

**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE WITZENBERG MUNICIPALITY, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 50 VOORTREKKER STREET, CERES ON FRIDAY, 2 SEPTEMBER 2016 AT 09:00**

**PRESENT**

Councillors

TT Godden (Speaker)  
BC Klaasen (Executive Mayor)  
K Adams (Deputy Executive Mayor)  
TE Abrahams  
P Daniels  
P Heradien  
SJ Hugo  
DM Jacobs  
D Kinnear  
GG Laban  
C Lottering  
M Mdala  
TP Mgoboza  
N Phatsoane  
JT Phungula  
JW Schuurman  
ZS Serunjogi  
EM Sidego  
RJ Simpson  
D Swart  
HF Visagie  
JJ Visagie

Alderman

HJ Smit

Officials

Mr D Nasson (Municipal Manager)  
Ms J Krieger (Director: Community Services)  
Mr HJ Kritzingen (Director: Finance)  
Mr E Lintnaar (Acting Director: Technical Services)  
Mr A Raubenheimer (Deputy Director: Finance)  
Mr G Louw (Head: Internal Audit)  
Ms L Nieuwenhuis (Legal Advisor)  
Mr CG Wessels (Manager: Administration)  
Mr C Titus (Committee Clerk)

**1. OPENING AND WELCOME**

The Speaker welcomed everyone present and requested Councillor D Kinnear to open with prayer.

**NOTED.**

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

Apologies for absence from the meeting were received from the Director: Technical Services and the Director: Corporate Services.

**RESOLVED**

*that notice be taken of the apologies for absence from the meeting, received from the Director: Technical Services and the Director: Corporate Services.*

**3. STATEMENTS, ANNOUNCEMENTS OR MATTERS RAISED**

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

The Executive Mayor congratulated Councillor D Swart on his election as Deputy Executive Mayor of the Cape Winelands District Municipality.

The Executive Mayor, on behalf of Council, expressed condolences to Councillor J Schuurman with the passing of his father-in-law and also to the family of the late Mr Anthas, an employee of the municipality who passed away.

**NOTED.**

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

The Speaker thanked Council for the opportunity to be Chairperson of the Witzenberg Municipal Council.

The Speaker informed that the Rules of Order for council meetings will be workshopped at a later stage.

The Municipal Manager informed Council that an induction meeting will be held after the SALGA training for councillors.

**NOTED.**

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

This matter was dealt with at item 3.1.

**NOTED.**

#### **4. GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS**

##### **4.1 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:

<b>Steps</b>	<b>Process</b>
<b>1 Planning</b>	Schedule dates, establish consultation forums, review previous processes
<b>2 Strategizing</b>	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.
<b>3 Preparing</b>	Prepare Budget, revenue and expenditure projections; draft Budget policies; consult and consider local-, provincial- and national priorities
<b>4 Tabling</b>	Table draft Budget, draft IDP and Budget-related policies before council; consult and consider local-, provincial- and national inputs or responses
<b>5 Approving</b>	Council approves the IDP, the Budget and related policies
<b>6 Finalising</b>	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 4.1**.

**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.*

**4.2 Proposed establishment of Ward Committees 2016**  
**(3/3/1/5)**

A report from the Manager: Integrated Development Planning, dated 22 August 2016, is attached as **annexure 4.2**.

**UNANIMOUSLY RESOLVED**

*that notice be taken of the report regarding the establishment of Ward Committees.*

**4.3 Appointment of Section 79 and 80 Committees by Council**  
**(03/3/1/1)**

Item 13.1 of the council meeting, held on 17 August 2016, refers.

Background

In terms of Section 79 of the Structures Act, Council may establish one or more Committees necessary for the effective and efficient performance of any of Councils functions or the exercising of Councils powers.

Council appoints the members as well as the Chairpersons of the Section 79 committees and:

- Must determine the functions of a committee
- May delegate duties and powers to the committees in terms of section 32 of the said Act
- May authorise a committee to co-opt advisory members who are not members of the council within the limits determined by the Council
- May remove a member of a committee from time to time
- May determine a committees procedure

In terms of Section 80 of the Structures Act, Council may appoint Committees of Councillors to assist the Executive Committee or the Executive Mayor. Such Committees may not in number exceed the number of members of the Executive Committee or the Mayoral Committee. Therefore, 4 section 80 Committees can be established. The Executive Committee or Executive Mayor appoints a Chairperson for each Committee from the Executive Committee or Mayoral Committee and:

- May delegate any powers and duties to the committee
- Is not divested of the responsibility concerning the exercise of the power or performance of the duty.
- May revoke any decision taken by the committee, subject to any vested rights.

