



MUNISIPALITEIT THEEWATERSKLOOF MUNICIPALITY

[23 JANUARIE / JANUARY 2025]

RAADSVERGADERING / COUNCIL MEETING

NOTULE / MINUTES

23 JANUARIE / JANUARY 2025

MUNISIPALITEIT THEEWATERSKLOOF MUNICIPALITY

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[23 JANUARIE / JANUARY 2025]

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THEEWATERSKLOOF MUNISIPALITEIT/ MUNICIPALITY

NOTULE VAN 'N RAADSVERGADERING GEHOU OP 23 JANUARIE 2025 OM 10:00 IN DIE RAADSAAL, MUNISIPALE KANTORE, CALEDON.

MINUTES OF A COUNCIL MEETING HELD ON 23 JANUARY 2025 AT 10:00 IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, CALEDON.

A. OPENING EN VERWELKOMING

Die Voorsitter, Speaker Raadslid WH Wells, verwelkom almal teenwoordig.

'n Woord van bemoediging word deur Apostel J Brinkhuys gedoen.

Raadslid WH Wells open die vergadering met 'n gebed.

OPENING AND WELCOME

The Chairperson, Speaker Councillor WH Wells, welcomed all present.

A word of encouragement was done by Apostle J Brinkhuys.

Councillor WH Wells opened the meeting with a prayer.

B. VERKIESING VAN WNDE SPEAKER (INDIEN NODIG)/ ELECTION OF ACTING SPEAKER (IF NECESSARY)

Nie van toepassing nie / Not applicable.

C. BYWONINGSREGISTER/ATTENDANCE REGISTER

C.1 Teenwoordig/Present Raadslede/Councillors

Raadsheer/Alderman LM de Bruyn
Raadsheer/Alderman CC Clayton
Raadslid/Councillor WH Wells
Raadsheer/Alderman DA Appel
Raadslid/Councillor CA Benjamin
Raadslid/Councillor M Botes
Raadslid/Councillor CT Cloete
Raadslid/Councillor S Fredericks
Raadslid/Councillor M Gana
Raadslid/Councillor DA Jacobs
Raadslid/Councillor D Jooste
Raadslid/Councillor H Linnerts
Raadslid/Councillor JD Lekhori
Raadslid/Councillor TP Lemina

Raadsheer/Alderman BB Mkhwibiso
 Raadslid/Councillor M Mpambani
 Raadslid/Councillor MA Nomkoko
 Raadslid/Councillor MR Nongxaza
 Raadslid/Councillor V Papier
 Raadsheer/Alderman M Plato-Mentoor
 Raadslid/Councillor MS Shale
 Raadslid/Councillor J Smit
 Raadslid/Councillor PJ Stander
 Raadslid/Councillor H Syster
 Raadslid/Councillor YM van Tonder
 Raadslid/Councillor TB Zimmermann

Amptenare / Officials

Mnr./Mr J Amansure	(Wnde Munisipale Bestuurder) (Acting Municipal Manager)
Mnr./Mr GW Hermanus	(Direkteur: Korporatiewe Dienste) (Director: Corporate Services)
Mnr./Mr. P Mabhena	(Direkteur: Finansies) (Director: Finance)
Mnr./Mr WSE Solomons-Johannes	(Direkteur: Gemeenskapsdienste) (Director: Community Services)
Mnr./Mr H Matthee	Wnde Direkteur: Tegniese- en Infrastruktuur Implementeringsdienste) (Acting Director: Technical- and Infrastructure Implementation Services)
Me./Ms N Baliso	(Wnde Direkteur: Ekonomiese Ontwikkeling en Beplanning) (Acting Director: Economic Development and Planning)
Mnr./Mr A Opperman	(Hoof Uitvoerende Ouditeur) (Chief Audit Executive)
Mnr./Mr V Arendse	(Bestuurder: GOP) (Manager: IDP)
Me./Ms A Carelse	(Administratiewe Beampste: GOP) (Administrative Officer: IDP)
Mnr./Mr H Gxoxiya	(Bestuurder: Regsdienste) (Manager: Legal Services)
Me./Ms M Faul	(Bestuurder: Korporatiewe Dienste) (Manager: Corporate Services)
Me./Ms S Baron	(Sekretariaatsdienste) (Secretariat Services)
Me./Ms. F Ngxowa	(Assistent Vertaler) (Assistant Translator)
Mnr./Mr N Parnell	(Sekuriteit Administrateur: IKT) (Security Administrator: ICT)

C.2 Aansoek(e) om verlof tot afwesigheid:
Application(s) for leave of absence:

Raadslid/Councillor RL Mienies - Siekteverlof / Sick leave

D. NOTULE VAN DIE UBK VIR GOEDKEURING DEUR DIE RAAD (UBK VAN RDL ZIMMERMANN EN ANC UBK-LEDE)
MINUTES OF THE EMC FOR CONFIRMATION BY COUNCIL (EMC OF COUNCILLOR ZIMMERMANN AND ANC EMC MEMBERS)

D.1 Notule van UBK Vergadering: 15 Oktober 2024

Die Raad keur die Notule van die vergadering van die Uitvoerende Burgemeester en sy Komitee gehou op 15 Oktober 2024, op voorstel van Raadsheer MR Nongxaza en gesekondeer deur Raadsheer BB Mkhwibiso, goed.

Minutes of EMC Meeting: 15 October 2024

Council approves the Minutes of a meeting of the Executive Mayor and his Committee held on 15 October 2024, on a proposal by Alderman MR Nongxaza and seconded by Alderman BB Mkhwibiso.

E. NOTULES EN/OF VERSLAE VAN DIE UBK VIR KENNISNAME VAN DIE RAAD / MINUTES AND/OR REPORTS OF THE EMC FOR COGNIZANCE OF COUNCIL

E.1 Notule van Speciale UBK Vergadering: 27 November 2024

Die Raad neem kennis van die Notule van die Speciale vergadering van die Uitvoerende Burgemeester en sy Komitee gehou op 27 November 2024, op voorstel van Raadsheer LM de Bruyn en gesekondeer deur Raadsheer S Fredericks.

Minutes of Special EMC Meeting: 27 November 2024

Council takes cognizance of the Minutes of a Special meeting of the Executive Mayor and his Committee held on 27 November 2024, on a proposal by Alderman LM de Bruyn and seconded by Alderman S Fredericks.

E.2 Notule van Speciale UBK Vergadering: 03 Desember 2024

Die Raad neem kennis van die Notule van die Speciale vergadering van die Uitvoerende Burgemeester en sy Komitee gehou op 03 Desember 2024, op voorstel van Raadsheer LM de Bruyn en gesekondeer deur Raadslid YM van Tonder.

Minutes of Special EMC Meeting: 03 December 2024

Council takes cognizance of the Minutes of a Special meeting of the Executive Mayor and his Committee held on 03 December 2024, on a proposal by Alderman LM de Bruyn and seconded by Councillor YM van Tonder.

E.3 Notule van Spesiale UBK Vergadering: 12 Desember 2024

Die Raad neem kennis van die Notule van die Spesiale vergadering van die Uitvoerende Burgemeester en sy Komitee gehou op 12 Desember 2024, op voorstel van Raadsheer C Clayton en gesekondeer deur Raadsheer S Fredericks.

Minutes of Special EMC Meeting: 12 December 2024

Council takes cognizance of the Minutes of a Special meeting of the Executive Mayor and his Committee held on 12 December 2024, on a proposal by Alderman C Clayton and seconded by Alderman S Fredericks.

**F. BEKRAGTIGING VAN NOTULES EN/OF VERSLAE VAN DIE RAAD
CONFIRMATION OF MINUTES AND/OR REPORTS OF COUNCIL**

F.1 Notule van Raadsvergadering: 28 November 2024

BESLUIT :

Om op voorstel van Raadsheer S Fredericks gesekondeer deur Raadsheer C Clayton die Notule van die Raadsvergadering van 28 November 2024 hiermee goed te keur, te bekragtig en te laat onderteken as prima facie bewys van die juistheid daarvan.

Minutes of Council Meeting: 28 November 2024

RESOLVED:

To, on proposal by Alderman S Fredericks, seconded by Alderman C Clayton, hereby approve, confirm and have signed the Minutes of the Council Meeting of 28 November 2024 as prima facie evidence of its correctness.

F.2 Notule van Spesiale Raadsvergadering: 06 Desember 2024

BESLUIT :

Om op voorstel van Raadsheer C Clayton gesekondeer deur Raadslid H Linnerts die Notule van die Spesiale Raadsvergadering van 06 Desember 2024 hiermee goed te keur, te bekragtig en te laat onderteken as prima facie bewys van die juistheid daarvan.

Minutes of Special Council Meeting: 06 December 2024

RESOLVED:

To, on proposal by Alderman C Clayton, seconded by Councillor H Linnerts, hereby approve, confirm and have signed the Minutes of the Special Council Meeting of 06 December 2024 as *prima facie* evidence of its correctness.

G. NOTULE VAN MKOOR VERGADERING VIR BEKRAGTIGING DEUR RAAD (MKOOR VERGADERING VAN RAADSLID LITHAKONG EN ANC RAADSLEDE)
MINUTES OF MPAC MEETING FOR CONFIRMATION BY COUNCIL (MPAC MEETING OF COUNCILLOR LITHAKONG AND ANC COUNCILLORS)

Notule van MKOOR Vergadering: 07 Maart 2024

Die Raad keur die Notule van die vergadering van MKOOR gehou op 07 Maart 2024, op voorstel van Raadsheer BB Mkhwibiso en gesekondeer deur Raadslid MA Nomkoko, goed.

Minutes of MPAC Meeting: 07 March 2024

Council approves the Minutes of a meeting of MPAC held on 07 March 2024, on a proposal by Alderman BB Mkhwibiso and seconded by Councillor MA Nomkoko.

H VERKLARINGS EN MEDEDELINGS DEUR DIE SPEAKER / STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

Aangeheg as aanhangsel tot die notule / Attached as annexure to the minutes.

I. VERKLARINGS EN MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER /

Ek wil graag vir julle almal 'n voorspoedige 2025 toewens. Dit is ons eerste Raadsvergadering vir 2025. Ek vertrou dat die uitdagings wat ons in 2024 ervaar het, in 2025 aandag sal geniet.

Ons ervaar steeds finansiële uitdagings, dienslewering uitdagings asook ander uitdagings. Intussen is maatreëls ingestel om daardie uitdagings te behandel. Die vooruitgang van hierdie munisipaliteit sal nie oornag gebeur nie, maar ons doen ons uiterste bes om dienste te lewer.

Ek wil elke Raadslid, amptenaar en lid van die publiek nooi om ons met planne en voorstelle by te staan. As Raadslede, die Munisipale Bestuurder en lede van die publiek moet ons as 'n span saamwerk, en ons kán as 'n span hierdie uitdagings die hoof bied.

STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR

I want to wish all of you a prosperous 2025. This is our first Council meeting for 2025. I trust that the challenges we had in 2024 can be addressed in 2025.

We still have financial challenges, service delivery challenges as well as other challenges. In the meantime we put measures in place to address these challenges. The flourishing of this Municipality won't happen overnight but we are doing our outmost best to do service delivery.

I want to invite each and every Councillor, official and member of the public to assist us with plans and proposals. We as Councillors, Municipal Manager and the members of the public must work as a team, and as a team we can overcome these challenges.

J. VERSLAE VOORGELê DEUR DIREKTORAT KORPORATIEWE DIENSTE / REPORTS PRESENTED BY DIRECTORATE CORPORATE SERVICES

Ward Committee Functioning and Support

7

SPEAKER:

Feedback to Council

Thursday, 23 January 2025

Allow me to give feedback on the functioning of our 14 Ward Committees.

It was my pleasure to host our ward councillors and their committee members at the Ward Councillor Forum Meeting on Monday, the 20th.

The Office of the Speaker is the custodian of ward committees, and it is my responsibility to ensure that these committees operate effectively and efficiently.

Ward Committees are where the issues that directly impact our residents are discussed and must be acted upon. Thus, from service delivery challenges to community development.

This elected council and the administration which is the operational side must not only be effective but also responsive to the concerns raised at the local level.

We must promote a more inclusive, responsive, and accountable form of leadership, to ensure that the voices of our local communities are central to administration, governance, and council decisions.

The decisions and motions that come out of these meetings shape the future of our wards and our municipality.

As much as it is about bringing issues to the table, it is also about ensuring that those issues are dealt with efficiently.

Motions that are submitted at these meetings must not only be tabled in council every 3rd month, but there must be a timeframe to ensure that they are attended to and resolved as a matter of urgency.

Ward Committees, represent our communities at a local level, and should remain at the heart of decision-making which will ensure that decisions reflect the needs and aspirations of residents.

Service delivery cannot be delayed, and it is our collective duty to make sure that our communities receive the services they need in a timely manner.

Allow me to thank our Ward Committee Members for their commitment, their time, and their passion for serving the communities of Theewaterskloof.

I look forward to working with them, as I will try my best to attend some of the scheduled meetings as an observer.

Together with the support of council, government and our administration we can make Theewaterskloof Municipality a place where all residents feel heard, valued, and supported.

Thank you!

ITEM HEADING

**C01/2025 DIRECTORATE CORPORATE SERVICES: DEPARTMENT
ADMINISTRATION: APPOINTMENT OF MEMBERS TO SERVE ON
THE SECTION 80 COMMITTEES TO ASSIST THE EXECUTIVE
MAYOR IN PERFORMING FUNCTIONS AND DUTIES**

[English version of the report is the original]

FILE NUMBER

3/1/2

AIM/PURPOSE OF REPORT

For Council to appoint members to serve on the Section 80 Committees to assist the Executive Mayor in performing his functions and duties.

BACKGROUND

The Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) provides for the establishment of Section 80 Committees by Council.

Section 80 Committees (committees to assist executive committee or executive mayor)

1. If a municipal council has an executive committee or executive mayor, it may in terms of section 79 appoint committees of councillors to assist the executive committee or executive mayor.
2. **Such committees may not in number exceed the number of members of the executive committee or mayoral committee.**
3. The executive committee or executive mayor -
 - (a) appoints a chairperson for each committee from the executive committee or mayoral committee;
 - (b) may delegate any of the powers and duties of the executive committee or executive mayor to the committee;
 - (c) is not divested of the responsibility concerning the exercise of the power or the performance of the duty; and
 - (d) may vary or revoke any decision taken by the committee subject to any vested rights.
4. Such a committee must report to the executive committee or executive mayor in accordance with the directives of the executive committee or executive mayor.

