

**MINUTES OF THE COUNCIL MEETING OF WITZENBERG MUNICIPALITY, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 50 VOORTREKKER STREET, CERES ON WEDNESDAY, 11 DECEMBER 2019 AT 10:00**

**PRESENT**

Councillors

Alderman TT Godden (Speaker)  
Councillor BC Klaasen (Executive Mayor)  
Alderman K Adams (Deputy Executive Mayor)  
Councillor TE Abrahams  
Councillor P Daniels  
Councillor P Heradien  
Councillor MD Jacobs  
Councillor D Kinnear  
Councillor GG Laban  
Councillor C Lottering  
Councillor M Mdala  
Councillor TP Mgoboza  
Councillor ZS Mzauziwa-Mdishwa  
Councillor MJ Ndaba  
Councillor N Phatsoane  
Alderlady JT Phungula  
Alderman JW Schuurman  
Councillor EM Sidego  
Councillor RJ Simpson  
Alderman HJ Smit  
Councillor D Swart  
Councillor HF Visagie  
Alderman JJ Visagie

Officials

Mr D Nasson (Municipal Manager)  
Mr J Barnard (Director: Technical Services)  
Mr M Mpeluza (Director: Corporate Services)  
Mr W Mars (Acting Director: Finance)  
Mr G Louw (Head: Internal Audit)  
Ms L Nieuwenhuis (Manager: Legal Services)  
Mr A Hofmeester (IDP Manager)  
Mr CG Wessels (Manager: Administration)  
Ms R Hendricks (Manager: Marketing and Communication)  
Mr C Titus (Committee Clerk)  
Ms MJ Prins (Acting Principal Administrative Officer)  
Ms M Badela (Interpreter)

**1. OPENING AND WELCOME**

The Speaker welcomed everyone present after which he requested Councillor C Lottering to open the meeting with a prayer.

**NOTED**

**2. LEAVE OF ABSENCE AND CONFIDENTIALITY AND CONFLICT OF INTEREST DECLARATION**

**2.1 Consideration of application for leave of absence, if any  
(3/1/2/1)**

An apology for absence from the meeting was received from the Acting Director: Finance.

**UNANIMOUSLY RESOLVED**

*that the apology for absence from the meeting, received from the Acting Director: Finance, be approved and accepted.*

**2.2 Confidentiality and Conflict of Interest Declaration  
(3/2/1)**

The Confidentiality and Conflict of Interest Declaration was signed by all Councillors.

Councillor BC Klaasen declared interest in terms of item 5.2 of the in-committee agenda, being the property of his wife.

**NOTED**

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

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

Council's congratulations were conveyed by Alderlady JT Phungula (on behalf of the ANC) and Councillor E Sidego (on behalf of Council) to the following Councillors and spouses on their birthdays:

- Councillor R Simpson 10 November
- Councillor T Mgoboza 15 November
- Councillor M Mdala 16 November
- Ms D Heradien 22 November
- Ms C Jacobs 5 December
- Alderman T Godden 10 December

**NOTED.**

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

- (a) The Speaker conveyed his best wishes to Council, Senior Management and the Administration for the Festive Season.
- (b) The Speaker mentioned that a whippy meeting will be held to discuss and finalise the whippy system for future council meetings.

- (c) The Speaker announced that all councillors are invited to the yearend function for Council after the meeting in the Pine Forest Resort.

**NOTED**

The DA component requested a caucus break from 10:25 until 10:35.

The ANC component requested a caucus break from 10:35 until 11:40.

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

- (a) The Executive Mayor referred to the outcomes of the court case in respect of the Pine Forest Resort and mentioned that the matter will be discussed by Council.
- (b) The Executive Mayor mentioned that 2019 was a year with many challenges to overcome and it includes a provincial and national election. He expressed gratitude towards Council and the Administration for a job well done and wished everyone a blessed Festive Season and a prosperous new year.

**NOTED**

**4. MINUTES**

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

The minutes of the Council meeting, held on 30 October 2019, are attached as **annexure 4.1**.

The following recommendation was tabled to Council:

that the minutes of the Council meeting, held on 30 October 2019, be approved and signed by the Speaker.

**UNANIMOUSLY RESOLVED**

*that the approval of the minutes of the Council meeting, held on 30 October 2019, be held in abeyance until the next meeting.*

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

Number	File reference	Heading, item no. and date	Directorate	Action	Progress	Target date
4.2.1	15/4/1/1/5	Item 11.1 of 26 March 2019 Ceres Golf Estate development	Municipal Manager	That the matter be held in abeyance to obtain further clarification and after that be submitted again.		
4.2.2	15/4/P	Item 8.2.4 of 31 July 2019 Proposed Integrated Zoning Scheme By-Law for Witzenberg	Manager: Town Planning and Building Control	(d) That the proposed draft Witzenberg Zoning Scheme By-Law and any comments received during public participation process be submitted to Council for consideration and final adoption.		31 January 2020

The Municipal Manager mentioned that a discussion was held between himself and Alderman JW Schuurman in respect of the Ceres Golf Estate. An item regarding the matter will be submitted to Council.

**UNANIMOUSLY RESOLVED**

(a) *Item 4.2.1: Ceres Golf Estate development*

*that the Municipal Manager will submit an item in respect of the Ceres Golf Estate to Council.*

(b) *Item 4.2.2: Proposed Integrated Zoning Scheme By-Law*

(i) *that the matter in respect of the Proposed Integrated Zoning Scheme By-Law for Witzenberg be held in abeyance until the Council meeting of May 2020 with the approval of the Budget 2020/2021.*

(ii) *that the matter supra (i) be removed from the agenda for the interim period from December 2019 until May 2020.*

**5. MOTIONS AND NOTICE OF SUGGESTIONS**

**5.1 Mosie van wantroue in amp van Uitvoerende Burgemeester  
(3/2/2)**

'n Mosie vanaf Raadslid G Laban (Witzenberg Aksie), gedateer 2 Desember 2019, word ingebind as **bylae 5.1**.

