

MINUTES OF THE COUNCIL MEETING OF THE WITZENBERG MUNICIPALITY, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 50 VOORTREKKER STREET, CERES ON TUESDAY, 28 JULY 2015 AT 10:00

PRESENT

Councillors

TT Godden (Speaker)
JNED Klazen (Executive Mayor)
K Adams (Deputy Executive Mayor)
R Badela
P Daniels
JJ du Plessis
MC du Toit
JP Fredericks
WJ Hanekom
BC Klaasen
S Louw
JS Mouton
SM Ndwanya
JT Phungula
L Salmon
MI Saula
E M Sidego
RJ Simpson
HJ Smit
D Swart
JJ Visagie

Officials

Mr D Nasson (Municipal Manager)
Ms J Krieger (Director: Community Services)
Mr HJ Kritzinger (Director: Finance)
Mr M Mpeluza (Director: Corporate Services)
Mr J Barnard (Director: Technical Services)
Mr G Louw (Head: Internal Audit)
Mr A Raubenheimer (Deputy Director: Finance)
Mr A Hofmeester (Manager: IDP)
Mr R Rhode (Acting Manager: Administration)
Ms M Arendse (Principal Administrative Officer)
Mr C Titus (Committee Clerk)

1. OPENING AND WELCOME

The Speaker welcomed everyone present and requested Pastor P Swarts to open the meeting with prayer.

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 Councillor BJ Chaaban.

RESOLVED

That the application for leave of absence from the meeting, received from Councillor BJ Chaaban, not be accepted.

3. STATEMENTS, ANNOUNCEMENTS OR MATTERS RAISED

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

Council's congratulations are conveyed by Councillor RJ Simpson to the following councillors on their birthdays:

❖ Councillor WJ Hanekom	3 July
❖ Councillor J Fredericks	13 July
❖ Councillor JNED Klazen	18 July
❖ Councillor S Louw	28 July

NOTED.

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

The Speaker conveyed Council's condolences to Councillor S Louw on the passing of his mother.

NOTED.

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

- ❖ The Executive Mayor wished councillors well after Council's recess.
- ❖ The Executive Mayor also wished all women well on Women's Month.

NOTED.

4. MINUTES

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

The following minutes are attached:

- (a) Council meeting, held on 27 May 2015: **Annexure 4.1(a)**.
- (b) Special council meeting, held on 19 June 2015: **Annexure 4.1(b)**.

RESOLVED

That the following minutes be approved and signed by the Speaker:

- (i) *Council meeting, held on 27 May 2015.*
- (ii) *Special council meeting, held on 19 June 2015.*

5. MOSIES EN KENNISGEWINGS VAN VOORSTELLE

Geen.

AANGETEKEN.

6. INTERVIEWS WITH DELEGATIONS

None.

NOTED.

7. GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS

**7.1 Notules: Komiteevergaderings
(03/3/2)**

Die verslae/notules van die volgende komiteevergaderings word ingebind:

- (a) Municipal Public Accounts Committee, held on 20 January 2015: **Annexure 7.1(a)**.
- (b) Committee for Corporate and Financial Services, held on 19 March 2015: **Annexure 7.1(b)**.
- (c) Komitee vir Behuisingsaangeleenthede, gehou op 13 April 2015: **Bylae 7.1(c)**.
- (d) Komitee vir Tegniese Dienste, gehou op 15 April 2015: **Bylae 7.1(d)**.
- (e) Municipal Public Accounts Committee, held on 17 April 2015: **Annexure 7.1(e)**.
- (f) Executive Mayoral Committee, held on 28 April 2015: **Annexure 7.1(f)**.
- (g) Committee for Technical Services, held on 29 May 2015: **Annexure 7.1(g)**.

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 report of the Department Finance: April 2015
(9/1/2/2)**

The following items refer:

- (a) Item 7.1 of the Committee for Corporate and Financial Services meeting, held on 22 May 2015.
- (a) Item 7.1.1 of the Executive Mayoral Committee meeting, held on 25 May 2015.

The monthly report of the Department Finance for April 2015 is attached as **annexure 8.1.1**.

