**CAPE WINELANDS DISTRICT MUNICIPALITY**

**MINUTES OF THE COUNCIL MEETING OF THE CAPE WINELANDS DISTRICT MUNICIPALITY HELD ON THURSDAY, 26 MAY 2022 AT 10:00 IN THE COUNCIL CHAMBER, CAPE WINELANDS DISTRICT MUNICIPALITY, TRAPPES STREET, WORCESTER**

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

**COUNCILLORS**

Cllr. D.D. Joubert (Speaker)

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

Ald. M. Sampson (Executive Deputy Mayor)

Ald. K. Adams

Cllr. W.M. Blom (Virtual)

Cllr. M.N. Bushwana

Cllr. G.J. Carinus

Cllr. A.J. du Plessis

Cllr. R. Farao (Virtual)

Cllr. G.J. Fredericks

Cllr. S. Goedeman

Cllr. E. Groenewald

Cllr. V. Hani

Cllr. J.J.S. Januarie

Cllr. F. Jacobs

Cllr. D.B. Janse

Cllr. C.O. Klaaste

Cllr. J. Kriel

Cllr. M.S. Liebenberg

Cllr. J. Maliti

Cllr. C. Manuel

Cllr. X.L. Mdemka

Ald. C. Meyer

Cllr. T.R. Mpulanyana

Cllr. R.S. Nalumango

Cllr. D.W. Nel

Cllr. L. Ngwane

Cllr. A.J. Pedro

Cllr. W.C. Petersen

Cllr. N. Phatsoane

Cllr. A.M. Richards

Cllr. N.D. Sauerman

Cllr. J. Smit

Cllr. M. Smit

Ald. R. Smuts

Cllr. J.H.P. Steyn

Council Meeting

26 May 2022

Cllr. D. Swart

Cllr. M. van Stade

Cllr. M.H. Yabo

**ABSENT**

None

**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. W.M. Neethling

Ms. B.T. Daries

Ms. E.J. Otto

Mr. M.J. Lesch

Ms. G.C.N. Julie

Ms. N. Sigwela

Ms. R.A. Leo

Ms. M.R. Matthyse

Mr. C.J.M. Arangie

Ms. J. Swanepoel

Ms S.C. Green

Mr. A.M. Gabier

Mr. R. Hollenbach

Mr. D.A. Heath

Ms. L. Mdingi

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

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

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

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

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

Not applicable.

Council Meeting

26 May 2022

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

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

The Executive Mayor, Alderman (Dr.) H. von Schlicht declared her indirect interest pertaining to projects contained in Item C 15.1 of the agenda 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 2000 (Act No. 117 of 1998) with specific reference to an allocation to the ACVV Wellington.

Councillor G.J. Carinus declared his indirect interest pertaining to projects contained in Item C 15.1 of the agenda 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 2000 (Act No. 117 of 1998) with specific reference to allocations to the Carinus Family Trust.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENTS** |
| Noted | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

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

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

**COUNCILLORS**

Cllr. E.G. Arendse

Cllr. C.F. Wilskut

**OFFICIALS**

None.

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

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

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

**Councillor Birthdays: May 2022**

I would like to congratulate the following Councillors who have celebrated their birthdays during May 2022:

06 May : Cllr. M.S. Liebenberg

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

Council Meeting

26 May 2022

I wish that you will be blessed with happiness, good luck and success in your life.

The Administration will distribute a concept Rules of Order document with proposed amendments, on conclusion of this meeting and all Councillors are requested to provide my office with their comments/inputs within 14 calendar days from today.

I also want to confirm that a Speakers List is compiled before every Council meeting in order to provide Councillors the opportunity to speak on items as requested. All Councillors are requested to refrain from making unnecessary remarks and to act as leaders with respect to each other during meetings.

**VIRTUAL ATTENDANCE OF COUNCIL MEETING**

**RESOLVED (Unopposed):** That –

1. Permission be granted that Councillors W.M. Blom and R. Farao attend the Council meeting virtually due to restricted access to the Council Chambers.
2. Cognisance be taken:
3. That Councillor R. Farao will join the Council meeting virtually via a laptop provided by the Administration;
4. Should a similar request for the virtual attendance of Council meetings be received in future, the Speaker will liaise with the Whips of the political parties presented in Council, and will also submit the request to the applicable Council meeting;
5. The arrangement in (b)(ii) above not be viewed as creating a precedent and that each request be assessed on its own merit;
6. In the case of virtual attendance be granted to a Councillor, he/she must utilize the tools of trade issued to him/her in order to ensure that the virtual attendance register is a true reflection of the attendance of the meeting.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENTS** |
| Noted | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

Council Meeting

26 May 2022

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

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

1. **AFRIKAANSE TAALMONUMENT**

There is currently a lively debate in South Africa about the name change of the Afrikaanse Taalmonument as part of a transformation process. The district serves a diverse group of people with a variety of languages, of which Afrikaans is one of these languages. The retention of Afrikaans as a name in the Afrikaanse Taalmonument does not detract or take the value away from any of the other languages that are also used in our district. The Afrikaanse Taalmonument as it is in its current format is a very important tourist attraction and we cannot afford to lose out in our tourism sector. I undertake to come back to Council to inform them on what transformation projects the Afrikaanse Taalmonument is doing to create an inclusive CWDM community.

Ek as die Uitvoerende Burgemeester van die Kaapse Wynland Distriksmunisipaliteit bepleit die behoud van die naam “Afrikaans” in the Afrikaanse Taalmonument.

*“Die taal is nie dood nie*

*nòg by Langa nòg by Nyanga*

*nòg by Orlando nòg by Sharpeville…*

*die taal wat ‘n man geword het trek deur die ganse Afrika*

*die taal wat ‘n reus geword het reis deur die hele wêreld”*

DIE KIND

Ingrid Jonker

1. **CENSUS - FINAL CALL**

Statistics South Africa (Stats SA) has made their final call to all residents to be counted. The closing date for the census count is 31 May 2022, we have less than a week left and are on 67% in the Cape Winelands.

As the Executive Mayor, I am making a final call on all Councillors to be actively involved in sharing the message, encouraging all of you to get counted, and to encourage others to do the same in the Cape Winelands. The statistics of our district have a direct impact on fiscal allocations to municipalities.

If the Census underreports the population of the Cape Winelands, budgets will not be able to meet our needs in terms of Education, Health, Basic Services, etc. Budgets are already very tight. It is therefore critical that we make every effort to ensure that as many of the people in our communities are counted.

Council Meeting

26 May 2022

Please share the link and get counted:

<https://getcounted.statssa.gov.za/#!/home>

1. **HEALTH AND COVID-19 VACCINATION PROGRAMME**

As on 24 May 2022, the Western Cape has registered 53.62% on EVDS, of the total eligible population that are over 12 years. In the Cape Winelands 58,15% of its eligible population of 18 years and older got vaccinated. As we approach the winter season, I want to encourage you to get your booster vaccination shots. While we expect a 5th wave of Covid-19, it is impossible to predict how severe it will be.

*A message from the Western Cape Government:*

******

***Covid-19 Summary : 24 May 2022***

Council Meeting

26 May 2022

1. **TOURISM**
2. Congratulations to Montagu that won Kwela Dorp of the year. Montagu is a very popular tourist destination. On behalf of CWDM, I want to congratulate the LTA in Montagu, who plays a significant role in the destination marketing of the town and this accolade. This is a proud moment for Cape Winelands and will undoubtedly have a positive effect on attracting more tourists.
3. Cape Winelands District Municipality attended the Women in Tourism roadshow on 18 May 2022 where stakeholders in the Tourism sector were invited. WITWC is a Western Cape membership-based association. Women, and men sign up as members to gain opportunities to elevate their tourism businesses. The association is further premised on the principles of Respect; Recognition; Representation and Reward. The Women in Tourism Programme integrates women from diverse backgrounds to converge on a set of common goals and interests that will ensure their success in the sector. I have encouraged them to come back to Cape Winelands to do a proper roadshow.

A group of people posing for a photo

Description automatically generated

***At Women in Tourism with the Cape Winelands Team***

Council Meeting

26 May 2022

1. **EVENTS IN CAPE WINELANDS**

Thank you to the Councillors who represented Cape Winelands District Municipality at all events. I want to highlight the return of the Golden Games in particular after the two years of the pandemic. The Cape Winelands District Municipality has, through their continued support over many years, become synonymous with the Golden Games sporting event.

However, Thursday 12 May 2022 marked the day that participants were able to once again compete at the Dal Josaphat Stadium in Paarl.

The games are aimed at encouraging physical and mental health amongst senior citizens and are attended by members of elderly forums from across the Cape Winelands district. By supporting this sporting event we give dignity back to our elderly.

A picture containing sky, outdoor, road, track and field

Description automatically generated

Council Meeting

26 May 2022

1. **TRAINING**

**SALGA**

As the Executive Mayor, I attended a very successful 6th Karoo STR Conference held in Oudtshoorn on 16 and 17 May 2022 and want to express my sincerest appreciation to SALGA for creating intergovernmental opportunities to engage with colleagues from across the country on issues that drives Local Government.

A group of people posing for a photo

Description automatically generated

**SEASONAL SCHOOL FOR COUNCILLORS**

I attended the Seasonal School for Councillors where the theme “Principles and Values – what hinders public representatives from fulfilling it through Ethical Leadership?” was discussed.

I am honoured to have been selected to give a lecture on “Understanding my own value set and its influence on an effective and productive Environment” from a Councillor’s perspective.

I trust that all Councillors who attended the seasonal school are more equipped on Ethical Leadership.

Council Meeting

26 May 2022

A group of people posing for a photo

Description automatically generated with medium confidence

***CWDM Councillors at the Seasonal School***

1. **AFRICA MONTH CELEBRATION**

The theme of the Africa day celebration for 2022 is Nutrition, and the aim of the Africa Union is to strengthen the Agro-Food Systems, Health and Social Protection Systems to accelerate Human, Social, and Economic Capital Development on the African Continent. On behalf of the Cape Winelands District Municipality, we wish all Africans a prosperous Africa Month.