Die Speaker meld dat 'n foutiewe verwysing in terme van Artikel 40 van die Munisipale Strukture Wet (No. 117 van 1998) in die mosie voorkom en versoek dat die mosie gekorrigeer word met Artikel 58 van die genoemde wet.

Raadslid GG Laban stel voor en Raadsheer JW Schuurman sekondeer dat Raadslid BC Klaasen as Uitvoerende Burgemeester uit die amp verwyder word.

Raadsheer JJ Visagie stel voor en Raadsheer HJ Smit sekondeer dat Raadslid BC Klaasen nie as Uitvoerende Burgemeester uit die amp verwyder word nie.

Die Speaker reël 'n geheime stemming met stembriefies.

Na die stemming is die uitslag 'n gelykop van elf stemme elk vir die twee voorstelle met een stembrief in dispuut.

Die Speaker bring 'n beslissende stem uit en is die uitslag van die stemming soos volg:

- Twaalf (12) stemme ten gunste van die voorstel dat Raadslid BC Klaasen nie as Uitvoerende Burgemeester uit die amp verwyder word nie.
- Elf (11) stemme ten gunste van die voorstel dat Raadslid BC Klaasen as Uitvoerende Burgemeester uit die amp verwyder word.

**BESLUIT**

*dat Raadslid BC Klaasen nie as die Uitvoerende Burgemeester van Munisipaliteit Witzenberg uit die amp verwyder word nie.*

**5.2 Mosie: Raadsheer TT Godden (COPE)  
(15/4/1/1/4/5)**

Hierdie aangeleentheid word in-komitee hanteer.

**AANGETEKEN.**

**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) Committee for Technical Services, held on 24 July 2019: **Annexure 7.1(a)**.
- (b) Executive Mayoral Committee, held on 29 July 2019: **Annexure 7.1(b)**.
- (c) Performance, Risk and Audit Committee, held on 16 August 2019: **Annexure 7.1(c)**.
- (d) Municipal Public Accounts Committee, held on 20 August 2019: **Annexure 7.1(d)**.
- (e) Executive Mayoral Committee, held on 21 August 2019: **Annexure 7.1(e)**.
- (f) Committee for Community Development, held on 22 August 2019: **Annexure 7.1(f)**.
- (g) Committee for Corporate and Financial Services, held on 22 August 2019: **Annexure 7.1(g)**.
- (h) Committee for Local Economic Development and Tourism, held on 28 August 2019: **Annexure 7.1(h)**.
- (i) Committee for Housing Matters, held on 28 August 2019: **Annexure 7.1(i)**.
- (j) Performance, Risk and Audit Committee, held on 13 September 2019: **Annexure 7.1(j)**.
- (k) Special Executive Mayoral Committee, held on 3 October 2019: **Annexure 7.1(k)**.
- (l) Committee for Housing Matters, held on 15 October 2019: **Annexure 7.1(l)**.
- (m) Committee for Local Economic Development and Tourism, held on 16 October 2019: **Annexure 7.1(m)**.
- (n) Committee for Community Development, held on 17 October 2019: **Annexure 7.1(n)**.
- (o) Committee for Corporate and Financial Services, held on 17 October 2019: **Annexure 7.1(o)**.
- (p) Special Municipal Public Accounts Committee, held on 21 October 2019: **Annexure 7.1(p)**.
- (q) Executive Mayoral Committee, held on 24 October 2019: **Annexure 7.1(q)**.

**UNANIMOUSLY RESOLVED**

*that notice is taken, after consideration, of the minutes of the Committee meetings and same be accepted.*

**8. GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS**

**8.1 Direkoraat Finansies / Directorate Finance**

**8.1.1 Section 71 Monthly Budget Statement Reports of the Directorate Finance: April, May, June and July 2019 (9/1/2/2)**

The following items refer:

- (a) Item 7.1 of the meeting of the Committee for Corporate and Financial Services, held on 25 July 2019.
- (b) Item 8.1 of the Performance, Risk and Audit Committee meeting, held on 2 August 2019.
- (c) Item 7.1 of the meeting of the Committee for Corporate and Financial Services, held on 22 August 2019.
- (d) Item 8.1 of the Performance, Risk and Audit Committee meeting, held on 13 September 2019.
- (e) Item 7.1.1 of the Executive Mayoral Committee meeting held on 24 October 2019.
- (f) Item 8.1.1 of the Council meeting, held on 30 October 2019.

The following Section 71 Monthly Budget Statement Reports of the Directorate Finance are attached:

- (a) April 2019      **Annexure 8.1.1(a)**
- (b) May 2019      **Annexure 8.1.1(b)**
- (c) June 2019     **Annexure 8.1.1(c)**
- (d) July 2019      **Annexure 8.1.1(d)**

The Committee for Corporate and Financial Services resolved on 25 July 2019 that the Committee for Corporate and Financial Services recommends to the Executive Mayoral Committee and Council:

that the Committee for Corporate and Financial Services takes notice, after consideration, of the content of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for April, May and June 2019 and same be accepted.

Extract from the minutes of the Performance, Risk and Audit Committee meeting, held on 2 August 2019:

“The Acting Chief Financial Officer tabled the Section 71 Monthly Budget Statement Reports for April, May and June 2019. The Performance, Risk and Audit Committee decided to focus on the June 2019 report and highlighted the following:

- That the total operational revenue for the period 1 July 2018 until 30 June 2019 is 92,86 %.
- That the total operational revenue for the period supra does not include the fines revenue which stands on R7 million material in nature.

