

# BEAUFORT WES (T) MUNISIPALITEIT / MUNICIPALITY



## 1<sup>st</sup> MONTHLY COUNCIL MEETING

DATE : TUESDAY, 30 JANUARY 2024

DATUM : DINSDAG, 30 JANUARIE 2024

TIME / TYD : 10:00

PLACE / PLEK: COUNCIL CHAMBERS, MUNICIPAL OFFICES, 15 CHURCH STREET,  
BEAUFORT-WES (T)



Municipal Offices // Munisipale Kantore  
112 Donkin Street / Donkinstraat  
**BEAUFORT-WES(T)**

23 January 2024

**TO ALL MEMBERS OF THE LOCAL COUNCIL FOR BEAUFORT WEST // AAN ALLE LEDE  
VAN DIE PLAASLIKE RAAD VIR BEAUFORT-WES**

- + Municipal Manager [**DE Welgemoed**], Director: Corporate Services [**AC Makendlana**], Director: Infrastructure Services [**L Nqotola**], Acting Director: Financial Services [**M Nhlengethwa**], Acting Senior Manager: Community Services [**MC Tshibo**], Senior Manager: Corporate Services [**P Strümpher**], Senior Administrative Officer [**J Visagie**] and IDP Coordinator [**L Lakay**]

**NOTICE** is hereby given that the 1<sup>st</sup> **Monthly Council meeting** of the **Local Council for Beaufort West** will be held on **Tuesday, 30 January 2024 at 10:00** in the **Council Chambers, 15 Church Street, Beaufort West** in order to consider and make decisions on the discussion points set out in the Agenda.

DE Welgemoed  
**Municipal Manager**  
/ldd

**AGENDA**

Pages//Bladsye

- A. OPENING AND WELCOMING**
- 1. Election of Acting Speaker**
  - 2. Application for Leave of Absence**
  - 3. Confirmation of Minutes – 1 -23**  
3/2/1/B
    - 3.1 10<sup>th</sup> Monthly Council Meeting for the Local Council for Beaufort West held on Tuesday, 5 December 2023 1 - 12**
    - 3.2 18<sup>th</sup> Special Council Meeting for the Local Council for Beaufort West held on Wednesday, 13 December 2023 13 – 17**

9. **Consideration of Motions**
10. **Consideration of Questions**
11. **Consideration of Motions of Exigency**
12. **Adjournment**

**Minutes of the 10<sup>th</sup> Monthly Council Meeting** for the Local Council of Beaufort West  
held in the **Council Chambers, Municipal Offices, 15 Church Street, Beaufort West**  
on **Tuesday, 5 December 2023 at 10: 08**

**Present**

**Alderman:** JJ Van Der Linde

**Councillors:** EF Botha [**Executive Mayor**], LV Piti [**Deputy Executive Mayor**], N Constable [**Speaker**], N Abrahams, TCJ Prince, CL De Bruin, SM Meyers, LBJ Mdudumani, JDK Reynolds, S Essop, AM Slabbert

**Absent:**

**Councillors:** R Skuza

**In Service:** **Municipal Manager** [DE Welgemoed], **Senior Manager: Corporate Services** [P Strümpher], **Senior Administrative Officer** [J Visagie], **Senior Clerk: Committees** [L.D. Draghoender] and **HR Intern** [P Mpofu]

**Absent:** **Director: Corporate Services** [AC Makendlana] [*apology*]  
**Acting Director: Financial Services** [M Nhlengethwa] [*apology*]  
**Acting Senior Manager: Community Services** [MC Tshibo] [*apology*]  
**Senior Manager: Water, Sanitation and PMU** [C Wright] [*apology*]

**A. OPENING AND WELCOMING**

The Speaker welcomes all to the last Council meeting for 2023 and requests the Municipal Manager, Mr DE Welgemoed to open the meeting with prayer.

**1. ELECTION OF ACTING SPEAKER**

**NONE**

**2. APPLICATION FOR LEAVE OF ABSENCE**

3/2/1/2

The Speaker informs the meeting that Council will be in recess from 12 December 2023 until 15 January 2024. Furthermore the Speaker requests that councillors be virtually available should the need arise to discuss urgent matters during the recess period.

The following councillors give an indication that they will be on leave of absence:

<b>COUNCILLOR</b>	<b>REASON</b>	<b>PERIOD OF LEAVE OF ABSENCE</b>
JJ Van Der Linde	Leave	06 December – 07 December 2023

**6. CONSIDERATION OF REPORTS****6.1 MONTHLY REPORTING: MONTHLY BUDGET STATEMENT – OCTOBER 2023**

dcs

Councillor EF Botha seconded by Councillor CL De Bruin proposes that the Monthly Budget Statement for October 2023 attached as **Annexure 23 to 62** to the Agenda be accepted and approved.

**UNANIMOUSLY ACCEPTED  
THUS RESOLVED**

**7. CONSIDERATION OF REPORTS ON DELEGATED POWERS**

**NONE**

**8. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER****8.1 DRAFT: PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2002 AND PROTECTION OF PERSONAL INFORMATION ACT 4 OF 2013: MANUAL 2/B; 4/1/2/1; 9/2/1/2**

dcs

Councillor SM Meyers seconded by Councillor S Essop proposes:

8.1.1 That Council notes the content of the report.

8.1.2 That the Promotion of Access to Information and Protection of Personal Information Manual attached as **Annexure 001 to 040** of the Agenda be accepted and approved.

8.1.3 That the Municipal Manager and Director: Corporate Services be the designated Information Officer and Deputy Information Officer, respectively.

**UNANIMOUSLY ACCEPTED  
THUS RESOLVED**

**8.2 TOP RISK REGISTER AND FRP RISK REGISTER: OCTOBER 2023 5/12/1/2**

dcs

Councillor S Essop request clarity whether the due dates as mentioned in **Annexure 042 to 043** of the Agenda has been met.

