

MINUTES OF THE COUNCIL MEETING OF WITZENBERG MUNICIPALITY, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 50 VOORTREKKER STREET, CERES ON TUESDAY, 26 JULY 2016 AT 10:00

PRESENT

Councillors

TT Godden (Speaker)
BC Klaasen (Executive Mayor)
K Adams (Deputy Executive Mayor)
R Badela
P Daniels
JJ du Plessis
MC du Toit
JP Fredericks
WJ Hanekom
S Louw
JS Mouton
SM Ndwanya
JT Phungula
MI Saula
EM Sidego
RJ Simpson
A Smit
HJ Smit
D Swart
JJ Visagie

Officials

Mr D Nasson (Municipal Manager)
Mr J Barnard (Director: Technical Services)
Ms J Krieger (Director: Community Services)
Mr HJ Kritzingen (Director: Finance)
M Mpeluza (Director: Corporate Services)
Mr A Raubenheimer (Deputy Director: Finance)
Mr G Louw (Head: Internal Audit)
Ms L Nieuwenhuis (Senior Officer: Properties)
Mr A Hofmeester (IDP Manager)
Mr CG Wessels (Manager: Administration)
Mr C Titus (Committee Clerk)
Mr R Rhode (ICT)

1. OPENING AND WELCOME

The Speaker welcomed everyone present and requested Councillor J du Plessis to open with a prayer.

NOTED.

2. CONSIDERATION OF APPLICATION FOR LEAVE OF ABSENCE, IF ANY
(3/1/2/1)

None.

NOTED.

3. STATEMENTS, ANNOUNCEMENTS OR MATTERS RAISED

3.1 Gratitude, Congratulations and Commiseration
(11/4/3)

- (a) The Executive Mayor conveyed congratulations on behalf of Council to the following councillors and spouse on their birthdays:

| | | |
|---|-------------------------|---------|
| • | Councillor K Adams | 5 June |
| • | Councillor M Saula | 29 June |
| • | Ms Elmarie Smit | 29 June |
| • | Councillor W Hanekom | 3 July |
| • | Councillor J Fredericks | 13 July |
| • | Councillor J Klazen | 18 July |
| • | Councillor S Louw | 28 July |

- (b) The Executive Mayor sympathised on behalf of Council with Councillor J Fredericks and his family with the passing away of his mother.

NOTED.

3.2 Matters raised by the Speaker
(09/1/1)

- (a) The Speaker expressed his gratitude towards Council for supporting him during his term as Speaker of the council and referred especially to the respect, appreciation and knowledge.
- (b) The Speaker thanked the administration of the municipality for services rendered and referred especially to the Municipal Manager and Senior Management Team.
- (c) The Speaker thanked the various Executive Mayors of Council during his term as Speaker, i.e. Councillors S Louw, JNED Klazen and B Klaasen.

NOTED.

**3.3 Matters raised by the Executive Mayor
(09/1/1)**

- (a) The Executive Mayor thanked all councillors for putting the municipality as the first priority during Council's term.
- (b) The Executive Mayor expressed his hope and wish that the Council to be elected will continue the good work done thus far.
- (c) The Executive Mayor thanked the Municipal Manager and Senior Management Team and Administration for rendering good services.

NOTED.

4. MINUTES

**4.1 Approval of minutes
(3/1/2/3)**

The following minutes are attached:

- (a) Council meeting, held on 18 May 2016: **Annexure 4.1(a)**.
- (b) Special council meeting, held on 27 June 2016: **Annexure 4.1(b)**.

UNANIMOUSLY RESOLVED

That the minutes of the following meetings be approved and signed by the Speaker.

- (i) *Council meeting, held on 18 May 2016.*
- (ii) *Special council meeting, held on 27 June 2016.*

5. MOTIONS AND NOTICE OF SUGGESTIONS

None.

NOTED.

6. INTERVIEWS WITH DELEGATIONS

**6.1 Hydro power: Ceres Hydro Plant
(16/3/R)**

Messrs Ceres Hydro Plant made a presentation with regard to hydro-power. The presentation is attached as **annexure 6.1**.

RESOLVED

that notice be taken of the presentation in respect of hydro power, presented by Messrs Ceres Hydro Plant.

The ANC requested a caucus break from 10:25 until 11:05.

7. GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS

**7.1 Minutes: Committee meetings
(03/3/2)**

The reports/minutes of the following meetings are attached:

- (a) Executive Mayor and Mayoral Committee meeting, held on 30 March 2016: **Annexure 7.1(a).**
- (b) Committee for Technical Services meeting, held on 13 April 2016: **Annexure 7.1(b).**
- (c) Committee for Rural Economic Development and Tourism meeting, held on 13 April 2016: **Annexure 7.1(c).**
- (d) Committee for Community Development meeting, held on 14 April 2016: **Annexure 7.1(d).**
- (e) Committee for Corporate and Financial Services meeting, held on 14 April 2016: **Annexure 7.1(e).**
- (f) Komitee vir Behuisingsaangeleenthede vergadering, gehou op 21 April 2016: **Bylae 7.1(f).**
- (g) Komitee vir Behuisingsaangeleenthede vergadering, gehou op 28 April 2016: **Bylae 7.1(g).**
- (h) Performance, Risk and Audit Committee meeting, held on 29 April 2016: **Annexure 7.1(h).**
- (i) Komitee vir Behuisingsaangeleenthede vergadering, gehou op 10 Mei 2016: **Bylae 7.1(i).**

UNANIMOUSLY RESOLVED

that notice be taken of the minutes of the committee meetings.

8. GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS

8.1 Direktooraat Finansies / Directorate Finance

**8.1.1 Section 71 Reports: Monthly reports of the Department Finance: March, April, May and June 2016
(9/1/2/2)**

The following items refer:

- (a) Item 7.1 of the Committee for Corporate and Financial Services meeting, held on 11 May 2016.
- (b) Item 7.1.1 of the Executive Mayor and Mayoral Committee meeting, held on 13 May 2016.
- (c) Item 6.4.1 of the Performance, Risk and Audit Committee meeting, held on 20 May 2016.
- (d) Item 7.1.1 of the Executive Mayor and Mayoral Committee meeting, held on 25 July 2016.

The following monthly reports of the Department Finance are attached:

- (a) March 2016 **Annexure 8.1.1(a)**
- (b) April 2016 **Annexure 8.1.1(b)**
- (c) May 2016 **Annexure 8.1.1(c)**
- (d) June 2016 **Annexure 8.1.1(d)**

Extract from the minutes of the Committee for Corporate and Financial Services meeting, held on 11 May 2016:

"Councillor du Plessis questioned the inability to implement the credit control measures as lives are being threatened in certain areas and no solutions are being found.

The Acting Director: Finance mentioned that the Municipal Manager engaged with the South African Police Services in order to assist the municipality with disconnecting illegal connections of municipal services. Unfortunately the Public Order Police Unit (POPS) was not available hence a follow-up meeting in this regard will be held in due course.

The Committee for Corporate and Financial Services resolved on 11 May 2016 to recommend to the Executive Mayor and Mayoral Committee and Council that the Committee for Corporate and Financial Services take notice of the content of the monthly report of the Department: Finance for March 2016 and same be accepted."

The Executive Mayor and Mayoral Committee resolved on 13 May 2016 that notice be taken of the monthly report of the Department Finance for March 2016 and same be accepted.

The Performance, Risk and Audit Committee resolved on 20 May 2016 to recommend to Council that the monthly reports of the Department Finance for February and March 2016 be accepted.

The Executive Mayor and Mayoral Committee resolved on 25 July 2016 to recommend to Council that notice be taken of the monthly reports of the Department Finance for April, May and June 2016 and same be accepted.

UNANIMOUSLY RESOLVED

that notice be taken of the monthly reports of the Department Finance for March, April, May and June 2016 and same be accepted.

8.1.2 Monthly reports: Service Delivery and Budget Implementation Plan: March, April and May 2016 (5/1/5/8)

Item 7.1.2 of the Executive Mayor and Mayoral Committee meeting, held on 13 May 2016, refers.

The following Service Delivery and Budget Implementation Plan monthly reports are attached:

- | | | |
|-----|------------|--------------------------|
| (a) | March 2016 | Annexure 8.1.2(a) |
| (b) | April 2016 | Annexure 8.1.2(b) |
| (c) | May 2016 | Annexure 8.1.2(c) |

The Executive Mayor and Mayoral Committee resolved on 13 May 2016 that notice be taken of the monthly report of the Service Delivery and Budget Implementation Plan for March 2016 and same be accepted.

The Executive Mayor and Mayoral Committee resolved on 25 July 2016 to recommend to Council that notice be taken of the Service Delivery and Budget Implementation Plan monthly reports for April and May 2016 and same be accepted.

UNANIMOUSLY RESOLVED

that notice be taken of the monthly reports of the Service Delivery and Budget Implementation Plan for March, April and May 2016 and same be accepted.

8.1.3 IDP and Budget Process Plan for 2017 to 2022 (02/02/1)

Item 8.1.5 of the council meeting, held on 18 May 2016, refers.

In terms of Section 28 of the Municipal Systems Act (Act 32 of 2000), Council must adopt an IDP and Budget Process Plan. The Municipal Finance Management Act (Act 56 of 2003) further stipulates that at least ten months before the start of the budget year, the Executive Mayor should table a time schedule outlining key deadlines in respect of the IDP/Budgetary process.

Section 29 of the Municipal Systems Act (Act 32 of 2000), specifies that such a Process Plan must include:

- Programs that set out timeframes for the different planning steps;
- Appropriate mechanisms, processes and procedures for consultation with:

- Local communities, both in terms of needs and priorities as well as consultation during development;
- Organs of state, traditional authorities, and other role-players in the drafting process; and
- Binding plans and planning requirements, i.e. policy and legislation.

