

MINUTES OF THE COUNCIL MEETING OF THE WITZENBERG MUNICIPALITY, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 50 VOORTREKKER STREET, CERES ON WEDNESDAY, 27 AUGUST 2014 AT 10:00

PRESENT

Councillors

TT Godden (Speaker)
JNED Klazen (Executive Mayor)
R Badela
BJ Chaaban
JJ du Plessis
MC du Toit
WJ Hanekom
BC Klaasen
S Louw
JS Mouton
SM Ndwanya
JT Phungula
L Salmon
MI Saula
EM Sidego
RJ Simpson
HJ Smit
D Swart
JA Veschini
JJ Visagie
P Waterboer

Officials

Mr D Nasson (Municipal Manager)
Ms J Krieger (Director: Community Services)
Mr HJ Kritzingen (Director: Finance)
Mr M Mpeluzi (Director: Corporate Services)
Mr J Barnard (Director: Technical Services)
Mr G Louw (Head: Internal Audit)
Mr GP Bezuidenhout (Manager: Administration)
Ms M Prins (Acting Principal Administrative Officer)
Mr CJ Titus (Committee Clerk)
Ms P Nombayeka (Interpreter)

Other representatives

Mr S Johaar
Mr Kamal Makan
Mr Thobela Mdledle
Mr Mario Baatjes

1. **OPENING AND WELCOME**

The Speaker welcomed everybody present and requested Councillor D Swart to open the meeting with prayer.

He also informed the meeting that the Deputy Mayor's mother has passed away and asked everybody to stand for a minute of silence in commemoration of her death.

NOTED.

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

Application for leave of absence from the meeting was received from Councillors P Heradien and K Adams.

The Municipal Manager informed the meeting that Councillor J Phungula was hospitalised and that she was discharged on Monday.

RESOLVED

That the application for leave of absence, received from Councillors P Heradien and K Adams, be approved.

3. **MINUTES**

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

The minutes of the council meeting, held on 28 May 2014, are attached as **annexure 3.1**.

RESOLVED

That the minutes of the council meeting, held on 28 May 2014, be approved and signed by the Speaker.

4. STATEMENTS, ANNOUNCEMENTS OR MATTERS RAISED

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

Councillor J du Plessis wished all the councillors and their spouses well who celebrated their birthdays during the past month as well as Councillor Veschini's spouse who was not included in the schedule:

- Councillor K Adams 5 June
- Councillor MI Saula 29 June
- Ms Elmarie Smit 29 June
- Councillor W Hanekom 3 July
- Councillor J Klazen 18 July
- Councillor S Louw 28 July
- Ms Anthea Klaasen 4 August
- Councillor P Heradien 28 August

NOTED.

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

The Speaker wished all women well with Women's Month and mentioned that it must be noted that abuse against women must be reported.

The Speaker mentioned that he had attended a Speakers' Forum meeting and that it was brought under their attention that Speakers should stay independent and not attend caucus meetings during council meetings.

NOTED.

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

None.

NOTED.

5. MOSIES EN KENNISGEWINGS VAN VOORSTELLE

Geen.

AANGETEKEN.

6. INTERVIEWS WITH DELEGATIONS

**6.1 Cape Speed Gydo Pass Motor Festival
(17/7/4/3/2)**

The Municipal Manager mentioned that Messrs Cape Speed could not attend the meeting and requested that the meeting with Council be postponed.

NOTED.

6.2 Presentation by Cape Provincial Government

Mr S Johaar from the Department Local Government of the Cape Provincial Government handed over a Municipal Code of regulations that still stand on the law books under the disestablished municipalities which was incorporated into the Witzenberg Municipality which needs to be repealed.

He also mentioned that the Department is there for assistance and that any official can feel free to contact them on matters of law regarding legal matters.

NOTED.

7. GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS

7.1 Notules: Komiteevergaderings
(03/3/2)

Die verslae/notules van die volgende komiteevergaderings word ingebind:

- (a) Performance, Risk and Audit Committee meeting, held on 14 February 2014: **Annexure 7.1(a)**.
- (b) Komitee vir Gemeenskapsontwikkeling, gehou op 13 Maart 2014: **Bylae 7.1(b)**.
- (c) Komitee vir Gemeenskapsontwikkeling, gehou op 19 Maart 2014 (**Vertroulik**): **Bylae 7.1(c)**.
- (d) Executive Mayoral Committee meeting, held on 20 March 2014: **Annexure 7.1(d)**.
- (e) Committee for Technical Services, held on 20 May 2014: **Annexure 7.1(e)**.
- (f) Committee for Corporate and Financial Services, held on 20 May 2014: **Annexure 7.1(f)**.
- (g) Komitee vir Behuisingsaangeleenthede, gehou op 21 Mei 2014 (**Vertroulik**): **Bylae 7.1(g)**.
- (h) Komitee vir Landelike Ekonomiese Ontwikkeling, gehou op 22 Mei 2014: **Bylae 7.1(h)**.
- (i) Executive Mayoral Committee meeting, held on 23 May 2014: **Annexure 7.1(i)**.
- (j) Komitee vir Behuisingsaangeleenthede, gehou op 12 Junie 2014 (**Vertroulik**): **Bylae 7.1(j)**.
- (k) Performance, Risk and Audit Committee meeting, held on 13 June 2014: **Annexure 7.1(k)**.
- (l) Committee for Technical Services, held on 18 June 2014: **Annexure 7.1(l)**.
- (m) Komitee vir Landelike Ekonomiese Ontwikkeling en Toerisme, gehou op 18 Junie 2014: **Bylae 7.1(m)**.
- (n) Komitee vir Gemeenskapsontwikkeling, gehou op 19 Junie 2014: **Bylae 7.1(n)**.
- (o) Komitee vir Behuisingsaangeleenthede, gehou op 1 Julie 2014 (**Vertroulik**): **Bylae 7.1(o)**.
- (p) Komitee vir Behuisingsaangeleenthede, gehou op 17 Julie 2014 (**Vertroulik**): **Bylae 7.1(p)**.

- (q) Performance, Risk and Audit Committee, held on 21 July 2014: **Annexure 7.1(q)**.
- (r) Committee for Technical Services, held on 23 July 2014: **Annexure 7.1(r)**.

BESLUIT

Dat kennis geneem word van die notules van die komiteevergaderings.

8. GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS

8.1 Direktooraat Finansies / Directorate Finance

8.1.1 Monthly reports of the Department Finance: May and June 2014
(9/1/2/2)

The following monthly reports of the Department Finance are attached:

- (a) May 2014 **Annexure 8.1.1(a).**
- (b) June 2014 **Annexure 8.1.1(b).**

Extract from the minutes of the Executive Mayoral Committee meeting, held on 30 June 2014

"That cognisance be taken of the monthly report of the Department Finance for May 2014."

Extract from the minutes of the Performance, Risk and Audit Committee meeting, held on 21 July 2014

"That cognisance be taken of the monthly reports of the Department Finance for May and June 2014."