A group of people holding flags

Description automatically generated with medium confidence

Thank you

Council Meeting

26 May 2022

**COUNCIL MEETING: 26 MAY 2022: ITEM C.6.**

**RESOLVED:**

That cognisance be taken of the confirmation by the Executive Mayor that she addressed a letter to the Dean of the University of Stellenbosch, expressing the Cape Winelands District Municipality’s unconditional condemnation of any form of racism.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENTS** |
| Noted | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**C.7 CONSIDERATION OF NOTICES OF MOTION (3/2/1/4)**

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

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, 24 MARCH 2022 (3/2/1/6)**

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

**COUNCIL MEETING: 26 MAY 2022: ITEM C.10.1**

**RESOLVED:**

That the minutes of the Council meeting held on Thursday, 24 March 2022 be taken as read and duly confirmed after the following amendments had been made:

Council Meeting

26 May 2022

**C.15.1 DRAFT 2022/2023, 2023/2024 AND 2024/2025 MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK (MTREF) FOR THE CAPE WINELANDS DISTRICT MUNICIPALITY (5/1/1/10)**

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

1. By inserting the following paragraph after paragraph (b)(ii)(e) of the resolution:

Councillor M.H. Yabo requested that it be registered that they are leaving the meeting because they are not happy with the manner in which they have been treated.

1. By attaching the list of questions submitted by Councillor D.W. Nel on which detailed answers must be submitted to the minutes.

**C.10.2 CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON THURSDAY, 28 APRIL 2022 (3/2/1/6)**

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

**COUNCIL MEETING: 26 MAY 2022: ITEM C.10.1**

**RESOLVED:**

That the minutes of the Council meeting held on Thursday, 28 April 2022 be taken as read and duly confirmed.

**C.10.3 REPORT BY THE MUNICIPAL MANAGER: ACTION MINUTES OF THE COUNCIL MEETING HELD ON THURSDAY, 24 MARCH 2022**

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

**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, 24 March 2022 had been attended to.

**C.10.4 REPORT BY THE MUNICIPAL MANAGER: ACTION MINUTES OF THE COUNCIL MEETING HELD ON THURSDAY, 28 APRIL 2022**

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

**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, 28 April 2022 had been attended to.

Council Meeting

26 May 2022

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

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

None.

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

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

None.

**C.13 REPORT BY THE EXECUTIVE MAYOR: MAYORAL COMMITTEE MEETING HELD ON TUESDAY, 8 MARCH 2022 (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 8 MARCH 2022

**MATTER OF WHICH COGNISANCE WAS TAKEN:**

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

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

**RESOLVED:**

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

Council Meeting

26 May 2022

###### MATTERS OF WHICH RESOLUTIONS WERE TAKEN:

**MC.7.3 DEPARTMENT: COMMUNITY DEVELOPMENT AND PLANNING SERVICES: REPORT ON WATER QUALITY FOR THE PERIOD NOVEMBER 2021 TO JANUARY 2022 IN THE AREA OF THE CAPE WINELANDS DISTRICT MUNICIPALITY (16/3/R & 17/1/R)**

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

**RESOLVED:**

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

**MC.7.4 LOCAL GOVERNMENT: MUNICIPAL STAFF REGULATIONS NO. 890 AND LOCAL GOVERNMENT: GUIDELINES FOR THE IMPLEMENTATION OF THE MUNICIPAL STAFF REGULATIONS NO. 891 (4/8/R & 12/1/1/10)**

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

**RESOLVED:**

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

**MC.8.2.1 MONTHLY PROGRESS REPORT ON MUNICIPAL MINIMUM COMPETENCY LEVELS: FEBRUARY 2022**

**(4/12/5, 1/1/1 & 3/2/5/13)**

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

**RESOLVED:**

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

**MC.8.2.2 DRAFT 2022/2023, 2023/2024 AND 2024/2025 MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK (MTREF) FOR THE CAPE WINELANDS DISTRICT MUNICIPALITY (5/1/1/10)**

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

**RESOLVED:**

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

Council Meeting

26 May 2022

**MC.8.3.1 DIVISION: SOCIO-ECONOMIC DEVELOPMENT (SED): ATTENDANCE AND PARTICIPATION AT THE TOURISM EXPO, DURBAN INTERNATIONAL CONVENTION CENTRE (DICC), DURBAN TO BE HELD FROM MONDAY, 2 MAY 2022 TO THURSDAY, 5 MAY 2022 (10/1/7/1)**

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

**RESOLVED:**

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

**MC.8.3.2 DIVISION: SOCIO-ECONOMIC DEVELOPMENT (SED): ATTENDANCE AND PARTICIPATION OF THE WORLD TRAVEL MARKET AFRICA (WTM) TO BE HELD AT CAPE TOWN INTERNATIONAL CONVENTION CENTRE (CTICC), WESTERN CAPE PROVINCE, FROM MONDAY, 11 APRIL 2022 TO WEDNESDAY, 13 APRIL 2022 (10/1/7/1)**

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

**RESOLVED:**

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

**MC.8.4.1 PROPOSED DEPROCLAMATION (CLOSURE) OF PROVINCIAL ROAD: MINOR ROAD NO. 5247 (16/1/1/10/05247)**

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

**RESOLVED:**

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

**MC.8.4.2 PROPOSED DEPROCLAMATION (CLOSURE) OF A SECTION OF PROVINCIAL MINOR ROAD NO. 5962, MONTAGU**

**(16/1/1/10/05962)**

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

**RESOLVED:**

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

Council Meeting

26 May 2022

**MC.8.4.3 CORRECTION OF FENCING SUBSIDY AMOUNTS (5/1/2/17)**

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

**RESOLVED:**

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

**C.14 MATTERS FOR NOTIFICATION**

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

**C.14.1 MONTHLY PROGRESS REPORT ON MUNICIPAL MINIMUM COMPETENCY LEVELS: MARCH 2022 (4/12/5, 1/1/1 & 3/2/5/13)**

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

**PURPOSE OF SUBMISSION**

That Council take cognisance of the monthly Municipal Minimum Competency Levels Progress Report for March 2022.

MUNICIPAL MINIMUM COMPETENCE COMPLIANCE LEVEL

Number of Municipal Officials that must comply with the MMCL 78

Number of Municipal Officials that comply with MMCL 75

Number of Municipal Officials that are currently in the process 3

to obtain the necessary qualifications

**BACKGROUND**

The Municipal Regulations on Minimum Competency Levels were first issued on 15 June 2007. This required municipalities and municipal entities to achieve full compliance by 1 January 2013. The Regulations required officials holding key positions and those that are responsible for financial management to comply with the prescribed minimum competencies relevant to their positions.

In April 2012 the National Treasury issued MFMA Circular 60 aimed at assisting municipalities who were experiencing difficulties in complying with the legislation for officials already in the employ of the municipality. In accordance with the Circular, municipalities could apply to the National Treasury to consider a delay in enforcement of certain provisions of the regulations as a “Special Merit Case”.

On 14 March 2014 the National Treasury issued a MFMA Exemption Notice to delay the enforceability of the Regulations. This Exemption Notice lapsed on 30 September 2015.

After consultation with key stakeholders and correspondence received from

municipalities regarding the challenges faced in attracting and retaining key skills as a result of the prescribed minimum competency level requirements, a decision was taken to further exempt municipalities and municipal entities from the application of Regulations 15 and 18 of the Municipal Regulations on Minimum Competency Levels for a period of 18 months from 3 February 2017.

Council Meeting

26 May 2022

**COMMENT**

\*\*\* On 3 February 2017, MFMA Exemption Notice 40593 was issued in terms of section 177(1) (b) of the MFMA relating to exemption from compliance with Regulations 15 and 18 of the Municipal Regulations on Minimum Competency levels (attached as Annexure “A”).

Paragraphs 2.5 and 2.6 of the MFMA Exemption Notice stipulate as follows:

* 1. *A municipality must –*

1. *Submit a report to the National Treasury on the implementation of the conditions referred to in paragraph 2.1(a), in respect of the municipality and each of its entities in such format and on such dates as the National Treasury determines; and*

*(b) On a monthly basis, submit to the National Treasury and the relevant Provincial Treasury a report with details of –*

1. *Employment contracts of officials appointed by virtue of this Notice;*

*(ii) Registration with accredited training providers; and*

*(iii) Progress made in attaining the minimum competency levels.*

*2.6 The report envisaged in paragraph 2.5(b) must be tabled at each municipal council meeting to enable the council to –*

1. *Enforce the Regulations and this Notice; and*
2. *Institute corrective action as may be required.*

In terms of compliance with the Municipal Regulations on Minimum Competency Levels of officials at the Cape Winelands District Municipality, they are grouped as follows:

**Municipal Manager:**

* 1 x official complies with the prescribed Unit Standards

**Chief Financial Officer:**

* 1 x official complies with the prescribed Unit Standards

**Senior Managers:**

* 2 x officials comply with the prescribed Unit Standards

Council Meeting

26 May 2022

**Supply Chain Management Head:**

* 1 x official complies with the prescribed Unit Standards

**Supply Chain Management Manager -** *"supply chain management manager", in relation to a municipality or municipal entity, means an official of the municipality or entity involved in the implementation of the supply chain management policy of the municipality or entity and who is directly accountable to the head of the supply chain management unit of the municipality or entity.*

* 1 x official complies with the prescribed Unit Standards

**Financial Officials at Middle Management Level -** *"middle management level" means a management level associated with persons in middle management positions for supervising staff, and includes- (a) an official directly accountable to a manager in the senior management level; or (b) a person that occupied a position in a management level, outside the local government sphere.*

* 19 x officials comply with the prescribed Unit Standards
* 3 x new appointees complied by April 2019

**Officials involved in Implementation of Supply Chain Management Policy: Officials with Financial Delegations**

* 28 x officials comply with the prescribed Unit Standards
* 1 x new appointee complied by September 2021
* 3 x new appointees to comply within 18 months from the commencement of the new MFMP, following the appointment of an accredited service provider

**Officials involved in Implementation of Supply Chain Management Policy: Officials serving on Supply Chain Management Bid Committees**

* 16 x officials comply with the prescribed Unit Standards
* 2 x new appointees complied by July 2021

Council Meeting

26 May 2022

In order to effectively address the above situation, the Cape Winelands District Municipality embarked on a formal tender process to ensure the procurement of an accredited Municipal Finance Management Programme (MFMP) service provider. In March 2016 Kgolo Institute was appointed on a three-year contract as the preferred service provider for the CWDM’s Municipal Finance Management Programme. The Municipal Finance Management Programme were implemented via three intakes over the three-year contract period.

