**CAPE WINELANDS DISTRICT MUNICIPALITY**

**ACTION MINUTES OF THE ORDINARY COUNCIL MEETING OF THE CAPE WINELANDS DISTRICT MUNICIPALITY HELD ON THURSDAY 23 MAY 2024 AT 10:03 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

Cllr. N.M. Bushwana

Cllr. G.J. Carinus

Cllr. D. Carolissen

Cllr. A.J. du Plessis

Ald. R. Farao

Ald. S. Goedeman

Cllr. E. Groenewald

Cllr. V. Hani

Cllr. A. Hess

Cllr. F. Jacobs

Cllr. D.B. Janse

Cllr. J.J.S. Januarie

Cllr. C.O. Klaaste

Ald. R.A. Koegelenberg

Cllr. J. Kriel

Cllr. J. Maliti

Cllr. C. Manuel

Cllr. X.L. Mdemka

Ald. C. Meyer

Cllr. T.R. Mpulanyana

Cllr. D.W. Nel

Cllr. L. Ngwane

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

Cllr. D. Swart

Ald. J.J. Visagie

Cllr. C.F. Wilskut

Cllr. M.H. Yabo

**ABSENT**

Cllr. R.S. Nalumango

**OFFICIALS**

Mr. H.F. Prins (Municipal Manager)

Ms. F.A. du Raan-Groenewald

Mr. F. van Eck

Mr. P.A. Williams

Ms. K. Smit

Ms. S.S. Sanders

Ms. E.J. Otto

Ms. G.C.N. Julie

Ms. B.T. Daries

Mr. C.J.M. Arangie

Ms. M.M. Johannessen

Ms. J. Bardien

Ms. N.J. Fortuin

Mr. R.W.B. van Wyk

Mr. R.J. Humphreys

Mr. A.M. Gabier

Ms. M.R. Matthyse

Ms. R.A. Leo

Mr. J.A. Coerecius

Ms. N. Lalo

Mr. R.C. Kieswetter

Mr. D.L. Joseph

Ms. Z. Ntolosi

Mr. D.A. Heath

Ms. M.L. Mdingi

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The Speaker welcomed all present and requested a moment of reflection.

Cllr. D.B. Janse opened the meeting with a prayer.

(Councillor M.H. Yabo left the meeting at 10:10)

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Not applicable.

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The following Councillors declared their interests in terms of Item 6(1) of the Code of Conduct for Councillors as contained in Schedule 7 of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998), as amended, pertaining to allocations and grants contained in Item C.15.13 of the agenda, and confirmed that they do not derive any financial benefit from the organisations:

**C.3.1 COUNCILLOR W.M. BLOM : CHAIRPERSON – BREEDE VALLEY ASSOCIATION OF AND FOR PERSONS WITH DISABILITIES**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**COUNCIL MEETING: 23 MAY 2024: ITEM C.3.2**

**RESOLVED:** (35 Councillors)

That Councillor. W.M. Blom can remain in Council when the matter is discussed.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENT** |
| Noted | - | - |

**C.3.2 COUNCILLOR W.C. PETERSEN : ADDITIONAL MEMBER – UMNYAMU NPO**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**COUNCIL MEETING: 23 MAY 2024: ITEM C.3.1**

**RESOLVED:** (35 Councillors)

That Councillor. W.C. Petersen can remain in Council when the matter is discussed.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENT** |
| Noted | - | - |

**C.3.3 COUNCILLOR J. SMIT : MEMBER – SARON DISABLED ASSOCIATION**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**COUNCIL MEETING: 23 MAY 2024: ITEM C.3.3**

**RESOLVED:** (35 Councillors)

That Councillor J. Smit can remain in Council when the matter is discussed.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENT** |
| Noted | - | - |

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**COUNCILLORS**

Cllr. M. van Stade

**OFFICIALS**

Ms. S.C. Green

**C.5 STATEMENTS AND COMMUNICATIONS BY THE SPEAKER *(Verbatim)***

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

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Councillor Birthdays: May 2024**

I would like to congratulate the following Councillor who will celebrate his birthday in May 2024:

28 May : Cllr. J.J.S. Januarie

**General**

Council Vacancy:

I want to convey my sincere condolences to the family and friends of Councillor Gerrit Jacobus Fredericks who passed away on 8 May 2024 and request all present to raise and observe a moment of silence.

New councillors:

1. Councillor Andrew Hess has been declared elected to the Cape Winelands District Council as a PR-Councillor.
2. Alderman Renier Adriaan Koegelenberg from Drakenstein Municipality has been declared elected to the Cape Winelands District Council.

**C.6 STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR *(Verbatim)* (3/2/1/3)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Thank you, Speaker.

Adding to your message of condolences, allow me to share a few words of comfort with Council.

1. **Condolences Message**

It is with great sadness that we learnt of the passing of our beloved colleague, Councillor Gerrit Fredericks.

On behalf of the Office of the Executive Mayor, Mayoral Committee and Councillors of the Cape Wineland District Municipality, our deepest sympathies to his children, his sister who cared for him, family and friends.

Councillor Fredericks was a true stalwart - we will remember him for his passion for his work and community. His passing leaves a great void and he will be greatly missed.

May God comfort and strengthen his family and friends during this time of mourning. We lift you up in our prayers.

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, 25 APRIL 2024 (3/2/1/6)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**COUNCIL MEETING: 23 MAY 2024: ITEM C.10.1**

**RESOLVED (Unanimous):**

That the minutes of the Council meeting held on Thursday, 25 April 2024 be taken as read and duly confirmed after the following amendment had been made:

By removing the name of Cllr. A.M. Richards under the heading: ABSENT and inserting his name under the heading: APPLICATION FOR LEAVE OF ABSENCE.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENT** |
| Ms FA du Raan-Groenewald (Admin Support) to attend to the matter | 24 May 2024 | Concluded |

**C.10.2 REPORT BY THE MUNICIPAL MANAGER: ACTION MINUTES OF THE COUNCIL MEETING HELD ON THURSDAY, 25 APRIL 2024**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**RESOLVED:**

That cognisance be taken of the communication by the Municipal Manager that all matters pertaining to the action minutes of the Council meeting held on Thursday, 25 April 2024 had been attended to.

**C.11 INTERVIEWS WITH OR PRESENTATIONS BY DEPUTATIONS**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The Executive Mayor requested the following Councillors to come forward and congratulated them on their Certificates of Attendance of SALGA’s 2021 Integrated Councillor Induction Programme:

Cllr. J.H.P. Steyn

Cllr. V. Hani

Ald. S. Goedeman

Cllr. L. Ngwane

Cllr. J. Kriel

Ald. D.D. Joubert

Cllr. G.J. Carinus

Cllr. J. Maliti

Cllr. D. Swart

Cllr. M.H. Yabo

Cllr. M. Smit

Ald. (Dr.) H. von Schlicht

Former Councillors

Cllr. M. Liebenberg

Cllr. A.J. Pedro

(Councillor. C.F. Wilskut joined the meeting at 10:22)

(Councillor. J.J. Visagie joined the meeting at 10:26)

**C.12 URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

None.

**C.13 REPORT BY THE EXECUTIVE MAYOR: MAYORAL COMMITTEE MEETING HELD ON TUESDAY, 9 APRIL 2024 (3/2/2/1)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

The following report outlines 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 9 APRIL 2024**

**MATTER OF WHICH COGNISANCE WAS TAKEN:**

MC.7.2 NOTIFICATION TO THE MAYORAL COMMITTEE: RESOLUTION BY THE EXECUTIVE MAYOR TOGETHER WITH THE MAYORAL COMMITTEE IN TERMS OF THE SYSTEM OF DELEGATIONS RECONFIRMED BY COUNCIL AT ITEM C.4.8 ON 2 DECEMBER 2021 (2/4/2)

**MATTER OF WHICH RESOLUTION WAS TAKEN:**

MC.7.3 NOTICE TO MAYORAL COMMITTEE: MINUTES OF THE MEETING OF THE TRAINING COMMITTEE HELD ON TUESDAY, 28 NOVEMBER 2023 (3/2/5/1)

**C.14 MATTERS FOR NOTIFICATION**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**C.14.1 SOUTH AFRICAN LOCAL GOVERNMENT ASSOCIATION WESTERN CAPE (SALGA WESTERN CAPE): SUMMARY OF OUTCOMES OF PROVINCIAL WORKING GROUPS FOR MARCH 2024 (1/R & 12/1/1/10)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PURPOSE OF SUBMISSION**

That Council take note of the South African Local Government Association Western Cape (SALGA Western Cape): Summary of Outcomes of Provincial Working Groups for March 2024.

**BACKGROUND**

\*\*\* Attached the Summary of Outcomes of the following Provincial Working Groups of SALGA Western Cape held during March 2024:

**“A”** Development Planning and Rural Development

11 March 2024

**“B”** Economic Development and Job Creation

11 March 2024

**“C”** Electricity Energy Provision of Public Works

11 March 2024

**“D”** Water and Sanitation

11 March 2024

**“E”** Community Development and Security

12 March 2024

**“F”** Environmental Planning and Climate Resilience **&** Public Transport and Roads

12 March 2024

**“G”** Health

12 March 2024

**“H”** Municipal Capabilities and Institutional Resilience

13 March 2024

**“I”** Municipal Digital Solutions

13 March 2024

**COUNCIL MEETING: 23 MAY 2024: ITEM C.14.1**

**RESOLVED:**

That cognisance be taken of the Summary of Outcomes of the Provincial Working Groups of SALGA Western Cape held during March 2024.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENT** |
| Noted. | - | - |

**C.15 MATTERS FOR CONSIDERATION**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**C.15.1 REPLACEMENT OF FORMER COUNCILLOR T.E. ABRAHAMS AS AN ALTERNATE AND FORMER COUNCILLORS A.J. PEDRO AND G.J. FREDERICKS AS MEMBERS ON THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) OF THE CAPE WINELANDS DISTRICT MUNICIPALITY**

**(3/2/5/17)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PURPOSE OF SUBMISSION**

That Council consider to replace former Councillor T.E. Abrahams as an alternate and former Councillors A.J. Pedro and G.J. Fredericks as members on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality.

**BACKGROUND**

At Item C.15.3 of 30 October 2023 Council resolved, inter alia, that Councillor T.E. Abrahams be appointed as an alternate on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality.

**COMMENT**

Councillor T.E. Abrahams resigned as a Councillor of the Cape Winelands District Municipality on 8 January 2024, which resulted in an ‘alternate vacancy’ on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality.

\*\*\* Council approved the Terms of Reference for the Municipal Public Accounts Committee at Item C.15.5 on 27 January 2022, attached hereto as Annexure “A”.

Paragraph 4 of the approved Terms of Reference, stipulates as follow in respect of the composition and membership of the Municipal Public Accounts Committee:

4.1 The MPAC comprises nine (9) Councillors with knowledge of financial and governance matters.

4.2 The Executive Mayor or Executive Deputy Mayor, Speaker, Whip, members of the Mayoral Committee and municipal officials are not allowed to be members of the MPAC.

4.3 Alternates for the members of MPAC should also be designated by Council.

4.4 The MPAC is authorised to co-opt members of the public who have expertise in specific fields to assist and advise the committee when deliberating on matters before it when the need arises, taking note of the fact that such non-elected members will have no voting rights. The names of the co-opted members shall be reported in the Annual Report of Council.

4.5 Councillors serving on the MPAC shall be appointed for a term that corresponds with the term referred in section 24 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

4.6 When a Councillor resigns from the MPAC, the resignation must be in writing and Council must appoint a replacement by resolution at the next scheduled full Council meeting.

4.7 The MPAC is not prevented from undertaking its activities while awaiting the appointment of a new member, subject to a quorum being present.

4.8 The quorum for all meetings shall be 50% of the total composition of the MPAC plus one member.

4.9 The names of Councillors serving on the MPAC shall be published in the Annual Report.

4.10 The Council may remove an MPAC member by way of a Council resolution.

4.11 The Municipal Council may dissolve the MPAC at any time by way of a Council resolution.

**IMPLICATIONS**

**PERSONNEL**

None.

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

**FINANCIAL**

Paragraph 6(1) of Government Notice No. 3807 on the Determination of Upper Limits of Salaries, Allowances and Benefits of Different Members of Municipal Councils, published in Government Gazette No. 49142 of 18 August 2023, 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:
2. If the councillor is appointed as speaker, mayor, executive mayor, member of a mayoral committee, member of an executive committee, chairperson of 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.
3. 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 R1,179.50: Provided that this allowance is limited to R1,179.50 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.
4. A district municipality is responsible for –
5. the payment of the remuneration or the allowance referred to in sub-item (1); and
6. 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.
7. 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.

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

**LEGAL**

The Municipal Public Accounts Committee (MPAC) is a committee of Council established in terms of section 79A of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), as amended.

In terms of section 79A(3) the municipal council must determine the functions of the MPAC. These functions are contained in the Council approved MPAC Terms of Reference, as discussed under “Comment” above.

*Comment prepared by: Ms. S.S. Sanders*

**RECOMMENDATION BY EXECUTIVE MAYOR:**

That Council consider to replace Councillor T.E. Abrahams as an alternate on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality.

**COUNCIL MEETING: 25 JANUARY 2024: ITEM C.15.4**

**RESOLVED:**

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

**RECOMMENDATION BY EXECUTIVE MAYOR:**

That Council consider to replace Councillor T.E. Abrahams as an alternate on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality.

**COUNCIL MEETING: 22 FEBRUARY 2024: ITEM C.15.1**

**RESOLVED (37 Councillors) (Unanimous) :**

That Councillor J. Smit be designated to replace Councillor T.E. Abrahams as an alternate on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality.

**ADDITIONAL COMMENT**

At Item C.15.5 of 27 January 2022 Councillor J. Smit was assigned as an alternate for Councillor G.J. Fredericks on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality, thus Councillor J. Smit is already an alternate on the Municipal Public Accounts Committee (MPAC), which necessitate that the Council resolution be reviewed and amended.

\*\*\* Attached as Annexure “B” is a list of the current composition of the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality.

**RECOMMENDATION BY EXECUTIVE MAYOR:**

That Council consider to –

1. Review and amend resolution C.15.1 of 22 February 2024 to designate Councillor J. Smit as an alternate on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality, taking into account that Councillor J. Smit is already an alternate on the Municipal Public Accounts Committee (MPAC);
2. Designate a Councillor to replace Councillor T.E. Abrahams as an alternate on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality.

**COUNCIL MEETING: 20 MARCH 2024: ITEM C.15.1**

**RESOLVED :**

That cognisance be taken that the matter will be held in abeyance until the next Council meeting.

**ADDITIONAL COMMENT**

Subsequent to the Council Meeting held on Thursday, 20 March 2024 former Councillor A.J. Pedro has been terminated as a Councillor of the Cape Winelands District Municipality with effect from Friday, 5 April 2024, resulting in a ‘vacancy’ on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality.

**RECOMMENDATION BY EXECUTIVE MAYOR:**

That Council consider to –

1. Review and amend resolution C.15.1 of 22 February 2024 to designate Councillor J. Smit as an alternate on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality, taking into account that Councillor J. Smit is already an alternate on the Municipal Public Accounts Committee (MPAC);
2. Designate a Councillor to replace former Councillor T.E. Abrahams as an alternate on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality;
3. Designate a Councillor to replace former Councillor A.J. Pedro as a member on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality.

**COUNCIL MEETING: 25 APRIL 2024: ITEM C.15.1**

**RESOLVED (31 Councillors) :**

That the item be held in abeyance until the Council meeting to be held on Thursday, 23 May 2024.

**ADDITIONAL COMMENT**

Subsequent to the Council Meeting held on Thursday, 25 April 2024 former Councillor G.J. Fredericks passed away on 08 May 2024, resulting in another ‘vacancy’ on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality.

**RECOMMENDATION BY EXECUTIVE MAYOR:**

That Council consider to –

1. Review and amend resolution C.15.1 of 22 February 2024 to designate Councillor J. Smit as an alternate on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality, taking into account that Councillor J. Smit is already an alternate on the Municipal Public Accounts Committee (MPAC);
2. Designate a Councillor to replace former Councillor T.E. Abrahams as an alternate on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality;
3. Designate a Councillor to replace former Councillor A.J. Pedro as a member on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality.
4. Designate a Councillor to replace former Councillor G.J. Fredericks as a member on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality.