Extract from the minutes of the Committee for Corporate and Financial Services meeting, held on 6 August 2014

"To recommend to Council:

That cognisance is taken of the monthly reports of the Department Finance for April, May and June 2014 and same be accepted."

RESOLVED

That cognisance be taken of the monthly reports of the Department Finance for May and June 2014 and same be accepted.

8.1.2 Draft Fraud Prevention Policy and Response Plan
(5/14/P)

The following items refer:

- (a) Item 5.3.1 of the meeting of the Performance, Risk and Audit Committee, held on 13 June 2014.
- (b) Item 7.7 of the meeting of the Committee for Corporate and Financial Services, held on 6 August 2014.

The draft Fraud Prevention Policy and Response Plan, dated June 2014, is attached as annexure 8.1.2.

The Performance, Risk and Audit Committee resolved on 13 June 2014:

That the following changes be made to the draft Fraud Prevention Policy and Response Plan:

- (i) Paragraph 11, first sentence: That the words "and investigation" after the word "prevention" be scrapped.
- (ii) Paragraph 12: That the forms of fraud and corruption be extended to include theft, moonlighting/part-time work.
- (iii) That the roles of the Risk Officer and Internal Auditor be clarified by the Internal Auditor.
- (iv) That version control be implemented on all policies.

The Committee for Corporate and Financial Services resolved on 6 August 2014 to recommend to Council that the Draft Fraud Prevention Policy and Response Plan be workshopped and same be approved.

RESOLVED

That the Draft Fraud Prevention Policy and Response Plan be approved.

**8.1.3 Draft Fraud and Corruption Prevention Strategy
(5/14/P)**

The following items refer:

- (a) Item 5.3.2 of the Performance, Risk and Audit Committee meeting, held on 13 June 2014.
- (b) Item 7.4 of the Committee for Corporate and Financial Services meeting, held on 6 August 2014.

The draft Fraud and Corruption Prevention Strategy, dated June 2014, is attached as **annexure 8.1.3**.

The Performance, Risk and Audit Committee resolved on 13 June 2014 that cognisance be taken of the draft Fraud and Corruption Prevention Strategy, dated June 2014.

The Committee for Corporate and Financial Services resolved on 6 August 2014 to recommend to Council that the Draft Fraud and Corruption Prevention Strategy be workshopped and same be approved.

RESOLVED

That the Draft Fraud and Corruption Prevention Strategy be approved.

**8.1.4 Nomination of members to Valuation Appeal Board
(5/2/5/1)**

Item 7.1.8 of the Executive Mayoral Committee meeting, held on 22 August 2014, refers.

The following report, dated 21 August 2014, was received from the Municipal Manager:

"1. Purpose

To make recommendation to Council to nominate members to the Witzenberg Valuation Appeal Board and to refer same to the Provincial Minister of Local Government for appointment in terms of Section 56 of the Local Government Municipal Property Rates Act of 2004.

2. Deliberation

The MEC for Local Government must, by Notice in the Provincial Gazette, establish as many Valuation Appeal Boards in the Province as may be necessary. Section 60 of the said Act stipulates that the term of office of an Appeal Board is four (4) years. The term of office for members of the Witzenberg Valuation Appeal Board expired on 31 January 2014. In terms of the Act the Appeal Board consists of a Chairperson, who must be a person with legal qualifications and sufficient experience in the administration of justice and not fewer than two (2) and not more than four (4) other members with sufficient knowledge of or experience in the valuation of property, of which at least one must be a professional valuator registered in terms of the Property Valuator's Profession Act. The position for members of the Valuation Appeal Board was duly advertised in the local as well as provincial newspapers. A copy of the advertisement is attached as **annexure 8.1.4(a)**. Nine (9) applications were received, of which a summary is attached as **annexure 8.1.4(b)**.

3. Financial implication

Due provision has been made for the remuneration of the Members of the Valuation Appeal Board. The members are paid per actual sitting and in terms of a fixed tariff as prescribed by Provincial Treasury. The supplementary Valuation Roll will only be published towards the end of October 2014 where after possible appeals may arise.

4. Legal implication

Council may only nominate candidates as members of the Valuation Appeal Board. The MEC for Local Government is the responsible authority that must appoint the Chairperson as well as the members."

The Executive Mayoral Committee resolved on 22 August 2014 to recommend to Council to nominate the following persons as members of the Valuation Appeal Board:

- (i) Daniel van Tonder
- (ii) Cecilia Hall
- (iii) Mandla Mdludlu
- (iv) Raymond Rens
- (v) Coenraad Bezuidenhout

RESOLVED

That the following candidates be recommended to the MEC as members of the Valuation Appeal Board:

- (i) Daniel van Tonder
- (ii) Cecilia Hall
- (iii) Mandla Mdludlu
- (iv) Raymond Rens
- (v) Coenraad Bezuidenhout

**8.1.5 Monthly report: Service Delivery and Budget Implementation Plan: May 2014
(05/1/5/6)**

Item 7.1.2 of the Executive Mayoral Committee meeting, held on 30 June 2014, refers.

The monthly report of the Service Delivery and Budget Implementation Plan for May 2014 is attached as **annexure 8.1.5**.

The Executive Mayoral Committee resolved on 30 June 2014 to recommend to Council that cognisance be taken of the monthly report of the Service Delivery and Budget Implementation Plan for May 2014.

RESOLVED

That cognisance be taken of the monthly report of the Service Delivery and Budget Implementation Plan for May 2014.

**8.1.6 Establishment of Disciplinary Board for Financial Misconduct
(5/P)**

Item 7.1.3 of the Executive Mayoral Committee meeting, held on 30 June 2014, refers.

The following report, dated 27 June 2014, was received from the Municipal Manager:

"Purpose

To recommend to Council the establishment of a disciplinary board for financial misconduct in terms of Government Gazette 37699 of 30 May 2014.

Background

National Treasury has promulgated Government Notice R430, dated 30 May 2014, in terms of which each municipality is required to establish a disciplinary board for financial misconduct. In terms of the definition section of the notice financial misconduct means any act referred to in Section 171 or 172 of the Municipal Finance Management Act. The purpose of the board is to investigate allegations of financial misconduct and to monitor the institution of disciplinary proceedings against an alleged transgressor. The disciplinary board is an independent advisory body that assists the Council and provide recommendations on further steps to be taken regarding disciplinary proceedings.

The board must consist of a maximum of five members appointed on a part-time basis by Council. In terms of the regulation the disciplinary board may consist of:

- (a) The head of the internal audit unit within the municipality.
- (b) One member of the audit committee of the municipality.
- (c) A senior manager from the legal division in the municipality.
- (d) A representative of the National Treasury or the Provincial Treasury.
- (e) Any other person as may be determined by the municipal council.

An accounting officer of a municipality, a political office bearer or a person who is an office bearer in a political party are disqualified from being members of the board."

The Municipal Manager mentioned that a Board be established in terms of Government Gazette 37699 of 30 May 2014 to investigate financial anomalies.