Extract from the minutes of the Committee for Corporate and Financial Services, held on 22 May 2015:

- The Director: Finance mentioned that concerns regarding the meter reading capacity have been resolved.
- The Municipal Manager informed the meeting that the collections of outstanding accounts are of serious concern.

The Committee for Corporate and Financial Services resolved on 22 May 2015 to recommend to Council that cognisance be taken of the monthly reports of the Department Finance for March and April 2015 and same be accepted.

The Executive Mayoral Committee resolved on 25 May 2015 that cognisance is taken of the monthly report of the Department Finance for April 2015 and same be accepted.

Councillor S Ndwanya expressed his concern about the estimation of water meter readings as shown in the monthly report of Department Finance for May 2015.

The Director: Technical Services mentioned that a service provider was appointed to address the following problems:

- Underground water meters
- Water meters beneath rubble
- Water meters under water
- Unreadable meters
- Meters beneath parked vehicles

Councillor M du Toit mentioned that consumers of municipal services need to be encouraged to pay their accounts and also enquired whether accounts are monitored on a regular basis beyond R10 000.

The Municipal Manager mentioned that the recovering of outstanding debt is a concern as the municipality cannot cut electricity in certain areas where Eskom is the service provider.

The Municipal Manager mentioned that a workshop is to be held in order to deliberate the matter regarding outstanding debt.

Councillor H Smit proposed and Councillor R Badela seconded that bullet points 3 and 4 of the extract from the minutes of the meeting of the Committee for Corporate and Financial Services, held on 22 May 2015, be removed from the minutes of the council meeting.

RESOLVED

- (a) *That cognisance be taken of the monthly report of the Department Finance for April 2015.*
- (b) *That bullet points 3 and 4 of the extract from the minutes of the meeting of the Committee for Corporate and Financial Services, held on 22 May 2015, be removed from the minutes of the council meeting.*
- (c) *That the matter pertaining the outstanding debt and credit control be workshopped by Council.*

8.1.2 Monthly report: Service Delivery and Budget Implementation Plan: April 2015 (05/1/5/7)

Item 7.1.2 of the Executive Mayoral Committee meeting, held on 25 May 2015, refers.

The monthly report of the Service Delivery and Budget Implementation Plan for April 2015 is attached as **annexure 8.1.2**.

The Executive Mayoral Committee resolved on 25 May 2015 that cognisance is taken of the monthly report of the Service Delivery and Budget Implementation Plan for April 2015 and same be accepted.

RESOLVED

That cognisance is taken of the monthly report of the Service Delivery and Budget Implementation Plan for April 2015 and same be accepted.

8.1.3 SDBIP Quarterly Report: Third Quarter 2014/2015 (5/1/5/7)

Item 7.1.3 of the Executive Mayoral Committee meeting, held on 25 May 2015, refers.

The SDBIP quarterly report for the third quarter of 2014/2015 is attached as **annexure 8.1.3**.

The Executive Mayoral Committee resolved on 25 May 2015 that cognisance is taken of the SDBIP quarterly report for the third quarter of 2014/2015 and same be accepted.

RESOLVED

That cognisance is taken of the SDBIP quarterly report for the third quarter of 2014/2015 and same be accepted.

8.1.4 Mid-year budget and performance assessment: Financial year 2014/2015: Section 72 (9/1/1; 5/1/1/13 & 5/1/5/7)

Item 7.6 of the Municipal Public Accounts Committee meeting, held on 26 May 2015, refers.

The budget of the municipality must contain measurable performance objectives for revenue from each source and for each vote in the budget, taking into account the IDP [MFMA s17(3)(b)]. The accounting officer must include these objectives in the annual report and report on performance accordingly. The Municipal Public Accounts Committee needs to assess the PRAC annual report and progress made towards the implementation of recommendations and whether an assessment of any arrears on municipal taxes and service charges was made.

Frequency: Bi-annual

The Mid-year Budget Statement and Performance Assessment for the period 1 July to 31 December 2014 is attached as **annexure 8.1.4**.

