

MINUTES OF THE SPECIAL COUNCIL MEETING OF WITZENBERG MUNICIPALITY, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 50 VOORTREKKER STREET, CERES ON TUESDAY, 25 NOVEMBER 2014 AT 15:00

**PRESENT**

Councillors

TT Godden (Speaker)  
JNED Klazen (Executive Mayor)  
K Adams (Deputy Executive Mayor)  
R Badela  
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

Officials

Mr D Nasson (Municipal Manager)  
Ms J Krieger (Director: Community Services)  
Mr HJ Kritzingen (Director: Finance)  
Mr M Mpeluza (Director: Corporate Services)  
Mr J Barnard (Director: Technical Services)  
Ms M Arendse (Principal Administrative Officer)  
Mr C Titus (Committee Clerk)

**1. OPENING AND WELCOME**

The Speaker welcomed everyone present and requested Councillor J Visagie to open the meeting with prayer.

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

Applications for leave of absence from the meeting were received from Councillors B Chaaban and P Heradien.

**RESOLVED**

*That the applications for leave of absence from the meeting, received from Councillors B Chaaban and P Heradien, be approved.*

3. **MINUTES**

None.

**NOTED.**

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

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

The Speaker informed Council of the passing of Thinus Linee and a moment of silence was held in memory of him.

The Speaker announced that Witzenberg Municipality has received a clean audit for a consecutive year and congratulated Administration and Council on the achievement.

The Speaker announced that Council will be in recess from 15 December 2014 and will reopen on 19 January 2015.

The Director: Community Services indicated that the *Kersmark* event will take place from 12 to 14 December 2014 in the central business area of Ceres and that the program will be provided to Council at the next council meeting.

The Speaker also indicated that the ward committees will have a training session in the town hall on 29 November 2014.

**NOTED.**

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

None.

**NOTED.**

5. GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS

Geen.

AANGETEKEN.

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6. GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS

6.1 Direktooraat Finansies / Directorate Finance

6.1.1 Proposed amendments to Credit Control and Debt Collection Policy  
(5/1/1/13)

Item 7.1.5 of the Executive Mayoral Committee meeting, held on 24 November 2014, refers.

The following memorandum, dated 20 October 2014, was received from the Director: Finance:

"1. Purpose

The purpose of this report is to submit proposed amendments to the Credit Control and Debt Collection Policy for consideration to Council.

2. Legal framework

Paragraph 11.5 of the Witzenberg Credit Control and Debt Collection Policy states that a new service agreement will only be entered into on a property once all outstanding amounts owed on the property are settled in full.

3. Discussion

In certain instances the families of deceased estates are not in a position to afford the cost of transferring fixed property as well as municipal accounts to the heirs.

The transfer of the property is outside the functions of the municipality and must be referred to an executor of the estate. The Master of the Court can be of assistance in this regard.

Amendments to the Credit Control and Debt Collection Policy are recommended to provide for the transfer of service accounts into the name of heirs as indicated by the executor of the estate."

The Executive Mayoral Committee resolved on 24 November 2014 to recommend to Council:

That the following paragraph be added to the Credit Control and Debt Collection Policy:

"11.6(a) The accounts of deceased estates may be transferred into the names of relatives as determined by the executor of the deceased estate, to allow for the continuation of service delivery to the relevant property on the following conditions:

The historical debt remains a claim against the deceased estate;

The executor of the deceased estate together with the new account holder must enter into an agreement with Witzenberg Municipality for the payment of the historical debt;

The normal service deposit is payable by the new account holder unless a report by the municipal social worker indicates that the new account holder cannot afford to pay the deposit;

If the property is let out, the service deposit is payable without any exceptions;

A clearance certificate in terms of Section 118 of the Municipal Systems act may be issued by Witzenberg Municipality on condition that the executor of the deceased estate provides the municipality with a guarantee that the outstanding debt will be paid on transfer;

In the instance of a child-headed household the account must remain in the name of the deceased estate, but the estate will qualify for indigent support, if the other criteria for an indigent household are met."