The Executive Mayoral Committee resolved on 30 June 2014 to recommend to Council:

- (a) That a Board be established in terms of Government Gazette 37699 of 30 May 2014 to address financial anomalies in the municipality.
- (b) That the Board does not consist of more than five members, as stated in the Regulations.
- (c) That the Executive Mayoral Committee will have delegated powers to co-opt any person to the Board.

The Speaker determined a five minute caucus for all parties at 10:35 to discuss the matter at hand. The meeting resumed at 10:47. Councillor J Phungula took ill and was excused from the meeting at 10:34. Councillor Du Toit informed the meeting that she is unable to make a decision as she did not have insight in the Act.

RESOLVED

- (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.*

8.1.7 Report: Quarterly Inventory Count: Municipal Stores, Ceres
(6/1/1)

Item 7.1.3 of the Executive Mayoral Committee meeting, held on 22 August 2014, refers.

The following report, dated 1 July 2014, was received from the Acting Manager: Supply Chain:

"1. Purpose

To report on the quarterly inventory count held on the 27 June 2014 and to narrate the findings to Council in terms of:

- Surpluses and shortages of stock items;
- Redundant stock items; and
- Damaged stock items

2. Discussion

During the completeness, accuracy and validity process of inventory to the value of R6 484 976.34, teams were divided into three groups consisting of two employees each. These employees are not involved in the daily administrative activities of the municipal inventory. The process was supervised by the Acting Manager: Supply Chain Management, Buyer and the Supply Chain Quality Management Officer. The Auditor General South Africa and the municipal Internal Audit department were also participating in the quarterly inventory count as observers.

The store personnel were also on hand to provide assistance to counters when deemed necessary by counters.

3. Findings and financial implications

During the completeness, accuracy and validity process of inventory the following was identified:

3.1 Inventory surpluses

Item code	Item Description	Quantity	Value per item (R)	Total value (R)
C0072	KABEL PVC 6MM X 4AAR	1	R37.07	R37.07

3.2 Inventory shortages

Item code	Item Description	Quantity	Value per item (R)	Total value (R)
C0075	KABEL PVC16 MMX4AAR	1	R68.71	R68.71
D0001	DIESEL	984	R 13.02	R 12 811.68
P0007	PETROL LRP 95	844	R 12.99	R 10 963.56

During the conversion process of Lead Replacement Petroleum to Unleaded Petroleum and 500 ppm to 50 ppm, calibration losses occurred. It was also identified that petroleum and diesel losses accumulated over a period of years and was not reported for adjustments.

3.3 Redundant inventory

Item code	Item Description	Quantity	Value per item (R)	Total value (R)
C0052	HANGKABEL 11KV H/S 3X35MM	1500 M	49.79	74 681.89

The redundant cable was purchased before the year 2000 and the last issue was during 2007.

3.4 Damage inventory

It should also be reported that the municipality identified no damaged stock."

The Executive Mayoral Committee resolved on 22 August 2014 to recommend to Council:

- (i) That approval be granted for the adjustment of shortages to the value of R23 843.95.
- (ii) That approval be granted for the adjustment of redundant stock to the value of R74 681.89.
- (iii) That cognisance be taken of the surpluses amounting to R37.07.

RESOLVED

- (a) *That approval be granted for the adjustment of shortages to the value of R23 843.95.*
- (b) *That approval be granted for the adjustment of redundant stock to the value of R74 681.89.*
- (c) *That cognisance be taken of the surpluses amounting to R37.07.*

**8.1.8 Proposed amendments to the Tariff Policy
(5/1/1/13)**

Item 7.1.4 of the Executive Mayoral Committee meeting, held on 22 August 2014, refers.

The following report, dated 13 August 2014, was received from the Director: Finance:

"1. Purpose

The purpose of this report is:

- To submit proposed amendments to the Tariff Policy to Council for consideration.

2. Legal framework

- Policy

The Tariff Policy determines in the event of high water consumption due to leakage that relief can be granted if the client can proof that the leak existed. The relevant section is quoted below for easy reference:

'If a client on Block A consumption is higher than 300 kl of water per meter reading cycle, then that client may apply for relief if the client can proof that leakage existed. The relief application will be considered based on the following criteria:

- (a) Usage portion of the client indicated that the clients consumption prior to the leakage was less than 300kl and
- (b) Proof can be provided of the cost of repair of the leakage.

The account will be adjusted as follow:

A	=	Usage during period of meter reading (can be more than one period)
B	=	300
C	=	Tariff of Block A for consumption (61 – 300)

Formula: $A - B \times C$

- Tariffs

The relevant monthly consumption tariffs including VAT for Block A are as follows:

0 - 6 kl	R4.13
7 - 30 kl	R6.97
31 - 60 kl	R6.42
61 – 300 kl	R6.02
Above 300 kl	R29.10

3. Discussion

Clients complained that the assistance granted in terms of the policy is not sufficient as they still have to pay for all the water losses incurred due to the leakages, although at a lower tariff.

The cost for 300 kl of water measured per month is R1 829.46 which is payable by the consumer. No relief can be granted in respect of this consumption. A further R6.02 per kilolitre is payable on the measured consumption above 300 kl per month in terms of Council's policies.

The normal consumption account for 400 kl is R4 739.46 that will be reduced to R2 431.46 if the client can proof that a leak existed.

A consumer with a monthly consumption of 60 kl will pay R384.66 for the consumption excluding basic charges. If the consumption should increase to 300 kl for the month the consumption charge will be R1 829.46. The current policy do not allow for any relief on this amount, even if the consumer can prove that a leakage did exist."

The Executive Mayoral Committee resolved on 22 August 2014 to recommend to Council that the following paragraph be added to the Tariff Policy:

"If a client's consumption increased due to a leakage, an average consumption can be charged for a period not exceeding 3 months on submission of proof that the leakage existed and was subsequently repaired.

That the authority for the approval of the relief be assigned to the Manager: Income or Chief Financial Officer".

RESOLVED

(a) *That the following paragraph be added to paragraph 4.2.2 of the Tariff Policy:*

"If a client's consumption increased due to a leakage, an average consumption can be charged for a period not exceeding 3 months on submission of proof that the leakage existed and was subsequently repaired.

That the authority for the approval of the relief be assigned to the Manager: Income or Chief Financial Officer".

(b) *That the tariff structure of water be reconsidered for tabling during the adjustment budget.*

**8.1.9 Approval of electricity tariffs by NERSA
(5/1/13)**

Item 7.1.5 of the Executive Mayoral Committee meeting, held on 22 August 2014, refers.

The following report, dated 18 August 2014, was received from the Director: Finance:

"Purpose

The purpose of this report is to submit the electricity tariffs as approved by NERSA to Council for consideration.

