



MUNISIPALITEIT THEEWATERSKLOOF MUNICIPALITY

[31 MAART / MARCH 2026]

RAADSVERGADERING /
COUNCIL MEETING

NOTULE / MINUTES

31 MAART / MARCH 2026

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THEEWATERSKLOOF MUNISIPALITEIT/ MUNICIPALITY

NOTULE VAN 'N RAADSVERGADERING GEHOU OP 31 MAART 2026 DIREK NA AFLOOP VAN DIE SPESIALE RAADSVERGADERING, IN DIE RAADSAAL MUNISIPALE KANTORE, CALEDON.

MINUTES OF A COUNCIL MEETING HELD ON 31 MARCH 2026 DIRECTLY AFTER THE SPECIAL COUNCIL MEETING IN THE COUNCIL CHAMBERS MUNICIPAL OFFICES, CALEDON.

A. OPENING EN VERWELKOMING

Die Voorsitter, Speaker WH Wells, verwelkom almal teenwoordig.

OPENING AND WELCOME

The Chairperson, Speaker WH Wells, welcomed everyone present.

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
Raadsheer/Alderman WH Wells
Raadsheer/Alderman DA Appel
Raadslid/Councillor CA Benjamin
Raadslid/Councillor M Botes
Raadslid/Councillor CT Cloete
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
Raadsheer/Alderman MR Nongxaza
Raadslid/Councillor FO Ntantiso
Raadslid/Councillor V Papier
Raadslid/Councillor MS Shale
Raadslid/Councillor J Smit

Raadslid/Councillor C Smith
 Raadslid/Councillor YM van Tonder
 Raadslid/Councillor TB Zimmermann

Amptenare / Officials

Mnr./Mr GW Hermanus	(Wnde Munisipale Bestuurder) (Acting Municipal Manager)	
Me./Ms N Baliso	(Direkteur: Ekonomiese Ontwikkeling en Beplanning) (Director: Economic Development and Planning)	
Mnr./Mr WSE Solomons- Johannes	(Direkteur: Gemeenskapsienste) (Director: Community Services)	
Mnr./Mr H Matthee	(Direkteur: Tegnyiese- en Implementeringsdienste) (Director: Technical- and Implementation Services)	Infrastruktuur Infrastructure
Mnr./Mr A Riddles	(Wnde Direkteur: Finansies) (Acting Director: Finance)	
Mnr./Mr A Opperman	(Hoof Uitvoerende Ouditeur) (Chief Audit Executive)	
Mnr./Mr H Gxoyiya	(Senior Bestuurder: Regsdienste) (Senior Manager: Legal Services)	
Me./Ms. M Faul	(Bestuurder: Korporatiewe Dienste) (Manager: Corporate Services)	
Me./Ms. F Ngxowa	(Assistent Vertaler) (Assistant Translator)	
Me./Ms S Baron	(Sekretariaatdienste) (Secretariat Services)	

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

Rdsh./Ald S Fredericks	Verskoning / Apology
Rdsh./Aldm M Plato-Mentor	Verskoning / Apology
Rdl./Cllr PJ Stander	Verskoning / Apology

Afwesig sonder verskoning
Absent without Apology

Rdl./Cllr M Gana

D. NOTULE EN/OF VERSLAE VAN DIE UBK VIR KENNISNAME AAN DIE RAAD
MINUTES AND/OR REPORTS OF THE EMC FOR COUNCIL'S COGNIZANCE

D.1 Notule van UBK Vergadering: 17 Februarie 2026

Die Raad neem kennis van die Notule van die vergadering van die Uitvoerende Burgemeester en sy Komitee gehou op 17 Februarie 2026.

Minutes of EMC Meeting: 17 February 2026

Council takes cognizance of the Minutes of a meeting of the Executive Mayor and his Committee held on 17 February 2026.

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

E.1 Notule van Raadsvergadering: 27 Februarie 2026

BESLUIT :

Om op voorstel van Raadsheer DA Appel gesekondeer deur Raadsheer MR Nongxaza die Notule van die Raadsvergadering van 27 Februarie 2026 hiermee goed te keur, te bekragtig en te laat onderteken as prima facie bewys van die juistheid daarvan.

Minutes of Council Meeting: 27 February 2026

RESOLVED:

To, on proposal by Alderman DA Appel seconded by Alderman MR Nongxaza hereby approve, confirm and have signed the Minutes of the Council Meeting of 27 February 2026 as prima facie evidence of its correctness.

The Executive Mayor, Alderman LM de Bruyn, stated that agenda-item C74/2026 in the minutes of 27 February 2026 not be adopted due to the incorrectness of the Minutes. The Minutes are not a true reflection of the Meeting. That the comments of the MPAC Member is not included. That he wants his name to be minuted and that he has the right to go to Court.

The following Councillors requested that their names be minuted in terms of Rule 19(c) of the By-law on Rules of order for meetings of Council and Committees of Theewaterskloof Municipality – applicable to the confirmation of agenda-item C74/2026 of 27 February 2026:

*Alderman LM de Bruyn
Councillor CT Cloete
Councillor Y van Tonder
Councillor CA Benjamin
Councillor D Jacobs
Councillor D Jooste
Councillor J Smit*

F. VERKLARINGS EN MEDEDELINGS DEUR DIE SPEAKER /

Alle Raadslede van Theewaterskloof Munisipaliteit is voorsien van die Ordereëls en dit word verwag dat dit eerbiedig word. Die Ordereëls stipuleer duidelik dat enige Raadslid wat vir verlof tot afwesigheid wil aansoek doen, moet dit ten minste een dag voor die geskeduleerde vergadering doen.

Verder, alle verlofaansoeke moet by die Speaker ingedien word, wie die outoriteit het om die verlofaansoeke of goed te keur of af te wys.

STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

All Councillors of Theewaterskloof Municipality have been provided with and are expected to adhere to the Rules of Order. These rules clearly stipulate that any Councillor who wishes to apply for leave of absence must do so at least one day prior to the scheduled meeting.

Furthermore, all leave applications must be submitted to the Speaker, who holds the authority to either approve or decline such requests.

G. VERKLARINGS EN MEDEDELINGS DEUR DIE UITVORENDE BURGEMEESTER /

Waar ons die Paasnaweek nader, wees asseblief veilig, bestuur versigting en kom veilig huis toe.

Ek wil die Senior Bestuurder: Menslike Hulpbronne, Mnr J Amansure, bedank vir sy harde werk en toewyding aan Theewaterskloof Munisipaliteit. Ons waardeer alles wat u vir ons gedoen het. Ek weet dit somtyds moeilik was.

Verskeie Raadslede bedank Mnr Amansure en wens hom alles van die beste toe.

STATEMENTS AND COMMUNICATIOS BY THE EXECUTIVE MAYOR

As we enter Easter Weekend, please be safe, drive safely and come home safely.

To the Senior Manager: Human Resources, Mr. J Amansure, thanks for all your hard work and dedication to Theewaterskloof Municipality. We appreciate everything that you have done for us. I know sometimes it was difficult.

Several Councillors thanked and wished Mr. J Amansure all the best.

**H. VOORLEGGINGS
PRESENTATIONS**

Geen / None

**I. VERSLAE VOORGELê DEUR DIE KANTOOR VAN DIE MUNISIPALE
BESTUURDER / REPORTS SUMITTED BY THE OFFICE OF THE MUNICIPAL
MANAGER**

ITEM TITLE

C86/2026 OFFICE OF THE MUNICIPAL MANAGER: DETERMINATION AND APPROVAL OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF COUNCILLORS WITH EFFECT FROM 01 JULY 2025

[English version of the report is the original]

FILE NUMBER

3/3/7/R

PURPOSE / AIM OF REPORT

The purpose of this item is to submit to Council the response from MEC Bredell in response to Council's request for concurrence.

