MINUTES OF A

COUNCIL MEETING

HELD ON

29 JANUARY 2026

CAPE WINELANDS DISTRICT MUNICIPALITY

COUNCIL MEETING

THURSDAY, 29 JANUARY 2026 AT 10:00

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CAPE WINELANDS DISTRICT MUNICIPALITY

MINUTES OF THE ORDINARY COUNCIL MEETING OF THE CAPE WINELANDS DISTRICT MUNICIPALITY HELD ON THURSDAY, 29 JANUARY 2026 AT 10:07 IN THE COUNCIL CHAMBER, CAPE WINELANDS DISTRICT MUNICIPALITY, TRAPPES STREET, WORCESTER

PRESENT **(3/2/1/2)**

COUNCILLORS

Ald. D.D. Joubert (Speaker)
Ald. (Dr.) H. von Schlicht (Executive Mayor)
Ald. M. Sampson (Deputy Executive Mayor)
Cllr. L. Adams
Cllr. W.M. Blom
Ald. N.M. Bushwana
Cllr. D. Carolissen
Cllr. P. Daniels
Cllr. A.J. du Plessis
Ald. R. Farao
Ald. S. Goedeman
Cllr. E. Groenewald
Cllr. A.J.N. Hanekom
Cllr. V. Hani
Cllr. A. Hess
Cllr. F. Jacobs
Cllr. D.B. Janse
Cllr. C.O. Klaaste
Cllr. J. Kriel
Cllr. J. Maliti
Cllr. X.L. Mdemka
Ald. C. Meyer
Cllr. T.R. Mpulanyana
Cllr. N. Nel
Cllr. A.J. Pedro
Cllr. W.C. Petersen
Cllr. N. Phatsoane
Cllr. A.M. Richards
Cllr. N.D. Sauerman
Cllr. J. Smit
Cllr. M. Smit
Cllr. J.H.P. Steyn
Ald. D. Swart
Cllr. A. Tomose
Cllr. M. van Stade
Cllr. M.H. Yabo

CAPE WINELANDS DISTRICT
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

LIST OF REPRESENTATIVES : COUNCIL MEETING [1]

29 JANUARY 2026
DATE OF MEETING

10:00
TIME

VENUE: WORCESTER

REPRESENTATIVE	SIGNATURE
ADAMS, L	
ARNOLDS, RB	
BLOM, WM	
BUSHWANA, NM	
CAROLISSEN, D	
DANIELS, P	
DU PLESSIS, AJ	
FARAO, R	
GOEDEMAN, S	
GROENEWALD, E	
HANEKOM, AJN	
HANI, V	
HESS, A	
JACOBS, F	
JANSE, DB	
JOUBERT, DD	
KLAASTE, CO	
KRIEL, J	
MAFILIKA, JS	

CAPE WINELANDS DISTRICT
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

LIST OF REPRESENTATIVES : COUNCIL MEETING [2]

29 JANUARY 2026
DATE OF MEETING

10:00
TIME

VENUE:

WORCESTER

REPRESENTATIVE	SIGNATURE
MALITI, J	
MDEMKA, XL	
MEYER, C	
MPULANYANA, TR	
NEL, N	
NGWANE, L	
PEDRO, AJ	
PETERSEN, WC	
PHATSOANE, N	
RICHARDS, AM	
SAMPSON, M	
SAUERMAN, ND	
SMIT, J	
SMIT, M	
STEYN, JHP	
SWART, D	
TOMOSE, A	
VAN STADE, M	
VON SCHLICHT, H	
WILSKUT, CF	
YABO, MH	

CAPE WINELANDS DISTRICT
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

LIST OF REPRESENTATIVES : COUNCIL MEETING [3]

29 JANUARY 2026
DATE OF MEETING

10:00
TIME

VENUE: WORCESTER

OFFICIALS	SIGNATURE
PRINS, HF (MUNICIPAL MANAGER)	
BARNARD, IM	
DU RAAN-GROENEWALD, FA	
MAART, HL	
WILLIAMS PA	
GABIER, AM	
SMIT, K	
VAN WYK, RWB	
LESCH, MJ	
ARANGIE, CJM	
GREEN, SC	
OTTO, EJ	
LEVENDAL, YP	
JOSIAS, W	
JULIE, GCN	
HOLLENBACH, R	
DARIES, BT	
COERECIUS, JA	
LEO, RA	
HEATH, DA	
FORTUIN, NJ	
MATTHYSE, MR	

CAPE WINELANDS DISTRICT
MUNICIPALITY • MUNISIPALITEIT • UMASIPALA

LIST OF REPRESENTATIVES : COUNCIL MEETING [4]

29 JANUARY 2026
DATE OF MEETING

10:00
TIME

VENUE: WORCESTER

OFFICIALS	SIGNATURE
R. Humphrys	
CECIL. J. BOSTANDER.	
C. Swart	
I. Willemse	

ABSENT

Cllr. J.S. Mafilika

OFFICIALS

Mr. H.F. Prins (Municipal Manager)
Ms. I.M. Barnard
Ms. F.A. du Raan-Groenewald
Mr. P.A. Williams
Mr. H.L. Maart
Ms. K. Smit
Ms. S.C. Green
Mr. M.J. Lesch
Ms. G.C.N. Julie
Mr. R.J. Humphreys
Mr. C.J. Bostander
Mr. C. Swart
Mr. J.A. Coerecius
Mr. R.W.B. van Wyk
Ms. E.J. Otto
Mr. D.A. Heath
Ms. M.R. Matthyse
Ms. I. Willemse

C.1 OPENING (3/2/1/2)

The Speaker welcomed all present.

Councillor C.O. Klaaste opened the meeting with prayer.

C.2 ELECTION OF ACTING SPEAKER, IF NECESSARY (3/2/1/2)

None.

C.3 DISCLOSURE OF ANY DIRECT OR INDIRECT INTERESTS BY COUNCILLORS AND/OR OFFICIALS (3/4/1 & 4/8/4)

None.

C.4 APPLICATION FOR LEAVE OF ABSENCE (3/2/1/2)

COUNCILLORS

Cllr. R.B. Arnolds
Cllr. L. Ngwane
Ald. C.F. Wilskut

C.5 STATEMENTS AND COMMUNICATIONS BY THE SPEAKER *(Verbatim)* (3/2/1/3)

I want to wish all Councillors and officials a blessed and prosperous year.

I urge all Councillors to conduct themselves ethically and to ensure that matters of a political nature are discussed outside of the Council Chamber. Political parties represented in Council are requested to demonstrate mutual respect during Council meetings, as well as during by-elections. Councillors are further requested to observe protocol and to refrain from interrupting one another while speaking.

I request that we all stand for a moment of silence in honour of the late Councillor G.J. Carinus, who passed away on 27 December 2025, as well as in support of Councillor N. Ngwane, whose father has passed away.

Councillors are requested to attend to punctuality with specific reference to their return after breaks and to ensure that all cell phones be put on silent during Council meetings.

The following Workshops will be prioritised to provide clarity going forward:

(a) Council Policies
(b) Ethics
(c) Rules of Order

All Councillors are requested to collect a copy of the relevant policies that will be discussed during the Council's Policy Workshop. These documents are available from the Administration.

Going forward, I would like to request that all Councillors be seated in the front rows of the Council Chamber, followed by the officials attending the Council meetings, in order to ensure that the last two rows remain open to accommodate members of the public.

I would like to request that the minutes of the Special Confidential Council Meetings held on Wednesday, 1 October 2025, and Thursday, 13 November 2025, be considered at a Special Confidential Council Meeting to be convened immediately after the conclusion of today's Confidential Council Meeting.

All Councillors are requested to complete the Declaration Forms for the 2025/2026 financial year. The prescribed form has been included in the agenda pack for those Councillors who received hard copies of the Council meeting agenda. All other Councillors are kindly requested to collect the form from Karina Smit, who has copies available. Completed forms must be submitted directly to Karina Smit no later than 27 February 2026.

With regard to the upper limits, I wish to draw your attention to the process followed for the Determination of the 2025/2026 Upper Limits for Salaries, Allowances and Benefits of Different Members of Municipal Councils, and to note that all inputs were required to be submitted by 27 January 2025. It is proposed that, in future, the implementation of the Upper Limits for directly representative (PR) Councillors representing local municipalities, full-time Councillors, and proportional representative (PR) Councillors be managed as separate processes.

In view of the Local Government Elections to be held towards the end of this year, it is requested that no meetings be scheduled during the period immediately preceding, as well as on the date of, any by-election, as Councillors are mandated by their respective political parties to attend such by-elections.

With regard to the attendance of meetings, I wish to request that all Councillors submit their leave applications to the Whip of Council, who will make a recommendation to the Speaker for consideration in terms of the Rules of Order of the Cape Winelands District Municipality. Each application submitted will be considered on its own merit.

The Administration is requested to circulate a list of all meeting dates to Councillors as well as to the Local Municipalities within the area of the Cape Winelands District Municipality. I undertake to engage with my counterparts at the Local Municipalities to ensure that Council meetings do not clash with other scheduled meetings.

I request that Council consider granting approval for the following two items to be dealt with during this Council meeting:

- APPOINTMENT OF AN ACTING CHIEF FINANCIAL OFFICER (4/3/2/5 & S.P. L/2 (S))
- NOTICE TO COUNCIL: MINUTES OF MEETINGS OF THE RULES COMMITTEE HELD ON TUESDAY, 28 OCTOBER 2025, MONDAY, 10 NOVEMBER 2025 AND MONDAY, 1 DECEMBER 2025 (3/2/3/1)

COUNCIL MEETING: 29 JANUARY 2026: ITEM C.5

RESOLVED (36 Councillors):

That the following two items be included in the agenda of the ordinary Council meeting:

C.15.15 APPOINTMENT OF AN ACTING CHIEF FINANCIAL OFFICER (4/3/2/5 & S.P. L/2 (S))

C.15.16 NOTICE TO COUNCIL: MINUTES OF MEETINGS OF THE RULES COMMITTEE HELD ON TUESDAY, 28 OCTOBER 2025, MONDAY, 10 NOVEMBER 2025 AND MONDAY, 1 DECEMBER 2025 (3/2/3/1)

C.5.1 COMMUNICATION BY COUNCILLOR M.H. YABO *(Verbatim)*

(3/2/1/3)

I request that all meetings of the Cape Winelands District Municipality be coordinated by the Administration to ensure that meetings do not clash with one another.

With regard to by-elections, I further request that no meetings be scheduled during the week in which a by-election is held.

As previously requested, I wish to call upon the Executive Mayor to extend an invitation to Councillors to visit the Command Centre of the Cape Winelands District Municipality during veld fires in our area, in order to afford them the opportunity to familiarise themselves with the functions and responsibilities of the Division: Fire Services.

C.6 STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR *(Verbatim)*

(3/2/1/3)

Thank you, Speaker, allow me to share the following communication.

1. Welcome to Council

Speaker, further to your word of welcome, I would like to extend a warm welcome to all Councillors and Officials. Councillors, I trust that you had quality time with your loved ones. As this is the final year of the current political term, let us continue to serve our communities with dedication, commitment, and purpose throughout 2026.

A special word of congratulations to Councillor N.M. Bushwana upon whom Aldermanship has been bestowed by Breede Valley Municipality.

It is with regret that I must inform Council that Mr. R.J. Humphreys is retiring at the end of this month after 40 years of service to the Cape Winelands District Municipality.

2. Condolences

Speaker, it is with great sadness that we had to bid farewell to our Technical Services Portfolio Councillor, Councillor Deon Carinus.

Councillor Carinus will be fondly remembered for his innovative thinking (think out of the box he used to say) and commitment to service. We will honour the work and commitments he championed. May he rest in eternal peace.

I salute you, Councillor Carinus.



3. Paarl Hospital

Speaker, on Tuesday, 27 January 2026, we witnessed an unfortunate fire incident at Paarl Hospital.

In my capacity as the Cape Winelands District Mayor and Chairperson of the District Health Council, I wish to highlight key matters arising from the report I received.

- All patients had been taken care of;
- One person had been apprehended by the South African Police Services in this regard.
- We as the Cape Winelands District Municipality extended a hand of support to the hospital.

4. Veld Fires

I wish to applaud our Division: Fire Services for their dedicated response to the various veld fires that occurred across our region.

In this regard I can confirm that all fires in the area of the Cape Winelands District Municipality are currently under control.

5. Class of 2025

Speaker, the District will host the Top Achievers of the Class of 2025 on Thursday, 5 February 2026.

I would also like to take this opportunity to extend my heartfelt congratulations to all matriculants of the Class of 2025. We are immensely proud of your achievements and wish you every success in your future endeavours.

6. Announcement of Mayoral Committee Member: Technical Services

Speaker, due to the vacancy arising in the Portfolio: Technical Services, I had to carefully consider the filling of this position in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).

Section 60(1)(a) provides that the Executive Mayor appoints the members of the Mayoral Committee from among the Councillors, while section 60(1)(b) empowers the Executive Mayor to assign specific responsibilities to Mayoral Committee members.

Accordingly, following the necessary consultations, I would like to announce the appointment of Councillor J. Kriel as the member responsible for the Portfolio: Technical Services.

The Portfolio of Sport, Arts and Culture will be combined with the Portfolio for Financial Services of Alderman D. Swart.

I thank you, Speaker.

C.7 CONSIDERATION OF NOTICES OF MOTION

None.

C.8 CONSIDERATION OF NOTICES OF QUESTIONS (3/2/1/5)

None.

C.9 CONSIDERATION OF MOTIONS OF EXIGENCY (3/2/1/4)

None.

C.10 MINUTES

C.10.1 CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON THURSDAY, 4 DECEMBER 2025 (3/2/1/6)

COUNCIL MEETING:29 JANUARY 2026: ITEM C.10.1

RESOLVED: (Unanimous)

That the minutes of the Council meeting held on Thursday, 4 December 2025 be taken as read and duly confirmed.

C.10.2 REPORT BY THE MUNICIPAL MANAGER: ACTION MINUTES OF THE COUNCIL MEETING HELD ON THURSDAY, 4 DECEMBER 2025

COUNCIL MEETING:29 JANUARY 2026: ITEM C.10.2

RESOLVED:

That cognisance be taken of the confirmation by the Municipal Manager that all matters contained in the Action Minutes of the Council meeting held on Thursday, 4 December 2025 had been attended to.

C.11 INTERVIEWS WITH OR PRESENTATIONS BY DEPUTATIONS

None.

C.12 URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

None.

C.13 REPORT BY THE EXECUTIVE MAYOR: MAYORAL COMMITTEE MEETING HELD ON TUESDAY, 18 NOVEMBER 2025 (3/2/2/1)

The following report outline the issues and decisions taken by the Mayoral Committee.

The relevant minutes of matters that served before the Executive Mayor and Mayoral Committee on the date indicated has been distributed to all Councillors -

1 **MEETING HELD ON 18 NOVEMBER 2025**

MATTERS OF WHICH COGNISANCE WERE TAKEN:

MC.7.3 QUARTERLY REPORT FOR THE DIVISION: MEDIA, COMMUNICATIONS AND PUBLIC RELATIONS FOR THE PERIOD FROM 01 JULY 2025 TO 30 SEPTEMBER 2025 (2/10/1/1)

RESOLVED:

That cognisance be taken of the item that served before the Mayoral Committee.

MC.7.5 DEPARTMENT: TECHNICAL SERVICES: QUARTERLY REPORT FOR THE PERIOD FROM JULY 2025 TO SEPTEMBER 2025 (2/10/1/5)

RESOLVED:

That cognisance be taken of the item that served before the Mayoral Committee.

MC.7.6 DEPARTMENT: COMMUNITY DEVELOPMENT AND PLANNING SERVICES MONTHLY REPORTS FOR OCTOBER 2025 (9/1/2/6)

RESOLVED:

That cognisance be taken of the item that served before the Mayoral Committee.

MATTERS OF WHICH RESOLUTIONS WERE TAKEN:

MC.4.1 SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION (SALGA): NATIONAL MEMBERS ASSEMBLY (NMA) TO BE HELD FROM 25 NOVEMBER 2025 to 27 NOVEMBER 2025 IN DURBAN

RESOLVED:

That cognisance be taken of the decision taken by the Executive Mayor together with the Mayoral Committee.

MC.5.1 STATE OF DISASTER MANAGEMENT IN THE CAPE WINELANDS DISTRICT MUNICIPALITY, MR. S.P. MINNIES, HEAD OF MUNICIPAL DISASTER MANAGEMENT CENTRE

RESOLVED:

That cognisance be taken of the decision taken by the Executive Mayor together with the Mayoral Committee.

MC.7.2 NOTIFICATION TO THE MAYORAL COMMITTEE: RESOLUTIONS BY THE EXECUTIVE MAYOR TOGETHER WITH THE MAYORAL COMMITTEE IN TERMS OF THE REVIEWED SYSTEM OF DELEGATIONS ADOPTED BY COUNCIL AT ITEM C.15.5 ON 27 JUNE 2024 (2/4/2)

RESOLVED:

That cognisance be taken of the decision taken by the Executive Mayor together with the Mayoral Committee.