Legal framework

The following is the reporting requirements for Withdrawals from Municipal Bank Accounts in terms of the MFMA:

In terms of Section 4 (a) of the Electricity Regulation Amendment Act, No. 28 of 2007, the following powers and duties are assigned to the Energy Regulator of South Africa:

' Powers and duties of Regulator. The Regulator (a) must -

- (i) consider applications for licenses and may issue licences for -
 - (aa) the operation of generation, transmission or distribution facilities;
 - (bb) the import and export of electricity;
 - (cc) trading;
- (ii) regulate prices and tariffs.'

Discussion

An application dated 4 April 2014 was submitted to NERSA for approval.

Council resolved on 28 May 2014 to increase the KVA tariffs by 4 % instead of the 8 % as per the application submitted to NERSA. The amendment in the KVA tariffs was due to overpriced tariffs (not market related) being charged and request received from consumers.

The approval letter received from NERSA is attached as **annexure 8.1.9(a)**. A comparison between the tariffs approved by Council and the tariffs approved by NERSA is attached as **annexure 8.1.9(b)**.

The lower of the tariffs as approved by Council and the tariffs approved by NERSA are recommended for implementation."

The Executive Mayoral Committee resolved on 22 August 2014 to recommend to Council:

That Council approves the recommended tariffs in the attached reconciliation sheet for implementation from 1 July 2014.

RESOLVED

That Council approves the recommended tariffs as per the attached reconciliation sheet [annexure 8.1.9(b)] for implementation from 1 July 2014.

8.1.10 Withdrawals from municipal bank accounts (MFMA, Section 11) (5/9)

Item 7.1.6 of the Executive Mayoral Committee meeting, held on 22 August 2014, refers.

The following report, dated 10 July 2014, was received from the Director: Finance:

"1. Purpose

The purpose of this report is to table the quarterly Section 11 Report to Council.

2. Legal framework

The following is the reporting requirements for Withdrawals from Municipal Bank Accounts in terms of the MFMA:

In terms of Section 11(4)(a), the Accounting Officer must within 30 days after the end of each quarter table in the municipal council a consolidated report of all withdrawals made in terms of subsection (1)(b) to (j) during that quarter. Section 11(1) reads as follows:

'11. (1) Only the accounting officer or the chief financial officer of a municipality, or any other senior financial official of the municipality acting on the written authority of the accounting officer, may withdraw money or authorise the withdrawal of money from any of the municipality's bank accounts, and may do so only —

- (a) to defray expenditure appropriated in terms of an approved budget;
- (b) to defray expenditure authorised in terms of section 26(4);
- (c) to defray unforeseeable and unavoidable expenditure authorised in terms of section 29(1);

- (d) in the case of a bank account opened in terms of section 12, to make payments from the account in accordance with subsection (4) of that section;
- (e) to pay over to a person or organ of state money received by the municipality on behalf of that person or organ of state, including —
 - (i) money collected by the municipality on behalf of that person or organ of state by agreement; or
 - (ii) any insurance or other payments received by the municipality for that person or organ of state;
- (f) to refund money incorrectly paid into a bank account;
- (g) to refund guarantees, sureties and security deposits;
- (h) for cash management and investment purposes in accordance with section 13;
- (i) to defray increased expenditure in terms of section 31; or
- (j) for such other purposes as may be prescribed.'

3. Discussion

The consolidated quarterly Section 11 report for the period 1 April 2014 to 30 June 2014 is attached as **annexure 8.1.10.**"

The Executive Mayoral Committee resolved on 22 August 2014 to recommend to Council:

That cognisance be taken of the quarterly Section 11 Report for the period 1 April 2014 to 30 June 2014.

RESOLVED

That cognisance be taken of the quarterly Section 11 Report for the period 1 April 2014 to 30 June 2014.

**8.1.11 Local Government: MFMA 2003: Municipal Regulations on Standard Chart of Accounts (SCOA)
(1/1/R & 5/P)**

Item 7.1.7 of the Executive Mayoral Committee meeting, held on 22 August 2014, refers.

The following report, dated 11 July 2014, was received from the Director: Finance:

"1. Purpose

The purpose of this memorandum is for Council to take cognisance of the Local Government: Municipal Finance Management Act 2003: Municipal Regulations on Standard Chart of Accounts as gazette on the 22 April 2014 for being effective 1 July 2017. Government Gazette 37577 of 22 April 2014 is attached as **annexure 8.1.11.**

2. Background

The Minister of Finance has, in terms of Section 168 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), and acting with the concurrence of the Minister of Cooperative Governance and Traditional Affairs the Local Government: Municipal Finance Management Act 2003: Municipal Regulations on Standard Chart of Accounts.

Section 216 of the Constitution of the Republic of South Africa, 1996, provides that national legislation must prescribe measures to ensure transparency and expenditure control in each sphere of government by introducing generally recognised accounting practice, uniform expenditure classifications and uniform treasury norms and standards. The Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), determines those measures for the local sphere of government and enables the Minister of Finance to further prescribe by regulation such measures in terms of section 168 thereof. The National Treasury is responsible for enforcing compliance with such measures, in addition to those functions assigned to it in terms of the Public Finance Management Act, 1999 (Act No. 1 of 1999).

In order to enable the National Treasury to provide consolidated local government information for incorporation in national accounts, national policy and other purposes, it must obtain financial information from individual municipalities. Currently, each municipality manages and reports on its financial affairs in accordance with its own organisational structure and unique chart of accounts. The result is a disjuncture amongst municipalities and municipal entities and between municipalities and the other spheres of government as to how they classify revenue and expenditure and consequently report thereon. This compromises transparency, reliability and accuracy throughout the planning and reporting process and impedes the ability of national government to integrate information and to formulate coherent policies in response to the objectives of local government.

Therefore it is necessary for the Minister of Finance to specify national norms and standards for the recording and collection of local government budget, financial and non-financial information which will include in some instances the specification of information required for national policy coordination and reporting. This will result in an improved understanding of the role of local government in the broader national policy framework and linkage to other government functions.

3. Implementation requirements

The Municipal Regulations on Standard Chart of Accounts states the following in terms of implementation requirements:

- The standard chart of accounts of a municipality may not contain data which is mapped or extrapolated or which otherwise does not reflect transactions recorded or measured by the municipality.
- The financial and business applications or systems used by a municipality or municipal:
 - provide for the hosting of the general ledger structured in accordance with the classification framework as determined
 - be capable of accommodating and operating the standard chart of accounts;

- provide a portal allowing for free access, for information purposes, to the general ledger of the municipality, by any person authorised by the Director-general or the Accounting officer of the municipality.
- Each municipality must have, or have access to computer hardware with sufficient capacity to run the software which complies with the requirements.
- The Minister may, by notice in the Gazette, determine minimum business process requirements for municipalities to enable implementation and each municipality must implement the minimum business process requirements by the date as determined in the notice referred to in sub-regulation (1).

4. Responsibilities of municipal Council

The municipal council of a municipality must take the necessary steps to ensure that these Regulations are implemented by the adoption of any resolutions, policies and budgetary provisions necessary for the implementation of these Regulations.