BACKGROUND

On 27 February 2026, Council resolved as follows:

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

- 1. Council takes cognizance that the grading of the Theewaterskloof Municipality remains on a grade 4, for determining the upper limits of Councillors Remuneration.**
- 2. Council resolves that the maximum upper limits as promulgated in Government Gazette No. 54179 be approved and paid to Councillors with retrospective effect from 1 July 2025.**
- 3. Council takes cognizance that sufficient provision was made in the 2025/2026 Budget to cover the actual increase.**
- 4. Council declares the increase in Councillors' Remuneration affordable and authorize the Municipal Manager to issue the affordability verification certificate.**
- 5. Council authorizes the Executive Mayor to submit the prescribed application to and obtain concurrence of the MEC for Local Government in the Western Cape, before implementing the new Upper Limits of Salaries, Allowances and Benefits of Councillors.**
- 6. That the Executive Mayor, Alderman LM de Bruyn, submits a letter to the MEC responsible for local government with the information of the serving councillors for the 2025/2026 financial year as promulgated in point 18 of Government Gazette No 54179 dated 20 February 2026."**

DISCUSSION

A letter was sent to MEC Bredell on 12 March 2026 with the required certification and supporting documents.

On 19 March 2026, a letter was received from the MEC, which is attached hereto as Annexure "A".

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

Cost to be covered in the current 20205/2026 budget.

LEGAL IMPLICATIONS (ITEM AUTHOR)

Upper Limits Regulation: ***Government Gazette No. 54179 with effect from 1 July 2025.***

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

None.

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended:

1. That Council notes the response from MEC Bredell.
2. That Council discuss the response.

RESOLVED BY COUNCIL: 31 MARCH 2026

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

1. Council noted the response from MEC Bredell.
2. Council mandates the Executive Mayor to write to the MEC of Local Government, Environmental Affairs and Development Planning and express the disappointment of Theewaterskloof Municipal Council.
3. That the MEC of Local Government, Environmental Affairs and Development Planning be requested to consider the payment of the increment and that the Councillors will forfeit the back payment.

For finalization by the Acting Municipal Manager, Mr GW Hermanus.

ITEM TITLE

C87/2026 OFFICE OF THE MUNICIPAL MANAGER: DEPARTMENT STRATEGIC SUPPORT AND IDP: REVISED 2025/2026 SDBIP

[English version of the report is the original]

FILE NUMBER

5/1/3

PURPOSE OF REPORT

The aim of the report is to ensure compliance with the performance regulations and to review the 2025/26 SDBIP in line with the adjustment budget of council.

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”.

In terms of section 54 (c) of the MFMA, the Mayor of a municipality must: inter alia- consider and if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with approval of the council following approval of an adjustments budget.

The first adjustment budget for 2025/26 served before Council on 25 August 2025, and second one on 13 October 2025. Final adjustment served at Council on 27 February 2026. The SDBIP is revised due to the proposed adjustment budgets as mentioned for 2025/26. The adjusted service delivery indicators are contained in the attached document: Revised SDBIP for 2025/26. Explanations for changes is contained in the comment's column.

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”.

In terms of section 54 (c) of the MFMA, the Mayor of a municipality must: interalia-consider and if necessary, make any revisions to the service delivery and budget implementation plan, provided that revisions to the service delivery targets and performance indicators in the plan may only be made with approval of the council following approval of an adjustments budget.

The first adjustment budget for 2025/26 served before Council on 25 August 2025, and second one on 13 October 2025. Final adjustment served at Council on 27 February 2026. The SDBIP is revised due to the proposed adjustment budgets as mentioned for 2025/26. The adjusted service delivery indicators are contained in the attached document: Revised SDBIP for 2025/26. Explanations for changes is contained in the comment's column.

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, councillors, 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.

The elements that necessitated the revision of the SDBIP were:

1. The changes in the adjustment budget.
2. Various Internal Audit Findings.
3. Recommendations of the Auditor-General in the 2024/25 Audit Report.

The process for the revisions was as follows:

An email was circulated to the respective Directors and Deputy Directors to ensure consistency with planned objectives, indicators and targets and also to ensure that the KPI's and targets followed the SMART principles (specific, measurable, reliable and time bound). All departments were requested to review their KPI's and submit requests for changes to the office of the municipal manager.

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

Not applicable.

LEGAL IMPLICATIONS (ITEM AUTHOR)

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 (ITEM AUTHOR)

Not applicable.

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended:

- 1. That Council approves the 2025/26 Revised SDBIP as per the attached report.**
- 2. All KPI's that are being amended, added or deleted have been highlighted in the attached report and motivation provided.**
- 3. That for all KPI's, the previous year's performance achievements be used as the baseline for current year KPI's and targets.**
- 4. That the Council takes note of the SDBIP 2025/26 where the outer years have been added as per the Internal Audit findings.**

RESOLVED BY COUNCIL: 31 MARCH 2026

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

- 1. Council approves the 2025/26 Revised SDBIP.**
- 2. Council noted that all KPI's that are being amended, added or deleted have been highlighted and motivation provided.**
- 3. Council noted that for all KPI's, the previous year's performance achievements were used as the baseline for the current year's KPI's and targets.**
- 4. Council noted the SDBIP 2025/26 where the outer years have been added as per the Internal Audit findings.**

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

ITEM TITLE

C88/2026 DIRECTORATE TECHNICAL- AND INFRASTRUCTURE IMPLEMENTATION SERVICES: REPORTING ON PERFORMANCE OF CONTRACTORS FOR FEBRUARY 2026

[English version of the report is the original]

FILE NUMBER

8/2/3/5/5

PURPOSE OF REPORT

KPI 213 of the SDBIP for the Directorate Technical- and Infrastructure Implementation Services determines the following:

Compile a report on the performance of service providers applicable to the Directorate and submit to Council monthly.

To present a report to Council in terms of the contract and performance management of the Technical Departments contractors for February 2026 to ensure the municipality receives value for money and the contracts are completed on time and within the approved budget.

BACKGROUND

S116 (2) of the Municipal Finance management Act (No. 56 of 2003) states that:

The accounting officer of a municipality or municipal entity must -

1. take all reasonable steps to ensure that a contract or agreement procured through the supply chain management policy of the municipality or municipal entity is properly enforced;
2. monitor on a monthly basis the performance of the contract under the contract or agreement;
3. establish capacity in the administration of the municipality or municipal entity –
 - (i) to assist the accounting officer in carrying out the duties set out in paragraphs (a) and (b); and
 - (ii) to oversee the day-to-day management of the contract or agreement; and
4. regularly report to Council of the municipality or the board of directors of the entity, as may be appropriate, on the management of the contract or agreement and the performance of the contract.

DISCUSSION

Reporting pattern of Technical- and Infrastructure Implementations Services

Department	February 2026
Technical Services	Submitted

Find attached checklists consisting of the summaries done for Technical Services:

Tender no	Service Provider	Blockages	Reason
		No Blockages	

COMMENTS FROM THE DIRECTORATE TECHNICAL AND INFRASTRUCTURE IMPLEMENTATION SERVICES

Report is supported.

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

Can be found in checklists attached as Annexures. It can be costly to the municipality if reporting is not done correctly.

LEGAL IMPLICATIONS (ITEM AUTHOR)

Chapter 8 Municipal Finance Management Act. 56 of 2003

COMMENTS FROM INTERNAL AUDIT

No comments.

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

None.

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended that Council takes cognisance of the report regarding the performance of service providers for the month of February 2026 for the Directorate Technical- and infrastructure Implementation Services.

RESOLVED BY COUNCIL: 31 MARCH 2026

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 report regarding the performance of service providers for the month of February 2026 for the Directorate Technical- and infrastructure Implementation Services.