National Treasury has provided further guidance by the issuing of MFMA Circular 10. That circular provides specific guidance with regard to six distinct steps in compilation of the IDP and the annual Budget. The table below highlights these steps, with a brief description of each step:

| Steps | | Process |
|-------|---------------------|---|
| 1 | Planning | Schedule dates, establish consultation forums, review previous processes |
| 2 | Strategizing | Review IDP, set service delivery objectives for next 3 years, consult on tariffs, indigents, credit control, free basic services etc., and consider local-, provincial- and national issues, the previous year's performance and current economic and demographic trends etc. |
| 3 | Preparing | Prepare Budget, revenue and expenditure projections; draft Budget policies; consult and consider local-, provincial- and national priorities |
| 4 | Tabling | Table draft Budget, draft IDP and Budget-related policies before council; consult and consider local-, provincial- and national inputs or responses |
| 5 | Approving | Council approves the IDP, the Budget and related policies |
| 6 | Finalising | Publish the IDP, Budget and approve the SDBIP and performance targets |

In capturing the above steps, this IDP & Budget Process Plan seeks to address, *inter alia*, the:

- Identification of areas requiring additional attention in terms of legislative requirements, proper planning processes and sound financial management;
- Inclusion of the most current Census and own statistical data;
- Consideration and review of any other relevant and new information;
- Addressing comments received from the various role-players;
- Factor-in the shortcomings and weaknesses identified through self-assessment;
- Preparation and review of sector plans and its alignment with the IDP;
- Preparation and review of the Performance Management System (PMS);
- Updating of the 5-year Financial Plan; and
- Finalisation of the annual Budget and IDP in terms of the relevant legislation.

Pursuant to the above statutory requirements, a Process Plan for the 2017 to 2022 IDP and Budget cycle is attached as **annexure 8.1.3**.

UNANIMOUSLY RESOLVED

- (a) *that the IDP and Budget Process Plan for 2017 to 2022 be approved.*
- (b) *that in the event of any changes with regard to the dates of the Process Plan, the Municipal Manager be mandated to change same after consultation with the Executive Mayor.*

**8.1.4 Performance, Risk and Audit Committee: First Bi-Annual Report on Performance Management: 2015/2016
(5/14/4)**

The First Bi-Annual Report of the Performance, Risk and Audit Committee to Council on Performance Management for 2015/2016 is attached as **annexure 8.1.4**.

Legislative framework

In terms of the Local Government Municipal Planning and Performance Management Regulations, 14(4)(a), "A performance audit committee must –

- (i) review the quarterly reports submitted to it in terms of sub-regulation (1) (c) (ii);
- (ii) review the municipality's performance management system and make recommendations in this regard to the council of the municipality; and
- (iii) at least twice during a financial year submit an audit report to the municipal council concerned.

The following recommendation is tabled to the Committee for Corporate and Financial Services:

To recommend to the Executive Mayor and Mayoral Committee and Council:

that notice be taken of the First Bi-Annual report of the Performance Management 2015 / 2016 and that the recommendation as noted in the report, be accepted.

UNANIMOUSLY RESOLVED

that notice be taken of the First Bi-Annual report of the Performance Management 2015 / 2016 and that the recommendation as noted in the report, be accepted.

**8.1.5 Cellular Telephone and Data Card Policy
(4/5/P)**

Item 7.1.3 of the Executive Mayor and Mayoral Committee meeting, held on 25 July 2016, refers.

The following memorandum, dated 18 July 2016, was received from the Director: Finance:

"1. Purpose

The purpose of this report is to submit a Cellular Telephone and Data Card Policy for consideration to Council.

2. Background

The current policy provides employees with a choice between an official cellular phone or a cellular phone allowance.

The problem with the above is that the allowance is taxable in the hands of the receiver; therefore the personnel prefer the official phones.

3. Discussion

The amended policy allows for an increased allowance payable to officials who prefer the cellular phone allowance to provide for the income tax payable on the allowance. The proposed amended policy is attached as **annexure 8.1.5.**"

The Executive Mayor and Mayoral Committee resolved on 25 July 2016 to recommend to Council that the amended Cellular Telephone and Data Card Policy be approved for implementation from 1 July 2016.

UNANIMOUSLY RESOLVED

that the amended Cellular Telephone and Data Card Policy be approved for implementation from 1 July 2016.

**8.1.6 Tariffs adjustments and corrections: 2016/2017
(5/1/15)**

Item 7.1.4 of the Executive Mayor and Mayoral Committee meeting, held on 25 July 2016, refers.

A memorandum from the Director: Finance, dated 19 July 2016, is attached as **annexure 8.1.6.**

The Executive Mayor and Mayoral Committee resolved on 25 July 2016 to recommend to Council that the updated tariffs be approved for implementation from 1 July 2016.

UNANIMOUSLY RESOLVED

that the updated tariffs be approved for implementation from 1 July 2016.

**8.1.7 Transport, Travel and Subsistence Allowance for Councillors and Employees Policy
(4/5/P)**

Item 7.1.5 of the Executive Mayor and Mayoral Committee meeting, held on 25 July 2016, refers.

The following documents are attached:

- (a) Memorandum from Director: Finance, dated 18 July 2016: **Annexure 8.1.7(a).**
- (b) Proposed Transport, Travel and Subsistence Allowance Policy for Councillors and Employees: **Annexure 8.1.7(b).**

The Executive Mayor and Mayoral Committee resolved on 25 July 2016 to recommend to Council that the Transport, Travel and Subsistence Allowance Policy for Councillors and Employees be approved for implementation from 1 July 2016.

The ANC component requested that it be minuted that they did not agree with the resolution.

RESOLVED

that the Transport, Travel and Subsistence Allowance for Councillors and Employees Policy be approved for implementation from 1 July 2016.

8.2 Direktoraat Tegniese Dienste / Directorate Technical Services

8.2.1 Application for consent use for the installation of a cellular communications base station: Erf 8082, Nduli, Ceres: Goldy Locks Crèche (15/4/2/240)

Item 8.2.3 of the council meeting, held on 18 May 2016, refers.