5. Responsibilities of Accounting Officers

The Accounting Officer of a municipality must take all necessary steps to ensure that these Regulations are implemented by at least:

- delegating the necessary powers and duties to the appropriate officials; (b) ensuring that the responsible officials have the necessary capacity by providing for training and ensuring that they attend training or workshops provided by the National Treasury;
- ensuring that the financial and business applications of the municipality or municipal entity have the capacity to accommodate the implementation of these Regulations and that the required modifications or upgrades are implemented; and
- submitting reports and recommendations to the municipal council or the board of directors, as the case may be, that provide for the adoption of any resolutions, policies and budgetary provisions necessary for the implementation of these Regulations.

6. SCOA Internal Committee

That the Municipal Manager be authorised to appoint the committee as required by the regulations."

The Executive Mayoral Committee resolved on 22 August 2014 to recommend to Council:

That Council takes cognisance of the Municipal Regulations on Standard Chart of Accounts for implementation by 1 July 2017.

RESOLVED

That Council takes cognisance of the Municipal Regulations on Standard Chart of Accounts for implementation by 1 July 2017.

8.2 Direktoraat Tegniëse Dienste / Directorate Technical Services

Geen.

AANGETEKEN.

8.3 Direktoraat Gemeenskapsdienste / Directorate Community Services

8.3.1 Twinning agreement with Essen, Belgium: Working visit to Essen: September 2014 (10/2/3)

Item 7.3.1 of the Executive Mayoral Committee meeting, held on 30 June 2014, refers.

The following memorandum, dated 26 May 2014, was received from the Director: Community Services:

"Purpose

To recommend to Council that the Executive Mayor, Councillor Jacques Klazen, the Director: Community Services, Ms Jo-Ann Krieger, the Manager: Socio-Economic Development, Mr Grant Lintnaar, the Youth Development Officer, Waronice Van Wyk and the Environment Officer, Michelle Klaasen, be granted leave and approval for a working visit to Essen, Belgium from 13 to 20 September and to pay for the travel and subsistence allowance of the four municipal officials and councillor.

Deliberation

Since 2002 the municipality has an official twinning agreement with the municipality of Essen in Belgium on youth and environmental programmes. These programmes are subsidised by the Flemish and Federal government of Belgium and followed up by the VVSG, Flemish organisation for cities and municipalities.

During a working visit from 26 April until 3 May 2013 a Witzenberg delegation consisting of the Executive Mayor, Councillor Jacques Klazen, the Speaker, Councillor Theodore Godden, the Municipal Manager, Mr David Nasson, the Acting Director: Community Services, Mrs Jo-Ann Krieger and the Environmental Officer, Michelle Klaasen, drafted a funding proposal to the Flemish and Federal government regarding programmes in Op-die-Berg as requested by the twinning partner, Essen Municipality in Belgium.

The twinning agreement entailed the regular working visits in order to execute the international programmes and to evaluate the multi-year programmes. The purpose of the working visit will be as follows:

- The final planning of the Federal programme which focus on Local Economic development with a specific focus on SMME Development for Youth Entrepreneurs and Environment which will focus on biodiversity and environmental entrepreneur training for the Op die Berg area.

Financial implications

Essen indicated that all cost for the delegation be borne by the Essen Municipality. Council will however be liable for the subsistence allowance of the three municipal officials and the councillor. Council does have a budget for international relations.

Legal implications

In terms of the delegations the full Council must approve of all overseas visits and costs incurred.

The Executive Mayoral Committee resolved on 30 June 2014 to recommend to Council:

- (a) That special leave be granted to the Executive Mayor, Councillor Jacques Klazen, Councillors J Visagie and K Adams, the Director: Community Services, Ms Jo-Ann Krieger, the Manager: Socio-Economic Development, Mr Grant Lintnaar, the Youth Development Officer, Waronice Van Wyk, and the Environment Officer, Michelle Klaasen for a working visit to Essen, Belgium from 13 to 20 September 2014.
- (b) That all the above mentioned municipal representatives be paid the travel and subsistence allowance in terms of Council's policy.

RESOLVED

- (a) *That special leave be granted to Councillor K Adams, the Director: Community Services, Ms Jo-Ann Krieger, the Manager: Socio-Economic Development, Mr Grant Lintnaar, the Youth Development Officer, Waronice Van Wyk, and the Environment Officer, Michelle Klaasen for a working visit to Essen, Belgium from 13 to 20 September 2014.*
- (b) *That all the above mentioned municipal representatives be paid the travel and subsistence allowance in terms of Council's policy.*

8.3.2 Support and nomination of trustee to the Ceres Uvukha Trust (12/11/26)

The following items refer:

- (a) Item 7.3.2 of the Executive Mayoral Committee meeting, held on 3 December 2013.
- (b) Item 7.3.1 of the Executive Mayoral Committee meeting, held on 10 March 2014.
- (c) Item 7.3.1 of the Executive Mayoral Committee meeting, held on 23 May 2014.
- (d) Item 8.3.3 of the council meeting, held on 28 May 2014.

The following memorandum, dated 3 December 2013, was received from the Municipal Manager:

"Purpose

To consider and to recommend to Council the nomination of a Trustee to the Ceres Uvukha Trust and also to support the concept and objective of the Trust.

Deliberation

The Victoria Park Sport complex at the entrance of Ceres is the property of the Ceres Agricultural Society (Ceres Landbougenootskap). There is a clause in the title deed that stipulates that the land and buildings must be used for sporting activities and in the event of the society not using it as such it be returned to the municipality. The Agricultural Society is eager to lease and/or alienate the land to the Ceres Uvukha Trust to inter alia develop the land into a high performance institute with facilities for swimming and/or gymnastics and/or cricket and/or rugby and/or astro hockey and/or athletics and/or any other similar facilities.

The Ceres Uvukha Trust will be registered as a non-profit organisation with its own legal identity. The sole object of the trust is the development of sport and education facilities in the broader Ceres community as well as the objectives outlined in part I of the Ninth Schedule to the Income Tax Act 58 of 1962, as amended.

A copy of the Trust document is attached as **annexure 8.3.2**. The full objects of the Trust is set out on pages 6, 7 and 8 of the Trust document. In terms of the Trust document there will be at least 6 Trustees to be nominated from the following organisations or institutions:

- (a) Witzenberg Municipality
- (b) Ceres Business Initiative
- (c) Ceres Agricultural Society
- (d) Ceres Broederkring (being the interdenominational organization)
- (e) "Sandgat" Ward
- (f) Ceres School Principals Association"

The following recommendation was tabled to the Executive Mayoral Committee:

To recommend to Council:

- (i) That the concept of the Ceres Uvukha Trust be supported.
- (b) That a councillor be nominated as a trustee to the Trust.

The Executive Mayoral Committee resolved on 3 December 2013 that the matter regarding the support and nomination of a trustee to the Ceres Uvukha Trust be held in abeyance until the next meeting.

