

**MINUTES OF THE COUNCIL MEETING OF WITZENBERG MUNICIPALITY, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 50 VOORTREKKER STREET, CERES ON WEDNESDAY, 24 JANUARY 2018 AT 10:00**

**PRESENT**

Councillors

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

Aldermen

JW Schuurman  
HJ Smit

Officials

Mr D Nasson (Municipal Manager)  
Mr J Barnard (Director: Technical Services)  
Ms J Krieger (Director: Community Services)  
Mr HJ Kritzingen (Director: Finance)  
Mr M Mpeluza (Director: Corporate Services)  
Mr G Louw (Head: Internal Audit)  
Ms L Nieuwenhuis (Legal Advisor)  
Mr A Hofmeester (IDP Manager)  
Mr CG Wessels (Manager: Administration)  
Mr C Titus (Committee Clerk)

**1. OPENING AND WELCOME**

The Speaker welcomed everyone and expressed best wishes towards the municipality for 2018, after which Councillor C Lottering opened the meeting with a prayer.

The Speaker read out aloud a letter of gratitude, received from Alderlady MC du Toit, in respect of the honour of Alderladyship bestowed on her by Council. The letter is attached as **annexure 1**.

**NOTED**

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

The Speaker requested that an application for leave of absence from the meeting be minuted for Councillor P Heradien due to electronic notification problems on his tablet. The Speaker requested that the ICT Administrator urgently attends to the problem and rectifies it.

**RESOLVED**

- (a) that the application for leave of absence from the meeting, received from Councillor P Heradien, be approved and accepted.*
- (b) that the IT Administrator urgently rectifies the electronic problems on the tablet of Councillor Heradien.*

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

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

Alderman H Smit conveyed Council's congratulations to the following councillors and spouses on their birthdays:

- |   |                       |            |
|---|-----------------------|------------|
| • | Mr M Mdishwa          | 1 January  |
| • | Councillor B Klaasen  | 8 January  |
| • | Councillor J Phungula | 15 January |
| • | Councillor H Visagie  | 18 January |
| • | Ms F Adams            | 24 January |
| • | Ms C Godden           | 25 January |

**NOTED.**

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

- (a) The Speaker referred to the distributed document *Ward Committee meetings held by the different Ward Committees in 2017*. The Speaker urged Ward Councillors to hold committee meetings otherwise to face disciplinary action. He explained the importance of the said meetings for the development of the committees.
- (b) Councillor D Swart informed the meeting that he had arranged a meeting on 5 November 2017, but that the venue was not opened by Administration.
- (c) Alderman JW Schuurman mentioned the importance of Ward Committee meetings and said that the standard should be one meeting per month. The Ward Councillor has a responsibility to ensure that the problems of the communities be reported to the Administration.
- (d) Councillor H Visagie complained that she had held three meetings, but that only one is listed on the list of the IDP.
- (e) Alderman H Smit requested that Ward Councillors ensure that their minutes are submitted to IDP and that the document be corrected.
- (f) Councillor N Phatsoane enquired with regard to loud hailing to announce community meetings and the refusal thereof. The councillor also said that her minutes had been submitted to the IDP office and requested the Speaker to liaise with the said office.
- (g) Councillor J Phungula was of the opinion that the Office of the Speaker was not up to standard and that it causes misunderstanding.
- (h) Councillor MD Jacobs requested that PR councillors also be invited to Ward Committee meetings for observation purposes.

Alderman J Schuurman was of the opinion that it may cause party political conflict if approved.

**RESOLVED**

*that the matter with regard to the problem of not adequate Ward Committee meetings being held, be discussed by the various political parties and be finalised.*

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

The Executive Mayor cautioned all present about the challenges that the municipality is facing in 2018.

The Executive Mayor thanked all officials who were involved in the successful Christmas dinner for the elderly and Christmas market held during December 2017.