MC.7.4 CAPE WINELANDS DISTRICT MUNICIPALITY: MEMORANDUM OF AGREEMENT (MOA): NOTICE OF DISCONTINUATION OF ROADS AGENCY AGREEMENT: PROGRESS AND COMMUNICATION (2/1/2/1)

RESOLVED:

That cognisance be taken of the decision taken by the Executive Mayor together with the Mayoral Committee.

MC.8.2.1 POLICY WORKSHOP

RESOLVED:

That cognisance be taken of the decision taken by the Executive Mayor together with the Mayoral Committee.

MC.8.3.1 MONTHLY FINANCIAL REPORT FOR SEPTEMBER 2025 PREPARED IN TERMS OF SECTION 71 OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT NO. 56 OF 2003) AND THE PROGRESS REPORT ON THE 2025/2026 DEMAND PLAN (5/1/1/6 & 3/2/5/15)

RESOLVED:

That cognisance be taken of the decision taken by the Executive Mayor together with the Mayoral Committee.

MC.8.4.1 DIVISION: FIRE SERVICES: 2025/2026 VELD FIRE SEASON PREPAREDNESS PLAN (17/5/2)

RESOLVED:

That cognisance be taken of the decision taken by the Executive Mayor together with the Mayoral Committee.

MC.8.5.1 PROGRESS REPORT ON THE CONSTRUCTION AND OPERATION OF THE REGIONAL LANDFILL SITE, INCLUDING THE ACTION PLAN (16/8/B & 2/9/3/8)

RESOLVED:

That cognisance be taken of the decision taken by the Executive Mayor together with the Mayoral Committee.

C.14 MATTERS FOR NOTIFICATION

C.14.1 RESOLUTIONS TAKEN BY THE EXECUTIVE MAYOR IN TERMS OF DELEGATED POWERS DURING THE PERIOD FROM 01 OCTOBER 2025 TO 31 DECEMBER 2025 (2/4/2)

BACKGROUND

In terms of section 63 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), as detailed below, a delegatee has a duty to report to the delegating authority:

"63. A political structure, political office bearer, councillor or staff member of a municipality to whom a delegating authority has delegated or sub-delegated a power or duty, must report to the delegating authority at such intervals as the delegating authority may require, on decisions taken in terms of that delegated or sub-delegated power or duty since the last report."

COMMENT

In terms of the System of Delegations approved by Council at Item C.15.5 on 27 June 2024 "*A political structure or political office bearer to whom the Council as the delegating authority has delegated a power, duty or function must report* ***quarterly to Council*** *on decisions taken in terms of that delegated power, duty or function.*"

Attached hereto as Annexure "A" is a summary of decisions taken by the Executive Mayor in terms of Part 1 of the System of Delegations approved by Council at Item C.15.5 on 27 June 2024 during the period from 01 October 2025 to 31 December 2025:

*** **Annexure "A"**

Delegation 1 : **Civic and ceremonial duties**

(In terms of section 56(4) of the Structures Act

(2) To represent Council at meetings and functions other than those where other councillors have been nominated to attend.

*** **Annexure "B"**

Delegation 1 : **Civic and ceremonial duties**

(In terms of section 56(4) of the Structures Act

(4)(c)(ii) To present a medal, certificate, award or any other commemorative token to any person for a meritorious achievement within the CWDM municipal area.

*** **Annexure "C"**

Delegation 1 : **Civic and ceremonial duties**

(In terms of section 56(4) of the Structures Act

(1)(3) To make media statements on behalf of the CWDM on all matters over which the Executive Mayor has authority, or where such authority has been granted otherwise.

COUNCIL MEETING: 29 JANUARY 2026: ITEM C.14.1

RESOLVED (36 Councillors) :

That cognisance be taken of the decisions taken by the Executive Mayor in terms of delegated powers for during the period from 01 October 2025 to 31 December 2025.

(The meeting adjourned at 10:53 and resumed its business at 11:10.)

C.15 MATTERS FOR CONSIDERATION

C.15.1 TRANSFERS AND SUBSIDIES IN TERMS OF SECTION 67 OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT NO. 56 OF 2003) IMPACTED BY MFMA CIRCULAR NO. 131 (5/15/1/R)

PURPOSE OF SUBMISSION

*** That Council consider to take cognisance of the status of project rollouts impacted by the implementation of MFMA Circular No. 131 (attached as Annexure "A") in respect of the 2025/2026 financial year.

BACKGROUND

Municipalities frequently transfer funds to external organisations such as NGO's, NPO's, and community-based entities to support socio-economic development. Section 67 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) governs the transfer of funds by municipalities to organisations and bodies outside of government, such as non-governmental organisations (NGO's) and non-profit organisations (NPO's). These transfers are not payments for goods or services, but rather financial support or grants.

Past practices have revealed several governance risks that undermine the effectiveness and integrity of these transfers. There were inconsistencies and risks in how municipalities handled these transfers, including:

(a) Lack of transparency and accountability.

(b) Misclassification of procurement vs. transfer payments.

(c) Inadequate financial reporting by recipient organisations.

To address historical inconsistencies and risks in municipal transfer payments, policy measures should be introduced that could enhance accountability, compliance, and developmental impact. By addressing these historical risks through targeted policy interventions, municipalities can ensure that transfer payments contribute meaningfully to socio-economic development, while maintaining compliance with legislative frameworks, including but not limited to the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), and relevant National Treasury Circulars. These measures are intended to strengthen governance, promote transparency, and enhance the developmental impact of municipal funding.

MFMA CIRCULAR NO. 131

MFMA Circular No. 131 provides guidance on the proper management of municipal transfer payments to external organisations, such as NGO's and NPO's, excluding Tourism and Sport bodies. Thus, aiming to address historical inconsistencies in how municipalities handle these transfers by:

(a) Ensuring the correct application of municipal transfers to NGO's/NPO's in line with section 67 of the MFMA.

(b) Ensuring accountability and transparency in the use of public funds to prevent audit findings.

(c) Preventing irregular expenditure by distinguishing between:

(i) Transfers (must follow section 67 requirements).

(ii) Procurement (must follow SCM regulations and section 217 of the Constitution).

(d) Guiding municipalities on the eligibility criteria for recipients.

TECHNICAL

To ensure the effective implementation of MFMA Circular No. 131, the Cape Winelands District Municipality should follow a structured approach that aligns with the guidance provided by National Treasury. This may be achieved by:

(a) Establishing clear guidelines and criteria for approving transfer payments and procurement.

(b) Ensuring alignment with strategic development priorities and approved budget.

(c) Engaging with Supply Chain Management (SCM) and the Division: Legal Services, to ensure compliance with MFMA Circular No. 131.

*** (d) Developing a checklist (attached as Annexure "B") to guide the Administration to distinguish between transfers and procurement.

This checklist outlines the procedures and requirements that would guide the Cape Winelands District Municipality for transferring municipal funds to Government, including procurement of goods and services for Non-Government Organisations (NGO's), Non-Profit Organisations (NPO's), and Community-Based Organisations (CBO's) under section 67 of the Municipal Finance Management Act (MFMA), in alignment with MFMA Circular No. 131. These organisations or bodies are included in the appropriate Annexures in the 2025/2026 budget of the Cape Winelands District Municipality.

To ensure that the Cape Winelands District Municipality adheres to the compliance contained in MFMA Circular No. 131, a virtual meeting was held between the then Acting Municipal Manager, Mr. P.R. Esau, Chief Financial Officer, Ms. F.A. du Raan-Groenewald, Executive Director: Community Development and Planning Services, Mr. P.A. Williams, and officials from National Treasury on Monday, 22 September 2025. The purpose of the meeting was to seek clarity on MFMA Circular No. 131 and to ensure that they fully understood our unique circumstances regarding grants-in-aid.

National Treasury has confirmed that projects such as the Solar Geyser Project, National Sea Rescue Institute, Boland Cricket, SAFA Cape Winelands, Woordfees Event, Cape Winelands Farm Workers Association, Local Tourism Associations (LTAs) and similar initiatives are non-compliant with section 67 of the MFMA and therefore unlawful under the current transfer model. Continuing these transfers exposes municipalities, including the Cape Winelands District Municipality, to non-compliance findings from National Treasury and the Auditor-General of South Africa (AGSA) that will result in irregular expenditure. Thus, the Cape Winelands District Municipality can no longer provide assistance to similar entities under the existing section 67 framework.

In compliance with MFMA Circular No. 131, the following projects have been completed.

(a) Phenomenal Women Awards R100,000;

*** (b) Projects listed below (attached as Annexures "C" to "G"); and

(c) Solar geyser subsidies

In contrast to National Treasury's view that payments toward the solar geyser project would be non-compliant with section 67 of the MFMA and therefore unlawful under the current transfer model. However, the Department: Technical Services could not halt the rollout, as the project was already committed for the 2025/2026 financial year. Instead, the Department intervened to minimise the Municipality's expenditure.

The original target was to install 66 solar geyser units during the 2025/2026 financial year. However, following the implications of MFMA Circular No. 131, the project manager contacted applicants via phone and email to reduce the number of subsidies. As a result, installations were limited to 23 units, with an expected expenditure of R187,500. These subsidies were paid for the installation of the 23 solar geyser units.

Annexure	Projects	Procurement Needs	Budget
C	Business Network Project	Transfer to Local Municipality	R300,000
D	Township Tourism Project	Transfer to Local Municipality	R150,000
E	Early Childhood Development	Equipment and Service through SCM internally	R24,000
F	Community Safety Implementation Plan	Transfer to Local Municipality	R550,000
G	SOLAR Project	Subsidies	R187,500

To ensure compliance with MFMA Circular No. 131, the following projects will be rolled out within the current financial year:

(a) Provide wheelchairs to Department of Health to the value of **R200,000**
(b) Provide hearing aids to Department of Health to the value of **R200,000**
(c) Winelands Autumn Expo – R1,950,000 (Beneficiary will be changed to Breede Valley Municipality in the 2025/2026 Adjustments Budget)
(d) Fencing Subsidies

It should be noted that for the fencing subsidies project, three applications were approved for the 2025/2026 financial year. Approval letters were circulated on 24 July 2025, after the budget was approved.

Farmer	Length of Fence	Amount of Subsidy
JT Basson	1.31 km	R63,535
AJ Reyneke	2.40 km	R116,400
H van Zyl	5.89 km	R285,665
TOTAL		**R465,600**

During October 2025, all participating farmers were contacted to confirm their commitment to erect the fences and claim the allocated subsidy. Each farmer provided written confirmation that they remain committed to completing the fencing by the stipulated deadline and to claim the subsidy as agreed upon.

***

(d) Other projects (attached as Annexures "H" to "P")

Annexure	Projects	Procurement Needs	Budget
H	Business Network Project	Transfer to Local Municipality	R200,000
I	ECD	Equipment, services through SCM internally	R176,000
J	Community Support	Equipment, services through SCM internally	R400,000
K	Persons with Disabilities	Equipment, services through SCM internally	R208,000
L	Western Cape Elderly Forum	Equipment, services through SCM internally	R150,640
M	Sport and Recreation Support	Equipment, services through SCM internally	R800,000
N	Seed Fund Programme	Equipment, services through Service Provider	R600,000
O	Small Framer Programme	Equipment, services through Service Provider	R200,000
P	Fencing	Subsidies (9.6km)	R465,600
TOTAL			**R3,200,240**

To ensure compliance with MFMA Circular No. 131, the following projects will not be rolled out within the current financial year, and will be removed during the 2025/2026 Adjustments Budget, and be dealt with differently in the 2026/2027 financial year.

The following projects will not be implemented and are not included in the Annexures:

(a)	Boland Cricket	**R500,000**
(b)	Cape Winelands Farm Workers Association	**R 50,000**
(c)	Township Tourism (Ceres Tourism)	**R 50,000**
(d)	Women in Tourism Western Cape	**R 50,000**
(e)	SAFA Cape Winelands	**R100,000**
(f)	Woordfees Event	**R100,000**
(g)	Cape Winelands Biosphere Reserve	**R300,000**
(h)	Chaplaincy Alert SA	**R100,000**
(i)	Winelands Fire Protection Association	**R200,000**
(j)	National Sea Rescue Institute	**R 30,000**
(k)	SAT (Vakantie Beurs Utrecht)	**R120,000**
(l)	WESGRO (GWGCN)	**R500,000**

*** The following projects will not be implemented and are detailed in Annexures "Q" to "V":

Annexure	Projects	Budget
Q	LTA Projects	R450,000
R	Tourism Events	R477,008
S	Educationals	R300,000
T	Business Retention and Expansion	R550,000
U	Wine Tourism	R250,000
V	Digital Tourism	R150,000
TOTAL		**R2,177,008**

*** It should be noted that a new Grants-In-Aid Policy is in the process of being developed. The draft policy (attached as Annexure "W") will be workshopped and presented to Council for approval. Once the policy is adopted by Council, a new funding model will be implemented for future financial years.

Comment prepared by: Mr. R.W.B. van Wyk

IMPLICATIONS

PERSONNEL

None.

Comment prepared by: Ms. G.C.N. Julie

FINANCIAL

Appropriation of Transfers and Subsidies on the 2025/2026 Annual Budget has been made as follows:

SUMMARY OF TRANSFERS AND SUBSIDIES	COMMUNITY DEVELOPMENT AND PLANNING SERVICES	OFFICE OF THE MUNICIPAL MANAGER	TECHNICAL SERVICES	TOTAL
DISASTER MANAGEMENT	**583,075**			**583,075**
B – Municipalities	550,000			550,000
National Sea Rescue Institute	33,075			33,075
FIRE SERVICES	**300,000**			**300,000**
FPA (Fire Protection Association)	200,000			200,000
Western Cape Nature Conservation Board	100,000			100,000
LAND-USE AND SPATIAL PLANNING	**300,000**			**300,000**
Cape Winelands Biosphere Reserve	300,000			300,000
LOCAL ECONOMIC DEVELOPMENT	**4,200,000**			**4,200,000**
B-Municipalities	500,000			500,000
Local Tourism Boards	2,100,000			2,100,000
Production	800,000			800,000
Tourism	800,000			800,000
OFFICE OF THE MM		**2,500,000**		**2,500,000**
Community and Social Services		2,500,000		2,500,000
PROJECTS			**1,400,000**	**1,400,000**

Farmer Support Households (Cash)			1,400,000	1,400,000
ROADS-MAIN/DIV. INDIRECT			**600,000**	**600,000**
Farmer Support Households (Cash)			600,000	600,000
RURAL DEVELOPMENT	**2,179,980**			**2,179,980**
Cape Winelands Farmworkers Association	50,000			50,000.00
Disability Grant	179,990			179,990
Grant In Aid	400,000			400,000
Sport and Recreation	799,990			799,990
Sport Councils	750,000			750,000
SOCIAL DEVELOPMENT	**849,960**			**849,960**
Afrikaanse Taalmuseum	100,000			100,000
Community and Social Services	200,000			200,000
Old Age Grant	150,000			150,000
Social Relief	399,960			399,960
TOURISM	**2,277,008**			**2,277,008**
Tourism	2,277,008			2,277,008
Grand Total	**10,690,023**	**2,500,000**	**2,000,000**	**15,190,023**

Comment prepared by: Ms. F.A. du Raan-Groenewald

RECOMMENDATION BY MUNICIPAL MANAGER:

That Council consider to take cognisance of the status of project rollouts impacted by the implementation of MFMA Circular No. 131 in respect of the 2025/2026 financial year.

COUNCIL MEETING: 29 JANUARY 2026: ITEM C.15.1

RESOLVED (36 Councillors) :

That the item be withdrawn in anticipation of the Policy Workshop to be held.

C.15.2 NOMINATION OF REPRESENTATIVES ON THE GOVERNING BODIES OF MUSEUMS IN THE AREA OF THE CAPE WINELANDS DISTRICT MUNICIPALITY (12/R)

PURPOSE OF SUBMISSION

That Council consider to nominate representatives on the governing bodies of museums in the area of the Cape Winelands District Municipality.

BACKGROUND

There are 31 affiliated museums in the Western Cape. Each of these museums develops and promotes collections, exhibitions and programmes for educational purposes and the public interest.

The Museum Service of the Western Cape Department of Cultural Affairs and Sport aims to promote respect for cultural diversity in South Africa and appreciation of our natural heritage. The Museum Service therefore sets out to build understanding of and pride in our diverse heritage through the affiliated museums.