*For finalization by the Director: Technical- and Infrastructure Implementation Services,
Mr H Matthee.*

ITEM TITLE

**C89/2026 DIRECTORATE ECONOMIC DEVELOPMENT AND PLANNING:
DEPARTMENT TOWN PLANNING AND BUILDING CONTROL:
APPOINTMENT OF EXTERNAL AND INTERNAL MUNICIPAL
PLANNING TRIBUNAL MEMBERS**

[English version of the report is the original]

FILE NUMBER

3/2/15/3

PURPOSE OF REPORT

The aim of the report is to obtain Council's approval:

1. To proceed with the appointment of Ms Helene Janser as the chairperson of the Theewaterskloof Municipal Planning Tribunal for 5 years;
2. To proceed with the appointment of Mr Ron Brunings (Manager: Town Planning at Swellendam Municipality) as an external member of the Theewaterskloof Municipal Planning Tribunal for 5 years;
3. To proceed with the appointment of Mr Peter Magni as an external member of the Theewaterskloof Municipal Planning Tribunal for 5 years;
4. To proceed with the reappointment/amendment of internal members of the Theewaterskloof Municipal Planning Tribunal.

BACKGROUND

On 1 December 2015, the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)(SPLUMA) came into effect in the Theewaterskloof Municipal area.

In terms of Section 35(1) of SPLUMA, a municipality must, in order to determine land use and development applications within its municipal area, establish a Municipal Planning Tribunal.

Section 36(1) of SPLUMA states that a MPT must consist of officials in full-time service of the municipality as well as persons who are not municipal officials, who have knowledge and experience of spatial planning, land use management and land development or the law related thereto. In terms of Section 36(2) of SPLUMA, municipal Councillors may not be appointed as members of the MPT.

The terms of the Theewaterskloof Municipal Planning Tribunal the chairperson's term came to an end and subsequently Council gave approval to proceed with the appointment process of a new tribunal on 22 January 2026.

DISCUSSION

Following the Council resolution mentioned above, an advertisement was published in the media inviting applications for the position of Chairperson of the Theewaterskloof Municipality Planning Tribunal (MPT). Two individuals applied: Mr. Chris Rabie, the current Chairperson of the Tribunal, and Mr. Ashraf Adam.

The panel appointed by Council reviewed both submissions and determined that neither applicant met the requirements for the following reasons:

- Mr. Chris Rabie has served as Chairperson for ten consecutive years. Section 37(1) of SPLUMA stipulates that members may not serve for a continuous period exceeding ten years. Accordingly, he is not eligible for reappointment.
- Mr. Ashraf Adam does not have prior Municipal Planning Tribunal experience and therefore does not meet the criteria outlined in the advertisement.

In light of this, we approached the Department of Environmental Affairs and Development Planning to request assistance. The Department responded by nominating Ms. Helene Janser to serve as Chairperson. Ms. Janser has served on the Overstrand MPT for the past ten years and possesses extensive planning experience within the Western Cape (see Annexure). She therefore meets the requirements set out in the advertisement.

Furthermore, Mr. Peter Magni (see Annexure) has expressed his willingness to serve on the MPT as an external member. It is recommended that he be appointed in this role to gain the necessary experience, thereby supporting succession planning and ensuring the continuity of the Municipal Planning Tribunal, as it is compulsory to have a minimum of two external members.

Lastly, the reappointment and amendment of internal members is required, as certain posts have become vacant and some members have reached the 10-year service limit.

In terms of Section 36(1)(a) of Spatial Planning Land Use Management Act (SPLUMA), 2013 stipulates that:

“A Municipal Planning Tribunal must consist of officials in the full-time service of the municipality...”. The proposed amendment aligns with this requirement, ensuring consistency with SPLUMA.

The proposed composition of the tribunal is as follows:

Designation	MPT Membership
Director Economic Development and Planning	Permanent member (Deputy Chairperson)
Deputy Director: Economic Development and Planning	Permanent member
Deputy Director: Technical Services	Permanent member
Deputy Director: Finance	Permanent member
Manager: Town Planning and Building Control	Permanent member
Head: Property Valuations	Secondi of Deputy Director: Finance
Deputy Director: Electrical Services	Secondi of Deputy Director: Technical Services

The MPT will therefore have five (5) permanent internal members with two (2) secondi. It is required that the new composition be advertised in the provincial gazette following council approval.

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

On 3 December 2025 Council resolved that the Municipal Planning Tribunal Chairperson be increased to R983.98 per hour.

However, no external members, including the proposed chairperson, will receive remuneration as they are all government officials.

The estimated cost to advertise the amended composition of the MPT is ±R2,000.

LEGAL IMPLICATIONS (ITEM AUTHOR)

There are no legal implications. All legal requirements in terms of the relevant legislation were discussed in the sections above.

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

No risks were identified.

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended that, Council approves the following:

1. The appointment of Ms Helene Janser as the chairperson of the Theewaterskloof Municipal Planning Tribunal for 5 years.
2. The appointment of Mr Ron Brunings (Manager: Town Planning at Swellendam Municipality) as an external member of the Theewaterskloof Municipal Planning Tribunal for 5 years.
3. The appointment of Mr Peter Magni as an external member of the Theewaterskloof Municipal Planning Tribunal for 5 years.
4. The reappointment/amendment of internal members of the Theewaterskloof Municipal Planning Tribunal as follows:

Designation	MPT Membership
Director: Economic Development and Planning	Permanent member (Deputy Chairperson)
Deputy Director: Economic Development and Planning	Permanent member
Deputy Director: Technical Services	Permanent member
Deputy Director: Finance	Permanent member
Manager: Town Planning and Building Control	Permanent member
Head: Property Valuations	Secondi of Deputy Director: Finance
Deputy Director: Electrical Services	Secondi of Deputy Director: Technical Services

RESOLVED BY COUNCIL: 31 MARCH 2026

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 approves the following:

1. The appointment of Ms Helene Janser as the chairperson of the Theewaterskloof Municipal Planning Tribunal for 5 years.

2. The appointment of Mr Ron Brunings (Manager: Town Planning at Swellendam Municipality) as an external member of the Theewaterskloof Municipal Planning Tribunal for 5 years.
3. The appointment of Mr Peter Magni as an external member of the Theewaterskloof Municipal Planning Tribunal for 5 years.
4. The reappointment/amendment of internal members of the Theewaterskloof Municipal Planning Tribunal as follows:

Designation	MPT Membership
Director: Economic Development and Planning	Permanent member (Deputy Chairperson)
Deputy Director: Economic Development and Planning	Permanent member
Deputy Director: Technical Services	Permanent member
Deputy Director: Finance	Permanent member
Manager: Town Planning and Building Control	Permanent member
Head: Property Valuations	Secondi of Deputy Director: Finance
Deputy Director: Electrical Services	Secondi of Deputy Director: Technical Services

For finalization by the Director: Economic Development and Planning, Ms N Baliso.

ITEM HEADING

**C90/2026 DIRECTORATE FINANCE: COUNCIL APPROVAL FOR THE
ENGAGEMENT WITH STAKEHOLDERS REGARDING THE
ESTABLISHMENT OF SRA'S IN THEEWATERSKLOOF
MUNICIPALITY**

[English version of the report is the original]

FILE NUMBER

5/B

PURPOSE / AIM OF REPORT

The purpose of this item is to receive approval from Council to start the process of interacting with the necessary stakeholders with regard to the potential establishment of Special Rating Area's (SRA's) in Theewaterskloof Municipality. The item further aims to clearly outline what an SRA is and what the establishment of the SRA entails in order for Council to take an informed decision.

The Theewaterskloof Municipality Special Rating Area By-law states that the Municipality may by resolution of the Council determine Special Rating Areas according to applications in accordance with section 22 of the Municipal Property Rates Act.

BACKGROUND

The Municipality has received a request from Greyton Residents regarding the establishment of a Special Rating Area (SRA) in Greyton. Before proceeding further, Council approval is required to explore the feasibility of establishing such an SRA. This approval will not only apply to the proposed SRA in Greyton but will also serve as a precedent for all future applications that may be submitted.

The SRA must also be included in the Integrated Development Plan (IDP) of the Municipality.