**COUNCIL MEETING: 23 MAY 2024: ITEM C.15.1**

**RESOLVED: (37 Councillors)** That –

1. The resolution taken at Item C.15.1 of 22 February 2024 to designate Councillor J. Smit as an alternate on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality be reviewed and amended, taking into account that Councillor J. Smit is already an alternate on the Municipal Public Accounts Committee (MPAC);
2. Cognisance be taken that Councillor J. Smit resigned as an alternate on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality;
3. Councillor J. Smit be designated as a member on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality;
4. Alderman R.A. Koegelenberg be designated as an alternate on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality;
5. Councillor. D. Carolissen be designated as a member on the Municipal Public Accounts Committee (MPAC) of the Cape Winelands District Municipality.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENT** |
| Ms FA du Raan-Groenewald (Admin Support) to attend to the matters. | 27 May 2024 | List amended and Item will be submitted to Council on 27 June 2024 to fill vacancies. |

**C.15.2 REPLACEMENT OF A REPRESENTATIVE OF THE GOOD PARTY AS A MEMBER OF THE RULES COMMITTEE (3/1/2/4)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PURPOSE OF SUBMISSION**

That Council consider to replace former Councillor A.J. Pedro of the GOOD Party as a member of the Rules Committee of the Cape Winelands District Municipality.

**BACKGROUND**

In terms of sections 79(1)(a) and (b) of the Structures Act, respectively, a Council may establish one or more committees (section 79 committees) necessary for the effective and efficient performance of any of its functions or the exercise of any of its powers, and may appoint the members of such a committee from among its members. Council previously established the Rules Committee as a section 79 committee.

**COMMENT**

At Item C.15.3 of 27 January 2022 former Councillor A.J. Pedro has been designated to represent the GOOD Party on the Rules Committee.

Former Councillor A.J. Pedro has been terminated as a Councillor of the Cape Winelands District Municipality with effect from Friday, 5 April 2024.

Due to the above-mentioned there is currently no representative of the GOOD Party on the Rules Committee.

**IMPLICATIONS**

**PERSONNEL**

None.

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

**FINANCIAL**

Appropriation has been made in the 2023/2024 Annual Budget for the remuneration of Councillors in terms of the upper limits of salaries, allowances and benefits of a Grade 5 municipal council as set out in the Notice No. 3807 published in Government Gazette No. 49142 of 18 August 2023.

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

**LEGAL**

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 –
2. 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;
3. appoint the members of such a committee from among its members; and
4. dissolve a committee at any time.

(2) The municipal council –

1. 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;

1. 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.

*Comment prepared by: Ms. S.S. Sanders*

**RECOMMENDATION BY MUNICIPAL MANAGER:**

That Council consider to designate a Councillor of the GOOD Party as a member of the Rules Committee of the Cape Winelands District Municipality to replace former Councillor A.J. Pedro.

**COUNCIL MEETING: 25 APRIL 2024: ITEM C.15.2**

**RESOLVED (31 Councillors) :**

That the item be held in abeyance until the Council meeting to be held on Thursday, 23 May 2024.

**RECOMMENDATION BY MUNICIPAL MANAGER:**

That Council consider to designate a Councillor of the GOOD Party as a member of the Rules Committee of the Cape Winelands District Municipality to replace former Councillor A.J. Pedro.

**COUNCIL MEETING: 23 MAY 2024: ITEM C.15.2**

**RESOLVED (37 Councillors) :**

That Councillor M. van Stade of the GOOD Party be designated as a member of the Rules Committee of the Cape Winelands District Municipality to replace former Councillor A.J. Pedro.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENT** |
| Ms FA du Raan-Groenewald (Admin Support) to attend to the matters. | 27 May 2024 | List amended. |

**C.15.3 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 a representative on the governing body of the Oude Kerk Volksmuseum van ’t Land van Waveren (Tulbagh) to replace former Councillor A.J. Pedro who has been terminated as a Councillor 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:

1. Worcester Museum
2. Togryers Museum (Ceres)
3. Wellington Museum
4. Paarl Museum
5. Stellenbosch Museum
6. Huguenot Memorial Museum (Franschhoek)
7. Montagu Museum
8. Oude Kerk Volksmuseum van ’t Land van Waveren (Tulbagh)
9. Robertson Museum

The following Councillors have been nominated as representatives on the governing bodies of the following museums in the area of the Cape Winelands District Municipality:

(i) Worcester Museum

Ald. R. Farao

(ii) Togryers Museum (Ceres)

Cllr. L. Ngwane

(iii) Wellington Museum

Cllr. N.D. Sauerman

(iv) Paarl Museum

Cllr. A.J. du Plessis

(v) Stellenbosch Museum

Cllr. V. Hani

(vi) Huguenot Memorial Museum (Franschhoek)

Cllr. C. Manuel

(vii) Montagu Museum

Cllr. M. Smit

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

Former Cllr. A.J. Pedro

(ix) Robertson Museum

Cllr. D.B. Janse

**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 by the Western Cape Museums Ordinance Amendment Act, 2021 (Act No. 2 of 2021).

**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 —

1. three members appointed by the Provincial Minister by reason of their experience in corporate governance or special knowledge of matters concerning museums;
2. 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.

1. one member nominated by subscribers to the museum concerned, appointed by the Provincial Minister; and
2. one employee in the department designated for the purpose by the Head of the Department, appointed by the Provincial Minister.

Section 15(2) determines that the board of the **Huguenot Memorial Museum** (Franschhoek) shall consist of –

1. four members appointed by the Provincial Minister by reason of their experience in corporate governance or special knowledge of matters concerning museums;
2. 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.

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

1. three members appointed by the Provincial Minister by reason of their experience in corporate governance or special knowledge of matters concerning museums;
2. 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;
3. one member nominated by the church council of the Dutch Reformed Congregation at Tulbagh, appointed by the Provincial Minister;
4. one member nominated by subscribers to the museum, appointed by the Provincial Minister; and
5. 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), (3) 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 Ministerhas 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 –

1. appointed in terms of sections 15(1)(a), (2)(a), 3(a) or 4(a) shall hold office for a period of three years;
2. 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(2);
3. appointed in terms of section 15(4)(c) shall hold office for such period as the church council of the Dutch Reformed Congregation of Tulbagh may determine; and
4. 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) whose period of office has expired shall be eligible for reappointment.

*Comment prepared by: Ms. S.S. Sanders*

**RECOMMENDATION BY MUNICIPAL MANAGER:** That –

1. Council consider to nominate a representative on the governing body of the Oude Kerk Volksmuseum van ’t Land van Waveren (Tulbagh) to replace former Councillor A.J. Pedro who has been terminated as a Councillor of the Cape Winelands District Municipality.
2. The nomination in (a) above be submitted to the Minister of Cultural Affairs and Sport, Western Cape Government for appointment to the relevant museum governing body.

**COUNCIL MEETING: 25 APRIL 2024: ITEM C.15.3**

**RESOLVED (31 Councillors) :**

That the item be held in abeyance until the Council meeting to be held on Thursday, 23 May 2024.

**RECOMMENDATION BY MUNICIPAL MANAGER:** That –

1. Council consider to nominate a representative on the governing body of the Oude Kerk Volksmuseum van ’t Land van Waveren (Tulbagh) to replace former Councillor A.J. Pedro who has been terminated as a Councillor of the Cape Winelands District Municipality.
2. The nomination in (a) above be submitted to the Minister of Cultural Affairs and Sport, Western Cape Government for appointment to the relevant museum governing body.

**COUNCIL MEETING: 23 MAY 2024: ITEM C.15.3**

**RESOLVED (37 Councillors) :** That –

1. Councillor. A. Hess be nominated as a representative on the governing body of the Oude Kerk Volksmuseum van ’t Land van Waveren (Tulbagh) to replace former Councillor A.J. Pedro who has been terminated as a Councillor of the Cape Winelands District Municipality;
2. The nomination in (a) above be submitted to the Minister of Cultural Affairs and Sport, Western Cape Government for appointment to the relevant museum governing body.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENT** |
| Ms FA du Raan- Groenewald (Admin Support) to attend to the matter | 27 May 2024 | Letter submitted to Minister of Cultural Affairs and Sport, Western Cape Government for appointment to the relevant museum governing body. |

**C.15.4 APPOINTMENT OF AUDIT AND PERFORMANCE COMMITTEE MEMBER**

**(3/2/5/3)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PURPOSE OF SUBMISSION**

That Council consider the appointment of a member to the Cape Winelands District Municipality Audit and Performance Committee for a period of three (3) years from 01 May 2024 to 30 April 2027.

**BACKGROUND**

\*\*\* Attached as Annexure "A" is a copy of the Audit and Performance Committee Charter of the Cape Winelands District Municipality.

1. As per clause 1.3: *“The members of the APC are appointed by Council in terms of section 166(5) of the MFMA.”*
2. As per clause 2.1.1: “*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.”*
3. As per clause 2.1.8: “*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 contract period of three years, to achieve continuity or planned rotation of membership*…”
4. As per clause 2.1.9: “*All the 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.”*
5. As per clause 2.1.11: “*Members of the APC must have a combined expertise and knowledge in financial, performance and risk management, legal expertise and IT governance to effectively fulfil its duties and responsibilities*.”

**COMMENT**

The second three-year term of the Chairperson, Mr. M. Grobler ended on 31 March 2024.

1. The current members of the Audit and Performance Committee are:

Mr. P. le Roux

Mr. O. Valley

Mr. J. Carstens

1. The vacancy of the additional member from the private sector and/or community was advertised. The closing date for all applications was 02 February 2024.
2. A total of 14 (fourteen) applications were received.
3. 8 (eight) applications did not meet the required qualification and experience as per the advertisement;
4. 1 (one) application did not meet the required qualification as per the advertisement;
5. 1 (one) application did not meet the required submission criteria as per the advertisement;
6. 1 (one) application did not submit the required supporting documents as per the advertisement;
7. 3 (three) applications met all the requirements of the advertisement, who presented the shortlisting candidates.
8. The 3 (three) shortlisted candidates were interviewed on 17 April 2024 by the following panel:

Ald. (Dr.) H. von Schlicht (Executive Mayor) - Chairperson

Ald. M. Sampson (Deputy Executive Mayor) - Member

Cllr. E. Groenewald (Mayco Member) - Member

Ms. S. Green (CAE) - Member

1. Based on the results of the interviews, the panel recommended that the candidate that ranked number 1 be appointed as a member on the Audit and Performance Committee. In the case where the candidate does not accept the appointment for any reason whatsoever, the candidate who ranked number 2 be appointed.
2. Ranking results of interviews:

|  |  |
| --- | --- |
| **Name & Surname** | **Ranking order** |
| Mr Gideon Serfontein | 1 |
| Mr Jeremy J. Fairbairn | 2 |
| Mr Richard Rhoda | 3 |

1. After deliberations and collaborations, the interview panel members unanimously concluded that Mr Gideon Serfontein from the private and/or community possesses the best suited required qualification and experience to compliment the rest of the Audit and Performance Committee members to effectively fulfil their duties and responsibilities with reference to clause 2.1.11 of the Audit and Performance Committee Charter.

**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 taking into account 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 members of the Audit Committee of the Cape Winelands District Municipality.

The Council Meeting held on 25 October 2018 at Item C.15.3, resolved that the tariffs applicable, be as follows:

Chairperson : R4,317 per day

Members : R2,835 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 R540 per hour

Member R450 per hour

The members are reimbursed for travel claims 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:

1. advise, the municipal council, political office-bearers, the accounting officer and the management staff of the municipality on financial matters;
2. review the annual financial statements to provide an authoritative and credible view of the financial position of the municipality;
3. respond to council on any issues raised by the Auditor-General in the audit report;
4. carry out such investigations into the financial affairs of the municipality as the council of the municipality may request; and
5. 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—

1. 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
2. Meet as often as is required to perform its functions, but at least four times a year.

Furthermore, section 166(5) of the Act determines that the members of an audit committee must be appointed by the council of the municipality. One of the members, who are not in the employ of the municipality, must be appointed as the chairperson of the committee. No Councillor may be a member of an audit committee.

*Comment prepared by: Ms. S.S. Sanders*

**RECOMMENDATION BY MUNICIPAL MANAGER:**

That Council consider to appoint Mr. Gideon Serfontein as a member to the Audit and Performance Committee of the Cape Winelands District Municipality for a period of three (3) years from 01 May 2024 to 30 April 2027.

**COUNCIL MEETING: 25 APRIL 2024: ITEM C.15.10**

**RESOLVED (32 Councillors) :**

That the item be held in abeyance until the Council meeting to be held on Thursday, 23 May 2024.

**RECOMMENDATION BY MUNICIPAL MANAGER:**

That Council consider to appoint Mr. Gideon Serfontein as a member to the Audit and Performance Committee of the Cape Winelands District Municipality for a period of three (3) years from 01 May 2024 to 30 April 2027.

**COUNCIL MEETING: 23 MAY 2024: ITEM C.15.4**

**RESOLVED (37 Councillors) :**

That Mr. Gideon Serfontein be appointed as a member to the Audit and Performance Committee of the Cape Winelands District Municipality for a period of three (3) years from 23 May 2024 to 30 April 2027.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENT** |
| Office of the Municipal Manager (Internal Audit) to attend to the matter | 31 May 2024 |  |

**C.15.5 APPOINTMENT OF THE CAPE WINELANDS DISTRICT MUNICIPALITY AUDIT AND PERFORMANCE COMMITTEE CHAIRPERSON (3/2/5/3)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PURPOSE OF SUBMISSION**

That Council consider to appoint Mr. J. Carstens as Chairperson of the Audit and Performance Committee for the period from 23 May 2024 until the expiry date of his term as Audit and Performance Committee member, namely 31 October 2025.

**BACKGROUND**

\*\*\* Attached as Annexure “A” is a copy of the 2023/2024 Audit and Performance Committee Charter of the Cape Winelands District Municipality.

In terms of section 2.1.3 of the 2023/2024 Audit and Performance Committee Charter, Council will appoint the Chairperson and members of the APC, aligning their competences with duties defined in the charter.

At Item C15.4 of 28 July 2022 Council resolved that –

Mr. M. Grobler be appointed from 01 July 2022 to 31 March 2024 as Chairperson of the Audit and Performance Committee.

**COMMENT**

The second three-year term of the Chairperson, Mr. M. Grobler, ended on 31 March 2024 which subsequently left the Chairperson position vacant.

At the Audit and Performance Committee meeting held on 02 May 2024, it was resolved that –

1. Mr. J. Carstens be elected as Acting Chairperson.
2. Mr. Carstens be authorised to perform the role and responsibilities of the Chairperson of the Audit and Performance Committee until such time as Council appoints a new Chairperson to replace the Chairperson whose term expired.

**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 taking into account 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 rates a member of the Audit Committee of the Cape Winelands District Municipality.

The Council meeting held on 25 October 2018 at Item C.15.3 resolved that the tariffs applicable, as follows:

Chairperson : R4,317.00 per day

Members : R2, 835.00 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 : R540.00 per day

Members : R450.00 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:

1. Advise, the municipal council, political office-bearers, the accounting officer, and the management staff of the municipality on financial matters;
2. Review the annual financial statement to provide an authoritative and credible view of the financial position of the municipality;
3. Respond to council on any issues raised by the Auditor-General in the audit report;
4. Carry out such investigations into the financial affairs of the municipality as the council of the municipality may request; and
5. 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 -

1. 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
2. Meet as often as is required to perform its functions, but at least four times a year.

Furthermore, section 166(5) of the Act determines that the members of an audit committee must be appointed by the council of the municipality. One of the members, who are not in the employ- of the municipality, must be appointed as the chairperson of the committee. No councillor may be a member of the audit committee.

*Comment prepared by: Ms. S.S. Sanders*

**RECOMMENDATION BY MUNICIPAL MANAGER:**

That Council consider to appoint Mr. J. Carstens as Chairperson of the Audit and Performance Committee for the period from 23 May 2024 until the expiry date of his term as Audit and Performance Committee member, namely 31 October 2025.