**Intake 1** consisted of a combination of CWDM officials, those affected by the MFMA Regulations on Minimum Competency Levels, as well as those middle and junior management officials not affected by the MFMA Regulations on Minimum Competency Levels. Intake 1 concluded in January 2017.

**Intake 2** commenced on 19 June 2017 and consisted of officials affected by the MFMA Regulations on Minimum Competency Levels, who have not participated in the previous Municipal Finance Management Programmes (MFMP). Intake 2 concluded in April 2018 and ensured that these officials were in full compliance with the prescribed competency levels on 02 August 2018, as stipulated in the MFMA Exemption Notice 40593.

**Intake 3** commenced in July 2018 and consisted of outstanding middle and junior managers within the Cape Winelands District Municipality who are *not affected* by the Minimum Competency Levels. New appointees (Management Officials appointed after 3 February 2017 in terms of the MFMA Exemption Notice 40593) affected by the MMCL also formed part of Intake 3. Intake 3 concluded in April 2019.

Receipts of Statement of Results are administered by the LGSETA. Currently, the LGSETA has huge backlogs in terms of providing municipalities with these results. A number of affected CWDM officials have completed several Unit Standards and are currently awaiting their Statement of Results. However, until such time that the CWDM receive these Statement of Results issued by the LGSETA, it cannot be reflected in this report.

**New Appointees - As from January 2019 (Not part of Intake 3)** - All new employees appointed after 1 January 2019 affected by the MFMA Exemption Notice 40593 will embark on a Municipal Finance Management Programme in order to ensure full compliance to the MMCL regulations. On 25 October 2019 the CWDM appointed Stellenbosch University (School of Public Leadership) as the new MFMP service provider. Affected officials commenced with the MFMP on 19 March 2020, however, the Covid-19 lockdown negatively influenced the course schedules resulting in the postponement of the course, meaning that these affected learners completed their modules in September 2021.

Council Meeting

26 May 2022

Three (3) new appointments made respectively in 2020 and 2021 **(officials involved in the implementation of Supply Chain Management policy: officials with financial delegations),** together with three (3) new Financial Interns will embark on the Municipal Finance Management Programme with Next Step Academy (Pty) Ltd, who was appointed as the accredited Service Provider for the implementation of the Municipal Finance Management Programme for the period ending 30 June 2023.

Newly appointed officials (those appointed after the 3rd of February 2017) affected by the Municipal Minimum Competency Levels, are also required to sign Memorandums of Agreement stipulating the consequences to officials should the refuse to partake in the MFMP and complete the relevant Unit Standards, within the prescribed 18 months of their appointment dates.

**IMPLICATIONS**

**PERSONNEL**

The Exemption Notice is applicable to existing officials who are in the employ of municipalities and municipal entities and new appointments. With regard to officials who were already in the employment of municipalities and municipal entities prior to 3 February 2017, these officials were given until 2 August 2018 to complete the outstanding prescribed Unit Standards to ensure full compliance with the Regulation.

To give effect to Exemption Notice 40593, all affected officials already in the employ of the Cape Winelands District Municipality involved in the implementation of the Supply Chain Management policy of the Municipality who must meet the prescribed financial management competency levels, signed Memorandums of Agreement which, inter alia, stipulated the consequences to officials should they refuse to either complete their outstanding Unit Standards and/or refuse to participate in the Municipal Finance Management Programme (MFMP).

Newly appointed officials (those appointed after 3 February 2017) affected by the Municipal Minimum Competency Levels, are also required to sign Memorandums of Agreement stipulating the consequences to officials should they refuse to partake in the MFMP and complete the relevant Unit Standards, within the prescribed 18 months of their appointment dates.

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

**FINANCIAL**

Sufficient provision has been made in the 2021/2022 financial year for MMCL training of newly appointed employees.

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

Council Meeting

26 May 2022

**LEGAL**

Section 119(1) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) stipulates that the accounting officer and all other officials of a municipality or a municipal entity involved in the implementation of the supply chain management policy of the municipality must meet the prescribed financial management competency levels, whilst section 119(2) stipulates that a municipality and a municipal entity must for the purposes of subsection 119(1) provide resources or opportunities for the training of officials referred to in that subsection to meet the prescribed competency levels.

In terms of regulation 13 of the Municipal Regulations on Minimum Competency Levels, 2007 the municipal manager of a municipality and the chief executive officer of a municipal entity must ensure that competencies of all financial officials and supply chain management officials are assessed in order to identify and address gaps in competency levels of those officials.

In terms of regulation 14(1) of the Municipal Regulations on Minimum Competency Levels, 2007 the municipal manager of a municipality and the chief executive officer of a municipal entity must monitor, and take any necessary steps to ensure compliance with the prescribed minimum competency levels for Financial officials and supply chain management officials within the time frames set out in regulation 15.

*Comment prepared by: Ms. W.M. Neethling*

**RECOMMENDATION BY MUNICIPAL MANAGER:** That –

1. The Executive Mayor and Mayoral Committee take cognisance of the monthly Municipal Minimum Competency Levels Progress Report for March 2022;
2. The Executive Mayor together with the Mayoral Committee consider to recommend to Council to take cognisance of the monthly Municipal Minimum Competency Levels Progress Report for March 2022.

**MAYORAL COMMITTEE: 10 MAY 2022: ITEM MC.8.2.1**

**RESOLVED:** That –

1. Cognisance be taken of the monthly Municipal Minimum Competency Levels Progress Report for March 2022;
2. It be recommended to Council to take cognisance of the monthly Municipal Minimum Competency Levels Progress Report for March 2022.

Council Meeting

26 May 2022

**RECOMMENDATION BY MAYORAL COMMITEE:**

That Council take cognisance of the monthly Municipal Minimum Competency Levels Progress Report for March 2022.

**COUNCIL MEETING: 26 MAY 2022: ITEM C.14.1**

**RESOLVED: (Unopposed)**

That cognisance be taken of the monthly Municipal Minimum Competency Levels Progress Report for March 2022.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENTS** |
| Noted. | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**C.14.2 MONTHLY PROGRESS REPORT ON MUNICIPAL MINIMUM COMPETENCY LEVELS: APRIL 2022 (4/12/5, 1/1/1 & 3/2/5/13)**

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

**PURPOSE OF SUBMISSION**

That Council take cognisance of the monthly Municipal Minimum Competency Levels Progress Report for April 2022.

MUNICIPAL MINIMUM COMPETENCE COMPLIANCE LEVEL

Number of Municipal Officials that must comply with the MMCL 81

Number of Municipal Officials that comply with MMCL 75

Number of Municipal Officials that are currently in the process 6

to obtain the necessary qualifications

**BACKGROUND**

The Municipal Regulations on Minimum Competency Levels were first issued on 15 June 2007. This required municipalities and municipal entities to achieve full compliance by 1 January 2013. The Regulations required officials holding key positions and those that are responsible for financial management to comply with the prescribed minimum competencies relevant to their positions.

In April 2012 the National Treasury issued MFMA Circular 60 aimed at assisting municipalities who were experiencing difficulties in complying with the legislation for officials already in the employ of the municipality. In accordance with the Circular, municipalities could apply to the National Treasury to consider a delay in enforcement of certain provisions of the regulations as a “Special Merit Case”.

On 14 March 2014 the National Treasury issued a MFMA Exemption Notice to delay the enforceability of the Regulations. This Exemption Notice lapsed on 30 September 2015.

Council Meeting

26 May 2022

After consultation with key stakeholders and correspondence received from municipalities regarding the challenges faced in attracting and retaining key skills as a result of the prescribed minimum competency level requirements, a decision was taken to further exempt municipalities and municipal entities from the application of Regulations 15 and 18 of the Municipal Regulations on Minimum Competency Levels for a period of 18 months from 3 February 2017.

\*\*\* On 3 February 2017, MFMA Exemption Notice 40593 was issued in terms of section 177(1) (b) of the MFMA relating to exemption from compliance with Regulations 15 and 18 of the Municipal Regulations on Minimum Competency levels (attached as Annexure “A”).