The Executive Mayoral Committee resolved on 10 March 2014:

- (a) That the Executive Mayoral Committee takes cognisance of the matter in respect of the Ceres Uvukha Trust and accepts it.
- (b) That the matter be held in abeyance until the next meeting and that Mr Gerrit van Vuuren be invited to clear any uncertainties.

The Executive Mayoral Committee resolved on 23 May 2014 to recommend to Council:

- (i) That the concept of the Ceres Uvukha Trust be supported.
- (ii) That a councillor be nominated as a trustee to the Trust.

Council resolved on 28 May 2014 that the matter with regard to the Ceres Uvukha Trust be held in abeyance until the next council meeting.

Councillor M du Toit requested that the memorandum be changed that "(e) Sandgat Ward" be changed to "(e) Ward Three".

The Municipal Manager informed the meeting that the nomination of officials and councillors to the Uvukha Trust will be done at a later stage.

RESOLVED

That Council supports the concept of the Ceres Uvukha Trust.

8.3.3 Repeal of By-Law 13 of 2004 relating to impoundment of animals and promulgation of new by-law (1/3/1/13)

Item 7.3.2 of the Executive Mayoral Committee meeting, held on 30 June 2014, refers.

The following report, dated 27 June 2014, was received from the Municipal Manager:

"Purpose

To obtain a Council resolution for the repeal of By-Law 13 of 2004 relating to the impoundment of animals as promulgated in Government Gazette 6102 of 1 March 2004 and recommending to Council the promulgation of a new by-law on the impoundment of animals.

Background

The Eastern Cape High Court recently found certain provisions of the Pound Ordinance 18 of 1938, which is also applicable in the Western Cape, to be unconstitutional and declared them invalid for contravening the right to access to courts and unfairly discriminating against landless livestock owners. The High Court order further provided for judicial supervision of impoundment of livestock and sales in execution. The matter was taken to the Constitutional Court which ruled that the Eastern Cape High Court matter did not need to be confirmed to be effective. The impact of this decision meant that the by-law of the municipality dealing with the impoundment of animals will also be unconstitutional.

Current By-Law

The current by-law provides for the sale of impounded animals without the affected owner of the animal having redress to a court of law. In terms of the High Court ruling the denying of access to courts is not only unfair, but discriminates against the owner of the impounded animal. This also effectively means that there is no judicial supervision of impounded livestock.

New By-Law

In terms of the new by-law the process for any impounded animal must comply with the rules of the court. Any sale of an impounded animal must also be in terms of the rules of the court. The proposed by-law on impoundment of animals is attached as **annexure 8.3.3.**"

The Executive Mayoral Committee resolved on 30 June 2014 to recommend to Council:

- (i) That the contents of the report be noted.
- (ii) That By-Law 13 of 2004 relating to the impoundment of animals as promulgated in Government Gazette 6102 of 1 March 2004 be repealed.
- (iii) That in terms of Section 12(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) a new by-law on the impoundment of animals be promulgated.
- (iv) That in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the proposed draft by-law on impoundment of animals be published for public representations.
- (v) That the proposed draft by-law on impoundment of animals and any representations received, be submitted to Council for consideration after publication thereof.
- (vi) That the proposed draft by-law be workshopped by Council before publication.

RESOLVED

- (a) *That the contents of the report be noted.*
- (b) *That By-Law 13 of 2004 relating to the impoundment of animals as promulgated in Government Gazette 6102 of 1 March 2004 be repealed.*
- (c) *That in terms of Section 12(2) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) a new by-law on the impoundment of animals be promulgated.*
- (d) *That in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) the proposed draft by-law on impoundment of animals be published for public representations.*
- (e) *That the proposed draft by-law on impoundment of animals and any representations received, be submitted to Council for consideration after publication thereof.*

**8.3.4 Cape Speed Gydo Pass Motor Festival
(17/7/4/3/2)**

The following report, dated 21 August 2014, was received from the Municipal Manager:

"1. Purpose

To consider a presentation to be made by Messrs Cape Speed as well as the possible approval for a Gydo Pass Motor Festival.

2. Background

Cape Speed is a company that specialises in motor sports events. The company plans to host a motor festival in and during November 2015. The Gydo Pass Motor Festival will replace the previous King of the Mountain event and it is the goal of the company to make this the premier motor hill climb event in South Africa, which will

attract all the top drivers in the country. To do so, they are looking for a long term commitment from the Witzenberg Municipality with regard to the utilisation of Gydo Pass once a year for motor racing purposes. The company has made a presentation to Senior Management and has highlighted as its strategy:

- Hosting an annual event that people look forward to on the motorsport calendar.
- Creating an opportunity for drivers to utilise the Gydo Pass' unique and sought after driving experience in a safe and controlled environment hereby reducing illegal and unsafe driving on the pass.
- Allowing a limited amount of spectators to enjoy a spectacular motorsport event set against one of the most beautiful backdrops the Western Cape has to offer.
- Promoting motorsport in South Africa.
- Promoting Ceres and boosting the local economy by utilising local businesses and manpower to facilitate the running of the event.
- Promoting tourism in Ceres.

During the interaction the problems to the previous event were identified, more specifically the issue of safety management, planning and access control. It was also pointed out that the consent of the Provincial Roads Department needs to be obtained as they are the responsible authority in terms of Gydo Pass. The idea is that if Council gives in principle approval for the event, a Technical Committee will be established to further interact and consider all the related issues and problems to the event."

RESOLVED

That the matter be held in abeyance until a presentation has been made by Messrs Cape Speed.

8.4 Direktooraat Korporatiewe Dienste / Directorate Corporate Services

8.4.1 Amendment to Section 79 and 80 Committees of Council (03/3/1/1)

The following items refer:

- (a) Item 8.2.2 of the Executive Mayoral Committee meeting, held on 23 May 2014.
- (b) Item 8.4.6 of the council meeting, held on 28 May 2014.

A summary of Council's representation on its internal structures is attached as **annexure 8.4.1**.

The following report has been received from the Executive Mayor:

"The functioning of certain committees has become a concern and it is impacting on service delivery and integrity of Council. Some of the committees have failed to convene because of the absence of a quorum. It is imperative that the Section 79 and 80 Committees should function properly, because it is the cornerstone of good governance of Council. It is recommended that certain councillors be moved and further alternative members be nominated to committees to ensure their proper functioning."

The Executive Mayoral Committee resolved on 23 May 2014 to recommend to Council:

- (i) That Councillor W Hanekom be moved to the Committee for Community Development.
- (ii) That Councillor P Heradien be moved to the Committee for Housing Matters.
- (iii) That Councillor D Swart also serves on the Committee for Local Economic Development and Tourism.
- (iv) That the Key Performance Area of Swimming Pools and Resorts be moved from the Committee for Community Development to the Committee for Local Economic Development and Tourism.

Council resolved on 28 May 2014 that the matter be held in abeyance until the next council meeting.

Councillor Du Toit mentioned that at a previous meeting it was determined that a councillor cannot serve on more than one committee.

RESOLVED

That the status quo be maintained with regard to the membership of Council's committees.