#### RESOLVED

*That the following paragraph be added to the Credit Control and Debt Collection Policy:*

*"11.6(a) The accounts of deceased estates may be transferred into the names of relatives as determined by the executor of the deceased estate, to allow for the continuation of service delivery to the relevant property on the following conditions:*

*The historical debt remains a claim against the deceased estate;*

*The executor of the deceased estate together with the new account holder must enter into an agreement with Witzenberg Municipality for the payment of the historical debt;*

*The normal service deposit is payable by the new account holder unless a report by the municipal social worker indicates that the new account holder cannot afford to pay the deposit;*

*If the property is let out, the service deposit is payable without any exceptions;*

*A clearance certificate in terms of Section 118 of the Municipal Systems act may be issued by Witzenberg Municipality on condition that the executor of the deceased estate provides the municipality with a guarantee that the outstanding debt will be paid on transfer;*

*In the instance of a child-headed household the account must remain in the name of the deceased estate, but the estate will qualify for indigent support, if the other criteria for an indigent household are met."*

**6.1.2 Adjustment of budget schedules for 2014/2015  
(5/1/1/13)**

Item 7.1.6 of the Executive Mayoral Committee meeting, held on 24 November 2014, refers.

The following documents are attached:

- (a) Memorandum from the Director: Finance, dated 20 October 2014:  
**Annexure 6.1.2(a).**
- (b) Budget schedules: **Annexure 6.1.2(b).**

The Executive Mayoral Committee resolved on 24 November 2014 to recommend to Council:

That the budget schedules for 2014/2015 be approved.

**RESOLVED**

*That the budget schedules for 2014/2015 be approved.*

**6.1.3 Proposed amendment to Indigent Policy  
(5/1/1/13)**

Item 7.1.4 of the Executive Mayoral Committee meeting, held on 24 November 2014, refers.

A memorandum from the Director: Finance, dated 20 November 2014, is attached as **annexure 6.1.3.**

The Executive Mayoral Committee resolved on 24 November 2014 to recommend to Council:

That the following paragraph be added to the Indigent Policy:

6.1.6 Seasonal workers qualify for indigent support for the months that they are unemployed on condition that they enter into an agreement that their municipal accounts can be deducted from their salaries/wages for the months that they are employed, even if their average monthly household income for the year is in excess of R3 000,00.

**RESOLVED**

*That the following paragraph be added to the Indigent Policy:*

*6.1.6 Seasonal workers qualify for indigent support for the months that they are unemployed on condition that they enter into an agreement that their municipal accounts can be deducted from their salaries/wages for the months that they are employed, even if their average monthly household income for the year is in excess of R3 000,00.*

6.2 Direktooraat Tegniëse Dienste / Directorate Technical Services

6.2.1 Proposed Hydro Power Plant in Ceres  
(16/03/2)

Item 7.2 of the meeting of the Committee for Technical Services, held on 15 October 2014, refers.

The following documentation are attached:

- (a) Memorandum from the Head: Electro Technical Services, dated 9 October 2014: **Annexure 6.2.1(a)**.
- (b) Ceres Hydropower Presentation: **Annexure 6.2.1(b)**.
- (c) Development of a small hydropower plant in Ceres: **Annexure 6.2.1(c)**.

The Committee for Technical Services resolved on 15 October 2014:

That it be recommended to Council that Council in principle approves the hydro project on condition that the following be completed:

- (i) A detailed feasibility study.
- (ii) An environmental study.
- (iii) A social assessment.
- (iv) A business plan with regard to the finance and the project.

**RESOLVED**

*That Council in principle approves the hydro project on condition that the following be completed:*

- (i) A detailed feasibility study.*
- (ii) An environmental study.*
- (iii) A social assessment.*
- (iv) A business plan with regard to the finance and the project.*

6.3 Direkoraat Gemeenskapsdienste / Directorate Community Services

6.3.1 Women on Farms Mushroom Project: Lease agreement with Ceres Co-Operative:  
Erf 2622, Skoonvlei, Ceres  
(17/19/2/29)

Item 7.2 of the meeting of the Committee for Rural Economic Development and Tourism, held on 19 August 2014, refers.

The following documents are attached:

- (a) Letter from Women on Farms, dated 19 March 2014: **Annexure 6.3.1(a)**.
- (b) Memorandum from the Director: Community Services, dated 17 July 2014: **Annexure 6.3.1(b)**.
- (c) Layout Plan of erven at Skoonvlei: **Annexure 6.3.1(c)**.