The Executive Mayor expressed appreciation that the municipality is encouraging the community to use water sparingly and requested councillors and officials to persist with that.

**NOTED**

**4. MINUTES**

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

The minutes of the Council Meeting, held on 5 December 2017, are attached as **annexure 4.1**.

**UNANIMOUSLY RESOLVED**

- (a) *that resolution 8.3.1(d) of 5 December 2017 which reads “that the matter in respect of the allocation of land for informal traders be held in abeyance until the next meeting” be changed to read “that the matter in respect of the area situated at Voortrekker Street, Ceres, erf 1055, adjacent to the Traffic Department, be held in abeyance.”*
- (b) *That the minutes of the Council meeting held on 5 December 2017, as amended, be approved and signed by the Speaker.*

**4.2 Outstanding matters  
(3/3/2)**

File reference	Heading, item no. and date	Directorate	Action	Progress	Target date
17/18/1	8.3.1 of 5 December 2017 Allocation of land for informal traders	Community Services	That the matter be held in abeyance.		

**RESOLVED**

*That notice be taken of the outstanding matter.*

**5. MOTIONS AND NOTICE OF SUGGESTIONS**

None

**NOTED**

**6. INTERVIEWS WITH DELEGATIONS**

None

**NOTED**

**7. GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS**

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

The reports/minutes of the following meetings are attached:

- (a) Executive Mayoral Committee meeting, held on 23 October 2017: **Annexure 7.1(a).**
- (b) Municipal Public Accounts meeting, held on 26 October 2017: **Annexure 7.1(b).**
- (c) Performance, Risk and Audit Committee, held on 22 November 2017: **Annexure 7.1(c).**

**UNANIMOUSLY RESOLVED**

*that notice be taken of the minutes of the committee meetings and the same be accepted.*

**8. GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS**

**8.1 Direktooraat Finansies / Directorate Finance**

**8.1.1 Witzenberg Annual Report and Oversight Report: 2016/2017  
(5/14/2 & 9/1/1)**

The following report, dated 16 January 2018, was received from the Director: Finance:

"Purpose

The purpose of this report is to submit the Annual Report and Oversight Report for 2016/2017 to Council for consideration.

Legislature framework

In terms of Section 127 (2) of the Municipal Finance Management Act (Act 56 of 2003), the Mayor of a municipality must, within seven months after the end of a financial year, table in the municipal council the annual report of the municipality and of any municipal entity under the municipality's sole or shared control.

Section 129 to 131 of the Municipal Finance Management Act (Act 56 of 2003) states as follows:

**'129. Oversight reports on annual reports.**

(1) The council of a municipality must consider the annual report of the municipality and of any municipal entity under the municipality's sole or shared control, and by no later than two months from the date on which the annual report was tabled in the council in terms of section 127, adopt an oversight report containing the council's comments on the annual report, which must include a statement whether the council—

- (a) has approved the annual report with or without reservations;
- (b) has rejected the annual report; or
- (c) has referred the annual report back for revision of those components that can be revised.

(2) The accounting officer must—

- (a) attend council and council committee meetings where the annual report is discussed, for the purpose of responding to questions concerning the report; and
- (b) submit copies of the minutes of those meetings to the Auditor-General, the relevant provincial treasury and the provincial department responsible for local government in the province.

(3) The accounting officer must in accordance with section 21A of the Municipal Systems Act make public an oversight report referred to in subsection (1) within seven days of its adoption.

(4) The National Treasury may issue guidelines on—

- (a) the manner in which municipal councils should consider annual reports and conduct public hearings; and
- (b) the functioning and composition of any public accounts or oversight committees established by the council to assist it to consider an annual report.

(5) No guidelines issued in terms of subsection (4) are binding on a municipal council unless adopted by the council.

(6) This section, with the necessary modifications as the context may require, is also applicable if only components of the annual report were tabled in terms of section 127 (3).