**COUNCIL MEETING: 23 MAY 2024: ITEM C.15.5**

**RESOLVED (37 Councillors) :**

That Mr. J. Carstens be appointed as Chairperson of the Audit and Performance Committee for the period from 23 May 2024 until the expiry date of his term as Audit and Performance Committee member, namely 31 October 2025.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENT** |
| Office of the Municipal Manager (Internal Audit) to attend to the matter. | 31 May 2024 |  |

**C.15.6 ANNUAL REVIEWING OF INTEGRATED WASTE MANAGEMENT PLAN FOR THE CAPE WINELANDS DISTRICT MUNICIPALITY (16/8/B & 2/9/3/8)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PURPOSE OF SUBMISSION**

That Council consider to take cognisance of the progress made with the Integrated Waste Management Plan for the Cape Winelands District Municipality’s Implementation Plan for the 2023/2024 financial year.

**BACKGROUND**

An Integrated Waste Management Plan is a statutory requirement of the National Environmental Management Waste Act, 2008 (Act No. 59 of 2008) and needs to be reviewed annually to give feedback on the progress made with regards to the Implementation Plan.

**COMMENT**

The Implementation Plan identified possible projects under each objective. The objectives forms part of 5 goals set in the Implementation Plan. The table below sets out what progress was made with regards to the Implementation Plan during the 2023/24 financial year.

|  |  |  |  |
| --- | --- | --- | --- |
| **Goal 1: Promote waste minimisation and recycling** | | | |
| **Objective** | | **Project** | **Progress** |
| Objective 1: Develop a district waste minimisation plan. | | Develop a district waste minimisation plan in collaboration with the LM’s to ensure that the LM’s share the same strategies and targets to reduce waste sent to landfill. | Local municipalities Organic Waste diversion plans forms part of the waste minimisation plans which was completed during the previous years. A district minimisation plan still needs to be compiled. |
| Objective 2: Assist LM’s to roll out separation at source in all towns. | | Ensure that recycled material is collected and sold for future processing, ensure increase in diversion rates and that markets exist for the recycled material. | This issue is addressed at the Western Cape Waste Managers Forum if/when required. |
| Objective 3: Assist with the development and implementation of LM’s organic waste diversion plans. | | Assist with the development and enforcement of the plan and that the organic waste is diverted from the landfill for the processing of compost. | All LM’s organic diversion plans are completed. |
| **Goal 2: Improve waste education and public awareness** | | | |
| **Objective** | **Project** | | **Progress** |
| Objective 1: Conduct district wide waste awareness campaigns. | Waste awareness campaigns with regards to waste minimisation, source separation, illegal dumping should be conducted.  Ensure waste awareness material is available and do public surveys on knowledge and method of waste awareness messages. | | No progress from CWDM due to capacity – Some LM’s are currently doing their own awareness programs. Budget allocation for this project will be made in the 2024/25 financial year. |
| Objective 2: Undertake hazardous waste awareness programmes with businesses and industry. | Programmes should inform businesses and industry of registration requirements, duty of care, reporting responsibilities and waste classification. | | No progress – not funded yet and capacity shortages. |
| **Goal 3: Ensure sound budgeting for integrated waste management** | | | |
| **Objective** | **Project** | | **Progress** |
| Objective 1: Review current organigram | Current organigram should be aligned with the roles required to manage the district waste management function and the regional landfill site management. | | Provision has been made on the organogram for a Waste Manager post, but the post has not been filled yet. |
| Appoint a dedicated waste awareness team, waste management officers as per NEM:WA | | No awareness team has been appointed; waste management officer was appointed. |
| Objective 2: Ensure sound budgeting for regional landfill site. | Ensure sound budgeting for development and operations of the new regional landfill site. | | Budget allocations was made for the 2023/24 and 2024/25 financial years for the construction of the regional site. Budget allocations for the management of the site will be made for the 2024/25 financial year. |
| Budget for transfer stations and long hauling vehicles. | | This is the responsibility of the LM’s as they will transfer the waste from the LM to the regional site. |
| Objective 3: Ensure budget available to review and update the IWMP in five years. | Ensure budget availability to review and update the IWMP in five years. | | The next updating will take place in 2027. |
| **Goal 4: Improve regulatory compliance** | | | |
| **Objective** | **Project** | | **Progress** |
| Objective 1: Ensure the regional site is operated according to the license. | Monitor that LM’s management systems are fully compliant, undertake internal audits and annual external audits, monitor the management of the regional facility daily. | | To be implemented when regional site becomes operational during the 2024/25 financial year. |
| Objective 2: Develop district waste management by-laws. | Develop district waste management by-laws and ensure sufficient employees to enforce the by-laws. Update the waste management section of Chapter 8 of the Municipal Health By-Laws of CWDM and ensure that it is aligned with NEM:WA and NWMS. | | No progress – due to a lack of internal capacity. |
| Objective 3: Review IWMP implementation plans | Annual performance review of IWMP to ensure efficient implementation of plan. | | Annual reviewing forms part of the current process where feedback on the implementation plan is given. |
| Objective 4: Ensure that Section 78 investigations are undertaken for outsourcing of waste management activities. | Undertake Section 78 investigation for the DM to outsource the waste management activities. | | Section 78 investigation completed. |
| **Goal 5: Improve waste information management** | | | |
| **Objective** | **Project** | | **Progress** |
| Objective 1: Ensure accurate waste information is collected and reported on IPWIS | Ensure weighbridges exist to ensure accurate recording of waste quantities. | | The regional site has a weighbridge. |
| Monitor LM’s reporting on IPWIS | | This is done monthly by the provincial office responsible for IPWIS. |
| Objective 2: Install weighbridge at new regional landfill site. | Budget and install weighbridges at the new regional landfill site and ensure that the data is accurately recorded on IPWIS. | | The regional site has a weighbridge and data will be recorded when regional site becomes operational. |
| Objective 3: Improve recycling record keeping | Ensure recycling companies report volumes and material types correctly. | | This is done at a local level as these companies needs to be registered at the municipality as well. |
| Objective 4: Improve hazardous waste generation record keeping | Ensure proper recordkeeping of hazardous waste generators. | | This is done at a local level as these companies needs to be registered at the municipality as well. |

**IMPLICATIONS**

**PERSONNEL**

Provision was made on the approved staff establishment for one waste management position, as approved by the Municipal Manager on 21 October 2020. A job description for this approved post must still be compiled, submitted, and evaluated.

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

**FINANCIAL**

No cost was incurred in the 2023/2024 financial year in respect of the 2023/2024 Integrated Waste Management Plan.

However, appropriation of R1 540 000 was made in respect of the Integrated Waste Management Plan on the 2024/2025 Draft Annul Budget as illustrated below:

|  |  |  |  |
| --- | --- | --- | --- |
| **Project** | **Item** | **Ukey** | **Budget** |
| DC02\_Waste Management\_Langeberg | Contracted Services: Civil | 20220705054727 | R300 000 |
| DC02\_Waste Management\_Breede Valley | Contracted Services: Civil | 20220705054728 | R300 000 |
| DC02\_Waste Management\_Witzenberg | Contracted Services: Civil | 20220705054730 | R300 000 |
| DC02\_Waste Management\_Drakenstein | Contracted Services: Civil | 20220705054731 | R300 000 |
| DC02\_Waste Management\_Stellenbosch | Contracted Services: Civil | 20230705024683 | R300 000 |
| DC02\_Waste Management\_Drakenstein | Catering Services | 20221109050428 | R40 000 |
|  | | | **R1 540 000** |

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

**LEGAL**

In terms of the 1999 National Waste Management Strategy of the Department of Environmental Affairs and Tourism 1999 (DEAT), local municipalities were required to develop first generation Integrated Waste Management Plans and to submit such plans to their respective provincial environmental departments. The strategy was however not supported by legislation resulting in voluntary development of Integrated Waste Management Plans by municipalities.

With the enactment of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) the development of Integrated Waste Management Plans became a statutory requirement. Section 11(4)(a)(i) of the said Act stipulates that each municipality should prepare and submit an Integrated Waste Management Plan to the relevant MEC for approval. In terms of section 11(4)(a)(ii) the approved Integrated Waste Management Plan should then be incorporated into the municipality’s Integrated Development Plan (IDP) which is contemplated in Chapter 5 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

The primary objective of Integrated Waste Management planning is to integrate and optimise waste management services, thereby maximising efficiency and improving the quality of life of all citizens while the associated environmental impacts and financial costs are minimised (DEAT, 2000).

Effective integration, coordination, and alignment of the actions of government at national provincial and local spheres remain an important aspect in ensuring efficient and effective provision of basic services to all.

The Constitution of the Republic of South Africa, 1996 provides the foundation for environmental regulation and policy. Section 24 of the Constitution of the Republic of South Africa, 1996 makes provision for environmental protection for the benefit of present and future generation and the right to an environment that is not harmful to health and well-being.

Key national legislation includes:

1. The Constitution of the Republic of South Africa, 1996, which sets out the environmental mandate as well the different roles and responsibilities of the different spheres of government.
2. The National Environmental Management Act, 1998 (NEMA), (Act No. 107 of 1998) is a framework legislation which covers the broad environmental management principles which form the basis for all other subsidiary environmental legislation.
3. The National Environmental Management: Waste Act (NEMWA), 2008 (Act No. 59 of 2008) is a subsidiary act of the NEMA, which regulates the management of all waste within South Africa as well as defines the different roles and responsibilities of the different spheres of government while implementing this mandate.
4. The National Health Act, 2003 (Act No. 61 of 2003) includes waste management as one of the functions of an Environmental Health Officer in terms of its explanation of ‘municipal health services’.
5. The Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) delineates powers and functions of different categories of municipalities and in terms of this Act, district municipalities have powers and functions relating to the integrated, sustainable and equitable social and economic development of the district. This role should be performed by ensuring integrated development planning for the district, building the capacity of local municipalities to perform their functions, exercising local municipal powers where capacity is lacking, and promoting the equitable distribution of resources between the local municipalities in its area. The said Act further reiterates the functions of local municipalities as contained in the Constitution excluding the ones referred to as district functions. This includes the provision of waste collection and disposal services and cleansing.
6. The Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) defines the alternative approaches that may be employed in delivering municipal services and the processes to be followed when such alternatives are considered. The need for integrated planning and performance monitoring of both external and internal mechanisms of service delivery are emphasised in the Systems Act. The said Act further mandates communities to be encouraged to participate in strategic decision making relating to service delivery.

*Comment prepared by: Ms. S.S. Sanders*

**RECOMMENDATION BY MUNICIPAL MANAGER:**

That the Executive Mayor together with the Mayoral Committee consider to recommend to Council to take cognisance of the progress made with the Integrated Waste Management Plan for Cape Winelands District Municipality’s Implementation Plan for the 2023/2024 financial year.

**MAYORAL COMMITTEE: 7 MAY 2024: ITEM MC.8.4.1**

**RESOLVED:**

That it be recommended to Council to take cognisance of the progress made with the Integrated Waste Management Plan for Cape Winelands District Municipality’s Implementation Plan for the 2023/2024 financial year.

**RECOMMENDATION BY MAYORAL COMMITTEE:**

That Council consider to take cognisance of the progress made with the Integrated Waste Management Plan for Cape Winelands District Municipality’s Implementation Plan for the 2023/2024 financial year.

**COUNCIL MEETING: 23 MAY 2024: ITEM C.15.5**

**RESOLVED (37 Councillors) :**

That cognisance be taken of the progress made with the Integrated Waste Management Plan for Cape Winelands District Municipality’s Implementation Plan for the 2023/2024 financial year.

Councillor T.R. Mpulanyana left the meeting at 10:45.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENT** |
| Noted. | - | - |

**C.15.7 AMENDED POLICY FOR THE PROVISION OF BASIC SERVICES FOR RURAL DWELLINGS (16/5/1/4)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PURPOSE OF SUBMISSION**

That Council consider to approve the amended policy for the provision of basic services for rural dwellers.

**BACKGROUND**

An annual project for the provision of solar warm water units is made for provision for farm dwellings on the budget. In the beginning of each financial year the landowners are contacted to test their interest in receiving subsidies for the units they applied for and that was approved by Council. Most of them then confirm that they are still interested in receiving the subsidy. Letters of approval are then forwarded to them, and the landowners then need to purchase the approved number of units and install it whereafter the subsidy amount is paid over to them.

When following up during the year a lot of the landowners indicate that their financial situation does not allow them to install the units. One reason given is that the cost for the landowner is too high and that they do not have the necessary funds to install the units during the financial year. This means that the funds budgeted for the subsidies cannot be spent and the target set for the specific financial year is also not met.

The current policy makes provision for a subsidy amount of R4,500.00 per solar warm water unit installed. This amount has not been increased since the subsidy policy was approved at the February 2016 Council meeting. Doing some research on purchase prices, the average price for a 100 litres low pressure solar warm water unit is approximately R9,400.00 with installation cost another R3,000, in total approximately R12,400.00 per unit installed.

Due to the increase in prices for solar warm water units, it requires the review of the policy, resulting in proposed amendments to the subsidy amount. It is proposed that the subsidy amount be increased from R4,500.00 to R7,500.00 per unit installed.

**COMMENT**

The approval of the amended policy is required for implementation during the 2024/2025 financial year and will assist the Department: Technical Services to increase the spending of the budgeted amount and to increase the targets achieved.

\*\*\* Attached as Annexure “A” is the proposed amended policy for the provision of basic services for rural dwellers.

**IMPLICATIONS**

**PERSONNEL**

None.

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

**FINANCIAL**

Appropriation for the provision of basic services to rural dwellers (solar warm water units) has been made as follows:

**2023/2024**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Project** | **Item** | **Ukey** | **Budget** | **Available** |
| DC02\_Infr Rural Area Farmers (Renewable Energy) | Transfer and Subsidies: Farmer Support Households (Cash) | 20220705054727 | R500 000 | R284 000 |

**2024/2025 (Draft)**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Project** | **Item** | **Ukey** | **Budget** | **Available** |
| DC02\_Infr Rural Area Farmers (Renewable Energy) | Transfer and Subsidies: Farmer Support Households (Cash) | 20220705054727 | R500 000 | R500 000 |

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

**LEGAL**

In terms of Part 3, delegation POL.1.01 of the System of Delegations, reconfirmed by Council at Item C.4.8 of 02 December 2021, the Executive Mayor has been delegated with the authority to submit policies to Council for adoption.

|  |  |  |  |
| --- | --- | --- | --- |
| **POL. 1.01** | To submit policies to Council for adoption | Council | Executive Mayor |

As this is a Council approved policy, any amendments to the policy must also be approved by Council.

*Comment prepared by: Ms. S.S. Sanders*

**RECOMMENDATION BY MUNICIPAL MANAGER:**

That the Executive Mayor together with the Mayoral Committee consider to recommend to Council to approve the amended policy for the provision of basic services for rural dwellers.

**MAYORAL COMMITTEE: 7 MAY 2024: ITEM MC.8.4.2**

**RESOLVED:**

That it be recommended Council to approve the amended policy for the provision of basic services for rural dwellers.

**RECOMMENDATION BY MAYORAL COMMITTEE:**

That Council consider to approve the amended policy for the provision of basic services for rural dwellers.

**COUNCIL MEETING: 23 MAY 2024: ITEM C.15.7**

Councillor N.D. Sauerman proposed that Council consider to approve the amended policy for the provision of basic services for rural dwellers.

The proposal by Councillor. N.D. Sauerman was seconded by Councillor J. Kriel.

The matter is put to the vote and thirty-three (33) Councillors voted in favour of the proposal.

Three (3) Councillors abstained from voting.

**RESOLVED (36 Councillors)**

That the amended policy for the provision of basic services for rural dwellers, be approved.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENT** |
| Noted. | - | - |

**C.15.8** **REVIEW OF TRANSPORT REGISTER AND OPERATING LICENCE PLAN FOR CAPE WINELANDS INTER-MUNICIPAL ROUTES (16/2/1)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PURPOSE OF SUBMISSION**

That Council consider to approve the Review of the Transport Register and Operating Licence Plan for Cape Winelands Inter-Municipal Routes and its subsequent submission to the Provincial Minister of Mobility Department.