The Municipal Manager confirms that the due dates have been met.

Councillor CL De Bruin seconded by Councillor AM Slabbert proposes that the Top Risk Register and FRP Register: October 2023 attached as **Annexure 041 to 045** to the Agenda be accepted and approved.

**UNANIMOUSLY ACCEPTED  
THUS RESOLVED**

8.5.2 Dat die Raad goedkeuring aan die Munisipale Bestuurder verleen om onderhandelinge met Suid-Kaap TVET Kollege aan te knoop vir die oordrag van eienaarskap van die Vaardigheidsentrum aan voormelde kollege.

8.5.3 Dat die voorwaardes gestel in paragraaf 2.6 van die raadsbesluit dateer 26 Julie 2023 per item 8.14, van toepassing sal bly.

Raadslid LV Piti gesekondeer deur Raadslid N Abrahams stel voor dat die Item nie bespreek word nie en dat die Administrasie die SERVICES SETA nader en besprekings hou rondom die aanbevelings gemaak deur die Administrasie.

Die Speaker bring die voorstelle tot stemming.

4 Stemme ten gunste van die voorstel gemaak deur Raadsheer JJ Van Der Linde gesekondeer deur Raadslid JDK Reynolds.

8 Stemme ten gunste van die voorstel gemaak deur Raadslid LV Piti gesekondeer deur Raadslid N Abrahams.

#### **ALDUS BESLUIT**

#### **8.6 TRANSFER: SOUTH CAPE TVET COLLEGE // BEAUFORT WEST MUNICIPALITY: ERF 3464 7/3/4/1/3/1**

Councillor N Abrahams seconded by Councillor CL De Bruin proposes:

**ba**

8.6.1 That the request from South Cape TVET dated 20 October 2023 to waive the forfeiture of erf 3464 not be approved due to the fact that the forfeiture already took effect on 17 November 2017.

8.6.2 That Crawford's Attorneys be instructed to serve South Cape TVET College and or the Minister of Higher Education with the appropriate transfer documents based on the forfeiture clause registered in Deed of Transfer T70760/2016 claiming transfer of erf 3464 in the name of Beaufort West Municipality.

8.6.3 That if the Minister of Higher Education refuses to sign the transfer documents, Crawford's Attorneys be authorized to lodge an application with a competent court requesting the court to confirm the forfeiture of erf 3464 Beaufort West and to authorized the Sheriff of the Court to sign the transfer documents.

8.6.4 That after erf 3464 is registered in the name of Beaufort West Municipality, South Cape TVET College may submit a new application to acquire ownership of erf 3464, Beaufort West.

**UNANIMOUSLY ACCEPTED  
THUS RESOLVED**

**8.9 AANSOEK OM DIE KOOP VAN ERWE 220, 233, 248 EN 262 MERWEVILLE**  
7/3/4/1/3/2

Raadslid S Essop gesekondeer deur Raadslid CL De Bruin stel voor:

**sab**

- 8.9.1 Dat 'n adhoc-waardasie verslag aangevra word.
- 8.9.2 Dat erwe 220, 233, 248 en 262 te koop aangebied word deur 'n oop bod proses.
- 8.9.4 Dat die volgende dokumente goedgekeur word:
- 8.9.4.1 Koopakte, aangeheg as **Bylae 123 tot 129**.
  - 8.9.4.2 Kennisgewing ter vervreemding, aangeheg as **Bylae 130 tot 131**.
  - 8.9.4.3 Bodvorm Bylae, aangeheg as **Bylae 132 tot 136**.

**EENPARIG BESLUIT  
ALDUS AANVAAR**

**8.10 AANSOEK OM DIE KOOP VAN ERWE 1218, 1219, 1134 EN 1249, MURRAYSBURG**  
7/3/4/1/3/2

Raadslid LBJ Mdudumani gesekondeer deur Raadslid N Abrahams stel voor:

**sab**

- 8.10.1 Dat Erf 1218, 1219, 1134 en 1249 openbare kennisgewing te koop aangebied word.
- 8.10.2 Dat die minimum waarde soos volg vas gestel word volgens die 2017 Algemene Waardasierol:-
- Erf 1218 – R 5 000 BTW uitgesluit
  - Erf 1219 – R 5 000 BTW uitgesluit
  - Erf 1134 – R 6 000 BTW uitgesluit
  - Erf 1249 – R 5 000 BTW uitgesluit
- 8.10.3 Dat die kostes vir die water aansluiting, die uitbreiding van die rioolnetwerk sowel as die riolaansluiting vir die rekening van die suksesvolle koper wees.
- 8.10.4 Dat die volgende dokumente goedgekeur word:
- 8.10.4.1 Koopakte aangeheg as **Bylae 150 tot 156**.
  - 8.10.4.2 Kennisgewing ter vervreemding aangeheg as **Bylae 157 tot 158**.
  - 8.10.4.3 Bodvorm aangeheg as **Bylae 159 tot 164**.

**EENPARIG AANVAAR  
ALDUS BESLUIT**

**8.13 CIRCULAR NO. 37/2023: UPDATE ON KEY LEGAL MATTERS AFFECTING LOCAL GOVERNMENT**  
10/3/2/3/4

**NOTED**

**8.14 REQUEST FOR RENTAL: PERFECT BODIES GYMNASIUM**  
14/9/5/1

**ba**

Councillor S Essop seconded by Councillor LBJ Mdudumani proposes that the amendment of the lease agreement from 01 January 2024 to 31 December 2024 as requested by Perfect Bodies Gymnasium, be approved.