The following museums are situated in the area of the Cape Winelands District Municipality:

(i) Worcester Museum

(ii) Togryers Museum (Ceres)

(iii) Wellington Museum

(iv) Paarl Museum

(v) Stellenbosch Museum

(vi) Huguenot Memorial Museum (Franschhoek)

(vii) Montagu Museum

(viii) Oude Kerk Volksmuseum van 't Land van Waveren (Tulbagh)

(ix) Robertson Museum

COMMENT

*** Attached as Annexures "A1" to "A5" are copies of letters received from the Minister of Cultural Affairs and Sport of the Western Cape Government informing the Cape Winelands District Municipality that the term of office for the current governing bodies of the following museums in the area of the Cape Winelands District Municipality had expired on 31 October 2025:

(a) Togryers Museum (Ceres)
Current Representative: Cllr. L. Ngwane

(b) Wellington Museum
Current Representative: Cllr. N.D. Sauerman

(c) Paarl Museum
Current Representative: Cllr. A.J. du Plessis

(d) Stellenbosch Museum
Current Representative: Cllr. V. Hani

(e) Oude Kerk Volksmuseum van 't Land van Waveren (Tulbagh)
Current Representative: Cllr. A. Hess

In terms of section 15(1)(b)(ii) of the Western Cape Museums Ordinance Amendment Act, 2021 (Act No. 2 of 2021) one representative from the relevant District Municipality has to serve on the governing bodies of these museums. Accordingly the Cape Winelands District Municipality has to submit nominations to the Office of the Western Cape Minister of Cultural Affairs and Sport for the period from 1 November 2025 to 31 October 2028. To ensure good governance, it is vital that representatives nominated should attend the meetings of the governing bodies of the museums on a regular basis.

Cognisance should however be taken that the term of these museums exceeds the current political term of Councillors.

IMPLICATIONS

PERSONNEL

None.

Comment prepared by: Ms. G.C.N. Julie

FINANCIAL

Subsistence and travel costs in terms of the Subsistence and Travel Policy of the Cape Winelands District Municipality may be incurred. In addition, the Cost Containment Regulations, 2019, the concomitant circular, and all relevant policies must be considered before costs may be incurred.

Comment prepared by: Ms. F.A. du Raan-Groenewald

LEGAL

Museum Services are delivered in terms of specific legislation, namely the Museums Ordinance, 1975 (Ordinance No. 8 of 1975), as amended.

Board of trustees

Section 13 of the Museums Ordinance, 1975 (Ordinance No. 8 of 1975), as amended, stipulates that province-aided museums must be under the management, control and direction of a board of trustees constituted as provided in section 15, which shall under the name of "The Board of Trustees of the ..... Museum" be a corporate body.

Membership

Section 15(1) determines that, subject to the other subsections of this section, a board shall consist of —

(a) three members appointed by the Provincial Minister by reason of their experience in corporate governance or special knowledge of matters concerning museums;

(b) where the museum concerned is situated –

(i) in the municipal area of a metropolitan municipality, one member nominated by the council of the metropolitan municipality concerned appointed by the Provincial Minister; or

(ii) in the municipal area of a local municipality, one member nominated by the council of the local municipality concerned and one member nominated by the council of the district municipality in whose municipal area such local municipality is situated, both appointed by the Provincial Minister.

(c) one member nominated by subscribers to the museum concerned, appointed by the Provincial Minister; and

(d) one employee in the department designated for the purpose by the Head of the Department, appointed by the Provincial Minister.

Section 15(4) determines that the Board of the **Oude Kerk Volksmuseum van 't Land van Waveren (Tulbagh)** shall consist of –

(a) three members appointed by the Provincial Minister by reason of their experience in corporate governance or special knowledge of matters concerning museums;

(b) one member nominated by the council of the local municipality in whose municipal area the museum is situated and one member nominated by the council of the district municipality in whose municipal area the local municipality is situated, both appointed by the Provincial Minister;

(c) one member nominated by subscribers to the museum, appointed by the Provincial Minister; and

(d) one employee in the department designated for the purpose by the Head of the Department, appointed by the Provincial Minister.

The Provincial Minister may in terms of subsection 15(5), in addition to the members of a board referred to in subsections 15(1), (2) or (4), as the case may be, appoint any person as a member of any such board by reason of any special services rendered to the museum concerned by such person or by any organisation represented by such person or for any other reason he or she considers adequate.

Filling of vacancies

In accordance with subsection 17(2), a vacancy in the office of a board shall be filled by the appointment of a successor by the Provincial Minister in accordance with section 15; provided that the Provincial Minister may refuse to fill a vacancy in the office of a member appointed in terms of section 15(5).

Disqualification for membership

Section 18 determines that no person shall be eligible for appointment as a member of a board if —

(a) he or she is not a South African citizen unless the Provincial Minister has authorised such appointment; or

(b) he or she has been convicted of an offence and sentenced to 12 months' imprisonment or more without the option of a fine.

Tenure of office of members of a board

Section 16(1) determines that a member of a board –

(a) appointed in terms of sections 15(1)(a), (2(a), 3(a) or 4(a) shall hold office for a period of three years;

(b) appointed in terms of sections 15(1)(c), 2(c) or 4(d) shall hold office until the next nomination of such a member for appointment by the Provincial Minister at a meeting held in terms of section 21(c);

(c) appointed in terms of section 15(4) shall hold office for such period as the church council of the Dutch Reformed Congregation of Tulbagh may determine; and

(d) other than a member contemplated by paragraphs (a), (b) and (c), shall hold office for such periods as the Provincial Minister may determine.

In terms of section 16(2), a member of a board appointed in terms of sections 15(1)(a), 2(a), 3(a) or 4(a) and whose period of office has expired shall be eligible for reappointment.

Extracted from Item C.15.6 of 4 December 2025

RECOMMENDATION BY MUNICIPAL MANAGER:

That Council consider to nominate representatives to serve on the governing bodies of the following museums in the area of the Cape Winelands District Municipality for the period from 1 November 2025 until the end of their current political term at the Cape Winelands District Municipality:

(a) Museum (Ceres)

(b) Wellington Museum

(c) Paarl Museum

(d) Stellenbosch Museum

(e) Oude Kerk Volksmuseum van 't Land van Waveren (Tulbagh)

COUNCIL MEETING: 4 DECEMBER 2025: ITEM C.15.6

The Executive Mayor proposed that the item be held in abeyance until the next Council meeting in order to afford her the opportunity to consult with all Councillors regarding the nomination of representatives to serve on the governing bodies of the following museums in the area of the Cape Winelands District Municipality for the period from 1 November 2025 until the end of their current political term at the Cape Winelands District Municipality.

The proposal by the Executive Mayor was seconded by Councillor J.H.P. Steyn.

RESOLVED (35 Councillors) :

That the item be held in abeyance until the next Council meeting.

RECOMMENDATION BY EXECUTIVE MAYOR:

That Council consider to nominate the following representatives to serve on the governing bodies of the museums in the area of the Cape Winelands District Municipality for the period from 1 February 2026 until the end of their current political term at the Cape Winelands District Municipality:

(a) Togryers Museum (Ceres)
Cllr. L. Ngwane

(b) Wellington Museum
Cllr. N.D. Sauerman

(c) Paarl Museum
Cllr. A.J. du Plessis

(d) Stellenbosch Museum
Cllr. V. Hani

(e) Oude Kerk Volksmuseum van 't Land van Waveren (Tulbagh)
Cllr. A. Hess

COUNCIL MEETING: 29 JANUARY 2026: ITEM C.15.2

The Executive Mayor proposed that Council consider to nominate the following representatives to serve on the governing bodies of the museums in the area of the Cape Winelands District Municipality for the period from 1 February 2026 until the end of their current political term at the Cape Winelands District Municipality:

(a) Togryers Museum (Ceres)
Cllr. L. Ngwane

(b) Wellington Museum
Cllr. N.D. Sauerman

(c) Paarl Museum
Cllr. A.J. du Plessis

(d) Stellenbosch Museum
Cllr. V. Hani

(e) Oude Kerk Volksmuseum van 't Land van Waveren (Tulbagh)
Cllr. A. Hess

The proposal by the Executive Mayor was seconded by Alderman R. Farao.

The proposal by the Executive Mayor was put to the vote and thirty-six (36) Councillors voted in favour of the proposal by the Executive Mayor.

RESOLVED (36 Councillors) :

That the following representatives be nominated to serve on the governing bodies of the museums in the area of the Cape Winelands District Municipality for the period from 1 February 2026 until the end of their current political term at the Cape Winelands District Municipality:

(a) Togryers Museum (Ceres)
Cllr. L. Ngwane

(b) Wellington Museum
Cllr. N.D. Sauerman

(c) Paarl Museum
Cllr. A.J. du Plessis

(d) Stellenbosch Museum
Cllr. V. Hani

(e) Oude Kerk Volksmuseum van 't Land van Waveren (Tulbagh)
Cllr. A. Hess

C.15.3 REPORT ON ACTIVITIES OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE IN QUARTER 1 OF THE 2025/2026 FINANCIAL YEAR

(3/2/5/17)

PURPOSE OF SUBMISSION

That Council consider the activities of the Municipal Public Accounts Committee (MPAC) during the period from 01 July 2025 to 30 September 2025.

BACKGROUND

Each municipal council must establish a committee called the Municipal Public Accounts Committee. The municipal council must establish the functions of the above-mentioned MPAC; this has been done by means of a Council approved Terms of Reference (ToR).

COMMENT

*** Attached as Annexure "A" is a copy of the *"Report on activities emanating from the MPAC meeting for Quarter 1 of 2025/2026, held on Wednesday, 29 October 2025"*.

In line with the above-mentioned MPAC Terms of Reference, this quarterly MPAC report was submitted to the Speaker of Council and is subsequently tabled to Council in terms of section 79A(4) of the Local Government: Municipal Structures Amendment Act, 2021.

Comment prepared by: Ms. B.T. Daries

IMPLICATIONS

PERSONNEL

None.

Comment prepared by: Ms. G.C.N. Julie

FINANCIAL

None.

Comment prepared by: Ms. F.A. du Raan-Groenewald

LEGAL

MPAC's Terms of Reference stipulate as follows:

Paragraph 8.1 *The MPAC will report directly to Council on the activities of the Committee.*

Paragraph 8.2 *Reports of the MPAC must be submitted by the Chairperson to the Speaker who must table such reports at the next meeting of the Council.*

Extracted from Item C.15.9 of 4 December 2025

RECOMMENDATION BY THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE:

That Council consider the activities of the Municipal Public Accounts Committee (MPAC) during the period from 01 July 2025 to 30 September 2025.

COUNCIL MEETING: 4 DECEMBER 2025: ITEM C.15.9

RESOLVED (35 Councillors) :

That the matter be deferred to the next meeting of Council.

RECOMMENDATION BY THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE:

That Council consider the activities of the Municipal Public Accounts Committee (MPAC) during the period from 01 July 2025 to 30 September 2025.

COUNCIL MEETING: 29 JANUARY 2026: ITEM C.15.3

Councillor M.H. Yabo proposed that Council consider the activities of the Municipal Public Accounts Committee (MPAC) during the period from 01 July 2025 to 30 September 2025.

The proposal by Councillor M.H. Yabo was seconded by Councillor J.H.P. Steyn.

The proposal by Councillor M.H. Yabo was put to the vote and thirty-six (36) Councillors voted in favour of the proposal by Councillor M.H. Yabo.

RESOLVED (36 Councillors) :

That the activities of the Municipal Public Accounts Committee (MPAC) during the period from 01 July 2025 to 30 September 2025 be approved.

C.15.4 PARTIAL REVISED STAFF ESTABLISHMENT OF THE CAPE WINELANDS DISTRICT MUNICIPALITY (4/1/1/2 & 4/1/1/3)

PURPOSE OF SUBMISSION

That Council consider to approve the partial revised staff establishment of the Cape Winelands District Municipality in respect of the following existing positions:

(a) Deputy Director: Legal, Risk and Compliance;

(b) Advisor: Risk and Compliance;

(c) Legal Services Advisor.

BACKGROUND

Section 66 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) stipulates that –

(1) A municipal manager, within a policy framework determined by the municipal council and subject to any applicable legislation, must –

(a) develop a staff establishment for the municipality, and submit the staff establishment to the municipal council for approval;

(b) provide a job description for each post on the staff establishment;

(c) attach to those posts the remuneration and other conditions of service as may be determined in accordance with any applicable labour legislation; and

(d) establish a process or mechanism to regularly evaluate the staff establishment and, if necessary, review the staff establishment and the remuneration and conditions of service.

(2) Subsection (1)(c) and (d) do not apply to remuneration and conditions of service regulated by employment contracts referred to in section 57.

(3) No person may be employed in a municipality unless the post to which he or she is appointed, is provided for in the staff establishment of that municipality.

Regulation 6 of Chapter 2 of the Local Government: Municipal Staff Regulations No. 890 issued in Government Gazette No. 45181, dated 20 September 2021 in terms of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) stipulates that –

(1) A municipal manager must review the staff establishment of a municipality having regard to-

(a) these Regulations;

(b) the matters listed in Part B of Schedule 4 to the Constitution and Part B of Schedule 5 to the Constitution;

(c) Chapter 5 of the Municipal Structures Act; and

(d) the municipality's strategic objectives, including its core and support functions, within 12 months of one of the following:

(i) the promulgation of these Regulations;
(ii) the election of a new municipal council; or
(iii) the adoption of a new integrated development plan of the municipality as contemplated in section 25 of the Municipal Systems Act;
(iv) changes to the powers and functions of a municipality; and
(v) the determination of new municipal boundaries.

(2) A municipality that has reviewed its staff establishment two years before the promulgation of these Regulations, is exempted from the provisions of sub-regulation (1)(d).

(3) The municipal manager must review the draft staff establishment in consultation with recognised trade unions within the local labour forum.

(4) The municipal manager must within 30 days of reviewing the staff establishment, submit a report and the proposed staff establishment for approval by the municipal council.

Cognisance should be taken that in terms of the procedure for determining a staff establishment as outlined in regulation 6(1) of Chapter 2 of the Local Government: Municipal Staff Regulations No. 890 issued in Government Gazette No. 45181, dated 20 September 2021, the aforementioned three positions do not fall within any of these stipulations as it is only a partial revision, hence it is not dealt with in the ambit of the Local Government: Municipal Staff Regulations but in terms of section 66(1)(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

COMMENT

The revision of the staff establishment for the Cape Winelands District municipality has been necessitated at this point in time only in respect of the following three positions:

(a) Deputy Director: Legal, Risk and Compliance
(b) Advisor: Risk and Compliance
(c) Legal Services Advisor

Cognisance must be taken that Council adopted a new staff establishment on 23 May 2024 with an implementation date of 01 July 2024. The risk management responsibilities were moved to the Deputy Director: Legal Services at the time and two new positions of Advisor: Risk and Compliance and Legal Services Advisor were created.

The job descriptions of these positions were drafted with the assistance of Ignite Advisory Services and submitted for job evaluation. The Cape Winelands District Municipality received the final outcomes report from the SALGA Provincial Task Audit Committee on 03 June 2025 and the new gradings were implemented on 01 July 2025. The positions were advertised as follow:

Deputy Director: Legal, Risk and Compliance (T17)				
Post Final Outcomes Report Received	**Implementation of outcomes**	**Advertised**	**Shortlist**	**Re-advertised**
03 June 2025	01 July 2025	11 July 2025	03 September 2025	
25 applications were received None of the applications had both the legal and risk and compliance competencies				
Legal Advisor: Legal Services (T13)				
Post Final Outcomes Report Received	**Implementation of outcomes**	**Advertised**	**Shortlist**	**Re-advertised**
03 June 2025	01 July 2025	11 July 2025	03 September 2025	
26 applications were received One application was earmarked for the next process, and position to be re-advertised – consideration to be given to competency framework level, specifically in regard to the years of experience required – possible move from level 3 to level 2				
Advisor: Risk and Compliance (T13)				
Post Final Outcomes Report Received	**Implementation of outcomes**	**Advertised**	**Shortlist**	**Re-advertised**
03 June 2025	01 July 2025	11 July 2025	25 August 2025	19 September 2025
Round 1: 9 applications were received (none of the applicants met all the requirements – recommendation to broaden the scope of professional body registration and re-advertise) Round 2: 6 applications were received - MM confirmed to hold filling of post in abeyance pending the approval of the Revised CWDM Staff Establishment				

Based on the aforementioned evaluation, it is evident that none of the applicants possess both the Legal and Risk Management competencies. In light of this, it is recommended that the areas of responsibility be separated to ensure focused expertise and operational efficiency.

It is proposed that the position of Deputy Director: Legal Services be retained to oversee legal functions, while a new position of Risk and Compliance Manager be created to manage risk-related responsibilities. The Risk and Compliance Manager will report directly to the Municipal Manager, ensuring strategic alignment and accountability. The Deputy Director: Legal Services will report directly to the Executive Director: Corporate Services and will be responsible for providing comprehensive legal advice and support to the Council and officials of the Cape Winelands District Municipality.

Furthermore, it is apparent that the scope of risk management responsibilities requires additional support. To address this need, it is recommended that the existing position of Advisor: Risk and Compliance report directly to the Risk and Compliance Manager. The position of Legal Services Advisor be deleted. This structural adjustment aims to enhance capacity, improve oversight, and strengthen the municipality's ability to manage legal and risk functions effectively.