DISCUSSION

Section 80(2) of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) provides as follows –

“2. Such committees may not in number exceed the number of members of the executive committee or mayoral committee”.

“During a Council Meeting held on 09 December 2021 per Council Resolution C183/2021, Section 80 Committees were established which are constituted as follows:

- (a) Finance Committee (7 members) with the Chairperson as full-time Councillor and 6 members
- (b) Corporate Services Committee (7 members) with the Chairperson as full-time Councillor and 6 members
- (c) Technical- and Infrastructure Implementation Services Committee (7 members) with the Chairperson as full-time Councillor and 6 members
- (d) Community Services Committee (7 members) with the Chairperson as full-time Councillor and 6 members
- (e) Economic Development Committee (7 members) with the Chairperson as full-time Councillor and 6 members
- (f) Human Settlements and Planning Committee (7 members) with the Chairperson as full-time Councillor and 6 members”

Council needs to appoint members to these Section 80 Committees in order for these committees to continue performing their functions and duties.

LEGISLATIVE IMPLICATIONS

None

FINANCIAL IMPLICATIONS

None

RISK MANAGEMENT IMPLICATION

None

RECOMMENDATION TO COUNCIL:

It is recommended:

- 1. That Council resolution SC43/2024 – Special Council Meeting of 13 September 2024 (point 2 – appointment of Members on Section 80 Committees), be repealed.**
- 2. That Council appoints the following Councillors to serve as Members on the Section 80 Committees:**

Finance Committee (5 members)

Councillor CT Cloete - Chairperson – full-time Councillor

Aldm/ Cllr

Aldm/ Cllr

Aldm/ Cllr

Aldm/ Cllr

Secundi: Aldm/ Cllr

Secundi: Aldm/ Cllr

Corporate Services Committee (5 members)

Councillor H Linnert - Chairperson – full-time Councillor

Aldm/ Cllr

Aldm/ Cllr

Aldm/ Cllr

Aldm/ Cllr

Secundi: Aldm/ Cllr

Secundi: Aldm/ Cllr

Technical- and Infrastructure Implementation Services Committee
(5 members)

Alderman M Plato-Mentoor - Chairperson – full-time Councillor

Aldm/ Cllr

Aldm/ Cllr

Aldm/ Cllr

Aldm/ Cllr

Secundi: Aldm/ Cllr

Secundi: Aldm/ Cllr

Community Services Committee (5 members)

Councillor Y van Tonder - Chairperson – full-time Councillor

Aldm/ Cllr

Aldm/ Cllr

Aldm/ Cllr

Aldm/ Cllr

Secundi: Aldm/ Cllr

Secundi: Aldm/ Cllr

Economic Development Committee (5 members)

Alderman C Clayton - Chairperson – full-time Councillor

Aldm/ Cllr

Aldm/ Cllr

Aldm/ Cllr

Aldm/ Cllr

Secundi: Aldm/ Cllr

Secundi: Aldm/ Cllr

Human Settlements and Planning Committee (5 members)

Alderman S Fredericks - Chairperson – full-time Councillor

Aldm/ Cllr

Aldm/ Cllr

Aldm/ Cllr

Aldm/ Cllr

Secundi: Aldm/ Cllr

Secundi: Aldm/ Cllr

RECOMMENDATION BY COUNCIL: 28 NOVEMBER 2024

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman LM de Bruyn and seconded by Alderman S Fredericks, it was recommended as follows:

- 1. Council resolution SC43/2024 – Special Council Meeting of 13 September 2024 (point 2 – appointment of Members on Section 80 Committees), be repealed.**
- 2. Council appoints the following Councillors to serve as Members on the Section 80 Committees:**

Finance Committee (5 members)

Councillor CT Cloete - Chairperson – full-time Councillor
Councillor CA Benjamin
Councillor H Linnerts

Aldm/ Cllr

Aldm/ Cllr

Secundi: Councillor J Smit

Secundi: Aldm/ Cllr

3. **Corporate Services Committee (5 members)**

Councillor H Linnerts - Chairperson – full-time Councillor
 Councillor M Botes
 Councillor J Smit

Aldm/ Cllr

Aldm/ Cllr

Secundi: Councillor D Jacobs

Secundi: Aldm/ Cllr

4. **Technical- and Infrastructure Implementation Services Committee (5 members)**

Alderman M Plato-Mentoor - Chairperson – full-time Councillor
 Councillor D Jooste
 Alderman CC Clayton

Aldm/ Cllr

Aldm/ Cllr

Secundi: Councillor PJ Stander

Secundi: Aldm/ Cllr

5. **Community Services Committee (5 members)**

Councillor Y van Tonder - Chairperson – full-time Councillor
 Councillor D Jacobs
 Councillor H Linnerts

Aldm/ Cllr

Aldm/ Cllr

Secundi: Councillor M Gana

Secundi: Aldm/ Cllr

6. Economic Development Committee (5 members)

Alderman C Clayton - Chairperson – full-time Councillor
Councillor PJ Stander
Councillor CA Benjamin

Aldm/ Cllr

Aldm/ Cllr

Secundi: Councillor J Smit

Secundi: Aldm/ Cllr

7. Human Settlements and Planning Committee (5 members)

Alderman S Fredericks - Chairperson – full-time Councillor
Councillor PJ Stander
Alderman CC Clayton

Aldm/ Cllr

Aldm/ Cllr

Secundi: Councillor D Jooste

Secundi: Aldm/ Cllr

RECOMMENDATION TO COUNCIL:

It is recommended that Council appoints the following Councillors to serve as Members on the Section 80 Committees - additional to the Coalition Councillors already appointed (Opposition Councillors need to be appointed):

Finance Committee

Aldm/ Cllr

Aldm/ Cllr

Secundi: Aldm/ Cllr

Corporate Services Committee

Aldm/ Cllr

Aldm/ Cllr

Secundi: Aldm/ Cllr

Technical- and Infrastructure Implementation Services Committee

16

Aldm/ Cllr

Aldm/ Cllr

Secundi: Aldm/ Cllr

Community Services Committee

Aldm/ Cllr

Aldm/ Cllr

Secundi: Aldm/ Cllr

Economic Development Committee

Aldm/ Cllr

Aldm/ Cllr

Secundi: Aldm/ Cllr

Human Settlements and Planning Committee)

Aldm/ Cllr

Aldm/ Cllr

Secundi: Aldm/ Cllr

RECOMMENDATION BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, it was unanimously recommended as follows:

- 1. Council approves the appointment of Councillor T Zimmermann as a member of Corporate Services Committee.**
- 2 Council noted that the other Opposition Parties (ANC/PA/EFF) will submit the names of the members to be appointed on the Section 80 Committees, by Monday 27 January 2025.**

ITEM HEADING

17

**C02/2025 DIRECTORATE CORPORATE SERVICES: DEPARTMENT
ADMINISTRATION: APPOINTMENT OF MEMBERS TO SERVE ON
THE STATUTORY COMMITTEES WITHIN THEEWATERSKLOOF
MUNICIPALITY**

[English version of the report is the original]

FILE NUMBER

3/1/2

AIM/PURPOSE OF REPORT

To appoint members to serve on the statutory committees within Theewaterskloof Municipality.

BACKGROUND

Section 33 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) provides the guidelines for the establishment of committees.

A municipality may establish a committee provided for in the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) if –

- (a) the municipality is of a type that is empowered in terms of this Act to establish a committee of the desired kind;*
- (b) the establishment of the committee is necessary, taking into account –*
 - (i) the extent of the functions and powers of the municipality;*
 - (ii) the need for the delegation of these functions and powers in order to ensure efficiency and effectiveness in their performance; and*
 - (iii) the financial and administrative resources of the municipality to support the proposed committee.*

DISCUSSION

“During a Council Meeting held on 09 December 2021 per Council Resolution C184/2021, Statutory Committees were established which are constituted as follows (point 1 of the resolution):

Local Labour Forum with 20 members
Employment Equity Committee with 16 members”

Council needs to appoint members to these statutory committees in order for these committees to continue performing their functions and duties.

LEGISLATIVE IMPLICATION

In the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) it is stated in several sections that municipal councils may establish committees to assist councils in the performance of duties and exercising of powers. As soon as names have been allocated to the committees, they can function according to legislation.

FINANCIAL IMPLICATION

None

RISK MANAGEMENT IMPLICATION

None

RECOMMENDATION TO COUNCIL:

It is recommended:

1. That Council resolution SC44/2024 – Special Council Meeting of 13 September 2024 (point 2 – appointment of Members to Statutory Committees), be repealed.
2. That Council appoints the following Councillors to serve as Members on the Statutory Committees:

Local Labour Forum (20 members)**Councillors**

1. Aldm/ Cllr
2. Aldm/ Cllr
3. Aldm/ Cllr
4. Aldm/ Cllr
5. Aldm/ Cllr

Secundi 1: Aldm/ Cllr

Secundi 2: Aldm/ Cllr

Management members x 5
Trade Union members x 10

Employment Equity Committee (16 members)

Councillors

1. Aldm/ Cllr

2. Aldm/ Cllr

3. Aldm/ Cllr

Secundi 1: Aldm/ Cllr

Secundi 2: Aldm/ Cllr

Management members x 5

Trade Union members x 8

RECOMMENDATION BY COUNCIL: 28 NOVEMBER 2028

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman M Plato-Mentoor and seconded by Alderman S Fredericks, it was recommended as follows:

1. Council resolution SC44/2024 – Special Council Meeting of 13 September 2024 (point 2 – appointment of Members to Statutory Committees), be repealed.
2. Council appoints the following Councillors to serve as Members on the Statutory Committees:

Local Labour Forum (20 members)

Councillors

1. Councillor H Linnerts

2. Councillor M Botes

3. Councillor J Smit

4. Aldm/ Cllr

5. Aldm/ Cllr

Secundi 1: Councillor CA Benjamin

Secundi 2: Aldm/ Cllr

Management members x 5

Trade Union members x 10

Employment Equity Committee (16 members)**Councillors**

1. Councillor H Linnerts
2. Councillor M Botes
3. Ald/Cllr

Secundi 1: Councillor D Jacobs**Secundi 2: Aldm/ Cllr**

Management members x 5

Trade Union members x 8

RECOMMENDATION TO COUNCIL:

It is recommended that Council appoints the following Councillors to serve as Members on the Statutory Committees - additional to the Coalition Councillors already appointed (Opposition Councillors need to be appointed):

Local Labour Forum

Aldm/ Cllr

Aldm/ Cllr

Secundi 2: Aldm/ Cllr**Employment Equity Committee**

Ald/Cllr

Secundi 2: Aldm/ Cllr**RECOMMENDATION BY COUNCIL: 23 JANUARY 2025**

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, it was unanimously recommended as follows:

1. Council approves the appointment of Councillor T Zimmermann as a member of the Local Labour Forum.
2. Council noted that the other Opposition Parties (ANC/PA/EFF) will submit the names of the members to be appointed as Members on the Statutory Committees, by Monday 27 January 2025.

ITEM TITLE

**C03/2025 DIRECTORATE CORPORATE SERVICES: DEPARTMENT
ADMINISTRATION: APPOINTMENT OF COUNCILLOR
REPRESENTATIVES AND SECUNDI'S ON THE SUB-COMMITTEES
OF THE LOCAL LABOUR FORUM AS PART OF THE EMPLOYER
COMPONENT**

[English version of the report is the original]

FILE NUMBER

3/3/6

PURPOSE OF REPORT

To appoint the Councillor Representatives and Secundi's who will serve on the Sub-Committees of the Local Labour Forum as part of the Employer component.

BACKGROUND

The Local Labour Forum established the following Sub-Committees for purposes of preparatory consultation provided that it may not negotiate on any matter, which has been reserved for exclusive bargaining in the Council or Division.

DISCUSSION

The following Sub-Committees is currently in place:

- Health and Safety Committee
- HR Policy Working Group

Council needs to appoint representatives and secundi's who will serve on these Sub-Committees.

LEGAL RESPONSIBILITIES

None

FINANCIAL IMPLICATIONS

None

RISK MANAGEMENT IMPLICATIONS

None

RECOMMENDATION TO COUNCIL:

It is recommended:

1. That Council Resolution SC45/2024 – Special Council Meeting of 13 September 2024 (point 2 – appointment of Councillors to serve on the Sub-Committees of the Local Labour Forum), be repealed.
2. That Council appoints the following Councillors to serve on the following Sub-Committees of the Local Labour Forum as part of the Employer component:

(a) Health and Safety Committee:

1. Aldm/ Cllr
2. Aldm/ Cllr
3. Aldm/ Cllr

Secundi 1: Aldm/ Cllr

Secundi 2: Aldm/ Cllr

(b) HR Policy Working Group:

1. Aldm/ Cllr
2. Aldm/ Cllr
3. Aldm/ Cllr

Secundi 1: Aldm/ Cllr

Secundi 2: Aldm/ Cllr

RECOMMENDATION BY COUNCIL: 28 NOVEMBER 2028

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman M Plato-Mentoor and seconded by Alderman S Fredericks, it was recommended as follows:

1. Council Resolution SC45/2024 – Special Council Meeting of 13 September 2024 (point 2 – appointment of Councillors to serve on the Sub-Committees of the Local Labour Forum), be repealed.