A memorandum from the Director: Technical Services, dated 20 April 2016, is attached as **annexure 8.2.1**.

Council resolved on 18 May 2016 that the matter with regard to the application for consent use for the installation of a cellular communications base station on erf 8082, Nduli, Ceres at the Goldy Locks Crèche be held in abeyance until the next meeting.

UNANIMOUSLY RESOLVED

- (a) *that the matter pertaining to the installation of a cellular communications base station at Goldy Locks Crèche on erf 8082, Nduli, Ceres be held in abeyance until the next council meeting.*
- (b) *that the applicant, Mr Warren Petterson, be invited to make a presentation with regard to the safety of the children if the application is approved.*

8.2.2 Erf 1386, Lyellstraat, Ceres (Plek van vermaaklikheid) (15/04/1/1/23)

Item 7.1 van die vergadering van die Komitee vir Tegniese Dienste, gehou op 15 Junie 2016, verwys.

‘n Verslag vanaf die Bestuurder: Stadsbeplanning en Boubeheer, gedateer 10 Mei 2016, word ingebind as **bylae 8.2.2**.

Die Komitee vir Tegniese Dienste het op 15 Junie 2016 besluit om by die Raad aan te beveel dat die vergunning aan mnr. J Prins om ‘n plek van vermaaklikheid op erf 1386, Ceres te bedryf, teruggetrek word.

Die ANC versoek dat genotuleer word dat die party nie ten gunste daarvan is dat besigheidsplekke van agtergeblewenes toegemaak word nie.

EENPARIG BESLUIT

dat die aangeleentheid rakende 'n plek van vermaaklikheid, geleë te erf 1386, Lyellstraat, Ceres ontstaan tot die eersvolgende raadsvergadering.

8.2.3 Water situation: Witzenberg (16/2/15)

Item 7.2.1 of the Executive Mayor and Mayoral Committee meeting, held on 25 July 2016, refers.

A report from the Director: Technical Services, dated 11 July 2016, is attached as **annexure 8.2.3**.

The Executive Mayor and Mayoral Committee resolved on 25 July 2016 to recommend to Council:

- (a) that council resolutions 8.2.2 of 27 May 2015, 4.2 of 26 November 2015 and 9.1 of 25 January 2016 be rescinded.
- (b) that all future water restrictions be dealt with as per council resolution 8.2.5 of 18 May 2016 (Witzenberg Drought Management Plan).
- (c) That as per the approved Drought Management Plan the water restrictions are then as follows:
 - (i) Koekedouw Dam (Ceres, Nduli, Bella Vista and Prince Alfred's Hamlet)
 - 1. Moderate water restrictions to be maintained on condition that the restrictions be uplifted by end of August 2016 if the capacity of the dam be 70 % full.
 - 2. That the restrictions on the boreholes be uplifted.
 - (ii) Tulbagh and Wolseley
 - 1. That the water restrictions be uplifted from 1 July 2016 for Tulbagh and Wolseley.
 - 2. That the normal water tariffs be levied as from 1 July 2016.
 - (iii) Tulbagh raw water supply

Water restrictions to be uplifted as from June 2016. Normal water tariffs to be levied as from July 2016.
 - (iv) Wolseley raw water supply

Water restrictions to be uplifted as from June 2016. Normal water tariffs to be levied as from July 2016.

(v) Op-die-Berg raw water supply

Water restrictions to be uplifted as from June 2016. Normal water tariffs to be levied as from July 2016.

UNANIMOUSLY RESOLVED

(a) *that council resolutions 8.2.2 of 27 May 2015, 4.2 of 26 November 2015 and 9.1 of 25 January 2016 be rescinded.*

(b) *that all future water restrictions be dealt with as per council resolution 8.2.5 of 18 May 2016 (Witzenberg Drought Management Plan).*

(c) *that as per the approved Drought Management Plan the water restrictions are then as follows:*

(i) *Koekedouw Dam (Ceres, Nduli, Bella Vista and Prince Alfred's Hamlet)*

1. *Moderate water restrictions to be maintained on condition that the restrictions be uplifted by end of August 2016 if the capacity of the dam be 70 % full.*

2. *That the restrictions on the boreholes be uplifted.*

(ii) *Tulbagh and Wolseley*

1. *That the water restrictions be uplifted from 1 July 2016 for Tulbagh and Wolseley.*

2. *That the normal water tariffs be levied as from 1 July 2016.*

(iii) *Tulbagh raw water supply*

Water restrictions to be uplifted as from June 2016. Normal water tariffs to be levied as from July 2016.

(iv) *Wolseley raw water supply*

Water restrictions to be uplifted as from June 2016. Normal water tariffs to be levied as from July 2016.

(v) *Op-die-Berg raw water supply*

Water restrictions to be uplifted as from June 2016. Normal water tariffs to be levied as from July 2016.

8.3 Direktoraat Gemeenskapsdienste / Directorate Community Services

**8.3.1 Policy: Selection of beneficiaries for housing projects
(17/4/P)**

The following items refer:

- (a) Item 7.1 of the meeting of the Committee for Housing Matters, held on 17 July 2014.
- (b) Item 8.3.2 of the council meeting, held on 30 March 2016.

A memorandum from the Manager: Housing, dated 10 July 2014, is attached as **annexure 8.3.1**.