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- The problem of the fines revenue is municipal wide in all municipalities with high risks. The representative of AGSA mentioned that Treasury is in a process to assist municipalities with the problems to obtain documentation from the provincial traffic department.
- That the capital expenditure for the period 1 July 2018 until 30 June 2019 is 96,45 %.
- That government departments are repeatedly requested to pay their outstanding municipal monies, but with limited success.
- That the financial deviations in respect of Mafoko Security Services were due to the increase in vandalism, taxi violence and service delivery protest actions which necessitated armed response.

The Performance, Risk and Audit Committee resolved on 2 August 2019 that the Performance, Risk and Audit Committee recommends to the Executive Mayoral Committee and Council:

that the Performance, Risk and Audit Committee takes notice of the Section 71 Monthly Budget Statement Reports for April, May and June 2019 and, after consideration, same be approved and accepted.”

The Committee for Corporate and Financial Services resolved on 22 August 2019 that the Committee for Corporate and Financial Services recommends to the Executive Mayoral Committee and Council:

that the Committee for Corporate and Financial Services takes notice, after consideration, of the content of the Section 71 Monthly Budget Statement Report of the Directorate Finance for July 2019 and same be accepted.

Extract from the minutes of the Performance, Risk and Audit Committee meeting, held on 13 September 2019:

“The Manager: Financial Administration tabled the Section 71 Monthly Budget Statement Report for July 2019 and the following was highlighted:

- The Performance, Risk and Audit Committee requested that a comparison be shown between the current and the previous in terms of accounts amounting vs indigent cost (p. 6).
- That the YTD actuals and YTD budget (p. 10) do not correlate.
- That the bulk debt of the organs of state are property rates.

The Performance, Risk and Audit Committee resolved on 13 September 2019 to recommend to Council that the Performance, Risk and Audit Committee, after consideration, takes notice of the Section 71 Monthly Budget Statement Report of the Directorate Finance for July 2019.”

The Executive Mayoral Committee resolved on 24 October to recommend to Council that notice be taken of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for April, May, June and July 2019 and, after consideration, same be approved and accepted.

The Acting Chief Financial Officer presented the Section 71 Monthly Budget Statement Reports for April, May, June and July 2019. The following matters were highlighted:

- Questions were raised in respect of the tender awarded to Mafoko Security with regard to:
  - the period of the tender
  - the reasons for deviations to pay the company

The Acting Chief Financial Officer and Municipal Manager clarified the questions. Council requested that all relevant documentation in respect of the matter of the tender Mafoko Security be tabled to Council.

The following recommendation was tabled to Council:

That the Executive Mayoral Committee recommends to Council:

that notice be taken of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for April, May, June and July 2019 and, after consideration, same be approved and accepted.

Council unanimously resolved on 30 October 2019:

- (a) that the Municipal Manager submits all relevant documentation in respect of deviations in favour of Messrs Mafoko Security to Council.
- (b) that the Section 71 Monthly Budget Statement Reports of the Directorate Finance for April, May, June and July 2019 be held in abeyance until the next meeting.

The following recommendation was tabled to Council:

That the Executive Mayoral Committee recommends to Council:

that notice be taken of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for April, May, June and July 2019 and, after consideration, same be approved and accepted.

**UNANIMOUSLY RESOLVED**

*that the matter in respect of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for April, May, June and July 2019 be held in abeyance until the next meeting.*

**8.1.2 Section 71 Monthly Budget Statement Reports of Directorate Finance: August and September 2019 (9/1/2/2)**

The following items refer:

- (a) Item 7.1 of the meeting of the Committee for Corporate and Financial Services, held on 17 October 2019.
- (b) Item 8.1 of the Performance, Risk and Audit Committee meeting, held on 25 October 2019.
- (c) Item 7.1 of the meeting of the Committee for Corporate and Financial Services, held on 21 November 2019.
- (d) Item 7.1.1 of the Executive Mayoral Committee meeting, held on 4 December 2019.

The following Section 71 Monthly Budget Statement Reports of the Directorate Finance are attached:

- (a) August 2019 **Annexure 8.1.2(a)**
- (b) September 2019 **Annexure 8.1.2(b)**

Extract from the minutes of the Committee for Corporate and Financial Services meeting, held on 17 October 2019:

“The Acting Director: Financial Services presented the Section 71 Monthly Budget Statement Report for August 2019. The following were highlighted:

- The Committee expressed concern with regard to the high amounts of outstanding monies. The Municipal Manager explained that the matters of outstanding debtors as well as the water management devices in order to prevent further escalation of the outstanding money.
- That the Indigent Policy is currently on R3 500-00, but will possibly be decreased in future. Concern was expressed about jobless people receiving indigent allowances, but they do not inform the municipality when they are employed.

The Committee for Corporate and Financial Services resolved on 17 October 2019 to recommend to the Executive Mayoral Committee and Council that the Committee for Corporate and Financial Services takes notice, after consideration, of the content of the Section 71 Monthly Budget Statement Report of the Directorate Finance for August 2019 and same be approved and accepted.”

Extract from the minutes of the Performance, Risk and Audit Committee meeting, held on 25 October 2019:

“The Acting Chief Financial Officer presented the Section 71 Monthly Budget Statement Reports for August and September 2019. The following matters were highlighted:

- That the municipality is cutting on expenses with regard to overtime.
- That the retirement age for female employees has been increased from 60 to 65 years, which affects expenditure in terms of benefits.
- Capital expenditure in first quarter of the budgeted capital expenditure on 6,89 % .
- The Acting Chief Financial Officer will report back to the Performance, Risk and Audit Committee with an explanation in terms of finance charges.
- The Acting Chief Financial Officer responded to the satisfaction of the Performance, Risk and Audit Committee on an enquiry in respect of the lack of figures for depreciation and asset impairment.
- The Municipal Manager reported satisfactorily with regard to appeals lodged for tenders.

The Performance, Risk and Audit Committee resolved on 25 October 2019 to recommend to Council that the Performance, Risk and Audit Committee takes notice, after consideration, of the Section 71 Monthly Budget Statement Reports for August and September 2019 and refers same to Council for consideration and approval.”

