. Therefore, the council resolution wording must be consistent with section 32(2)(b) of the act i.e "council hereby certify the expenditure as irrecoverable and resolve that it be written off or for recovery of the funds"
   - There is no provision to allow irregular expenditure resulting from a contravention of the Public Office-Bearers Act to be condoned. Such irregular expenditure cannot be written off and must be recovered from the political office bearer concerned.
   - A council may condone a contravention of the council approved SCM policy or a by-law giving effect to such policy, provided that the contravention, is not also a contravention of the act or the SCM regulations, in which only the National Treasury can condone a contravention of the SCM regulations. Therefore, the council

resolution wording must be consistent with section 32(2)(b) of the act i.e "council hereby certify the expenditure as irrecoverable and resolve that it be written off or for recovery of the funds".

16. CONSEQUENCE MANAGEMENT

16.1 There should be consequences for transgressions, a lack of action and poor performance.

16.2 Consequences should be instituted by the accounting officer against officials who fail to comply with applicable legislation, continuously underperform or are negligent, and against those whose actions and decisions cause financial losses.

16.3 Allegations of financial misconduct must be referred to the disciplinary board to investigate and monitor the institution of disciplinary proceedings as contemplated in the Municipal Regulations on Financial Misconduct Procedures and Criminal Proceedings.

16.4 In cases where a financial loss must be recovered from an official and/or councillor, the UIFW amount will be recovered from the individual salary.

16.5 In the case of termination of an official and/or councillor, the UIFW amount will be recovered from the last salary and benefits and if insufficient a legal claim will be instituted against the individual.

17. REDUCTION PLAN AND STRATEGY

17.1 Submit all UIFW expenditures as per the latest (audited) financial statements and related information that have not gone through section 32 of the act process to the Council by no later than March of the current year.

17.2 Obtain a council resolution to refer UIFW expenditure to a council committee (the Section 32 Committee) to produce a report on its recommendations to the council for a final decision to certify the expenditure as irrecoverable and resolve that it be written off or for recovery of the funds.

17.3 Council to consider the report by the council committee on the investigation of the UIFW expenditure and resolve to certify the expenditure as irrecoverable and resolve that it be written off or for recovery of the funds.

17.4 Based on the outcome of the UIFW expenditure investigations, the accounting officer to refer the matter to the disciplinary board to investigate allegations of financial misconduct and to monitor the institution of disciplinary proceedings.

17.5 Update the UIFW expenditure register and annual financial statements with the outcomes of the council resolutions on UIFW expenditures.

18. UIFW EXPENDITURE REDUCTION ACTION PLAN

18.1 The council committee (Section 32 Committee) will have quarterly meetings to process UIFW expenditures.

18.2 The accounting officer or delegated official must table the UIFW registers with an action plan at the Section 32 Committee quarterly meetings.

18.3 The accounting officer or delegated official must process unauthorised expenditure authorised by the council in the next available adjustment budget.

18.4 The accounting officer or delegated official to submit the UIFW registers and implementation plan to the Mayor, NT and PT.

18.5 The accounting officer or delegated official to implement preventative controls to establish a sound control environment related to preventing and reducing UIFW expenditure.

18.6 The accounting officer to implement consequences management where applicable and report to the council on the progress made.

18.7 Training on UIFW expenditure be provided annually for all councillors, senior employees, members of the Section 32 committee and audit committee.

19. SHORT TITLE

19.1 This policy shall be called the Unauthorised, Irregular, Fruitless and Wasteful Expenditure Policy of the Swellendam Local Municipality.