The Committee for Housing Matters resolved on 17 July 2014 that it be recommended to Council that the Housing Selection Policy be workshopped as the policy of Witzenberg Municipality needs to be brought in line with that of the Provincial Selection Policy.

Council resolved on 30 March 2016:

- (a) that the proposed Housing Selection Policy for Witzenberg Municipality be workshopped by Council.
- (b) that the proposed Housing Selection Policy for Witzenberg Municipality be considered after being workshopped by Council.

The Housing Selection Policy was workshopped by Council on 16 May 2016.

RESOLVED

that the Housing Selection Policy be approved.

**8.3.2 Approval for the accommodation of the Fire Services in the main building at HOPE Centre
(7/1/4/1)**

The following items refer:

- (a) Item 7.1 of the Committee for Community Development meeting, held on 11 May 2016.
- (b) Item 7.3.1 of the Executive Mayor and Mayoral Committee meeting, held on 25 July 2016.

A memorandum from the Director: Community Services, dated 4 May 2016, is attached as **annexure 8.3.2**.

The Committee for Community Development resolved on 11 May 2016 to recommend to the Executive Mayor and Mayoral Committee and Council:

- (a) that the Fire Services be re-allocated to the main building at the HOPE Centre.

- (b) that the children and safety parents move to the building at the back where four rooms are available and the safety parents to the house in the middle of the property where they have stayed originally.
- (c) that the lessee be informed accordingly.

The Executive Mayor and Mayoral Committee resolved on 25 July 2016 to recommend to Council:

- (i) that the Fire Services and Disaster Management be re-allocated to the main building at the HOPE Centre.
- (ii) that the lease contract of the municipality with HOPE not be renewed when it expires in March 2017.
- (iii) that the lessee be informed accordingly.

RESOLVED

- (a) *that the Fire Services and Disaster Management be re-allocated to the main building at the HOPE Centre.*
- (b) *that the lease contract of the municipality with HOPE not be renewed when it expires in March 2017.*
- (c) *that the lessee be informed accordingly.*

8.3.3 Environmental management: Monitoring, control and eradication of alien vegetation: Erven 1001 and 1887: Michells Pass, Ceres (17/1/4/1)

Item 7.3.2 of the Executive Mayor and Mayoral Committee meeting, held on 25 July 2016, refers.

A memorandum from the Manager: Amenities and Environment, dated 21 June 2016, is attached as **annexure 8.3.3**.

The Executive Mayor and Mayoral Committee resolved on 25 July 2016 to recommend to Council that Land Care and BGCMA's (Breede-Gouritz Catchment Management Agency) offers be accepted.

UNANIMOUSLY RESOLVED

that Council will endorse the programme and that the offers of Land Care and BGCMA (Breede-Gouritz Catchment Management Agency) be accepted.

8.4 Direktooraat Korporatiewe Dienste / Directorate Corporate Services

**8.4.1 Lease agreement of Ceres Airfield situated on portion of the farm, Schapenrivier no. 363 in the administrative district Ceres, being a consolidation of the remainder of portion 6 of the farm Schapenrivier no. 363 and the remainder of portion 5 of the farm Schapenrivier no. 363
(7/1/4/1)**

The following items refer:

- (a) Item 7.2 of the Corporate and Financial Services meeting, held on 14 April 2016.
- (b) Item 7.4.2 of the Executive Mayor and Mayoral Committee meeting, held on 13 May 2016.

A memorandum from the Senior Officer: Properties, dated 2 February 2016, is attached as **annexure 8.4.1**.

The Committee for Corporate and Financial Services resolved on 14 April 2016:

- (a) that the Committee for Corporate and Financial Services take note of the content of the memorandum regarding the Lease Agreement of Ceres Airfield.
- (b) To recommend to the Executive Mayor and the Mayoral Committee and Council:

that the content of the memorandum regarding the lease agreement of Ceres Airfield, situated on portion of the farm Schapenrivier no. 363 in the administrative district Ceres, being a consolidation of the remainder of portion 6 of the farm Schapenrivier no. 363 and the remainder of portion 5 of the farm Schapenrivier no. 363, be noted and same be accepted.

The Executive Mayor and Mayoral Committee resolved on 13 May 2016 to recommend to Council that the content of the memorandum regarding the lease agreement of Ceres Airfield, situated on portion of the farm Schapenrivier no. 363 in the administrative district Ceres, being a consolidation of the remainder of portion 6 of the farm Schapenrivier no. 363 and the remainder of portion 5 of the farm Schapenrivier no. 363, be noted and same be accepted.

UNANIMOUSLY RESOLVED

that the content of the memorandum regarding the lease agreement of Ceres Airfield, situated on portion of the farm Schapenrivier no. 363 in the administrative district Ceres, being a consolidation of the remainder of portion 6 of the farm Schapenrivier no. 363 and the remainder of portion 5 of the farm Schapenrivier no. 363, be noted and same be accepted.

**8.4.2 Malikhanye Crèche: Pine Valley, Wolseley: 99 Jaar huur
(15/2/2/5/R)**

Item 7.4.2 van die Uitvoerende Burgemeester en Burgemeesterskomitee vergadering, om gehou te word, verwys.

Die volgende verslae vanaf die Bestuurder: Projekte en Prestasie word ingebind:

- (a) Gedateer 14 Junie 2016: **Bylae 8.4.2(a)**.
- (b) Gedateer 19 Julie 2016: **Bylae 8.4.2(b)**.