The Committee for Corporate and Financial Services resolved on 21 November 2019 to recommend to the Executive Mayoral Committee and Council that the Committee for Corporate and Financial Services takes notice, after consideration, of the content of the Section 71 Monthly Budget Statement Report of the Directorate Finance for September 2019 and same be accepted.

The Executive Mayoral Committee resolved on 4 December 2019

- (a) that the Executive Mayoral Committee takes notice, after consideration, of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for August and September 2019.
- (b) that the Executive Mayoral Committee recommends to Council:

that, after consideration, the Section 71 Monthly Budget Statement Reports of the Directorate Finance for September and August 2019 be approved and accepted.

The following recommendation was tabled to Council:

that the Executive Mayoral Committee recommends to Council:

that, after consideration, the Section 71 Monthly Budget Statement Reports of the Directorate Finance for August and September 2019 be approved and accepted.

**UNANIMOUSLY RESOLVED**

*that the matter in respect of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for August and September 2019 be held in abeyance until the next meeting.*

**8.1.3 Terms of Reference: Disciplinary Board for Financial Misconduct (5/P)**

The following items refer:

- (a) Item 7.1.7 of the Executive Mayoral Committee meeting, held on 29 July 2019.
- (b) Item 8.1.9 of the Council meeting, held on 31 July 2019.
- (c) Item 7.1.2 of the Executive Mayoral Committee meeting held on 24 October 2019.
- (d) Item 8.1.3 of the Council meeting, held on 30 October 2019.
- (e) Item 7.1.2 of the Executive Mayoral Committee meeting, held on 4 December 2019.

Council resolved on 27 August 2014:

- (a) That a Board be established in terms of Government Gazette 37699 of 30 May 2014 to address any financial misconduct, as described in the Municipal Finance Management Act, in the municipality.
- (b) That any investigation regarding financial irregularities applicable to councillors be conducted in terms of the Code of Conduct for Councillors as regulated by the Municipal Systems Act.
- (c) That the Board does not consist of more than five members, as stated in the Regulations.
- (d) That the Executive Mayoral Committee will have delegated powers to co-opt any person to the Board.

The Terms of Reference for the Disciplinary Board for Financial Misconduct, dated July 2019, is attached as **annexure 8.1.3**.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

That the Terms of Reference for the Disciplinary Board for Financial Misconduct, after consideration, be approved and accepted.

The Executive Mayoral Committee resolved on 29 July 2019:

That the Executive Mayoral Committee recommends to Council:

that the matter in respect of the Terms of Reference of the Disciplinary Board for Financial Misconduct be held in abeyance and be workshopped by the Executive Mayoral Committee and after that be submitted to Council with a recommendation.

Council unanimously resolved on 31 July 2019:

that the matter in respect of the Terms of Reference of the Disciplinary Board for Financial Misconduct be held in abeyance and be workshopped by the Executive Mayoral Committee and after that be submitted to Council with a recommendation.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

That the Terms of Reference for the Disciplinary Board for Financial Misconduct, after consideration, be approved and accepted.

The Executive Mayoral Committee resolved on 24 October 2019 to recommend to Council that the matter in respect of the Disciplinary Board for Financial Misconduct be workshopped by Council.

Council unanimously resolved on 30 October 2019 that the matter in respect of the Disciplinary Board for Financial Misconduct be workshopped by Council.

The Executive Mayoral Committee resolved on 4 December 2019 to recommend to Council:

that the Terms of Reference for the Disciplinary Board for Financial Misconduct, after consideration, be approved and accepted.

#### **UNANIMOUSLY RESOLVED**

*that the Terms of Reference for the Disciplinary Board for Financial Misconduct, after consideration, be approved and accepted.*

#### **8.1.4 Municipal Cost Containment Policy Framework (5/P)**

Item 7.1.3 of the Executive Mayoral Committee meeting, held on 4 December 2019, refers.

The following report, dated 20 November 2019, was received from the Municipal Manager:

“The Draft Cost Containment Policy was workshopped by Council on 30 July 2019. In terms of the Cost Containment Regulations the municipality must adopt a Cost Containment Policy. The policy presented to Council is basically similar to the regulations. It is recommended and suggested that Council considers adopting the Cost Containment as a framework policy. Council has already adopted two separate policies that are linked to the Cost Containment Regulations, namely the Policy on the use of consultants as well as the Travel Management Policy.”

The policy that was workshopped, is attached as **annexure 8.1.4**.

The Executive Mayoral Committee resolved on 4 December 2019 to recommend to Council:

that the Municipal Cost Containment Policy Framework, after consideration, be approved, but that the policy framework be amended in future if necessary.

**UNANIMOUSLY RESOLVED**

*that the Municipal Cost Containment Policy Framework, after consideration, be approved, but that the policy framework be amended in future if necessary.*

**8.1.5 Quarterly Budget Statement [Section 52(d)] Report: 1<sup>st</sup> Quarter of 2019/2020 (1 July 2019 until 30 September 2019) (9/1/2/2)**

The following items refer:

- (a) Item 7.1.4 of the Executive Mayoral Committee meeting, held on 24 October 2019.
- (b) Item 8.2 of the PRAC meeting, held on 25 October 2019.
- (c) Item 8.1.14 of the Council meeting, held on 30 October 2019.
- (d) Item 7.1 of the MPAC meeting, held on 4 November 2019.

**The Quarterly Budget Statement [Section 52(d)] Report for the 1<sup>st</sup> quarter of 2019/2020 is not attached as the document has already been tabled to Council.**

The Executive Mayoral Committee resolved on 24 October 2019 to recommend to Council:

- (a) that notice be taken of the Quarterly Budget Statement Report in terms of Section 52(d) for the period 1 July 2019 until 30 September 2019.
- (b) that the report be tabled to the Performance, Risk and Audit Committee and the Municipal Public Accounts Committee for their recommendations to Council.