**UNANIMOUSLY ACCEPTED  
THUS RESOLVED**

In accordance with Section 4(4) of the Rules of Order the Speaker informed Council that item 8.15 will be discussed last as it is employee related.

**8.15 ACCEPTANCE OF EMPLOYMENT OFFER: MUNICIPAL MANAGER: DE WELGEMOED**  
SP: DE Welgemoed

See Separate Minute Book.

**ADDENDUM – AGENDA**

Councillor CL De Bruin seconded by Councillor LBJ Mdudumani proposes that Councillor N Abrahams act as Speaker for the discussion of item 8.16.

The Speaker vacates the chair and together with Councillor CL De Bruin recuses themselves for the discussion of Item 8.16.

Councillor N Abrahams takes up the chair as Acting Speaker.

**8.16 EVALUATION OF NOTICE No.181/2023: SALE OF VACANT RESIDENTIAL ERVEN: ESSOPVILLE AND NIEVELD PARK**  
7/3/4/1/3/2

**sab**

The Senior Manager: Corporate Services tables a schedule of erven in Nieuvelde Park previously awarded but not sold due to non-performance from the buyers and request Council to grant permission to offer these erven for sale together with the properties listed in Notice 181/2023.

Councillor SM Meyers seconded by Alderman JJ Van Der Linde proposes:

8.16.1 That based on the non-compliance with the conditions 9 and 10 stipulated in Notice 181/2023, no bid be awarded.





Municipal Offices  
112 Donkin Street  
**BEAUFORT WEST**  
6970

23 January 2024

## 8. URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

### 8.1 DRAFT ANNUAL REPORT 2022/2023 FINANCIAL YEAR

2/6/2

#### 1. Purpose of the Report

1. To take note of the Annual Report for 2022/2023 financial year.
2. To obtain approval that the Annual Report be made public.

#### 2. Background

In terms of Section 127(2) of the Municipal MFMA, the Executive Mayor of the Municipal Council, must within seven (7) months after the end of the financial year table, in Municipal Council the Annual Report of the Municipality.

The Annual Report for the financial year 2022/2023 is attached as **Annexure 001 to 298**.

#### 3. Legal Implications

1. Local Government: Municipal Financial Management Act.
2. Local Government Municipal Systems Act.

#### 4. Financial Implications

None

#### 5. Recommendations

1. That Council takes note of the Annual Report for 2022/2023 financial year as attached as **Annexure 001 to 298** of the Agenda.
2. That the Annual Report be made public in terms of Section 21 (A) of the Municipal Systems Act to allow local communities opportunity and other relevant state departments to submit representation.

**FOR CONSIDERATION**

#### 4. Recommendations

That the Terms of Reference for MPAC attached as **Annexure 299 to 309** of the Agenda be adopted and approved.

#### FOR CONSIDERATION

### 8.3 AFSTANDDOENING VAN BEPERKING VAN TOTALE VERGOEDINGSPAKKET AAN MUNISIPALE BESTUURDERS

4/2/B

#### 1. Inleiding

Hierby aangeheg as **Bylae 310 tot 313** is 'n pro forma skrywe gerig aan die Nasionale Minister van Samewerkende Regering waarin vrystelling versoek word vir die Munisipale Bestuurders en Bestuurders direk verantwoordelik aan die Munisipale Bestuurders in die Sentraal Karoo.

#### 2. Kommentaar

- 2.1. Hierdie pro forma skrywe is op 19 Januarie 2024 vanaf die ander Munisipale Bestuurders in die Sentraal Karoo ontvang.
- 2.2. Die inhoud van die skrywe hou finansiële implikasies vir die Raad in en kan nie net sito sito aanvaar word nie.
- 2.3 'n Epos is ook op 15 Januarie 2024 aan die Munisipale Bestuurders gestuur waarin hulle ingelig is dat die skrywe finansiële implikasies vir die Raad inhou indien dit goedgekeur sou word.

Die Munisipale Bestuurder is nie by magte om die skrywe te onderteken sonder die goedkeuring van die Raad nie.

#### 3. Aanbeveling

Dat die raad sal besin oor die inhoud van die skrywe en of die Raad die versoek ondersteun of nie.

#### VIR OORWEGING

## 5. Recommendations

That approval be granted for the adoption and acceptance of the Unauthorised, Irregular, Fruitless and Wasteful Expenditure Policy and Reduction Strategy for the Beaufort West Municipality attached as **Annexure 314 to 358** of the Agenda

### FOR CONSIDERATION

#### 8.5 MFMA: SECTION 66: EXPENDITURE ON STAFF BENEFITS: NOVEMBER AND DECEMBER 2023

5/1/24

Attached as **Annexure 359 to 362** is a memorandum dated 6 December 2023 and 12 January 2024, respectively received from the Acting Director: Financial Services.

### FOR CONSIDERATION

#### 8.6 UITKONTRAKTERING VAN DIE AFLEWERING VAN MUNISIPALE REKENINGE

5/10/1

##### 1. Inleiding

Die administrasie van die Raad stuur maandeliks nagenoeg 10,500 rekeninge uit na die debiteure vanaf die Raad.

##### 2. Kommentaar

2.1 Dit was histories die gebruik dat die Poskantoor die aflewering van die rekeninge van die Munisipaliteit hanteer.

2.2 Hierdie praktyk was in 2008 herbevestig toe ICASA (Independent Communications Authority) goedkeuring aan die Poskantoor verleen het om die alleen verskaffer van posstukke in die land te wees. Hierdie goedkeuring is verleen vir 'n tydperk van 25 jaar. Sien Omsendskrywe Nr. 2015/2016 van Nasionale Tesourie in die verband aangeheg as **Bylae 363 to 367**.