*** Attached as **Annexure "A"** is the proposed partial revised staff establishment of the Cape Winelands District Municipality in respect of the following positions:

(a) Deputy Director: Legal, Risk and Compliance
(b) Advisor: Risk and Compliance
(c) Legal Services Advisor

IMPLICATIONS

PERSONNEL

In terms of section 84(1)(b) of the Labour Relations Act, 1995 (Act No 66 of 1995) labour is entitled to be consulted by the employer about proposals relating to changes in the organisation of work.

Section 85 of the Labour Relations Act, 1995 (Act No 66 of 1995) further stipulates as follows the procedure regarding consultation:

(1) Before an employer may implement a proposal in relation to any matter referred to in section 84(1), the employer must consult the workplace forum and attempt to reach consensus with it.

(2) The employer must allow the workplace forum an opportunity during the consultation to make representations and to advance alternative proposals.

Comment prepared by: Ms. G.C.N Julie

LEGAL

Section 66 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) stipulates that –

(1) A municipal manager, within a policy framework determined by the municipal council and subject to any applicable legislation, must -

(a) develop a staff establishment for the municipality, and submit the staff establishment to the municipal council for approval;

(b) provide a job description for each post on the staff establishment;

(c) attach to those posts the remuneration and other conditions of service as may be determined in accordance with any applicable labour legislation; and

(d) establish a process or mechanism to regularly evaluate the staff establishment and, if necessary, review the staff establishment and the remuneration and conditions of service.

(2) Subsection (1)(c) and (d) do not apply to remuneration and conditions of service regulated by employment contracts referred to in section 57.

(3) *No person may be employed in a municipality unless the post to which he or she is appointed, is provided for in the staff establishment of that municipality.*

Extracted from LLF.7.1 of 18 November 2025

FINANCIAL

Provision has been made in the 2025/2026 to 2027/2028 MTREF for the filling of the approved posts.

Comment prepared by: Ms. F.A. du Raan-Groenewald

WORKPLACE AND SERVICES RESTRUCTURING COMMITTEE: 17 NOVEMBER 2025: ITEM WPSRC.4.1

AGREED: That –

(a) Preparatory consultation took place with the Workplace and Services Restructuring Committee on the partial revision of the staff establishment of the Cape Winelands District Municipality;

(b) The partial revision of the staff establishment of the Cape Winelands District Municipality be submitted to a next meeting of the Local Labour Forum for consultation;

(c) The partial revision of the staff establishment of the Cape Winelands District Municipality, after consultation with Labour at a Local Labour Forum, be submitted for approval by the Municipal Council.

(d) That cognisance be taken of the following inputs and comments made by the Workplace and Services Restructuring Committee:

(i) IMATU raised the concern on the reporting lines and grading of the post of Deputy Director: Legal Services, particularly considering changes reflected between the 2022 and 2025 evaluations;

(ii) The Director: Human Resources, Ms. G.C.N. Julie, confirmed that the post was evaluated at Task Grade 17 in 2022, re-evaluated in 2025, and the grading remained unchanged;

(iii) SAMWU indicated that they have no objection to the proposed changes;

(iv) The Chairperson, Cllr. E. Groenewald, questioned why CWDM expects a potential candidate to cover both the Risk and Legal components;

(v) The Municipal Manager, Mr. H.F. Prins, responded that some Legal Practitioners currently perform both Risk and Compliance roles, and combining the functions in one post is cost-effective;

(vi) The Chairperson, Cllr. E. Groenewald, commented that it would be preferable to have a legal specialist rather than combining the two components within one post;

(vii) The Municipal Manager, Mr. H.F. Prins, agreed with the recommendation to split the two functions;

(viii) The Chairperson, Cllr. E. Groenewald, questioned whether the Municipal Manager, Mr. H.F. Prins, is comfortable with one component being in the Office of the Municipal Manager and the other in the Department: Corporate Services;

(ix) The Municipal Manager, Mr. H.F. Prins, responded that he accepts and agrees with the motivation provided by the previous Acting Municipal Manager, Mr. P.R. Esau;

(x) The Chairperson, Cllr. E. Groenewald, enquired whether sufficient consideration was given to the placement of Legal Services in the Department: Corporate Services and Risk and Compliance Management in the Office of the Municipal Manager;

(xi) The Director: Human Resources, Ms. G.C.N. Julie, confirmed that sufficient thought was given regarding the amendments;

(xii) The Executive Director: Corporate Services, Ms. I.M. Barnard, stated that consultations were held with the Senior Management Team, with due consideration given to the span of control, and operational requirements when the movement of Legal Services to the Department: Corporate Services was recommended;

(xiii) IMATU questioned whether the post of the Deputy Director: Legal Services will remain at Task Grade 17 and whether certain posts will be filled given the transfer of the Division: Roads;

(xiv) The Director: Human Resources, Ms. G.C.N. Julie, confirmed that the previous Deputy Director: Legal Services post was evaluated at Task Grade 17, and that the filling of the posts will be assessed by the respective Heads of Departments;

(xv) The Municipal Manager, Mr. H.F. Prins, responded that all critical posts will be evaluated and affected critical posts will be filled as soon as reasonably possible, despite the transfer of the Division: Roads function to the Department of Infrastructure.

(e) Cognisance be taken of the update from the Director: Human Resources, Ms. G.C.N. Julie, on the Local Government Circular C27 of 2025, which may affect the municipality's staff establishment processes under regulations 10(4) and 10(5) of the Municipal Staff Regulations;

(f) The Director: Human Resources, Ms. G.C.N. Julie, seek written clarity from the Provincial Department of Local Government on whether minor amendments, reporting line changes, or post additions/deletions fall under the regulation 10(4) "four-trigger" framework of Circular C27 of 2025;

(g) Cognisance be taken of amending the LLF item, where necessary, subject to written clarity from the Provincial Department, to ensure alignment with legislative requirements and good governance.

RECOMMENDATION:

That the Local Labour Forum be consulted regarding the partial revised staff establishment of the Cape Winelands District Municipality.

LOCAL LABOUR FORUM: 18 NOVEMBER 2025: ITEM LLF.7.1

AGREED: That –

(a) Preparatory consultation took place with the Local Labour Forum on the partial revised staff establishment of the Cape Winelands District Municipality, limited to the following positions:

(i) Deputy Director: Legal, Risk and Compliance;

(ii) Advisor: Risk and Compliance;

(iii) Legal Services Advisor;

(b) The partial revised staff establishment of the Cape Winelands District Municipality be submitted to Council for approval;

(c) The Director: Human Resources, Ms. G.C.N. Julie, requested clarity on regulations 10(4) and 10(5) of the Municipal Staff Regulations, and the Provincial Department of Local Government has confirmed that the matter is under review, and a response will follow;

(d) IMATU and SAMWU supported the proposed partial revised staff establishment and raised no objections to the restructuring.

RECOMMENDATION BY THE MUNICIPAL MANAGER:

That Council consider to approve the partially revised staff establishment of the Cape Winelands District Municipality in respect of the following positions:

(a) Deputy Director: Legal, Risk and Compliance;

(b) Advisor: Risk and Compliance;

(c) Legal Services Advisor.

COUNCIL MEETING: 4 DECEMBER 2025: ITEM C.15.10

Councillor M.H. Yabo requested a caucus which was granted.

Councillor L. Ngwane left the meeting at 14:29.

Council adjourned at 14:29 and resumed its business at 14:42.

Councillor E. Groenewald proposed that Council consider the partially revised staff establishment of the Cape Winelands District Municipality in respect of the following positions:

(a) Deputy Director: Legal, Risk and Compliance;

(b) Advisor: Risk and Compliance;

(c) Legal Services Advisor.

The proposal by Councillor E. Groenewald was seconded by Alderman D. Swart.

Councillor E. Groenewald submitted a counter proposal that Council consider to approve the partially revised staff establishment of the Cape Winelands District Municipality in respect of the following positions:

(a) The Deputy Director Legal Services be retained to oversee legal functions and that the risk and compliance duties and responsibilities be removed and that the reporting line be changed from the Municipal Manager to report in future to the Executive Director: Corporate Services;

(b) A new position of Risk and Compliance Manager be created to report directly to the Municipal Manager to ensure strategic alignment and accountability;

(c) The existing position of Advisor: Risk and Compliance report directly to the Risk and Compliance Manager since the scope of risk management responsibilities requires additional support;

(d) The existing vacant position of Legal Services Advisor be deleted.

The Executive Mayor submitted a second counter proposal that the matter be held in abeyance until the next Council meeting.

The second counter proposal by the Executive Mayor was seconded by Alderman C. Meyer.

The second counter proposal by the Executive Mayor was put to the vote and thirty-four (34) Councillors voted in favour of the second counter proposal by the Executive Mayor.

RESOLVED (34 Councillors) :

That the item be deferred to the next meeting of Council.

ADDITIONAL COMMENT

*** Circular 27 of 2025, issued on 15 September 2025 by the Western Cape Government, Department of Local Government, with the subject line *"Submission of final staff establishment to the Minister of Local Government in terms of Section 10(4) of the Municipal Staff Regulations"*, and attached hereto as **Annexure "B"**, was retracted in the email communication received from the Western Cape Government, Department of Local Government, dated 18 December 2025, attached hereto as **Annexure "C"**.

RECOMMENDATION BY THE MUNICIPAL MANAGER:

That Council consider to approve the partially revised staff establishment of the Cape Winelands District Municipality in respect of the following positions:

(a) The position of Deputy Director Legal Services be retained to oversee legal functions and that the risk and compliance duties and responsibilities be removed and that the reporting line be changed from the Municipal Manager to report in future to the Executive Director: Corporate Services;

(b) A new position of Risk and Compliance Manager be created to report directly to the Municipal Manager to ensure strategic alignment and accountability;

(c) The existing position of Advisor: Risk and Compliance report directly to the Risk and Compliance Manager since the scope of risk management responsibilities requires additional support;

(d) The existing vacant position of Legal Services Advisor be deleted.

COUNCIL MEETING: 29 JANUARY 2026: ITEM C.15.4

Councillor E. Groenewald proposed that Council consider to approve the partially revised staff establishment of the Cape Winelands District Municipality in respect of the following positions:

(a) The position of Deputy Director Legal Services be retained to oversee legal functions and that the risk and compliance duties and responsibilities be removed and that the reporting line be changed from the Municipal Manager to report in future to the Executive Director: Corporate Services;

(b) A new position of Risk and Compliance Manager be created to report directly to the Municipal Manager to ensure strategic alignment and accountability;

(c) The existing position of Advisor: Risk and Compliance report directly to the Risk and Compliance Manager since the scope of risk management responsibilities requires additional support;

(d) The existing vacant position of Legal Services Advisor be deleted.

The proposal by Councillor E. Groenewald was seconded by Councillor F. Jacobs.

The proposal by Councillor E. Groenewald was put to the vote and twenty-six (26) Councillors voted in favour of the proposal by Councillor E. Groenewald.

The following ten (10) Councillor abstained from voting:

Cllr. L. Adams
Ald. N.M. Bushwana
Cllr. V. Hani
Cllr. C.O. Klaaste
Cllr. J. Maliti
Cllr. T.R. Mpulanyana
Cllr. N. Phatsoane
Cllr. A.M. Richards
Cllr. A. Tomose
Cllr. M.H. Yabo

RESOLVED (36 Councillors) :

That the partially revised staff establishment of the Cape Winelands District Municipality in respect of the following positions be approved:

(a) The position of Deputy Director Legal Services be retained to oversee legal functions and that the risk and compliance duties and responsibilities be removed and that the reporting line be changed from the Municipal Manager to report in future to the Executive Director: Corporate Services;

(b) A new position of Risk and Compliance Manager be created to report directly to the Municipal Manager to ensure strategic alignment and accountability;

(c) The existing position of Advisor: Risk and Compliance report directly to the Risk and Compliance Manager since the scope of risk management responsibilities requires additional support;

(d) The existing vacant position of Legal Services Advisor be deleted.

C.15.5 RECONSIDERATION AND APPOINTMENT OF AN ADDITIONAL MEMBER TO THE AUDIT AND PERFORMANCE COMMITTEE OF THE CAPE WINELANDS DISTRICT MUNICIPALITY (3/2/5/3)

PURPOSE OF SUBMISSION

That Council reconsider the outcome of the original appointment process for an additional member to the Audit and Performance Committee and consider to approve the appointment of a suitably ranked candidate, in order to restore full Audit and Performance Committee capacity, ensure compliance with statutory and Audit and Performance Committee Charter requirements, and safeguard the effective functioning of the Audit and Performance Committee.

BACKGROUND

*** Attached as Annexure "A" is the 2025/2026 Audit and Performance Committee Charter of the Cape Winelands District Municipality.

*** Attached as Annexure "B" is a copy of the re-advertisement for an Audit and Performance Committee member.

The following clauses of the Audit and Performance Committee Charter are relevant:

(a) Clause 1.3 *"The members of the APC are appointed by Council in terms of section 166(5) of the MFMA."*

(b) Clause 2.1(a) *"The Audit and Performance Committee shall consist of at least four members with appropriate competence and experience. Members of the Audit and Performance Committee may not be in the employ of the municipality."*

(c) Clause 2.1(h) *"Council must fill vacancies on the Audit and Performance Committee within 60 days of the vacancy/vacancies arising. Such a replacement will be for a maximum period of three (3) years, to ensure continuity or planned rotation of membership."*

(d)

(e) Clause 2.1(i) *"All members of the APC must be suitably competent to fulfil the duties defined in this Charter. A recognised academic qualification supported by significant experience in relevant fields such as auditing, accountancy, risk management, performance management, information technology (IT) governance, human resource management, public administration and governance, municipal legislative framework or the legal profession is desirable for appointment as a member, at the discretion of Council."*

(e) Clause 2.1(k) *"Members of the APC must have combined expertise and knowledge in financial, performance and risk management, legal expertise and IT governance to effectively fulfil their duties and responsibilities."*

COMMENT

(a) Mr. J. Carstens, who served as Chairperson and member of the Audit and Performance Committee, resigned on 07 May 2025 due to serious medical reasons.

(b) The current composition of the Audit and Performance Committee is as follows:

- Mr. G. Serfontein (Acting Chairperson)
- Mr. P. le Roux
- Mr. O. Valley

(c) The vacancy for an additional member was originally advertised, with a closing date of 06 June 2025. Ten (10) applications were received, of which nine (9) candidates met the minimum qualification criteria and were shortlisted.

Three (3) candidates were unable to attend the scheduled interviews due to work and travel commitments.

One (1) candidate was located outside the province (KwaZulu-Natal).

The remaining five (5) candidates were interviewed on 3 and 4 July 2025 by the following panel members:

Ald (Dr) H. von Schlicht (Executive Mayor)	Chairperson
Ald M. Sampson (Deputy Mayor)	Member
Cllr D. Swart	Member
Mr S. Johaar (Acting MM)	Member
Ms S. Green (CAE)	Administrative Support

The selection process was guided by clause 2.1(i) of the Charter, which requires that members possess combined expertise and knowledge in financial, performance and risk management, legal expertise, and IT governance.

Interview results were as follows:

No	Name & Surname	Final Marks out of 45	%	Ranking
1	Johan Steyl	33.5	74.44	**1**
2	Adv Mandla Mdludlu	25.75	57.22	**2**
3	Khanyisa Zitumane	24.75	55.00	**3**
4	Eddie Delport	24	53.33	**4**
5	Johannes Boonzaaier	19.25	42.78	**5**

(d) Based on the outcome of the interview process, Mr. Johan Steyl was recommended as the most suitable candidate, as he possesses the necessary qualifications and experience to complement the existing Committee members and to fulfil the responsibilities of the Audit and Performance Committee effectively.

(e) Council withdrew Item C.15.3 on 28 July 2025 with the instruction that the position be re-advertised in order to enhance diversity and disability representation.

(f) The vacancy was subsequently re-advertised at a cost of R53,435.69. Eight (8) applications were received, of which only one (1) candidate met the minimum qualification requirements. However, the item was again withdrawn by Council on 04 December 2025.

(g) Council further resolved that the Municipal Manager, in liaison with the Chief Audit Executive, attend to the matter and provide advice prior to the January 2026 Council meeting.

Following engagement with the Executive Mayor and an assessment of the legislative and policy framework, it is confirmed that:

(a) The original recruitment and selection process was procedurally fair, transparent, and compliant with section 166 of the MFMA and the Audit and Performance Committee Charter;

(b) The 60-day requirement to fill the vacancy has been exceeded, exposing the Municipality to governance and compliance risks;

(c) Continued delays impair the Audit and Performance Committee's ability to execute its statutory mandate, including oversight over the annual financial statements, Auditor-General matters, risk management and performance oversight; and

(d) The re-advertisement process did not yield improved outcomes in the short term and resulted in additional cost to the Municipality.