2. Council appoints the following Councillors to serve on the following Sub-Committees of the Local Labour Forum as part of the Employer component:

(a) Health and Safety Committee:

1. Alderman CC Clayton
2. Councillor DA Jacobs
3. Aldm/ Cllr

Secundi 1: Councillor M Botes

Secundi 2: Aldm/ Cllr

(b) HR Policy Working Group:

1. Councillor H Linnerts
2. Councillor M Botes
3. Aldm/ Cllr

Secundi 1: Councillor DA Jacobs

Secundi 2: Aldm/ Cllr

RECOMMENDATION TO COUNCIL:

It is recommended that Council appoints the following Councillors to serve on the following Sub-Committees of the Local Labour Forum as part of the Employer Component - additional to the Coalition Councillors already appointed (Opposition Councillors need to be appointed):

(a) Health and Safety Committee:

Aldm/ Cllr

Secundi 2: Aldm/ Cllr

(b) HR Policy Working Group:

Aldm/ Cllr

Secundi 2: Aldm/ Cllr

RECOMMENDATION BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, it was unanimously recommended as follows:

1. **Council approves the appointment of Councillor T Zimmermann as a member of the HR Policy Working Group.**
2. **Council noted that the other Opposition Parties (ANC/PA/EFF) will submit the names of the members to be appointed on the Sub-Committees of the Local Labour Forum as part of the Employer Component, by Monday 27 January 2025.**

ITEM HEADING

**C04/2025 DIRECTORATE CORPORATE SERVICES: DEPARTMENT
ADMINISTRATION: APPOINTMENT OF MEMBERS ON THE
DISCIPLINARY COMMITTEE OF THEEWATERSKLOOF
MUNICIPALITY**

[English version of the report is the original]

FILE NUMBER

3/2/6/R

PURPOSE OF REPORT

To appoint members on the Disciplinary Committee of Theewaterskloof Municipality.

BACKGROUND

Item 16(1)(b) of the Code of Conduct for Councillors (Schedule 7 of the Local Government: Municipal Structures Amendment Act, 2021 (Act 3 of 2021)) makes provision for the establishment of a special committee to investigate breaches of the Code of Conduct and to make findings on any alleged breach of this code and make appropriate recommendations to the Council.

DISCUSSION

“During a Council Meeting held on 07 December 2021 per Council Resolution C185/2021, the Disciplinary Committee of Theewaterskloof Municipality was established.”

Council needs to appoint members to the Disciplinary Committee in order for the committee to continue performing their functions and duties.

LEGISLATIVE IMPLICATIONS

Local Government: Municipal Structures Amendment Act, 2021 (Act 3 of 2021) (Schedule 7).

FINANCIAL IMPLICATIONS

None

RISK MANAGEMENT IMPLICATIONS

None

RECOMMENDATION TO COUNCIL:

It is recommended:

1. That Council resolution SC46/2024 – Special Council Meeting of 13 September 2024 (point 2 and point 3 – appointment of Members to the Disciplinary Committee, be repealed.

2. That the following members be appointed by Council on the Disciplinary Committee of Theewaterskloof Municipality:

Aldm/ Cllr [Chairperson]

Aldm/Cllr [Prosecutor]

Aldm/ Cllr [Member of the Committee]

Aldm/ Cllr [Member of the Committee]

Aldm/ Cllr [Member of the Committee]

3. That Council appoints the following members as secundi for the members of the Disciplinary Committee of Theewaterskloof Municipality:

Aldm/ Cllr [Secundi for Chairman]

Aldm/Cllr [Secundi for Prosecutor]

Aldm/ Cllr [Secundi for Member of the Committee]

Aldm/ Cllr [Secundi for Member of the Committee]

RECOMMENDATION BY COUNCIL: 28 NOVEMBER 2028

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman M Plato-Mentoor and seconded by Alderman S Fredericks, it was recommended as follows:

1. Council resolution SC46/2024 – Special Council Meeting of 13 September 2024 (point 2 and point 3 – appointment of Members to the Disciplinary Committee, be repealed.

2. That the following members be appointed by Council on the Disciplinary Committee of Theewaterskloof Municipality:

Councillor PJ Stander [Chairperson]

Alderman S Fredericks [Prosecutor]

Councillor H Linnerts [Member of the Committee]

Aldm/ Cllr [Member of the Committee]

Aldm/ Cllr [Member of the Committee]

3. That Council appoints the following members as secundi for the members of the Disciplinary Committee of Theewaterskloof Municipality:

Councillor J Smit	[Secundi for Chairman]
Councillor J Smit	[Secundi for Prosecutor]
Councillor J Smit	[Secundi for Member of the Committee]

Aldm/ Cllr [Secundi for Member of the Committee]

RECOMMENDATION TO COUNCIL:

It is recommended:

1. That Council appoints the following Members on the Disciplinary Committee of Theewaterskloof Municipality - additional to the Coalition Councillors already appointed (Opposition Councillors need to be appointed):

Aldm/ Cllr [Member of the Committee]

Aldm/ Cllr [Member of the Committee]

2. That Council appoints the following Member as secundi for the Members on the Disciplinary Committee of Theewaterskloof Municipality - additional to the Coalition Councillors already appointed (Opposition Councillor needs to be appointed):

Aldm/ Cllr [Secundi for Member of the Committee]

RECOMMENDATION BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, it was unanimously recommended as follows:

1. Council approves the appointment of Councillor T Zimmermann as a member of the Disciplinary Committee.
2. Council noted that the other Opposition Parties (ANC/PA/EFF) will submit the names of the members and secundi's to be appointed on the Disciplinary Committee of Theewaterskloof Municipality, by Monday 27 January 2025.

ITEM TITLE

**C05/2025 DIRECTORATE CORPORATE SERVICES: DEPARTMENT
ADMINISTRATION: WARD COMMITTEE SYSTEM: BI-ANNUAL
PERFORMANCE REPORT: JULY – DECEMBER 2024**

[English version of the report is the original]

FILE NUMBER

3/4/R

AIM OF REPORT

To provide Council with a performance report in respect of performance by Ward Committees in the Theewaterskloof Municipality between July and December 2024.

BACKGROUND

Ward Committees play an active and important role to enhance participatory governance in Theewaterskloof Municipality and it has become increasingly important in the management of ward committees to:

- Demonstrate the involvement of ward committees in the affairs of the Council.
- Be able to effectively monitor and evaluate the performance of local ward committees in the Theewaterskloof Municipal area.

It is important for ward committees not only to attend scheduled ward committee meetings, but also to be actively involved in the affairs of Council and also to be the link between Council and the Community. Ward Committee members need to fulfil their role in terms of mandate meetings on a quarterly basis.

DISCUSSION

This report includes the performance of Ward Committees for the period from July to December 2024 in respect of the Ward Committee Official meetings held, Ward Councillor Report Back Meetings and Ward Committee Mandate Meetings attended during the period.

1. WARD COMMITTEE MEETINGS:

A number of 32 Ward Committee meetings took place for the reporting period.

WARD NR	MEETING DATES	PREVIOUS REPORTING (JANUARY – JUNE 2024)	CURRENT REPORTING CYCLE (JULY – DECEMBER 2024)	PERFORMANCE RATING Exceptional (4+ meetings) Met Target (3 meetings) 2 or less (Under-performance)
1	24 July 2024 3 October 2024 21 November 2024	3	3	Met Target
2	25 July 2024 3 October 2024 21 November 2024	3	3	Met Target
3	24 July 2024 17 September 2024 14 October 2024 19 November 2024	3	4	Exceptional
4	23 July 2024 18 September 2024 9 October 2024 20 November 2024	3	4	Exceptional
5	24 July 2024 17 September 2024 8 October 2024 11 November 2024	3	4	Exceptional
6	22 July 2024 10 October 2024 11 November 2024	3	3	Met Target
7	29 July 2024 7 October 2024 4 November 2024	3	3	Met Target
8	None	2	0	Under-performance
9	23 July 2024 16 September 2024 9 October 2024 11 November 2024	3	4	Exceptional
10	None	0		Ward Committee Dissolved
11	9 October 2024	2	1	Under-performance
12	16 October 2024	2	1	Under-performance
13	17 October 2024	2	1	Under-performance
14	30 October 2024	2	1	Under-performance

TOTAL NUMBER OF MEETINGS	33	32	Target is 42 Ward Committee Meetings
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Ward Committee meetings should take place on a bi-monthly basis. For the six months, all ward committees should have met at least 3 times. 42 meetings should have taken place in the 14 wards for the reporting period.

THE FOLLOWING WARDS MET THE CRITERIA AND PERFORMED WELL IN TERMS OF THE POLICY FOR WARD COMMITTEES:

- Wards 1 - 7
- Ward 9

THE FOLLOWING WARDS IS HOWEVER A BIG CONCERN:

- Ward 8
- Ward 11
- Ward 12
- Ward 13
- Ward 14

The ward committee of Ward 10 needs to be re-established.

2. WARD COMMITTEE VACANCIES:

The following vacancies exists in the different wards:

WARD NR	SECTORAL	GEOGRAPHICAL AREA	TOTAL VACANCIES	REMEDIAL STEPS
1			0	
2	Sport	Boschmanskloof	2	Fill sectoral vacancy by means of communication to the vacant Sector by March 2025. Fill vacancy by means of Ward Committee Member election in the Geographical area by June 2025.

3	Sport	Tesselaarsdal	2	Fill sectoral vacancy by means of communication to the vacant Sector by March 2025. Fill vacancy by means of Ward Committee Member election in the Geographical area by June 2025.
4			0	
5			0	
6			0	
7		Diepgat Lebanon	2	The Geographical area to be filled with another Geographical area or Registered Sector in the Ward by June 2025.
8	Grabouw Entrepreneurial Business Forum Taxi Association Siphila Sonke	Khotsong	4	Fill sectoral vacancies by means of communication to the vacant Sectors by March 2025. Fill vacancy by means of Ward Committee Member election in the Geographical area by June 2025.
9			0	
10	All sectoral seats vacant	All geographical seats vacant	0	To Re-establish the Ward Committee by June 2025
11	Youth Grabouw Business Forum LDAC Taxi Association Sport		5	Fill sectoral vacancies by means of communication to the vacant Sectors by March 2025.
12	Grabouw Taxi Association	Melrose Place	2	Fill sectoral vacancy by means of communication to the vacant

				Sector by March 2025. Fill vacancy by means of Ward Committee Member election in the Geographical area by June 2025.
13	Siphila Sonke Educare Taxi Association	Waterwese Melrose Place	5	Fill sectoral vacancies by means of communication to the vacant Sectors by March 2025. Fill vacancies by means of Ward Committee Member elections in the Geographical areas by June 2025.
14	Educare Grabouw Entrepreneurial Business Forum	Pineview North	3	Fill sectoral vacancies by means of communication to the vacant Sectors by March 2025. Fill vacancy by means of Ward Committee Member elections in the Geographical area by June 2025.
TOTAL VACANCIES			25	

3. WARD COUNCILLOR REPORT BACK MEETINGS:

Quarterly Ward Councillor Report Back Meetings took place as follows:

WARD NR	DATE OF MEETING	PREVIOUS REPORTING (JANUARY – JUNE 2024)	CURRENT REPORTING CYCLE (JULY – DECEMBER 2024)	COMPLIANT/ NON-COMPLIANT
1		2	0	Non-Compliant
2		2	0	Non-Compliant
3		2	0	Non-Compliant

4		1	0	Non-Compliant
5		2	0	Non-Compliant
6		2	0	Non-Compliant
7		2	0	Non-Compliant
8		1	0	Non-Compliant
9		2	0	Non-Compliant
10		0	0	Non-Compliant
11		1	0	Non-Compliant
12		1	0	Non-Compliant
13		1	0	Non-Compliant
14		0	0	Non-Compliant
TOTAL NUMBER OF WARD COUNCILLOR REPORT BACK MEETINGS		18	0	Target is 28 Ward Councillor Report Back Meetings

4. WARD COMMITTEE MANDATE MEETINGS

6 Ward Committee Member Mandate Meetings took place as follows:

WARD NR	MEETING DATES	NUMBER OF MEETINGS (JANUARY – JUNE 2024)	CURRENT REPORTING CYCLE (JULY – DECEMBER 2024)	IMPROVEMENT/ NON-COMPLIANT
1		Badisa RSE Town Ratepayers Smartie Town and Gholf City GONA Hesse Ikhwe Royal Kingdom (Total = 5)	None	Non-Compliant
2	14 July 2024 (Voorstekraal) 5 August 2024 (Bereaville) 6 August 2024	0	3	Improvement

	(Genadendal Transformasie)			
3		None	None	Non-Compliant
4		None	None	Non-Compliant
5	29 July 2024 (Security) 15 July 2024 (Ratepayers) 5 September 2024 (Tourism)	Ratepayers (Total = 1)	3	Improvement
6		None	None	Non-Compliant
7		None	None	Non-Compliant
8		None	None	Non-Compliant
9		EGVV Newsletter Tourism Security (Total = 3)	None	Non-Compliant
10		None	None	Non-Compliant
11		None	None	Non-Compliant
12		None	None	Non-Compliant
13		None	None	Non-Compliant
14		None	None	Non-Compliant
TOTAL NUMBER OF MANDATE MEETINGS		9	6	

In instances where the Ward Committee Operational Plans have been compiled and the dates of Ward Committee Mandate Meetings are indicated, Ward Coouncillors are requested to enforce their oversight in terms of the implementation of these Ward Committee Operational Plans. If Ward Committee members doesn't communicate to their constituency and request them for inputs, they are not fulfilling their role as the official public participation structure of the Theewaterskloof Municipality.

FINANCIAL RESPONSIBILITIES

As per budget allocation.

LEGAL RESPONSIBILITIES

- The Constitution of RSA
- Local Government: Municipal Finance Management Act No 56 of 2003
- Local Government: Municipal Structures Act No 117 of 1998
- Local Government: Municipal Systems Act No 32 of 2000
- Theewaterskloof Municipality Ward Committee Policy

RISK MANAGEMENT IMPLICATION

None

RECOMMENDATION BY ITEM AUTHOR:

It is recommended:

1. That Council notes the bi-annual report on the performance of Ward Committees in Theewaterskloof Municipality for the period July to December 2024.
2. That the Ward Committee of Ward 10 be re-established by June 2025.
3. That all Sectoral vacancies on Ward Committees be filled by March 2025 and that all Geographical vacancies on Ward Committees be filled by June 2025.
4. That the bi-annual report be presented at Ward Committee Meetings for discussion on the performance, after submission to Council.

RECOMMENDATION BY THE EMC TO COUNCIL: 14 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman S Fredericks and seconded by Councillor Y van Tonder, it was recommended as follows:

1. That Council notes the bi-annual report on the performance of Ward Committees in Theewaterskloof Municipality for the period July to December 2024.
2. That the Ward Committee of Ward 10 be re-established by June 2025.
3. That all Sectoral vacancies on Ward Committees be filled by March 2025 and that all Geographical vacancies on Ward Committees be filled by June 2025.
4. That the bi-annual report be presented at Ward Committee Meetings for discussion on the performance, after submission to Council.