Die Uitvoerende Burgemeester en Burgemeesterskomitee het op 25 Julie 2016 besluit om by die Raad aan te beveel:

- (i) dat 'n besluit geneem word tussen Opsie A (in totaliteit) en Opsie B vir die verdere ontwikkeling van die crèche.
- (ii) dat die gedeelte grond van die voorkeur opsie, soos op die aangehegte plan aangedui, aan BADISA verhuur word op 'n 99 jaar kontrak.
- (iii) dat die gedeelte grond van die voorkeur opsie nie benodig word vir minimum basiese dienste nie.
- (iv) dat die nodige stadsbeplanningsprosesse gevolg word waar nodig.
- (v) dat 'n minimum van R100 per jaar as huur vasgestel word.
- (vi) dat die nodige mandaat aan die Munisipale Bestuurder gegee word om 'n huurooreenkoms met BADISA aan te gaan vir die bedryf van 'n crèche op die verkose gedeelte.

EENPARIG BESLUIT

- (a) *dat die gedeelte grond van Opsie A, soos op die aangehegte plan aangedui, aan BADISA verhuur word op 'n 99 jaar kontrak.*
- (b) *dat die gedeelte grond van Opsie A nie benodig word vir minimum basiese dienste nie.*
- (c) *dat die nodige stadsbeplanningsprosesse gevolg word waar nodig.*
- (d) *dat 'n minimum van R100 per jaar as huur vasgestel word.*
- (e) *dat die nodige mandaat aan die Munisipale Bestuurder gegee word om 'n huurooreenkoms met BADISA aan te gaan vir die bedryf van 'n crèche op die verkose gedeelte.*

8.4.3 Re-submitted application for extension of liquor trading days (Sunday trading): Xolas Liquor Shop (14/1/1)

Item 7.4.3 of the Executive Mayor and Mayoral Committee meeting, held on 25 July 2016, refers.

A memorandum from the Senior Officer: Properties, dated 13 July 2016, is attached as **annexure 8.4.3**.

The Executive Mayor and Mayoral Committee resolved on 25 July 2016 to recommend to Council that the application for extension of Liquor Trading Days (Sunday trading) of Xolas Liquor Shop be approved on condition of Council's approval of the amended By-Law on Liquor Trading Days and Hours.

UNANIMOUSLY RESOLVED

that the application for extension of Liquor Trading Days (Sunday trading) of Xolas Liquor Shop be approved on condition of Council's approval of the amended By-Law on Liquor Trading Days and Hours.

8.4.4 Amended By-law on Liquor Trading Days and Hours (1/1/1)

Item 7.4.4 of the Executive Mayor and Mayoral Committee meeting, held on 25 July 2016, refers.

The Amended By-law on Liquor Trading Days and Hours, with proposed amendments, is attached as **annexure 8.4.4**.

The Executive Mayor and Mayoral Committee resolved on 25 July 2016 to recommend to Council that the Amended By-Law on Liquor Trading Days and Hours be adopted.

UNANIMOUSLY RESOLVED

that the Amended By-Law on Liquor Trading Days and Hours be adopted.

8.4.5 Appointment of two members to the Performance, Risk and Audit Committee (PRAC) (5/14/4)

Item 7.4.5 of the Executive Mayor and Mayoral Committee meeting, held on 25 July 2016, refers.

A memorandum from the Head: Internal Audit, dated 18 July 2016, is attached as **annexure 8.4.5**.

The Executive Mayor and Mayoral Committee resolved on 25 July 2016 to recommend to Council:

- (i) that the filling of the vacancy be approved.
- (ii) that the appointment of a further member be approved, i.e. increase the Performance, Risk and Audit Committee members from four to five.
- (iii) that the two year cooling off period for these appointments be waived with the objective to enhance the experience of PRAC.

UNANIMOUSLY RESOLVED

- (a) *that the filling of the vacancy be approved.*
- (b) *that the appointment of a further member be approved, i.e. increase the Performance, Risk and Audit Committee members from four to five.*
- (c) *that the two year cooling off period for these appointments be waived with the objective to enhance the experience of PRAC.*

8.4.6 Council matters: Approval of policy on conferment of aldermanship to qualifying councillors of Witzenberg Municipality (3/P)

The policy on the conferment of aldermanship to qualifying councillors of Witzenberg Municipality was tabled at the council meeting of 22 June 2011. It was erroneously considered to have been adopted. Council at the said meeting, however, resolved that the policy be workshopped. It was never tabled to Council thereafter for formal adoption.

The said policy is attached as **annexure 8.4.6**.

UNANIMOUSLY RESOLVED

- (a) *that aldermanship of Council be conferred to Councillors MC du Toit and H Smit.*
- (b) *that the Municipal Manager arranges an official function to confer aldermansip of Council to the councillors supra (a).*

9. URGENT MATTERS SUBMITTED AFTER DISPATCHING OF THE AGENDA

**9.1 Quarterly Budget Statement (Section 52) Report: 1 April 2016 to 30 June 2016
(9/1/2/2)**

Item 8.2.1 of the Executive Mayor and Mayoral Committee meeting, held on 25 July 2016, refers.

The Quarterly Budget Statement Report for the period 1 April 2016 to 30 June 2016 is attached as **annexure 9.1**.

The Executive Mayor and Mayoral Committee resolved on 25 July 2016 to recommend to Council that notice be taken of the contents of the Quarterly Budget Statement Report for the period 1 April 2016 to 30 June 2016.