2.3 Die probleem met die Poskantoor is dat hulle nie oor die kapasiteit beskik om die rekeninge betyds af te lewer nie.

Reeds sedert ongeveer Julie 2023 was die Waarnemende Munisipale Bestuurder, finansies personeel sowel as die Waarnemende Direkteur: Finansiële Dienste in gesprekke met die Poskantoor om hulle dienslewering te verbeter.

2.4 Die belofte was telkens deur die Poskantoor gemaak dat hulle die munisipale rekeninge binne 'n week na ontvangs sou aflewer.

**8.7 MEMORANDUM: MINUTES OF THE AUDIT COMMITTEE: 23 NOVEMBER 2023**  
5/12/1/2

Attached as **Annexure 368 to 378** is a memorandum dated 28 November 2023 received from the Internal Auditor.

**FOR CONSIDERATION**

**8.8 EVALUATION OF NOTICE No.197/2023: LEASE OF ROOM No.2 MINI MARK: KWA MANDLENKOSI BEAUFORT WEST**  
7/1/4

During Council meeting held on 31 October 2023 per item 8.9, it was resolved as follows:

“Dat goedkeuring verleen word dat Kamer Nr 2 by die Mini-Mark weer per openbare kennisgewing te huur aangebied word, teen n minimum maandelikse huurgeld van R1, 184.50 BTW uitgesluit.”

A copy of Notice No. 197/2023 is Attached as **Annexure 379 to 380** which was published on the following platforms:

- Beaufort West Municipal Website
- Notice Boards

On the closing date bids were received from the following people:

1. Ntombizanele J Lamani has submitted bid forms indicating that she is interested in Room No.2 Mini Mark Kwa Mandlenkosi, offering a bid of R1200 is attached as **Annexure 381 to 385.**

The amount offered by Mrs. N.J. Lamani exceeds the minimum leasing price, (VAT excluded) for Room No.2 Mini Mark.

2. Nombulelo Bokwe has submitted a bid form indicating that she is interested in in Room No.2 Mini Mark Kwa Mandlenkosi, offering a bid of R1200 is attached as **Annexure 386 to 393.**

The amount offered by Mrs. N. Bokwe exceeds the minimum leasing price, (VAT excluded) for Room No.2 Mini Mark.

**Discussion**

Ntombizanele J Lamani and Nombulelo was the only bidders for Room No.2 Mini Mark. Ntombizanele J Lamani met the requirements set out in Notice No. 197/2023. Nombulelo

Section 14 of the MFMA provides as follows:-

- (1) A municipality may not transfer ownership of a capital asset required for the provision of the minimum level of basic Municipal Services as a result of a sale or other transaction or otherwise dispose of such an asset permanently."
- (2) Municipality may transfer ownership of, or otherwise possess, a capital asset other than an asset contemplated in subsection (1), but only after the Municipal Council at a meeting opened to the public –
  - (a) Has decided on reasonable grounds that the asset is not required for the provision of the minimum level of basic Municipal Services, and
  - (b) Considered the fair market value of the asset and the economic and community value to be received in return.
- (3) A decision by a Municipal Council that a specific capital asset is not required for the provision of the minimum level of basic Municipal Services, may not be withdrawn by the Municipality after the asset has been sold, transferred or otherwise disposed of not.
- (4) A Municipal Council may delegate to the accounting officer of the Municipality its power to make the provisions referred to in subsection (2) (a) and (b) in respect of movable capital assets with a value lower than a value determined by the Council.
- (5) Any transfer of ownership of a capital asset in terms of subsection (2) or (4) must be fair, equitable, transparent, competitive and in accordance with the supply chain management policy that the Municipality must have and maintain in terms of section 111.
- (6) This section does not apply to the transfer of a capital asset to another Municipality or a Municipal entity or a national or provincial organ of state in circumstances and with regard to categories of assets approved by the National Treasury, provided that such transfers are in accordance with a prescribed framework."

#### 4.2 Municipal Asset Transfer Regulations, 2008 (ATR)

The ATR distinguish between **exempted-** and **non-exempted capital assets** and specifically refers to **high value assets**. These three concepts are defined as follows in Section 1 of the ATR:

**"Exempted capital asset"** means a municipal capital asset which is exempted by section 14(6) or 90(6) of the Act from the other provisions of that section

**"Non-exempted capital asset"** means a municipal capital asset which is not exempted by section 14(6) or 90(6) of the Act from the other provisions of that section

**"High value"** in relation to a capital asset of a municipality or municipal entity, means that the fair market value of the capital asset exceeds any of the following amounts:

- (a) *R50 million;*
- (b) *one percent of the total value of the capital assets of the municipality or municipal entity, as determined from the latest available audited annual financial statements of the municipality or entity; or*
- (c) *An amount determined by resolution of the council of the municipality or of the parent municipality of the municipal entity which is less than (a) or (b);*

## 2. Agtergrond

Die raad het tydens die 2de Raadsvergadering op 24 April 2018 besluit dat erf 9453 per openbare kennisgewing, uit die hand uit te koop aangebied word.

Die bod is geadverteer op 8 Junie 2018. Hierdie advertensie is gepubliseer in die volgende publikasies:-

- Die Courier
- Beaufort-Wes Munisipale Webtuiste
- Kennisgewingborde

Geen aanbod is ontvang teen die sluitingsdatum van 29 Junie 2018 nie.

Die huurooreenkoms soos gesluit tussen die Beaufort-Wes Munisipaliteit en Wyle Mnr Joenaal vir ERF 9453, Bastiaansestraat 6 Beaufort Wes het reeds verstryk op 30 April 2014 en gekanselleer.

Wyle Mnr Joenaal het ook in tussen aansoek gedoen vir huissubsidie maar die aansoek was onsuksesvol volgens Mev Joenaal. Mev Joenaal se versoek is om nou erf 9453 te huur en op n later stadium te koop.