RECOMMENDATION TO COUNCIL:

It is recommended:

- 1. That Council notes the bi-annual report on the performance of Ward Committees in Theewaterskloof Municipality for the period July to December 2024.**
- 2. That the Ward Committee of Ward 10 be re-established by June 2025.**
- 3. That all Sectoral vacancies on Ward Committees be filled by March 2025 and that all Geographical vacancies on Ward Committees be filled by June 2025.**
- 4. That the bi-annual report be presented at Ward Committee Meetings for discussion on the performance, after submission to Council.**

RESOLVED BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Councillor PJ Stander and seconded by Councillor CA Benjamin, it was resolved as follows:

- 1. Council noted the bi-annual report on the performance of Ward Committees in Theewaterskloof Municipality for the period July to December 2024.**
- 2. That the Ward Committee of Ward 10 be re-established by June 2025.**
- 3. That all Sectoral vacancies on Ward Committees be filled by March 2025 and that all Geographical vacancies on Ward Committees be filled by June 2025.**
- 4. That the bi-annual report be presented at Ward Committee Meetings for discussion on the performance, after submission to Council.**

For finalization by the Manager: Corporate Services, Ms M Faul.

ITEM TITLE

**C06/2025 DIRECTORATE CORPORATE SERVICES: DEPARTMENT
ADMINISTRATION: APPROVAL OF QUARTERLY REPORT
REGARDING RESOLUTIONS TAKEN AT COUNCIL MEETINGS FOR
THE 2nd QUARTER (01 OCTOBER 2024 TO 31 DECEMBER 2024)
AND THAT COUNCIL NOTES THE COUNCIL RESOLUTIONS
OUTSTANDING FOR IMPLEMENTATION FOR (1) JANUARY TO
DECEMBER 2022 AND (2) JANUARY TO DECEMBER 2023**

[English version of the report is the original]

FILE NUMBER

5/1/3

AIM/PURPOSE OF REPORT

That Council notes and approves the attached report reflecting the resolutions taken at Council meetings for the period 01 October 2024 to 31 December 2024. That Council notes the Council Resolutions outstanding for implementation for (1) January to December 2022 and (2) January to December 2023.

BACKGROUND

In terms of Corporate Services Departmental Service Delivery and Budget Implementation Plan (SDBIP), a report of all decisions taken during Council meetings must be submitted to Council for cognizance and approval.

DISCUSSION

After completion of the 2nd quarter of the 2024/2025 Service Delivery and Budget Implementation Plan (SDBIP), the schedule is attached as annexure to this Agenda-item for notification and approval by Council.

Attached is also Council Resolutions outstanding for implementation for (1) January to December 2022 and (2) January to December 2023 for notification of Council.

FINANCIAL IMPLICATIONS

None

LEGAL RESPONSIBILITIES

None

RISK MANAGEMENT IMPLICATIONS

Not applicable.

RECOMMENDATION BY ITEM AUTHOR:

It is recommended:

- 1. That Council notes and approves the schedule regarding decisions taken during Council meetings for the second quarter of 2024/25 (01 October 2024 to 31 December 2024).**
- 2. That Council notes the schedules for (1) January to December 2022 and (2) January to December 2023 of Council Resolutions still outstanding for implementation.**

RECOMMENDATION BY THE EMC TO COUNCIL: 14 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman S Fredericks and seconded by Councillor Y van Tonder, it was recommended as follows:

- 1. That Council notes and approves the schedule regarding decisions taken during Council meetings for the second quarter of 2024/25 (01 October 2024 to 31 December 2024).**
- 2. That Council notes the schedules for (1) January to December 2022 and (2) January to December 2023 of Council Resolutions still outstanding for implementation.**
- 3. The EMC noted the feedback given by the Director: Community Services, Mr WSE Solomons-Johannes, regarding Council Resolution C170/2022 dated 27 October 2022 that all processes are completed to assist SAFA to submit an application for funding. That after funding has been received, the lease agreement between SAFA Overberg and Theewaterskloof Municipality will be signed.**
- 4. The EMC noted the feedback given by the Director: Community Services, Mr WSE Solomons-Johannes, regarding Council Resolution C171/2023 dated 07 November 2023 that the Disaster Management Framework has been finalized on 04 December 2024 and will be submitted to Management and a Council Workshop for discussion and a Council Meeting for approval.**

RECOMMENDATION TO COUNCIL:

It is recommended:

- 1. That Council notes and approves the schedule regarding decisions taken during Council meetings for the second quarter of 2024/25 (01 October 2024 to 31 December 2024).**

2. That Council notes the schedules for (1) January to December 2022 and (2) January to December 2023 of Council Resolutions still outstanding for implementation.

RESOLVED BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman S Fredericks and seconded by Councillor YM van Tonder, it was resolved as follows:

1. Council noted and approves the schedule regarding decisions taken during Council meetings for the second quarter of 2024/25 (01 October 2024 to 31 December 2024).
2. Council noted the schedules for (1) January to December 2022 and (2) January to December 2023 of Council Resolutions still outstanding for implementation and the feedback provided during the EMC Meeting of 14 January 2025 in this regard.

For finalization by the Manager: Corporate Services, Ms M Faul.

ITEM HEADING

**C07/2025 OFFICE OF THE EXECUTIVE MAYOR – APPOINTMENT OF AN
ACTING MUNICIPAL MANAGER**

[English version of the report is the original]

FILE NUMBER

4/4/1/11

PURPOSE / AIM OF REPORT

The aim of this report is to recommend to Council to appoint an Acting Municipal Manager from 01 February 2025.

BACKGROUND

The acting appointment of Mr J Amansure ends 31 January 2025.

DISCUSSION

In an effort to ensure continuity in terms of service delivery as well as the conclusion of key projects, Council must consider to make an appointment as Acting Municipal Manager.

FINANCIAL RESPONSIBILITIES

Expenditure will be covered with the current approved budget.

LEGAL RESPONSIBILITIES

Municipal Systems Amendment Act 32

Regulation on the Appointment and Conditions of Employment for Senior Managers
(GNR 583 GG 37245 on 17 January 2014)

RISK MANAGEMENT IMPLICATION

Continuation of service delivery

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended:

1. That the content of the report is noted.
2. It be resolved to appointas Acting Municipal Manager from 01 February 2025 until
3. That be paid on the maximum scale of the current Upper Limits Regulations.
4. That the Executive Mayor be mandated to sign the contract of employment.

RESOLVED BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman LM de Bruyn and seconded by Alderman MR Nongxaza, it was resolved as follows:

1. **Council noted the content of the report.**
2. **Council resolved to appoint Mr W Hendricks as Acting Municipal Manager from 01 February 2025 for a period of three months.**
3. **That Mr W Hendricks be paid on the maximum scale of the current Upper Limits Regulations.**
4. **That the Executive Mayor be mandated to sign the contract of employment.**

For finalization by the Senior Manager: Human Resources, Mr J Amansure.

ITEM HEADING

**C08/2025 OFFICE OF THE EXECUTIVE MAYOR – RECRUITMENT AND
SELECTION PROCESS OF VACANT POSITION OF MUNICIPAL
MANAGER**

[English version of the report is the original]

FILE NUMBER

4/4/1/11

PURPOSE / AIM OF REPORT

To obtain council approval to start the recruitment, selection process in respect of the vacant position of Municipal Manager.

BACKGROUND

Regulation 7(1) of the appointment and conditions of employment for senior managers stipulates that "when the post of a senior manager becomes vacant, or is due to become vacant, the mayor, in the case of a municipal manager, or the municipal manager, in the case of a manager directly accountable to the municipal manager, must, upon receipt of official notification that the post of a senior manager will become vacant, obtain approval from the municipal council for the filling of such post in its next council meeting or as soon as it is reasonable possible to do so"

The National Treasury Local Government Municipal Finance Management Act: Regulations on Minimum competency levels 29967 stipulates that the accounting officer of a municipality or municipal entity must comply with the minimum competency levels required for higher education qualification, work related experience core managerial and occupational competencies and be competent in the unit standards prescribed for financial and supply chain management competency areas as set out below.

Regulations in respect of the appointment and conditions of employment were promulgated on 17 January 2014 by the Minister for Co-operative Governance and Traditional Affairs for Senior Managers. The aforesaid regulations also prescribe a detailed processes, procedures and timelines for the recruitment, appointment and conditions of employment for Senior Managers, which are the following:

General requirements for the appointment of Senior Managers

Para 8 (1-2)

"(1) No person may be appointed as a senior manager on a fixed term contract, on a permanent basis or on probation, to any post on the approved staff establishment of a municipality, unless he or she –

(a) is a South African citizen or permanent resident and

(b) possesses the relevant competencies, qualifications, experience and knowledge set out in Annexure A and B to these regulations

(2) An appointment may not take effect before the first day of the month following the month during which the municipal council approved the appointment."

If the appointment is found to be in contravention of this provision, the appointment is considered to be null and void.

Council authority required prior to filling a Senior Manager position (S57)

- Approval must be granted by council
- Post must be budgeted for
- Speaker may convene a special meeting of Council to obtain approval

At the same meeting, the council must appoint a selection panel to make recommendations for the appointment of candidates to vacant Senior Manager posts.

Selection panel is appointed with due regard to:

- The nature of the post
- Gender balance of the post
- Skills, expertise, experience and availability of the panel member

Selection panel for Municipal Manager

- At least 3 and not more than 5 members
- Mayor – who will be the chair, or his/her delegate
- A councillor designated by the municipal council; and
- At least one person who is not a councillor or a staff member of the municipality, and who has the expertise or experience in the area of the advertised post.

A panel member must disclose any interest or relationship with shortlisted candidates during the shortlisting process, and must recuse him or herself from the selection panel if there is a conflict of interest.

A panel member and staff member must sign a declaration of confidentiality as set out in annexure D of the Regulations

Advertising a vacant posts

The municipal manager must within fourteen (14) days of receipt of approval from the municipal council ensure that the post is advertised.

A vacant senior manager post must be advertised in the media circulating nationally and in each of the provinces.

- A municipality may utilise a recruitment agency to identify candidates for posts: Provided that the advertising, recruitment and selection procedures comply with these regulations.

- Monthly reports on the progress made concerning the filling of the vacancy must also be submitted to the mayor / municipal council.

Application for vacant posts

- Applications for vacant posts must be submitted on an official application form.
- An applicant for a senior manager post must disclose –
- academic qualifications, proven experience and competencies;
- contactable references;
- any offence for which he or she has been convicted;
- any disciplinary actions, whether pending or finalised, instituted against him or her in his or her current or previous employment; and
- registration with any professional body.

Any misrepresentation or failure to disclose information is a breach of conduct and will lead to the disqualification of candidate.

The municipality must compile and maintain a record of all applications received.

Regulation 13 –

Compiling shortlist of applicants

- A mayor/municipal manager must compile, in consultation with the selection panel –
 - a list of all applicants who applied for an advertised post; and
 - a shortlist consisting of all applications received for a specific post, evaluated against the relevant competency requirements.
- The shortlisting must be finalised within thirty (30) days of the closing date of the advertisement.
- The municipality must keep a record of all the applicants.
- Both the long and short lists must be submitted to the selection panel members before the interviews.

Regulation 14 –

Screening of applicants

Screening of the shortlisted applicants must take place within twenty-one (21) days of finalisation of shortlisting by –

- conducting reference checks;
- contacting the candidate's current or previous employer if unemployed;
- determining the validity of a candidates' qualifications; and
- verifying whether the candidate has been dismissed previously for misconduct or poor performance by another employer.
- A report on the screening process must be compiled and tabled before the selection panel.

Regulation 15 –

- Interviews must be conducted within 21 days of the screening process.
- The selection panel for a specific post must remain the same throughout the screening and interviewing process
- A record must be kept of every panel member's individual assessment of the interviewed candidates.
- The determination of candidates to be recommended for appointment must be considered by way of consensus between the members of the selection panel.
- If consensus cannot be reached, a dissenting member may record his or her concerns in the minutes where after the issue may be voted upon, with each member of the selection panel entitled to one vote.
- The selection panel must make a determination of a second and third choice to mitigate against delays in the event that the first choice candidate declines the offer of employment.

Regulation 16 –

Selection

- The persons recommended for appointment to the post of a senior manager must undergo a competency assessment.
- The competency assessment instrument must –
 - be scientifically proven to be valid and reliable;
 - be capable of being applied fairly; and
 - not be biased against any person or group of persons.
- A municipality must provide funding for purposes of competency assessment and testing.
- The selection panel must submit a report and recommendation on the selection process to the municipal council.

Regulation 17 –

Resolution of municipal council on the appointment of senior managers

- Before making a decision on an appointment, a municipal council must satisfy itself that –
 - a. the candidate meets the relevant competency requirements for the post;
 - b. Screening of the candidate has been conducted; and
 - c. the candidate does not appear on the record of staff members dismissed for misconduct.
- The municipal council must take a decision on the appointment of a suitable candidate.
- The municipal council must –
 - inform all interviewed candidates of the outcome of the decision referred to in sub regulation (3); and
 - within 14 days of the decision, report to the MEC for local government of the appointment process and outcome.

Attached hereto please find a copy of the regulations as annexure "A"

DISCUSSION

The position of Municipal Manager is currently vacant for some time and it is necessary to start the recruitment process.

The position comply with all the requirements as set by the Regulation i.e. it is funded and vacant.

FINANCIAL RESPONSIBILITIES

Expenditure will be covered with the current approved budget.

LEGAL RESPONSIBILITIES

Municipal Systems Amendment Act 32 of 2000

Regulation on the Appointment and Conditions of Employment for Senior Managers (GNR 583 GG 37245 on 17 January 2014)

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

Negative impact on service delivery

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL :

It is recommended:

1. That Council notes the content of the report.
2. That Council approves that the position of Municipal Manager be advertised as prescribed by the said regulations with the view of filling such vacancy.
3. That Council appoints a selection committee as prescribed by regulation 12 that will consist of the following:
 - 3.1. At least 3 and not more than 5 members
 - 3.2. The Mayor – who will be the chair, or his delegate
 - 3.3. A Councillor designated by the municipal council; and
 - 3.4. At least one person who is not a councillor or a staff member of the municipality, and who has the expertise or experience in the area of the advertised post.