DISCUSSION

SRA's are governed by Section 22 of the Municipal Property Rates Act (MPRA), and it is a defined geographic area where property owners agree to pay an **additional property rate** to fund "top-up" services (like security, cleaning, infrastructure) beyond standard municipal services, enhancing the appearance of the area, boosting economic growth, and improving quality of life through private management.

Key Characteristics of an SRA:

1. **Geographic Definition:** It's a specific, clearly marked area within a municipality.
2. **Additional Rate:** Property owners within the SRA pay extra rates that are to be managed by the SRA steering committee/non-profit company. This additional rate will form part of the annual Budget-process that is to be approved by Council. **The additional rate is only applicable to those properties/property owners who are liable for the payment of property rates as determined by by the MPRA and the Theewaterskloof Rates Policy.**
3. **Supplementary Services:** Funds go towards services like enhanced public safety, better cleansing, infrastructure upgrades, or economic development initiatives not fully covered by the municipality. The function of an SRA is not to take over any Municipal services, and an SRA can only be approved for services over which the Municipality has a mandate.
4. **Owner-Driven:** Property owners initiate and manage the SRA, through a non-profit company (NPC), to take direct responsibility for their area's upliftment.
5. **Legal Framework:** Established of the SRA is under the MPRA (Section 22), the Municipal Finance Management Act (MFMA), the Municipal By-law, the Municipal Rates Policy and it requires council approval and public consultation.
6. **Ring-Fenced Funds:** Money collected stays within the SRA and is reinvested there.

Procedures:

The Theewaterskloof Municipality has an approved SRA By-law, which details all the necessary steps that need to be taken in order to approve and implement SRA.

It is important to note that the SRA needs to be **approved by the majority of property owners** within the geographical area. An application for the determination of a special rating area must be preceded by the holding of a public meeting. The purpose of the public meeting is to enable the applicant to consult with those owners within the proposed special rating area with regard to the proposed boundaries of the area and the proposed improvement or upgrading of the area.

After the public meeting and receiving approval of property owners, a detailed **application** must be submitted to the municipality. Any application for the establishment of a special rating area must include a Business Plan, Implementation Plan and a term budget covering a period commencing on 1 July of a year and ending on 30 June of the fifth year or covering such lesser period as may be determined by the CFO.

The property owners will then be able to afford a **period to object** to the application, on finalization of this process, finally Council approval will be needed to approve the SRA.

Following the approval, Council will also need to determine the **cent in the Rand tariff** that will be applicable to the properties within the SRA, this must form part of the annual budget process.

The Municipality will be responsible for allocating the funds received to the established SRA NPC/committee. This process may necessitate the appointment of a dedicated official, as the **reconciliation between funds collected and those disbursed** to the SRA must be performed accurately and diligently.

Furthermore, the Theewaterskloof **Integrated Development Plan (IDP)** must reference the establishment of a SRA as they must align with the municipality's IDP to ensure legal compliance and integration with broader development priorities. It is essential that this is prioritized.

COMMENTS FROM THE OFFICE OF THE MUNICIPAL MANAGER

Approved.

COMMENTS FROM THE TOWN MANAGER: VILLIERSDORP

The item is noted.

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

There will be no direct financial impact on the municipality. However, there may be staffing implications which might lead to additional expenditure in terms of salaries and staff-related benefits.

LEGAL IMPLICATIONS (ITEM AUTHOR)

The establishment of SRA's is governed by the Municipal Property Rates Act, Act No 6 of 2004.

Theewaterskloof Municipality: Special Rating Area By-Law.

Theewaterskloof Municipality Rates Policy

The Municipality will have to approve a Special Rating Area Policy.

Ensure that the Theewaterskloof Integrated Development Plan speaks to the establishment of SRA's.

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

None.

RECOMMENDATION BY ITEM AUTHOR:

It is recommended that Council resolves on the following:

1. That the Municipality may engage with the necessary stakeholders with regards to the potential establishment of an SRA in Theewaterkloof Municipality.

2. That all the necessary policies and documents be aligned/and or drafted to include reference to potentially established SRA's.

RECOMMENDATION BY MANAGEMENT TO THE FINANCE PORTFOLIO COMMITTEE: 15 JANUARY 2026

It is recommended:

1. That Council notes that Council already grants approval for the commencement of the public participation process to establish special rating areas in Theewaterskloof Municipality during the Council Meeting of 25 August 2022.
2. That Council notes that this is a new application which was submitted by Mr Pretorius for the establishment of a special ratings area in Greyton. *(That the letter of Mr Pretorius be attached as annexure to the item.)*
3. That all the necessary policies and documents be aligned/and or drafted to include reference to potentially established SRA's.

RESOLVED BY THE FINANCE COMMITTEE: 17 FEBRUARY 2026

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

Agenda-item referred back and resubmitted at the next Finance Committee Meeting with the letter of Mr Pretorius attached as annexure.

1. *Agenda-item referred back.*
2. *For finalization by the Deputy Director: Finance, Mr A Riddles.*

COMMENTS FROM DIRECTORATE:

Initial correspondence with Mr Pretorius has been attached. Item to be placed on the Agenda for the next Finance Committee Meeting.

RECOMMENDATION BY ITEM AUTHOR:

It is recommended:

1. That Council notes that Council already grants approval for the commencement of the public participation process to establish special rating areas in Theewaterskloof Municipality during the Council Meeting of 25 August 2022.
2. That Council notes that this is a new application which was submitted by Mr Pretorius for the establishment of a special ratings area in Greyton.

3. That all the necessary policies and documents be aligned/and or drafted to include reference to potentially established SRA's.

RECOMMENDATION BY THE FINANCE COMMITTEE TO EMC: 17 MARCH 2026

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

1. That Council notes that Council already grants approval for the commencement of the public participation process to establish special rating areas in Theewaterskloof Municipality during the Council Meeting of 25 August 2022.
2. That Council notes that this is a new application which was submitted by Mr Pretorius for the establishment of a special ratings area in Greyton.
3. That all the necessary policies and documents be aligned/and or drafted to include reference to potentially established SRA's.

RECOMMENDATION BY THE EMC TO COUNCIL: 17 MARCH 2026

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

1. That Council notes that Council already grants approval for the commencement of the public participation process to establish special rating areas in Theewaterskloof Municipality during the Council Meeting of 25 August 2022.
2. That Council notes that this is a new application which was submitted by Mr Pretorius for the establishment of a special ratings area in Greyton.
3. That all the necessary policies and documents be aligned/and or drafted to include reference to potentially established SRA's.

RECOMMENDATION TO COUNCIL:

It is recommended:

1. That Council notes that Council already grants approval for the commencement of the public participation process to establish special rating areas in Theewaterskloof Municipality during the Council Meeting of 25 August 2022.
2. That Council notes that this is a new application which was submitted by Mr Pretorius for the establishment of a special ratings area in Greyton.
3. That all the necessary policies and documents be aligned/and or drafted to include reference to potentially established SRA's.

RESOLVED BY COUNCIL: 31 MARCH 2026

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 noted that Council already grants approval for the commencement of the public participation process to establish special rating areas in Theewaterskloof Municipality during the Council Meeting of 25 August 2022.**
2. **Council noted that this is a new application which was submitted by Mr Pretorius for the establishment of a special ratings area in Greyton.**
3. **That all the necessary policies and documents be aligned/and or drafted to include reference to potentially established SRA's.**

For finalization by the Acting Director: Finance, Mr. A Riddles.

ITEM HEADING**C91/2026 DIRECTORATE FINANCE: SUPPLY CHAIN MANAGEMENT
DEVIATION REPORT FOR FEBRUARY 2026**

[English version of the report is the original]

FILE NUMBER

6/3/3/6

PURPOSE / AIM 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 February 2026.

Please note that there were no deviations for the month of February 2026.

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 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)

None.

LEGAL IMPLICATIONS (ITEM AUTHOR)

Regulation 36 of the Supply Chain Management Policy.

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

None.

RECOMMENDATION BY ITEM AUTHOR:

It is recommended that Council takes cognisance of the report.