**COMMENT**

Paragraphs 2.5 and 2.6 of the MFMA Exemption Notice stipulate as follows:

* 1. *A municipality must –*

1. *Submit a report to the National Treasury on the implementation of the conditions referred to in paragraph 2.1(a), in respect of the municipality and each of its entities in such format and on such dates as the National Treasury determines; and*

*(b) On a monthly basis, submit to the National Treasury and the relevant Provincial Treasury a report with details of –*

1. *Employment contracts of officials appointed by virtue of this Notice;*

*(ii) Registration with accredited training providers; and*

*(iii) Progress made in attaining the minimum competency levels.*

*2.6 The report envisaged in paragraph 2.5(b) must be tabled at each municipal council meeting to enable the council to –*

1. *Enforce the Regulations and this Notice; and*
2. *Institute corrective action as may be required.*

In terms of compliance with the Municipal Regulations on Minimum Competency Levels of officials at the Cape Winelands District Municipality, they are grouped as follows:

Council Meeting

26 May 2022

**Municipal Manager:**

* 1 x official complies with the prescribed Unit Standards

**Chief Financial Officer:**

* 1 x official complies with the prescribed Unit Standards

**Senior Managers:**

* 2 x officials comply with the prescribed Unit Standards

**Supply Chain Management Head:**

* 1 x official complies with the prescribed Unit Standards

**Supply Chain Management Manager -** *"supply chain management manager", in relation to a municipality or municipal entity, means an official of the municipality or entity involved in the implementation of the supply chain management policy of the municipality or entity and who is directly accountable to the head of the supply chain management unit of the municipality or entity.*

* 1 x official complies with the prescribed Unit Standards

**Financial Officials at Middle Management Level -** *"middle management level" means a management level associated with persons in middle management positions for supervising staff, and includes- (a) an official directly accountable to a manager in the senior management level; or (b) a person that occupied a position in a management level, outside the local government sphere.*

* 19 x officials comply with the prescribed Unit Standards
* 3 x new appointees complied by April 2019

**Officials involved in Implementation of Supply Chain Management Policy: Officials with Financial Delegations**

* 28 x officials comply with the prescribed Unit Standards
* 1 x new appointee complied by September 2021

Council Meeting

26 May 2022

*The following 6 x new appointees* to comply within 18 months from the commencement of the new MFMP, following the appointment of an accredited service provider:

**Job Title Appointment Date**

1. Director: Roads - 01/04/2022
2. Deputy Director: Roads - 01/11/2021
3. Deputy Director: Resealing & Maintenance - 01/07/2021
4. Deputy Director: Construction & Maintenance - 01/05/2020
5. Manager: Office of Executive Mayor - 10/02/2022
6. Occupational Health & Safety Officer - 01/04/2022

**Officials involved in Implementation of Supply Chain Management Policy: Officials serving on Supply Chain Management Bid Committees**

* 16 x officials comply with the prescribed Unit Standards
* 2 x new appointees complied by July 2021

In order to effectively address the above situation, the Cape Winelands District Municipality embarked on a formal tender process to ensure the procurement of an accredited Municipal Finance Management Programme (MFMP) service provider. In March 2016 Kgolo Institute was appointed on a three-year contract as the preferred service provider for the CWDM’s Municipal Finance Management Programme. The Municipal Finance Management Programme were implemented via three intakes over the three-year contract period.

**Intake 1** consisted of a combination of CWDM officials, those affected by the MFMA Regulations on Minimum Competency Levels, as well as those middle and junior management officials not affected by the MFMA Regulations on Minimum Competency Levels. Intake 1 concluded in January 2017.

**Intake 2** commenced on 19 June 2017 and consisted of officials affected by the MFMA Regulations on Minimum Competency Levels, who have not participated in the previous Municipal Finance Management Programmes (MFMP). Intake 2 concluded in April 2018 and ensured that these officials were in full compliance with the prescribed competency levels on 02 August 2018, as stipulated in the MFMA Exemption Notice 40593.

**Intake 3** commenced in July 2018 and consisted of outstanding middle and junior managers within the Cape Winelands District Municipality who are *not affected* by the Minimum Competency Levels. New appointees (Management Officials appointed after 3 February 2017 in terms of the MFMA Exemption Notice 40593) affected by the MMCL also formed part of Intake 3. Intake 3 concluded in April 2019.

Receipts of Statement of Results are administered by the LGSETA. Currently, the LGSETA has huge backlogs in terms of providing municipalities with these results. A number of affected CWDM officials have completed several Unit Standards and are currently awaiting their Statement of Results. However, until such time that the CWDM receive these Statement of Results issued by the LGSETA, it cannot be reflected in this report.

**New Appointees - As from January 2019 (Not part of Intake 3)** - All new employees appointed after 1 January 2019 affected by the MFMA Exemption Notice 40593 will embark on a Municipal Finance Management Programme in order to ensure full compliance to the MMCL regulations. On 25 October 2019 the CWDM appointed Stellenbosch University (School of Public Leadership) as the new MFMP service provider. Affected officials commenced with the MFMP on 19 March 2020, however, the Covid-19 lockdown negatively influenced the course schedules resulting in the postponement of the course, meaning that these affected learners completed their modules in September 2021.

Six (6) new appointments made respectively in 2020 and 2021 **(officials involved in the implementation of Supply Chain Management policy: officials with financial delegations),** together with three (3) new Financial Interns will embark on the Municipal Finance Management Programme with Next Step Academy (Pty) Ltd, who was appointed as the accredited Service Provider for the implementation of the Municipal Finance Management Programme for the period ending 30 June 2023.

Newly appointed officials (those appointed after the 3rd of February 2017) affected by the Municipal Minimum Competency Levels, are also required to sign Memorandums of Agreement stipulating the consequences to officials should the refuse to partake in the MFMP and complete the relevant Unit Standards, within the prescribed 18 months of their appointment dates.

**IMPLICATIONS**

**PERSONNEL**

The Exemption Notice is applicable to existing officials who are in the employ of municipalities and municipal entities and new appointments. With regard to officials who were already in the employment of municipalities and municipal entities prior to 3 February 2017, these officials were given until 2 August 2018 to complete the outstanding prescribed Unit Standards to ensure full compliance with the Regulation.

To give effect to Exemption Notice 40593, all affected officials already in the employ of the Cape Winelands District Municipality involved in the implementation of the Supply Chain Management policy of the Municipality who must meet the prescribed financial management competency levels, signed Memorandums of Agreement which, inter alia, stipulated the consequences to officials should they refuse to either complete their outstanding Unit Standards and/or refuse to participate in the Municipal Finance Management Programme (MFMP).

Newly appointed officials (those appointed after 3 February 2017) affected by the Municipal Minimum Competency Levels, are also required to sign Memorandums of Agreement stipulating the consequences to officials should they refuse to partake in the MFMP and complete the relevant Unit Standards, within the prescribed 18 months of their appointment dates.

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

**FINANCIAL**

Sufficient provision has been made in the 2021/2022 financial year for MMCL training of newly appointed employees.

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

**LEGAL**

Section 119(1) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) stipulates that the accounting officer and all other officials of a municipality or a municipal entity involved in the implementation of the supply chain management policy of the municipality must meet the prescribed financial management competency levels, whilst section 119(2) stipulates that a municipality and a municipal entity must for the purposes of subsection 119(1) provide resources or opportunities for the training of officials referred to in that subsection to meet the prescribed competency levels.

In terms of regulation 13 of the Municipal Regulations on Minimum Competency Levels, 2007 the municipal manager of a municipality and the chief executive officer of a municipal entity must ensure that competencies of all financial officials and supply chain management officials are assessed in order to identify and address gaps in competency levels of those officials.

In terms of regulation 14(1) of the Municipal Regulations on Minimum Competency Levels, 2007 the municipal manager of a municipality and the chief executive officer of a municipal entity must monitor, and take any necessary steps to ensure compliance with the prescribed minimum competency levels for Financial officials and supply chain management officials within the time frames set out in regulation 15.

*Comment prepared by: Ms. W.M. Neethling*

**RECOMMENDATION BY MUNICIPAL MANAGER:** That –

1. The Executive Mayor and Mayoral Committee take cognisance of the monthly Municipal Minimum Competency Levels Progress Report for April 2022;
2. The Executive Mayor together with the Mayoral Committee consider to recommend to Council to take cognisance of the monthly Municipal Minimum Competency Levels Progress Report for April 2022.

**MAYORAL COMMITTEE: 10 MAY 2022: ITEM MC.8.2.2**

**RESOLVED:** That –

1. Cognisance be taken of the monthly Municipal Minimum Competency Levels Progress Report for April 2022;
2. It be recommended to Council to take cognisance of the monthly Municipal Minimum Competency Levels Progress Report for April 2022.

**RECOMMENDATION BY MAYORAL COMMITTEE:**

That Council take cognisance of the monthly Municipal Minimum Competency Levels Progress Report for April 2022.

**COUNCIL MEETING: 26 MAY 2022: ITEM C.14.2**

**RESOLVED: (Unopposed)**

That cognisance be taken of the monthly Municipal Minimum Competency Levels Progress Report for April 2022.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENTS** |
| Noted. | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**C.14.3 SPECIAL REPORT ON MUNICIPAL MINIMUM COMPETENCY LEVELS**

**(4/12/5, 1/1/1 & 3/2/5/13)**

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

**PURPOSE OF SUBMISSION**

That Council take cognisance of the special report on Municipal Minimum Competency Levels, together with a detailed list of the job titles of employees who are currently enrolled on the MMCL programme, also indicating their dates of appointment at the Cape Winelands District Municipality.

**BACKGROUND**

Council at Item C.10.2(b) on 24 March 2022 resolved that:

*Councillor J. Maliti engage with the Municipal Manager in order to obtain clarity regarding her concern of the absence of a completion date for newly appointed officials that must comply with the Municipal Minimum Competence Levels within 18 months and feedback be provided at the next Council meeting.*

**COMMENT**

The Municipal Regulations on Minimum Competency Levels were first issued on 15 June 2007. This required municipalities and municipal entities to achieve full compliance by 1 January 2013. The Regulations required officials holding key positions and those that are responsible for financial management to comply with the prescribed minimum competencies relevant to their positions.

In April 2012 the National Treasury issued MFMA Circular 60 aimed at assisting municipalities who were experiencing difficulties in complying with the legislation for officials already in the employ of the municipality. In accordance with the Circular, municipalities could apply to the National Treasury to consider a delay in enforcement of certain provisions of the regulations as a “Special Merit Case”.

On 14 March 2014 the National Treasury issued a MFMA Exemption Notice to delay the enforceability of the Regulations. This Exemption Notice lapsed on 30 September 2015.