The to date quarterly SBDIP reports of 2014/2015 were assessed as required by the MPAC Work Plan. The Mid-Year SDBIP Report 2014/2015 is an accumulated summary report of the quarterly SBDIP Reports. The MPAC assessment results of the quarterly and Mid-Year Reports were the same, therefore reported jointly to Council as below.

The Municipal Public Accounts Committee resolved on 26 May 2015 to recommend to Council:

- (a) That the performance expectations relating to operational delivery of services were met and sustainable services delivery was ensured.
- (b) That 67 % of targets were met at the end of the third quarter with 9 % almost met and 24 % of the targets that have not been met.
- (c) That the majority of targets were related to the implementation of capital projects. Explanations tendered focused on procurement process delays as well as delays in the approval of housing projects that resulted in the underperformance of capital expenditure and the provision of service sites.

It is however noted that delays have been addressed and that it is expected that targets will be achieved at year-end.

- (d) That currently service delivery expectations are not impacted as the objectives that were not achieved are mainly related to the delay and implementation of capital projects.

It is noted that delays have been addressed and targets are expected to be achieved at year end.

- (e) That a full assessment of arrear accounts have been made and the process with regard to writing off of debt will be tabled at the next council meeting.
- (f) That an in-depth assessment of arrears provided satisfactory explanations of the arrears as well as the actions taken.

- (g) That credit control measures are to be sharpened and debt collection service providers are to be monitored for effective collections, thus appropriate measures are to be put in place.

RESOLVED

- (a) *That the performance expectations relating to operational delivery of services were met and sustainable services delivery was ensured.*
- (b) *That 67 % of targets were met at the end of the third quarter with 9 % almost met and 24 % of the targets that have not been met.*
- (c) *That the majority of targets were related to the implementation of capital projects. Explanations tendered focused on procurement process delays as well as delays in the approval of housing projects that resulted in the underperformance of capital expenditure and the provision of service sites. It is however noted that delays have been addressed and that it is expected that targets will be achieved at year-end.*
- (d) *That currently service delivery expectations are not impacted as the objectives that were not achieved are mainly related to the delay and implementation of capital projects. It is noted that delays have been addressed and targets are expected to be achieved at year-end.*
- (e) *That a full assessment of arrear accounts have been made and the process with regard to writing off of debt will be tabled at the next council meeting.*
- (f) *That an in-depth assessment of arrears provided satisfactory explanations of the arrears as well as the actions taken.*
- (g) *That credit control measures are to be sharpened and debt collection service providers are to be monitored for effective collections, thus appropriate measures are to be put in place.*

8.2 Direktoraat Tegniëse Dienste / Directorate Technical Services

**8.2.1 Housing Eiland: Cost analysis and recommendations of flood line problem
(15/01/3; 07/01/4/1 & 15/04/R)**

The following items refer:

- (a) Item 9.2.1 of the meeting of the Committee for Technical Services, held on 23 July 2014.
- (b) Item 7.2 of the meeting of the Committee for Technical Services, held on 29 May 2015.

The Committee for Technical Services resolved on 23 July 2014:

- (a) That the Chief: Disaster and Fire Services tables an emergency evacuation plan at the next meeting.
- (b) That a detailed cost analysis be done by the Director: Technical Services with the necessary recommendations to Council.
- (c) That the matter be held in abeyance until (a) and (b) supra have been dealt with.

A report from the Manager: Streets and Storm Water, dated 13 May 2015, is attached as **annexure 8.2.1**.

The Committee for Technical Services resolved on 29 May 2015 to recommend to Council:

- (a) That erf number 2019, Ceres not be disposed of by Council.
- (b) That the consulting engineer's assessment indicated that certain houses are beyond the flood line and are not safe to be occupied.
- (c) That the Committee for Housing Matters look at alternative means to accommodate the affected people.

RESOLVED

- (a) *That erf number 2019, Ceres not be disposed of by Council.*
- (b) *That the consulting engineer's assessment indicated that certain houses are beyond the flood line and are not safe to be occupied.*
- (c) *That the Committee for Housing Matters looks at alternative means to accommodate the affected people.*
- (d) *That a letter be forwarded to the affected residences, informing them about the dangers relating to the flood line at the Eiland Resort.*

**8.2.2 Amendment to Water and Sanitation Services By-Law
(16/02/P)**

Item 7.1 of the meeting of the Committee for Technical Services, held on 29 May 2015, refers.