The Performance, Risk and Audit Committee resolved on 25 October 2019 to recommend to Council that the Performance, Risk and Audit Committee takes notice, after consideration, of the Quarterly Budget Statement Report in terms of Section 52(d) for the period 1 July 2019 until 30 September 2019 and refers same to Council for consideration and approval.

Council unanimously resolved on 30 October 2019:

- (a) that notice be taken of the Quarterly Budget Statement Report in terms of Section 52(d) for the period 1 July 2019 until 30 September 2019 and, after consideration, same be accepted.
- (b) that the report be tabled to the Performance, Risk and Audit Committee and the Municipal Public Accounts Committee for their recommendations to Council.

Extract from the minutes of the MPAC meeting, held on 4 November 2019:

“The Municipal Public Accounts Committee (MPAC) considered the Section 52(d) Report for the period 1 July 2019 until 30 September 2019 and highlighted the following matters:

- The cash flow of the municipality is in order.
- That the investment amount stands on R96 million.
- That there is no major financial issues to report on.
- That the performance has met the expectations of Council and the community.
- That there is unspent capital on housing.
- That beneficiaries for houses at Vredebes will move in by end of November 2019.
- That rental stock will also be transferred.
- That the objectives (targets) of the municipality has been met.
- That the Cost Containment Regulations impacted negatively on the capital expenditure.
- That debt collection is a major concern.
- That the maintenance budget is high due to vandalism. The insurance refuse to pay.
- The Municipal Public Accounts Committee requested a report in terms of spending on vandalism.

The Municipal Public Accounts Committee resolved on 4 November to recommend to Council that notice be taken, after consideration, of the Section 52(d) Report of the 1<sup>st</sup> Quarter for 2019/2020 and same be approved and accepted.”

#### **UNANIMOUSLY RESOLVED**

- (a) *that notice is taken that the Quarterly Budget Statement Report in terms of Section 52(d) for the period 1 July 2019 until 30 September 2019 has already been tabled to and accepted by Council on 30 October 2019.*
- (b) *that notice is taken, after consideration, of the recommendations of the Performance, Risk and Audit Committee and the Municipal Public Accounts Committee to Council.*

#### **8.1.6 PRAC review: Fraud and Corruption Prevention Policy and Response Plan (5/14/P)**

The following items refer:

- (a) Item 7.1 of the Performance, Risk and Audit Committee meeting, held on 2 August 2019.
- (b) Item 8.1.5 of the Council meeting, held on 30 October 2019.

In terms of the Fraud and Corruption Prevention Policy the Performance Risk and Audit Committee shall annually review this policy and determine its adequacy and effectiveness for current circumstances and recommend to Council for approval of any amendments that may be required.

The Fraud and Corruption Prevention Policy and Response Plan, dated July 2019, is attached as **annexure 8.1.6**.

The Head: Internal Audit tabled the Fraud and Corruption Prevention Policy for revision.

The Performance, Risk and Audit Committee resolved on 2 August 2019:

- (a) that the Head: Internal Audit removes paragraph 10.5 from the policy.
- (b) that the Performance, Risk and Audit Committee recommends to Council:

that the Performance, Risk and Audit Committee takes notice of the amendments to the Fraud and Corruption Prevention Policy and, after consideration, approved and accepted same.

The following recommendation was tabled to Council:

that notice be taken of the Fraud and Corruption Prevention Policy and Response Plan and, after consideration, same be approved and accepted.

Council unanimously resolved on 30 October 2019 that the matter in respect of the Fraud and Corruption Prevention Policy and Response Plan be held in abeyance and be workshopped by Council.

**UNANIMOUSLY RESOLVED**

*that notice be taken of the Fraud and Corruption Prevention Policy and Response Plan and, after consideration, same be approved and accepted.*

**8.1.7 PRAC review: Fraud and Corruption Prevention Strategy (5/14/P)**

The following items refer:

- (a) Item 7.2 of the Performance, Risk and Audit Committee meeting, held on 2 August 2019.

In terms of the Fraud and Prevention Policy the Chief Risk Officer shall annually review the Fraud and Corruption Prevention Strategy and seek advice from the Performance Risk and Audit Committee to determine its adequacy and effectiveness for current circumstances and recommend to Council for approval of any amendments that may be required.

The Fraud and Corruption Prevention Strategy, dated 19 July 2019, is attached as **annexure 8.1.7**.

The Performance, Risk and Audit Committee resolved on 2 August 2019 that the Performance, Risk and Audit Committee recommends to Council:

that notice be taken of the Fraud and Corruption Prevention Strategy and, after consideration, approved and accepted same.

The following recommendation was tabled to Council:

that notice be taken of the Fraud and Corruption Prevention Strategy and, after consideration, same be approved and accepted.

Council unanimously resolved on 30 October 2019 that the matter in respect of the Fraud and Corruption Prevention Strategy be held in abeyance and be workshopped by Council.

**UNANIMOUSLY RESOLVED**

*that notice be taken of the Fraud and Corruption Prevention Strategy and, after consideration, same be approved and accepted.*

**8.1.8 PRAC review: Whistle Blowing Policy  
(5/14/P)**

The following items refer:

- (a) Item 7.3 of the Performance, Risk and Audit Committee meeting, held on 2 August 2019.
- (b) Item 8.1.7 of the Council meeting, held on 30 October 2019.

In terms of the Whistle Blowing Policy the Performance and Risk Audit Committee shall annually review this policy and determine its adequacy and effectiveness for current circumstances and recommend to Council for approval of any amendments that may be required.

The Performance, Risk and Audit Committee resolved on 2 August 2019 that the Whistle Blowing Policy be updated and amended and after that be tabled to Council for adoption.

The amended Whistle Blowing Policy, dated July 2019, is attached as **annexure 8.1.8**.