After consultation with key stakeholders and correspondence received from municipalities regarding the challenges faced in attracting and retaining key skills as a result of the prescribed minimum competency level requirements, a decision was taken to further exempt municipalities and municipal entities from the application of Regulations 15 and 18 of the Municipal Regulations on Minimum Competency Levels for a period of 18 months from 3 February 2017.

\*\*\* On 3 February 2017, MFMA Exemption Notice 40593 was issued in terms of section 177(1)(b) of the MFMA relating to exemption from compliance with Regulations 15 and 18 of the Municipal Regulations on Minimum Competency levels (attached as Annexure “A”).

Paragraphs 2.5 and 2.6 of the MFMA Exemption Notice stipulate as follows:

* 1. *A municipality must –*

1. *Submit a report to the National Treasury on the implementation of the conditions referred to in paragraph 2.1(a), in respect of the municipality and each of its entities in such format and on such dates as the National Treasury determines; and*

*(b) On a monthly basis, submit to the National Treasury and the relevant Provincial Treasury a report with details of –*

1. *Employment contracts of officials appointed by virtue of this Notice;*

*(ii) Registration with accredited training providers; and*

*(iii) Progress made in attaining the minimum competency levels.*

*2.6 The report envisaged in paragraph 2.5(b) must be tabled at each municipal council meeting to enable the council to –*

1. *Enforce the Regulations and this Notice; and*
2. *Institute corrective action as may be required.*

In terms of the Regulations, only the following appointed officials, together with three (3) Financial Interns, are currently outstanding in terms of the required MMCL training and they have embarked on the Municipal Finance Management Programme with Next Step Academy (Pty) Ltd, who was appointed as the accredited service provider for the implementation of the Municipal Finance Management Programme for the period ending 30 June 2023:

**Job Title Appointment Date**

1. Director: Roads - 01/04/2022
2. Deputy Director: Roads - 01/11/2021
3. Deputy Director: Resealing & Maintenance - 01/07/2021
4. Deputy Director: Construction & Maintenance - 01/05/2020
5. Manager: Office of Executive Mayor - 10/02/2022
6. Occupational Health & Safety Officer - 01/04/2022

**IMPLICATIONS**

**PERSONNEL**

The Exemption Notice is applicable to existing officials who are in the employ of municipalities and municipal entities and new appointments. With regard to officials who were already in the employment of municipalities and municipal entities prior to 3 February 2017, these officials were given until 2 August 2018 to complete the outstanding prescribed Unit Standards to ensure full compliance with the Regulation.

To give effect to Exemption Notice 40593, all affected officials already in the employ of the Cape Winelands District Municipality involved in the implementation of the Supply Chain Management policy of the Municipality who must meet the prescribed financial management competency levels, signed Memorandums of Agreement which, inter alia, stipulated the consequences to officials should they refuse to either complete their outstanding Unit Standards and/or refuse to participate in the Municipal Finance Management Programme (MFMP).

Newly appointed officials (those appointed after 3 February 2017) affected by the Municipal Minimum Competency Levels, are also required to sign Memorandums of Agreement stipulating the consequences to officials should they refuse to partake in the MFMP and complete the relevant Unit Standards, within the prescribed 18 months of their appointment dates.

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

**FINANCIAL**

Sufficient provision has been made in the 2021/2022 financial year for MMCL training of newly appointed employees.

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

**LEGAL**

Section 119(1) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) stipulates that the accounting officer and all other officials of a municipality or a municipal entity involved in the implementation of the supply chain management policy of the municipality must meet the prescribed financial management competency levels, whilst section 119(2) stipulates that a municipality and a municipal entity must for the purposes of subsection 119(1) provide resources or opportunities for the training of officials referred to in that subsection to meet the prescribed competency levels.

In terms of regulation 13 of the Municipal Regulations on Minimum Competency Levels, 2007 the municipal manager of a municipality and the chief executive officer of a municipal entity must ensure that competencies of all financial officials and supply chain management officials are assessed in order to identify and address gaps in competency levels of those officials.

In terms of regulation 14(1) of the Municipal Regulations on Minimum Competency Levels, 2007 the municipal manager of a municipality and the chief executive officer of a municipal entity must monitor, and take any necessary steps to ensure compliance with the prescribed minimum competency levels for Financial officials and supply chain management officials within the time frames set out in regulation 15.

*Comment prepared by: Ms. W.M. Neethling*

**RECOMMENDATION BY MUNICIPAL MANAGER:**

That Council take cognisance of the special report on Municipal Minimum Competency Levels, together with a detailed list of the job titles of the employees who are currently enrolled on the MMCL programme, also indicating their dates of appointment at the Cape Winelands District Municipality.

**COUNCIL MEETING: 28 APRIL 2022: ITEM C.14.6**

**RESOLVED (Unopposed) :**

That cognisance be taken of the special report on Municipal Minimum Competency Levels, together with a detailed list of the job titles of the employees who are currently enrolled on the MMCL programme, also indicating their dates of appointment at the Cape Winelands District Municipality.

**COUNCIL MEETING: 28 APRIL 2022: ITEM C.14.6**

Councillor M.H. Yabo proposed that the resolution taken at Item C.14.6 of the meeting of Thursday, 28 April 2022 be rescinded and the Item be resubmitted to Council at its meeting to be held on Thursday, 26 May 2022.

Councillor A.M. Richards seconded the proposal.

**RESOLVED (37 Councillors) :**

That the resolution taken at Item C.14.6 of 28 April 2022 be rescinded and the Item be resubmitted to Council at its meeting to be held on Thursday, 26 May 2022.

**RECOMMENDATION BY MUNICIPAL MANAGER:**

That Council take cognisance of the special report on Municipal Minimum Competency Levels, together with a detailed list of the job titles of the employees who are currently enrolled on the MMCL programme, also indicating their dates of appointment at the Cape Winelands District Municipality.

**COUNCIL MEETING: 26 MAY 2022: ITEM C.14.3**

**RESOLVED: (Unopposed)** That –

1. Cognisance be taken of the special report on Municipal Minimum Competency Levels, together with a detailed list of the job titles of the employees who are currently enrolled on the MMCL programme, also indicating their dates of appointment at the Cape Winelands District Municipality
2. The Municipal Manager investigate if the report in (a) above should be submitted to Council for Notification or Consideration, and to report back to Council at a next meeting.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENTS** |
| The Municipal Manager to attend to (b) | 15 June 2022 | Concluded. In future reports will be submitted to Council for consideration. |

**C.14.4 NOTICE TO MAYORAL COMMITTEE: MINUTES OF THE MEETING OF THE RULES COMMITTEE HELD ON FRIDAY, 25 FEBRUARY 2022 (3/2/3/1)**

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

**PURPOSE OF SUBMISSION**

That Council take cognisance of the minutes of the meeting of the Rules Committee held on Friday, 25 February 2022.

**BACKGROUND**

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

1. A municipal council may –
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;

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

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

(g)may determine a committee’s procedure.

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

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

1. The following Whips of political parties represented in Council be appointed as members of the Rules Committee:

Cllr. W.M. Blom (DA)

Cllr. A.J. du Plessis (VF Plus)

Cllr. M.S. Liebenberg (PA)

Cllr. L. Ngwane (EFF)

Cllr. A.J. Pedro (GOOD)

Cllr. C.F. Wilskut (BO)

Cllr M.H. Yabo (ANC)

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

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

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

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

**COMMENT**

\*\*\* Attached as Annexure “A” is a copy of the minutes of the meeting of the Rules Committee held on Friday, 25 February 2022.

**RECOMMENDATION BY MUNICIPAL MANAGER:**

That Council take cognisance of the minutes of the meeting of the Rules Committee held on Friday, 25 February 2022.

**COUNCIL MEETING: 26 MAY 2022: ITEM C.14.4**

**RESOLVED: (Unopposed)**

That cognisance be taken of the minutes of the meeting of the Rules Committee held on Friday, 25 February 2022.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENTS** |
| Noted. | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ |

**C.15 MATTERS FOR CONSIDERATION**

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

**C.15.1 DRAFT 2022/2023, 2023/2024 AND 2024/2025 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 2022/2023, 2023/2024 and 2024/2025 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;

2. 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” are copies of the draft 2022/2023, 2023/2024 and 2024/2025 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 2022/2023 financial year was a consultative process – including the Budget Steering Committee, Executive Directors, Senior Managers, Councillors and other stakeholders.

The MTREF (2022 – 2025) has been compiled in accordance with the budget growth guidelines determined by National Treasury. Personnel expenditure (Salaries, Wages and Allowances) increased by 4.5% for 2022/2023, 2023/2024 and 2024/2025. The Budget Steering Committee, established in terms of the Budget and Reporting Regulations, 2008, comprehensively scrutinised the proposed MTREF.

Due to strict budgetary control, management succeeded to compile a balanced budget.

**DECLARATION BY MANAGEMENT**

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

Ib

**RECOMMENDATION BY MUNICIPAL MANAGER:**

1. That the Executive Mayor together with the Mayoral Committee consider to recommend to Council to adopt the draft 2022/2023, 2023/2024 and 2024/2025 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality as outlined in the attached Annexures for inspection, public representations, inputs and comment:
2. The draft Medium Term Revenue and Expenditure Framework for the 2022/2023, 2023/2024 and 2024/2025 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) Adjustments to the current Integrated Development Plan (IDP) 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 2022/2023 financial year as set out in Annexure “J”;

1. Service Delivery Standard as set out in Annexure “K”; and
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. That cognisance be taken of –
4. (a) MFMA Circular No. 88 – Rationalisation Planning and Reporting Requirements for the 2022/2023 MTREF (Performance Indicators), attached as Annexure “M”;

(b) MFMA Circular No. 112: Municipal Budget Circular for the 2022/2023 MTREF – 06 December 2021, attached as Annexure “N”;

1. The Cape Winelands District Municipality’s:
2. Air Quality Management Plan, attached as Annexure “O”;
3. Draft Spatial Development Framework (2021-2025), attached as Annexure “P”;
4. Integrated Waste Management Plan, attached as Annexure “Q”;
5. Corporate Disaster Management Planning Framework, attached as Annexure “R”.