RECOMMENDATION BY THE FINANCE COMMITTEE TO EMC: 17 MARCH 2026

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

That Council takes cognisance of the report.

RECOMMENDATION BY THE EMC TO COUNCIL: 17 MARCH 2026

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Councillor Y van Tonder, and seconded by Councillor CT Cloete, it was 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: 31 MARCH 2026

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

Council noted the report.

For finalization by the Acting Director: Finance, Mr. A Riddles.

Councillor J Smit leaves the Council Chambers for the discussion of this agenda-item.

ITEM HEADING

C92/2026 OFFICE OF THE SPEAKER: ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS BY ALDERMAN S FREDERICKS AND COUNCILLOR J SMIT

[English version of the report is the original]

FILE NUMBER

3/3/3

PURPOSE OF REPORT

The aim of the report is to inform Council regarding the allegations of a breach of the Code of Conduct for Councillors by Alderman S Fredericks and Councillor J Smith for consideration by Council.

BACKGROUND

Addition of Schedule 7 to Act 117 of 1998 (Local Government: Municipal Structures Act, 1998) as per Local Government: Municipal Structures Amendment Act, 2021 (the Code of Conduct for Councilors) stipulates as follows:

“ 2. General conduct of councilors

A Councillor must –

(a) perform the functions of office in good faith, honestly and in a transparent manner; and

(b) at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised.”

The duty of the Speaker of the Council in so far as the Code of Conduct of Councillors is concerned, is embedded in Item 15 of Schedule 7 to Act 117 of 1998 (Local Government: Municipal Structures Act, 1998) as per Local Government: Municipal Structures Amendment Act, 2021 and reads as follows:

15. Breaches of Code –

(1) If the speaker of a municipal council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the speaker must -

(a) authorise an investigation of the facts and circumstances of the alleged breach;

(b) give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and

- (c) report the matter to a meeting of the municipal council after paragraphs (a) and (b) have been complied with.
- (2) A report in terms of subitem (1)(c) is open to the public.
- (3) The speaker must report the outcome of the investigation to the MEC of local government in the province concerned.

The allegations by the Child and Welfare Society of Grabouw and Member of Provincial Parliament, Mr John Michels, indicate that Alderman S Fredericks and Councillor J Smit, disregarded the Code of Conduct for Councillors.

DISCUSSION

On 3 March 2026, it was brought to the Speaker's attention that Alderman S Fredericks and Councillor J Smit, did not act in the best interest of the municipality, specifically with regard to their engagement with staff members on internal grievances. The complaint was lodged by Grabouw Child Welfare Society. The letter of complaint is hereto attached as Annexure A.

In the execution of his duties as referred to above, the Speaker requested Alderman S Fredericks and Councillor J Smit to provide comments on the matter referred to above on 3 March 2026. The email from the Speaker's Office is hereto attached as Annexure B. Alderman S Fredericks responded within the given timeframe and Councillor J Smith indicated that he is not going to respond to the issue. The responses are hereto attached as Annexure C.

On 4 March 2026, the Member of Provincial Parliament, Mr J Michels, also submitted a complaint to the Speaker based on the involvement of Alderman S Fredericks and Councillor J Smit in internal grievances at Grabouw Child Welfare Society. The letter of complaint is hereto attached as Annexure D.

In the execution of his duties as referred to above, the Speaker requested Alderman S Fredericks and Councillor J Smit to provide comments on the matter on 4 March 2026. The email from the Speaker's Office is hereto attached as Annexure E. No responses were received on this complaint, but it seems as if Alderman Fredericks' response includes both as it is based on the same issue.

On 13 March 2026, the Speaker requested legal advice on the matter.

After careful consideration of the facts and circumstances of the allegations the Speaker is of the opinion that there are sufficient grounds for referring the matter to the Special Committee for further investigation.

FINANCIAL RESPONSIBILITY

None.

LEGAL RESPONSIBILITY

Municipal Systems Amendment Act, Act 3 of 2021 (Schedule 7 – Code of Conduct for Councillors).

RISK MANAGEMENT IMPLICATION

None.

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended:

1. That Council takes cognizance of the content of the report.
2. That Council takes cognizance of the processes which were followed by the Speaker in terms of Section 15(1)(a) and (b) of Schedule 7 (Code of Conduct for Councillors).
3. That Council notes that as Section 15(1)(a) and (b) of Schedule 7 has been complied with, the Speaker now presents the facts and relevant information of the alleged breaches to Council in terms of Section 15(1)(c) of Schedule 7.
4. That Council refers the matter to the current Special Committee to further investigate the matter.
5. That the Special Committee report the outcome of the investigation to Council.

DISCUSSION DURING THE MEETING:

Alderman LM de Bruyn – The names of 5 Councillors appear in the Media Statement. The Councillors did not bring the Council in disgrace. Requested that the matter be withdrawn.

Alderman MR Nongxaza requested a 10-minute caucus break which were granted by the Speaker.

After the caucus break Alderman DA Appel respond with the following:

That the Speaker be requested to engage and caution Councillor J Smit and Alderman S Fredericks for not adhering to the Social Media Policy of Theewaterskloof Municipality. We all have an oversight role to play on the NGOs.

Councillor TB Zimmermann proposed the following:

1. *That no formal action be taken against the two Councillors as the names of only two of the five Councillors have been highlighted in the complaint.*
2. *That Councillor J Smit and Alderman S Fredericks be cautioned for not adhering to the Social Media Policy of Theewaterskloof Municipality.*

Councillor H Linnerts second the proposal of Councillor TB Zimmermann.

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

- 1. That no formal action be taken against Councillor J Smit and Alderman S Fredericks as the names of only two of the five Councillors have been highlighted in the complaint.**
- 2. That Councillor J Smit and Alderman S Fredericks be cautioned for not adhering to the Social Media Policy of Theewaterskloof Municipality.**

For finalization by the Office of the Speaker / Manager: Corporate Services, Ms M Faul.

Councillor J Smit returns to the Council Chambers.

Councillor M Botes leaves the Council Chambers for discussion of this agenda-item.

ITEM HEADING

C93/2026 OFFICE OF THE SPEAKER: ALLEGED BREACH OF CODE OF CONDUCT FOR COUNCILLORS BY COUNCILLOR M BOTES

[English version of the report is the original]

FILE NUMBER

3/3/3

PURPOSE OF REPORT

The aim of the report is to inform Council regarding the allegations of a breach of the Code of Conduct for Councillors by Councillor M Botes, for consideration by Council.

BACKGROUND

Addition of Schedule 7 to Act 117 of 1998 (Local Government: Municipal Structures Act, 1998) as per Local Government: Municipal Structures Amendment Act, 2021 (the Code of Conduct for Councilors) stipulates as follows:

"2. General conduct of councilors

A Councillor must –

- (a) perform the functions of office in good faith, honestly and in a transparent manner; and*
- (b) at all times act in the best interest of the municipality and in such a way that the credibility and integrity of the municipality are not compromised."*

The duty of the Speaker of the Council in so far as the Code of Conduct of Councillors is concerned, is embedded in Item 15 of Schedule 7 to Act 117 of 1998 (Local Government: Municipal Structures Act, 1998) as per Local Government: Municipal Structures Amendment Act, 2021 and reads as follows:

15. Breaches of Code –

- (1) If the speaker of a municipal council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the speaker must -
 - (a) authorise an investigation of the facts and circumstances of the alleged breach;
 - (b) give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and
 - (c) report the matter to a meeting of the municipal council after paragraphs (a) and (b) have been complied with.

(2) A report in terms of subitem (1)(c) is open to the public.

(3) The speaker must report the outcome of the investigation to the MEC of local government in the province concerned.

The allegations by Mr Simon Mckenzie indicate that Councillor M Botes disregarded the Code of Conduct for Councillors.