The following recommendation was tabled to Council:

*that notice be taken of the Whistle Blowing Policy and, after consideration, same be approved and accepted.*

Council unanimously resolved on 30 October 2019 that the matter in respect of the Whistle Blowing Policy be held in abeyance and be workshopped by Council.

**UNANIMOUSLY RESOLVED**

*that notice be taken of the Whistle Blowing Policy and, after consideration, same be approved and accepted.*

**8.1.9 Municipal Public Accounts Committee (MPAC) Charter: July 2019  
(02/01/2)**

The following items refer:

- (a) Item 7.2 of the Municipal Public Accounts Committee meeting, held on 20 August 2019.
- (b) Item 8.1.13 of the Council meeting, held on 30 October 2019.

A report from the Head: Internal Audit regarding the Municipal Public Accounts (MPAC) Charter, dated July 2019, is attached as **annexure 8.1.9**.

The Head: Internal Audit submitted the Municipal Public Accounts Committee (MPAC) Charter.

The Municipal Public Accounts Committee resolved on 20 August 2019 that the Committee for Municipal Public Accounts Committee recommends to Council:

that the Municipal Public Accounts Committee (MPAC) after consideration, takes notice of the Municipal Public Accounts Committee (MPAC) Charter and same be approved and accepted.

The following recommendation was tabled to Council:

that notice be taken of the Municipal Public Accounts Committee (MPAC) Charter and, after consideration, same be approved and accepted.

Council unanimously resolved on 30 October 2019 that the matter in respect of the Municipal Public Accounts Committee (MPAC) Charter, dated July 2019, be held in abeyance and be workshopped by Council.

The following recommendation was tabled to Council:

that notice be taken of the Municipal Public Accounts Committee (MPAC) Charter and, after consideration, same be approved and accepted.

**UNANIMOUSLY RESOLVED**

*that the matter in respect of the Municipal Public Accounts Committee (MPAC) Charter be held in abeyance until the next meeting.*

**8.1.10 PRAC 2<sup>nd</sup> Bi-Annual Performance Management Report: 2018/2019 (5/14/4)**

The PRAC Second Bi-Annual Performance Management Report to Council for 2018/2019, dated November 2019, is attached as **annexure 8.1.10**.

The following recommendation was tabled to Council:

that the PRAC Second Bi-Annual Performance Management Report for 2018/2019, after consideration, be approved and accepted.

**UNANIMOUSLY RESOLVED**

*that the matter in respect of the PRAC Second Bi-Annual Performance Management Report for 2018/2019 be held in abeyance until the next meeting.*

**8.1.11 Reconnection of electricity over the festive period  
(5/12/1/R)**

Item 7.1.4 of the Executive Mayoral Committee meeting, held on 4 December 2019, refers.

Purpose

To consider the reconnection of all electricity consumers over the festive period from 20 December 2019 until 3 January 2020.

Deliberation

It has become customary for Council to reconnect the electricity supply of defaulters over the festive period. This is in the spirit of goodwill and also to ensure that all households enjoy the festive season. In the past Council has drawn a distinction between the prepaid and the conventional consumers. In terms of the conventional consumers they must pay a deposit of R300.00 because the electricity is supplied in advance. If the deposit is not levied Council will incur a loss.

The Executive Mayoral Committee resolved on 4 December 2019 to recommend to Council:

- (a) that the electricity of prepaid consumers be reconnected free of charge.
- (b) that the electricity of the suspended conventional consumers be reconnected upon payment of a deposit of R300.00.
- (c) that Council considers the period in which the concession of goodwill will run.
- (d) that the Acting Chief Financial Officer ensures that the public be informed of the Council decision via notices placed at all municipal pay points.

**UNANIMOUSLY RESOLVED**

- (a) *that the electricity of prepaid consumers be reconnected free of charge.*
- (b) *that the electricity of the suspended conventional consumers be reconnected upon payment of a deposit of R300-00.*
- (c) *that the concession of goodwill runs from 20 December 2019 until 3 January 2020.*
- (d) *that the Acting Chief Financial Officer ensures that the public be informed of the Council decision via notices placed at all municipal pay points.*

**8.1.12 Settling of Rand Merchant Bank (RMB) loan for Koekedouw Dam  
(16/2/1/1/1 & 5/4/R)**

Council resolved per item 4.4 of 23 August 2019 that the matter in respect of the Rand Merchant Bank (RMB) loan for the Koekedouw Dam be referred to the Municipal Public Accounts Committee for an investigation and further discussions with the Chairperson of the Koekedouw Irrigation Board and after that a recommendation be made to Council.

The following documents are attached:

- (a) Minutes of MPAC meeting, held on 21 October 2019: **Annexure 8.1.12(a)**.
- (b) Minutes of MPAC meeting, held on 28 October 2019: **Annexure 8.1.12(b)**.
- (c) Minutes of MPAC meeting, held on 4 November 2019: **Annexure 8.1.12(c)**.
- (d) Report of MPAC on the matter: **Annexure 8.1.12(d)**.

**UNANIMOUSLY RESOLVED**

*that the matter in respect of the settling of the Rand Merchant Bank (RMB) loan for the Koekedouw Dam be held in abeyance until the necessary consultations have been done.*

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

**8.2.1    Waste Characterisation and Brand Audit Report  
(17/03/2)**

The following items refer:

- (a)      Item 7.3 of the meeting of the Committee for Technical Services, held on 24 July 2019.
- (b)      Item 7.2.5 of the Executive Mayoral Committee meeting held, on 24 October 2019.
- (c)      Item 8.2.5 of the Council meeting, held on 30 October 2019.
- (d)      Item 7.2.2 of the Executive Mayoral Committee meeting, held on 4 December 2019.

The following documents are attached:

- (a)      Memorandum from the Senior Superintendent: Solid Waste and Cleansing Services, dated 4 June 2019: **Annexure 8.2.1(a)**.
- (b)      Waste Characterisation and Brand Audit Report, dated 10 May 2019: **Annexure 8.2.1(b)**.