The following report, dated 29 April 2015, was received from the Manager: Water and Sewerage:

A report from the Manager: Water and Sewerage, dated 29 April 2015, is attached as **annexure 8.2.2**.

The Committee for Technical Services resolved on 29 May 2015 to recommend to Council:

That the by-law as approved by Council be amended as follows:

- (i) The allowable limit for COD discharged to municipal Waste Water Treatment Works be reduced from 4 000 mg per litre to 3 000 mg per litre.
- (ii) That the adopted by-law be gazetted with the new amended limit.

RESOLVED

That the by-law as approved by Council be amended as follows:

- (i) *The allowable limit for COD discharged to municipal Waste Water Treatment Works be reduced from 4 000 mg per litre to 3 000 mg per litre.*
- (ii) *That the adopted by-law be gazetted with the new amended limit.*

8.3 Direktooraat Gemeenskapsdienste / Directorate Community Services

**8.3.1 Establishment of an e-Centre in Bella Vista Community Hall
(17/8/1)**

Item 6.3.1 of the Executive Mayoral Committee meeting, held on 23 February 2015, refers.

A report from the Director: Community Services, dated 17 February 2015, is attached as **annexure 8.3.1**.

The Executive Mayoral Committee resolved on 23 February 2015:

- (a) That the establishment of an e-Centre in the Bella Vista Community Hall be approved.
- (b) That cognisance be taken that the e-Centre will be based at the back of the Bella Vista Community Hall and that the security aspect is also being considered.

RESOLVED

That cognisance be taken that an e-Centre has been established and opened in the Bella Vista Community Hall, Ceres.

**8.3.2 Appointment of a pound keeper
(17/1/4/2)**

Item 7.3.1 of the Executive Mayoral Committee meeting, held on 27 July 2015, refers.

The following report, dated 21 July 2015, was received from the Municipal Manager:

"Purpose

To consider appointing a pound keeper in terms of Council's by-law relating to pounds and impoundment of animals.

Deliberation

The by-law relating to pounds and impoundment of animals was Gazetted in the Provincial Gazette 7404 dated 19 June 2015.

One of the subsections of the by-law provides for the impoundment of animals on private property by a land owner with the written permission of a pound keeper. A private land owner cannot impound animals that trespass on his property without the written permission of the pound keeper. We have received numerous complaints of organisations and land owners, especially in the Tulbagh area, of stray animals trespassing on their property. The Administration is still in the process of compiling specifications for members of public to submit bids for a municipal pound within the Witzenberg area. Nothing prevents a pound keeper or private land owner to transport impounded animals to a pound outside the municipal boundaries of Witzenberg. One of the requirements is that details of all animals impounded must be reported on in a pound register, which is kept by the pound keeper and open for inspection by the South African Police Services, owner of the animal and/or municipal officials. The municipal official who has reasonable exposure and experience with animals is Mr Bryan Isaacs. The request is that Council considers appointing Mr Isaacs as the pound keeper.

Financial implications

No financial provision has been made for the impoundment of animals. The duties of the pound keeper will be added to the job description of Mr Isaacs and the job content will be evaluated in terms of the TASK process.

Legal implications

The municipal by-law is applicable. The pound keeper will have the authority to impound animals and also make decisions in terms of transport and other expenses that are normally associated with the impoundment of animals.

The appointed pound keeper will only incur expenses on behalf of Council with the written approval of the Municipal Manager."

The Executive Mayoral Committee resolved on 27 July 2015 to recommend to Council that Mr Bryan Isaacs, Acting Manager: Amenities and Environment, be appointed as pound keeper of the Witzenberg Municipality.

RESOLVED

- (a) *That Mr Bryan Isaacs, Acting Manager: Amenities and Environment, be appointed as pound keeper of the Witzenberg Municipality.*
- (b) *That a letter be written by the Municipal Manager to owners of animals that are roaming public open spaces, informing them that such animals will be impounded by the pound keeper.*

Councillor D Swart requested a caucus break of five minutes.