**BACKGROUND**

Government Gazette No. 40174 dated 29 July 2016 defines the categorisation of Planning Authorities as follows:

District Municipalities:

All district municipalities are to prepare a District Integrated Transport Plan (DITP) which summarises the local integrated transport plans (LITPs) of the local municipalities in their districts. In the case where a local municipality has prepared a Comprehensive Integrated Transport Plan (CITP) the Comprehensive Integrated Transport Plan (CITP) must be incorporated as part of the District Integrated Transport Plan (DITP).

Local Municipalities:

All other municipalities are to prepare a Local Integrated Transport Plan (LITP).

**COMMENT**

The Cape Winelands District Municipality completed its District Integrated Transport Plan, which was subsequently approved by the Provincial Minister of Mobility Department in terms of section 36(4) of the National Land Transport Act (NLTA), Act 5 of 2009 on the 20th of March 2023.

Due to exponential growth of the local municipalities within the district a greater number of applications for operating licences are being submitted to the Provincial Regulatory Entity (PRE) for disposal, CWDM must conform to the requirements of section 55 of the NLTA.

The Transport Register and Operating Licence Plan for intermunicipal routes in Cape Winelands were based on the regulations published by the Minister dated 29 July 2016, Minimum Requirements (MR) for the Preparation of Integrated Transport Plans, 2016 no 881, as set out in the Government Gazette no 40174.

The analysis conducted was also to determine whether the policies as stipulated in the NLTA are being applied.

The Cape Winelands District Municipality appointed a competent transport planning consulting engineering firm, Innovative Transport Solutions (ITS), to undertake the work of preparing the necessary plans as prescribed in the Regulations as published by the Minister of Transport, Minimum Requirements for the Preparation of Integrated Transport Plans, Government Gazette No. 40174 dated 29 July 2016.

**\*\*\*** Attached, as Annexure “A”, is an Executive Summary of the Transport Register and Operating Licence Plan for Cape Winelands Inter-Municipal Routes.

*Comment prepared by: Ms. C.T. Nkasela*

**IMPLICATIONS**

**PERSONNEL**

None.

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

**FINANCIAL**

Tender 2022/080 to the value of R967 962 was funded as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **Tender 2022/080** | **Budgeted Amount** | **Actual Exp. Incl. VAT** | **Year Spent** |
| Approved roll over 2021/2022 | R672 322 | R586 717 | 2022/2023 |
| Own Funding | R400 000 | R381 245 | 2023/2024 |
| **Total** | **R1 072 322** | **R967 962** |  |

A total amount of **R1 072 322**, consisting of an approved roll over allocation from the Department of Mobility of R672 322 and own funding amounting to R400 000 in respect of the District Integrated Transport Plan (ITP), Cost account: 11615200790000, U-keys: 20220705054724, 20220705054725 had been appropriated in the 2022/2023 and 2023/2024 financial years respectively.

A competent transport planning consulting engineering firm was appointed to undertake the work of preparing the necessary plans as prescribed in terms of the relevant regulations for a total contract value of **R967 962** of which contract value was fully expensed.

Furthermore, appropriations over the new MTREF reflect as follow:

* 2023/2024 R0 No allocations from Department of Mobility
* 2024/2025 R939 000 allocation from Department of Mobility
* 2025/2026 R982 000 allocation from Department of Mobility

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

**LEGAL**

The purpose of a District Integrated Transport Plan (DITP) is to identify current and future access needs for people, places, goods and services and to plan, provide and maintain a safe, reliable, affordable, accessible and efficient transport system that integrates all modes of transport and land uses in a friendly and sustainable manner for the people and the environment.

In terms of section 36 of the National Land Transport Act, 2009 (Act No. 5 of 2009) municipalities are required to prepare a District Integrated Transport Plan.

In terms of section 36(4) each integrated transport plan must be submitted to the MEC for approval by the date determined under subsection (1), which approval must relate only to –

1. monitoring compliance with the provincial land transport framework and with this Act and other applicable legislation,
2. procedures and financial issues that affect the province,
3. seeing that the planning authority followed the correct procedures and otherwise complied with the prescribed requirements,
4. provincial policies and principles regarding transport across the boundaries of planning authorities,
5. modes and aspects of transport under the control of the provincial government or provincial public entities,
6. issues of co-ordination of transport between municipalities, or other institutions,
7. procedures and financial issues that affect the province; and
8. any other matter provided for in provincial laws.

*Comment prepared by: Ms. S.S. Sanders*

**RECOMMENDATION BY MUNICIPAL MANAGER:**

That Council consider to approve the Review of Transport Register and Operating Licence Plan for Cape Winelands Inter-Municipal Routes and its subsequent submission to the Provincial Minister of Mobility Department.

**COUNCIL MEETING: 23 MAY 2024: ITEM C.15.8**

**RESOLVED (36 Councillors) :**

That the Reviewed Transport Register and Operating Licence Plan for Cape Winelands Inter-Municipal Routes and its subsequent submission to the Provincial Minister of Mobility Department, be approved.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENT** |
| Mr F van Eck (Public Transport) to attend to the matter | 28 June 2024 | Revised Transport Register and Operating Licence Plan will be submitted to the Provincial Minister before the end of June 2024. |

**C.15.9 DISSOLUTION OF THE EXISTING TRAINING COMMITTEE AND ESTABLISHMENT OF A NEW TRAINING COMMITTEE IN ACCORDANCE WITH THE LOCAL GOVERNMENT: MUNICIPAL STAFF REGULATIONS**

**(4/8/R & 2/10/R)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PURPOSE OF SUBMISSION**

That Council consider to dissolve the existing Training Committee of the Cape Winelands District Municipality and grant delegated authority to the Municipal Manager to appoint a new Training Committee in accordance with the Local Government: Municipal Staff Regulations No. 890 and the Local Government: Guidelines for the Implementation of the Municipal Staff Regulations No  891 as 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).

**BACKGROUND**

At a workshop held on 12 December 2001, facilitated by the Provincial Manager of the LGSETA, it was proposed that municipal councils establish a training committee consisting of councillors and trade union representatives on a 50/50 basis to fulfil this role.

At Item EC.7.4 of 29 April 2003 the Executive Committee resolved that the Training Committee should consist of ten (10) members, i.e. –

(a) Employer component – five (5) members

* two (2) Councillors and three (3) officials;

(b) Employee component – five (5) members

* five (5) trade union representatives and alternates.

At Item C.15.6 of the Council Meeting held 27 January 2022 it was resolved that the following two (2) Councillors and alternates be appointed as members of the Cape Winelands District Municipality Training Committee:

Cllr. E. Groenewald

Cllr. F. Jacobs (Alternate)

Ald. R. Farao

Cllr. M.H. Yabo (Alternate)

**COMMENT**

In terms of Chapter 7: Local Public Administration and Human Resource of the Municipal Systems Act, (Act No. 32 of 2000) the Minister promulgated regulations and issued guidelines setting uniform standards for municipal staff systems and procedures for all municipal staff and senior managers. The Local Government: Municipal Staff Regulations No. 890 and Local Government: Guidelines for the Implementation of the Municipal Staff Regulations No. 891 as 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) took effect from 1 July 2022.

Cognisance must be taken that subsequent to the promulgation of the aforementioned regulations and guidelines, Circular 12 of 2022 of the Department of Cooperative Governance, addressed to all Heads of Departments responsible for Local Government in the Provinces and all Municipal Managers was communicated to Municipalities on 04 July 2022.

Paragraph 4.5 of Circular 12 of 2022 stipulates as follows:

*“Except for Chapter 2 and 4 which come into effect on 1 July 2023, the entire Regulations come into operation on 1 July 2022. The deferment of the implementation date is aimed at affording municipalities an opportunity to review and/or adopt their human resource management policies and procedures in accordance with the provisions of section 67 of the Systems Act to ensure that such policies and procedures are in conformity with the Regulations.”*

Chapter 9: General, regulation 60: Delegation of the Local Government: Municipal Staff Regulations No. 890, as 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 as follows –

1. *The municipal council may, in writing, delegate any function allocated to it in terms of these Regulations, provided that it complies with section 59 of the Act.*
2. *The municipal manager may, in writing, delegate any function allocated to him or her in terms of these Regulations, provided that the delegation-*
3. *complies with the principles set out in section 59 of the Act; and*
4. *is approved by the municipal council in accordance with the system of delegations contemplated in section 59(4) of the Act.*

Chapter 4: Skills Development, Guideline 4A: Roles and responsibilities for Skills Development of the Local Government: Guidelines for the Implementation of the Municipal Staff Regulations No. 891, as 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 as follows –

1. *A senior manager must chair the municipality’s training committee.*
2. *The training committee must have an equal number of managers and representatives of staff.*
3. *The representatives of the municipality should include the integrated development planning manager, the skills development facilitator, the manager responsible for human resources, individual and institutional performance managers, and the chief financial officer.*
4. *The representatives of staff member must include representatives of the registered trade unions recognised by the municipality or, in their absence, staff members who are representative of the municipality’s staff as a whole.*
5. *The training committee must consult, and make recommendations to the municipal council, on —*
6. *proposed improvements to skills audit processes;*
7. *findings and priorities emerging from the skills audit presented by management;*
8. *the draft workplace skills plan;*
9. *management’s regular skills development report; and*
10. *skills development policies of the municipalities.*

**IMPLICATIONS**

**PERSONNEL**

Regulation 2(1) of Chapter 1 of the Local Government: Municipal Staff Regulations No. 890 as 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 the Regulations apply to:

1. *all municipalities; and*
2. *all staff members of a municipality.*

Regulation 2 of Chapter 1 further stipulates that –

1. *Unless otherwise specified in the Regulations, these Regulations do not apply to –*
2. *all senior managers; and*
3. *persons participating in the national public works programme or a similar scheme.*
4. *The Minister may, by notice in the Gazette, extend the application of these Regulations to a municipal entity.*

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

**FINANCIAL**

R665 500 of a total appropriation amounting to R1 320 000 in respect of compliance and other training is available on the 2023/2024 financial year, Unique Key: 20220228054116, Cost Account: 11110200750000, Project: PO-0505\_Performance Management System.

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

**LEGAL**

In accordance with regulation 2(1)(a) and (b) of the Local Government: Municipal Staff Regulations, 2021, the Regulations apply to all municipalities as defined in section 2 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and all staff members of a municipality.

In terms of regulation 2(2), these Regulations must be read in conjunction with the Local Government Regulations on Minimum Competency Levels, 2007 as published in Government Gazette No. 29967 under Government Notice No 439.

Regulation 2(3) stipulates that unless otherwise specified, these Regulations do not apply to senior managers and persons participating in the national public works programme or a similar scheme.

The Local Government: Guidelines for the Implementation of the Municipal Staff Regulations No. 891 as issued in Government Gazette No. 45181, dated 20 September 2021 must be read together with, and implemented in line with the relevant Chapters of the Local Government: Municipal Staff Regulations. Any deviations from these Guidelines may be justified where sufficient reasons are provided for such deviation.

*Comment prepared by: Ms. S.S. Sanders*

**RECOMMENDATION BY MUNICIPAL MANAGER:**

That Council consider to –

1. Dissolve the existing Training Committee of the Cape Winelands District Municipality;
2. Grant delegated authority to the Municipal Manager to appoint a new Training Committee that reports directly to the Municipal Manager in accordance with the Local Government: Municipal Staff Regulations No. 890 and the Local Government: Guidelines for the Implementation of the Municipal Staff Regulations No. 891 as 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).

**COUNCIL MEETING: 25 APRIL 2024: ITEM C.15.4**

**RESOLVED (31 Councillors) :**

That the item be held in abeyance until the Council meeting to be held on Thursday, 23 May 2024.

**RECOMMENDATION BY MUNICIPAL MANAGER:**

That Council consider to –

1. Dissolve the existing Training Committee of the Cape Winelands District Municipality;
2. Grant delegated authority to the Municipal Manager to appoint a new Training Committee that reports directly to the Municipal Manager in accordance with the Local Government: Municipal Staff Regulations No. 890 and the Local Government: Guidelines for the Implementation of the Municipal Staff Regulations No. 891 as 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).

**COUNCIL MEETING: 23 MAY 2024: ITEM C.15.9**

**RESOLVED (36 COuncillors) :** That –

1. The existing Training Committee of the Cape Winelands District Municipality be dissolved;
2. Delegated authority be granted to the Municipal Manager to appoint a new Training Committee that reports directly to the Municipal Manager in accordance with the Local Government: Municipal Staff Regulations No. 890 and the Local Government: Guidelines for the Implementation of the Municipal Staff Regulations No. 891 as 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).

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENT** |
| Ms FA du Raan-Groenewald (Human Resources) in collaboration with the Municipal Manager to attend to (b). | 28 June 2024 | Municipal Manager will appoint a new Training Committee in terms of the Local Government: Municipal Staff Regulations No. 890 and the Local Government: Guidelines for the Implementation of the Municipal Staff Regulations No. 891 as 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). |

**C.15.10 APPROVAL OF STAFF ESTABLISHMENT OF THE CAPE WINELANDS DISTRICT MUNICIPALITY (4/1/1/2 & 4/1/1/3)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PURPOSE OF SUBMISSION**

That Council consider to adopt the staff establishment of the Cape Winelands District Municipality.

**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*
2. *develop a staff establishment for the municipality, and submit the staff establishment to the municipal council for approval;*
3. *provide a job description for each post on the staff establishment;*
4. *attach to those posts the remuneration and other conditions of service as may be determined in accordance with any applicable labour legislation; and*
5. *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.*
6. *Subsection (1)(c) and (d) do not apply to remuneration and conditions of service regulated by employment contracts referred to in section 57.*
7. *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.*

*(4) A decision to employ a person in a municipality, and any contract concluded between the municipality and that person in consequence of the decision, is null and void if the appointment was made in contravention of subsection (3).*

*(5) Any person who takes a decision contemplated in subsection (4), knowing that the decision is in contravention of subsection (3), may be held personally liable for any irregular or fruitless and wasteful expenditure that the municipality may incur as a result of the invalid decision.*

**Section 4** 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 –

(2) *A municipal council must –*

1. *determine the municipality’s staff establishment, which will provide the basis for each basis for each departments' strategic workforce and human resource planning.*

*The human resource planning will, in the staff supply planning process, take into account race, gender, disability, occupational level and grade with reference to their competencies, training needs and capacities;*

1. *determine the staff establishment necessary to perform its functions which will guide the staff demand planning, with particular reference to –*
2. *the number of staff members required;*

**Section 5** 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 municipality may, within its administrative and financial capacity –*
2. *establish separate departments for-*
3. *the development and town planning functions;*
4. *the provision of municipal public works and basic services to communities;*
5. *the provision of community services;*
6. *the management of the municipality's finances; and*
7. *provision of corporate support services.*
8. *provide capacity to support-*

*(i) the offices of public office bearers; and*

*(ii) the office of the municipal manager.*

1. *The organisation design metrics with the four key dimensions of the organisation design as set out in the table below must be applied by a municipality when determining the staff establishment.*

|  |  |  |  |
| --- | --- | --- | --- |
| **Dimension** | **Category A** | **Category B** | **Category C** |
| Structural layers | Six to Seven  (6-7) layers | Five to Seven  (5-7) layers | Five to Six  (5-6) layers |
| Structural shape | Strategic: 0.2 - 1%  Managerial/ Specialist: 1 - 20%  Operational: 80 - 90% | Strategic: 1%  Managerial/ Specialist: 1% - 15%  Operational: 85% - 95% | Strategic: 1%  Managerial: 5% - 15%  Specialist: 30% - 55%  Operational: 15% - 30% |
| Span of control | Municipal Manager:  7- 8  Directors:  6 – 7  Divisional Managers: 5 - 6  Managers: 5 - 6  Supervisors: 9 - 15 | Municipal Manager:  6 - 8  Directors: 5 – 7  Divisional Managers: 5 - 6  Managers: 5 - 6  Supervisors: 9 - 15 | Municipal Manager:  6 – 8  Directors: 5 – 6  Divisional Managers: 4 - 5  Managers: 4 – 5  Supervisors: 9 - 12 |
| Core to support employee ration | Core to support employee ratio of 70:30  The ratio is based on actual headcount and not number of roles | | |

*(3) The number of posts as set out in Annexure F may be provided on the approved staff establishment of the offices of the political office bearers, subject to the category, size and affordability of municipality, including approval by council of the municipality.*