**130. Council meetings open to public and certain public officials.**

(1) The meetings of a municipal council at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken, must be open to the public and any organs of state, and a reasonable time must be allowed—

- (a) for the discussion of any written submissions received from the local community or organs of state on the annual report; and
- (b) for members of the local community or any organs of state to address the council.

- (2) Representatives of the Auditor-General are entitled to attend, and to speak at, any council meeting referred to in subsection (1).
- (3) This section, with the necessary modifications as the context may require, is also applicable if only components of the annual report were tabled in terms of section 127 (3).

**131. Issues raised by Auditor-General in audit reports.**

- (1) A municipality must address any issues raised by the Auditor-General in an audit report. The mayor of a municipality must ensure compliance by the municipality with this subsection.
- (2) The MEC for local government in the province must—
- (a) assess all annual financial statements of municipalities in the province, the audit reports on such statements and any responses of municipalities to such audit reports, and determine whether municipalities have adequately addressed any issues raised by the Auditor-General in audit reports; and
  - (b) report to the provincial legislature any omission by a municipality to adequately address those issues within 60 days.'

**Discussion**

The Draft Annual Report for 2016/2017 was tabled to council on 5 December 2017.

Council resolved on 5 December 2017 that the Municipal Public Accounts Committee compiles a report on the Draft Annual Report as per its delegated powers.

The Annual Report for 2016/2017 is attached as **annexure 8.1.1(a)**.

The Oversight Report for 2016/2017 is attached as **annexure 8.1.1(b)**."

**UNANIMOUSLY RESOLVED**

*that having fully considered the 2016/2017 Annual Report of the Witzenberg Municipality, Council adopts the 2016/2017 Oversight Report and approves the 2016/2017 Annual Report without reservations.*

**8.1.2 Mid-year Budget Statement and Performance Assessment (Section 72 Report) for period 1 July to 31 December 2017 (9/1/1)**

Item 7.1.1 of the Executive Mayoral Committee meeting, held on 23 January 2018, refers.

The Mid-year Budget Statement and Performance Assessment (Section 72 Report) for the period 1 July to 31 December 2017 is attached as **annexure 8.1.2**.

The Executive Mayoral Committee thoroughly discussed the Mid-year Budget Statement and Performance Assessment (Section 72 Report) and highlighted the following matters:

- The Municipal Manager mentioned that two matters of capital underperformance had occurred, i.e. :
  - The approval of an amount on the budget of R15 million from the Department of Water Affairs is still awaited. The matter will be discussed due to the risks and concerns.

- Geo-technical tests were done at Vredebes in respect of the soil and more soil were needed. The cost thereof escalates to more than R10 million, which was not approved. Messrs ASLA took site despite the non-approval and the effect on the cash flow of the municipality was approximately R11 million.  
The above matters caused an underperformance on the budget.
- That the status quo of the MIG projects is very good.
- That the report of the auction will be tabled at the council meeting of February 2018 and will include the income and all items not sold.
- The economic impact of the drought on the income base is still unknown. The higher tariffs for water do have a positive influence on income. The financial approach must still be very conservative.
- The Executive Mayor mentioned that a meeting in respect of the drought is being planned for 6 February 2018.
- A meeting between the Koekedouw Irrigation Board and the municipality will be held next week in respect of the quotas of water in accordance with a council resolution.

The Executive Mayoral Committee resolved on 23 January 2018:

That the Executive Mayoral Committee recommends to Council:

that notice be taken of the Mid-year Budget Statement and Performance Assessment (Section 72 Report) for the period 1 July to 31 December 2017 and the same be accepted.

**UNANIMOUSLY RESOLVED**

*that notice be taken of the Mid-year Budget Statement and Performance Assessment (Section 72 Report) for the period 1 July to 31 December 2017 and the same be accepted.*

**8.1.3 Quarterly Budget Statement Report [Section 52(d)] for period 1 October 2017 to 31 December 2017  
(9/1/2/2)**

Item 7.1.2 of the Executive Mayoral Committee meeting, held on 23 January 2018, refers.