8.4 Direktoraat Korporatiewe Dienste / Directorate Corporate Services

8.4.1 Council's immovable property: Transfer and selling of land: Erf 90 Op-die-Berg in Witzenberg Municipality's name and selling unregistered erf 325, portion of erf 90 to Cape Agri (7/1/4/2)

Item 7.2 of the Committee for Corporate and Financial Services meeting, held on 22 May 2015, refers.

A memorandum from the Senior Officer: Properties, dated 29 April 2015, is attached as **annexure 8.4.1**.

The Committee for Corporate and Financial Services resolved on 22 May 2015 to recommend to Council:

- (a) That erf 90, Op-die-Berg be transferred to the Witzenberg Municipality's name in terms of Ordinance 15 of 1985.
- (b) That erf 90, as well as the unregistered erf 325, Op-die-Berg, are not required for a minimum level of basic municipal services.
- (c) That unregistered erf 325, Op-die-Berg, (a Portion of Erf 90) be sold to Kaap Agri at market related value.
- (d) That the Municipal Manager be mandated to sign all necessary documents on behalf of Council in order to effect the sale.
- (e) That the intention to sell a portion of erf 90 (Unregistered erf 325), Op-die-Berg by Council to Kaap Agri be advertised in the local newspaper for comments and any objections in terms of the legislation for selling of immovable properties.

Councillor D Swart proposed that the matter be held in abeyance until the next meeting, and Councillor JNED Klazen seconded the proposal.

The following recommendation was tabled to Council:

- (a) That erf 90, Op-die-Berg be transferred to the Witzenberg Municipality's name in terms of Ordinance 15 of 1985.
- (b) That erf 90, as well as the unregistered erf 325, Op-die-Berg, are not required for a minimum level of basic municipal services.
- (c) That unregistered erf 325, Op-die-Berg, (a Portion of Erf 90) be sold to Kaap Agri at market related value.
- (d) That the Municipal Manager be mandated to sign all necessary documents on behalf of Council in order to effect the sale.
- (e) That the intention to sell a portion of erf 90 (Unregistered erf 325), Op-die-Berg by Council to Kaap Agri be advertised in the local newspaper for comments and any objections in terms of the legislation for selling of immovable properties.

RESOLVED

That the matter of the transfer of erf 90, Op-die-Berg and the selling of unregistered erf 325, portion of erf 90, be held in abeyance until the next council meeting.

8.4.2 Lease agreement: Right of land use for picking protea flowers: Portion of Erf 1, Prince Alfred's Hamlet (7/1/4/1)

Item 7.3 of the Committee for Corporate and Financial Services meeting, held on 22 May 2015, refers.

A memorandum from the Senior Officer: Properties, dated 29 April 2015, is attached as **annexure 8.4.2**.

The Committee for Corporate and Financial Services resolved on 22 May 2015 to recommend to Council:

- (a) That Council consider granting approval for the right of land use to pick protea flowers on a portion of erf 1, Prince Alfred's Hamlet.
- (b) That the owner will be liable to obtain approval from Cape Nature for picking proteas.

RESOLVED

- (a) *That Council grants approval for the right of land use to pick protea flowers on a portion of erf 1, Prince Alfred's Hamlet.*
- (b) *That the Witzenberg Municipality obtains approval from Cape Nature for picking proteas.*
- (c) *That the supply chain process be followed.*

8.4.3 Municipal Demarcation Board: Delimitation of wards
(3/1/1/2)

Circular 10/2015 of the Municipal Demarcation Board, dated 13 July 2015, is attached as **annexure 8.4.3**.

RESOLVED

That cognisance be taken of the contents of Circular 10/2015 of the Municipal Demarcation Board.

8.4.4 Amendment of council resolution: Sale of municipal land for church purposes: Erven 3167 and 2994, Pine Vallei, Wolseley
(15/2/2/7/R)

A memorandum from the Senior Officer: Properties, dated 17 July 2015, is attached as **annexure 8.4.4**.