The Committee for Technical Services resolved on 24 July 2019 that the Committee for Technical Services recommends to the Executive Mayoral Committee and Council:

- (a)      that the Wellington Association Against the Incinerator (WAAI) do a presentation to Council.
- (b)      that notice be taken of the Waste Characterisation and Brand Audit Report of the Witzenberg Waste Streams.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

- (a)      that the Wellington Association Against the Incinerator (WAAI) do a presentation to Council.
- (b)      that notice be taken of the Waste Characterisation and Brand Audit Report of the Witzenberg Waste Streams.

The Executive Mayoral Committee resolved on 24 October 2019 to recommend to Council that the matter regarding the Waste Characterisation and Brand Audit Report be held in abeyance until the next meeting.

Council unanimously resolved on 30 October 2019 that the matter regarding the Waste Characterisation and Brand Audit Report be held in abeyance until the next meeting.

The Executive Mayoral Committee resolved on 4 December 2019 to recommend to Council:

- (a)      that the Wellington Association Against the Incinerator (WAAI) do a presentation to Council.
- (b)      that notice be taken of the Waste Characterisation and Brand Audit Report of the Witzenberg Waste Streams.

**UNANIMOUSLY RESOLVED**

- (a) *that the Wellington Association Against the Incinerator (WAAI) do a presentation to Council.*
- (b) *that notice be taken of the Waste Characterisation and Brand Audit Report of the Witzenberg Waste Streams.*

**8.2.2 Notariële akte van serwituut en samewerkingsooreenkoms: Ceres Koekedouw Besproeiingsraad: Koekedouw Dam (16/2/1/1/1)**

Item 7.2.4 van die vergadering van die Uitvoerende Burgemeesterskomitee, gehou op 4 Desember 2019, verwys.

Die volgende dokumente word aangeheg:

- (a) Memorandum vanaf Direkteur: Tegniese Dienste, gedateer 19 November 2019: **Bylae 8.2.2(a).**
- (b) Brief vanaf Koekedouw Besproeiingsraad, gedateer 22 Mei 2019: **Bylae 8.2.2(b).**
- (c) Brief aan Koekedouw Besproeiingsraad, gedateer 11 Junie 2019: **Bylae 8.2.2(c).**
- (e) E-pos vanaf Koekedouw Besproeiingsraad, gedateer 1 Oktober 2019: **Bylae 8.2.2(d).**

Die Uitvoerende Burgemeesterskomitee het op 4 Desember 2019 besluit om by die Raad aan te beveel:

- (a) Dat die Koekedouw Besproeiingsraad ingelig word dat 2 000 000 m<sup>3</sup> water beskikbaar is vanaf Munisipaliteit Witzenberg se allokasie vir die tydperk 1 Januarie 2020 tot 30 April 2020 teen R0,51 per kubieke meter (BTW ingesluit), wat die goedgekeurde tarief van die Raad is.
- (b) Dat die allokasie van 2 000 000 m<sup>3</sup> vir die Koekedouw Besproeiingsraad in oorleg met die Direkteur: Tegniese Dienste maandeliks ingedeel word.

**EENPARIGE BESLUIT**

- (a) *dat die Koekedouw Besproeiingsraad ingelig word dat 2 000 000 m<sup>3</sup> water beskikbaar is vanaf Munisipaliteit Witzenberg se allokasie vir die tydperk 1 Januarie 2020 tot 30 April 2020 teen R0,51 per kubieke meter (BTW ingesluit), wat die goedgekeurde tarief van die Raad is.*
- (b) *dat die allokasie van 2 000 000 m<sup>3</sup> vir die Koekedouw Besproeiingsraad in oorleg met die Direkteur: Tegniese Dienste maandeliks ingedeel word.*

**8.3      Direkoraat Gemeenskapsdienste / Directorate Community Services**

None

**NOTED**

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

**8.4.1    Council recess: December 2019/January 2020  
(3/1/2/3)**

Item 7.4.2 of the Executive Mayoral Committee meeting, held on 4 December 2019, refers.

The Executive Mayoral Committee resolved on 4 December 2019 to recommend to Council:

that Council determines the recess period for the festive season of 2019/2020.

**UNANIMOUSLY RESOLVED**

*that Council's recess period for the Festive Season 2019 will be from 12 December 2019 until 12 January 2020.*

**8.4.2    Personnel matters: Closure of municipal offices: 23, 24, 27, 30, 31 December 2019 and  
2 January 2020  
(4/2/8)**

The following items refer:

- (a)      Item 10 of the Local Labour Forum meeting, held on 28 November 2019.
- (b)      Item 7.4.3 of the Executive Mayoral Committee meeting, held on 4 December 2019.

For the past number of years the municipal offices have been closed in December and January for the festive season.

The Director: Corporate Services proposed:

- (a)      That business hours on 20 December 2019 shall be from 08:00 until 16:00.
- (b)      That all employees be granted paid leave on 23, 24, 27, 30, 31 December 2019 and 2 January 2020.
- (c)      That essential services staff in all departments be on standby on 23, 24, 25, 27, 30, 31 December 2019 and 1 and 2 January 2020.
- (d)      That the municipality resumes full services on 3 January 2020.

The Local Labour Forum resolved on 28 November 2019 to recommend to the Executive Mayoral Committee and Council:

- (a) That business hours on 20 December 2019 shall be from 08:00 until 16:00.
- (b) That all employees be granted paid leave on 23, 24, 27, 30, 31 December 2019 and 2 January 2020.
- (c) That essential services staff in all departments be on standby on 23, 24, 25, 27, 30, 31 December 2019 and 1 and 2 January 2020.
- (d) that the municipality resumes full services on 3 January 2020 and the Library Services full services on 6 January 2020.