Die huurooreenkoms soos gesluit tussen die Beaufort-Wes Munisipaliteit en Mnr Daniels vir Erf 9452 het 31 Augustus 2022 verstryk en was vir n periode van ses en dertig (36) maande teen n maandelikse vooruitbetaalbare huurgeld van R200 (Twee Honderd Rand) per maand, BTW uitgesluit met 10% eskalasië per jaar. Mnr Daniels het in tussen aansoek gedoen vir huissubsidie maar die aansoeker se subsidie aansoek was terugontvang omdat Mnr Daniels volgens die Departement Behuising nog nie 10 jaar op die waglys is nie. Mnr Daniels stel belang om die huis te koop aangesien hy meer as twintig jaar die eiendom bewoon.

## 3. Wetgewing

Wanneer die vervreemding van 'n kapitale bate oorweeg word, moet die Raad die volgende wetgewing oorweeg:

3.1. Wet op Plaaslike Regering: Munisipale Finansasiele Bestuur, 20023 (Wet 56/2003) (MFMA)

Section 14 of the MFMA provides as follows:-

- “(1) A municipality may not transfer ownership of a capital asset required for the provision of the minimum level of basic Municipal Services as a result of a sale or other transaction or otherwise dispose of such an asset permanently.”
- (2) Municipality may transfer ownership of, or otherwise possess, a capital asset other than an asset contemplated in subsection (1), but only after the Municipal Council at a meeting opened to the public –
- (a) Has decided on reasonable grounds that the asset is not required for the provision of the minimum level of basic Municipal Services, and

## 8.11 AANSOEK OM HERNUWING VAN HUUROORENKOMS: BEAUFORT-WES MUNISIPALITEIT // BEAUFORT-WES POSDUIF WEDVLUG KLUB: HUUR VAN VAN GEDEELTE VAN ERF 36, KLUBHUIS

7/1/4

### 1. Agtergrond

Die Raad het op 3 Junie 2021 soos volg besluit:-

"Dat die Posduif klub deel moet uitmaak van die In-Loce Inspeksie wat gehou gan word by alle fasiliteite van die Beaufort West Munisipaliteit en dat n besluit na deeglike bespreking geneem sal word."

Na afloop van die In-Loce Inspeksie gehou 23 Augustus 2022 het die Raad die volgende besluite geneem:-

" 1.29 That the roof of the building on a portion of erf 36 leased to the Posduif Wedvlugklub, be fixed in stages with carbon fibre.

1.30 That the Posduif Wedvlugklub write a letter which include all that they can afford, so that the Council can make a decision."

Aangeheg as **Bylae 457** is n skrywe dateer 2 November 2023 ontvang vanaf mnr R Louw voorsitter en namens Beaufort West Posduifwedvlugklub wat vanself spreek.

Die huuroorenkoms soos gesluit tussen die Beaufort-Wes Munisipaliteit en Beaufort Wes Posduifwedvlugklub vir erf 36, Klubhuis het reeds verstryk op 5 Februarie 2019.

### AANBEVELING

1. Dat die huurbedrag ten bedrae van R500.00 per maand BTW uitgesluit verminder sal word tot R100 per jaar belasting en dienste uitgesluit.
2. Dat die risiko, verliese en onderhoud vir die huurder sal wees .
3. Dat die Raad goedkeuring gee dat die huurkontrak gesluit word vir 9 jaar en 11 maande.

### VIR OOWEGING

## 8.12 AANSOEK OM HUUROORENKOMS VIR DIE VERHURING VAN GEBOU TE ERF 9833

7/1/4

### 1. Aansoek

1.1. Aangeheg as **Bylae 458** is 'n ongedateerde selfverduidelikende skrywe ontvang vanaf Apostel Andre Swarts namens House of Grace Gospel Ministries, waarin hy versoek om die gebou te gebruik vir kerkdoeleindes.

1.2. Aangeheg as **Bylae 459** is 'n ongedateerde selfverduidelike skrywe ontvang van I. Bostaander op 26 Junie 2023 waarin hy versoek om voort te gaan om die gebou te huur vir kerkdoeleindes namens Go-Ye Faithfull Ministries Kerk. Die huuroorenkoms soos gesluit tussen die Beaufort-Wes Munisipaliteit en Go-Ye Faithfull Ministries Kerk het reeds verstryk op 16 April 2022. Go-Ye Faithfull Ministries Kerk okkupeer tans die gebou te erf 9833.

- (4) A Municipal Council may delegate to the accounting officer of the Municipality its power to make the provisions referred to in subsection (2) (a) and (b) in respect of movable capital assets with a value lower than a value determined by the Council.
- (5) Any transfer of ownership of a capital asset in terms of subsection (2) or (4) must be fair, equitable, transparent, competitive and in accordance with the supply chain management policy that the Municipality must have and maintain in terms of section 111.
- (6) This section does not apply to the transfer of a capital asset to another Municipality or a Municipal entity or a national or provincial organ of state in circumstances and with regard to categories of assets approved by the National Treasury, provided that such transfers are in accordance with a prescribed framework."

### 3.2 Municipal Asset Transfer Regulations, 2008 (ATR)

The ATR distinguish between **exempted-** and **non-exempted capital assets** and specifically refers to **high value assets**. These three concepts are defined as follows in Section 1 of the ATR:

**"Exempted capital asset"** means a municipal capital asset which is exempted by section 14(6) or 90(6) of the Act from the other provisions of that section

**"Non-exempted capital asset"** means a municipal capital asset which is not exempted by section 14(6) or 90(6) of the Act from the other provisions of that section

**"High value"** in relation to a capital asset of a municipality or municipal entity, means that the fair market value of the capital asset exceeds any of the following amounts:

- (a) *R50 million;*
- (b) *one percent of the total value of the capital assets of the municipality or municipal entity, as determined from the latest available audited annual financial statements of the municipality or entity; or*
- (c) *An amount determined by resolution of the council of the municipality or of the parent municipality of the municipal entity which is less than (a) or (b);*

**3.2.1 Regulation 6** of the ATR dealing with the decision-making process for municipalities when transferring or disposing of non-exempted capital assets is attached as **Annexure 464 to 465**.