DISCUSSION DURING MEETING:

Alderman MR Nongxaza proposed the following recommendation:

- *Point 1 – 2 as is of the recommendation and that the selection committee as prescribed by regulation 12 will consist of the following:*
- *The Deputy Mayor, Alderman C Clayton, will be the chair.*
- *Alderman BB Mkhwibiso be designated as a Member.*
- *That the Opposition Parties have observer status.*

Proposal was seconded by Alderman BB Mkhwibiso.

Alderman LM de Bruyn submitted a counter-proposal namely:

- *Point 1 – 2 as is of the recommendation and that the selection committee as prescribed by regulation 12 will consist of the following:*
- *The Mayor, Alderman LM de Bruyn, will be the chair.*
- *Councillor H Linnerts be designated as a Member by the municipal council.*
- *That the Opposition Parties have observer status.*

Counter-proposal was seconded by Alderman S Fredericks.

The voting process started and each councillor indicate by hand whether they vote for
1. Proposal by Alderman MR Nongxaza and seconded by Alderman BB Mkhwibiso or
2. Counter-proposal by Alderman LM de Bruyn seconded by Alderman S Fredericks.

The result of the voting process is as follows:

Proposal by Alderman MR Nongxaza and seconded by Alderman BB Mkhwibiso = 8 votes.

Counter-proposal by Alderman LM de Bruyn and seconded by Alderman S Fredericks = 14 votes.

The EFF and PA Councillors abstain from the voting process.

RESOLVED BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman LM de Bruyn and seconded by Alderman S Fredericks, it was resolved as follows:

- 1. Council noted the content of the report.**
- 2. Council approves that the position of Municipal Manager be advertised as prescribed by the said regulations with the view of filling such vacancy.**

3. Council appoints a selection committee as prescribed by regulation 12 that will consist of the following:

- 3.1. The Executive Mayor, Alderman LM de Bruyn – who will be the chair.**
- 3.2 Councillor H Linnerts as a Member of the Committee.**
- 3.3 At least one person who is not a councillor or a staff member of the municipality, and who has the expertise or experience in the area of the advertised post.**
- 3.4 That the Opposition Parties will have observer status.**

For finalization by the Senior Manager: Human Resources, Mr J Amansure.

ITEM TITLE

**C09/2025 DIRECTORATE FINANCE: DEPARTMENT SUPPLY CHAIN
MANAGEMENT: DEVIATION REPORT FOR OCTOBER 2024**

[English version of the report is the original]

FILE NUMBER

6/3/3/6

PURPOSE OF REPORT

To present a report to Council consisting of the reasons for deviating in terms of subparagraphs 36(1)(a) and (b) of the SCM Policy for the month of October 2024.

BACKGROUND

(1) The Accounting Officer may –

- a) dispense with the official procurement processes established by this Policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only –
 - (i) in an emergency; (An emergency is an unforeseeable sudden event with harmful or potential harmful consequences for the municipality which requires urgent action to address.)

Circumstances that warrant emergency dispensation, includes but are not limited to –

- a) the possibility of human injury or death,
- b) the prevalence of human suffering or deprivation of rights,
- c) the possibility of damage to property, or suffering and death of livestock and animals, the interruption of essential services, including transportation and communication facilities or support services critical to the effective functioning of the municipality as a whole, the possibility of serious damage occurring to the natural environment,
- d) the possibility that failure to take necessary action may result in the municipality not being able to render an essential community service,
- e) the possibility that the security of the state could be compromised.

The prevailing situation, or imminent danger, should be of such a scale and nature that it could not readily be alleviated by interim measures, in order to allow time for the formal tender process.

- (i) if such goods or services are produced or available from a single source or sole provider only (as per definition);

- (ii) for the acquisition of special works of art or historical objects where specifications are difficult to compile;
 - (iii) acquisition of animals for zoos and/or nature and game reserves; or
 - (iv) in any other exceptional case where it is impractical or impossible to follow the official procurement processes;
 - (v) ad-hoc repairs to plant and equipment where it is not possible to ascertain the nature or extent of the work required in order to call for bids; 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.

DISCUSSION

The report in terms of subparagraph 36(1)(a) can be found attached. Also note that the Accounting Officer did not ratify minor breaches of the procurement process in terms of subparagraph 36(1)(b)

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

As per attachment.

LEGAL IMPLICATIONS (ITEM AUTHOR)

Not applicable.

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

Not applicable.

RECOMMENDATION BY ITEM AUTHOR:

It is recommended that Council takes cognisance of the report.

RECOMMENDATION BY THE EMC TO COUNCIL: 14 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, it was unanimously recommended as follows:

That Council takes cognisance of the report.

RECOMMENDATION TO COUNCIL:

It is recommended that Council takes cognisance of the report.

RESOLVED BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman C Clayton and seconded by Councillor H Linnerts, it was resolved as follows:

Council noted the report.

For finalization by the Director: Finance, Mr P Mabhena.

ITEM TITLE

**C10/2025 DIRECTORATE FINANCE: DEPARTMENT SUPPLY CHAIN
MANAGEMENT: DEVIATION REPORT FOR NOVEMBER 2024**

[English version of the report is the original]

FILE NUMBER

6/3/3/6

PURPOSE OF REPORT

To present a report to Council consisting of the reasons for deviating in terms of subparagraphs 36(1)(a) and (b) of the SCM Policy for the month of November 2024.

BACKGROUND

(1) The Accounting Officer may –

- a) dispense with the official procurement processes established by this Policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only –
 - (i) in an emergency; (An emergency is an unforeseeable sudden event with harmful or potential harmful consequences for the municipality which requires urgent action to address.)

Circumstances that warrant emergency dispensation, includes but are not limited to –

- a) the possibility of human injury or death,
- b) the prevalence of human suffering or deprivation of rights,
- c) the possibility of damage to property, or suffering and death of livestock and animals, the interruption of essential services, including transportation and communication facilities or support services critical to the effective functioning of the municipality as a whole, the possibility of serious damage occurring to the natural environment,
- d) the possibility that failure to take necessary action may result in the municipality not being able to render an essential community service,
- e) the possibility that the security of the state could be compromised.

The prevailing situation, or imminent danger, should be of such a scale and nature that it could not readily be alleviated by interim measures, in order to allow time for the formal tender process.

- (i) if such goods or services are produced or available from a single source or sole provider only (as per definition);

- (ii) for the acquisition of special works of art or historical objects where specifications are difficult to compile;
 - (iii) acquisition of animals for zoos and/or nature and game reserves; or
 - (iv) in any other exceptional case where it is impractical or impossible to follow the official procurement processes;
 - (v) ad-hoc repairs to plant and equipment where it is not possible to ascertain the nature or extent of the work required in order to call for bids; 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.

DISCUSSION

The report in terms of subparagraph 36(1)(a) can be found attached. Also note that the Accounting Officer did not ratify minor breaches of the procurement process in terms of subparagraph 36(1)(b).

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

As per attachment.

LEGAL IMPLICATIONS (ITEM AUTHOR)

Regulation 36 of the Supply Chain Management Policy.

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

Not Applicable

RECOMMENDATION BY ITEM AUTHOR:

It is recommended that Council takes cognisance of the report.

RECOMMENDATION BY THE EMC TO COUNCIL: 14 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, it was unanimously recommended as follows:

That Council takes cognisance of the report.

RECOMMENDATION TO COUNCIL:

It is recommended that Council takes cognisance of the report.

RESOLVED BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman MR Nongxaza and seconded by Alderman BB Mkhwibiso, it was resolved as follows:

Council noted the report.

For finalization by the Director: Finance, Mr P Mabhena.

ITEM HEADING

**C11/2025 DIRECTORATE FINANCE: WITHDRAWALS FROM MUNICIPAL
BANK ACCOUNTS: OCTOBER – DECEMBER 2024**

[English version of the report is the original]

FILE NUMBER

5/15/R

PURPOSE / AIM OF REPORT

To report on particular withdrawals from municipal bank accounts in terms of the Local Government: Municipal Finance Management Act, 2003.

BACKGROUND

As per attached report.

DISCUSSION

A consolidated list of withdrawals in terms of Section 11(1)(b) to (j) of the Local Government: Municipal Financial Management Act, 2003, during the quarter ending December 2024, is attached hereto.

The following information is supplementary to the list of withdrawals:

Section 11(1) (b): Expenditures that were authorised in terms of Section 26(4)

No withdrawals

Section 11(1) (c): Unforeseeable and unavoidable expenditure

No withdrawals

Section 11(1) (d): Withdrawals in respect of Trust, and so forth

No withdrawals

Section 11(1) (e): Overpayment of monies received on behalf of a person or state body

Withdrawals were made for conversion of drivers' licenses and CPA motor license monies. Complete details can be found on the list of withdrawals.

Section 11(1) (f): Monies erroneously deposited into bank account

No withdrawals

Section 11(1) (g): Guarantees, sureties and security deposits refunded

No withdrawals

Section 11(1) (h): Cash management and investments

Withdrawals were made for investment purposes. Complete details can be found on the list of withdrawals.

Section 11(1) (i): Increased expenditure in terms of Section 31

No withdrawals

Section 11(1) (j): Other purposes as prescribed

No withdrawals

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

As per attached report.

LEGAL IMPLICATIONS (ITEM AUTHOR)

Section 11(4) of the Local Government: Municipal Financial Management Act, 2003 reads as follows:

"The Accountable Officer must, within thirty (30) days after the end of every quarter-

1. Table in the municipal council a consolidated report of all withdrawals made in terms of sub-section (1)(b) to (j) during the quarter, and
2. Submit a copy of the report to the relevant provincial treasury and the Auditor-General".

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

None

RECOMMENDATION BY ITEM AUTHOR:

It is recommended:

1. That the Council confirms the list of withdrawals in terms of the Section 11(1)(b) to (j) of the Local Government: Municipal Financial Management Act, 2003 for the quarter ended 31 December 2024.
2. That the report accordingly be presented to the Provincial Treasury: Western Cape and Auditor – General, as determined by Section 11(4)(b) of the Local Government: Municipal Finance Management Act, 2003.

RECOMMENDATION BY THE EMC TO COUNCIL: 14 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman S Fredericks and seconded by Councillor Y van Tonder it was recommended as follows:

1. That the Council confirms the list of withdrawals in terms of the Section 11(1)(b) to (j) of the Local Government: Municipal Financial Management Act, 2003 for the quarter ended 31 December 2024.
2. That the report accordingly be presented to the Provincial Treasury: Western Cape and Auditor – General, as determined by Section 11(4)(b) of the Local Government: Municipal Finance Management Act, 2003.

RECOMMENDATION TO COUNCIL:

It is recommended:

1. That the Council confirms the list of withdrawals in terms of the Section 11(1)(b) to (j) of the Local Government: Municipal Financial Management Act, 2003 for the quarter ended 31 December 2024.
2. That the report accordingly be presented to the Provincial Treasury: Western Cape and Auditor – General, as determined by Section 11(4)(b) of the Local Government: Municipal Finance Management Act, 2003.

RESOLVED BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman S Fredericks and seconded by Alderman LM de Bruyn, it was resolved as follows:

1. Council confirms the list of withdrawals in terms of the Section 11(1)(b) to (j) of the Local Government: Municipal Financial Management Act, 2003 for the quarter ended 31 December 2024.
2. That the report accordingly be presented to the Provincial Treasury: Western Cape and Auditor – General, as determined by Section 11(4)(b) of the Local Government: Municipal Finance Management Act, 2003.

For finalization by the Director: Finance, Mr P Mabhena.

ITEM HEADING

**C12/2025 DIRECTORATE FINANCE: FINANCIAL REPORT ITEM: FOURTH
QUARTER 2023/24 (APRIL - JUNE 2024)**

[English version of the report is the original]

FILE NUMBER

5/16/R

PURPOSE / AIM OF REPORT

The purpose of this report is to inform the Council on the current financial state as of 30 June 2024.

BACKGROUND

Attached is the Financial Report for the month of June 2024, which reflects the implementation of the budget, and the state of the municipality's financial affairs.

The Financial Report consists of the following financial reports:

1. Executive Summary
2. Capital Expenditure
3. Operating Revenue and Expenditure
4. Cash and Investments
5. Borrowings
6. Grants
7. Debtors
8. Creditors

DISCUSSION

As per attached report.

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

As per attached report.

LEGAL IMPLICATIONS (ITEM AUTHOR)

The report for the fourth quarter (April 2024 – June 2024), prepared in terms of Section 71 of the Municipal Finance Management Act, Act 56 of 2003, is submitted to Council in terms of Section 52 (d) of the Municipal Finance Management Act, Act 56 of 2003 which reflects the implementation of the budget and the financial state of affairs of the municipality.

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

None

RECOMMENDATION BY ITEM AUTHOR:

It is recommended:

1. That Council notes the Monthly Budget Statement, Performance and supporting documentation as of 30 June 2024.
2. That Council notes that this is the final Monthly Budget Statement, Performance and supporting documentation for June 2024 after the Annual Financial Statements has been compiled.

RECOMMENDATION BY THE EMC TO COUNCIL: 14 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman S Fredericks and seconded by Councillor Y van Tonder it was recommended as follows:

1. That Council notes the Monthly Budget Statement, Performance and supporting documentation as of 30 June 2024.
2. That Council notes that this is the final Monthly Budget Statement, Performance and supporting documentation for June 2024 after the Annual Financial Statements has been compiled.

RECOMMENDATION TO COUNCIL:

It is recommended:

1. That Council notes the Monthly Budget Statement, Performance and supporting documentation as of 30 June 2024.
2. That Council notes that this is the final Monthly Budget Statement, Performance and supporting documentation for June 2024 after the Annual Financial Statements has been compiled.

RESOLVED BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman MR Nongxaza and seconded by Councillor PJ Stander, it was resolved as follows:

1. Council noted the Monthly Budget Statement, Performance and supporting documentation as of 30 June 2024.

2. Council noted that this is the final Monthly Budget Statement, Performance and supporting documentation for June 2024 after the Annual Financial Statements has been compiled.

For finalization by the Director: Finance, Mr P Mabhena.

ITEM HEADING

**C13/2025 DIRECTORATE FINANCE: FINANCIAL REPORT ITEM: SECOND
QUARTER 2024/25 (OCTOBER 2024 - DECEMBER 2024)**

[English version of the report is the original]

FILE NUMBER

5/16/R

PURPOSE / AIM OF REPORT

The purpose of this report is to inform the Council on the current financial state as of 31 December 2024.