8.4.2 Council's representatives on outside bodies (03/11/5)

The following items refer:

- (a) Item 8.2.3 of the Executive Mayoral Committee meeting, held on 23 May 2014.
- (b) Item 8.4.7 of the council meeting, held on 28 May 2014.

A summary of Council's representation on outside bodies is attached as **annexure 8.4.2**.

The list is for Council's review and to confirm continued representation.

The Executive Mayoral Committee resolved on 23 May 2014 to recommend to Council that the status quo of Council's representation on outside bodies be maintained except for the representation on SALGA Working Groups as resolved in item 8.2.1.

Council resolved on 28 May 2014 that the matter be held in abeyance until the next council meeting.

The following corrections were made to the schedule of councillors representing Council on outside bodies:

- (a) Councillor J Visagie replaces Councillor W Hanekom on the Sport Forum.
- (b) The Koue Bokkeveld Water Users' Association, with Councillor MC du Toit as representative, should be included.
- (c) Councillor P Waterboer's name should be included on the Koekedouw Water Board.

RESOLVED

That the status quo of Council's representation on outside bodies be maintained.

8.4.3 Sale of municipal land: Portion 1 of the Farm 209, Kleinvlei, Koue Bokkeveld, Ceres (7/1/4/2)

The following items refer:

- (a) Item 7.4.3 of the Executive Mayoral Committee meeting, held on 20 March 2014.
- (b) Item 8.4.5 of the council meeting, held on 26 March 2014.
- (c) Item 8.4.2 of the council meeting, held on 28 May 2014.

The following memorandum, dated 19 March 2014, was received from the Municipal Manager:

"Purpose

To consider the sale of Portion 1 of the Farm 209, Kleinvlei, Koue Bokkeveld, Ceres.

Deliberation

Council is the owner of municipal land in the Koue Bokkeveld are, more commonly known as Portion 1 of Farm 209, Kleinvlei (295.4589 hectares in size) and held in terms of Title Deed number T30024/1985. An aerial photo of the property is attached as **annexure 8.4.3**.

A small portion of the property is used by the municipality as a landfill site for garden waste. The property is leased to a Mr Theo van Rooyen, which was previously known as the campsite for the Provincial Roads Department. An offer has now been received for the purchase of the said farm by the adjacent owner, Mr NL van der Merwe. The farm will be used for a land reform project. There are no water rights registered on the farm. The said owner has enough water on the adjacent farm to make the municipal land an economical farming unit.

After the initial offer was received, a further offer with no purchase price was made to Council. From the above it is clear that there is interest in the municipal property from more than one person or concern. If Council considers selling the land it is recommended that it be done through the municipal supply chain processes to give any interested party a fair and reasonable opportunity to purchase the land.

Financial implications

There is no financial implication to the sale other than additional income for Council.

Legal requirements

In terms of Section 14 of the Municipal Finance Management Act Council must resolve that the land is not required for basic service delivery.

Further conditions

- (a) It is recommended that it be made a condition of the sale, if Council so resolves, that the portion where the landfill site activity is taking place, as well as the so-called erstwhile campsite of the Provincial Roads Department be excluded from the sale agreement.
- (b) That the subdivision be approved by the Department of Agriculture in terms of Section 70 of the Agriculture Act."

The Executive Mayoral Committee resolved on 20 March 2014 to recommend to Council:

- (a) That Portion 1 of the Farm 209, Kleinvlei, Koue Bokkeveld not be required for the minimum level of basic municipal services. (MFMA Section 14.2a).
- (b) That Portion 1 of the Farm 209, Kleinvlei, Koue Bokkeveld be sold at a fair market related value. (MFMA Section 14.2b).
- (c) That the property be sold through the municipal supply chain processes in terms of Section 14.5 of the Municipal Finance Management Act (No. 56 of 2003).
- (d) That the Municipal Manager be mandated to sign all necessary documents on behalf of Council to effect the sale.
- (e) Further conditions:
 - (i) That it be made a condition of the sale that the portion where the landfill site activity is taking place, as well as the so-called erstwhile campsite of the Provincial Roads Department be excluded from the sale agreement.
 - (ii) That the subdivision be approved by the Department of Agriculture in terms of Section 70 of the Agriculture Act.

Council resolved on 26 March 2014 that the matter pertaining to the sale of municipal land known as Portion 1 of the farm 209, Kleinvlei Koue Bokkeveld be held in abeyance until the next council meeting.

Council resolved on 28 May 2014 that the matter be held in abeyance until the next council meeting.

Councillor Mouton enquired whether the land cannot be sold to the Department of Rural Development and Land Reform.

The Municipal Manager informed that it was attempted at a previous instant regarding Rooiheuvel and that the Department informed that they do not buy land from other authorities.

RESOLVED

That the matter be held in abeyance until the next council meeting.

8.4.4 Confirmation of previous sale of erven 1238, 1239 and 1240, Tulbagh
(5/2/7)

Item 7.4.1 of the Executive Mayoral Committee meeting, held on 22 August 2014, refers.

The following report, dated 21 August 2014, was received from the Municipal Manager:

"1. Purpose

To recommend to Council that a Sale Agreement between the then Tulbagh Municipality and Le Grange Transport be confirmed and approval be granted that a Sale Agreement be concluded between the Witzenberg Municipality and the Richard Webb Family Trust.

2. Deliberation

Le Grange Transport acquired various vacant erven, inter alia erf 1238, 1239 and 1240 Tulbagh from the then Tulbagh Municipality to construct houses for their employees. According to our Manager Administration, which is also confirmed by the attorney Mr Johan Bezuidenhout acting for the Richard Webb Family Trust, all the erven were paid for in full. The properties were part of a self-build housing scheme which was started in 1991 and completed in 1992.

The properties were valued at R3 000,00 in and during 2001 in terms of the asset register of the Tulbagh Municipality. The Deeds of Sale were all sent to the municipality's attorney who has since ceased to practise as Attorney of Law. Most of the records of the municipality have also been destroyed in a fire and the documentation handed over to the then attorneys could also not be located. Le Grange Transport has indeed constructed houses on the said erven. The Richard Webb Family Trust has since taken ownership of Le Grange Transport as a going concern, which included the business as well as the properties. An extract from the Deeds Office confirms that the said properties are still registered in the name of the Municipality. Copies of the record are attached as **annexure 8.4.4(a)**. Our own Municipal records reflect that Le Grange Transport has been paying property rates since 1999. Copies of same are attached as **annexure 8.4.4(b)**. The Attorney for the Richard Webb Family Trust has sent a formal letter requesting that the property be transferred into the name of their client, the Richard Webb Family Trust. After discussions and further deliberations with the attorney it was agreed that the municipality will assist the families in the said houses with individual subsidy applications to the Provincial Department of Housing. The individual subsidies allow for a maximum amount of R84 000,00 to a seller excluding where the seller is an organ of State. The Richard Webb Family Trust is prepared to sell the said houses for an amount equal to that of a subsidy although the valuation is much higher than the R84 000,00.