The Executive Mayoral Committee resolved on 4 December 2019 to recommend to Council:

- (a) that business hours on 20 December 2019 shall be from 08:00 until 16:00.
- (b) that all employees be granted paid leave on 23, 24, 27, 30, 31 December 2019 and 2 January 2020.
- (c) that essential services staff in all departments be on standby on 23, 24, 25, 27, 30, 31 December 2019 and 1 and 2 January 2020.
- (d) that the municipality resumes full services on 3 January 2020 and the Library Services full services on 6 January 2020.

**UNANIMOUSLY RESOLVED**

- (a) *that business hours on 20 December 2019 shall be from 08:00 until 16:00.*
- (b) *that all employees be granted paid leave on 23, 24, 27, 30, 31 December 2019 and 2 January 2020.*
- (c) *that essential services staff in all departments be on standby on 23, 24, 25, 27, 30, 31 December 2019 and 1 and 2 January 2020.*
- (d) *that the municipality resumes full services on 3 January 2020 and the Library Services full services on 6 January 2020.*

**8.4.3 Council meeting program: January until March 2020  
(3/1/2/3)**

Item 7.4.4 of the Executive Mayoral Committee meeting, held on 4 December 2019, refers.

The following memorandum, dated 2 December 2019, was received from the Manager: Administration:

**“1. Purpose**

To obtain the approval of the Executive Mayoral Committee as well as Council for the proposed Council meeting program for January until March 2020.

**2. For decision**

Council.

**3. Executive summary**

The Council meeting program and meeting schedule for January until March 2020 is attached as **annexure 8.4.3**. The program is essentially similar to that of 2019. It is recommended that the attached program for the period January until March 2020 be approved. The SALGA Provincial Working Group meeting dates for February 2020 are included in the schedule. The other SALGA workshop dates are awaited and will be included when received. The final dates for the period April until December 2020 will thereafter be finalised.

Council is requested to approve the meeting program for January until March 2020. The Council meeting program of the Witzenberg Municipality has been synchronised with the meeting dates of the Cape Winelands District Municipality and is now submitted to Council for approval.

**4. Discussion**

**4.1 Background and discussion**

In terms of Section 19 of the Local Government Municipal Systems Act (Act 32 of 2000) the Municipal Manager must give notice to the public in a manner determined by the Municipal Council of the time, dates and venues of every ordinary meeting of the Council and special or urgent meetings of the Council except when time constraints make this impossible.

The proposed Council meeting program for January until March 2020 provides the list of scheduled meetings of Council, the Executive Mayoral Committee, the various Section 80 Committees, Municipal Public Accounts Committee (MPAC), Performance, Risk and Audit Committee (PRAC) and the Local Labour Forum (LLF) with the applicable time and date of the meetings.

Senior Management meetings are once again proposed to be held every Monday, Executive Mayoral Committee meetings on the first, second and third Tuesday of every month, Section 80 Committee meetings on the third Wednesday and Thursday of every month, but meetings of the Committee for Housing Matters on the last Thursday of the month, Council workshops on the day prior to the Council meeting and Council meetings on the last Wednesday of the month, depending on specific circumstances. Council meetings are also synchronised with the Council meetings of the Cape Winelands District Municipality.

**4.2 Constitutional and policy implications**

This program has no constitutional and policy implications for the municipality.

**4.3 Environmental implications**

This program has no environmental implications.

**4.4 Financial implications**

The monthly Council meetings are published in the local community newspaper, the cost of which is duly budgeted for.

**4.5 Legal implications**

In terms of Section 19 of the Local Government Municipals Systems Act (Act 32 of 2000) the Municipal Manager must give notice to the public in a manner determined by the Municipal Council of the time, date and venue of every ordinary meeting of the Council and special or urgent meetings of the Council except when time constraints make this impossible.

Council meetings are planned for every month except for June, September and November and this exceeds the minimum requirement of one meeting per quarter as prescribed.

All legislative and policy requirements are complied with.”

The Executive Mayoral Committee resolved on 4 December 2019 to recommend to Council:

that the proposed Council meeting program for January until March 2020 be approved.

**UNANIMOUSLY RESOLVED**

*that the Council meeting program for January until March 2020 be approved, but that the matter will be revisited at the next Council meeting.*

**8.4.4 Request for lease agreement: Erf 8069, Carson Street alley, Ceres (15/4/R & 7/1/4/1)**

Council resolved per item 8.4.1 of 30 May 2019:

- (a) that the matter in respect of the request for a lease agreement for erf 8069, Carson Street alley, Ceres be held in abeyance and that an offer to purchase be made to the owner.
- (b) that in future Council will handle similar matters according to the same principle as supra (a).

**UNANIMOUSLY RESOLVED**

*that a supply chain process be followed regarding the leasing of erf 8069, Carson Street alley, Ceres and a final decision about the matter be made by the Bid Adjudication Committee.*

**8.4.5 Ward delimitation public consultations  
(3/1/1/2)**

A letter from the Municipal Demarcation Board, dated 17 October 2019, is attached as **annexure 8.4.5**.

**UNANIMOUSLY RESOLVED**

*that notice be taken that a public meeting of the Municipal Demarcation Board will be held on 12 February 2020 in the Town Hall, Ceres.*

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

**9.1 Delimitation of wards in preparation of 2021 municipal elections: First set of draft wards  
(3/1/1/2)**

The following documents are attached:

- (a) Memorandum from Manager: Projects and Performance, dated 28 November 2019: **Annexure 9.1(a)**.
- (b) Correspondence from Municipal Demarcation Board: **Annexure 9.1(b)**.
- (c) Maps of draft wards: **Annexure 9.1(c)**.

**UNANIMOUSLY RESOLVED**

*that notice be taken of the first set of draft wards for the 2021 municipal elections.*

**10. FORMAL AND STATUTORY MATTERS**

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

None

**NOTED**

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

None

**NOTED**

**12. COUNCIL-IN-COMMITTEE**