(e) It is therefore considered reasonable, lawful, and administratively justifiable for Council to reconsider the outcome of the original appointment process, while committing to a parallel, targeted approach to enhance diversity and disability representation in future appointments.

IMPLICATIONS

PERSONNEL

None.

Comment prepared by. Ms. G.C.N. Julie

FINANCIAL

Regulation 14(2)(i) of the Local Government: Municipal Planning and performance Management Regulations, 2001, stipulates that a member of the performance audit committee who is not a councillor or an employee of the municipality concerned, may be remunerated considering the tariffs determined by the South African Institute of Chartered Accountants in consultation with the Auditor-General.

Members of the Performance Audit Committee should be remunerated at the same rate as a member of the Audit Committee of the Cape Winelands District Municipality.

The Council meeting held on 27 June 2024 at Item C.15.4 resolved that the tariffs applicable, as follows:

Chairperson	:	R7,072.00 per day
Members	:	R5,138.00 per day

The remuneration for the attendance of ad-hoc meetings by the Audit and Performance Committee chairperson or members will be as follows:

Chairperson	:	R884.00 per day
Members	:	R642.00 per day

The members are reimbursed for travel clams in terms of the prescribed tariffs of the Department of Transport for the use of privately owned vehicles.

Comment prepared by: Ms. F.A. du Raan-Groenewald

LEGAL

In terms of sections 166(1) and (2) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), each municipality must have an audit committee to, inter alia:

(a) advise, the municipal council, political office-bearers, the accounting officer and the management staff of the municipality on financial matters;

(b) review the annual financial statements to provide an authoritative and credible view of the financial position of the municipality;

(c) respond to council on any issues raised by the Auditor-General in the audit report;

(d) carry out such investigations into the financial affairs of the municipality as the council of the municipality may request; and

(e) Perform such other functions as may be prescribed.

Section 166(4) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) determines that an audit committee must—

(a) Consist of at least three persons with appropriate experience, of whom the majority may not be in the employ of the municipality or municipal entity, as the case may be; and

(b) Meet as often as is required to perform its functions, but at least four times a year.

Extracted from Item C.15.3 of 04 December 2025

RECOMMENDATION BY ACTING MUNICIPAL MANAGER:

That Council consider to –

(a) Appoint Mr. J. Steyl as an additional member of the Audit and Performance Committee of the Cape Winelands District Municipality for a period of three (3) years from 01 August 2025 to 30 September 2028;

(b) Appoint the second-ranked candidate, Adv. Mandla Mdludlu, should Mr. Steyl not accept the appointment;

(c) Appoint Mr. G. Serfontein as the permanent Chairperson of the Audit and Performance Committee for the period from 28 July 2025 until the expiry of his term as a member of the Committee, namely 30 April 2027.

COUNCIL MEETING: 28 JULY 2025: ITEM C.15.3

RESOLVED (37 Councillors) :

That the item be withdrawn.

ADDITIONAL COMMENT

The reason for the withdrawal of the Item was that the Office of the Acting Municipal Manager (Internal Audit) should attend to the re-advertisement of the position for an additional member of the Audit and Performance Committee, with the aim of enhancing diversity and disability within the Committee's composition.

The vacancy for an additional member was subsequently re-advertised, with the closing date for applications on 24 October 2025. The advertisement was placed in the following newspapers:

- Cape Argus (The Argus)
- Die Burger
- Winelands Echo
- Witzenburg Herald
- Eikestadnuus
- Dizindaba
- Worcester Standard & Breederivier Gazette
- Paarl Post

The cost of the re-advertisement was R53,435.69 and a total of eight (8) applications were received.

Seven (7) applicants did not meet the minimum qualification criteria as outlined in the advertisement, which required:

"A relevant degree in Financial Management, Accounting, Auditing, Law, Performance Management, Risk Management, Information Technology, or any other related degree, with relevant experience. Financial management expertise and experience would be advantageous."

One (1) applicant met the required criteria; however, this applicant resides in the Gauteng Province.

RECOMMENDATION BY MUNICIPAL MANAGER:

(a) That Council consider that Mr. Maharaj be appointed as an additional member to the Audit and Performance Committee, subject thereto that he be permitted to attend Audit and Performance Committee meetings virtually, given his geographical location and that the Municipality is not responsible for any travel and/or accommodation expenses associated with in-person attendance at such meetings;

(b) Alternatively, that Council considers that a virtual interview be conducted with the qualified applicant, Mr. Suren Maharaj, prior to recommending his appointment as an additional member to the Audit and Performance Committee;

(c) That should Council consider that the qualified applicant, Mr. Suren Maharaj, be interviewed prior to an appointment being made, Council nominate Councillors and officials to conduct the virtual interview with Mr. Maharaj.

COUNCIL MEETING: 4 DECEMBER 2025: ITEM C.15.3

RESOLVED (35 Councillors) :

That the item be withdrawn.

ADDITIONAL COMMENT

The action required with the withdrawal of the item was that the Municipal Manager in liaison with the Chief Audit Executive attend to the matter.

Based on discussions between the Municipal Manager and the Chief Audit Executive on 17 December 2025, as well as further discussions held between the Executive Mayor and the Municipal Manager on 18 December 2025, the conclusion was reached to re-introduce the original recommendation made to Council on 28 July 2025 at Item C.15.3 based on compliance and operational risks.

Should the originally proposed candidate be appointed, the combined skills as per Clause 2.1(k) of the Audit and Performance Committee Charter will be complied with that determines that "*Members of the APC must have combined expertise and knowledge in financial, performance and risk management, legal expertise and IT governance to effectively fulfil their duties and responsibilities*".

The combined skills matrix will then be as follows:

Member	Finance	Performance	Risk Management	Legal	IT Governance
G. Serfontein		✓	✓		✓
P. Le Roux	✓	✓	✓		
O. Valley		✓		✓	
J. Steyl (Proposed)	✓	✓		✓	✓

In addition, no additional advertising costs will be incurred should Council approve the recommendation contained below.

RECOMMENDATION BY MUNICIPAL MANAGER: That –

(a) Council consider to appoint Mr. Johan Steyl as an additional member to the Audit and Performance Committee of the Cape Winelands District Municipality, in terms of section 166(5) of the MFMA and Clause 2.1(h) of the Audit and Performance Committee Charter, for a period not exceeding three (3) years;

(b) Council consider to appoint the second-ranked candidate from the original interview process, Adv. Mandla Mdludlu, should Mr. Steyl not accept the appointment in (a) above; and

(c) Council take cognisance of the need to implement a targeted diversity and disability recruitment plan in respect of future vacancies on the Audit and Performance Committee.

COUNCIL MEETING: 29 JANUARY 2026: ITEM C.15.5

The Executive Mayor proposed that –

(a) Council consider to appoint Mr. Johan Steyl as an additional member to the Audit and Performance Committee of the Cape Winelands District Municipality, in terms of section 166(5) of the MFMA and Clause 2.1(h) of the Audit and Performance Committee Charter, for a period not exceeding three (3) years;

(b) Council consider to appoint the second-ranked candidate from the original interview process, Adv. Mandla Mdludlu, should Mr. Steyl not accept the appointment in (a) above; and

(c) Council take cognisance of the need to implement a targeted diversity and disability recruitment plan in respect of future vacancies on the Audit and Performance Committee.

The proposal by the Executive Mayor was seconded by Councillor J. Kriel.

The proposal by the Executive Mayor was put to the vote and twenty-three (23) Councillors voted in favour of the proposal by the Executive Mayor and ten (10) Councillors voted against the proposal by the Executive Mayor.

The following three (3) Councillor abstained from voting:

Cllr. D. Carolissen
Cllr. A. Hess
Cllr. M. van Stade

RESOLVED (36 Councillors) : That –

(a) Mr. Johan Steyl be appointed as an additional member to the Audit and Performance Committee of the Cape Winelands District Municipality, in terms of section 166(5) of the MFMA and Clause 2.1(h) of the Audit and Performance Committee Charter, for a period not exceeding three (3) years;

(b) The second-ranked candidate from the original interview process, Adv. Mandla Mdludlu, be appointed should Mr. Steyl not accept the appointment in (a) above; and

(c) Cognisance be taken of the need to implement a targeted diversity and disability recruitment plan in respect of future vacancies on the Audit and Performance Committee.

C.15.6 SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION WESTERN CAPE (SALGA WESTERN CAPE): DESIGNATION OF REPRESENTATIVES ON SALGA WESTERN CAPE WORKING GROUPS (12/1/1/10/1/1, 12/1/1/10/1/2, 12/1/1/10/1/3, 12/1/1/10/1/4, 12/1/1/10/1/5 & 12/1/1/10/1/6)

PURPOSE OF SUBMISSION

That Council consider designating appropriate Councillors to represent the Cape Winelands District Municipality on the South African Local Government Association Western Cape (SALGA Western Cape) Working Groups.

BACKGROUND

Due to changes to Councillors of the Cape Winelands District Municipality, the representatives of the Cape Winelands District Municipality on the Working Groups of SALGA Western Cape have to be updated.

COMMENT

The designation of Councillors of the Cape Winelands District Municipality (CWDM) to represent the District Municipality is required on the following SALGA Western Cape Working Groups:

(i) Community Development and Security
(ii) Economic Development and Job Creation
(iii) Environmental Management and Climate Resilience
(iv) Human Settlements and Urban Agenda
(v) Public Transport and Roads
(vi) Water and Sanitation
(vii) Municipal Capability and Institutional Resilience
(viii) Governance and Intergovernmental Relations

(ix) Municipal Finance and Fiscal Policy
(x) Municipal Digital Solutions
(xi) Health
(xii) Emergency Services and Disaster Management
(xiii) Development Planning and Rural Development
(xiv) Electricity and Energy, and Public Works

Municipalities are requested to designate appropriate Councillors who are involved with the areas being dealt with by the various Working Groups.

IMPLICATIONS

PERSONNEL

Where applicable, the Municipal Manager will nominate appropriate officials to accompany the nominated Councillors to meetings of the Provincial Working Groups.

Comment prepared by: Ms. G.C.N. Julie

FINANCIAL

Travel and Subsistence costs, including reimbursement of official distances travelled, in terms of the Travel and Subsistence Policy of the Cape Winelands District Municipality may be incurred. Any such claims that may arose will be reimbursed in terms of the said policy, subject thereto that the costs are not being covered by SALGA.

Appropriation in respect of Travel and Subsistence Costs for travel and subsistence for the 2025/2026 Annual Budget has been made as follows:

	Cost Centre	U-Key	2025/2026 Appropriation	Available
Executive Mayor, Councillors and Speaker	1 1003	Various	R1 181 170	R816 139

Comment prepared by: Ms. F.A. Du Raan-Groenewald

RECOMMENDATION BY EXECUTIVE MAYOR:

That Council consider designating the following Councillors to represent the Cape Winelands District Municipality on the South African Local Government Association Western Cape (SALGA Western Cape) Working Groups:

(a) MUNICIPAL CAPABILITY AND INSTITUTIONAL RESILIENCE

Official Representative:	Councillor Esther Groenewald
Official Secundi:	Councillor Nonzame Phatsoane

(b) COMMUNITY DEVELOPMENT AND SECURITY

Official Representative:	Councillor Vuyiwe Hani
Official Secundi:	Councillor Wilhelmina Petersen

(c) GOVERNANCE AND INTERGOVERNMENTAL RELATIONS

Official Representative:	Alderman Margaret Sampson
Official Secundi:	Councillor Ayanda Tomose

(d) ECONOMIC DEVELOPMENT AND JOB CREATION

Official Representative:	Councillor Hector Yabo
Official Secundi:	Councillor Nicolaas Nel

(e) ELECTRICITY AND ENERGY, AND PUBLIC WORKS

Official Representative:	Councillor Patric Daniels
Official Secundi:	Councillor Judy Mafilika

(f) WATER AND SANITATION

Official Representative:	Councillor Andre Pedro
Official Secundi:	Councillor Claire Klaaste

(g) HUMAN SETTLEMENTS AND URBAN AGENDA

Official Representative:	Alderman Samuel Goedeman
Official Secundi:	Councillor Marius van Stade

(h) HEALTH

Official Representative:	Councillor Jaqueline Maliti
Official Secundi:	Councillor Xoliswa Mdemka

(i) EMERGENCY SERVICES AND DISASTER MANAGEMENT

Official Representative:	Councillor Abdul Moutie Richards
Official Secundi:	Alderman Clara Meyer

(j) MUNICIPAL FINANCE AND FISCAL POLICY

Official Representative:	Alderman Dirk Swart
Official Secundi:	Councillor Dendeline Babara Janse

(k) MUNICIPAL DIGITAL SOLUTIONS

Official Representative:	Councillor Thuso Mpulanyana
Official Secundi:	Councillor Jacques Kriel

(l) PUBLIC TRANSPORT AND ROADS

Official Representative:	Councillor Jacques Kriel
Official Secundi:	Councillor Doreen Carolissen

(m) ENVIRONMENTAL MANAGEMENT AND CLIMATE RESILIENCE

Official Representative:	Councillor Adriaan du Plessis
Official Secundi:	Alderman Reginald Farao

(n) DEVELOPMENT PLANNING AND RURAL DEVELOPMENT

Official Representative:	Councillor Lulama Ngwane
Official Secundi:	Councillor Nobantu Bushwana

COUNCIL MEETING: 29 JANUARY 2026: ITEM C.15.6

The Executive Mayor proposed that –

Council consider designating the following Councillors to represent the Cape Winelands District Municipality on the South African Local Government Association Western Cape (SALGA Western Cape) Working Groups:

(a) MUNICIPAL CAPABILITY AND INSTITUTIONAL RESILIENCE

Official Representative:	Councillor Esther Groenewald
Official Secundi:	Councillor Nonzame Phatsoane

(b) COMMUNITY DEVELOPMENT AND SECURITY

Official Representative:	Councillor Vuyiwe Hani
Official Secundi:	Councillor Wilhelmina Petersen

(c) GOVERNANCE AND INTERGOVERNMENTAL RELATIONS

Official Representative:	Alderman Margaret Sampson
Official Secundi:	Councillor Ayanda Tomose

(d) ECONOMIC DEVELOPMENT AND JOB CREATION

Official Representative:	Councillor Hector Yabo
Official Secundi:	Councillor Nicolaas Nel

(e) ELECTRICITY AND ENERGY, AND PUBLIC WORKS

Official Representative:	Councillor Patric Daniels
Official Secundi:	Councillor Judy Mafilika

(f) WATER AND SANITATION

Official Representative:	Councillor Andre Pedro
Official Secundi:	Councillor Claire Klaaste

(g) HUMAN SETTLEMENTS AND URBAN AGENDA

Official Representative:	Alderman Samuel Goedeman
Official Secundi:	Councillor Marius van Stade

(h) HEALTH

Official Representative:	Councillor Jaqueline Maliti
Official Secundi:	Councillor Xoliswa Mdemka

(i) EMERGENCY SERVICES AND DISASTER MANAGEMENT

Official Representative:	Councillor Abdul Moutie Richards
Official Secundi:	Alderman Clara Meyer

(j) MUNICIPAL FINANCE AND FISCAL POLICY

Official Representative:	Alderman Dirk Swart
Official Secundi:	Councillor Dendeline Babara Janse

(k) MUNICIPAL DIGITAL SOLUTIONS

Official Representative:	Councillor Thuso Mpulanyana
Official Secundi:	Councillor Jacques Kriel

(l) PUBLIC TRANSPORT AND ROADS

Official Representative:	Councillor Jacques Kriel
Official Secundi:	Councillor Doreen Carolissen

(m) ENVIRONMENTAL MANAGEMENT AND CLIMATE RESILIENCE

Official Representative:	Councillor Adriaan du Plessis
Official Secundi:	Alderman Reginald Farao

(n) DEVELOPMENT PLANNING AND RURAL DEVELOPMENT

Official Representative:	Councillor Lulama Ngwane
Official Secundi:	Councillor Nobantu Bushwana

The proposal by the Executive Mayor was seconded by Alderman C. Meyer.

The proposal by the Executive Mayor was put to the vote and thirty-six (36) Councillors voted in favour of the proposal by the Executive Mayor.