## 4. Waardasie

Die waardasieverslag gedateer 30 September 2020 ontvang van Karoo Eiendomme Waardasie het die markverwante huurwaarde van die gebou op plot 9833 in die bedrag van R 850.00 (BTW uitgesluit) aangedui.



## 2. Proposal

An application dated 3 October 2023 was received from Mr Asanda Diamond wherein he express his interest in buying one of the erven 682 and 734 Kwa-Mandlenkosi, Beaufort West. The written application received from Mr Asanda Diamond attached as per **Annexure 489**.

## 3. Commentary / Current Status

With the exception of erven 682 and 734 all the other erven indicated by Mr Diamond are already transferred to private individuals.

### 3.1. The contents of a memorandum dated 28 November 2023 received from the Coordinator: Human Settlements & Land Affairs is quoted below:-

#### "Erf 734

No information exist at the Housing Section and on the Housing Subsidy System (HSS) with regards to Erf 734 Sidesaviwa.

#### Erf 682

- No records exist on the HSS with regards to Erf 682.
- The " Sidesaviwa (Kwa Mandlenkosi) Lys van Erwe" though reflects that Erf 682 is transferred to Samuel Bafana Releaseo with title deed number T82744/99 and registration date 09/04/1999.

With further probing on the details of S.B.Raleaao ID 6007105676083, I discovered that a subsidy application was captured on his name but on Erf 792. The subsidy was not approved.

#### **Attached for your convenience**

1. The Kwa-Mandlenkosi Municipal property list
2. HSS printout reflecting SB Raleaao (with **failed deeds search**)
3. Self-explanatory Deed enquiry on ID 6007105676083.

Therefore, it appears that Erf 682 and 734 are vacant and can be made available to interested persons. "

### 3.2. The contents of a memorandum dated 5 December 2023 received from this office is quoted below:-

- "1. APPLICATION FOR PURCHASE OF ERVEN 682 AND 734 KWA-MANDLENKOSI**
- 2. OCCUPANCY / OWNERSHIP OF ERF 792, KWA-MANDLENKOSI**

Your comment with regard to erf 734 Kwa-Mandlenkosi is noted.

However, regarding erf 682 Kwa-Mandlenkosi, please note that the property was transferred back to Beaufort West Municipality per Title Deed Nr. T104114/2000. The property was allocated and transferred to Mr.S.B. Raleaao, but the house was build on erf 792 Kwa-Mandlenkosi. Thus , necessitating that erf 682 Kwa-Mandlenkosi had to be transferred back to the Municipality which was completed.

The ownership of erf 792 still remains problematic. If my memory serves me correct, Mr Raleaao was employed by Beaufort West Municipality at the stage and earned a monthly salary exceeding the threshold to qualify for subsidy. Thus, the reason why his subsidy was not approved coupled with the fact that erf 682 was at that stage registered in his name whilst the subsidy application was submitted on erf 792.

**"Non-exempted capital asset"** means a municipal capital asset which is not exempted by section 14(6) or 90(6) of the Act from the other provisions of that section

**"High value"** in relation to a capital asset of a municipality or municipal entity, means that the fair market value of the capital asset exceeds any of the following amounts:

- (a) *R50 million;*
- (b) *one percent of the total value of the capital assets of the municipality or municipal entity, as determined from the latest available audited annual financial statements of the municipality or entity; or*
- (c) *An amount determined by resolution of the council of the municipality or of the parent municipality of the municipal entity which is less than (a) or (b);*

**4.2.1 Regulation 6** of the ATR dealing with the decision-making process for municipalities when transferring or disposing of non-exempted capital assets is attached as **Annexure 490 to 491**.

## 5. Valuation

Erf 682 Kwa-Mandlenkosi Beaufort West is currently valued at R5 000 and erf 734 Kwa-Mandlenkosi Beaufort West valued at R6 000.

An extract from the General Valuation Roll indicating the value of erven 682 and 734 Kwa-Mandlenkosi Beaufort West is attached as **Annexure 492 to 493**.

As per the 2022/2023 audited financial statements the Municipality's total asset value was R 463 182 226 and the current market value for erven 682 and 734 Kwa-Mandlenkosi Beaufort West R 11 000, thus a (0.0023) of the capital assets value of the Municipality.

## 6. Discussion

Taking into account the value of erven 682 and 734 Kwa-Mandlenkosi Beaufort West (R11 000) it is not considered to be a high value asset. However to comply with section 14(5) the property must be offered for sale on the open market by public notice.

## 7. Considerations

7.1 Given the above mentioned the Council is therefore requested to consider the following:-

7.1.1. that the erven 682 and 734 is offered for sale or, if so,

7.1.2. that approval is granted that erven 682 and 734 is offered for sale out of hand by public Notice.

Die inhoud van 'n memorandum gedateer 8 Maart 2023 is ontvang van die Waarnemende Senior Bestuurder Elektrotegniese Dienste word hieronder aangehaal:-

" There is no objection againsts the sale of Erf 10046 for the purpose of erecting a church.

An electrical connection will be available to the maximum of 1x 60 Ampère at the cost, as stated in the Municipal Tariffs and payable by the applicant."