The Quarterly Budget Statement Report [Section 52(d)] for the period 1 October 2017 to 31 December 2017 is attached as **annexure 8.1.3**.

The Executive Mayoral Committee resolved on 23 January 2018:

That the Executive Mayoral Committee recommends to Council:

that notice be taken of the Quarterly Budget Statement Report [Section 52(d)] for the period 1 October 2017 to 31 December 2017 and the same be accepted.

**UNANIMOUSLY RESOLVED**

*that notice be taken of the Quarterly Budget Statement Report [Section 52(d)] for the period 1 October 2017 to 31 December 2017 and the same be accepted.*



**8.2      Direktoraat Tegniese Dienste / Directorate Technical Services**

**8.2.1    Draft By-law for house shops in the Witzenberg municipal area  
(15/4/P)**

The following items refer:

- (a)      Item 7.2.6 of the Executive Mayoral Committee meeting, held on 1 December 2017.
- (b)      Item 8.2.6 of the council meeting, held on 5 December 2017.

The following documents are attached:

- (a)      Memorandum from the Municipal Manager, dated 28 November 2017:  
**Annexure 8.2.1(a).**
- (b)      Draft By-law for house shops in the Witzenberg municipal area: **Annexure 8.2.1(b).**
- (c)      Attendance register of Public Participation Process: **Annexure 8.2.1(c).**
- (d)      Inputs from the public: **Annexure 8.2.1(d).**

The Executive Mayoral Committee unanimously resolved on 1 December 2017:

That the Executive Mayoral Committee recommends to Council:

- (a)      that the proposals of the public be considered and incorporated as recommended by the Division Town Planning and Building Control.
- (b)      that Council provisionally adopts the by-Law for house shops in the Witzenberg municipal area.
- (c)      that the Draft By-Law be advertised for public comments for at least 30 days.
- (d)      that the Municipal Manager, as soon as possible after the closing date for public comments, submits a report to the Executive Mayoral Committee for a recommendation to Council.

The following recommendation was tabled to Council:

That the Executive Mayoral Committee recommends to Council:

- (a)      that the proposals of the public be considered and incorporated as recommended by the Division Town Planning and Building Control.
- (b)      that Council provisionally adopts the by-Law for house shops in the Witzenberg municipal area.
- (c)      that the Draft By-Law be advertised for public comments for at least 30 days.

- (d) that the Municipal Manager, as soon as possible after the closing date for public comments, submits a report to the Executive Mayoral Committee for a recommendation to Council.

Council resolved on 5 December 2017 that the matter in respect of the Draft By-Law for House Shops in the Witzenberg municipal area be held in abeyance.

The following recommendation was tabled to Council:

- (a) that the proposals of the public be considered and incorporated as recommended by the Division Town Planning and Building Control.
- (b) that Council provisionally adopts the by-Law for house shops in the Witzenberg municipal area.
- (c) that the Draft By-Law be advertised for public comments for at least 30 days.
- (d) that the Municipal Manager, as soon as possible after the closing date for public comments, submits a report to the Executive Mayoral Committee for a recommendation to Council.

**UNANIMOUSLY RESOLVED**

*that the matter in respect of the Draft By-Law for House Shops in the Witzenberg municipal area be held in abeyance until the next meeting.*

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**8.3      Direktoraat Gemeenskapsdienste / Directorate Community Services**

None

**NOTED**

**8.4 Direktooraat Korporatiewe Dienste / Directorate Corporate Services**

**8.4.1 Draft Standard By-law on the Rules of Order for the meetings of the Witzenberg Council and its committees  
(1/3/1/25)**

The following items refer:

- (a) Item 7.4.1 of the Executive Mayor and Mayoral Committee meeting, held on 26 September 2017.
- (b) Item 8.4.1 of the council meeting, held on 27 September 2017.
- (c) Item 7.4.1 of the Executive Mayoral Committee, held on 23 January 2018.