*(3) Unless specified, personal security of POB’s is subject to a threat and risk analysis conducted by the South African Police Service.*

*(4) A municipality may, in exceptional circumstances and upon good cause shown, and in consultation with the relevant MEC for local government, deviate from the requirements of sub-regulation (1) and (3) after considering the following factors:*

1. *The category or type of the municipality;*
2. *the duties and functions of the municipality;*
3. *the gross income, the area of jurisdiction and the nature of the settlement within the municipality;*
4. *the financial capacity of the municipality, with the wage and salary bill not exceeding financial ratios and norms as set out in terms of Municipal Finance Management Act.*
5. *the need for the promotion of equality and uniform norms and standards.*

**Section 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-*
2. *these Regulations;*
3. *the matters listed in Part B of Schedule 4 to the Constitution and Part B of Schedule 5 to the Constitution;*
4. *Chapter 5 of the Municipal Structures Act; and*
5. *the municipality’s strategic objectives, including its core and support functions, within 12 months of one of the following:*
6. *the promulgation of these Regulations;*
7. *the election of a new municipal council; or*
8. *the adoption of a new integrated development plan of the municipality as contemplated in section 25 of the Municipal Systems Act;*
9. *changes to the powers and functions of a municipality; and*
10. *the determination of new municipal boundaries.*
11. *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.*

1. *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.*
2. *The municipal manager's report to the municipal council must-*
3. *outline the process followed in drafting the staff establishment;*
4. *set out the mandate and service delivery priorities for the municipality and how the proposed staff establishment addresses these;*
5. *summarise the proposed posts that will-*
6. *materially change;*
7. *change to a limited or non-material degree;*
8. *be abolished; and*
9. *not be affected by the changes;*
10. *motivate any proposed changes and link it to the strategic drivers within the Integrated Development Plan, including an analysis of the strengths, weaknesses and limitations of the current establishment;*
11. *provide details of the financial implications of the changes, including but not limited to the outcomes of job evaluation processes, staff remuneration costs, costs for the relocation of staff, if any, and costs of new facilities and equipment, if any;*
12. *outline the non-financial implications of the changes, including the impact on existing staff and key stakeholders within the municipality;*
13. *propose an implementation plan with specific timeframes within which the new staff establishment will take effect; and*
14. *outline the stakeholder and change management requirements.*
15. *The municipal council must, upon receipt of the review report and proposed* *staff establishment, at its next meeting or as soon as practicable, approve the staff establishment, with or without amendments by the municipal manager for the purpose of submitting it to the relevant MEC for local government.*
16. *Within 14 days of the municipal council approving the submission referred to in sub-regulation (4), the municipal manager must submit to the MEC a copy of the –*
17. *staff establishment;*
18. *council resolution; and*
19. *reports informing the staff establishment, if any.*
20. *Within one month of receiving, the documents referred to in sub-regulation (7), the MEC must consider the proposed staff establishment and submit comments to the municipal council.*
21. *If the MEC does not provide comments within the period referred to in sub-regulation (8), the municipal council may finally approve the municipality's staff establishment.*
22. *The municipal council must consider any comments received from the MEC and thereafter adopt the staff establishment.*
23. *Within 30 days of the municipal council finally adopting the staff establishment, the mayor must submit to the MEC-*
24. *a copy of the adopted staff establishment;*
25. *the council resolution adopting the staff establishment;*
26. *the reports informing the staff establishment, if any; and*
27. *the reasons for rejecting the MEC's submissions, if any.*
28. *Within 14 days of receiving the documents referred in sub-regulation (9), the MEC must submit the documents referred to in sub-regulations (7) and (9) together with a copy of the MEC's comments referred to in sub-regulation (8) to the Minister.*

**COMMENT**

The revision of the staff establishment for the Cape Winelands District municipality has been informed by the following principles:

1. Priority focused

The design must reflect and give optimal effect to the vision, mission and strategic priorities of the Cape Winelands District Municipality. The rule that structure follows strategy should apply.

2. Appropriate

The design of any functional unit should be appropriate to the function. Form should follow function. Different organisational models may thus be applied to different parts of the organisation.

3. Multi-disciplinary team-based approaches

The design should encourage multi-disciplinary team-based approaches to service delivery and policy development which emphasise participative management and harness skills and resources in a flexible and responsive manner.

4. Devolution of authority

Authority and responsibility should be devolved to the greatest extent appropriate. The design should seek to reduce the number of levels of authority and the chain of command in order to empower staff to act in a proactive but accountable manner and to minimise bureaucracy.

5. Clear lines of accountability

There should be clear lines of authority, accountability and responsibility with manageable spans of control

6. Results and performance orientation

The design should promote a results-orientated approach and should incorporate monitoring systems to ensure impact and cost-efficiency.

7. Participation and partnership

The decision-making processes of the Cape Winelands District Municipality should help give effect to its enabling, coordinating and policy roles and should promote a strong sense of partnership with its major stakeholders.

8. Strategic management and planning

The design should facilitate and encourage strong strategic management and planning. The top management component should thus have a strong strategic role and capability. However, the capacity for thinking strategically should also exist at all levels of the organisation and there should be symbiosis between the organisation’s strategic and functional components.

9. Client focused

The design should be externally directed towards the client/customer and should thus emphasise the role of front-line staff.

10. Use of information technology

The design should exploit modern information technologies to establish efficient and effective communication, information and management systems and to achieve savings.

11. Flexible approach to centralisation and decentralisation

The design should balance elements of both centralisation and decentralisation in a flexible manner so as to minimise the disadvantages of scale (remoteness) but also to maximise its benefits (economies of scale, specialisation).

12. Organisational and human resources development

The organisational design should promote on-going organisational and human resources development. In this regard more flexible approaches to job grading evaluation to allow for on-going development will need to be considered.

13. Simplicity

The design should be as simple and understandable as possible.

14. Financial sustainability/viability

The design should be realistic in terms of the Cape Winelands District Municipality’s financial capacity.

The process to develop a revised staff establishment for the Cape Winelands District Municipality commenced in June 2023 when discussions on the review of the staff establishment took place at the Senior Management meeting that was held on 13 June 2023 and the following resolution was, inter alia, taken:

**13 June 2023**

SMT.5 That –

1. Departments should review their staff establishment and submit amendments to the Division: Human Resources by 31 July 2023;
2. The template to be completed can be requested from the Division: Human Resources.

The appointed Service Provider, Ignite Advisory Services who is currently assisting the CWDM to analyse and address the gaps in terms of processes, procedures, strategies and policies, of the CWDM in accordance with the relevant Chapters of the Local Government: Municipal Staff Regulations (GN 890) and Guidelines (GN 891) assisted the Division: Human Resources to draft a Diagnostic Analysis Report on the implementation of the new Municipal Staff Regulations for the CWDM.

The aforementioned draft Diagnostic Analysis Report, together with the proposed draft revised staff establishment of the Cape Winelands District Municipality was consulted extensively with all the relevant stakeholders; inclusive of the Municipal Manager and the Senior Managers and Labour over a period of four (4) months by the Division: Human Resources in collaboration with Ignite Advisory Services.

\*\*\* The draft municipal manager's report as prescribed in terms of section 6(5) of Chapter 2 of the Local Government: Municipal Staff Regulations No. 890 issued in Government Gazette No. 45181 is attached as **Annexure “A”**.

\*\*\* The proposed draft revised staff establishment of the Cape Winelands District Municipality is included as **Annexure “B”** in the agenda. In terms of Annexure “B”, the proposed new posts are indicated in red blocks, and posts of which the reporting line will change are indicated in yellow blocks; vacant funded positions are indicated in green and vacant unfunded positions are indicated in blue and reallocated in Organogram are indicated in indicated in purple and posts of which the content will change are indicated in red text.

Preparatory consultation was held with the Workplace and Services Restructuring Committee on the revision of the staff establishment of the Cape Winelands District Municipality on 16 February 2024 and the submissions tabled at this meeting was distributed to all the parties of the LLF and was also dealt with during the consultation meeting on the revised staff establishment at the Local Labour Forum that was held on 20 February 2024.

**OFFICE OF THE MUNICIPAL MANAGER**

**Proposed new posts:**

1. Legal Advisor
2. Risk and Compliance Manager
3. Internal Auditor

**Deleted post:**

1. Deputy Director: Performance & Risk Management

**FINANCIAL & STRATEGIC SUPPORT SERVICES**

**Proposed new and reporting line changed posts:**

1. Senior Accountant Assets
2. Senior Accountant Reporting
3. Store Clerk x 4 (2 x Store Clerk posts will only be filled once post number 143 Senior Storekeeper/Buyer becomes vacant and be deleted)
4. Senior Manager: Reporting & Compliance: change in reporting line Senior Manager: Reporting & Compliance reports directly to the Chief Financial Officer
5. 1 x Supply Chain Management Practitioner and Senior Procurement Clerk change in reporting lines; will in future report directly to Senior Manager: Acquisition Management
6. 1 x Supply Chain Officer change in reporting line; will in future report directly to Supply Chain Management Practitioner

**Deleted post:**

1. Senior Storekeeper/Buyer (post number 142)

**COMMUNITY DEVELOPMENT AND PLANNING SERVICES**

**Proposed new and reporting line changed posts:**

1. Disaster management: Logistics
2. Fire Fighter (4 x posts)
3. Environmental Health Practitioners (3 x posts)
4. Head Fire Services: Operations
5. Manager: Fire Services Support and Regional Commander: Training change in reporting lines; will in future report directly to the Chief Fire Officer

**Deleted post:**

1. Deputy Chief Fire Officer (post number 811)

**CORPORATE SERVICES (NEW DEPARTMENT)**

**Divisions reporting to the ED: Corporate Services:**

1. Administrative Support Services
2. IDP- & Performance Management
3. Human Resources
4. Information- & Communication Technology

**Proposed new and reporting line changed posts:**

1. Executive Director: Corporate Services
2. Executive Secretary: Corporate Services
3. Organisational Performance-and IDP Clerk
4. Human Resources Support Clerks x 2
5. Occupational Health & Safety Officer
6. Performance & Training Clerk
7. ICT Network Security
8. 4 x Secretary Councillor Support Services and 1 x Secretary Councillor Support Services (Office of the Executive Mayor) and 2 x Administration Officer (Office of the Speaker and Office of the Deputy Executive Mayor) change in reporting lines; will in future report Administration Officer: Councillor Support.

**Deleted post:**

1. Performance and Compliance Officer (post number 925)

**TECHNICAL SERVICES**

**Proposed changed posts:**

1. Name and content change: Deputy Director: Project and Waste Management
2. Manager: Waste Management reporting line change; will in future report to Deputy Director: Project and Waste Management
3. Occupational Health & Safety Officer and Mechanical Workshop reporting lines change; will in future report to Director: Roads.
4. Administrator: IMMS Office reporting line change; will in future report to Deputy Director: Roads

**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.*

In terms of regulation 6, sub-regulation 7 of the Municipal Staff Regulations the Municipal Manager must within 14 days of a municipal council approving the staff establishment, submit to the MEC a copy of the staff establishment, council resolution and reports informing the staff establishment, if any.

Regulation 6, sub-regulation 8 determines that within one month of receiving the revised staff establishment and report, the MEC must consider the proposed staff estabhlishment and submit comments to the municipal council.

If the MEC does not provide comments within one month, the municipal council may finally approve the municipality’s staff establishment.

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

**FINANCIAL**

Should Council approve the revised staff establishment for the CWDM, the financial implication of new posts is envisaged as follows, considering affordability during the applicable budget processes:

|  |  |  |  |
| --- | --- | --- | --- |
| **CWDM MTREF FOR NEW POSTS** | | | |
|  |  |  |  |
| **New Positions** | **2024/25** | **2025/26** | **2026/27** |
| Risk and Compliance Manager | R844.900.82 |  |  |
| Executive Director Corporate | R1.701.264.00 |  |  |
| OHS Officer | R557.759.91 |  |  |
| Executive Secretary Corporate |  |  | R359.663.37 |
| Performance and Training Clerk | R379.745.18 |  |  |
| Org Performance and IDP Clerk | R379.745.18 |  |  |
| Disaster Management Logistics |  |  | R622.721.17 |
| Senior Accountant Reporting | R635.918.00 |  |  |
| Fire Fighter |  | R287.995.81 |  |
| Fire Fighter |  | R287.995.81 |  |
| ICT Network Security |  | R557.759.91 |  |
| Head Fire Services Operations |  | R844.901.00 |  |
| HR Support |  |  | R375.434.43 |
| HR Support |  |  | R375.434.43 |
| Store Clerk | R247.902.02 |  |  |
| Store Clerk | R247.902.02 |  |  |
| Store Clerk |  |  | R247.902.02 |
| Store Clerk |  |  | R247.902.02 |
| EHP Officers |  |  | R557.759.91 |
| Fire Fighter |  |  | R287.995.81 |
| Fire Fighter |  |  | R287.995.81 |
| Waste Manager |  |  | R635.918.00 |
| Legal Advisor |  |  | R923.052.41 |
| Internal Auditor |  |  | R476.308.73 |
| EHP Officers |  |  | R557.759.91 |
| Senior Accountant Assets |  |  | R622.721.17 |
| EHP Officers |  |  | R557.759.91 |
| **Totals** | **R4.995.137.13** | **R1.978.652.53** | **R7.136.329.11** |

Savings were identified from the deletion of the following posts:

|  |  |  |
| --- | --- | --- |
| **Position** | **Savings** | **New Position** |
| **Deputy Director IDP, PMS and Risk** | R1 180 571 | Refer to paragraph (a) below. |
| **Senior Storekeeper Buyer** | R 721 405 | Refer to paragraphs (c) and (d) below. |
| **Total** | **R1 901 976** |  |

Cognisance should be taken that the envisaged filling of the posts stipulated in the 2024/2025 financial year will be funded as follows:

1. Risk-and Compliance Manager within the Division: Legal, Governance, Risk and Compliance, Organisational Performance and IDP Clerk within the Division: IDP, Performance & Risk Management, Executive Director: Corporate Services from the deletion of Deputy Director: IDP and Performance Management post as well as savings still to be identified.
2. Occupational Health & Safety Officer within the Division: HR from savings still to be identified;
3. Store Clerks (x2) within the Division: SCM from the deletion of the Senior Storekeeper / Buyer post;
4. Performance and Training Clerk within the Division: HR from the deletion of the Senior Storekeeper / Buyer post as well as savings to be identified; and
5. Senior Accountant Reporting within the Division: BTO from savings still to be identified.

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

**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*
2. *develop a staff establishment for the municipality, and submit the staff establishment to the municipal council for approval;*
3. *provide a job description for each post on the staff establishment;*
4. *attach to those posts the remuneration and other conditions of service as may be determined in accordance with any applicable labour legislation; and*
5. *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.*
6. *Subsection (1)(c) and (d) do not apply to remuneration and conditions of service regulated by employment contracts referred to in section 57.*
7. *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.*

*(4) A decision to employ a person in a municipality, and any contract concluded between the municipality and that person in consequence of the decision, is null and void if the appointment was made in contravention of subsection (3).*

*(5) Any person who takes a decision contemplated in subsection (4), knowing that the decision is in contravention of subsection (3), may be held personally liable for any irregular or fruitless and wasteful expenditure that the municipality may incur as a result of the invalid decision.*

*Comment prepared by: Ms. S.S. Sanders*

**MAYORAL COMMITTEE: 6 FEBRUARY 2024: ITEM MC.11.1.1**

**RESOLVED:** That –

1. A mandate be granted to Councillors designated to represent Council on the Local Labour Forum to consult the Workplace and Services Restructuring Committee and the Local Labour Forum on the draft revised staff establishment of the Cape Winelands District Municipality; and

(b) Approval be granted that the draft revised staff establishment of the Cape Winelands District Municipality be submitted to Council for approval after consultation with the Workplace and Services Restructuring Committee and the Local Labour Forum.