Die inhoud van 'n memorandum gedateer 21 September 2023 is ontvang van die Waarnemende Direkteur Infrastruktuur Dienste word hieronder aangehaal:-

" Erf 10046 (1174 m<sup>2</sup>) se sonering is gemeenskapsone II en die sonering is geskik vir n kerk.

Water – en riooldienste is op erf beskikbaar.

Die erf kan op tenderbasis beskikbaar gemaak word."

### 3. Wetgewing

Wanneer die vervreemding van 'n kapitale bate oorweeg word, moet die Raad die volgende wetgewing oorweeg:

#### 3.1. Wet op Plaaslike Regering: Munisipale Finanasiele Bestuur, 20023 (Wet 56/2003) (MFMA)

Section 14 of the **MFMA** provides as follows:-

- "(1) A municipality may not transfer ownership of a capital asset required for the provision of the minimum level of basic Municipal Services as a result of a sale or other transaction or otherwise dispose of such an asset permanently."
- (2) Municipality may transfer ownership of, or otherwise possess, a capital asset other than an asset contemplated in subsection (1), but only after the Municipal Council at a meeting opened to the public –
  - (a) Has decided on reasonable grounds that the asset is not required for the provision of the minimum level of basic Municipal Services, and
  - (b) Considered the fair market value of the asset and the economic and community value to be received in return.
- (3) A decision by a Municipal Council that a specific capital asset is not required for the provision of the minimum level of basic Municipal Services, may not be withdrawn by the Municipality after the asset has been sold, transferred or otherwise disposed of not.
- (4) A Municipal Council may delegate to the accounting officer of the Municipality its power to make the provisions referred to in subsection (2) (a) and (b) in respect of movable capital assets with a value lower than a value determined by the Council.
- (5) Any transfer of ownership of a capital asset in terms of subsection (2) or (4) must be fair, equitable, transparent, competitive and in accordance with the supply chain management policy that the Municipality must have and maintain in terms of section 111.
- (6) This section does not apply to the transfer of a capital asset to another Municipality or a Municipal entity or a national or provincial organ of state in circumstances and with regard to categories of assets approved by the National Treasury, provided that such transfers are in accordance with a prescribed framework."

#### 3.2 Municipal Asset Transfer Regulations, 2008 (ATR)

- 6.2. Dat erf 10046 Beaufort Wes te koop aangebied word deur 'n oop bod proses.
- 6.3. Dat die minimum verkoopsprys vasgestel word op R 36 650.00
- 6.4. Keur die volgende dokumente goed:
  - 6.4.1. Koopakte **Bylae 533 tot 539.**
  - 6.4.2. Kennisgewing ter vervreemding **Bylae 540 tot 541.**
  - 6.4.3. Bodvorm **Bylae 542 tot 545.**

## VIR OORWEGING

### 8.15 AANSOEK OM DIE KOOP VAN ERWE 4474 EN 4492, BEAUFORT WES 7/3/4/1/3/2

#### 1. Aansoek

’n Skrywe dateer 14 November 2023 is ontvang van Mnr M.J.Johnson vir die aansoek vir die aankoop van erf 4474, Walestraat 23 Beaufort Wes word aangeheg as **Bylae 546 tot 549.**

#### 2. Wetgewing

Wanneer die vervreemding van 'n kapitale bate oorweeg word, moet die Raad die volgende wetgewing oorweeg:

##### 2.1 Wet op Plaaslike Regering: Munisipale Finanasiele Bestuur, 20023 (Wet 56/2003) (MFMA)

Section 14 of the **MFMA** provides as follows:-

- “(1) A municipality may not transfer ownership of a capital asset required for the provision of the minimum level of basic Municipal Services as a result of a sale or other transaction or otherwise dispose of such an asset permanently.”
- (2) Municipality may transfer ownership of, or otherwise possess, a capital asset other than an asset contemplated in subsection (1), but only after the Municipal Council at a meeting opened to the public –
  - (a) Has decided on reasonable grounds that the asset is not required for the provision of the minimum level of basic Municipal Services, and
  - (b) Considered the fair market value of the asset and the economic and community value to be received in return.
- (3) A decision by a Municipal Council that a specific capital asset is not required for the provision of the minimum level of basic Municipal Services, may not be withdrawn by the Municipality after the asset has been sold, transferred or otherwise disposed of not.
- (4) A Municipal Council may delegate to the accounting officer of the Municipality its power to make the provisions referred to in subsection (2) (a) and (b) in respect of movable capital assets with a value lower than a value determined by the Council.

#### 4. Bespreking

Met inagneming van die waarde van erwe 4474 en 4492 word dit nie as 'n hoëwaarde-bate beskou nie. Om egter aan artikel 14(5) te voldoen, moet die eiendom per openbare kennisgewing op die ope mark te koop aangebied word.

#### 5. Aaangeleenthede ter oorweging

Die Raad word versoek om die volgende in beginsel oorweeg:-

- 5.1 Dat erwe 4474 en 4492 te koop aangebied word of nie en indien wel oorweeg die volgende:-
- 5.2. Dat erwe 4474 en 4492 te koop aangebied word deur 'n oop bod proses.
- 5.3. Dat die minimum verkoopsprys vasgestel word op R 20 000 per erf.
- 5.4. Keur die volgende dokumente goed:
  - 5.4.1. Koopakte **Bylae 554 tot 558.**
  - 5.4.2. Kennisgewing ter vervreemding **Bylae 559 tot 560.**
  - 5.4.3. Bodvorm **Bylae 561 tot 565.**

#### VIR OORWEGING

#### 8.16 EVALUATION OF NOTICE No.196/2023: PURCHASE OF ERF 153, LAND STREET 85, NELSPOORT 7/3/4/1/3/2

During Council meeting held on 31 October 2023 per item 8.14, it was resolved as follows:

