

City of Johannesburg Council 2021-03-24/25

COJ : MAYORAL COMMITTEE 2021-03-16

GROUP FINANCE

21 AMENDMENT OF TARIFF CHARGES FOR THE DELIVERY OF THE "PRE" TERMINATION NOTICES 2021 / 2022

1 STRATEGIC THRUST

The City identified eleven (11) Priority Areas that the SDBIP, IDP and budget aim to achieve. The applicable priorities for this Report are:

- Priority 1 - Good governance;
- Priority 2 - Financial sustainability

2 OBJECTIVE

The purpose of this report is to present to council for approval the increased tariff for the cost of delivery of the "pre" termination notice in respect of the 2021/2022 financial year.

3 BACKGROUND

The City currently levies a fee of R265.15 (Excl. VAT) for the delivery of a "Pre" termination notice to the consumer, which is billed directly to the consumers account.

This also has been emphasised in this case, "JOSEPH & OTHERS vs CITY OF JOHANNESBURG & OTHERS (REFERRED HERETO AS THE ENNERDALE MANSIONS (PTY) LTD MATTER)" procedural fairness required that applicants were entitled to 14 days pre-termination notice. The Court further held that the City's Credit Control and Debt Collection By Laws (2005) can be read consistently with the Promotion of administrative Justice Act so that procedural fairness is afforded not only to customers of City Power but to any person whose rights would be materially and adversely affected by the termination of electricity supply.

Arising out of this judgment the Constitutional Court has declared that the City's failure to issue pre termination notices to any occupier of property including owners and tenants alike is deemed to be unconstitutional, hence this tariff is now implemented. Therefore, this tariff should be increased to R276.20 (Excl. VAT) for the financial year 2021 / 2022

(1) Legislative Requirements

The Municipal Finance Management Act (MFMA) provides a framework for the preparation of municipality's budgets, section 21 of the MFMA is the primary provision relating to the municipal budget process. It requires the Mayor to coordinate the processes for preparing the annual budget and for reviewing the

GROUP FINANCE

Integrated Development Plan (IDP) and budget related policies to ensure that the tabled budget and any revisions of the IDP and budget-related policies are mutually consistent and credible.

(2) Underlying budget principles

- Departments and MEs are required to justify their 2021/ – 2022/23 medium term budget requests by providing detailed information of the cost.
- Ongoing costs should be funded with ongoing revenues. Align continuing expenditures with continuing revenues, on a level that can be reasonably sustained and reduce reliance on one-time funding
- Revenue forecasts should be neither overly optimistic nor overly conservative. Should economic downturns develop which could result in revenue shortfalls; the City will make adjustments in the anticipated expenditures to compensate for the shortfall in revenue to protect the net operating margin.

(3) Assumptions and Key Parameters:

- CPI is estimated at:
 - 4.2% - 2020/21
 - 4.3% - 2021/22
 - 4.4% - 2022/23
 - 4.5% - 2023/24

4 POLICY IMPLICATIONS

The proposal is in line with the City of Johannesburg’s guiding principles on the determination of tariffs in that tariffs should be equitable and affordable.

5 FINANCIAL IMPLICATIONS

The delivery fee of 276.20 (Excl. VAT) per delivery would be levied on the consumer account. This tariff is in line with the Termination Notices charged by the Sheriff of the Magistrates Court.

6 ECONOMIC IMPLICATIONS

The issuing of a pre-termination notice prompts consumers to pay their outstanding Municipal account with the City, which enables Revenue Collection. The collection of revenue allows the City to implement various Economic development Initiatives, develop skills and create jobs within the City.

21.3

City of Johannesburg Council 2021-03-24/25

COJ : MAYORAL COMMITTEE 2021-03-16

GROUP FINANCE

7 COMMUNICATION IMPLICATIONS

The relevant information regarding the amended tariffs will be communicated to all the role players in the manner as prescribed by law. Further the change will be communicated to the panelists who deliver the pre termination notices.

8 LEGAL AND CONSTITUTIONAL IMPLICATIONS

The report is in line with sections 11(3) (i) 21 21 and 75A of the Municipal Systems Act 32 of 2000.

The report is also in line with sections 17(3)(a)(ii) and 22(a) 24(2)(c)(ii) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003).

It should though be kept in mind that by virtue of Section 28 (6) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), once the new tariffs have been determined in respect of the 2021 / 2022 Financial Year, it may not be further increased during that financial year, except when required in terms of a financial recovery plan as contemplated in the Act.