**All the Annexures referred to in subsection (b) above will be distributed via Flash Drive to all Councillors receiving a hard copy of the agenda.**

**MAYORAL COMMITTEE: 8 MARCH 2022: ITEM MC.8.2.2**

**RESOLVED:** That –

* 1. It be recommended to Council to adopt the draft 2022/2023, 2023/2024 and 2024/2025 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality as outlined in the attached Annexures for inspection, public representations, inputs and comment:

(i) The draft Medium Term Revenue and Expenditure Framework for the 2022/2023, 2023/2024 and 2024/2025 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) Adjustments to the current Integrated Development Plan (IDP) 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 2022/2023 financial year as set out in Annexure “J”;

1. Service Delivery Standard as set out in Annexure “K”; and
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”;
   1. Cognisance be taken of –

(i) (a) MFMA Circular No. 88 – Rationalisation Planning and Reporting Requirements for the 2022/2023 MTREF (Performance Indicators), attached as Annexure “M”;

(b) MFMA Circular No. 112: Municipal Budget Circular for the 2022/2023 MTREF – 06 December 2021, attached as Annexure “N”;

(ii) The Cape Winelands District Municipality’s:

1. Air Quality Management Plan, attached as Annexure “O”;
2. Draft 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”.

**RECOMMENDATION BY MAYORAL COMMITTEE:** That –

1. Council consider to adopt the draft 2022/2023, 2023/2024 and 2024/2025 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality as outlined in the attached Annexures for inspection, public representations, inputs and comment:

(i) The draft Medium Term Revenue and Expenditure Framework for the 2022/2023, 2023/2024 and 2024/2025 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) Adjustments to the current Integrated Development Plan (IDP) 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 2022/2023 financial year as set out in Annexure “J”;

1. Service Delivery Standard as set out in Annexure “K”; and
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. Cognisance be taken of –

(i) (a) MFMA Circular No. 88 – Rationalisation Planning and Reporting Requirements for the 2022/2023 MTREF (Performance Indicators), attached as Annexure “M”;

(b) MFMA Circular No. 112: Municipal Budget Circular for the 2022/2023 MTREF – 06 December 2021, attached as Annexure “N”;

(ii) The Cape Winelands District Municipality’s:

1. Air Quality Management Plan, attached as Annexure “O”;
2. Draft 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”.

**ADDITIONAL RECOMMENDATION BY MUNICIPAL MANAGER**

That Council consider to take cognisance of the demand plan, attached as Annexure “S”.

**COUNCIL MEETING: 24 MARCH 2022: ITEM C.15.1**

The Executive Mayor presented her Budget Speech on the draft 2022/2023, 2023/2024 and 2024/2025 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality to Council, a copy of which is attached as Annexure “C“ to the minutes.

The Executive Mayor, Alderman (Dr.) H. von Schlicht seconded by Councillor R. Smuts proposed that the draft 2022/2023, 2023/2024 and 2024/2025 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality be adopted for public representations, inputs and comments.

The matter was put to the vote and twenty four (24) Councillors voted in favour of the proposal by the Executive Mayor, Alderman (Dr) H. von Schlicht.

**RESOLVED (38 Councillors)** That –

1. The draft 2022/2023, 2023/2024 and 2024/2025 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality as outlined in the attached Annexures for inspection, public representations, inputs and comment, be adopted:

(i) The draft Medium Term Revenue and Expenditure Framework for the 2022/2023, 2023/2024 and 2024/2025 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) Adjustments to the current Integrated Development Plan (IDP) 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 2022/2023 financial year as set out in Annexure “J”;

1. Service Delivery Standard as set out in Annexure “K”; and
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. Cognisance be taken of –

(i) (a) MFMA Circular No. 88 – Rationalisation Planning and Reporting Requirements for the 2022/2023 MTREF (Performance Indicators), attached as Annexure “M”;

(b) MFMA Circular No. 112: Municipal Budget Circular for the 2022/2023 MTREF – 06 December 2021, attached as Annexure “N”;

(ii) The Cape Winelands District Municipality’s:

1. Air Quality Management Plan, attached as Annexure “O”;
2. Draft 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”;

(e) Demand Plan, attached as Annexure “S”.

**ADDITIONAL COMMENTS**

In terms of the 2022/2023 agreement between the Municipality and the Department of Transport and Public Works, the transfer for roads maintenance decreased from R120 200 000 to R105 200 000. Due to the difference in their financial year and Council’s financial year, the effect on Councils budget is a decrease in income and expenditure of R12 335 480 with no effect on the surplus.

The mentioned adjustment is included in all the relevant annexures to the budget. No other written public comments were received.

**RECOMMENDATION BY MUNICIPAL MANAGER:**

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

1. The draft 2022/2023, 2023/2024 and 2024/2025 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality as outlined in the attached Annexures for inspection, public representations, inputs and comment, be adopted:

(i) The draft Medium Term Revenue and Expenditure Framework for the 2022/2023, 2023/2024 and 2024/2025 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) Adjustments to the current Integrated Development Plan (IDP) 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 2022/2023 financial year as set out in Annexure “J”;

1. Service Delivery Standard as set out in Annexure “K”; and
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. Cognisance be taken of –

(i) (a) MFMA Circular No. 88 – Rationalisation Planning and Reporting Requirements for the 2022/2023 MTREF (Performance Indicators), attached as Annexure “M”;

(b) MFMA Circular No. 112: Municipal Budget Circular for the 2022/2023 MTREF – 06 December 2021, attached as Annexure “N”;

(ii) The Cape Winelands District Municipality’s:

1. Air Quality Management Plan, attached as Annexure “O”;
2. Draft Spatial Development Framework (2021-2026), attached as Annexure “P”;
3. Integrated Waste Management Plan, attached as Annexure “Q”;
4. Corporate Disaster Management Planning Framework, attached as Annexure “R”;

(e) Demand Plan, attached as Annexure “S”.

**MAYORAL COMMITTEE: 10 MAY 2022: ITEM MC.8.2.3**

**RESOLVED:**

That it be recommended to Council to approve the following:

1. The draft 2022/2023, 2023/2024 and 2024/2025 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality as outlined in the attached Annexures for inspection, public representations, inputs and comment, be adopted:
2. The draft Medium Term Revenue and Expenditure Framework for the 2022/2023, 2023/2024 and 2024/2025 financial years as set out in Annexure “A”;
3. Adjustments to all budget related policies, attached as Annexure “B”, as well as policies that effect or are affected by the budget;

(aa) HR Policies be listed as budget related policies;

(bb) SCM Policy - All reference to the PPPFA Regulations of 2017 be replaced with the interim arrangements approved by Council at Item C.15.2 on 28 April 2022;

(cc) The funding source for the regional landfill site be confirmed prior to the Council Meeting to be held on Thursday, 26 May 2022;

1. Details of Council’s investments as set out in Annexure “C”;
2. Details of all proposed service delivery agreements, including material amendments to existing service delivery agreements as set out in Annexure “D”;
3. Adjustments to the current Integrated Development Plan (IDP) as set out in Annexure “E”;
4. 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”;
5. Capital expenditure within the budget year as set out in Annexure “G”;

(aa) Various capital items relating to Building Maintenance that will not realise in the 2021/2022 budget, to be deferred to the 2022/2023 budget and that an appropriation of R1 085 000 be made on the 2022/2023 budget to accommodate these items;

(bb) A guard hut relating to the Roads services that will not realise in the 2021/2022 budget, to be deferred to the 2022/2023 budget and that an appropriation of R60 000 be made on the 2022/2023 budget to accommodate this item;

(cc) Various capital items relating to ICT that will not realise in the 2021/2022 budget, to be deferred to the 2022/2023 budget and that an appropriation of R1 700 000 be made on the 2022/2023 budget to accommodate these items;

(dd) An amount of R1 600 000 that will not realise in the 2021/2022 capital budget for a Performance Management and Development System be deferred to the 2022/2023 budget and an additional amount of R200 000 be added to the existing appropriation for this item;

(ee) A new item be added to the 2022/2023 capital budget to the amount of R2 000 000 for server and storage infrastructure;

1. Projects to be undertaken within the budget year as set out in Annexure “H”;
2. 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 2022/2023 financial year as set out in Annexure “J”;

1. Service Delivery Standard as set out in Annexure “K”; and
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. That cognisance be taken of –
4. (a) MFMA Circular No. 88 – Rationalisation Planning and Reporting Requirements for the 2022/2023 MTREF (Performance Indicators), attached as Annexure “M”;

(b) MFMA Circular No. 112: Municipal Budget Circular for the 2022/2023 MTREF – 06 December 2021, attached as Annexure “N”;

1. The Cape Winelands District Municipality’s:
2. Air Quality Management Plan, attached as Annexure “O”;
3. Draft Spatial Development Framework (2021-2026), attached as Annexure “P”;
4. Integrated Waste Management Plan, attached as Annexure “Q”;
5. Corporate Disaster Management Planning Framework, attached as Annexure “R”;
6. Demand Plan, attached as Annexure “S”.