BACKGROUND

Attached is the **Financial Report** for the month of December 2024, which reflects the implementation of the budget, and the state of the municipality's financial affairs.

The Financial Report consists of the following financial reports:

1. Executive Summary
2. Capital Expenditure
3. Operating Revenue and Expenditure
4. Cash and Investments
5. Borrowings
6. Grants
7. Debtors
8. Creditors

DISCUSSION

As per attached report.

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

As per attached report.

LEGAL IMPLICATIONS (ITEM AUTHOR)

The report for the second quarter (October 2024 – December 2024), prepared in terms of Section 71 of the Municipal Finance Management Act, Act 56 of 2003, is submitted to Council in terms of Section 72 and 52 (d) of the Municipal Finance Management Act, Act 56 of 2003 which reflects the implementation of the budget and the financial state of affairs of the municipality.

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

None

RECOMMENDATION BY ITEM AUTHOR:

It is recommended that Council notes the Monthly Budget Statement, Performance and supporting documentation as of 31 December 2024.

RECOMMENDATION BY THE EMC TO COUNCIL: 14 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, it was unanimously recommended as follows:

That Council notes the Monthly Budget Statement, Performance and supporting documentation as of 31 December 2024.

RECOMMENDATION TO COUNCIL:

It is recommended that Council notes the Monthly Budget Statement, Performance and supporting documentation as of 31 December 2024.

RESOLVED BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, it was unanimously resolved as follows:

Council noted the Monthly Budget Statement, Performance and supporting documentation as of 31 December 2024.

For finalization by the Director: Finance, Mr P Mabhena.

ITEM HEADING

**C14/2025 DIRECTORATE FINANCE: CONSIDERATION AND APPROVAL OF
THE ADJUSTMENT BUDGET 2024/2025 AND INDICATIVE FOR THE
PROJECTED TWO OUTER YEARS 2025/2026 AND 2026/2027**

[English version of the report is the original]

FILE NUMBER

5/1/1-2024/2025; 5/1/1-2025/2026; 5/1/1-2026/2027

PURPOSE / AIM OF REPORT

This report serves to submit the 2024/2025 and indicative two outer years annual adjustment budget for approval.

BACKGROUND

Section 28 of the Municipal Finance Management Act. No 56 of 2003 states:

1. *A municipality may revise an approved annual budget through and adjustments budget.*
2. *An adjustments budget –*
 - (a) *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;*
 - (b) *may authorise the utilisation of projected savings in one vote towards spending under another vote;*
 - (c) *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;*
 - (d) *may correct any errors in the annual budget;*

In accordance with section 23 (4) and (5) of the Municipal Budget and Reporting Regulation:

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

In accordance with section 10 of the Municipal Budget and Reporting Regulation:

(3)(c) in the case of agency payments, public contributions, donations, donor grants or any other grants, subsidies or contributions, the relevant service level agreement, contract or other legally binding document which guarantees the funding.

DISCUSSION

As contained in the detail report.

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

As contained in the detail report.

LEGAL IMPLICATIONS (ITEM AUTHOR)

Section 28 of the Municipal Finance Management Act, 56 of 2003 and section 23 and section 10 of the Municipal Budget and Reporting Regulations.

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

None

RECOMMENDATION BY ITEM AUTHOR:

It is recommended:

1. That the adjustments budget for the financial year 2024 – 2025 be approved as contained in Tables B1 – B10 detailed below:
 - 1.1. Table B1 – Adjustments Budget Summary
 - 1.2. Table B2 – Adjustments Budgeted Financial Performance (Revenue and Expenditure by standard classification)
 - 1.3. Table B3 - Adjustments Budgeted Financial Performance (Revenue and Expenditure by municipal vote)
 - 1.4. Table B4 - Adjustments Budgeted Financial Performance (Revenue and Expenditure)
 - 1.5. Table B5 – Adjustments Capital Expenditure by Vote, Standard classification and Funding
 - 1.6. Table B6 – Adjustments Budgeted Financial Position
 - 1.7. Table B7 – Adjustments Budgeted Cash Flow
 - 1.8. Table B8 – Cash backed reserves/Accumulated surplus reconciliation

1.9. Table B9 – Asset Management

1.10. Table B10 – Basic service delivery measurement

- 2. That the SDBIP will be adjusted to reflect the adjustments made in the budget allocation and submitted for subsequent approval by the Executive Mayor.**
- 3. That the adjustment Transfer Recognised - Operational remains at R168million.**
- 4. That the adjustment operating expenditure remains at R789million.**

RECOMMENDATION BY THE EMC TO COUNCIL: 14 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman S Fredericks and seconded by Alderman M Plato-Mentoor it was recommended as follows:

- 1. That the adjustments budget for the financial year 2024 – 2025 be approved as contained in Tables B1 – B10 detailed below:**
 - 1.1. Table B1 – Adjustments Budget Summary**
 - 1.2. Table B2 – Adjustments Budgeted Financial Performance (Revenue and Expenditure by standard classification)**
 - 1.3. Table B3 - Adjustments Budgeted Financial Performance (Revenue and Expenditure by municipal vote)**
 - 1.4. Table B4 - Adjustments Budgeted Financial Performance (Revenue and Expenditure)**
 - 1.5. Table B5 – Adjustments Capital Expenditure by Vote, Standard classification and Funding**
 - 1.6. Table B6 – Adjustments Budgeted Financial Position**
 - 1.7. Table B7 – Adjustments Budgeted Cash Flow**
 - 1.8. Table B8 – Cash backed reserves/Accumulated surplus reconciliation**
 - 1.9. Table B9 – Asset Management**
 - 1.10. Table B10 – Basic service delivery measurement**
- 2. That the SDBIP will be adjusted to reflect the adjustments made in the budget allocation and submitted for subsequent approval by the Executive Mayor.**
- 3. That the adjustment Transfer Recognised - Operational remains at R168million.**

4. That the adjustment operating expenditure remains at R789million.

RECOMMENDATION TO COUNCIL:

It is recommended:

1. That the adjustments budget for the financial year 2024 – 2025 be approved as contained in Tables B1 – B10 detailed below:
 - 1.1. Table B1 – Adjustments Budget Summary
 - 1.2. Table B2 – Adjustments Budgeted Financial Performance (Revenue and Expenditure by standard classification)
 - 1.3. Table B3 - Adjustments Budgeted Financial Performance (Revenue and Expenditure by municipal vote)
 - 1.4. Table B4 - Adjustments Budgeted Financial Performance (Revenue and Expenditure)
 - 1.5. Table B5 – Adjustments Capital Expenditure by Vote, Standard classification and Funding
 - 1.6. Table B6 – Adjustments Budgeted Financial Position
 - 1.7. Table B7 – Adjustments Budgeted Cash Flow
 - 1.8. Table B8 – Cash backed reserves/Accumulated surplus reconciliation
 - 1.9. Table B9 – Asset Management
 - 1.10. Table B10 – Basic service delivery measurement
2. That the SDBIP will be adjusted to reflect the adjustments made in the budget allocation and submitted for subsequent approval by the Executive Mayor.
3. That the adjustment Transfer Recognised - Operational remains at R168million.
4. That the adjustment operating expenditure remains at R789million.

RESOLVED BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman MR Nongxaza and seconded by Alderman BB Mkhwibiso, it was resolved as follows:

- 1. Council approves the adjustment budget for the financial year 2024 – 2025 as contained in Tables B1 – B10 detailed below:**
 - 1.1. Table B1 – Adjustments Budget Summary**
 - 1.2. Table B2 – Adjustments Budgeted Financial Performance (Revenue and Expenditure by standard classification)**
 - 1.3. Table B3 - Adjustments Budgeted Financial Performance (Revenue and Expenditure by municipal vote)**
 - 1.4. Table B4 - Adjustments Budgeted Financial Performance (Revenue and Expenditure)**
 - 1.5. Table B5 – Adjustments Capital Expenditure by Vote, Standard classification and Funding**
 - 1.6. Table B6 – Adjustments Budgeted Financial Position**
 - 1.7. Table B7 – Adjustments Budgeted Cash Flow**
 - 1.8. Table B8 – Cash backed reserves/Accumulated surplus reconciliation**
 - 1.9. Table B9 – Asset Management**
 - 1.10. Table B10 – Basic service delivery measurement**
- 2. Council noted that the SDBIP will be adjusted to reflect the adjustments made in the budget allocation and submitted for subsequent approval by the Executive Mayor.**
- 3. Council noted that that the adjustment Transfer Recognised - Operational remains at R168million.**
- 4. Council noted that the adjustment operating expenditure remains at R789million.**

For finalization by the Director: Finance, Mr P Mabhena.

ITEM TITLE**C15/2025 DIRECTORATE FINANCE: DISPOSAL OF FIXED ASSETS LINKED TO INSURANCE CLAIMS**

[English version of the report is the original]

FILE NUMBER

6/1/1/4

PURPOSE OF REPORT

To obtain the Council's approval for the disposal of assets / inventory linked to insurance claims.

BACKGROUND

Assets has been identified as stolen and for which an insurance claim has been submitted to the Insurance Broker. All these incidents have been reported to South African Police Services where the case numbers are referenced in attachment. Quarterly follow ups with end users who registered a said cases is performed.

To correctly account for these assets the council needs to approve the disposal.

A list of such assets is attached (Annexure "A").

DISCUSSION

Council to approve the attached list to be disposed.

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

All the assets / inventory has been paid for. Council will save on further insurance premium, further depreciation etc.

LEGAL IMPLICATIONS (ITEM AUTHOR)

In terms of Section 14 (1) and (2) of the MFMA:

1. A municipality **may not** transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of **basic municipal services**.
2. A municipality **may** transfer ownership or otherwise dispose of a capital asset other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public—
 - a. has decided on reasonable grounds that the asset is not needed to provide the minimum level of **basic municipal services**; and

- b. has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

None

RECOMMENDATION BY ITEM AUTHOR:

It is recommended that Council approves the disposal of assets / inventory per Annexure "A".

RECOMMENDATION BY MANAGEMENT TO THE EMC: 09 JANUARY 2025

It is recommended:

- 1. That Council approves the disposal of assets / inventory per Annexure "A".**
- 2. That a separate column be added to explain the status of the insurance claim linked to each item on the list.**

RECOMMENDATION BY THE EMC TO COUNCIL: 14 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman S Fredericks and seconded by Councillor Y van Tonder it was recommended as follows:

- 1. That Council approves the disposal of assets / inventory per Annexure "A".**
- 2. That a separate column be added to explain the status of the insurance claim linked to each item on the list after each of the SAPS cases have been followed up.**

RECOMMENDATION TO COUNCIL:

It is recommended:

- 1. That Council approves the disposal of assets / inventory per Annexure "A".**
- 2. That a separate column be added to explain the status of the insurance claim linked to each item on the list after each of the SAPS cases have been followed up.**

RESOLVED BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Councillor C Cloete and seconded by Alderman DA Appel, it was resolved as follows:

1. **Council approves the disposal of assets / inventory per Annexure "A".**
2. **That a separate column be added to explain the status of the insurance claim linked to each item on the list after each of the SAPS cases have been followed up.**

For finalization by the Director: Finance, Mr P Mabhena.

ITEM TITLE

C16/2025 DIRECTORATE FINANCE: DISPOSAL OF FIXED ASSETS FOR AUCTION

[English version of the report is the original]

FILE NUMBER

6/1/1/4

PURPOSE OF REPORT

To obtain the Council's approval for the disposal of assets / inventory to be auctioned.

BACKGROUND

Assets has been identified by the departments and towns that has reached the end of their useful life and need to be disposed.

The useful life determination emanates primarily from the MFMA which further described in the legal implication as per this item, moreover underlines the following:

- a) has decided on reasonable grounds that the asset is not needed to provide the minimum level of basic municipal services***

A list of such assets is attached (Annexure "A").

DISCUSSION

Council to approve the attached list to be auctioned.

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

All the assets / inventory has been paid for. Council will save on further insurance premium, further depreciation etc.

LEGAL IMPLICATIONS (ITEM AUTHOR)

In terms of Section 14 (1) and (2) of the MFMA:

1. A municipality **may not** transfer ownership as a result of a sale or other transaction or otherwise permanently dispose of a capital asset needed to provide the minimum level of **basic municipal services**.
2. A municipality **may** transfer ownership or otherwise dispose of a capital asset other than one contemplated in subsection (1), but only after the municipal council, in a meeting open to the public—
 - a. has decided on reasonable grounds that the asset is not needed to provide the minimum level of **basic municipal services**; and
 - b. has considered the fair market value of the asset and the economic and community value to be received in exchange for the asset.

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

None

RECOMMENDATION BY ITEM AUTHOR:

It is recommended that Council approve the disposal of assets / inventory per Annexure "A".

RECOMMENDATION BY MANAGEMENT TO THE EMC: 09 JANUARY 2025

It is recommended that Council approves the disposal of assets / inventory per Annexure "A".

RECOMMENDATION BY THE EMC TO COUNCIL: 14 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Councillor C Cloete and seconded by Alderman C Clayton it was recommended as follows:

That Council approves the disposal of assets / inventory per Annexure "A".

RECOMMENDATION TO COUNCIL:

It is recommended that Council approve the disposal of assets / inventory per Annexure "A".

RESOLVED BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman LM de Bruyn and seconded by Councillor C Cloete, it was resolved as follows:

- 1. Council approves the disposal of assets / inventory per Annexure "A".**
- 2. Council resolved that the profit must be ringfenced for capital projects.**

For finalization by the Director: Finance, Mr P Mabhena.

ITEM HEADING

C17/2025 OFFICE OF THE MUNICIPAL MANAGER: ADVERTISING OF VACANCIES: DIRECTOR: TECHNICAL- AND INFRASTRUCTURE IMPLEMENTATION SERVICES AND DIRECTOR: ECONOMIC DEVELOPMENT AND PLANNING

[English version of the report is the original]

FILE NUMBER

4/4/1/11

PURPOSE OF REPORT

To submit a report to the Municipal Council in respect of the recruitment and selection process re the filling of two vacant positions of Director: Technical and Infrastructure Implementation Services and Director: Economic Development and Planning and to obtain approval for the advertising of these posts.

BACKGROUND

The two positions had been vacant for a long period of time and it is becoming critical that it be filled in order to ensure effective service delivery.

DISCUSSION

Currently the two Directorates operates with Acting Directors which is not an ideal situation in terms of continuity of effective service delivery.