Council resolved per council resolution 8.4.1 of 27 May 2015:

- (a) That the municipal erven 3167 and 2994, Pine Valley, Wolseley are not required for a minimum level of basic municipal services.
- (b) That the sale of erven 3167 and 2994, Pine Valley, Wolseley be subject to the conditions as contained in the attached annexure.
- (c) That the supply chain process be followed for the alienation of erven 3167 and 2994, Pine Valley, Wolseley for institutional purposes.

The conditions referred to in paragraph (b) of the resolution were as follow:

- 1. Conditions for granting a church site to be sold:
 - (i) Only one site per town to a particular congregation of church/religious society.
 - (ii) The property needs to be developed for use within two years after the transfer of the property in the name of the church/religious society, failure to do so, the property must fall back to the municipality.
 - (iii) Witzenberg Municipality must have a pre-emptive right when the purchaser wants to sell the property and this right needs to be registered on the Title Deed.
 - (iv) Properties are sold voetstoots.
 - (v) A Deed of Sale needs to be concluded.

2. Requirements to qualify to purchase property for church sites
 - (i) Proof of membership of at least 100 local people (living in the municipal area) who are members of the church.
 - (ii) Proof of the Constitution of Memorandum of the church/religious society.
 - (iii) Proof of registration of the church/religious society.

RESOLVED

- (a) *That condition 1(i) as set in council resolution 8.4.1 of 27 May 2015 be amended to read:*

Only one church site per town to a particular congregation of church/religious society.
- (b) *That the following condition be deleted:*

“2. Requirements to qualify to purchase property for church sites
 - (i) Proof of membership of at least 100 local people (living in the municipal area) who are members of the church.
 - (ii) Proof of the Constitution of Memorandum of the church/religious society.
 - (iii) Proof of registration of the church/religious society.”

**8.4.5 Logistical arrangements: Distribution of agendas to councillors
(3/1/2/3)**

The following report, dated 21 July 2015, was received from the Municipal Manager:

Purpose

To formalise the period of notice and distribution of Council and Section 79 Committee meetings.

Deliberation

Council requested at its meeting of May 2015 that all previous resolutions dealing with the notice period and distribution of Council and Section 79 Committee meetings be repented and substituted with a new resolution. The Administration cannot find any resolution on the notice period and the distribution of agendas for Council and Section 79 Committee meetings.

It appeared that the issue was raised at previous meetings, but no formal resolution was taken on the matter. The only reference to the timeframe for distribution of agendas is that in the Rules of Order for Meetings as well as targets set up in the Service Delivery and Budget Implementation Plan of Council.

It is recommended that Council considers the following recommendation:

1. That a seven day notice and distribution period of agendas be afforded to councillors of all ordinary council and Section 79 Committee meetings.
2. That a 48-hour notice and distribution period of agendas be afforded to councillors of all special council and Section 79 Committee meetings."

RESOLVED

- (a) *That a seven day notice and distribution period of agendas be afforded to councillors of all ordinary council and Section 79 Committee meetings.*
- (b) *That a 48-hour notice and distribution period of agendas be afforded to councillors of all special council and Section 79 Committee meetings."*

9. URGENT MATTERS SUBMITTED AFTER DISPATCHING OF THE AGENDA

None.

NOTED.

10. FORMAL AND STATUTORY MATTERS

None.

NOTED.

11. QUESTIONS and/or MATTERS RAISED by COUNCILLORS

Councillor R Simpson requested that a meeting for ward councillors be scheduled to discuss the spending of the ward allocations.

The Speaker announced that the meeting for ward councillors will take place in the council chambers on Tuesday, 4 August 2015 at 15:00.

Councillor J Visagie mentioned that it has come to his attention that Cape Nature officials are chasing people out of the mountains whilst they are busy with initiations.

Councillor Visagie mentioned that all cultural religions should be respected and that perhaps arrangements between Witzenberg Municipality and Cape Nature are to be considered.

NOTED.

12. ADJOURNMENT

The meeting adjourned at 11:55.

Approved on _____ .

COUNCILLOR TT GODDEN
SPEAKER

/MJ Prins