- “ 8.14.1 That erf 153 Nelspoort may be offered for sale.
- 8.14.2 That erf 153 be offered for sale for the minimum value of R 20 000 as per the General Valuation Roll
- 8.14.3 That erf 153 Nelspoort be offered for sale through an open bidding process.
- 8.14.4 That approval be granted for the following documents:
  - 8.14.4.1 Deed of Sale **Annexure 175 to 179.**
  - 8.14.4.2 Notice for Disposal of erf 153 Nelspoort, **Annexure 180 to 181.**
  - 8.14.4.3 Bid form to be submitted by the prospective bidders **Annexure 182 to 185.**”

A copy of Notice No. **196/2023** is attached as **Annexure 566 to 567** which was published on the following platforms:

- Beaufort West Municipal Website
- Notice Boards
- Die Burger

On the closing date no bids were received. A copy of the Tender Register / Bid Register is attached as **Annexure 568.**

- "1. That the addendum-agreement must be signed by BW Power Company within 10 business days from date of request.
2. That clause 2.2 of the deed of sale be amended to allow the purchaser to submit an acceptable guarantee for the payment of the purchase price on date of registration which guarantee must be submitted with the transferring attorneys within 21 business days from date of signature of the addendum-agreement by and on behalf of BW Power Company.
3. The clause 7.2 of the deed of sale be amended to allow the purchaser to submit the required land use application within 50 calendar days from date of signature of the addendum-agreement by and on behalf of BW Power Company."

On 6 June 2023 Crawford's Attorneys was instructed to proceed with drawing up and addendum-agreement, a copy of the aforementioned instruction is attached as **Annexure 569 to 570**.

A letter dated 20 July 2023 received from Crawfords Attorneys confirming that the addendum-agreement was sent to Mr. Eugene Botha also confirming receipt thereof is attached as **Annexure 571**.

An e-mail dated 27 July 2023 received from Crawfords Attorneys confirming that no response is received from Mr. Botha and requesting further instruction, is attached as **Annexure 572**.

Attached as **Annexure 573 to 583** is an e-mail dated 17 January 2024 with annexures, received from Crawfords Attorneys indicating that they are not receiving a response from BW Power Company and is requesting further instruction on how they should proceed with this matter.

### 3. General comments

On the 28 August 2023 the lack of performance from BW Power Company was reported to Council to which Council resolved as follows:

- " That with regards to SCM 04/2023 Council the Acting Municipal Manager must further liaise with BW Power Company with regards to the signing of the addendum-agreement and report back to Council. "

Since the above resolution no response was received from BW Power Company or its representatives.

Despite the written correspondence by Crawford Attorneys the Municipal Manager made several telephonic calls to the legal representatives of BW Power Company to finalise the matter, to which also no response was received.

The current situation is that there is a signed agreement between Beaufort West Municipality and BW Power Company and the latter party being the purchaser does not perform to any of the conditions of the deed of sale nor do they respond to the extensions granted by Council on 30 May 2023.

To state it bluntly, BW Power Company and its representatives are ignoring all communication from Beaufort West Municipality and its lawyers.

BW Power Company is currently in material breach of the contract by that:

5. That actions listed in paragraphs 1-4 above must be completed by 29 February 2024 after which the parties will reconvene.

On the date of the meeting with MEFU, the proposed lease of Murraysburg Commonage was already advertised.

A copy of **Notice No. 198/2023** is attached as **Annexure 584 to 586** which was published on the following platforms:

- Beaufort West Municipal Website
- Notice Boards
- Die Burger

On the closing date, one bid was received from the following:-

1. Mr Daniel J Sam has submitted a bid form indicating that he is interested in the Commonage Murraysburg, offering a bid of R 5000 is attached as **Annexure 587 to 601**.

The amount offered by Mr Daniel J Sam is below the minimum leasing price, (VAT excluded) for the lease of Commonage Murraysburg.

#### Discussion

- Mr Daniel J Sam applied on behalf of MEFU. Letter attached as **Annexure 602**.
- The application is not accompanied with an actual proof of income.
- Mr Daniel J Sam completed the Bid form in his own capacity and not on behalf of MEFU capturing his personal details and financial information.
- The application is accompanied by an authorization letter but does not specify that Mr Daniel J Sam is applying on behalf of MEFU.

Given the discussion with MEFU on 6 December 2023 and that the bid was none responsive it is recommended:

1. That the re-advertising of the lease of portion of erf 249, Murraysburg Commonage be hold back until finality is reached with MEFU based on the decisions of 6 December 2023.
2. That bid submitted by Mr Daniel J Sam not be accepted.

#### FOR CONSIDERATION

### 8.19 PROPOSED AMENDMENTS TO MIG DPIP/BUDGET FOR 2023/2024 AND THE 2024/2025 FINANCIAL YEAR

10/3/3/5/6

Attached as **Annexure 603 to 609** is a memorandum dated 16 January 2024 received from the Acting Director: Infrastructure Services.

#### FOR CONSIDERATION

Hierdie stelsel is groot genoeg om te verseker dat die Munisipaliteit gedurende die dag geen beurtkrag sal hê nie en saans sal die inwoners vir ten minste drie uur teen beurtkrag beskerm wees.

### 3. Aanbeveling

- 3.1 Dat die Raad goedkeuring aan die Administrasie verleen om op tender uit te gaan om 'n IPP te werf en aan te stel om 'n 20MW soal en 10MW windfasiliteit namens die Raad op te rig en te bedryf.

### VIR OORWEGING

#### 8.21 APPOINTMENT OF SENIOR MANAGERS: DIRECTOR IINFRASTRUCTURE SERVICES: BEAUFORT WEST MUNICIPALITY

See Separate Minute Book

### FOR NOTIFICATION