RESOLVED (36 Councillors) :

That the following Councillors be designated to represent the Cape Winelands District Municipality on the South African Local Government Association Western Cape (SALGA Western Cape) Working Groups:

(a) MUNICIPAL CAPABILITY AND INSTITUTIONAL RESILIENCE

Official Representative:	Councillor Esther Groenewald
Official Secundi:	Councillor Nonzame Phatsoane

(b) COMMUNITY DEVELOPMENT AND SECURITY

Official Representative:	Councillor Vuyiwe Hani
Official Secundi:	Councillor Wilhelmina Petersen

(c) GOVERNANCE AND INTERGOVERNMENTAL RELATIONS

Official Representative:	Alderman Margaret Sampson
Official Secundi:	Councillor Ayanda Tomose

(d) ECONOMIC DEVELOPMENT AND JOB CREATION

Official Representative:	Councillor Hector Yabo
Official Secundi:	Councillor Nicolaas Nel

(e) ELECTRICITY AND ENERGY, AND PUBLIC WORKS

Official Representative: Councillor Patric Daniels
Official Secundi: Councillor Judy Mafilika

(f) WATER AND SANITATION

Official Representative: Councillor Andre Pedro
Official Secundi: Councillor Claire Klaaste

(g) HUMAN SETTLEMENTS AND URBAN AGENDA

Official Representative: Alderman Samuel Goedeman
Official Secundi: Councillor Marius van Stade

(h) HEALTH

Official Representative: Councillor Jaqueline Maliti
Official Secundi: Councillor Xoliswa Mdemka

(i) EMERGENCY SERVICES AND DISASTER MANAGEMENT

Official Representative: Councillor Abdul Moutie Richards
Official Secundi: Alderman Clara Meyer

(j) MUNICIPAL FINANCE AND FISCAL POLICY

Official Representative: Alderman Dirk Swart
Official Secundi: Councillor Dendeline Babara Janse

(k) MUNICIPAL DIGITAL SOLUTIONS

Official Representative: Councillor Thuso Mpulanyana
Official Secundi: Councillor Jacques Kriel

(l) PUBLIC TRANSPORT AND ROADS

Official Representative: Councillor Jacques Kriel
Official Secundi: Councillor Doreen Carolissen

(m) ENVIRONMENTAL MANAGEMENT AND CLIMATE RESILIENCE

Official Representative: Councillor Adriaan du Plessis
Official Secundi: Alderman Reginald Farao

(n) DEVELOPMENT PLANNING AND RURAL DEVELOPMENT

Official Representative: Councillor Lulama Ngwane
Official Secundi: Alderman Nobantu Bushwana

C.15.7 CONSOLIDATED REPORT OF ALL WITHDRAWALS MADE FROM THE MUNICIPAL BANK ACCOUNT IN TERMS OF SECTION 11(4) OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT NO. 56 OF 2003) FOR THE QUARTER ENDED ON 31 DECEMBER 2025 (9/1/2/1)

PURPOSE OF SUBMISSION

That Council consider to take cognisance of the consolidated report of all withdrawals made from the municipal bank account for the quarter ended on 31 December 2025 to be tabled in Council by the Accounting Officer in terms of section 11(4) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA).

BACKGROUND

For the quarter under review, funds were withdrawn from the municipal bank account in terms of section 11(1)(b) to (j) of the MFMA without appropriation in terms of an approved budget, which withdrawals were made –

(i) For cash management and investment purposes in accordance with section 13 of the MFMA; and

(ii) Towards post-retirement health care benefits and ex gratia pension benefits.

COMMENT

In order to comply with the reporting requirements of section 11(4) of the MFMA, the accounting officer must within 30 days after the end of each quarter, table a consolidated report of all the withdrawals made from the municipal bank accounts as well as submitting a copy of the report to the relevant Provincial Treasury and the Auditor-General.

*** Attached as Annexure "A" is a copy of the said report of the withdrawals made for the quarter ended on 31 December 2025.

The report under discussion was submitted to the Provincial Treasury and the Auditor-General.

IMPLICATIONS

PERSONNEL

None.

Comments prepared by Ms. G.C.N. Julie

FINANCIAL

None.

Comments prepared by: Ms. F.A. du Raan-Groenewald

LEGAL

Section 11(1) stipulates that only the accounting officer or the chief financial officer of a municipality, or any other senior financial official of a municipality acting on a written authority of the accounting officer, may withdraw money from or authorise the withdrawal of money from any of the municipality's bank accounts, and may do so only –

(a) To defray expenditure appropriated in terms of an approved budget;

(b) To defray expenditure authorized in terms of section 26(4) of the MFMA;

(c) To defray unforeseeable and unavoidable expenditure authorised in terms of section 29(1) of the MFMA;

(d) In the case of a bank account opened in terms of section 12 of the MFMA, to make payments from the account in accordance with subsection (4) of that section;

(e) To pay over to a person or organ of state money received by the municipality on behalf of that person or organ of state including –

  (i) Money collected by the municipality on behalf of that person or organ of state by agreement; or

  (ii) Any insurance or other payments received by the municipality for that person or organ of state;

(f) To refund money incorrectly paid into a bank account;

(g) To refund guarantees, sureties and security deposits;

(h) For cash management and investment purposes in accordance with section 13 of the MFMA;

(i) To defray increased expenditure in terms of section 30 of the MFMA; or

(j) For such other purposes as may be prescribed.

In terms of section 11(4) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), the accounting officer must within 30 days after the end of each quarter:

(a) Table in the municipal council a consolidated report of all withdrawals made in terms of subsection (1)(b) to (j) during that quarter; and

(b) Submit a copy of the report to the relevant Provincial Treasury and the Auditor-General.

Extracted from Item C.15.10 of 30 October 2025

RECOMMENDATION BY MUNICIPAL MANAGER:

That Council consider to take cognisance of the consolidated report of all withdrawals made from the municipal bank account for the quarter ended 31 December 2025, made in terms of section 11(4) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) to be tabled by the Accounting Officer to the Council, attached as Annexure "A" to the agenda item.

COUNCIL MEETING: 29 JANUARY 2026: ITEM C.15.7

Alderman D. Swart proposed that Council consider to take cognisance of the consolidated report of all withdrawals made from the municipal bank account for the quarter ended 31 December 2025, made in terms of section 11(4) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) to be tabled by the Accounting Officer to the Council, attached as Annexure "A" to the agenda item.

The proposal by Alderman D. Swart was seconded by Alderman C. Meyer.

The proposal by Alderman D. Swart was put to the vote and thirty-six (36) Councillors voted in favour of the proposal by Alderman D. Swart.

RESOLVED (36 Councillors) :

That cognisance be taken of the consolidated report of all withdrawals made from the municipal bank account for the quarter ended 31 December 2025, made in terms of section 11(4) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) to be tabled by the Accounting Officer to the Council, attached as Annexure "A" to the agenda item.

C.15.8 REPORT ON EXPENDITURE INCURRED ON STAFF AND COUNCILLOR BENEFITS IN TERMS OF SECTION 66 OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT NO. 56 OF 2003) FOR THE PERIOD FROM 1 OCTOBER 2025 TO 31 DECEMBER 2025

(9/1/2/1)

PURPOSE OF SUBMISSION

That Council consider to take cognisance of the consolidated financial report of all the expenditure incurred by the District Municipality on staff and Councillor salaries, wages, allowances and benefits for the period from 1 October 2025 to 31 December 2025, which must be reported to Council by the Accounting Officer in terms of section 66 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA).

BACKGROUND

In terms of section 66 of the MFMA, the accounting officer of a municipality must, in a format as may be prescribed, report to council on all expenditure incurred by the municipality on staff and Councillor salaries, wages, allowances and benefits and in a manner that discloses such expenditure per type of expenditure, namely–

(a) Salaries and wages;
(b) Contributions for pensions and medical aid;
(c) Travel, motor car, accommodation, subsistence and other allowances;
(d) Housing benefits and allowances;
(e) Overtime payments;
(f) Loans and advances; and
(g) Any other type of benefits or allowances related to staff.

COMMENT

*** Attached as Annexure "A" is a copy of the consolidated financial report on expenditure incurred by the District Municipality on staff and Councillor benefits for the period from 1 October 2025 to 31 December 2025.

IMPLICATIONS

PERSONNEL

None.

Comment prepared by: Ms. G.C.N. Julie

FINANCIAL

None.

Comment prepared by: Ms. F.A. du Raan-Groenewald

LEGAL

Legal Implications have been adequately addressed under background.

Extracted from Item C.15.9 of 30 October 2025

RECOMMENDATION BY MUNICIPAL MANAGER:

That Council consider to take cognisance of the consolidated financial report of all the expenditure incurred by the District Municipality on staff and Councillor salaries, wages, allowances and benefits for the period from 1 October 2025 to 31 December 2025, which must be reported to Council by the Accounting Officer in terms of section 66 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), attached as Annexure "A" to the agenda item.

COUNCIL MEETING: 29 JANUARY 2026: ITEM C.15.8

Alderman D. Swart proposed that Council consider to take cognisance of the consolidated financial report of all the expenditure incurred by the District Municipality on staff and Councillor salaries, wages, allowances and benefits for the period from 1 October 2025 to 31 December 2025, which must be reported to Council by the Accounting Officer in terms of section 66 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), attached as Annexure "A" to the agenda item.

The proposal by Alderman D. Swart was seconded by Councillor A. Tomose.

The proposal by Alderman D. Swart was put to the vote and thirty-six (36) Councillors voted in favour of the proposal by Alderman D. Swart.

RESOLVED (36 Councillors) :

That cognisance be taken of the consolidated financial report of all the expenditure incurred by the District Municipality on staff and Councillor salaries, wages, allowances and benefits for the period from 1 October 2025 to 31 December 2025, which must be reported to Council by the Accounting Officer in terms of section 66 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), attached as Annexure "A" to the agenda item.

C.15.9 FINANCIAL QUARTERLY REPORT FOR THE QUARTER ENDED ON 31 DECEMBER 2025 IN TERMS OF SECTION 52(d) OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT NO. 56 OF 2003) (9/1/2/1)

PURPOSE OF SUBMISSION

That Council consider to take cognisance of the submission of the financial quarterly report for the quarter ended on 31 December 2025 by the Executive Mayor in terms of section 52(d) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA).

BACKGROUND

In terms of section 52(d) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), the mayor of a municipality must:

(d) Within 30 days of the end of each quarter, submit a report to council on the implementation of the budget and the financial affairs of the municipality.

The IDP, as approved by Council, as well as the Business Plans, as approved by the Executive Mayor, gives effect to the Budget and Service Delivery and Budget Implementation Plan (SDBIP). In order for Council to effectively play its oversight role and ensure compliance with the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), as prescribed in Chapter 7, the mayor must submit a finance and budget implementation report to the council on a quarterly basis. Furthermore, the mayor must take appropriate action to identify and resolve any financial problems that are evident.

Included in the agenda, separately, are the following financial reports:

*** Annexure "A"

1. In-Year Financial Management Report - 2025/2026

*** Annexure "B" - Financial Report December 2025

2. Budget vs. Actual Expenditure per Strategic Objective – 2025/2026
3. Budget vs. Actual Expenditure per Category - 2025/2026
4. Budget vs. Actual Income per Strategic Objective – 2025/2026
5. Budget vs. Actual Project Expenditure – 2025/2026
6. Budget vs. Capital Expenditure – 2025/2026
7. Detailed Debtors Age Analysis – 2025/2026
8. Disclosures in terms of the Municipal Supply Chain Management Regulation 36(2)
9. Performance Review Report – 2025/2026

*** Annexure "C"

10. MSCOA report for the quarter ended on 31 December 2025

*** Annexure "D"

11. Cost Containment Measures – 2025/2026

COMMENTS

In terms of section 69 of the MFMA the accounting officer is responsible for implementing the approved budget of council and must properly monitor and report on all revenue and expenditure patterns as projected in the budget.

The recommendations and inputs made during the meeting of the Municipal Public Accounts Committee (MPAC) held on Wednesday, 28 January 2026 will be presented by the Chairperson of the Municipal Public Accounts Committee (MPAC) during the Council meeting.

RECOMMENDATION BY MUNICIPAL MANAGER:

That the Municipal Public Accounts Committee (MPAC) take cognisance of the financial quarterly report for the quarter ended on 31 December 2025, in terms of section 52(d) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), included in the agenda under separate cover, and to make recommendations to Council.

RECOMMENDATION BY EXECUTIVE MAYOR:

That Council take cognisance of the financial quarterly report for the quarter ended on 31 December 2025, in terms of section 52(d) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), included in the agenda under separate cover.

COUNCIL MEETING: 29 JANUARY 2026: ITEM C.15.9

The Executive Mayor proposed that Council take cognisance of the financial quarterly report for the quarter ended on 31 December 2025, in terms of section 52(d) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), included in the agenda under separate cover.

The proposal by the Executive Mayor was seconded by Councillor A.J. Pedro.

The proposal by the Executive Mayor was put to the vote and thirty-six (36) Councillors voted in favour of the proposal by the Executive Mayor.

RESOLVED (36 Councillors) :

That cognisance be taken of the financial quarterly report for the quarter ended on 31 December 2025, in terms of section 52(d) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), included in the agenda under separate cover.

C.15.10 REPORT ON THE MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT IN TERMS OF SECTIONS 52(d), 54, 71 AND 72 OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT NO. 56 OF 2003) (MFMA) FOR THE PERIOD FROM 1 JULY 2025 TO 31 DECEMBER 2025 (5/1/1)

PURPOSE OF SUBMISSION

That Council consider to take cognisance of the mid-year budget and performance assessment in terms of sections 52(d), 54, 71 and 72 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) for the period from 1 July 2025 to 31 December 2025 as well as the Executive Mayor's concurrence with the Accounting Officer's recommendations.

BACKGROUND

Section 72 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) determines that the accounting officer of a municipality must by no later than 25 January of each year:

(a) Assess the performance of the municipality during the first half of the financial year, taking into account-

  (i) The monthly statements referred to in section 71 for the first half of the financial year;
  (ii) The municipality's service delivery performance during the first half of the financial year and the service delivery targets and performance indicators set in the service delivery and budget implementation plan;
  (iii) The past year's annual report and progress on resolving problems identified in the annual report; and
  (iv) The performance of every municipal entity under the sole or shared control of the municipality, taking into account the mid-year budget and performance assessment from such entities; and

(b) submit a report on such assessment to –

  (i) The mayor of the municipality;
  (ii) The National Treasury; and
  (iii) The relevant provincial treasury.

The accounting officer must, as part of the review –

(a) Make recommendations as to whether an adjustments budget is necessary; and

(b) Recommend revised projections for revenue and expenditure to the extent that this may be necessary.

In terms of section 54(1)(f) of the MFMA the executive mayor must submit the Section 72 report to the council by 31 January of each year.

*** **Included under Item C.15.9 of the Agenda as Annexure "B" is a copy of the Section 72 Report of the Cape Winelands District Municipality, consisting of the following:**

1. Expenditure per strategic objective until 31 December 2025;
2. Expenditure per category until 31 December 2025;
3. Income report per strategic objective until 31 December 2025;
4. Detailed Expenditure and Income report per strategic objective until 31 December 2025;
5. Projects expenditure report until 31 December 2025;
6. Capital Expenditure until 31 December 2025;
7. Detailed Debtors Age Analysis until 31 December 2025;
8. Disclosures in terms of the Municipal Supply Chain Management Regulation 36(2);
9. Performance Review Report – 2025/2026.

COMMENT

The accounting officer assessed the performance of the municipality for the period from 1 July 2025 to 31 December 2025 and report as follows on –

(a) Monthly reports in terms of section 71 of the MFMA

*** Included under Item C.15.9 of the Agenda as Annexure "A" is a copy of the Mid-Year Report for the period ending 31 December 2025 (sections 52(d), 71 and 72).

(b) MSCOA Report for the period ending 31 December 2025

*** Included under Item C.15.9 of the Agenda as Annexure "C".

(c) Cost Containment Measures 2025/2026

*** Included under Item C.15.9 of the Agenda as Annexure "D".

(d) Recommendation of the Municipal Manager to the Mayor in terms of sections 52(d), 54, 71 and 72 that an Adjustments Budget for the 2025/2026 financial year be submitted to Council for approval

*** Included under Item C.15.9 of the Agenda as Annexure "E" is a copy of the recommendation that an Adjustments Budget be submitted to Council for approval.

RECOMMENDATION BY MUNICIPAL MANAGER:

That Council consider to take cognisance of the mid-year budget and performance assessment in terms of sections 54 and 72 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) for the period from 1 July 2025 to 31 December 2025, attached as Annexures "A" to "D" to the agenda item as well as the Executive Mayor's concurrence with the Accounting Officer's recommendation, Annexure "E", that –

(a) An Adjustments Budget for the 2025/2026 financial year be submitted to the Council for approval;

(b) The relevant service delivery targets and performance indicators in the service delivery and budget implementation plan be adjusted and submitted to the Council for approval; and

(c) In terms of section 72(1)(b)(ii) and (iii) of the MFMA, the report be submitted to the National Treasury and the relevant Provincial Treasury.

COUNCIL MEETING: 29 JANUARY 2026: ITEM C.15.10

The Executive Mayor proposed that Council take cognisance of the mid-year budget and performance assessment in terms of sections 54 and 72 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) for the period from 1 July 2025 to 31 December 2025, attached as Annexures "A" to "D" to the agenda item as well as the Executive Mayor's concurrence with the Accounting Officer's recommendation, Annexure "E", that –

(a) An Adjustments Budget for the 2025/2026 financial year be submitted to the Council for approval;

(b) The relevant service delivery targets and performance indicators in the service delivery and budget implementation plan be adjusted and submitted to the Council for approval; and

(c) In terms of section 72(1)(b)(ii) and (iii) of the MFMA, the report be submitted to the National Treasury and the relevant Provincial Treasury.