**RECOMMENDATION BY MAYORAL COMMITTEE:**

That Council consider to approve the following:

\*\*\* (a) The draft 2022/2023, 2023/2024 and 2024/2025 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality as outlined in the attached Annexures for inspection, public representations, inputs and comment, be adopted:

1. The draft Medium Term Revenue and Expenditure Framework for the 2022/2023, 2023/2024 and 2024/2025 financial years as set out in Annexure “A”;
2. Adjustments to all budget related policies, attached as Annexure “B”, as well as policies that effect or are affected by the budget;

(aa) HR Policies be listed as budget related policies;

(bb) SCM Policy - All reference to the PPPFA Regulations of 2017 be replaced with the interim arrangements approved by Council at Item C.15.2 on 28 April 2022;

(cc) The funding source for the regional landfill site be confirmed prior to the Council Meeting to be held on Thursday, 26 May 2022;

**[Budget related policies included under Annexure “B” above will be distributed via Flash Drive to all Councillors receiving a hard copy of the agenda.]**

1. Details of Council’s investments as set out in Annexure “C”;
2. Details of all proposed service delivery agreements, including material amendments to existing service delivery agreements as set out in Annexure “D”;
3. Adjustments to the current Integrated Development Plan (IDP) as set out in Annexure “E”;
4. 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”;
5. Capital expenditure within the budget year as set out in Annexure “G”;

(aa) Various capital items relating to Building Maintenance that will not realise in the 2021/2022 budget, to be deferred to the 2022/2023 budget and that an appropriation of R1 085 000 be made on the 2022/2023 budget to accommodate these items;

(bb) A guard hut relating to the Roads services that will not realise in the 2021/2022 budget, to be deferred to the 2022/2023 budget and that an appropriation of R60 000 be made on the 2022/2023 budget to accommodate this item;

(cc) Various capital items relating to ICT that will not realise in the 2021/2022 budget, to be deferred to the 2022/2023 budget and that an appropriation of R1 700 000 be made on the 2022/2023 budget to accommodate these items;

(dd) An amount of R1 600 000 that will not realise in the 2021/2022 capital budget for a Performance Management and Development System be deferred to the 2022/2023 budget and an additional amount of R200 000 be added to the existing appropriation for this item;

(ee) A new item be added to the 2022/2023 capital budget to the amount of R2 000 000 for server and storage infrastructure;

1. Projects to be undertaken within the budget year as set out in Annexure “H”;
2. 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 2022/2023 financial year as set out in Annexure “J”;

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

(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”;

1. That cognisance be taken of –
2. (a) MFMA Circular No. 88 – Rationalisation Planning and Reporting Requirements for the 2022/2023 MTREF (Performance Indicators), attached as Annexure “M”;

(b) MFMA Circular No. 112: Municipal Budget Circular for the 2022/2023 MTREF – 06 December 2021, attached as Annexure “N”;

(ii) The Cape Winelands District Municipality’s:

1. Air Quality Management Plan, attached as Annexure “O”;
2. Draft Spatial Development Framework (2021-2026), attached as Annexure “P”;
3. Integrated Waste Management Plan, attached as Annexure “Q”;
4. Corporate Disaster Management Planning Framework, attached as Annexure “R”;
5. Demand Plan, attached as Annexure “S”.

**[All the Annexures referred to in subsection (b)(ii) above will be distributed via Flash Drive to all Councillors receiving a hard copy of the agenda.]**

**COUNCIL MEETING: 26 MAY 2022: ITEM C.15.1**

The Executive Mayor presented her Budget Speech on the draft 2022/2023, 2023/2024 and 2024/2025 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 MH Yabo requested a caucus which is granted. Council adjourned at 11:25 and resumed its business at 11:45.

Councillor MH Yabo reported back on the caucus with a request that the names of Councillors V. Hani and M.H. Yabo be removed from the Speakers list for the item.

The Executive Mayor, Alderman (Dr.) H. von Schlicht tabled the draft 2022/2023, 2023/2024 and 2024/2025 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality

Councillor D.W. Nel submitted a list of questions attached as Annexure “B” to the minutes with a request that detailed answers be provided at the next Council meeting.

Councillor A.J. Pedro, seconded by Councillor M.H. Yabo, proposed that the draft 2022/2023, 2023/2024 and 2024/2025 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality be approved.

The matter was put to the vote and thirty nine (39) Councillors voted in favour of the proposal by Councillor A.J. Pedro.

**RESOLVED: (Unopposed = 39 Councillors)** That –

(a) The draft 2022/2023, 2023/2024 and 2024/2025 Medium Term Revenue and Expenditure Framework (MTREF) for the Cape Winelands District Municipality as outlined in the attached Annexures, be approved:

1. The draft Medium Term Revenue and Expenditure Framework for the 2022/2023, 2023/2024 and 2024/2025 financial years as set out in Annexure “A”;

(ii) Adjustments to all budget related policies, attached as Annexure “B”, as well as policies that effect or are affected by the budget;

1. Details of Council’s investments as set out in Annexure “C”;
2. Details of all proposed service delivery agreements, including material amendments to existing service delivery agreements as set out in Annexure “D”;
3. Adjustments to the current Integrated Development Plan (IDP) as set out in Annexure “E”;
4. 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”;
5. Capital expenditure within the budget year as set out in Annexure “G”;
6. Projects to be undertaken within the budget year as set out in Annexure “H”;
7. 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 2022/2023 financial year as set out in Annexure “J”;

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

(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”;

1. That cognisance be taken of –
2. (a) MFMA Circular No. 88 – Rationalisation Planning and Reporting Requirements for the 2022/2023 MTREF (Performance Indicators), attached as Annexure “M”;

(b) MFMA Circular No. 112: Municipal Budget Circular for the 2022/2023 MTREF – 06 December 2021, attached as Annexure “N”;

(ii) The Cape Winelands District Municipality’s:

1. Air Quality Management Plan, attached as Annexure “O”;
2. Draft Spatial Development Framework (2021-2026), attached as Annexure “P”;
3. Integrated Waste Management Plan, attached as Annexure “Q”;
4. Corporate Disaster Management Planning Framework, attached as Annexure “R”;
5. Demand Plan, attached as Annexure “S”.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENTS** |
| Ms FA du Raan-Groenewald (BTO) 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 2022  3 June 2022  3 June 2022 | Official notices will be published in newspapers as from 27 May 2022. |

**C.15.2 APPROVAL OF A DECREASE FUNDING RECEIVED FOR THE 2021/2022 FINANCIAL YEAR IN TERMS OF SECTION 28(2)(b) OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT NO. 56 OF 2003) (MFMA)** **AND REGULATION 23(3) OF THE MUNICIPAL BUDGET AND REPORTING REGULATIONS, 2008**

**(5/1/1/6 & 3/2/5/15)**

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

**PURPOSE OF SUBMISSION**

That Council consider to approve an adjustments budget as contemplated in section 28(2)(a) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) and regulation 23(3) of the Municipal Budget and Reporting Regulations, 2008 to authorize a decrease in funding received for the 2021/2022 MTREF.

**BACKGROUND**

An adjustments budget, contemplated in section 28(2)(a) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA), may appropriate additional revenues that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmes already budgeted for within a prescribed framework.

In addition, regulation 23(3) of the Municipal Budget and Reporting Regulations, 2008 (published in Government Gazette No. 32141 on 17 April 2009), determined the timeframes for the tabling of the said special adjustments budget as follows:

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

\*\*\* On 29 April 2021 the Provincial Government, via its Department of Transport and Public Works, allocated an amount of R120 200 000 to the Cape Winelands District Municipality to perform the maintenance and construction of proclaimed Provincial roads in our 2022/2023 Medium Term Revenue and Expenditure Framework (refer to Annexure “F”. On 20 April 2022 this allocation was decreased to R105 200 000 (refer to Annexure “G”. Due to the difference in the provincial and municipal financial years, the effect on Council’s 2021/2022 financial year is a decrease of R3 750 000 (refer to Annexure “H”.

**COMMENTS**

\*\*\* The decrease of the municipality’s funding resulted in certain 2021/2022 Operating Budget items to be adjusted. The budget document attached as Annexure “A” as well as the Adjustments Budget Schedule B with its supporting tables attached as Annexure “D” were updated with the necessary changes.

**Expenditure**

Expenditure items that were decreased, are reflected in Annexure “E”.

**Revenue:**

Non-Ex Rev:

Transfers Subsidy: Roads, decreased from R111 193 297 to R107 443 297

\*\*\* Annexure “B” reflects a summary of the Operating Budget before the requested adjustments and Annexure “C” reflects a summary of the Operating Budget should the requested adjustments be approved.

**IMPLICATIONS**

**PERSONNEL**

None.

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

**LEGAL**

The legal implications have been addressed under “BACKGROUND” and “COMMENT” above.

*Comment prepared by: Ms. W.M. Neethling*

**FINANCIAL**

The financial implications have been addressed under “BACKGROUND” and “COMMENT” above.

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

**RECOMMENDATION BY MUNICIPAL MANAGER:**

That Council consider to approve the decrease revenue and expenditure for the 2021/2022 financial year as reflected in Annexures “A”, “B”, “C”, “D”, ”E”, “G” and “H” in terms of section 28(2)(a) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) and regulation 23(3) of the Municipal Budget and Reporting Regulations, 2008.

**COUNCIL MEETING: 26 MAY 2022: ITEM C.15.2**

Councillor E. Groenewald, seconded by Councillor D. Swart proposed that the decrease revenue and expenditure for the 2021/2022 financial year as reflected in Annexures “A”, “B”, “C”, “D”, ”E”, “G” and “H” in terms of section 28(2)(a) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) and regulation 23(3) of the Municipal Budget and Reporting Regulations, 2008, be approved.

**RESOLVED: (Unopposed = 39 Councillors)**

That the decrease revenue and expenditure for the 2021/2022 financial year as reflected in Annexures “A”, “B”, “C”, “D”, ”E”, “G” and “H” in terms of section 28(2)(a) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) (MFMA) and regulation 23(3) of the Municipal Budget and Reporting Regulations, 2008, be approved.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENTS** |
| Ms FA du Raan-Groenewald (BTO) to attend to the matter.  Ms FA du Raan-Groenewald (Admin Support) to attend to the publication of the Annual Budget | 30 June 2022  3 June 2022 | Official notices will be published in newspapers as from 27 May 2022. |

**C.15.3 FILLING OF MUNICIPAL MANAGER POST (4/3/2/3)**

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

**PURPOSE OF SUBMISSION**

That Council considers to grant approval that the post of Municipal Manager be advertised for a fixed term of employment up to a maximum of five (5) years, not exceeding a period ending one year after the election of the next council of the municipality.