The Committee for Rural Economic Development and Tourism resolved on 19 August 2014 to recommend to Council:

- (i) That Council enters into a lease agreement with Ceres Co-Operative.
- (ii) That the Municipal Manager be mandated to sign the contract on behalf of Council.
- (iii) That the lease shall commence on 1 October 2014 and shall endure for a period of three (3) years unless terminated earlier as provided and must have an option to renew on discretion of the municipality.

**RESOLVED**

- (a) *That Council enters into a lease agreement with Ceres Co-Operative.*
- (b) *That the Municipal Manager be mandated to sign the contract on behalf of Council.*
- (c) *That the lease shall commence on date of signature and shall endure for a period of three (3) years unless terminated earlier as provided and must have an option to renew on discretion of the municipality.*

6.3.2 Lease agreement: Bibi's Laundry and Sewing Services: Plots 122 and 138: Van Riebeeck Park, Tulbagh for a Tourism Corridor  
(7/1/4/1)

Item 7.3.1 of the Executive Mayoral Committee meeting, held on 24 November 2014, refers.

A memorandum dated 4 November 2014, received from the Director: Community Services is attached as **annexure 6.3.2**.

Comments of the Municipal Manager, dated 20 November 2014:

"The project and initiative falls within the ambit of Local Economic Development as described in terms of legislation.

Council is entitled to deviate from the supply chain process in the event of the project being in the public interest and to the benefit of the poor. If Council resolves to approve of a lease agreement, such intention must be advertised for public comment to adhere to the principle of transparency and fairness."

The Executive Mayoral Committee resolved on 24 November 2014 to recommend to Council:

- (i) That Council enters into a lease agreement with Bibi's Laundry and Sewing Services to lease plots 122 and 138 in Tulbagh.
- (ii) That the lease will be for a period of three (3) years unless terminated earlier as provided in the lease agreement.
- (iii) That the Municipal Manager be mandated to sign the contract on behalf of Council.
- (iv) That Council's intention be advertised in the local newspaper for a period of fourteen days for inputs or objections.

**RESOLVED**

- (a) *That Council enters into a lease agreement with Bibi's Laundry and Sewing Services to lease erf 122 in Tulbagh for a period of six months with a view to extend the lease for a further three years if both parties agree thereto.*
- (b) *That the Municipal Manager be mandated to sign the contract on behalf of Council.*
- (c) *That the council resolution be published in the local newspaper for a period of seven days for input and possible objections.*

**6.3.3 Support and nomination of trustee to the Ceres Uvukha Trust  
(12/1/1/26)**

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.
- (e) Item 8.3.2 of the council meeting, held on 27 August 2014.

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.

Council resolved on 27 August 2014 that Council supports the concept of the Ceres Uvukha Trust.

Comments of the Municipal Manager, dated 20 November 2014:

"Attorney Mr Gerrit van Vuuren has advised that they have finalised consultations with various stakeholders and that they are now ready to forward the trust document to the Master's Office for registration. In terms of the Trust Deed Council must nominate two persons to act as trustees on the said trust."

**RESOLVED**

*That Councillors BC Klaasen and J Mouton are nominated to serve as trustees on the Ceres Uvukha Trust.*

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

**6.4.1    Appointment of Chairperson: Municipal Public Accounts Committee (MPAC)  
(2/1/2)**

Item 8.1.6 of the council meeting, held on 29 January 2014, refers.

Council resolved on 29 January 2014:

- (a)      That resolution 8.1.7(b) of the council meeting held on 23 August 2012 be rescinded.
- (b)      That the Municipal Public Accounts Committee consists of at least four (4) members.
- (c)      That the members of the Municipal Public Accounts Committee are:
  - (i)      Councillor W Hanekom (DA) (Chairperson)
  - (ii)     Councillor B Chaaban (NPP)
  - (iii)    Councillor J Phungula (ANC)
  - (iv)    Councillor J Mouton (ANC).

The Chairperson of the Municipal Public Accounts Committee, Councillor WJ Hanekom, resigned from the committee end of March 2014.