The proposal by the Executive Mayor was seconded by the Executive Deputy Mayor.

The proposal by the Executive Mayor was put to the vote and thirty-six (36) Councillors voted in favour of the proposal by the Executive Mayor.

RESOLVED (36 Councillors) :

That cognisance be taken of the mid-year budget and performance assessment in terms of sections 54 and 72 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) for the period from 1 July 2025 to 31 December 2025, attached as Annexures "A" to "D" to the agenda item as well as the Executive Mayor's concurrence with the Accounting Officer's recommendation, Annexure "E", that –

(a) An Adjustments Budget for the 2025/2026 financial year be submitted to the Council for approval;

(b) The relevant service delivery targets and performance indicators in the service delivery and budget implementation plan be adjusted and submitted to the Council for approval; and

(c) In terms of section 72(1)(b)(ii) and (iii) of the MFMA, the report be submitted to the National Treasury and the relevant Provincial Treasury.

C.15.11 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) FOR THE QUARTER ENDED ON 31 DECEMBER 2025 IN TERMS OF SECTION 52(d) OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT NO. 56 OF 2003) (9/1/2/1, 2/10/R)

PURPOSE OF SUBMISSION

That Council consider to take cognisance of the Service Delivery and Budget Implementation Plan (SDBIP) for the quarter ended on 31 December 2025, in terms of section 52(d) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

BACKGROUND

In terms of section 52(d) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), the mayor of a municipality must:

"(*d*) *Within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality.*"

COMMENT

The Integrated Development Plan (IDP), as approved by Council, as well as the Business Plans, as approved by the Executive Mayor, give effect to the Budget and Service Delivery and Budget Implementation Plan (SDBIP). In order for Council to effectively exercise its oversight role and ensure compliance with the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), as prescribed in Chapter 7, the Mayor must submit a report on the implementation of the budget to Council on a quarterly basis. Furthermore, the Mayor must issue appropriate instructions to ensure that the budget is implemented in accordance with the SDBIP.

*** Included under separate cover as Annexure "A" is a copy of the Service Delivery and Budget Implementation Plan (SDBIP) for the period ended on 31 December 2025.

Comment prepared by: Ms. B.T. Daries

IMPLICATIONS

PERSONNEL

None.

Comment prepared by: Ms. G.C.N. Julie

FINANCIAL

None.

Comment prepared by: Ms. F.A. Du Raan-Groenewald

LEGAL

In terms of section 52 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) the mayor of a municipality—

(a) must provide general political guidance over the fiscal and financial affairs of the municipality;
(b) in providing such general political guidance, may monitor and, to the extent provided in this Act, oversee the exercise of responsibilities assigned in terms of this Act to the accounting officer and the chief financial officer, but may not interfere in the exercise of those responsibilities;
(c) must take all reasonable steps to ensure that the municipality performs its constitutional and statutory functions within the limits of the municipality's approved budget;

(d) must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality; and
(e) must exercise the other powers and perform the other duties assigned to the mayor in terms of this Act or delegated by the council to the mayor.

Section 75(1)(k) of the MFMA furthermore requires that all quarterly reports tabled in the council in terms of section 52(d) must be placed on the municipality's website.

The following regulations of the Local Government: Municipal Finance Management Act Municipal Budget and Reporting Regulations are relevant:

31(1) The mayor's quarterly report on the implementation of the budget and the financial state of affairs of the municipality as required by section 52(d) of the Act must be-

(a) in the format specified in Schedule C and include all the required tables, charts and explanatory information, taking into account any guidelines issued by the Minister in terms of section 168(1) of the Act;
(b) consistent with the monthly budget statements for September, December, March and June as applicable; and
(c) submitted to the National Treasury and the relevant provincial treasury within five days of tabling of the report in the council.

32 When publishing the quarterly reports on the implementation of the budget in terms of section 75(1)(k) of the Act, the municipal manager must make public any other information that the municipal council considers appropriate to facilitate public awareness of the quarterly report on the implementation of the budget and the financial state of affairs of the municipality, including –

(a) summaries of quarterly report in alternate languages predominant in the community; and
(b) information relevant to each ward in the municipality.

Extracted from Item C.15.11 of 30 October 2025

RECOMMENDATION BY EXECUTIVE MAYOR:

That Council consider to take cognisance of the Service Delivery and Budget Implementation Plan (SDBIP) for the quarter ended on 31 December 2025, in terms of section 52(d) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

COUNCIL MEETING: 29 JANUARY 2026: ITEM C.15.11

The Executive Mayor proposed that Council consider to take cognisance of the Service Delivery and Budget Implementation Plan (SDBIP) for the quarter ended on 31 December 2025, in terms of section 52(d) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

The proposal by the Executive Mayor was seconded by Councillor J. Kriel.

The proposal by the Executive Mayor was put to the vote and thirty-four (34) Councillors voted in favour of the proposal by the Executive Mayor and Councillor J.H.P. Steyn voted against the proposal by the Executive Mayor.

RESOLVED (35 Councillors) :

That cognisance be taken of the Service Delivery and Budget Implementation Plan (SDBIP) for the quarter ended on 31 December 2025, in terms of section 52(d) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

C.15.12 DRAFT ANNUAL REPORT OF THE CAPE WINELANDS DISTRICT MUNICIPALITY FOR THE 2024/2025 FINANCIAL YEAR (5/1/1/18 & 9/1/1)

PURPOSE OF SUBMISSION

That Council consider the draft Annual Report for the 2024/2025 financial year to be made public.

BACKGROUND

The draft Annual Report for 2024/2025 is tabled in terms of sections 121 and 127 of the Local Government: Municipal Finance Management Act (MFMA), 2003 (Act No. 56 of 2003), as well as guidance provided in MFMA Circulars 11 and 63.

*** Included under separate cover as Annexure "A" is a copy of the draft Annual Report for 2024/2025. For Councillors receiving a hard copy of the agenda, Annexure "A" has been included on the flash drive distributed with the agenda.

COMMENT

The purpose of the draft Annual Report is to provide a record of activities of Council during the financial year, to provide a report on the performance against the budget for the financial year and to promote accountability to the local community for the decisions made throughout the year.

The Annual Report will assist municipal councillors, municipalities, municipal entities, residents, oversight institutions and other users of Annual Reports with information and progress made on service delivery. It must align with the Integrated Development Plan (IDP), Budget, Service Delivery and Budget Implementation Plan (SDBIP), and in year reports. The contents will also assist with the annual audits.

In accordance with section 21A of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), as well as section 127 of the Local Government: Municipal Finance Management Act (MFMA), 2003 (Act No. 56 of 2003) –

(a) The draft Annual Report for the 2024/2025 financial year will be made public on various media platforms for comments and representations;

(b) The draft Annual Report for the 2024/2025 financial year will also be made public on the website of the Cape Winelands District Municipality (www.capewinelands.gov.za); and

(c) Hard copies of the draft Annual Report for the 2024/2025 financial year will be available at the various offices of the Cape Winelands District Municipality for viewing and comment.

Comment prepared by: Ms. B.T. Daries

IMPLICATIONS

PERSONNEL

None.

Comment prepared by: Ms. G.C.N. Julie

FINANCIAL

None.

Comment prepared by: Ms. F.A. du Raan-Groenewald

LEGAL

In terms of section 121(2) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) the purpose of the annual report is –

(a) to provide a record of the activities of the municipality or municipal entity during the financial year to which the report relates;

(b) to provide a report on performance against the budget of the municipality or municipal entity for that financial year; and

(c) to promote accountability to the local community for the decisions made throughout the year by the municipality or municipal entity.

Annual reports must be aligned with the planning documents and municipal budget for the year reported on. This means that the IDP, Budget, SDBIP, In-year reports, annual performance report and annual report should have similar and consistent information to facilitate understanding and to enable the linkage between plans and actual performance.

Annual reports are the key reporting instruments for municipalities to report against the performance targets and budgets outlined in their strategic plans. Annual reports are therefore required to contain information on service delivery and outcomes, in addition to financial statements. It is a backward-looking document, focusing on performance in the financial year that has just ended, and it must demonstrate how the budget was implemented and the results of service delivery operations for that financial year.

The annual report of municipalities is governed by Chapter 12 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003). In terms of section 127(2) of the said Act, the mayor of a municipality must, within seven (7) months after the end of the financial year, table the annual report of the municipality in the municipal council.

Section 127(3)(a) and (b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) stipulates that if the mayor, for whatever reason is unable to table in the council the annual report of the municipality, the mayor must promptly submit to the council a written explanation setting out the reasons for the delay, together with any components of the report that are ready and submit to council the outstanding report or the outstanding components of the annual report as soon as possible.

The table below is a short summary of the Chapter 12 process:

ACTION	DEADLINE
The Mayor must within 7 months after the end of the financial year table the draft Annual Report in Council.	31 January 2026
The Accounting Officer must publish the draft Annual Report.	Immediately after tabling
The Accounting Officer must invite submissions.	Immediately after tabling
The Accounting Officer must submit the draft Annual Report to the Auditor General, Provincial Treasury and the Provincial Department of Local Government.	Immediately after tabling
Council must deal with the draft Annual Report within 9 months after the end of the financial year. Part of this process includes the drafting of an oversight report.	31 March 2026

BACKGROUND

On 30 October 2025, Council resolved under Item C.15.5 "*That approval be granted that the full fixed fee of the regional landfill site, including the capital portion and the interest on the loan, be fully covered by the Cape Winelands District Municipality, provided that all municipalities buy-in for the full duration of the Regional Landfill site.*"

To give effect to this, CWDM will enter into an SLA with Breede Valley Municipality, Langeberg Municipality and Witzenberg Municipality for the use of the regional landfill site.

The SLA will be for a period longer than three years and requires that the Section 33 process as required by the Local Government: Municipal Finance Management Act, 2003, be fully complied with before these SLA's can be entered into.

COMMENT

On 10 November 2025, each participating municipality was issued with correspondence, informing them of the CWDM Council resolution taken on 30 October 2025, and requested them to formally submit their final comments/proposed amendments on the Draft SLA by 14 November 2025.

*** Please refer to Annexure "A" for a copy of the Draft SLA.

*** Breede Valley Municipality submitted their correspondence on 10 December 2025 and resolved to participate in the regional landfill site for its full duration. The resolutions taken by Breede Valley Municipality have been attached as Annexure "B".

*** Langeberg Municipality submitted their correspondence on 09 January 2026 and resolved to participate in the regional landfill site for the duration of Cell One, which is estimated to be eight (8) years. The resolutions taken by Langeberg Municipality have been attached as Annexure "C".

The resolution taken by Langeberg Municipality does not support the CWDM Council resolution taken on 30 October 2025, which required that "*all municipalities buy-in for the full duration of the Regional Landfill site.*"

Correspondence was sent to Langeberg Municipality on 19 January 2026 requesting that they reconsider their proposed buy-in period of eight (8) years related to Cell One only.

*** Witzenberg Municipality submitted an email response on 12 January 2026 and resolved to participate in the regional landfill site for its full duration. The email response received from Witzenberg Municipality has been attached as Annexure "D".

It is anticipated that the Section 33 process as required by the Local Government: Municipal Finance Management Act, 2003 will commence on 12 February 2026 and close on 15 April 2026. Thereafter, any comments/written representations that have been received will be submitted to Council for final consideration on 30 April 2026.

Subject to the comments/written representations that have been received by 15 April 2026, a recommendation will be made to Council to consider to approve the signing of the final SLA with the participating municipalities.

IMPLICATIONS

PERSONNEL

None.

Comment prepared by: Ms. G.C.N. Julie

LEGAL

Section 33 (1) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), states that –

A municipality may enter into a contract which will impose financial obligations on the municipality beyond a financial year, but if the contract will impose financial obligations on the municipality beyond the three years covered in the annual budget for that financial year, it may do so only if—

(a) the municipal manager, at least 60 days before the meeting of the municipal council at which the contract is to be approved—

(i) has, in accordance with section 21A of the Municipal Systems Act—

(aa) made public the draft contract and an information statement summarising the municipality's obligations in terms of the proposed contract; and

(bb) invited the local community and other interested persons to submit to the municipality comments or representations in respect of the proposed contract; and

(ii) has solicited the views and recommendations of—

(aa) the National Treasury and the relevant provincial treasury;

(bb) the national department responsible for local government; and

(cc) if the contract involves the provision of water, sanitation, electricity, or any other service as may be prescribed, the responsible national department;

(b) the municipal council has taken into account—

(i) the municipality's projected financial obligations in terms of the proposed contract for each financial year covered by the contract;

(ii) the impact of those financial obligations on the municipality's future municipal tariffs and revenue;

(iii) any comments or representations on the proposed contract received from the local community and other interested persons; and

(iv) any written views and recommendations on the proposed contract by the National Treasury, the relevant provincial treasury, the national department responsible for local government and any national department referred to in paragraph (a)(ii)(cc); and

(c) the municipal council has adopted a resolution in which—

(i) it determines that the municipality will secure a significant capital investment or will derive a significant financial economic or financial benefit from the contract;

(ii) it approves the entire contract exactly as it is to be executed; and

(iii) it authorises the municipal manager to sign the contract on behalf of the municipality.

Section 33(2) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), states that –

The process set out in subsection (1) does not apply to—

(a) contracts for long-term debt regulated in terms of section 46(3);

(b) employment contracts; or

(c) contracts—

(i) for categories of goods as may be prescribed; or

(ii) in terms of which the financial obligation on the municipality is below—

(aa) a prescribed value; or

(bb) a prescribed percentage of the municipality's approved budget for the year in which the contract is concluded.

Section 33(3) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), states that –

(a) All contracts referred to in subsection (1) and all other contracts that impose a financial obligation on a municipality—

(i) must be made available in their entirety to the municipal council; and

(ii) may not be withheld from public scrutiny except as provided for in terms of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000).

(b) Paragraph (a)(i) does not apply to contracts in respect of which the financial obligation on the municipality is below a prescribed value.

Section 33(4) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), states that –

This section may not be read as exempting the municipality from the provisions of Chapter 11 to the extent that those provisions are applicable in a particular case.

FINANCIAL

Operational tariffs (Paid by the participating municipalities)

The operational tariff will be a variable Waste Disposal Tariff per tonne of waste disposed and will be finalised as part of the 2026/27 Annual Budget process.

These will be tabled to Council for approval on 28 May 2026.

The preliminary tariffs that will be charged to the participating municipalities are as follows:

Tariff (per tonne) excl. VAT		
2025/26	2026/27	2027/28
R213.10	R225.88	R239.44

Advertisement costs

Appropriation to the amount of R610 000 is made for various advertisement costs on the 2025/2026 Annual Budget, U-key 20240626988446, including the anticipated processes in terms of section 33 of the MFMA.

Comment prepared by: Ms. F.A. Du Raan-Groenewald

RECOMMENDATION BY MUNICIPAL MANAGER:

That Council consider to approve –

(a) The Draft Service Level Agreement (SLA) that will be entered into, after the completion of the Section 33 process, with Breede Valley Municipality and Witzenberg Municipality for the full duration of the regional landfill site and with Langeberg Municipality for a period of only eight (8) years which is the estimated useful life of Cell One; or

(b) That all participating municipalities only enter into an agreement for a period of eight (8) years which is the estimated useful life of Cell One; and

(c) The commencement of the public participation process as required by section 33 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

COUNCIL MEETING: 29 JANUARY 2026: ITEM C.15.13

RESOLVED (36 Councillors) :

That the item be withdrawn and that the Council resolution C.15.5 of 30 October 2025 be reviewed and rescinded.

C.15.14 COMPOSITION OF SECTION 80 COMMITTEES (3/2/3/1)

PURPOSE OF SUBMISSION

That Council consider the updating of the composition of the Section 80 Portfolio Committees of the Cape Winelands District Municipality by the Executive Mayor.

BACKGROUND

Due to recent changes in Councillor representation, resulting from Councillor vacancies within the Council of the Cape Winelands District Municipality, the composition of the Section 80 Committees requires updating to ensure continued effective governance and alignment with current Council structures.

COMMENT

Section 80 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) stipulates as follows:

"(1) If a municipal council has an executive committee or executive mayor, it may appoint in terms of section 79, 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 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 a committee, subject to any vested rights.

(4) Such a committee must report to the executive committee or executive mayor in accordance with the directions of the executive committee or executive mayor."

TERMS OF REFERENCE OF THE MEMBERS OF THE MAYORAL COMMITTEE TO MAKE RECOMMENDATIONS TO THE EXECUTIVE MAYOR

(a) Develop and recommend policy within the functional area of their respective portfolios.

(b) Develop and recommend on the content and drafting of by-laws within the functional area of their responsibility.

(c) Comment on and recommend the business plans within the functional area of their respective portfolios.