Council unanimously resolved on 27 September 2017:

- (a) that Council provisionally adopts the Draft By-Law on the Rules of Order for the meetings of the Witzenberg Council and its committees.
- (b) that the Draft By-Law be advertised for public comments for at least 30 days.
- (c) that the Municipal Manager, as soon as possible after the closing date for public comments, submits a report to the Executive Mayoral Committee for a recommendation to Council.

The following memorandum, dated 17 January 2018, was received from the Senior Legal Advisor:

"Purpose

To recommend to Council to approve the final By-Law on the Rules of Order for the meetings of the Witzenberg Council, its committees and public meetings.

Background and deliberation

The draft by-law was adopted by Council on 27 September 2017. See **annexure 8.4.1(a)**.

A public participation process was followed and any written proposals for amendments, additions and deletions to the draft had to be forwarded to the office of the Municipal Manager before 8 December 2017. A copy of the advertisement that was placed in the Witzenberg Herald is attached as **annexure 8.4.1(b)**. It is recorded that no inputs and/or comments have been received. The draft by-law is attached as **annexure 8.4.1(c)**.

Legal implication

If Council approves this by-law it must be published in the Government Gazette."

The Executive Mayoral Committee resolved on 23 January 2018:

That the Executive Mayoral Committee recommends to Council:

- (i) that the Draft By-Law on the Rules of Order for the meetings of the Witzenberg Council and its committees be adopted.
- (ii) that the approved By-law be published in the Government Gazette.

**RESOLVED**

- (a) *that the Draft By-Law on the Rules of Order for the meetings of the Witzenberg Council and its committees be adopted.*
- (b) *that the approved By-law be published in the Government Gazette.*

**9. URGENT MATTERS SUBMITTED AFTER DISPATCHING OF THE AGENDA**

**9.1 Council's representatives on SALGA Working Groups  
(03/1/1/5)**

The following report, dated 24 January 2018, was received from the Municipal Manager:

Council appointed its representatives to the SALGA Working Committees as per **annexure 9.1(a)**. SALGA has now informed of its new structure and committees as per **annexure 9.1(b)**.

The Speaker's office has linked the KPI's of Council's Section 79 Committees to that of the various working groups and has nominated the Chairpersons of the various committees as Council representatives to the various committees. SALGA has now requested a formal council decision on Witzenberg Municipality's representatives to its committees. The matter is tabled for a resolution."

**RESOLVED**

*that the Municipal Manager finalises the matter in respect of representatives on the various SALGA Working Groups and submits at the next council meeting.*

**10. FORMAL AND STATUTORY MATTERS**

**10.1 Feedback on matters of outside bodies  
(3/R)**

- (a) Councillor D Swart reported:
  - (i) that Mr Henry Prins was appointed as the new Municipal Manager at the Cape Winelands District Municipality.
  - (ii) that Cape Winelands District Municipality held a Top Achievers Award for the 2017 matriculates and Witzenberg was in attendance.
- (b) The Speaker requested that the Manager: Administration obtains the minutes of SALGA Working Group meetings as well as the outside bodies and that the Municipal Manager submits only matters applicable to Witzenberg for Council's attention.

**NOTED**

**11. QUESTIONS and/or MATTERS RAISED by COUNCILLORS**

- (a) Councillor J Phungula referred to the issue of land raised at the previous meeting. The Municipal Manager confirmed that it will be submitted at the next meeting.
- (b) Councillor R Simpson requested that the land issue must also address religious purposes.

**NOTED**

**12. ADJOURNMENT**

The meeting adjourned at 12:05.

Approved on \_\_\_\_\_ with / without amendments.

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**COUNCILLOR TT GODDEN  
SPEAKER**

*/MJ Prins*