**WORKPLACE AND SERVICES RESTRUCTURING COMMITTEE: 16 FEBRUARY 2024: ITEM WPSRC.4.1**

**AGREED:** That cognisance be taken that –

1. Preparatory consultation took place with the Workplace and Services Restructuring Committee on the revision of the staff establishment of the Cape Winelands District Municipality.
2. The revised staff establishment be submitted to a next meeting of the Local Labour Forum for consultation.
3. The revised staff establishment and report, after consultation with Labour, be submitted for approval by the municipal council, with or without amendments by the municipal manager for the purpose of submitting it to the relevant MEC for local government.
4. Within one month of receiving the revised staff establishment and report, the MEC must consider the proposed staff estabhlishment and submit comments to the municipal council.
5. If the MEC does not provide comments within one month, the municipal council may finally approve the municipality’s staff establishment.
6. The municipal council must consider any comments received from the MEC and thereafter adopt the staff establishment.
7. Within 30 days of the municipal council finally adopting the staff establishment, the mayor must submit to the MEC -

(i) a copy of the adopted staff establishment;

(ii) the council resolution adopting the staff establishment;

(iii) the reports informing the staff establishment, if any; and

(iv) the reasons for rejecting the MEC's submissions, if any.

1. Within 14 days of receiving the documents referred to in sub-regulation (9) 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) the MEC must submit the documents referred to in sub-regulations (7) and (9) of the aforementioned regulation together with a copy of the MEC's comments referred to in sub-regulation (8) of the Municipal Staff Regulations (No. 890) to the Minister;
2. The following inputs/comments made by the Workplace and Services Restructuring Committee be considered:

(i) SAMWU questioned whether clarity can be provided in terms non-compliance in red pertaining to the core support ratio;

1. The Employer responded that the item will be submitted to Council and thereafter it will be sent to the MEC for further inputs/comments, which will be reported back to Council. The findings in terms of the current staff establishment indicates that only one individual reports to another individual in certain divisions, and affordability and financial sustainability should be considered as per the Municipal Staff Regulations;
2. Cllr E Groenewald questioned whether clarity can be provided in terms of whether the CWDM is overstaffed or understaffed;
3. The Director: Human Resources, Ms GCN Julie, responded that the core to support employee ratio is 70:30 as required by the Municipal Staff Regulations, and it was indicated that CWDM is 74% in terms of core, which is 4% higher and 26% in terms of support, which is 4% less;
4. Cllr E Groenewald questioned whether it is a non-compliance as it is 74% and highlighted in red;
5. The Municipal Manager, Mr HF Prins, responded that it is a diagnostic analysis, and reasons will be submitted on why non-compliance occurred, however it is the first year of the implementation of the Municipal Staff Regulations. The staff establishment of each municipality differs, and their needs, local conditions and local interest should be taken into consideration to allow the municipality to develop a pragmatic staff organizational structure and also consider the resources available in terms of financial, environmental and the sustainability of the municipality.
6. IMATU questioned whether the job descriptions will be combined or re-evaluated in terms of personnel that will be placed in different function;
7. The Employer responded that the only major changes in the revised staff establishment will be the new Department: Corporate Services and those functions reporting to that department and only the affected positions should complete job descriptions, wherafter the job evaluation process will follow;
8. SAMWU questioned whether clarity can be provided in terms of the Occupational Health and Safety Officer and the Occupational Health and Safety Officer Assistant at the Division: Roads and whether a new post will reside within the Division: Human Resources;
9. The Employer responded that the Occupational Health and Safety Officer within the Division: Human Resources is a new post and the staff establishment as it was communicated by the Provincial Government of the Western Cape that the existing OHS Officer will only render support to all the official in the CWDM until 30 June 2024 and thereafter she will only perform her duties and responsibilities in respect of the Division: Roads. The revised Division: Roads staff establishment was already approved in September 2023 by Council and the Occupational Health and Safety Officer Assistant will reside under the existing Occupational Health and Safety Officer at the Division: Roads;
10. Cllr E Groenewald questioned whether the Municipal Manager, Mr HF Prins can motivate the amendment in terms of reporting lines from the Office of the Municipal Manager to the Department: Corporate Services pertaining to the Division: IGR, IDP and Organisational Performance;
11. The Municipal Manager, Mr HF Prins, responded that the Division: IGR, IDP and Organisational Performance is a transversal function, which transcends across Departments and with the alignment of the IDP, which is strategic and setting objectives, the organizational performance of the CWDM should be closely aligned with individual performance in terms of the Municipal Staff Regulations and therefore seamless integration of organizational performance and individual performance should occur;
12. IMATU questioned whether the new Director for the Department: Corporate Services will be appointed during this financial year;
13. The Employer responded that a process should occur for the approval of the staff establishment and after consultations with the LLF, it will be submitted to Council and thereafter to the MEC for comments and therefore the filling of the position is aimed in the next financial year, but it can only be determined after the confirmation by the MEC;
14. Cllr E Groenewald questioned whether the Municipal Manager, Mr HF Prins is comfortable with the weight in terms of the five divisions reporting to the Department: Corporate Services and whether the layers reporting to Corporate Services are applicable;
15. The Municipal Manager, Mr HF Prins responded that the five divisions reporting to the Department: Corporate Services is applicable;
16. IMATU questioned whether the Principal Clerks will remain within the Division: Administrative Services or will the reporting line be amended to the Division: Municipal Health Services;
17. The Employer responded that the Principal Clerks would remain within the Division: Administrative Services;
18. IMATU questioned whether the Administration Co-Ordinator is a new position;
19. The Employer responded that all new posts are indicated in red and therefore it is not a new post;
20. The Municipal Manager, Mr HF Prins indicated that the Deputy Director: Socio Economic Development should be amended to Director: Socio Economic Development;
21. Cllr E Groenewald questioned whether the posts at the Division: Roads are included on the staff establishment, which are not filled due to financial constraints;
22. The Municipal Manager, Mr HF Prins, responded that the positions were approved by Council in September 2023 and will remain on the staff establishment;
23. Cllr E Groenewald questioned whether those posts would form part of the new budget;
24. The Municipal Manager, Mr HF Prins, responded that after consultations with the divisional heads, the approved positions will remain on the staff establishment, however the filling of vacancies will only continue when clarity can be provided in terms of the funding;
25. Cllr E Groenewald requested that when the item is tabled at Council, it should be mentioned that the vacancies within the Division: Roads will be filled when funding is received;
26. The Employer concluded that the item pertaining to the revision of the staff establishment will be tabled at the Local Labour Forum and all inputs/comments will form part of the consultation process and will be submitted to the Council and thereafter to the MEC. The MEC have 30 days to respond and only there after the Council can approve the staff establishment as stipulated in the Municipal Staff Regulations. When the effected posts are approved, it should follow a job evaluation process and once the final outcomes report has been approved by the Municipal Manager, it can be implemented, and the posts will be filled in a phased in approach as outlined under the “FINACIAL IMPLICATIONS”.

**RECOMMENDATION:**

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

**LOCAL LABOUR FORUM: 20 FEBRUARY 2024: ITEM LLF.7.1**

**AGREED:** That –

1. Preparatory consultation took place with the Local Labour Forum on the revision of the staff establishment of the Cape Winelands District Municipality;
2. The revised staff establishment and report, after consultation with Labour, be submitted for approval by the municipal council, with or without amendments by the municipal manager for the purpose of submitting it to the relevant MEC for local government;
3. Within one month of receiving the revised staff establishment and report, the MEC must consider the proposed staff estabhlishment and submit comments to the municipal council;
4. If the MEC does not provide comments within one month, the municipal council may finally approve the municipality’s staff establishment.
5. The municipal council must consider any comments received from the MEC and thereafter adopt the staff establishment.
6. Within 30 days of the municipal council finally adopting the staff establishment, the mayor must submit to the MEC-

(i) a copy of the adopted staff establishment;

(ii) the council resolution adopting the staff establishment;

(iii) the reports informing the staff establishment, if any; and

(iv) the reasons for rejecting the MEC's submissions, if any.

1. Within 14 days of receiving the documents referred in sub-regulation (9) 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) the MEC must submit the documents referred to in sub-regulations (7) and (9) of the aforementioned regulation together with a copy of the MEC's comments referred to in sub-regulation (8) of the Municipal Staff Regulations (No. 890) to the Minister.
2. The following inputs/comments made by the Local Labour Forum be considered:
3. IMATU enquired the maximum layers that should report to a Executive Director;
4. The Employer responded that as per the Diagnostic Analysis Report, the number of reporting layers to a Executive Director is 5 to 6 layers for a District Municipality, however the number of reporting layers to the Executive Director: Community Development and Planning Services is currently 7 and therefore it will not be in compliance as indicated in the Diagnostic Analysis Report;
5. IMATU questioned whether CWDM will be responsible within the region for the new Division: Waste Management or will consultants be appointed as Waste Management is also a function of the Division: Municipal Health Services;
6. The Employer responded that Waste Management has always been a function of District Municipalities, in particular the development of regional waste disposal sites and construction of the site, however the operation of those sites will be outsourced. Thorough consultation processes has occurred with Labour and the procuring of a service provider for the operation of the site will commence;
7. SAMWU questioned how funding is determined as posts on the organogram within the Division: Roads are not funded. It was also questioned whether the reporting line in terms of the Principle Clerks posts be amended to the Division: Municipal Health Services or will it remain under the Division: Administrative Services;
8. The Employer responded that the posts within the Division: Roads are funding received from Provincial Government, which occurs annually to ensure the maintenance of proclaimed roads on their behalf. The Division: Roads have an ideal staff establishment, but due to constrained funding from Provincial Government, those vacancies cannot be filled, however it remains on the structure whenever funding becomes available it can be filled. Management resolved that the Principal Clerks will remain within the Division: Administrative Services but will continue to assist the Division: Municipal Health Services after thorough consideration and discussions with the consultants;
9. SAMWU questioned whether the organisation is in compliance in terms of filling of vacancies within a period of six months in accordance with the Municipal Staff Regulations;
10. The Employer responded that each individual post are assessed on its own merits and the service provider together with the Division: Human Resources is currently in the process to finalise the strategy to fill vacancies within six months and it will be tabled at the Local Labour Forum for consultation, however different challenges occur that hinder the process and such reasons are recorded at present.

**RECOMMENDATION BY MUNICIPAL MANAGER:** That –

1. Council consider to approve the revised staff establishment of the Cape Winelands District Municipality for submission to the MEC for Local Government, Environmental Affairs and Development Planning in the Western Cape Province;

(b) Council take cognisance that any comments received from the MEC will be submitted to Council for consideration, prior to considering the adoption of the final staff establishment.

**COUNCIL MEETING: 20 MARCH 2024: ITEM C.21.1**

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

Council adjourned at 11:50 and resumed its business at 11:58.

Cllr. W.M. Blom requested a caucus which was granted.

Council adjourned at 12:30 and resumed its business at 12:40.

**RESOLVED (30 Councillors):**

That the matter be dealt with at a Special Council meeting to be held on Thursday, 4 April 2024, on conclusion of a workshop regarding the Revised Staff Establishment of the Cape Winelands District Municipality to be held at 10:00 on Thursday, 4 April 2024.

**RECOMMENDATION BY MUNICIPAL MANAGER:** That –

1. Council consider to approve the revised staff establishment of the Cape Winelands District Municipality for submission to the MEC for Local Government, Environmental Affairs and Development Planning in the Western Cape Province;

(b) Council take cognisance that any comments received from the MEC will be submitted to Council for consideration, prior to considering the adoption of the final staff establishment.

**SPECIAL COUNCIL MEETING: 4 APRIL 2024: ITEM C.15.1**

The Executive Mayor, Alderman (Dr.) H. von Schlicht, proposed that –

1. Council consider to approve the revised staff establishment of the Cape Winelands District Municipality for submission to the MEC for Local Government, Environmental Affairs and Development Planning in the Western Cape Province;

(b) Council take cognisance that any comments received from the MEC will be submitted to Council for consideration, prior to considering the adoption of the final staff establishment.

Councillor J.H.P. Steyn seconded the proposal.

The matter was put to the vote and twenty-one (21) Councillors voted in favour of the proposal by the Executive Mayor, Alderman (Dr.) H. von Schlicht.

Thirteen (13) Councillors abstained from voting.

**RESOLVED (34 Councillors)** with a majority of twenty-one (21) votes that –

1. The revised staff establishment of the Cape Winelands District Municipality be approved for submission to the MEC for Local Government, Environmental Affairs and Development Planning in the Western Cape Province;

(b) Cognisance be taken that any comments received from the MEC will be submitted to Council for consideration, prior to considering the adoption of the final staff establishment.

**ADDITIONAL COMMENTS:**

The approved revised staff establishment of the Cape Winelands District Municipality was submitted to the MEC for Local Government, Environmental Affairs and Development Planning in the Western Cape Province on 12 April 2024 for his consideration.

Cognisance must be taken that the MEC for Local Government, Environmental Affairs and Development Planning in the Western Cape Province did not provide any comments in respect of the revised staff establishment of the Cape Winelands District Municipality within the prescribed periof of one month, thus, in terms of sub-regulation 8(a) it stipulates that: *“If the MEC does not provide comments within the period referred to in sub-regulation (8), the municipal council may finally approve the municipality's staff establishment”.*

**RECOMMENDATION BY MUNICIPAL MANAGER:** That –

1. Council take cognisance that the MEC for Local Government, Environmental Affairs and Development Planning in the Western Cape Province did not provide any comments in respect of the revised staff establishment of the Cape Winelands District Municipality within the prescribed period of one month;
2. Council consider to adopt the staff establishment of the Cape Winelands District Municipality for implementation with effect from 01 July 2024;
3. The Executive Mayor, within 30 days of the adoption of the staff establishment, submit to the MEC for Local Government, Environmental Affairs and Development Planning in the Western Cape Province –

(i) A copy of the adopted staff establishment;

1. The Council resolution adopting the staff establishment;

(iii) The reports informing the staff establishment, if any; and

(iv) The reasons for rejecting the MEC's submissions, if any.

**COUNCIL MEETING: 23 MAY 2024: ITEM C.15.10**

**RESOLVED (36 Councillors) :** That –

1. Cognisance be taken that the MEC for Local Government, Environmental Affairs and Development Planning in the Western Cape Province did not provide any comments in respect of the revised staff establishment of the Cape Winelands District Municipality within the prescribed period of one month;
2. The staff establishment of the Cape Winelands District Municipality be adopted for implementation with effect from 01 July 2024;
3. The Executive Mayor, within 30 days of the adoption of the staff establishment, submit to the MEC for Local Government, Environmental Affairs and Development Planning in the Western Cape Province –

(i) A copy of the adopted staff establishment;

1. The Council resolution adopting the staff establishment;

(iii) The reports informing the staff establishment, if any; and

(iv) The reasons for rejecting the MEC's submissions, if any.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENT** |
| Ms FA du Raan-Groenewald (Human Resources) in collaboration with the office of the Executive Mayor to attend to (c) | 28 June 2024 | Staff establishment, together with supporting documents, will be submitted to the MEC for Local Government, Environmental Affairs and Development Planning in the Western Cape Province. |

**C.15.11 FILLING OF EXECUTIVE DIRECTOR: CORPORATE SERVICES POST**

**(4/3/2/4)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PURPOSE OF SUBMISSION**

That Council considers to grant approval that the post of Executive Director: Corporate Services be advertised.

**BACKGROUND**

The post of Executive Director: Corporate Services is a new post on the macro structure of the Cape Winelands District Municipality in respect of the revised staff establishment.

**COMMENT**

Section 56 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, appoints a manager directly accountable to the municipal manager.*

1. *A person appointed as a manager in terms of paragraph (a) must have the relevant skills and expertise to perform the duties associated with the post in question, taking into account the protection or advancement of persons or categories of persons disadvantaged by unfair discrimination.*

Cognisance should be taken that the appointment of the Executive Director: Corporate Services must be done in terms of the Regulations on the Appointment and Conditions of Employment of Senior Managers that was Gazetted on 17 January 2014 (Gazette No. 37245 dated 17 January 2014).

In terms of regulation 7(2)(a) and (b) a vacant senior manager post may not be filled, unless approval to fill the post has been granted by the municipal council;

and the post has been budgeted for.

Regulation 8(a) and (b) stipulate that no person may be appointed as a senior manager on a fixed term contract, on a permanent basis or on probation, to any post on the approved staff establishment of a municipality, unless he or she is a South African citizen or permanent resident, and possesses the relevant competencies, qualifications, experience and knowledge set out in in the regulations.

In terms of regulation 8(2) an appointment may not take effect before the first day of the month following the month during which the municipal council approved the appointment.