FINANCIAL RESPONSIBILITIES

Funding is provided for this post in the 2024/2025 Budget.

LEGAL RESPONSIBILITIES

Municipal Systems Amendment Act 32 of 2000

Regulation on the Appointment and Conditions of Employment for Senior Managers (GNR 583 GG 37245 on 17 January 2014)

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

Negative effect on service delivery

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended:

- 1. That Council notes the content of the report.**

2. That Council grants approval that the positions of Director: Technical- and Infrastructure Implementation Services and Director: Economic Development and Planning, be advertised with the view of starting the recruitment and selection process.
3. That Council appoints a selection committee as prescribed by regulation 12 that will consist of the following:
 - A. Director: Technical and Infrastructure Implementation Services –
 - 3.1. The Municipal Manager – who will be the chairperson for the selection panel;
 - 3.2. The member of the mayoral committee / councillor who is the portfolio head of the Technical- and Infrastructure Implementation Services Portfolio;
 - 3.3. At least one person who is not a councillor or a staff member of the municipality, and who has the expertise or experience in the area of the advertised posts; and
 - B. Director: Economic Development and Planning
 - 3.4 The Municipal Manager – who will be the chairperson for the selection panel;
 - 3.5. The member of the mayoral committee / councillor who is the portfolio head of the Economic Development and Planning Portfolio;
 - 3.6. At least one person who is not a councillor or a staff member of the municipality, and who has the expertise or experience in the area of the advertised posts
4. That in respect of 3.3 and 3.6 above, the Municipal Manager approach suitable experts to form part of the selection panels.

RESOLVED BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman LM de Bruyn and seconded by Councillor C Cloete, it was resolved as follows:

1. Council noted the content of the report.
2. Council grants approval that the positions of Director: Technical- and Infrastructure Implementation Services and Director: Economic Development and Planning, be advertised with the view of starting the recruitment and selection process.

3. Council appoints a selection committee as prescribed by regulation 12 that will consist of the following:
 - A. Director: Technical and Infrastructure Implementation Services –
 - 3.1. The Municipal Manager – who will be the chairperson for the selection panel;
 - 3.2. Alderman M Plato-Mentoor who is the portfolio head of the Technical- and Infrastructure Implementation Services Portfolio;
 - 3.3. At least one person who is not a councillor or a staff member of the municipality, and who has the expertise or experience in the area of the advertised posts; and
 - B. Director: Economic Development and Planning
 - 3.4 The Municipal Manager – who will be the chairperson for the selection panel;
 - 3.5. Alderman C Clayton who is the portfolio head of the Economic Development Portfolio;
 - 3.6. At least one person who is not a councillor or a staff member of the municipality, and who has the expertise or experience in the area of the advertised posts
4. That in respect of 3.3 and 3.6 above, the Municipal Manager approach suitable experts to form part of the selection panels.
5. That the Opposition Parties will have observer status.

For finalization by the Acting Municipal Manager, Mr J Amansure.

ITEM TITLE

C18/2025 FRAUD AND RISK MANAGEMENT COMMITTEE: REVIEW AND APPROVAL OF ANTI-CORRUPTION AND FRAUD PREVENTION POLICY, STRATEGY, PLAN, FARMCO TERMS OF REFERENCE, COMBINED ASSURANCE FRAMEWORK AND BUSINESS CONTINUITY FRAMEWORK FOR 2024/2025

[English version of the report is the original]

FILE NUMBER

5/14/2/B;5/14/2/1

PURPOSE OF REPORT

To review Theewaterskloof municipality's Anti-Corruption and Fraud Prevention Policy, Strategy, Plan, FARMCO Terms of Reference, Combined Assurance Policy Framework and Business Continuity Framework for 2024/2025.

BACKGROUND

The Anti-Corruption and Fraud Prevention Policy, Strategy and the Plan must be reviewed by FARMCO annually and recommend to Council for approval. Any changes to the roles and responsibilities of the risk management structures requires correlated changes to the FARMCO Terms of Reference as well. Additional policies and frameworks related to risk management have been implemented or are planned to be implemented from the start of 2024/2025, which imposes additional oversight responsibilities of FARMCO.

DISCUSSION**ATTACHMENT**

- TWK Anti-Corruption and Fraud Prevention Policy 2024/2025
- TWK Anti-Corruption and Fraud Prevention Strategy 2024/2025
- TWK Anti-Corruption and Fraud Prevention Plan 2024/2025
- TWK FARMCO Terms Of Reference 2024/2025
- TWK Combined Assurance Policy Framework 2024/2025
- Business Continuity Framework 2024/2025

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

None

LEGAL IMPLICATIONS (ITEM AUTHOR)

None

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

None

RECOMMENDATION BY ITEM AUTHOR:

It is recommended:

1. That the committee reviews the Anti-Corruption and Fraud Prevention Policy, Strategy, Plan, FARMCO Terms of Reference, Combined Assurance Policy Framework and Business Continuity Framework for 2024/2025.
2. That the Anti-Corruption and Fraud Prevention Policy, Strategy, Plan, FARMCO Terms of Reference, Combined Assurance Policy Framework and Business Continuity Framework for 2024/2025 be referred to the Performance- and Audit Committee for oversight and Council for approval.

RECOMMENDATION FROM THE FRAUD AND RISK MANAGEMENT COMMITTEE TO THE PERFORMANCE- AND AUDIT COMMITTEE: 09 OCTOBER 2024

1. The committee reviewed the Anti-Corruption and Fraud Prevention Policy, Strategy, Plan, FARMCO Terms of Reference, Combined Assurance Policy Framework and Business Continuity Framework for 2024/2025.
2. It is recommended that the Anti-Corruption and Fraud Prevention Policy, Strategy, Plan, FARMCO Terms of Reference, Combined Assurance Policy Framework and Business Continuity Framework for 2024/2025 be referred to the Performance- and Audit Committee for oversight and Council for approval.

RECOMMENDATION BY THE PERFORMANCE AND AUDIT COMMITTEE TO COUNCIL: 09 DECEMBER 2024

1. The Performance- and Audit Committee noted the Anti-Corruption and Fraud Prevention Policy, Strategy, Plan, FARMCO Terms of Reference, Combined Assurance Policy Framework and Business Continuity Framework for 2024/2025.
2. It is recommended that Council approves the Anti-Corruption and Fraud Prevention Policy, Strategy, Plan, FARMCO Terms of Reference, Combined Assurance Policy Framework and Business Continuity Framework for 2024/2025.

RECOMMENDATION TO COUNCIL:

It is recommended that Council approves the Anti-Corruption and Fraud Prevention Policy, Strategy, Plan, FARMCO Terms of Reference, Combined Assurance Policy Framework and Business Continuity Framework for 2024/2025.

RECOMMENDATION BY COUNCIL TO WORKSHOP: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman S Fredericks and seconded by Alderman M Plato-Mentoor, it was recommended as follows:

- 1. Council approves the Anti-Corruption and Fraud Prevention Policy, Strategy, Plan, FARMCO Terms of Reference, Combined Assurance Policy Framework and Business Continuity Framework for 2024/2025.**
- 2. That the Anti-Corruption and Fraud Prevention Policy, Strategy, Plan, FARMCO Terms of Reference, Combined Assurance Policy Framework and Business Continuity Framework for 2024/2025 be forwarded to a Council Workshop for discussion.**

ITEM TITLE

C19/2025 OFFICE OF THE MUNICIPAL MANAGER: CONDONATION OF RESOLUTIONS/DECISIONS TAKEN IN TERMS OF COUNCIL RESOLUTION C207/2024 DURING THE RECESS PERIOD OF THE COUNCIL (09 DECEMBER 2024 TO 13 JANUARY 2025)

[English version of the report is the original]

FILE NUMBER

3/1/3

PURPOSE OF THE REPORT

That Council condones the resolutions/decisions taken in terms of Council Resolution C207/2024 during the recess period the Council from 09 December 2024 until 13 January 2025.

BACKGROUND

During a Council Meeting held on 28 November 2024 Council resolved as follows per Council Resolution Nr C207/2024:

- “1. Council noted the content of the report.
2. Council grants approval that Council and the EMC takes a recess during the December 2024/January 2025 school holidays from Monday, 09 December 2024 until and including Monday, 13 January 2025 and that all activities of the full Council resume on Tuesday, 14 January 2025.
3. That urgent matters be dealt with by the Municipal Manager, as the delegated body, in consultation with the Executive Mayor and his Committee, within the applicable policies of Council to ensure that service delivery is not adversely affected during the recess period.
4. That in urgent cases, in which the Executive Mayor and his Committee do not have full powers, the Executive Mayor be mandated to consult with the caucus leaders of all the Political Parties, concerning those matters.”

DISCUSSION

- A. The EMC resolved as follows during a Special EMC Meeting on 12 December 2024 per SEMC nr 04/2024:

“After the item has been thoroughly discussed, it was unanimously resolved as follows in terms of Council Resolution C207/2024 of 28 November 2024 by the EMC:

1. The EMC noted the content of the report.

2. The EMC resolved to appoint Mr J Amansure as Acting Municipal Manager from 23 December 2024 until 05 January 2025.
3. The EMC resolved that Mr J Amansure be paid on the maximum scale of the current Upper Limits Regulations.
4. The EMC resolved to mandate the Executive Mayor to sign the contract of employment with Mr Amansure."

Agenda-item attached as annexure to the report.

- B. On 06 January 2024 the Executive Mayor, after consultation with the EMC Members, in terms of Council Resolution C207/2024 of 28 November 2024:
- "1. The Executive Mayor appoints Mr J Amansure as Acting Municipal Manager from 06 January 2025 until 31 January 2025.
 2. That Mr J Amansure be paid on the maximum scale of the current Upper Limits Regulations.
 3. That the Executive Mayor be mandated to sign the contract of employment."

Agenda-item attached as annexure to the report.

4. On 07 January 2024 an email was received by the Municipal Manager from the Executive Mayor, Alderman LM de Bruyn, regarding the placing of an advertisement for a competent person/company to conduct a forensic investigation on financial transactions that have occurred since 1 November to date as per Council Resolution C207/2024 of 28 November 2024.

Email attached as annexure to the report.

LEGAL RESPONSIBILITIES

Not applicable.

FINANCIAL IMPLICATIONS

Expenditure regarding Acting Allowance and the appointment of a competent person/company to conduct the forensic investigation.

RISK MANAGEMENT IMPLICATIONS

None

RECOMMENDATION TO COUNCIL:

It is recommended that Council condones the following decisions taken in terms of Council Resolution C207/2024 of 28 November 2024:

1. SEMC Resolution 04/2024 dated 12 December 2024 dealing with the appointment of an Acting Municipal Manager.

2. **Executive Mayor, Alderman LM de Bruyn, decision taken on 06 January 2025 dealing with the appointment of an Acting Municipal Manager.**
3. **Email from Executive Mayor, Alderman LM de Bruyn, to the Acting Municipal Manager dated 07 January 2025 regarding the appointment of a competent person/company to conduct a forensic investigation.**

RESOLVED BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman S Fredericks and seconded by Alderman LM de Bruyn, it was resolved as follows:

Council condones the following decisions taken in terms of Council Resolution C207/2024 of 28 November 2024:

1. **SEMC Resolution 04/2024 dated 12 December 2024 dealing with the appointment of an Acting Municipal Manager.**
2. **Executive Mayor, Alderman LM de Bruyn, decision taken on 06 January 2025 dealing with the appointment of an Acting Municipal Manager.**
3. **Email from Executive Mayor, Alderman LM de Bruyn, to the Acting Municipal Manager dated 07 January 2025 regarding the appointment of a competent person/company to conduct a forensic investigation. Council also noted that the date mentioned in the email is 1 November 2021.**

For finalization by the Senior Manager: Human Resources, Mr. J Amansure.

ITEM HEADING

82

**C20/2025 OFFICE OF THE MUNICIPAL MANAGER: AFRIFORUM –
REGOCNITION AS A LOCALLY RECOGNISED COMMUNITY
ORGANISATION**

[English version of the report is the original]

FILE NUMBER

5/1/4

PURPOSE/AIM OF REPORT

That Council grants approval that Afriforum Theewaterskloof Branch be recognized as a locally based Community Organization within Theewaterskloof Municipality as per Section 16 of the Municipal System Act, Act 32 of 2000.

BACKGROUND

Afriforum Theewaterskloof Branch submits a letter to the Municipality dated 19 November 2024 where they apply that the Municipality acknowledge them a locally based community organisation.

Letter is attached as annexure to this agenda-item.

DISCUSSION

None. Refer to legal implications.

LEGAL IMPLICATIONS

Municipal Systems Act, Act 32 of 2000 – Chapter 4 –
Section 16 Development of culture of community participation

- (1) A municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance, and for this purpose –
 - (a) encourage, and create conditions for, the local community to participate in the affairs of the Municipality.

FINANCIAL IMPLICATIONS

None

RISK MANAGEMENT IMPLICATION

Not applicable.

RECOMMENDATION BY ITEM AUTHOR:

It is recommended that Council grants approval that Afriforum Theewaterskloof Branch be recognized as a locally based Community Organization within Theewaterskloof Municipality as per Section 16 of the Municipal System Act, Act 32 of 2000.

RECOMMENDATION BY THE EMC TO COUNCIL: 14 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman S Fredericks and seconded by Alderman M Plato-Mentoor, it was recommended as follows:

That Council grants approval that Afriforum Theewaterskloof Branch be recognized as a locally based Community Organization within Theewaterskloof Municipality as per Section 16 of the Municipal System Act, Act 32 of 2000.

RECOMMENDATION TO COUNCIL:

It is recommended that Council grants approval that Afriforum Theewaterskloof Branch be recognized as a locally based Community Organization within Theewaterskloof Municipality as per Section 16 of the Municipal System Act, Act 32 of 2000.

RESOLVED BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Councillor P Stander and seconded by Councillor C Cloete, it was resolved as follows:

Council grants approval that Afriforum Theewaterskloof Branch be recognized as a locally based Community Organization within Theewaterskloof Municipality as per Section 16 of the Municipal System Act, Act 32 of 2000.

For finalization by the Manager: Corporate Services, Ms M Faul.