(d) Make recommendations in regard to the draft Integrated Development Plan and budget within the functional area of their respective portfolios.

(e) Make recommendations in regard to the setting or revision of tariffs, levies, taxes and duties within the functional area of their respective portfolios.

(f) Integrated Development Plan and budget within the functional area of their respective portfolios.

(g) Monitor the implementation of Council's Integrated Development Plan, budget, business plans, strategic objectives, policies and programmes within the functional area of their respective portfolios.

(h) Recommend or determine the best way, including partnership and other approaches, to deliver strategies, programmes and services to the maximum benefit of the community.

(i) Asses the performance of service delivery within the functional area of their respective portfolios.

(j) Receive recommendations from the Section 80 committee of which he/she is the chairperson and make recommendations on any matter to the Executive Mayor.

(k) Identify the needs of the Municipality in respect of his/her portfolio.

(l) Review and evaluate the needs referred to in (k) above in order of priority.

(m) Prepare reports on the involvement of communities and community organisations in respect of his/her portfolio as required by the Executive Mayor.

(n) Ensure that regard is given to public views and report on the effect of consultation on the decisions of Council.

(o) Recommend comments on National and Provincial legislation that affects their portfolios.

In terms of section 80(1) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), these committees are established to assist the Executive Mayor. The members of the Mayoral Committee make recommendations to the Executive Mayor and may be advised by his/her respective committee herein.

Currently the various Departments of the Cape Winelands District Municipality include the following functions:

(a) Office of the Municipal Manager

(i) Legal Services, Risk and Compliance
(ii) Internal Audit
(iii) Media, Communication and Public Relations

(b) Department: Corporate Services

(i) Administration Support Services
(ii) Communication / Telephone
(iii) Logistical Support Services
(iv) Councillor Support Services
(v) IGR, IDP and Organisational Performance
(vi) Human Resources
(vii) Information and Communication Technology

(c) Department: Financial Services

(i) Reporting and Compliance
(ii) Revenue and Expenditure Management
(iii) Supply Chain Management
(iv) Financial Statements and Reporting
(v) Budgets and Reporting

(d) Department: Technical Services

(i) Regulation of Passenger Transport Services
(ii) Projects
(iii) Facilities Management
(iv) Roads
(v) Mechanical Workshop

(e) Department: Community Development and Planning Services

(i) Socio Economic Development (Tourism, LED, and Rural & Social Development
(ii) Spatial Planning and Environmental Management
(iii) Disaster Management
(iv) Fire Services
(v) Municipal Health (including Air Quality)

IMPLICATIONS

PERSONNEL

The Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) further determines that when establishing a Section 80 Committee, a municipality must take into consideration the extent of the powers and functions of the municipality, the need for efficiency and effectiveness in the discharge of municipal powers and functions, and the financial and administrative resources available to support such a Committee.

Comment prepared by: Ms. G.C.N. Julie

FINANCIAL

Paragraph 6(1) of Government Notice No. 5446 on the Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils, published in Government Gazette No. 51419 of 21 October 2024, determines that –

(1) The upper limit of the allowance of a councillor who has been appointed to a district council in terms of section 23(1)(b) of the Structures Act, is as follows:

(a) If the councillor is appointed as speaker, mayor, executive mayor, member of a mayoral committee, member of an executive committee, chairperson of an oversight committee, part-time member of a district council, such councillor is entitled to an amount equal to the difference between the total remuneration package that the councillor receives as a member of the local council and the total remuneration package allocated to that office in the district council in terms of items 5, 6, 7, 8, 9, 10, 11 and 12, as the case may be.

(b) If the total remuneration package payable to the councillor as a member of the local council is equal to or higher than the total remuneration package that an appointed councillor to the district council receives, such a councillor is, in addition to the total remuneration package received at the local council, entitled to a sitting allowance not exceeding R1,245.25: Provided that this allowance is limited to R1,245.25 per day, regardless of the number of meetings of the district council or committees of that council that are attended by such councillor on a specific day.

(2) A district municipality is responsible for –

(a) the payment of the remuneration or the allowance referred to in subitem (1); and

(b) the reimbursement of travel expenses not exceeding the applicable tariffs prescribed by the national department responsible for transport for the use of privately-owned vehicles incurred by a councillor for the execution of official duties on behalf of that district municipality, in terms of that district council's policy.

(c) payment of cell phone expenses not exceeding 50% of the applicable allowances as prescribed under item 11 incurred by a part-time councillor for the execution of official duties on behalf of that district municipality, in terms of that district council's policy.

The members of the Section 80 Committees are appointed from Council; hence such members are remunerated in terms of the determinations as set out above in Paragraph 6(1) of Government Notice No. 5446.

Notwithstanding the above, the Travel and Subsistence costs, including reimbursement of official distances in terms of the Travel and Subsistence Policy of the Cape Winelands District Municipality, may be incurred. The Cost Containment Regulations, 2019, the concomitant circular, and all relevant policies must be considered before costs may be incurred.

Comment prepared by: Ms. F.A. Du Raan-Groenewald

RECOMMENDATION BY MUNICIPAL MANAGER:

That Council consider that –

(a) The composition of the Section 80 Committees of the Cape Winelands District Municipality be updated by the Executive Mayor;

(b) The Executive Mayor designates appropriate Councillors to serve on the Section 80 Committees to support and advise the Executive Mayor;

(c) The Executive Mayor appoints Councillors from the Mayoral Committee as Chairpersons of each Section 80 Committee;

(d) The Executive Mayor, through the Office of the Speaker, circulates the updated schedule reflecting the names of the Section 80 Chairpersons and Committee Members prior to the next round of Section 80 Committee meetings.

COUNCIL MEETING: 29 JANUARY 2026: ITEM C.15.14

RESOLVED (35 Councillors) :

That the item be withdrawn pending the issuance of the notice by the IEC confirming the name of the Councillor appointed to replace former Councillor G.J. Carinus.

(The meeting adjourned at 12:05 and resumed its business at 12:45)

C.15.15 APPOINTMENT OF AN ACTING CHIEF FINANCIAL OFFICER

4/3/2/5 & S.P. L/2 (S)

PURPOSE OF SUBMISSION

That Council consider to grant approval that the Director: Budget and Treasury Office, Mr M.J. Lesch, be appointed to act in position of Chief Financial Officer for a period of five (5) days with effect from 02 February 2026 to 06 February 2026.

BACKGROUND

Cognisance must be taken that the Chief Financial Officer will be on approved sick leave for the period 02 February 2026 to 06 February 2026. Accordingly, the Department: Financial Services requires appropriate managerial oversight and capacity during this period to ensure continuity of operations and adherence to financial governance standards.

COMMENT

Section 56(1) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) stipulates as follows:

(a) A municipal council, after consultation with the municipal manager, must appoint-

  (i) A manager directly accountable to the municipal manager; or

  (ii) An acting manager directly accountable to the municipal manager under circumstances and for a period as prescribed.

(b) A person appointed as a manager in terms of paragraph (a)(i) or (ii) must at least have the skills and expertise, competencies and qualifications as prescribed.

(c) A person appointed in terms of paragraph (a)(ii) may not be appointed to act for a period that exceeds three months: Provided that a Municipal Council may, in special circumstances and on good cause shown, apply in writing to the MEC for local government to extend the period of appointment contemplated in paragraph (a), for a further period that does not exceed three months.

The post of Chief Financial Officer is responsible to lead and direct the Department: Financial Services, ensuring the Municipality is provided with effective services regarding the Divisions of Management-; Revenue & Expenditure Management-; Supply Chain Management-; Financial Statements & Reporting -and Budgets & Reporting.

The incumbent who will be required to act in the position of Chief Financial Officer from 02 February 2026 to 06 February 2026 must possess the following qualifications and knowledge:

Minimum requirements:

- A Bachelor's degree in Accounting, Finance, Economics, or a related field at NQF Level 7;
- A minimum of 5–7 years of experience, with at least 2 years in senior management;
- Sound knowledge of and exposure to local government operations and municipal financial management.
- Sound visionary and strong leadership management skills with strategic thinking and decision-making abilities.
- In-depth knowledge of local government legislation and the statutory requirements pertaining to the post.
- Must possess the Core Competencies and knowledge as stipulated in Annexures A and B of the Regulations on Appointment and Conditions of Employment of Senior Managers, as set out in Government Gazette No. 37245, dated 17 January 2014
- Compliance with the minimum competency levels as prescribed by Government Gazette No. 29967 of 15 June 2007
- Candidates who are not in possession of the minimum competency certificate will be given an opportunity to obtain such certificate within 18 months of appointment, in accordance with Regulation 7 provided for in Government Regulation No. 493, published in GG 29967 dated 15 June 2007, as amended in Government Notice Regulation, No. 1146 of 26 October 2018, as promulgated in Government Gazette No. 41996
- Excellent facilitation, presentation and communication skills in at least two of the three official languages of the Western Cape.
- Competency in the use of computers, especially in MS Word, Excel, PowerPoint, Outlook and Internet
- Valid driver's license

Knowledge:

- Good knowledge and understanding of relevant policy and legislation;
- Good knowledge and understanding of institutional governance systems and performance management;
- Must have extensive knowledge of the public office environment; and
- Good knowledge of Supply Chain Management Regulations and the Preferential Procurement Policy Framework Act, 2000 (Act No. 5 of 2000)
- Good governance
- Knowledge of budgeting and financial management
- Knowledge of public governance principles

Mr. M.J. Lesch has been a Director: Budget and Treasury Office from 01 May 2015 and since 01 October 2005 he worked in various roles in the Department: Financial Services and he hold the following qualifications:

- B. Comm (Financial Accounting)
- Master of Business Management and Administration (MBA)
- Successfully completed all appliable MMCL unit standard

IMPLICATIONS

PERSONNEL

Clause 8 of the Collective Agreement on Conditions of Service for the Western Cape Division of the South African Local Government Bargaining Council (SALGBC) stipulates as follows:

8.1 An employee is entitled to an acting allowance when he is requested by written instruction by his superior in terms of Council's delegation policy to act in a higher post for a period of at least 10 consecutive working days, including public holidays.

8.2 An acting allowance equal to the difference between his pensionable salary and the commencing notch of the salary scale of the post in which he is acting shall be paid to the employee for the period of acting.

8.3 If an employee is requested to act in terms of clause 8.1 the employer shall not unreasonably stop or interrupt the acting period of the employee resulting in the non-payment of an acting allowance.

8.4 Council may, in consultation with the Municipal Manager, resolve that an employee should act in a section 57 post in terms of clauses 8.1 and 8.2, in which case the following shall apply:

8.4.1 The employee shall in addition to his salary receive an acting allowance for the period of acting.

8.4.2 The salary component for determining the acting allowance will be 60% of the remuneration package of the post in which the employee is acting.

8.5 Subject to clause 8.6, an employee will not be paid an acting allowance whilst he is on any form of leave or any other absence during the acting period.

8.6 If an employee has acted for a continuous period of three (3) months or longer, he will qualify for an acting allowance while on paid leave.

Cognisance must be taken that the aforementioned will not be applicable in the case of Mr. M.J. Lesch since he will only be acting for 5 consecutive days. During the 5-day acting period, the Department: Financial Services will require appropriate managerial oversight to ensure continuity of operations and adherence to financial governance standards.

Comment prepared by: Ms. G.C.N. Julie

FINANCIAL

An acting allowance alluded to under PERSONNEL above will not be applicable in the case of the Director: Budget and Treasury, Mr. M.J. Lesch, since he will only be acting for 5 consecutive days.

Comment prepared by: Ms FA Du Raan-Groenewald

LEGAL

Legal Implications have been sufficiently addressed under 'Comment'.

Comment prepared: Extracted from C.15.5 of 29 May 2025

RECOMMENDATION BY MUNICIPAL MANAGER:

That Council consider to grant approval that the Director: Budget and Treasury Office, Mr M.J. Lesch, be appointed to act in position of Chief Financial Officer for a period of five (5) days with effect from 02 February 2026 to 06 February 2026.

COUNCIL MEETING: 29 JANUARY 2026: ITEM C.15.15

Alderman D. Swart proposed that Council consider to grant approval that the Director: Budget and Treasury Office, Mr M.J. Lesch, be appointed to act in position of Chief Financial Officer for a period of five (5) days with effect from 02 February 2026 to 06 February 2026.

The proposal by Alderman D. Swart was seconded by Councillor A. Tomose.

The proposal by Alderman D. Swart was put to the vote and thirty-six (36) Councillors voted in favour of the proposal by Alderman D. Swart.

RESOLVED (36 Councillors) :

That approval be granted that the Director: Budget and Treasury Office, Mr M.J. Lesch, be appointed to act in position of Chief Financial Officer for a period of five (5) days with effect from 02 February 2026 to 06 February 2026.

C.15.16 NOTICE TO COUNCIL: MINUTES OF MEETINGS OF THE RULES COMMITTEE HELD ON TUESDAY, 28 OCTOBER 2025, MONDAY, 10 NOVEMBER 2025 AND MONDAY, 1 DECEMBER 2025 (3/2/3/1)

PURPOSE OF SUBMISSION

That Council take cognisance of the minutes of meetings of the Rules Committee held on Tuesday, 28 October 2025, Monday, 10 November 2025 and Monday, 1 December 2025.

BACKGROUND

In terms of section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), as amended:

(1) A municipal council may –

(a) establish one or more committees necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers;

(b) appoint the members of such a committee from among its members; and

(c) dissolve a committee at any time.

(2) The municipal council –

(a) must determine the functions of a committee;

(b) may delegate duties and powers to it in terms of section 32;

(c) must appoint the chairperson;

(d) may authorise a committee to co-opt advisory members who are not members of the council within the limits determined by the council;

(e) may remove a member of a committee at any time; and

(f) may determine a committee's procedure.

At Item C.15.3 of 27 January 2022 Council resolved that:

(a) The Rules Committee be re-established in terms of section 79 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

(b) The following Whips of political parties represented in Council be appointed as members of the Rules Committee:

Cllr. L. Adams (PA)
Cllr. W.M. Blom (DA)
Cllr. A.J. du Plessis (VF Plus)
Cllr. D.D. Joubert (DA) (Speaker)
Cllr. L. Ngwane (EFF)
Cllr. M. van Stade (GOOD)
Cllr. C.F. Wilskut (BO)
Cllr. M.H. Yabo (ANC)

(c) Members of the Rules Committee be appointed in terms of section 79(1)(b) of the Act, of which the Executive Mayor will be appointed *ex officio,* taking into account that section 160(8) of the Constitution of the Republic of South Africa, 1996 entitles members of committees of municipal councils to participate in the proceedings of a council and its committees in a manner that allows parties and interests reflected within the Council, to be fairly represented;

(d) The Speaker be appointed as Chairperson of the Rules Committee in terms of section 79(2)(c) of the Act;

(e) The function/terms of reference of the Rules Committee shall be to make recommendations to Council regarding matters affecting the procedures and policies of the municipal Council and its Councillors in terms of section 79(2) of the Act;

(f) Cognisance be taken of the fact that the Rules of Order adopted by Council stipulates in Clause 2(1) thereof that the relevant Rules of Order will also be applicable to all committees of Council (i.e. section 79 committees).

At Item C.15.2 of 7 December 2023 Council resolved that:

Councillor L. Adams of the Patriotic Alliance (PA) be appointed as a member of the Rules Committee of the Cape Winelands District Municipality.

COMMENT

*** Attached as Annexure "A" are copies of minutes of meetings of the Rules Committee held on Tuesday, 28 October 2025, Monday, 10 November 2025 and Monday, 1 December 2025.

RECOMMENDATION BY MUNICIPAL MANAGER:

That Council take cognisance of the minutes of meetings of the Rules Committee held on Tuesday, 28 October 2025, Monday, 10 November 2025 and Monday, 1 December 2025.

COUNCIL MEETING: 29 JANUARY 2026: ITEM C.15.16

The Whip of Council proposed that Council take cognisance of the minutes of meetings of the Rules Committee held on Tuesday, 28 October 2025, Monday, 10 November 2025 and Monday, 1 December 2025.

The proposal by the Whip of Council was seconded by the Executive Deputy Mayor.

The proposal by the Whip of Council was put to the vote and thirty-six (36) Councillors voted in favour of the proposal by the Whip of Council.

RESOLVED (36 Councillors) :

That cognisance be taken of the minutes of meetings of the Rules Committee held on Tuesday, 28 October 2025, Monday, 10 November 2025 and Monday, 1 December 2025, attached as Annexures "A" to "C" attached to the agenda item.

All officials except the following were excused from the meeting at 12:55 before the consideration of confidential matters:

Mr. H.F. Prins
Ms. I.M. Barnard
Ms. F.A. du Raan-Groenewald
Mr. P.A. Williams
Mr. H.L. Maart
Ms. K. Smit
Ms. G.C.N. Julie
Mr. D.A. Heath
Ms. I. Willemse

CONFIRMED ON THIS 26 DAY OF March 2026.

SPEAKER
DAH/iw