Council will have to decide whether both Section 79 and 80 Committees will be established or whether only section 79 or only section 80 Committees will be established. Section 79 Committees report directly to council, whilst section 80 Committees reports to the Executive Committee or the Executive Mayor.

#### Present Management structure

The present Management structure consist of four directorates as follows:

- Directorate Corporate Services
- Directorate Technical Services
- Directorate Financial Services
- Directorate Community Services

Committees can be established for each of the directorates or for any combination thereof.

#### Functions of Committees

The following functions can be considered for the committees:

##### Section 79 Committees

- 1) At least one meeting per month to consider reports from the directors
- 2) Deal with matters that are been referred to the committee by the council or the Executive Mayor.
- 3) Review and evaluate policies and make recommendations to council on amendments thereto and the revoking thereof.
- 4) Make recommendations to council on new policy to be implemented
- 5) Evaluate and review bylaws and make recommendations to council thereon
- 6) Oversee service delivery within the relevant portfolio
- 7) Perform such duties and perform such powers as may be delegated to them by council in terms of section 59 of the Structures Act

##### Section 80 Committees

- 1) At least one meeting per month to consider reports from the directors.
- 2) Deal with matters that are been referred to the committee by the council or the Executive Committee or Executive Mayor.
- 3) Review and evaluate policies and make recommendations to the Executive Committee or the Executive Mayor on amendments thereto and the revoking thereof.

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- 4) Make recommendations to the Executive Committee or the Executive Mayor on new policy to be implemented.
- 5) Evaluate and review bylaws and make recommendations to the Executive Committee or the Executive Mayor thereon.
- 6) Oversee service delivery within the relevant portfolio.
- 7) Perform such duties and perform such powers as may be delegated to them by council in terms of Section 59 of the Structures Act.

**Delegations to Committees:**

It is recommended that committees be delegated the power to consider and approve monthly reports from the Directors and various sections within the directorates.

The following recommendation was tabled to Council:

- (a) That Council decides on whether both Section 79 and Section 80 Committees will be established as well as the exact committees to be established.
- (b) That the members of the committees be elected.
- (c) That, if applicable, the Chairpersons of the Section 79 Committees be elected.
- (d) That the functions of the committees be determined.
- (e) That, if applicable, the delegations to the Section 79 Committees be considered.
- (f) That the Executive Mayor appoints the chairpersons of the Section 80 Committees and consider the delegations of the committees.
- (g) That Council decides on the dates on which the monthly meetings of committees should take place.

Council resolved on 17 Augustus 2016 that the matter with regard to the appointment of Section 79 and 80 Committees of Council be held in abeyance.

A document that outlines the key performance areas of the respective committees is attached as **annexure 4.3**.

The EFF raised a complaint in respect of the councillor allocation of the committees and enquired what criteria were used, because the EFF was not consulted.

**RESOLVED**

- (a) *that Council establishes both Section 79 and Section 80 Committees as per the attached annexure 4.3.*
- (b) *that the members of the committees be approved as per the attached annexure 4.3.*
- (c) *that the Chairpersons of the Section 79 Committees be approved as per the attached annexure 4.3.*

- (d) *that the functions of the committees be approved as per the attached annexure 4.3.*
- (e) *that the delegations of the Section 79 Committees be approved as per the attached annexure 4.3.*
- (f) *that the Executive Mayor appoints the chairpersons of the Section 80 Committees and consider the delegations of the committees.*

**4.4 Council's representatives on outside bodies**  
**(03/1/1/5)**

A summary of Council's representation on outside bodies is attached as **annexure 4.4**.

The list is for Council's review.

The ANC requested a caucus break from 09:45 until 10:00

**RESOLVED**

- (a) *that Council's representation as per the attached annexure 4.4 be approved.*
- (b) *that in respect of the Public Transport Liaison Committee, the various committees will determine the name of the representative and it be added to annexure 4.4 as approved.*

**4.5 Meetings calendar: September to December 2016**  
**(3/1/2/3)**

Council's meetings calendar for September to December 2016 is attached as **annexure 4.5**.

**UNANIMOUSLY RESOLVED**

*that notice be taken of Council's meetings calendar for September to December 2016.*

**5. COUNCIL-IN-COMMITTEE**