DISCUSSION

On 3 February 2026, it was brought to the Speaker's attention that Councillor M Botes did not act in the best interest of the municipality, specifically with regard to her involvement in a social media statement. The complaint was lodged by Mr S Mckenzie. The letter of complaint, and the Speaker's acknowledgement of receipt to the Complainant, is hereto attached as Annexure A.

In the execution of his duties as referred to above, the Speaker requested Councillor M Botes to provide comments on the matter on 4 February 2026. The letter of the Speaker is hereto attached as Annexure B. Councillor M Botes responded within the given timeframe. The response of Councillor M Botes is hereto attached as Annexure C.

After careful consideration of the facts and circumstances of the allegations and also after receiving legal advice on the matter, the Speaker is of the opinion that there are not sufficient grounds for referring the matter to a Special Committee or an External Investigator for further investigation. The allegations lack corroboration and rely on conclusions and not evidence. Third-party online comments cannot be attributed to the Councillor. The Councillor's response directly addresses and rebuts each allegation with coherent explanations. The Speaker is therefore of the opinion that the case should be closed and that the complainant be informed of the outcome of the investigation.

FINANCIAL RESPONSIBILITY

None.

LEGAL RESPONSIBILITY

Municipal Systems Amendment Act, Act 3 of 2021 (Schedule 7 – Code of Conduct for Councillors).

RISK MANAGEMENT IMPLICATION

None.

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended:

1. That Council takes cognisance of the content of the report.

2. That Council takes cognizance of the processes which were followed by the Speaker in terms of Section 15(1)(a) and (b) of Schedule 7 (Code of Conduct for Councillors).
3. That Council notes that as Section 15(1)(a) and (b) of Schedule 7 has been complied with, the Speaker now presents the facts and relevant information of the alleged breaches to Council in terms of Section 15(1)(c) of Schedule 7.
4. That the Speaker reports the outcome of the investigation to the MEC of Local Government.

RESOLVED BY COUNCIL: 31 MARCH 2026

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 CA Benjamin, it was resolved as follows:

1. Council takes cognisance of the content of the report.
2. Council takes cognizance of the processes which were followed by the Speaker in terms of Section 15(1)(a) and (b) of Schedule 7 (Code of Conduct for Councillors).
3. Council noted that as Section 15(1)(a) and (b) of Schedule 7 has been complied with, the Speaker now presents the facts and relevant information of the alleged breaches to Council in terms of Section 15(1)(c) of Schedule 7.
4. That the Speaker reports the outcome of the investigation to the MEC of Local Government.

For finalization by the Office of the Speaker / Manager: Corporate Services, Ms. M Faul.

Councillor M Botes returns to the Council Chambers.

Councillor MA Nomkoko leaves the Council Chambers for the discussion of this agenda-item.

ITEM HEADING

C94/2026 OFFICE OF THE SPEAKER: ALLEGED BREACH OF THE RULES OF ORDER FOR MEETINGS OF COUNCIL AND COMMITTEES OF THEEWATERSKLOOF MUNICIPALITY BY ALDERMAN S FREDERICKS AND COUNCILLOR W NOMKOKO

[English version of the report is the original]

FILE NUMBER

3/3/3

PURPOSE OF REPORT

The aim of the report is to inform Council regarding the allegations of a breach of the Rules of Order for Meetings of Council and Committees of the Theewaterskloof Municipality, by Alderman S Fredericks and Councillor W Nomkoko, for consideration by Council.

BACKGROUND

Rule 64(2)(d) and (4) of the Rules of Order for Meetings of Council and Committees of the Theewaterskloof Municipality stipulates as follows:

64.(2) A councillor, municipal employee or member the public may not -

(d) assault or threaten a councillor

64.(4) A Councillor who contravenes any of these rules during a meeting compromises the integrity of the municipality and must also be dealt with in accordance with the Code of Conduct for Councillors (Schedule 7 of the Structures Amendment Act, 2021).

The duty of the Speaker of the Council in so far as the Code of Conduct of Councillors is concerned, is embedded in Item 15 of Schedule 7 to Act 117 of 1998 (Local Government: Municipal Structures Act, 1998) as per Local Government: Municipal Structures Amendment Act, 2021 and reads as follows:

15. Breaches of Code –

(1) If the speaker of a municipal council, on reasonable suspicion, is of the opinion that a provision of this Code has been breached, the speaker must -

(a) authorise an investigation of the facts and circumstances of the alleged breach;

(b) give the councillor a reasonable opportunity to reply in writing regarding the alleged breach; and

- (c) report the matter to a meeting of the municipal council after paragraphs (a) and (b) have been complied with.
- (2) A report in terms of subitem (1)(c) is open to the public.
- (3) The speaker must report the outcome of the investigation to the MEC of local government in the province concerned.

DISCUSSION

On 29 January 2026, an incident happened between Alderman S Fredericks and Councillor W Nomkoko during a Special Council In-Committee meeting. The aforementioned incident and behavior made it impossible for the Special Council In-Committee meeting to continue and therefore the Speaker had to adjourn the meeting to continue on Monday, 2 February 2026.

In the execution of his duties as referred to above, the Speaker requested Alderman S Fredericks and Councillor W Nomkoko to provide comments on the matter on 2 February 2026. The letters of the Speaker is hereto attached as Annexure A. Alderman S Fredericks and Councillor W Nomkoko's responses is hereto attached as Annexure B and C.

During a Special Council In-Committee meeting held on 23 February 2026, Alderman S Fredericks and Councillor W Nomkoko rendered an apology to Council for their behavior.

After careful consideration of the facts and circumstances of the allegations the Speaker is of the opinion that this matter be concluded and just reported to Council and the MEC for cognisance.

FINANCIAL RESPONSIBILITY

None.

LEGAL RESPONSIBILITY

Municipal Systems Amendment Act, Act 3 of 2021 (Schedule 7 – Code of Conduct for Councillors).

Section 161 of the Constitution of the Republic of South Africa.

Rules of Order for Meetings of Council and Committees of Theewaterskloof Municipality (Section 29(2)).

RISK MANAGEMENT IMPLICATION

None.

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

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It is recommended:

1. That Council takes cognizance of the content of the report.
2. That Council takes cognizance of the processes which were followed by the Speaker in terms of Section 15(1)(a) and (b) of Schedule 7 (Code of Conduct for Councillors).
3. That Council notes that as Section 15(1)(a) and (b) of Schedule 7 has been complied with, the Speaker now presents the facts and relevant information of the alleged breaches to Council in terms of Section 15(1)(c) of Schedule 7.
4. That the Speaker reports the outcome of the investigation to the MEC of Local Government.

RESOLVED BY COUNCIL: 31 MARCH 2026

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 Y van Tonder, it was resolved as follows:

1. Council takes cognizance of the content of the report and that the Councillors make peace in the Council Chambers on 23 February 2026.
2. Council takes cognizance of the processes which were followed by the Speaker in terms of Section 15(1)(a) and (b) of Schedule 7 (Code of Conduct for Councillors).
3. Council noted that as Section 15(1)(a) and (b) of Schedule 7 has been complied with, the Speaker now presents the facts and relevant information of the alleged breaches to Council in terms of Section 15(1)(c) of Schedule 7.
4. That the Speaker reports the outcome of the investigation to the MEC of Local Government.

For finalization by the Office of the Speaker / Manager: Corporate Services, Ms. M Faul.

Councillor MA Nomkoko returns to the Council Chambers.

ITEM HEADING

C95/2026 OFFICE OF THE MUNICIPAL MANAGER: CONSIDERATION OF CLOSING TIME OF THE MUNICIPAL OFFICES, TRAFFIC CENTERS AND LIBRARIES ON 02 APRIL 2026

[English version of the report is the original]

FILE NUMBER

4/8/1

PURPOSE OF REPORT

That Council considers whether the Municipal offices, Traffic Centers and Libraries of Theewaterskloof Municipality will close at 12:00 on Thursday, 02 April 2026.

BACKGROUND

Easter Weekend is from the 3rd to the 6th of April 2026.