UNANIMOUSLY RESOLVED

That notice be taken of the contents of the Quarterly Budget Statement Report for the period 1 April 2016 to 30 June 2016.

**9.2 Proposed Policy on Post-Employment Medical Benefits
(4/5/7/4/P)**

The following items refer:

- (a) Item 7.4 of the Committee for Corporate and Financial Services meeting, held on 25 August 2015.
- (b) Item 6 of the Local Labour Forum meeting, held on 24 February 2016.
- (c) Item 7.4.1 of the Executive Mayor and Mayoral Committee, held on 13 May 2016.
- (d) Item 8.4.1 of the council meeting, held on 18 May 2016.
- (e) Item 7.4.1 of the Executive Mayor and Mayoral Committee meeting, held on 25 July 2016.

The following report, dated 14 August 2015, was received from the Director: Finance:

"1. Purpose

The purpose of this report is to submit a proposed policy on post-employment medical benefits for consideration to Council.

2. Background

- 2.1 Continuing (post-employment) medical aid membership stems from the rules of the then LAMAF (Local Authorities Medical Aid Fund) that was the only medical aid in local government at that time. The rules of that fund have determined that members who retire are entitled to continued membership of 70 % council contribution. With time, over many years the principle established by practice in a condition of employment.

- 2.2 Since retired members are no longer employed by local government, this benefit cannot be covered by a collective agreement.
- 2.3 This benefit automatically engages when a member of a medical aid reaches normal retirement age. In certain cases the benefit was also extended to employees who opted for early retirement.
- 2.4 The estimated cost of the future benefit to the municipality for current members of medical aids is in excess of R71 million as at 30 June 2015 (R56 million as at 30 June 2014).

3. Discussion

The proposed policy is attached as **annexure 9.2.**"

The Committee for Corporate and Financial Services resolved on 25 August 2015 that the proposed Policy on Post-employment Medical Benefits be referred to the Local Labour Forum for further deliberation.

The Local Labour Forum resolved on 24 February 2016 to recommend to the Executive Mayor and Mayoral Committee and Council that the Post-Employment Medical Benefit Policy be noted and approved.

The following recommendation was tabled to the Executive Mayor and Mayoral Committee:

To recommend to Council:

that the Post-Employment Medical Benefit Policy be noted and approved.

The Executive Mayor and Mayoral Committee resolved on 13 May 2016 that the matter of the Post-Employment Medical Benefit Policy be held in abeyance.

Council resolved on 18 May 2016 that the matter of the Post-Employment Medical Benefit Policy be held in abeyance and be workshopped by Council.

The Executive Mayor and Mayoral Committee resolved on 25 July 2016 to recommend to Council that the Post-Employment Medical Benefit Policy be noted and approved.

UNANIMOUSLY RESOLVED

That the Post-Employment Medical Benefit Policy be noted and approved.

**9.3 Lease of private office space for municipal purposes
(7/1/1/3)**

Item 8.2.2 of the Executive Mayor and Mayoral Committee meeting, held on 25 July 2016, refers.

The following report from the Municipal Manager, dated 25 July 2016, refers:

"Purpose

To consider recommending to Council the approval of a lease agreement for the lease of office space in Voortrekker Street opposite the municipal building next to ABSA Bank for municipal purposes.

Deliberation

The municipal administration at the head office, 50 Voortrekker Street, Ceres is experiencing serious office accommodation problems. The Auditor-general is supposed to start with the yearly audit on 1 August 2016. In the previous financial year the said Auditor-general's office was accommodated at the John Steyn Library. There is a new audit team this year and they have indicated that the set-up at John Steyn Library will not be ideal for audit purposes. The auditors normally draw files from administration and in terms of the agreement between the municipality and the Auditor-general it is the responsibility of the auditors to ensure that the files are safe. The Auditor-general feels that the John Steyn Library is not a safe environment to give such an undertaking. The Auditor-general requires office accommodation for a period of at least three months. During an engagement with the owner of the to be leased premises, the owner indicated that he is prepared to lease the premises for a three month period. He, however, also indicated that there are other potential lessees who have shown an interest in these premises. The office has a floor space of 125 square metres. It has three offices and a big reception area with a walk-in vault as well. This property is ideal for relocating the Credit Control section to the premises. The clients of the municipality are often required to wait in the foyer of the main building. This is a very undignified set-up and is contrary to the Batho Pele Principles in how officials need to deal with members of public. The new office space will solve this problem and will ensure that all dealings with regard to credit control are dealt with professionally and confidentially.

Legal implications

If Council approves of such a rental agreement, Council's intention must be advertised in the local newspaper to inform members of public.

Financial implications

There is not budgeted for rental, but it can be rectified in the adjustment budget."

The Executive Mayor and Mayoral Committee resolved on 25 July 2016 to recommend to Council:

- (i) That the Municipal Manager be mandated to sign a lease agreement with the owner of the said premises for a period of three years.
- (ii) That Council's intention to sign such a lease agreement be advertised in the local newspaper.

UNANIMOUSLY RESOLVED

- (a) *That the Municipal Manager be mandated to sign a lease agreement with the owner of the said premises for a period of three years.*
- (b) *That Council's intention to sign such a lease agreement be advertised in the local newspaper.*

**9.4 Quarterly stock count: 29 June 2016
(6/1/1)**

A report from the Manager: Supply Chain, dated 5 July 2016, is attached as **annexure 9.4**.