In accordance with regulation 10, the municipal manager must, within fourteen (14) days of receipt of the approval referred to in regulation 7, ensure that the vacant post is advertised.

Regulation 10(3) stipulates that an advertisement for a vacant senior manager post must specify the:

(a) Job title;

(b) Term of appointment;

(c) Place to be stationed;

(d) Annual total remuneration package;

(e) Competency requirements of the post, including minimum qualifications and experience required;

(f) Core functions;

(g) Need for signing of an employment contract, a performance agreement and disclosure of financial interest;

(h) The need to undergo security vetting;

(i) Contact person;

(j) Address where applications must be sent or delivered; and

(k) Closing date which must be minimum 14 days from the date the advertisement appears in the newspaper and not more than 30 days after such date.

The Regulations on the Appointment and Conditions of Employment of Senior Managers, 2014 provides for strict time frames which must be adhered to with regard to the screening of candidates in terms of regulation 14 as well as the Interviewing process in terms of regulation 15. Due regard must be given to regulation 17 which deals with the resolution of the municipal council on the appointment of senior managers and reporting as well as the re-employment of dismissed persons in terms of regulation 18.

**IMPLICATIONS**

**PERSONNEL**

The Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers of 17 January 2014 prescribes the process to

be followed with the recruitment, selection and appointment of senior managers.

\*\*\* Attached as **Annexure “A”** is Circular 06 of 2014 issued by SALGA for the Recruitment, Selection and Appointment of Senior Managers, inclusive of a copy of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers of 17 January 2014.

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

**FINANCIAL**

Sufficient funds are available on the 2024/2025 to 2026/2027 MTREF for the filling of the Executive Director: Corporate Services post.

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

**LEGAL**

Section 57(1) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) states that a person to be appointed as the municipal manager of a municipality may be appointed to that position only in terms of a written employment contract with the municipality complying with the provisions of section 57.

Section 57(7) of the Local Government: Municipal Systems Act, 2000, provides that the contract of employment of a manager directly accountable to the municipal manager must be on a permanent basis.

The competencies, qualifications, work experience and knowledge required for the position of senior manager is set out in the Regulations on the Appointment of and Conditions of Service for Senior Managers, 2014. The competency framework and the minimum competency requirements are set out in Annexures A and B of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, 2014.

The Municipal Regulations on Minimum Competency Levels, 2007, issued in terms of Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), provides that every senior manager of a municipality must meet the minimum competency requirements set out in regulations 6 and 7 thereof.

Regulation 7(1) of the Regulations on the Appointment of and Conditions of Service for Senior Managers, 2014, stipulates that when the post of a senior manager becomes vacant, or is due to become vacant, the mayor, in the case of a municipal manager, or the municipal manager, in the case of a manager directly accountable to the municipal manager, must, upon receipt of official notification that the post of senior manager will become vacant, obtain approval from the municipal council for the filling of such post in its next council meeting or as soon as it is reasonably possible to do so.

In accordance with regulation 7(2)(a) and (b) a vacant senior manager post may not be filled, unless approval to fill the post has been granted by the municipal council and the post has been budgeted for.

Regulation 10(2) stipulates that the vacant post must be advertised in a newspaper circulating nationally, and in the province where the municipality is located.

In terms of regulations 12(1), 12(2) and 12(3), the council must appoint a selection panel to make recommendations for the appointment of candidates to the vacant post. In deciding who to appoint to the selection panel, the nature of the post, the gender balance of the panel and the skills, expertise, experience and availability of the persons to be involved must be considered to inform the decision.

Regulation 12(4) stipulates that the selection panel for the appointment of a manager directly accountable to the municipal manager must consist of at least three and not more than 5 members, constituted as follows:

1. The municipal manager who will be the chairperson of the panel;
2. A member of the mayoral committee or councillor who is the portfolio head of the relevant portfolio; and
3. At least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post.

*Comment prepared by: Ms. S.S. Sanders*

**RECOMMENDATION BY THE MUNICIPAL MANAGER:**

That Council consider to –

1. Grant approval that the post of Executive Director: Corporate Services be advertised in the following printed media:
2. Weekend Argus;
3. Die Burger;
4. Sunday Times;
5. Rapport;
6. Delegated power be granted to the Municipal Manager, in consultation with the Executive Mayor to appoint a selection panel in terms of regulation 12(4) of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers of 17 January 2014 to conduct the recruitment and selection process in respect of the post of Executive Director: Corporate Services.

**COUNCIL MEETING: 23 MAY 2024: ITEM C.15.11**

**RESOLVED (36 Councillors):** That –

1. Approval be granted that the post of Executive Director: Corporate Services be advertised in the following printed media:
2. Weekend Argus;
3. Die Burger;
4. Sunday Times;
5. Rapport;
6. Delegated power be granted to the Municipal Manager, in consultation with the Executive Mayor to appoint a selection panel in terms of regulation 12(4) of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers of 17 January 2014 to conduct the recruitment and selection process in respect of the post of Executive Director: Corporate Services.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENT** |
| Ms FA du Raan-Groenewald (Human Resources) to attend to (a).  Municipal Manager in liaison with the Executive Mayor to attend to (b) | 18 June 2024  31 December 2024 | The advertisement will be published in the various newspapers before 18 June 2024.  Process will be conducted in terms of pre-determined timeframes. |

**C.15.12 REPORT ON ACTIVITIES OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE IN QUARTER 3 OF THE 2023/2024 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 January 2024 to 31 March 2024.

**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.

**COMMENT**

\*\*\* Attached as Annexure “A” is a copy of the *“Report on activities emanating from the MPAC meeting for Quarter 3 of 2023/2024”, held on Wednesday, 24 April 2024*.

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, at 8.1, stipulates that *The MPAC will report directly to Council on the activities of the Committee,* and at 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.*

*Comment prepared by: Ms. S.S. Sanders*

**RECOMMENDATION BY THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE:**

That Council consider the activities of the Municipal Public Accounts Committee (MPAC) during the period from 01 January 2024 to 31 March 2024.

**COUNCIL MEETING: 23 MAY 2024: ITEM C.15.12**

(Councillor. X.L. Mdemka left the meeting at 11:10)

**RESOLVED (35 Councillors) :**

That cognisance be taken of the activities of the Municipal Public Accounts Committee (MPAC) during the period from 01 January 2024 to 31 March 2024.

The meeting adjourned at 11:15 and resumed its business at 11:26.

(Cllrs. T.R. Mpulanyana and X.L. Mdemka joined the meeting at 11:30)

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENT** |
| Noted. | - | - |

**C.15.13 DRAFT 2024/2025, 2025/2026 AND 2026/2027 MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK (MTREF) FOR THE CAPE WINELANDS DISTRICT MUNICIPALITY (5/1/1/10)**

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**PURPOSE OF SUBMISSION**

That Council consider to adopt the draft 2024/2025, 2025/2026 and 2026/2027 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality.

**BACKGROUND**

In terms of section 16 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) a council of a municipality must for each financial year approve an annual budget for the municipality before the start of the financial year.

In order for a municipality to comply with section 16(1) of the said Act, the mayor must table the annual budget at a council meeting at least 90 days before the start of the budget year.

Section 15 of the MFMA prescribes that a municipality may incur expenditure only:

*15 (a) In terms of an approved budget; and*

*(b) Within the limits of the amounts appropriated for the different votes in an approved budget.*

The contents of the annual budget must consist of the following documents as prescribed in terms of section 17 of the MFMA:

1. Realistically anticipated income and expenditure per vote for the budget year and the two financial years following the budget year;

1. Budget related policies of the Council (Tariff, Rates & Credit Control Policies);

3. Details of Council’s investments for the budget year;

4. Details of all proposed service delivery agreements, including material amendments to existing service delivery agreements;

5. Particulars of any proposed allocations or grants by the municipality in terms of sections 67 and 17(3)(j) of the MFMA;

6. The proposed cost to the municipality for the budget year of the salary, allowances and benefits of political office bearers and senior managers;

7. Capital expenditure and projects envisioned within the budget year.

**COMMENT**

\*\*\* Attached as Annexures “A” to “R” is a copy of the draft 2024/2025, 2025/2026 and 2026/2027 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality as well as related documents as prescribed by the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA).

The IDP/Budget process for the 2024/2025 financial year was a consultative process – including the Budget Steering Committee, Executive Directors, Senior Managers, Councillors and other stakeholders.

The MTREF (2024 – 2027) has been compiled in accordance with the budget growth guidelines determined by National Treasury. Personnel expenditure (Salaries, Wages and Allowances) increased by 5% for 2024/2025, 2025/2026 and 2026/2027. The Budget Steering Committee, established in terms of the Budget and Reporting Regulations, 2008, comprehensively scrutinised the proposed MTREF.

**IMPLICATIONS**

**PERSONNEL**

None.

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

**FINANCIAL**

Financial implications were addressed adequately in the contents of the item and concomitant Annexures.

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

**LEGAL**

Legal implications are adequately addressed in the contents of the item.

*Comment prepared by: Ms. S.S. Sanders*

**DECLARATION BY MANAGEMENT**

Management declare that they followed all guidelines prescribed by the relevant legislation during the budget process.

**RECOMMENDATION BY MUNICIPAL MANAGER:**

1. That the Executive Mayor together with the Mayoral Committee consider to recommend to Council to adopt the draft 2024/2025, 2025/2026 and 2026/2027 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality as outlined in the attached Annexures for public participation for inspection, public representations, inputs and comment:
2. The draft Medium Term Revenue and Expenditure Framework for the 2024/2025, 2025/2026 and 2026/2027 financial years as set out in Annexure “A”;

(ii) Adjustments to the budget related policies submitted as Annexure “B”;

(iii) Details of Council’s investments as set out in Annexure “C”;

(iv) Details of all proposed service delivery agreements, including material amendments to existing service delivery agreements as set out in Annexure “D”;

(v) Cape Winelands District Municipality Draft 2nd Review Integrated Development Plan (IDP) 2024/2025 as set out in Annexure E;

(vi) Details of employment costs – salaries, allowances and benefits – of all political office-bearers, councillors and senior managers of the Cape Winelands District Municipality as set out in Annexure “F”;

(vii) Capital expenditure within the budget year as set out in Annexure “G”;

(viii) Projects to be undertaken within the budget year as set out in Annexure “H”;

(ix) Particulars of all proposed allocations and grants by the District Municipality in terms of section 67 of the MFMA, as set out in Annexure “I”;

(x)Proposed Tariffs for the 2024/2025 financial year as set out in Annexure “J”;

1. Service Delivery Standard as set out in Annexure “K”;
2. Measurable performance objectives for revenue from each source and for each vote in the budget, taking into account the District Municipality’s Integrated Development Plan (IDP) as part of Annexure “L”; and
3. Demand Plan as set out in Annexure “M”;
4. That cognisance be taken of –
5. MFMA Circular No. 126: Municipal Budget Circular for the 2024/2025 MTREF – 07 December 2023, attached as Annexure “N”;
6. The Cape Winelands District Municipality’s:
7. Air Quality Management Plan, attached as Annexure “O”;
8. Spatial Development Framework (2021-2025), attached as Annexure “P”;
9. Integrated Waste Management Plan, attached as Annexure “Q”;
10. Corporate Disaster Management Planning Framework, attached as Annexure “R”.

Annexure “E” and all the annexures referred to in subsection (b) of the recommendation by the Municipal Manager, will be distributed via flash drive to the Councillors receiving a hard copy of the Mayoral Committee agenda.

**MAYORAL COMMITTEE: 5 MARCH 2024: ITEM MC.8.2.1**

**RESOLVED:** That –

* 1. It be recommended to Council to adopt the draft 2024/2025, 2025/2026 and 2026/2027 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality as outlined in the attached Annexures for public participation for inspection, public representations, inputs and comment, subject thereto that adjustments be made within the current appropriation, based on the verbal input tabled during the meeting:

1. The draft Medium Term Revenue and Expenditure Framework for the 2024/2025, 2025/2026 and 2026/2027 financial years as set out in Annexure “A”;

(ii) Adjustments to the budget related policies submitted as Annexure “B”;

(iii) Details of Council’s investments as set out in Annexure “C”;

(iv) Details of all proposed service delivery agreements, including material amendments to existing service delivery agreements as set out in Annexure “D”;

(v) Cape Winelands District Municipality Draft 2nd Review Integrated Development Plan (IDP) 2024/2025 as set out in Annexure E;

(vi) Details of employment costs – salaries, allowances and benefits – of all political office-bearers, councillors and senior managers of the Cape Winelands District Municipality as set out in Annexure “F”;

(vii) Capital expenditure within the budget year as set out in Annexure “G”;

(viii) Projects to be undertaken within the budget year as set out in Annexure “H”;

(ix) Particulars of all proposed allocations and grants by the District Municipality in terms of section 67 of the MFMA, as set out in Annexure “I”;

(x)Proposed Tariffs for the 2024/2025 financial year as set out in Annexure “J”;

1. Service Delivery Standard as set out in Annexure “K”;
2. Measurable performance objectives for revenue from each source and for each vote in the budget, taking into account the District Municipality’s Integrated Development Plan (IDP) as part of Annexure “L”;
3. Demand Plan as set out in Annexure “M”;

(b) Cognisance be taken of –

1. MFMA Circular No. 126: Municipal Budget Circular for the 2024/2025 MTREF – 07 December 2023, attached as Annexure “N”;
2. The Cape Winelands District Municipality’s:
3. Air Quality Management Plan, attached as Annexure “O”;
4. Spatial Development Framework (2021-2025), attached as Annexure “P”;
5. Integrated Waste Management Plan, attached as Annexure “Q”;
6. Corporate Disaster Management Planning Framework, attached as Annexure “R”.

Annexure “E” and all the annexures referred to in subsection (b) of the recommendation by the Municipal Manager, will be distributed via flash drive to the Councillors receiving a hard copy of the Mayoral Committee agenda.

**RECOMMENDATION BY MAYORAL COMMITTEE:**

1. That it be recommended to Council to adopt the draft 2024/2025, 2025/2026 and 2026/2027 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality as outlined in the attached Annexures for public participation for inspection, public representations, inputs and comment, subject thereto that adjustments be made within the current appropriation, based on the verbal input tabled during the meeting:
2. The draft Medium Term Revenue and Expenditure Framework for the 2024/2025, 2025/2026 and 2026/2027 financial years as set out in Annexure “A”;

(ii) Adjustments to the budget related policies submitted as Annexure “B”;

(iii) Details of Council’s investments as set out in Annexure “C”;

(iv) Details of all proposed service delivery agreements, including material amendments to existing service delivery agreements as set out in Annexure “D”;

(v) Cape Winelands District Municipality Draft 2nd Review Integrated Development Plan (IDP) 2024/2025 as set out in Annexure E;

(vi) Details of employment costs – salaries, allowances and benefits – of all political office-bearers, councillors and senior managers of the Cape Winelands District Municipality as set out in Annexure “F”;

(vii) Capital expenditure within the budget year as set out in Annexure “G”;

(viii) Projects to be undertaken within the budget year as set out in Annexure “H”;

(ix) Particulars of all proposed allocations and grants by the District Municipality in terms of section 67 of the MFMA, as set out in Annexure “I”;

(x)Proposed Tariffs for the 2024/2025 financial year as set out in Annexure “J”;

1. Service Delivery Standard as set out in Annexure “K”;

(xii) Service Delivery Standard as set out in Annexure “K”; and Measurable performance objectives for revenue from each source and for each vote in the budget, taking into account the District Municipality’s Integrated Development Plan (IDP) as part of Annexure “L”;

(xiii) Demand Plan as set out in Annexure “M”;

1. That cognisance be taken of –
2. MFMA Circular No. 126: Municipal Budget Circular for the 2024/2025 MTREF – 07 December 2023, attached as Annexure “N”;

(ii) The Cape Winelands District Municipality’s:

1. Air Quality Management Plan, attached as Annexure “O”;
2. Spatial Development Framework (2021-2025), attached as Annexure “P”;
3. Integrated Waste Management Plan, attached as Annexure “Q”;
4. Corporate Disaster Management Planning Framework, attached as Annexure “R”.

Annexure “E” and all the annexures referred to in subsection (b) of the recommendation by the Mayoral Committee, will be distributed via flash drive to the Councillors receiving a hard copy of the Council agenda.