DISCUSSION

To allow enough time for the Officials to travel for the Easter Weekend to spend time with their families, it is requested that Council must consider the possibility that the Municipal Offices, Traffic Centers and Libraries close at 12:00 on the 2nd of April 2026 and that Cashiers close for transactions at 11:00.

That all essential services will not be interrupted as from 11:00.

FINANCIAL RESPONSIBILITY

None

LEGAL RESPONSIBILITY

None

RISK MANAGEMENT IMPLICATION

None

RECOMMENDATION TO COUNCIL:

It is recommended:

1. That Council grants approval that all Municipal offices, Traffic Centers, and Libraries of Theewaterskloof Municipality close at 12:00 on Thursday, 02 April 2026 and that all Cashiers close for transactions at 11:00.

2. **That all essential services, as defined in the essential services agreement, may not be interrupted from 12:00 on the 2nd of April 2026.**

RESOLVED BY COUNCIL: 31 MARCH 2026

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 grants approval that all Municipal offices, Traffic Centers, and Libraries of Theewaterskloof Municipality close at 12:00 on Thursday, 02 April 2026 and that all Cashiers close for transactions at 11:00.**
2. **That all essential services, as defined in the essential services agreement, may not be interrupted from 12:00 on the 2nd of April 2026.**

For finalization by the Acting Municipal Manager: Mr. GW Hermanus.

ITEM HEADING

C96/2026 OFFICE OF THE MUNICIPAL MANAGER: THREAT AGAINST AND VIP PROTECTION: ALDERMAN WELDON WELLS (SPEAKER OF THE MUNICIPAL COUNCIL) AND COUNCILLOR MICHELLE BOTES (WARD 5)

[English version of the report is the original]

FILE NUMBER

3/3/R

PURPOSE / AIM OF REPORT

The purpose of this report is to inform the Municipal Council of credible and ongoing threats to the lives of Alderman Weldon Herbert Wells (Speaker of the Municipal Council) and Councillor Michelle Botes (Ward 5: Villiersdorp), and to seek urgent direction regarding the implementation of appropriate protection measures.

BACKGROUND**Councillor Michelle Botes (Ward 6)**

At approximately 16:06 on Thursday, 12 March 2026, Councillor Botes received threatening WhatsApp messages from an unknown individual. Additional threats were received from two separate cellphone numbers.

On 26 March 2026, further threats were received, prompting an additional sworn affidavit.

A criminal case has been registered with SAPS Villiersdorp under CAS 61/03/2026.

Alderman Weldon Herbert Wells (Speaker)

At approximately 19:02 on Thursday, 26 March 2026, Alderman Wells received serious threats to his life and that of his family from a cellphone number linked to the threats made against Councillor Botes.

A criminal case has been registered with SAPS Villiersdorp under CAS 146/03/2026.

DISCUSSION

Both affected councillors have opened criminal cases with SAPS Villiersdorp. Two investigating officers have been assigned, and the matter has been escalated to the Provincial Commissioner of the Western Cape.

To date, no formal feedback has been received from the Provincial Office.

An urgent application in terms of Section 205 of the Criminal Procedure Act, 1977 has been submitted to obtain call data records and location tracing information to identify the origin of the threats.

It has further been confirmed that:

A SAPS member, and A member of a local neighbourhood watch have received similar threats from the same number.

Additional cases have been opened:

CAS 145/03/2026

CAS 149/03/2026

Despite repeated engagements, no formal threat and risk assessment has been provided by SAPS.

Subject to approval of the Section 205 application by the Caledon Magistrates' Court, the matter will be escalated to a Provincial Task Team.

Given the seriousness, credibility, and escalation of threats, the situation constitutes an immediate and imminent risk to life.

It is therefore necessary for Council to consider:

Immediate protection measures; and Possible relocation to a place of safety for the affected councillors.

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

Internal protection has thus far been provided through municipal law enforcement and traffic services within existing operational budgets.

No additional costs have yet been incurred for external or specialised security services.

Should Council approve enhanced protection measures, procurement must comply with:

Emergency procurement provisions in terms of the MFMA and Supply Chain Management Regulations.

LEGAL IMPLICATIONS

The Municipality has a legal duty of care to ensure the safety of public office-bearers under its governance structures. The following legislative framework applies:

Constitutional and Governance Framework

Constitution of the Republic of South Africa, 1996 (Sections 7, 10, 11, 12 – rights to dignity, life, and security of the person)

Local Government: Municipal Systems Act, 2000

Local Government: Municipal Structures Act, 1998

Financial and Procurement Compliance

Local Government: Municipal Finance Management Act (MFMA), 2003

MFMA Supply Chain Management Regulations (2005)

Safety and Security Legislation

Occupational Health and Safety Act, 1993 (duty to provide a safe working environment)

South African Police Service Act, 1995

Criminal Procedure Act, 1977 (Section 205)

Private Security Industry Regulation Act, 2001 (if private security is procured)

Firearms Control Act, 2000

Remuneration Of Public Office Bearers Act, 1998 (Act No. 20 of 1998): Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils (Gazette No. 43246 – Notice No. 475)

Protection and Information Governance

Protection of Personal Information Act (POPIA), 2013

Regulation of Interception of Communications and Provision of Communication-Related Information Act (RICA), 2002

Additional Relevant Legislation

Disaster Management Act, 2002 (for coordinated emergency response where applicable)

National Key Points Act (where applicable to public office-bearers and facilities)

Control of Access to Public Premises and Vehicles Act, 1985

Municipal Policy Framework

Theewaterskloof Municipality VIP Protection Policy

Municipal Security and Risk Management Policies

Failure to act may expose the Municipality to:

Civil liability for negligence;

Constitutional damages claims; and

Non-compliance with statutory obligations.

RISK IMPLICATIONS

The current situation presents high and immediate risks, including:

Legal and Liability Risk

Potential claims under delictual liability for failure to act reasonably to prevent foreseeable harm
Violation of constitutional rights (life, dignity, security)
Employer liability under the Occupational Health and Safety Act

Governance and Institutional Risk

Undermining of Council authority and democratic governance
Risk of intimidation affecting decision-making processes
Exposure under the MFMA for failure to act prudently in emergency circumstances

Operational Risk

Escalation of threats to physical harm or assassination attempts
Disruption of municipal operations and service delivery
Increased vulnerability of other councillors and officials

Reputational Risk

Public perception of inability to protect elected officials
Loss of community confidence in municipal leadership
Potential national-level scrutiny

Compliance Risk

Non-compliance with:

Occupational Health and Safety Act
MFMA emergency provisions
Municipal risk management frameworks (as per National Treasury Risk Management Guidelines)

Safety and Security Risk

Immediate threat to life of councillors and their families
Potential escalation into broader community safety concerns

Given the above, the Municipality is obligated to implement reasonable, proportionate, and immediate protective measures.

RECOMMENDATION BY ITEM AUTHOR:

It is recommended:

- 1. That the contents of this report BE NOTED.**

2. That the Acting Municipal Manager BE AUTHORISED to immediately implement and manage appropriate protection measures for the affected councillors for the duration of the threat.
3. That the Acting Municipal Manager BE AUTHORISED to:
 - 3.1. Procure emergency security services in accordance with MFMA emergency procurement provisions.
 - 3.2. Engage SAPS Provincial Structures for escalation.
 - 3.3. Implement temporary relocation to a place of safety where necessary.
 - 3.4. Conduct or procure an independent threat and risk assessment.
4. That a report on the implementation of protection measures and associated costs BE SUBMITTED to Council.

RESOLVED BY COUNCIL: 31 MARCH 2026

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 C Smith, it was resolved as follows:

1. Council noted the content of the report.
2. The Acting Municipal Manager BE AUTHORISED to immediately implement and manage appropriate protection measures for the affected councillors for the duration of the threat.
3. The Acting Municipal Manager BE AUTHORISED to:
 - 3.1 Procure emergency security services in accordance with MFMA emergency procurement provisions.
 - 3.2 Engage SAPS Provincial Structures for escalation.
 - 3.3 Implement temporary relocation to a place of safety where necessary.
 - 3.4 Conduct or procure an independent threat and risk assessment.
4. A report on the implementation of protection measures and associated costs BE SUBMITTED to Council.
5. Council resolves that a VIP Protection Unit be established in accordance with Section 14.1 of the VIP Protection Policy of Theewaterskloof Municipality and that additional VIP training be provided to the relevant Law Enforcement Officers.