UNANIMOUSLY RESOLVED

- (a) *that Council authorises the writing off of redundant stock items and that the disposal thereof be done by destroying the items as per table 3.3 to the value of R335.60.*
- (b) *that Council authorises the writing off of the damaged stock and that the disposal thereof be done by destroying the items as per table 3.4 to the value of R41.75.*

**9.5 Finance: Adjustment budget 2016/2017
(5/1/1/15)**

The following documents are attached:

- (a) Memorandum from Director: Finance, dated 26 July 2016: **Annexure 9.5(a)**.
- (b) Adjustment budget 2016/2017 to 2018/2019: **Annexure 9.5(b)**.

UNANIMOUSLY RESOLVED

- (a) *That the adjustment budget of Witzenberg Municipality for the financial year 2016/2017 as set out in the budget documents be approved:*
 - (i) *Table B1 - Budget summary;*
 - (ii) *Table B2 - Adjustments Budget Financial Performance (by standard classification);*
 - (iii) *Table B3 – Budgeted Financial performance (Revenue and Expenditure) by Vote;*
 - (iv) *Table B4 - Adjustments Budget Financial Performance (revenue by source); and*
 - (v) *Table B5 – Budgeted Capital Expenditure by Vote, standard classification and funding.*

- (b) *That the monthly and quarterly financial targets of the Service Delivery and Budget Implementation Plan be adjusted to correspond with the approved adjustments budget figures.*
- (c) *That the expenditure of the Op-die-Berg Mobile Unit only be incurred once approval from Province has been obtained.*

10. FORMAL AND STATUTORY MATTERS

- (a) The following councillors verbally thanked Council for their term as councillors:
 - (i) Councillor J Phungula and
 - (ii) Councillor J Visagie
- (b) Councillor J Mouton, on behalf of the ANC, thanked Council as Chief Whip for the term of Council:

"As Chief Whip of the African National Congress I want to do a vote of thanks:

To the Municipal Manager, Directors and administrative staff, thank you for ensuring that we receive our agendas, for all your administrative support and open door policy.

To Mr Corrie Wessels, who is back at the municipality, for assisting us in Administration. We are glad that you are back at Witzenberg Municipality.

To all councillors, thank you for the honour to work with you. Although there were times that we differed, we had always tried to gain respect.

To all the portfolio chairpersons and committees, it was great working with you in making recommendations that influenced our communities positively and for us to receive Clean Audits and become one of the Top 10 municipalities in the Western Cape.

Lastly, to all our ANC councillors and support staff, thank you for all your support and your commitment.

A word of special thanks to our National Ministers for investments made in the Witzenberg area, especially with regard to rural development and housing.

As the Council of 2011 until 2016 we have tried to work together to deliver effective services to the community and I believe we can be proud of all the achievements that we have made.

I think as councillors we can be comforted by Madiba's words *Do not judge me by my successes, judge me by how many times I fell down and got back up again.*

Again, thank you."

NOTED.

11. QUESTIONS and/or MATTERS RAISED by COUNCILLORS

None.

NOTED.

The Speaker declared item 12 as an open agenda item and not as Council-in-committee.

**12. CODE OF CONDUCT FOR COUNCILLORS: WASTEFUL EXPENDITURE/UNJUSTIFIED ENRICHMENT
(Cllr/Phungula JT)**

Item 6.1 of the special council meeting, held on 27 June 2016, refers.

A memorandum from the Speaker, with annexures, are attached as **annexure 12**.

The following recommendation was tabled to Council:

- (a) that a special committee be established to investigate and make a finding on any alleged breach of the Code of Conduct for councillors.
- (b) that the abovementioned committee make appropriate recommendations to Council.

The DA coalition requested a caucus break from 15:00 until 15:30.

Council resolved unanimously on 27 June 2016 that the matter with regard to wasteful expenditure/unjustified enrichment by Councillor JT Phungula be held in abeyance until the next meeting.

Councillor MC du Toit proposed and Councillor MI Saula seconded that the disciplinary matter in respect of wasteful expenditure/unjustified enrichment against Councillor J Phungula be removed from the agenda.

Councillor BC Klaasen proposed and Councillor D Swart seconded that the disciplinary matter in respect of wasteful expenditure/unjustified enrichment against Councillor J Phungula continues and that the Council to be elected, establish a committee to investigate and submit a report to Council on the matter.

The Speaker called for a vote and the outcomes were:

In favour of the continuation of the matter: 12 votes

Against the continuation of the matter: 8 votes

Councillors absent from the meeting: 3

Total: 23

RESOLVED

- (a) *that Council voted with a majority in favour of the continuation of the disciplinary matter in respect of wasteful expenditure/unjustified enrichment by Councillor J Phungula.*

- (b) *that the disciplinary matter in respect of wasteful expenditure/unjustified enrichment by Councillor J Phungula be held in abeyance.*
- (c) *that the new Council to be elected, establish a committee to investigate the disciplinary matter against Councillor Phungula in respect of wasteful expenditure/unjustified enrichment and submit a report to Council.*

13. ADJOURNMENT

The meeting adjourned at 13:00.

Approved on _____ with/without amendments.

COUNCILLOR TT GODDEN
SPEAKER

/MJ Prins