ITEM HEADING**C21/2025 OFFICE OF THE MUNICIPAL MANAGER: INTERNAL AUDIT:
PERFORMANCE- AND AUDIT COMMITTEE REPORT 1 JULY 2023 –
30 JUNE 2024**

[English version of the report is the original]

FILE NUMBER

5/14/1/2

PURPOSE / AIM OF REPORT

The purpose of the report is to report to Council on the functions of the Performance- and Audit Committee (PAC) performed for the period 1 July 2023 – 30 June 2024.

BACKGROUND

According to the MFMA (Municipal Financial Management Act) No.56 of 2003, Section 166 (2):

- (2) An audit committee is an independent advisory body which must-
- (a) advise the municipal council, the political office-bearers, the accounting officer and the management staff of the municipality, or the board of directors, the accounting officer and the management staff of the municipal entity, on matters relating to-
- internal financial control and internal audits;
 - risk management;
 - accounting policies;
 - the adequacy, reliability and accuracy of financial reporting and information;
 - performance management;
 - effective governance;
 - compliance with this Act, the annual Division of Revenue Act and any other applicable legislation;
 - performance evaluation; and
 - any other issues referred to it by the municipality or municipal entity;

DISCUSSION

The revised Performance- and Audit Committee Charter was approved by Council on 30 April 2024.

Paragraph 3(c) of the Charter states: The objectives of the PAC, as an assurance provider to Council are covered in legislation and are amongst others: To report to Council on a quarterly basis regarding activities of the PAC and to present the PAC's annual report.

The Annual PAC report for the period 1 July 2023 – 30 June 2024 is attached to this item.

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

None

LEGAL IMPLICATIONS (ITEM AUTHOR)

Municipal Financial Management Act, No.56 of 2003, Section 166(2)

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

None

RECOMMENDATION BY ITEM AUTHOR:

It is recommended that Council takes note of the Performance- and Audit Committee Report for the period 1 July 2023 – 30 June 2024.

RESOLVED BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman LM de Bruyn and seconded by Alderman S Fredericks, it was resolved as follows:

Council noted the Performance- and Audit Committee Report for the period 1 July 2023 – 30 June 2024.

For finalization by the Chief Audit Executive, Mr A Opperman.

ITEM HEADING

C22/2025 OFFICE OF THE MUNICIPAL MANAGER: DEPARTMENT IDP: PERFORMANCE MANAGEMENT: 2ND QUARTER TOP LAYER SDBIP REPORT

[English version of the report is the original]

FILE NUMBER

5/1/3

PURPOSE / AIM OF REPORT

The aim of the report is to ensure compliance with the performance regulations and to notify Council on the outcomes of the performance report of the Municipality for the period (October 2024 to December 2024).

BACKGROUND

Section 1 of the MFMF defines the SDBIP as:

“a detailed plan approved by the Mayor of the municipality in terms of section 53 (1) (c) (ii) for implementing the municipalities delivery of services and the execution of its annual budget and which must include the following:

- (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”.*

This report focuses on the service delivery targets and performance indicators for the financial year 2024/25 excluding the financial reports as these are reported monthly via the s71 reporting process.

DISCUSSION

The SDBIP serves as a “contract” between the administration, council and community expressing the goals and objectives set by the council as quantifiable outcomes that can be implemented by the administration in the applicable financial year. It provides the link between the mayor, the council (executive) and the administration, and facilitates the process for holding management accountable for its performance. It is therefore a management, implementation and monitoring tool that will assist the mayor, councilors, municipal manager, senior managers and community to monitor the municipality’s performance on a quarterly basis.

The SDBIP will ensure that appropriate information is circulated internally and externally for purposes of monitoring the implementation of the budget, the execution of projects, the performance of senior management and the achievement of the strategic objectives set by council.

Outcome of Overall Performance:

Summary of Results		Office of the MM	Financial Services	Community Services	Technical and Infrastructure Implementation Services	Economic Development and Planning	Corporate Services
	KPI Not Yet Measured (KPI's was revised and removed)	6	3	2	21	11	5
	KPI Not Met	1	2	3	10	8	1
	KPI Almost Met	0	5		0	0	0
	KPI Met	1	1	1	0	0	0
	KPI Well Met	0	4	1	1	0	0
	KPI Extremely Well Met	0	0	0	1	2	1
Total KPIs		8	15	8	33	21	7

FINANCIAL RESPONSIBILITIES

Not applicable

LEGAL RESPONSIBILITIES

The Municipal Finance Management Act No. 56 of 2003 (MFMA) and National Treasury MFMA Circular No. 13.

Section 54(1)(c) of MFMA.

RISK MANAGEMENT IMPLICATION

Not applicable

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended:

- 1. That Council takes note of the outcome of the 2024/2025 performance report of the Municipality for the 2nd Quarter.**
- 2. That Council takes note of the corrective measures.**

RESOLVED BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, it was unanimously resolved as follows:

- 1. Council noted the outcome of the 2024/2025 performance report of the Municipality for the 2nd Quarter.**
- 2. Council noted the corrective measures.**

For finalization by the Manager: IDP, Mr. V Arendse.

ITEM HEADING**C23/2025 OFFICE OF THE MUNICIPAL MANAGER: DEPARTMENT STRATEGIC SUPPORT AND IDP: 2023/2024 DRAFT ANNUAL REPORT**

[English version of the report is the original]

FILE NUMBER

9/1/1

PURPOSE OF REPORT

To submit the 2023/2024 Annual Report to Council for discussion and comments to comply with chapter 12 of the MFMA and for the purpose as detailed below.

BACKGROUND

The purpose of the Annual Report is as follows:

- To provide a record of the activities of the municipality (or entity)
- To provide a report on performance in service delivery and the implementation of the budget.
- To provide a report on performance in service delivery and the implementation of the budget.
- To provide a report on performance in service delivery and the implementation of the budget.
- To promote accountability to the local community.

DISCUSSION

Every municipality (and municipal entity) must prepare an Annual Report for each financial year in accordance with Chapter 12 of the MFMA.

The accounting officer must submit the Annual Report tabled in terms of Section 127 (3) and the Oversight Report on the Annual Report adopted in terms of Section 129 (1) to the Provincial Legislature within seven (7) days after the council has adopted the relevant Oversight Report.

As a medium capacity municipality, it is required that we compile our Annual Report in terms of Chapter 12 of the MFMA and National Treasury's Circular Number 63 with effect from 2012.

In terms of Section 127 (2) the Mayor must within seven (7) months after the end of the financial year, table in the Municipal Council the Annual Report of the municipality (and municipal entity under the municipality's sole and shared control).

Immediately after the Annual Report is tabled to council, the accounting officer must (in accordance with Section 21A of the Municipal Systems Act) make the Annual Report public and invite the local community to submit comments pertaining to the Annual Report which then is to be submitted to the Auditor-General, the relevant Provincial Treasury and the Provincial Department of Local Government.

Inability to Table Annual Report:

If the Mayor, for whatever reason, is unable to table the Annual Report to the council (and municipal entity under the municipality's sole and shared control) within the seven (7) months after the end of the financial year to which the report relates, the Mayor must promptly submit to the council a written explanation referred to in Section 133 (1) (a) setting out the reasons for the delay, together with any components of the Annual Report listed in Section 121 (3) or (4).

The council of the municipality must within nine (9) months after the financial year end (March) adopt the Annual Report of the municipality (and of any municipal entities under the municipality's sole and shared control in terms of Section 129 of the MFMA).

Oversight Reports on Annual Reports:

In terms of Section 129(1) the council of the municipality must consider the Annual Report of the municipality (and municipal entity under the municipality's sole and shared control), and must adopt an Oversight Report containing the council's comments on the Annual Report by no later than two (2) months from the date on which the Annual Report was tabled in the council. It must include a statement whether the council has:

- Approved the Annual Report with or without reservations.
- Rejected the Annual Report; or
- Referred the Annual Report for revision of those components that can be revised.

In terms of Section 129 (2) the Accounting Officer must:

Attend council and council committee meetings where the Annual Report is discussed for the purpose of responding to questions concerning the report; and

Submit copies of the Minutes of those Meetings to the Auditor-General, the relevant Provincial Treasury and the Provincial Department of Local Government.

Section 129 (3) requires the accounting officer to make public an Oversight Report within seven (7) days of its adoption (in accordance with Section 21A of the Municipal Systems Act).

Council Meeting open to public and certain public officials:

In terms of Section 130 the meetings of the municipal council at which an Annual Report is to be discussed or at which decisions concerning an Annual Report are to be taken, must be open to the public and any other organs of state, and a reasonable time must be allowed for discussion of written submissions received from the local community or organs of state and for them to address the council.

FINANCIAL IMPLICATION

None.

LEGAL RESPONSIBILITIES

As indicated under discussions.

RISK MANAGEMENT IMPLICATIONS

None.

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended:

1. That the tabling of the 2023/2024 Draft Audited Annual Report in Council by the Executive Mayor, be noted.
2. That the Draft Annual Report for 2023/24 be handed over to the MPAC for further perusal and the compilation of the Oversight Report to Council.
3. That the Draft Audited Annual Report be made public immediately after the tabling in Council.
4. That the local community and stakeholders be invited to submit representations in connection with the Draft Annual Report.
5. That Council notes that a period of not less than 21 days will be provided for comments on the Draft Annual Report.
6. That Councillors are encouraged to make written submissions on the Draft Annual Report.
7. That Council notes that all legislative requirements will be complied with.

RESOLVED BY COUNCIL: 23 JANUARY 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, it was unanimously resolved as follows:

1. That the tabling of the 2023/2024 Draft Audited Annual Report in Council by the Executive Mayor, be noted.
2. That the Draft Annual Report for 2023/24 be handed over to the MPAC for further perusal and the compilation of the Oversight Report to Council.

3. That the Draft Audited Annual Report be made public immediately after the tabling in Council.
4. That the local community and stakeholders be invited to submit representations in connection with the Draft Annual Report.
5. Council noted that a period of not less than 21 days will be provided for comments on the Draft Annual Report.
6. Councillors are encouraged to make written submissions on the Draft Annual Report.
7. Council noted that all legislative requirements will be complied with.

For finalization by the Manager: IDP, Mr. V Arendse.

M. DRINGENDE AANGELEENTHEDE /
URGENT MATTERS

Geen / None

N. IN-KOMITEEVERGADERING AGENDA-ITEMS VIR BESPREKING
IN-COMMITTEE MEETING AGENDA-ITEMS FOR DISCUSSION

Minuted and distributed as a separate Minutes of the Meeting.

.O VERDAGING / ADJOURNMENT

Die vergadering verdaag om 13:40.
The meeting adjourned at 13:40.

NOTULE BEKRAGTIG OP DIE DAG VAN
..... AS PRIMA FACIE BEWYS VAN DIE
JUISTHEID DAARVAN.

MINUTES CONFIRMED ON THE DAY OF
..... AS PRIMA FACIE EVIDENCE OF
IT'S CORRECTNESS.

.....
SPEAKER







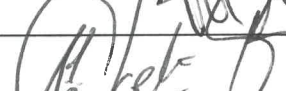
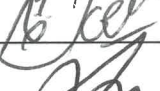





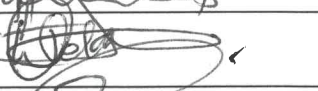

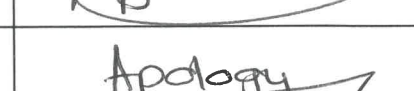

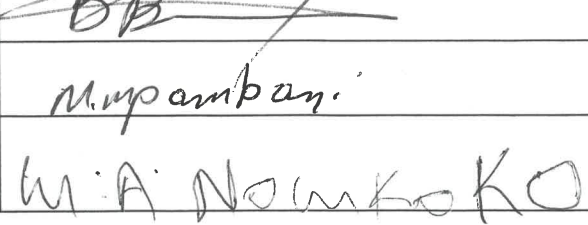
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DATUM/DATE








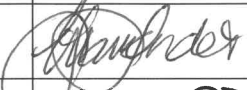






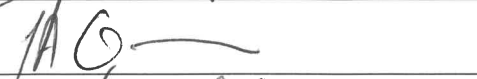

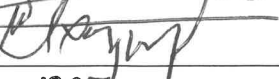

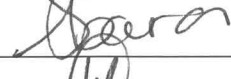



OPGESTEL EN BYGEHOU DEUR:
COMPILED AND RECORDED BY:


.....
S BARON
SEKRETARIAATDIENSTE
SECRETARIAT SERVICES

RAADSVERGADERING
COUNCIL MEETING

23 JANUARIE / JANUARY 2025

NAAM EN VAN / NAME AND SURNAME	HANDTEKENING / SIGNATURE
<u>Raadslede / Councillors :</u>	
Raadsheer/Alderman LM de Bruyn	
Raadsheer/Alderman CC Clayton	
Raadslid/Councillor WH Wells	
Raadsheer/Alderman DA Appel	
Raadslid/Councillor CA Benjamin	
Raadslid/Councillor M Botes	
Raadslid/Councillor CT Cloete	
Raadsheer/Alderman S Fredericks	
Raadslid/Councillor M Gana	
Raadslid/Councillor DA Jacobs	
Raadslid/Councillor D Jooste	
Raadslid/Councillor H Linnerts	
Raadslid/Councillor JD Lekhori	
Raadslid/Councillor TP Lemina	
Raadslid/Councillor RL Mienies	
Raadsheer/Alderman BB Mkhwibiso	
Raadslid/Councillor M Mpambani	
Raadslid/Councillor MA Nomkoko	

Raadsheer/Alderman MR Nongxaza	
Raadslid/Councillor V Papier	
Raadsheer/Alderman M Plato-Mentoor	
Raadslid/Councillor MS Shale	
Raadslid/Councillor J Smit	
Raadslid/Councillor PJ Stander	
Raadslid/Councillor H Syster	
Raadslid/Councillor YM van Tonder	
Raadslid/Councillor TB Zimmermann	
<u>Amptenare/Officials:</u>	
Mnr/Mr J Amansure	
Mnr/Mr GW Hermanus	
Mnr/Mr P Mabhena	
Mnr./Mr WSE Solomons-Johannes	
Mnr H Matthee	
Me./Ms N Baliso	
Mnr./Mr A Opperman	
Mnr/Mr V Arendse	
Mnr/Mr H Gxoyiya	
Me./Ms M Faul	
Me./Ms S Baron	
Me./Ms F Ngxowa	
Mnr. /Mr N Parnell	

[illegible]