**BACKGROUND**

At Item C.7.1 of 28 September 2017 Council resolved that Mr. H.F. Prins be appointed in the position of Municipal Manager with effect from 01 December 2017 for a fixed term of five (5) years, not exceeding a period of one (1) year ending after the election of the next Municipal Council.

**COMMENT**

A municipal manager isappointed by a council and is the link between a council and the administration, of which the municipal manager is the head. A municipal manager has to account for a municipality's income and expenditure, assets and other obligations, such as proper adherence to all legislation applicable to municipalities.

From the aforementioned it is clear that a municipal manager, as head of administration and accounting officer, is responsible for the general performance of a municipality and must have the skills, expertise, competence and qualifications as prescribed to be able to manage and direct the administrative and operational aspects of a municipality in order to achieve the strategic objectives of council.

In this regard cognisance should be taken of the Regulations on the Appointment and Conditions of Employment of Senior Managers 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 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**

Adequate appropriation has been made in the 2022/2023 operational budget as well as the concomitant outer years of the MTREF for the post of a Municipal Manager.

*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(6) of the Local Government: Municipal Systems Act, 2000, provides that the employment contract for a municipal manager must be for a fixed term of employment up a to maximum of five years, not exceeding a period ending one year after the election of the next council of the municipality.

The skills, expertise, qualifications and competencies required for the position of municipal manager is set out in the Regulations on the Appointment of and Conditions of Service for Senior Managers, 2014 and the minimum requirements (skills, expertise, qualifications and competencies) are set out in Annexure “A” and Annexure “B-2” of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers, 2014.

In terms of the minimum requirements, a municipal manager must have:

* A Bachelor Degree in Public Administration / Political Science / Social Sciences / Law; or equivalent;
* 5 years relevant experience at a senior level;
* Proven successful institutional transformation within public or private sector;
* Advanced knowledge and understanding of relevant policy and legislation;
* Advanced understanding of institutional government systems and performance management;
* Advanced understanding of council operations and delegation of powers;
* Good governance;
* Audit and risk management establishment and functionality; and
* Budget and finance management.

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 accounting officer of a municipality must meet the minimum competency requirements set out in regulation 3 and regulation 4.

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.

The selection panel for the appointment of the municipal manager must consist of at least three and not more than 5 members, constituted as follows:

1. The executive mayor who will be the chairperson of the panel, or his or her delegate;
2. A councillor designated by the council;
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.

**TERMS AND** **CONDITIONS OF THE EMPLOYMENT CONTRACT**

The terms and conditions contained in the contract must be in accordance with prevailing law, inter alia, the Local Government: Regulations on Appointment and Conditions of Employment of Senior Manager, 2014 and the Local Government: Upper Limits of Total Remuneration Packages Payable to Municipal Managers and Managers Directly Accountable to Municipal Managers.

In terms of Part 4, Clause P.1.04 of the System of Delegations reconfirmed by Council at Item C.4.8 on 2 December 2021, delegated power was granted to the Executive Mayor in consultation with the Deputy Executive Mayor to determine the conditions of service and the terms of employment contracts of the Municipal Manager (subject to prevailing law).

*Comment prepared by: Ms. W.M. Neethling*

**RECOMMENDATION BY THE EXECUTIVE MAYOR:**

That Council considers to –

1. Grant approval that the post of Municipal Manager be advertised in the following printed media:
2. Weekend Argus;
3. Die Burger;
4. Sunday Times;
5. Rapport;
6. Appoint a selection panel in terms of regulation 12(3) of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers of 17 January 2014, consisting of the following members:
7. Executive Mayor, Ald (Dr) H von Schlicht (Chairperson);
8. A member of the Mayoral Committee to be designated by the Executive Mayor, Ald (Dr) H von Schlicht;
9. A Municipal Manager from a neighbouring municipality.

**COUNCIL MEETING: 26 MAY 2022: ITEM C.15.3**

**RESOLVED: (Unopposed = 39 Councillors)** That –

1. Approval be granted that the post of Municipal Manager be advertised in the following printed media:
2. Weekend Argus;
3. Die Burger;
4. Sunday Times;
5. Rapport;
6. A selection panel be appointed in terms of regulation 12(3) of the Local Government: Regulations on Appointment and Conditions of Employment of Senior Managers of 17 January 2014, consisting of the following members:
7. Executive Mayor, Ald (Dr) H von Schlicht (Chairperson);
8. A member of the Mayoral Committee to be designated by the Executive Mayor, Ald (Dr) H von Schlicht;
9. A Municipal Manager from a neighbouring municipality.

|  |  |  |
| --- | --- | --- |
| **ACTION** | **DUE DATE** | **COMMENTS** |
| Ms FA du Raan-Groenewald (HR) to attend to the matters. | 30 June 2022 |  |

**C.16 CONCLUSION**

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

The agenda was concluded at 12:45.

CONFIRMED ON THIS DAY OF 2022.

SPEAKER

DAH/iw

**CAPE WINELANDS DISTRICT MUNICIPALITY**

**COUNCIL MEETING**

**THURSDAY, 26 MAY 2022 AT 10:00**

**M I N U T E S**

|  |  |  |
| --- | --- | --- |
| **ITEM** |  | **PAGE** |
|  |  |  |
| C.1 | OPENING | 1 |
|  |  |  |
| C.2 | ELECTION OF ACTING SPEAKER, IF NECESSARY | 1 |
|  |  |  |
| C.3 | DISCLOSURE OF ANY DIRECT OR INDIRECT INTERESTS BY COUNCILLORS AND/OR OFFICIALS | 1 |
|  |  |  |
| C.4 | APPLICATIONS FOR LEAVE OF ABSENCE | 1 |
|  |  |  |
| C.5 | STATEMENTS AND COMMUNICATIONS BY THE SPEAKER | 1 |
|  |  |  |
| C.6 | STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR | 1 |
|  |  |  |
| C.7 | CONSIDERATION OF NOTICES OF MOTION | 1 |
|  |  |  |
| C.8 | CONSIDERATION OF NOTICES OF QUESTIONS | 1 |
|  |  |  |
| C.9 | CONSIDERATION OF MOTIONS OF EXIGENCY | 1 |
|  |  |  |
| **C.10** | **MINUTES** |  |
|  |  |  |
| C.10.1 | CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON THURSDAY, 24 MARCH 2022  **(ATTACHED)** | 1 |
|  |  |  |
| C.10.2 | CONFIRMATION OF THE MINUTES OF THE COUNCIL MEETING HELD ON THURSDAY, 28 APRIL 2022  **(ATTACHED)** | 1 |
|  |  |  |
| C.10.3 | REPORT BY THE MUNICIPAL MANAGER: ACTION MINUTES OF THE COUNCIL MEETING HELD ON THURSDAY, 24 MARCH 2022 |  |
|  |  |  |
| C.10.4 | REPORT BY THE MUNICIPAL MANAGER: ACTION MINUTES OF THE COUNCIL MEETING HELD ON THURSDAY, 28 APRIL 2022 | 2 |
|  |  |  |
| **C.11** | **INTERVIEWS WITH OR PRESENTATIONS BY DEPUTATIONS** |  |
|  |  |  |
|  | NONE. |  |
|  |  |  |
| C.12 | URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER | 2 |

2.

|  |  |  |
| --- | --- | --- |
| **ITEM** |  | **PAGE** |
|  |  |  |
| C.13.1 | REPORT BY THE EXECUTIVE MAYOR: MAYORAL COMMITTEE MEETING HELD ON TUESDAY, 8 MARCH 2021 | 3 |
|  |  |  |
| **C.14** | **MATTERS FOR NOTIFICATION** |  |
|  |  |  |
| C.14.1 | MONTHLY PROGRESS REPORT ON MUNICIPAL MINIMUM COMPETENCY LEVELS: MARCH 2022 (4/12/5, 1/1/1 & 3/2/5/13) |  |
|  |  |  |
| C.14.2 | MONTHLY PROGRESS REPORT ON MUNICIPAL MINIMUM COMPETENCY LEVELS: APRIL 2022 (4/12/5, 1/1/1 & 3/2/5/13) |  |
|  |  |  |
| C.14.3 | NOTICE TO MAYORAL COMMITTEE: MINUTES OF THE MEETING OF THE RULES COMMITTEE HELD ON FRIDAY, 25 FEBRUARY 2022  (3/2/3/1) |  |
|  |  |  |
| **C.15** | **MATTERS FOR CONSIDERATION** |  |
|  |  |  |
| C.15.1 | DRAFT 2022/2023, 2023/2024 AND 2024/2025 MEDIUM TERM REVENUE AND EXPENDITURE FRAMEWORK (MTREF) FOR THE CAPE WINELANDS DISTRICT MUNICIPALITY (5/1/1/10) |  |
|  |  |  |
| C.15.2 | APPROVAL OF A DECREASE FUNDING RECEIVED FOR THE 2021/2022 FINANCIAL YEAR IN TERMS OF SECTION 28(2)(b) OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT NO. 56 OF 2003) (MFMA) AND REGULATION 23(3) OF THE MUNICIPAL BUDGET AND REPORTING REGULATIONS, 2008  (5/1/1/6 & 3/2/5/15) |  |
|  |  |  |
| C.15.3 | FILLING OF MUNICIPAL MANAGER POST (4/3/2/3) |  |
|  |  |  |
| C.16 | CONCLUSION |  |