In terms of the charter of the Municipal Public Accounts Committee Council must appoint a chairperson.

Councillor J Mouton verbally nominated Councillor J Phungula as chairperson of the Municipal Public Accounts Committee. Councillor MC du Toit seconded.

Councillor D Swart verbally nominated Councillor E Sidego as chairperson of the Municipal Public Accounts Committee. Councillor BC Klaasen seconded.

The Speaker called for a vote by showing of hands and the outcomes were:

- Ten votes in favour of Councillor E Sidego.
- Nine votes in favour of Councillor J Phungula.

#### RESOLVED

*That Councillor E Sidego was elected as chairperson of the Municipal Public Accounts Committee.*

#### 6.4.2 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.
- (d) Item 8.4.3 of the council meeting, held on 27 August 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 6.4.2(a)**. A copy of the municipal valuation of the property is attached as **annexure 6.4.2(b)**.

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 Rooiheuwel and that the Department informed that they do not buy land from other authorities.

Council resolved on 27 August 2014 that the matter be held in abeyance until the next council meeting.

Comments of Municipal Manager, dated 20 November 2014:

"The attorney for one of the interested parties has advised that his client, Mr Van der Merwe, has purchased another property since his offer to the municipality and that he is no more interested in buying the municipal land. The other interested party, Mr Van Rooyen, has approached the National Ministry of Rural Development and Land Reform. The Honourable Deputy Minister Skwatcha sent a letter to the Administration advising that Council consider selling the land directly to Mr Van Rooyen on the basis of him being a black farmer and not having had the benefit of owning farm land in the past. The Honourable Deputy Minister is of the opinion that the sale of the land to Mr Van Rooyen will be in public interest, allowing Council to deviate from the municipal supply chain processes. Mr Van Rooyen has also made an offer of R3 million to buy the land from Council. If Council considers selling the land directly to Mr Van Rooyen, the intended transaction will have to be published in the local newspaper to comply with the constitutional requirements of openness, fairness and transparency. Any sale will be conditional and further subject to no objections to the said sale agreement."

Councillor E Sidego proposed and Councillor BC Klaasen seconded that the matter be held in abeyance in order to obtain the sworn appraisal.

Councillor J Phungula proposed and Councillor J Mouton seconded that Portion 1 of the Farm 209, Kleinvlei, Koue Bokkeveld, Ceres be sold at a market related value or R3 million, whichever is the highest, to Mr T van Rooyen.

The Speaker called for a vote by the showing of hands and the outcomes were:

- Ten in favour of Councillor J Phungula's proposal.
- Nine in favour of Councillor E Sidego's proposal.

Council BC Klaasen requested a caucus break of ten minutes.

**RESOLVED**

- That Portion 1 of the Farm 209, Kleinvlei, Koue Bokkeveld not be required for a minimum level of basic municipal services.*
- That Portion 1 of the Farm 209, Kleinvlei, Koue Bokkeveld be sold directly to Mr T van Rooyen at a market related value or R3 million, whichever is the highest.*

- (c) *That Council deviates from the municipal supply chain processes.*
  - (d) *That the Municipal Manager be mandated to sign all necessary documents on behalf of Council to effect the sale.*
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**7. URGENT MATTERS SUBMITTED AFTER DISPATCHING OF THE AGENDA**

**7.1 Policy: Tools of Trade for Councillors  
(3/1/P)**

Item 7.3.1 of the Executive Mayoral Committee meeting, held on 24 November 2014, refers.

The Draft Policy on Tools of Trade for Councillors is attached as **annexure 7.1**.

The Executive Mayoral Committee resolved on 24 November 2014 to recommend to Council:

- (i) *That cognisance be taken that the acquisition of tablets has been approved by the MEC on 20 November 2014.*
- (ii) *That the Draft Policy on Tools of Trade for Councillors be workshopped at the council meeting.*

**RESOLVED**

- (a) *That cognisance be taken that the acquisition of tablets has been approved by the MEC on 20 November 2014.*
- (b) *That the Draft Policy on Tools of Trade for Councillors is approved.*
- (b) *That the Policy on Tools of Trade for Councillors be workshopped.*

**8. COUNCIL-IN-COMMITTEE**