**COUNCIL MEETING: 20 MARCH 2024: ITEM C.15.4**

\*\*\* The Executive Mayor presented her Budget Speech on the draft 2024/2025, 2025/2026 and 2026/2027 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality to Council, a copy of which is attached as Annexure “A” to the minutes.

Councillor J.H.P. Steyn congratulated the Executive Mayor on her budget speech and indicated his support for the draft 2024/2025, 2025/2026 and 2026/2027 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality.

The Executive Mayor, Alderman (Dr.) H. von Schlicht, seconded by Councillor J. Kriel, proposed that the draft 2024/2025, 2025/2026 and 2026/2027 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality, as outlined in the attached Annexures, be approved for public participation, inspection, public representations, inputs and comment.

The matter was put to the vote and thirty (30) Councillors voted in favour of the proposal by the Executive Mayor, Alderman (Dr.) H. von Schlicht.

Councillor C.F. Wilskut abstained from voting.

**RESOLVED (30 Councillors) :** That –

1. The draft 2024/2025, 2025/2026 and 2026/2027 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality as outlined in the attached Annexures, be approved for public participation, inspection, public representations, inputs and comment:
2. The draft Medium Term Revenue and Expenditure Framework for the 2024/2025, 2025/2026 and 2026/2027 financial years as set out in Annexure “A”;

(ii) Adjustments to the budget related policies submitted as Annexure “B”;

(iii) Details of Council’s investments as set out in Annexure “C”;

(iv) Details of all proposed service delivery agreements, including material amendments to existing service delivery agreements as set out in Annexure “D”;

(v) Cape Winelands District Municipality Draft 2nd Review Integrated Development Plan (IDP) 2024/2025 as set out in Annexure E;

(vi) Details of employment costs – salaries, allowances and benefits – of all political office-bearers, councillors and senior managers of the Cape Winelands District Municipality as set out in Annexure “F”;

(vii) Capital expenditure within the budget year as set out in Annexure “G”;

(viii) Projects to be undertaken within the budget year as set out in Annexure “H”;

(ix) Particulars of all proposed allocations and grants by the District Municipality in terms of section 67 of the MFMA, as set out in Annexure “I”;

(x)Proposed Tariffs for the 2024/2025 financial year as set out in Annexure “J”;

The tariffs for Waste Management Services - Landfill Site Worcester be amended to read as follows:

|  |  |  |  |
| --- | --- | --- | --- |
| **TARIFF DESCRIPTION** | **Tariff**  **(per tonne)** | **Amount Excl.**  **V.A.T.** | **V.A.T.** |
|  | | | |
| Cost per tonne - dumping of general household waste - Private | **R383.82** | *R333.76* | *R50.06* |
| Cost per tonne - general household waste - Municipalities | **R230.81** | *R200.70* | *R30.11* |
| Cost per tonne - rehabilitation contribution - Municipalities | **R28.68** | *R24.94* | *R3.74* |

1. Service Delivery Standard as set out in Annexure “K”;

(xii) Service Delivery Standard as set out in Annexure “K”; and Measurable performance objectives for revenue from each source and for each vote in the budget, taking into account the District Municipality’s Integrated Development Plan (IDP) as part of Annexure “L”;

(xiii) Demand Plan as set out in Annexure “M”;

1. That cognisance be taken of –
2. MFMA Circular No. 126: Municipal Budget Circular for the 2024/2025 MTREF – 07 December 2023, attached as Annexure “N”;

(ii) The Cape Winelands District Municipality’s:

(aa) Air Quality Management Plan, attached as Annexure “O”;

(bb) Spatial Development Framework (2021-2025), attached as Annexure “P”;

1. Integrated Waste Management Plan, attached as Annexure “Q”;
2. Corporate Disaster Management Planning Framework, attached as Annexure “R”.

**RECOMMENDATION BY MUNICIPAL MANAGER**

That the Executive Mayor together with the Mayoral Committee consider to recommend to Council to approve the following:

(a) The draft 2024/2025, 2025/2026 and 2026/2027 Medium Term Revenue and Expenditure Framework (MTREF), as amended, for the Cape Winelands District Municipality as outlined in the attached Annexures that were submitted for public participation, inspection, public representations, inputs and comment, be approved:

1. The draft Medium Term Revenue and Expenditure Framework for the 2024/2025, 2025/2026 and 2026/2027 financial years as set out in Annexure “A”;
2. Adjustments to the budget related policies submitted as Annexure “B”;
3. Details of Council’s investments as set out in Annexure “C”;

(iv) Details of all proposed service delivery agreements, including material amendments to existing service delivery agreements as set out in Annexure “D”;

(v) Cape Winelands District Municipality Draft 2nd Review Integrated Development Plan (IDP) 2024/2025 as set out in Annexure E;

(vi) Details of employment costs – salaries, allowances and benefits – of all political office-bearers, councillors and senior managers of the Cape Winelands District Municipality as set out in Annexure “F”;

(vii) Capital expenditure within the budget year as set out in Annexure “G”;

(viii) Projects to be undertaken within the budget year as set out in Annexure “H”;

(ix) Particulars of all proposed allocations and grants by the District Municipality in terms of section 67 of the MFMA, as set out in Annexure “I”;

(x) Proposed Tariffs for the 2024/2025 financial year as set out in Annexure “J”;

(xi) Service Delivery Standard as set out in Annexure “K”;

(xii) Measurable performance objectives for revenue from each source and for each vote in the budget, taking into account the District Municipality’s Integrated Development Plan (IDP) as part of Annexure “L”;

(xiii) Demand Plan as set out in Annexure “M”;

(b) That cognisance be taken of –

(i) MFMA Circular No. 126: Municipal Budget Circular for the 2024/2025 MTREF – 07 December 2023, attached as Annexure “N”;

(ii) The Cape Winelands District Municipality’s:

(aa) Air Quality Management Plan, attached as Annexure “O”;

(bb) Spatial Development Framework (2021-2025), attached as Annexure “P”;

(cc) Integrated Waste Management Plan, attached as Annexure “Q”;

(dd) Corporate Disaster Management Planning Framework, attached as Annexure “R”;

1. Report on the Strategic Integrated Municipal Engagement 2024 attached as Annexure “S”.

The budget related policies to be amended referred to in Annexure “B”, as well as Annexure “E”, and all the annexures referred to in subsection (b) of the recommendation by the Municipal Manager, will be distributed via flash drive to the Councillors receiving a hard copy of the Mayoral Committee agenda.

**MAYORAL COMMITTEE: 7 MAY 2024: ITEM MC.8.2.1**

**RESOLVED:**

That it be recommended to Council to approve the following:

1. The draft 2024/2025, 2025/2026 and 2026/2027 Medium Term Revenue and Expenditure Framework (MTREF), as amended, for the Cape Winelands District Municipality as outlined in the attached Annexures that were submitted for public participation, inspection, public representations, inputs and comments:
2. The draft Medium Term Revenue and Expenditure Framework for the 2024/2025, 2025/2026 and 2026/2027 financial years as set out in Annexure “A”;

(ii) Adjustments to the budget related policies submitted as Annexure “B”, subject thereto that adjustments be made based on the verbal input tabled during the meeting;

1. Details of Council’s investments as set out in Annexure “C”;

(iv) Details of all proposed service delivery agreements, including material amendments to existing service delivery agreements as set out in Annexure “D”;

(v) Cape Winelands District Municipality Draft 2nd Review Integrated Development Plan (IDP) 2024/2025 as set out in Annexure E;

(vi) Details of employment costs – salaries, allowances and benefits – of all political office-bearers, councillors and senior managers of the Cape Winelands District Municipality as set out in Annexure “F”;

(vii) Capital expenditure within the budget year as set out in Annexure “G”;

(viii) Projects to be undertaken within the budget year as set out in Annexure “H”;

(ix) Particulars of all proposed allocations and grants by the District Municipality in terms of section 67 of the MFMA, as set out in Annexure “I”;

(x) Proposed Tariffs for the 2024/2025 financial year as set out in Annexure “J”;

(xi) Service Delivery Standard as set out in Annexure “K”;

(xii) Measurable performance objectives for revenue from each source and for each vote in the budget, taking into account the District Municipality’s Integrated Development Plan (IDP) as part of Annexure “L”;

(xiii) Demand Plan as set out in Annexure “M”;

(b) That cognisance be taken of –

(i) MFMA Circular No. 126: Municipal Budget Circular for the 2024/2025 MTREF – 07 December 2023, attached as Annexure “N”;

(ii) The Cape Winelands District Municipality’s:

(aa) Air Quality Management Plan, attached as Annexure “O”;

(bb) Spatial Development Framework (2021-2025), attached as Annexure “P”;

(cc) Integrated Waste Management Plan, attached as Annexure “Q”;

(dd) Corporate Disaster Management Planning Framework, attached as Annexure “R”;

(ee) Report on the Strategic Integrated Municipal Engagement 2024 attached as Annexure “S”.

**RECOMMENDATION BY THE MAYORAL COMMITTEE:**

That Council consider to approve the following:

(a) The draft 2024/2025, 2025/2026 and 2026/2027 Medium Term Revenue and Expenditure Framework (MTREF), as amended, for the Cape Winelands District Municipality as outlined in the attached Annexures that were submitted for public participation, inspection, public representations, inputs and comments:

(i) The draft Medium Term Revenue and Expenditure Framework for the 2024/2025, 2025/2026 and 2026/2027 financial years as set out in Annexure “A”;

(ii) Adjustments to the budget related policies submitted as Annexure “B”;

(iii) Details of Council’s investments as set out in Annexure “C”;

(iv) Details of all proposed service delivery agreements, including material amendments to existing service delivery agreements as set out in Annexure “D”;

(v) Cape Winelands District Municipality Draft 2nd Review Integrated Development Plan (IDP) 2024/2025 as set out in Annexure E;

(vi) Details of employment costs – salaries, allowances and benefits – of all political office-bearers, councillors and senior managers of the Cape Winelands District Municipality as set out in Annexure “F”;

(vii) Capital expenditure within the budget year as set out in Annexure “G”;

(viii) Projects to be undertaken within the budget year as set out in Annexure “H”;

(ix) Particulars of all proposed allocations and grants by the District Municipality in terms of section 67 of the MFMA, as set out in Annexure “I”;

(x) Proposed Tariffs for the 2024/2025 financial year as set out in Annexure “J”;

(xi) Service Delivery Standard as set out in Annexure “K”;

(xii) Measurable performance objectives for revenue from each source and for each vote in the budget, taking into account the District Municipality’s Integrated Development Plan (IDP) as part of Annexure “L”;

(xiii) Demand Plan as set out in Annexure “M”;

(b) That cognisance be taken of –

(i) MFMA Circular No. 126: Municipal Budget Circular for the 2024/2025 MTREF, dated 07 December 2023 and MFMA Circular No. 128: Municipal Budget Circular for the 2024/2025 MTREF, dated 08 March 2024, attached as Annexure “N”;

(ii) The Cape Winelands District Municipality’s:

(aa) Air Quality Management Plan, attached as Annexure “O”;

(bb) Spatial Development Framework (2021-2025), attached as Annexure “P”;

(cc) Integrated Waste Management Plan, attached as Annexure “Q”;

(dd) Corporate Disaster Management Planning Framework, attached as Annexure “R”;

(ee) Report on the Strategic Integrated Municipal Engagement 2024 attached as Annexure “S”.

The budget related policies to be amended referred to in Annexure “B”, as well as Annexure “E”, and all the annexures referred to in subsection (b) of the recommendation by the Municipal Manager, will be distributed via flash drive to the Councillors receiving a hard copy of the Mayoral Committee agenda.

**COUNCIL MEETING: 23 MAY 2024: ITEM C.15.13**

The Executive Mayor presented her budget speech on the draft 2024/2025, 2025/2026 and 2026/2027 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality to Council, a copy of which is attached as Annexure “A” to the minutes.

The Executive Mayor, Alderman (Dr.) H. von Schlicht tabled the draft 2024/2025, 2025/2026 and 2026/2027 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality.

Councillors W.C. Petersen and E. Groenewald indicated their support for the draft 2024/2025, 2025/2026 and 2026/2027 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality.

Council adjourned at 12:32 and resumed its business at 13:09.

Councillor D. Swart, seconded by Councillor E. Groenewald, proposed that the draft 2024/2025, 2025/2026 and 2026/2027 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality, be approved.

The proposal by Councillor D. Swart was put to the vote and twenty -six (26) Councillors voted in favour of the proposal by Councillor. D. Swart and eleven (11) Councillors voted against the proposal.

**RESOLVED (37 Councillors) :** That –

1. Cognisance be taken that the completion of the construction of the Regional Landfill Site is expected to be in the fourth quarter of the 2024/2025 financial year, thus –
2. The Regional Landfill Site will only be operational with effect from 1 July 2025;
3. No loan repayments are envisaged for 2024/2025 financial year; and
4. No tariffs and fees would apply for the 2024/2025 financial year;
5. The tariffs and fees in respect of the Regional Land Fill Site for the 2024/2025 financial year as contained in the draft 2024/2025 to 2026/2027 Medium Term Revenue and Expenditure Framework (MTREF) be removed, and that Revenue and Expenditure respectively be reduced with R11 306 723 and R9 370 997;
6. The draft 2024/2025, 2025/2026 and 2026/2027 Medium Term Revenue and Expenditure Framework (MTREF), as amended, for the Cape Winelands District Municipality as outlined in the attached Annexures that were submitted for public participation, inspection, public representations, inputs and comments, be approved:
7. Adjustments to the budget related policies submitted as Annexure “B”;
8. Details of Council’s investments as set out in Annexure “C”;

(iii) Details of all proposed service delivery agreements, including material amendments to existing service delivery agreements as set out in Annexure “D”;

1. Cape Winelands District Municipality Draft 2nd Review Integrated Development Plan (IDP) 2024/2025 as set out in Annexure E;
2. Details of employment costs – salaries, allowances and benefits – of all political office-bearers, councillors and senior managers of the Cape Winelands District Municipality as set out in Annexure “F”;
3. Capital expenditure within the budget year as set out in Annexure “G”;
4. Projects to be undertaken within the budget year as set out in Annexure “H”;
5. Particulars of all proposed allocations and grants by the District Municipality in terms of section 67 of the MFMA, as set out in Annexure “I”;
6. The proposed Tariffs for the 2024/2025 financial year as set out in Annexure “J”;
7. Service Delivery Standard as set out in Annexure “K”;
8. Measurable performance objectives for revenue from each source and for each vote in the budget, taking into account the District Municipality’s Integrated Development Plan (IDP) as part of Annexure “L”;
9. Demand Plan as set out in Annexure “M”;

(b) That cognisance be taken of –

1. MFMA Circular No. 126: Municipal Budget Circular for the 2024/2025 MTREF, dated 07 December 2023 and MFMA Circular No. 128: Municipal Budget Circular for the 2024/2025 MTREF, dated 08 March 2024, attached as Annexure “N”;
2. The Cape Winelands District Municipality’s:

(aa) Air Quality Management Plan, attached as Annexure “O”;

(bb) Spatial Development Framework (2021-2025), attached as Annexure “P”;

(cc) Integrated Waste Management Plan, attached as Annexure “Q”;

(dd) Corporate Disaster Management Planning Framework, attached as Annexure “R”;

(ee) Report on the Strategic Integrated Municipal Engagement 2024 attached as Annexure “S”.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENT** |
| Ms FA du Raan-Groenewald (Budget and Treasury Office) to attend to the matters.  Ms FA du Raan-Groenewald (Admin Support) to attend to the publication of the Annual Budget.  Office of the Municipal Manager (IDP, Performance and Risk Management) to attend to IDP matters | 30 June 2024  31 May 2024  30 June 2024 | Concluded  Official notices will be published in newspapers as from 24 May 2024.  All IDP related matters (publication, submission, etc) will be attended to by the end of June 2024. |

All officials except the following were excused from the meeting at 13:19 before the consideration of confidential matters:

Mr. H.F. Prins (Municipal Manager)

Ms. F.A. du Raan-Groenewald

Mr. F. van Eck

Mr. PA. Williams

Ms. K. Smit

Ms. S.S. Sanders

Ms. G.C.N. Julie

Mr. D.A. Heath

Ms. M.L. Mdingi