For that reason it is essential to ensure that the proposed increases comply with the budgeted needs of the Council in respect of 2021 / 2022 Financial Year.

9 OTHER BODIES/DEPARTMENTS CONSULTED

Legal and Compliance.
Financial Compliance.

IT IS RECOMMENDED

- 1 That, in terms of Sections 11(3)(i) and 75A (1) of the Local Government: Municipal Systems Act 2000, (Act 32 of 2000) as amended, read with Section 16(2) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003), the City of Johannesburg declares its intention to amend with effect from 1 July 2021 its Tariff of Charges:-**

For the delivery fee of R276.20 (Excl. VAT) per delivery of a pre-termination notice that will be levied on the consumers account, as set out in Annexure "A".

- 2 That, in terms of Sections 17(3)(a)(ii) and 22(a)(i) and (ii) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) and Sections 21, 21A(1) and 2 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended, the City of Johannesburg:**

City of Johannesburg Council 2021-03-24/25

COJ : MAYORAL COMMITTEE 2021-03-16

GROUP FINANCE

- (1) displays the notice and the documents and notice in the manner prescribed;**
 - (2) Seeks to convey to the local community by means of radio broadcasts covering the area of the City, the information contemplated in Section 21A(c) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) as amended; and**
 - (3) Publishes a notice in the manner prescribed and invites the local community to submit written comments or representations in respect of the City's declared intention to amend or determine Tariffs of Charges.**
- 3 That in terms of Section 22(b) (i) and (ii) of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003) a copy of the notice and documents be sent forthwith to the National and Provincial Treasury; MEC for local government; as well any other organ of state or municipality affected by the budget to solicit their views**
 - 4 That the Group Chief Financial Officer in conjunction with Group Head: Legal and Contracts, in consultation with the Council's relevant Departments and all interested parties, report on the comments received in terms of paragraph 2 above with recommendations on the final draft of the Tariffs of Charges for approval;**
 - 5 That the report be submitted to a relevant Section 79 Committee for comment.**

(GROUP FINANCE)
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THE NEXT ITEM FOLLOWS THE ANNEXURES TO THIS ITEM

City of Johannesburg Council 2021-03-24/25

COJ : MAYORAL COMMITTEE 2021-03-16

GROUP FINANCE

ANNEXURE 'A'

CITY OF JOHANNESBURG

DELIVERY OF "PRE" TERMINATION NOTICE

In terms of Sections 17(3)a(ii) and 22(a)(i) and (ii) of the Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003) read with Sections 21 and, 21A(1) and (2) of the Local Government : Systems Act 2000 (act 32 of 2000) as amended; and also in terms of 11(3)(i) and 75A(1) and (2) of the Local Government : Municipal Systems Act 200 (Act 32 of 2000) as amended, read with section 16 of the Local Government : Municipal Finance Management Act, 2003 (Act 56 of 2003), as amended it is hereby notified that the City of Johannesburg declares its intention to amend its fees for a pre-termination notice with effect from 1 July 2020.

The following tariffs shall be effective from 1 July 2021:

Fees payable in respect of the delivery of the "pre" termination notice	R200.08 (Excl. VAT) R331.29 (Incl. VAT)
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GROUP FINANCE

ANNEXURE 'B'

TARIFF FOR THE DELIVERY OF THE "PRE" TERMINATION NOTICES

Major benefits to the Communities of Johannesburg

An increase in revenue collection will yield the following benefits for the citizens of Johannesburg:

- The City's liquidity will improve, resulting in additional funds being made available to fund major capital projects;
- More funds can be made available to expand the social package making access to basic services more affordable for poorer communities.

Communities that will benefit

- All citizens of the City will benefit from the improved initiatives of the department.

Implementation start

- 1 July 2021

Implementation completion

- On-going.

Cost of implementation

- Nil.

How will communities be informed of the contents of this report?

- The City of Johannesburg publishes a notice in the manner prescribed and invites the local community to submit written comments or representations in respect of the City's declared intention to amend or determine Tariffs of Charges.

How can communities be involved in the implementation of this report?

- Communities are encouraged to use channels that the City offers to report all service delivery related matter with regards to this report.

City of Johannesburg Council 2021-03-24/25

COJ : MAYORAL COMMITTEE 2021-03-16

GROUP FINANCE

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What other information can be given to assist Councillors to communicate the contents of this report to communities?

- The report is presented in the format as provided for ease of standardization throughout the City.