For finalization by the Director: Community Services, Mr WSE Solomons-Johannes.

ITEM HEADING

C97/2026 DIRECTORATE FINANCE: AGREEMENT BETWEEN ESKOM HOLDINGS SOC LTD AND THEEWATERSKLOOF MUNICIPALITY - CO-OPERATION AGREEMENT, ACKNOWLEDGEMENT OF DEBT AND PAYMENT PLAN AGREEMENT FOR BULK ACCOUNTS

[English version of the report is the original]

FILE NUMBER

5/11/1

PURPOSE / AIM OF REPORT

To obtain approval from Council for the Accounting Officer to authorize /sign the updated agreement between Eskom and Theewaterskloof Municipality effective from 1 July 2026.

BACKGROUND

It is important to place on record that the municipality consistently made fixed payments toward its electricity account with Eskom in accordance with the arrangements that were established through a tri-party engagement process when the municipality first experienced financial constraints. These arrangements formed part of the Budget Funding Plan (BFP), which included representatives from the municipality, Eskom, National Treasury and Provincial Treasury. The intention of this plan was to ensure a structured and realistic approach to the settlement of outstanding debt while maintaining the municipality's ability to continue delivering essential services to communities.

Since the municipality was placed under a Financial Recovery Plan, further measures have been implemented to strengthen financial discipline and oversight. A Cash Flow Committee has been established which meets weekly to scrutinize the municipality's liquidity position and overall financial standing. This committee operates in accordance with detailed terms of reference and serves as a critical accountability mechanism to ensure consistent monitoring and gradual financial stabilization through strict financial controls. Importantly, similar to the original Budget Funding Plan structures, representatives from Provincial and National Treasury form part of this committee and provide oversight and guidance during these engagements.

The municipality has also maintained open lines of communication with Eskom and has consistently kept the utility informed of its financial position and the steps being taken to improve it. As part of these ongoing engagements, the municipality wrote to Eskom on 23 January 2026 (Annexure A) requesting that consideration be given to the possibility of writing off accumulated interest on the outstanding debt.

The intention of this request was to enable the municipality to accelerate the repayment of the capital amount and restore its account to good standing more effectively.

Representatives from both National and Provincial Treasury were copied on this correspondence. To date, approximately thirty working days have elapsed without a formal response or proposed way forward from Eskom.

Despite the financial challenges experienced, the municipality has consistently honored its commitment to making payments within its available means. During engagements within the Cash Flow Committee in the previous year, the Municipal Manager undertook to increase the monthly payments to Eskom as the municipality's financial position improved. This undertaking has since been implemented.

DISCUSSION

Eskom responded on 06 March 2026 to the municipality's proposal of 23 January 2026. Another letter with proposed payment arrangements was sent to Eskom on 16 March 2026 to which Eskom requested a meeting with Theewaterskloof Municipality to discuss the proposal. A virtual clarification meeting was held on 25 March 2026. The updated agreement was received on Friday 27 March 2026 to be signed by the Municipality. (Annexure B)

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

R 19 350 000.00 per month for a period of twenty-four (24) months. Effective from 1 January 2026.

LEGAL IMPLICATIONS (ITEM AUTHOR)

Section 41 of The Constitution
Municipal Finance Management Act 56 of 2003
Section 41 of the Intergovernmental Fiscal Relations Act, Act no 97 of 1997

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

In case of default, legal and financial risks as set out in the agreement.

RECOMMENDATION BY ITEM AUTHOR:

It is recommended that Council approves that the Accounting Officer authorize/sign the updated agreement between Eskom and Theewaterskloof Municipality effective from 1 January 2026.

RESOLVED BY COUNCIL: 31 MARCH 2026

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 DA Appel, it was resolved as follows:

Council approves that the Accounting Officer authorize/sign the updated agreement between Eskom and Theewaterskloof Municipality effective from 1 January 2026.

For finalization by the Acting Director: Finance, Mr. A Riddles.

N. DRINGENDE AANGELEENTHEDE
URGENT MATTERS

Geen / None

O. OORWEGING VAN KENNISGEWINGS VAN MOSIES
CONSIDERATION OF NOTICES OF MOTIONS

P. OORWEGING VAN KENNISGEWINGS EN VRAE
CONSIDERATION OF NOTICES AND QUESTIONS

Q. OORWEGING VAN DRINGENDE MOSIES /
CONSIERATION OF NOTICES AND QUESTIONS

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

Minuted and distributed as a separate Minutes of the Meeting.

S. VERDAGING / ADJOURNMENT

Die vergadering verdaag om 16:45.
The meeting adjourned at 16:45.

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

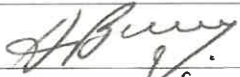





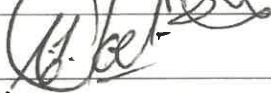
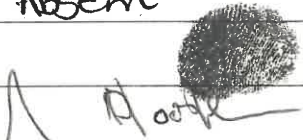
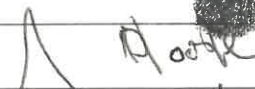



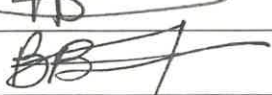
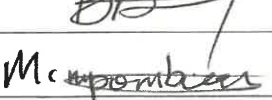
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.....
SPEAKER

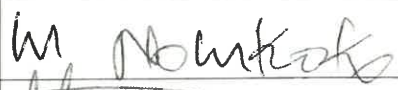
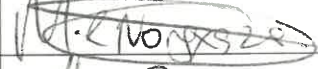





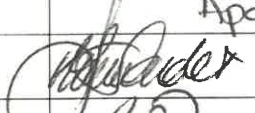
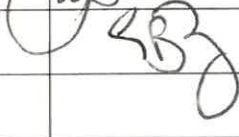


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DATUM/DATE

OPGESTEL EN BYGEHOU DEUR:
COMPILED AND RECORDED BY: S BARON
SEKRETARIAAT DIENSTE
SECRETARIAT SERVICES

RAADSVERGADERING
COUNCIL MEETING
31 MAART / MARCH 2026

NAAM EN VAN / NAME AND SURNAME	HANDTEKENING / SIGNATURE
<u>Raadslede / Councillors :</u>	
Raadsheer/Alderman LM de Bruyn	
Raadsheer/Alderman CC Clayton	
Raadsheer/Alderman WH Wells	
Raadsheer/Alderman DA Appel	
Raadslid/Councillor CA Benjamin	
Raadslid/Councillor M Botes	
Raadslid/Councillor CT Cloete	
Raadsheer/Alderman S Fredericks	Apology
Raadslid/Councillor M Gana	Absent
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	

RAADSVERGADERING
COUNCIL MEETING
31 MAART / MARCH 2026

Raadslid/Councillor MA Nomkoko	
Raadsheer/Alderman MR Nongxaza	
Raadslid/Councillor FO Ntantiso	
Raadslid/Councillor V Papier	
Raadsheer/Alderman M Plato-Mentoor	Apology
Raadslid/Councillor MS Shale	
Raadslid/Councillor J Smit	
Raadslid/Councillor C Smith	
Raadslid/Councillor PJ Stander	Apology
Raadslid/Councillor YM van Tonder	
Raadslid/Councillor TB Zimmermann	
<u>Amptenare/Officials:</u>	
Mnr/Mr W Hendricks	
Mnr/Mr GW Hermanus	Present
Mnr/Mr P Mabhena	
Mnr./Mr A Riddles	
Mnr / Mr H Matthee	
Me./Ms N Baliso	