3. Financial implication

The erven have always been regarded as the de facto property of the Le Grange Transport. The payment of property rates is testimony to this. Council will lose no income if the properties are transferred.

4. Legal implication

The Sale Agreement was concluded prior to the promulgation of the Municipal Finance Management Act. Property can only be transferred if there is a written Sale Agreement. The circumstantial evidence points to the parties indeed having concluded a written Sale Agreement. The documentation cannot be located because of the reasons previously advanced and through no fault or negligence of the purchaser."

The Executive Mayoral Committee resolved on 22 August 2014 to recommend to Council:

- (i) That a Sale Agreement between the then Tulbagh Municipality and the Le Grange Transport be confirmed.
- (ii) That the transaction does not fall within the ambit of the provisions of the Municipal Finance Management Act.
- (iii) That in the event of the Municipal Finance Management Act being found to be applicable that the erven 1238, 1239 and 1240 Tulbagh are not required for minimum services as prescribed by the Act.
- (iv) That the date of the agreement be determined as that of the year 1991 and that it be confirmed that the full purchase price for all the properties has been paid.
- (v) That the Municipal Manager be authorised to sign all the documents on behalf of the municipality to ensure the transfer of erven 1238, 1239 and 1240 Tulbagh in favour of Richard Webb Family Trust.
- (vi) That it be a condition of the Sale Agreement that the occupants of houses on the said erven be given first option to purchase the said properties from the Richard Webb Family Trust for an amount equal to the maximum individual subsidy as provided for in terms of the National Housing Act.
- (vii) That the Housing Department will assist the families and Richard Webb Family Trust with the application to the Provincial Department of Housing.
- (viii) That the Richard Webb Family Trust be responsible for all cost incidental to the transport of the properties.

RESOLVED

- (a) *That a Sale Agreement between the then Tulbagh Municipality and the Le Grange Transport be confirmed.*
- (b) *That the transaction does not fall within the ambit of the provisions of the Municipal Finance Management Act.*
- (c) *That in the event of the Municipal Finance Management Act being found to be applicable that the erven 1238, 1239 and 1240 Tulbagh are not required for minimum services as prescribed by the Act.*
- (d) *That the date of the agreement be determined as that of the year 1991 and that it be confirmed that the full purchase price for all the properties has been paid.*

- (e) *That the Municipal Manager be authorised to sign all the documents on behalf of the municipality to ensure the transfer of erven 1238, 1239 and 1240 Tulbagh in favour of Richard Webb Family Trust.*
- (f) *That it be a condition of the Sale Agreement that the occupants of houses on the said erven be given first option to purchase the said properties from the Richard Webb Family Trust for an amount equal to the maximum individual subsidy as provided for in terms of the National Housing Act.*
- (g) *That the Housing Department of the municipality assists the families and Richard Webb Family Trust with the application to the Provincial Department of Housing.*
- (h) *That the Richard Webb Family Trust be responsible for all cost incidental to the transport of the properties.*
- (i) *That separate water and electrical connections be installed for each house at the expense of Richard Webb Family Trust.*

8.4.5 Amendment to Witzenberg Municipality By-Law on Liquor Trading Days and Hours (1/1/1)

Item 7.4.2 of the Executive Mayoral Committee meeting, held on 22 August 2014, refers.

The following documents are attached:

- (a) Memorandum from the Municipal Manager, dated 21 August 2014: **Annexure 8.4.5(a).**
- (b) Witzenberg Municipality: Amended By-Law on Liquor Trading Days and Hours, 2014: **Annexure 8.4.5(b).**

The Executive Mayoral Committee resolved on 22 August 2014 to recommend to Council:

- (i) That Council considers the amendments proposed.
- (ii) That the amendments be advertised for public participation in the local newspaper and Government Gazette.
- (iii) That the inputs and amendment be re-tabled for further Council consideration.

RESOLVED

- (a) *That Council approves the amendments as proposed.*
- (b) *That the amendments be advertised for public participation in the local newspaper and Government Gazette.*
- (c) *That the inputs and amendment be re-tabled for further Council consideration.*

8.4.6 Western Cape Development Plan: Municipal Timeframe and Actions
(2/2/2)

A report from the Manager: Projects and Performance, dated 20 August 2014, is attached as annexure 8.4.6.

RESOLVED

That cognisance is taken of the Western Cape Development Plan: Municipal Timeframe and Actions.

9. URGENT MATTERS SUBMITTED AFTER DISPATCHING OF THE AGENDA

9.1 Nomination of Council representatives to SALGA Provincial Members Assembly:
17 to 18 September 2014 in Caledon
(12/1/1/11)

The following memorandum, dated 25 August 2014, was received from the Municipal Manager:

"1. Purpose

To request Council to nominate Witzenberg representation to the SALGA Western Cape Provincial Members Assembly.

2. Deliberation

The SALGA Western Cape Members Assembly is scheduled for 17 to 18 September 2014 at the Victoria Hall Caledon. The purpose of the Members Assembly is to consider the:

- (a) Financial Statements of 2013/2014 financial year.
- (b) 2014/2015 Budget approved by NEC
- (c) SALGA 2013/2014 Annual Report
- (d) Draft Annual Performance Plan 2015/2016
- (e) Reports from Working Groups and other oversight bodies

Three delegates from each municipality are invited to attend. The representation normally consists of two councillors and one official. In terms of an official it is recommended that either the Municipal Manager or the Director: Corporate Services attend. Council must nominate the two councillor representatives.

3. Financial implication

All delegates are responsible for their own cost (travelling and accommodation)."

RESOLVED

- (a) *That Councillors J Phungula and EM Sidego be nominated to attend the SALGA Provincial Members Assembly at Caledon from 17 to 18 September 2014.*

- (b) *That the Director: Corporate Services be delegated to attend the SALGA Provincial Members Assembly at Caledon from 17 to 18 September 2014.*

**9.2 Report: Klip River Park Resort
(7/1/4/1)**

A report from the Municipal Manager, dated 26 August 2014, is attached as **annexure 9.2**.

RESOLVED

That cognisance be taken of the report from the Municipal Manager, dated 26 August 2014.

**9.3 Determination of upper limits of salaries, allowance and benefits of councillors
(5/11/1)**

The following documents are attached:

- (a) Memorandum from the Director: Finance, dated 27 August 2014: **Annexure 9.3(a)**.
(b) Policy: Tools of Trade: **Annexure 9.3(b)**.

RESOLVED

That application be made to the MEC for approval that tablets be recognised as tools of trade for all councillors and that the cost of the tablets be funded out of the R300 per month allocated to councillors for data cards and that any excess above the R300 be for the account of the relevant councillors.

10. FORMAL AND STATUTORY MATTERS

Councillor W Hanekom attended a SALGA meeting regarding Women's Month and gave feedback on what transpired at the meeting.

NOTED.

11. QUESTIONS and/or MATTERS RAISED by COUNCILLORS

None.

NOTED.

12. COUNCIL-IN-COMMITTEE