

MINUTES OF THE COUNCIL MEETING OF THE WITZENBERG MUNICIPALITY, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 50 VOORTREKKER STREET, CERES ON WEDNESDAY, 28 FEBRUARY 2018 AT 10:00

PRESENT

Councillors

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

Aldermen

JW Schuurman
HJ Smit

Officials

Mr D Nasson (Municipal Manager)
Mr J Barnard (Director: Technical Services)
Ms J Krieger (Director: Community Services)
Mr HJ Kritzinger (Director: Finance)
Mr M Mpeluza (Director: Corporate Services)
Mr A Raubenheimer (Deputy Director: Finance)
Mr A Hofmeester (IDP Manager)
Mr CG Wessels (Manager: Administration)
Ms MJ Prins (Acting Principal Administrative Officer)
Mr C Titus (Committee Clerk)

Other attendees

Mr N Bettsworth (Ceres Business Initiative)
Ms S Muller (First National Bank)
Ms B Williams (First National Bank)

1. OPENING AND WELCOME

The Speaker welcomed everyone present after which he requested Councillor P Heradien (ICOSA) to open the meeting with a prayer.

The Speaker requested a minute of silence in respect of the passing of the former Deputy Executive Mayor of Witzenberg Municipality, Mr Z Mdala.

NOTED

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

Various councillors enquired with regard to the absenteeism of Councillor SJ Hugo (ANC). The ANC responded that the matter is not party political and requested Council to commence and expedite the matter.

The Municipal Manager informed Council that an initiator has been appointed and the charge sheet will be finalised and served on the Councillor.

The Speaker informed Council that Councillor SJ Hugo did not receive any payments due to lack of his current banking details. The Speaker also rendered an application for leave of absence on behalf of Councillor Hugo on grounds that he did not receive an agenda.

Applications for leave of absence from the meeting were received from Councillors M Mdala, TP Mgoboza and HF Visagie (ANC).

UNANIMOUSLY RESOLVED

- (a) *that the Municipal Manager prepares an item on the matter about Councillor SJ Hugo and submits the same at the next meeting.*
- (b) *that the applications for leave of absence from the meeting, received from Councillors M Mdala, TP Mgoboza and HF Visagie (ANC), be approved and accepted.*

3. STATEMENTS, ANNOUNCEMENTS OR MATTERS RAISED

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

Councillor ZS Mzauziwa conveyed Council's congratulations to the following Councillors and spouse on their birthdays:

❖	Councillor MD Jacobs	7 February
❖	Councillor E Sidego	16 February
❖	Ms A Daniels	20 February
❖	Alderman H Smit	25 February

NOTED

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

The Speaker requested Ward Councillors to hold community meetings in the wards.

NOTED

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

- (a) The Executive Mayor conveyed, on behalf of Council, congratulations to the newly elected State President, Mr Cyril Ramaphosa.
- (b) The Executive Mayor expressed concern with regard to the vandalism of municipal houses at Bella Vista, Ceres and assets in general. The municipality is in the process to obtain the necessary court orders to handle the housing crisis. The Executive Mayor emphasised that houses were allocated in an objective and honest manner.
- (c) The Executive Mayor expressed concern with regard to the Control Room. Councillors and the Executive Mayoral Committee are not timeously informed of disasters. It may seem if councillors are unsympathetic, which is not the case.
- (d) The Executive Mayor referred to the drought situation and the challenges it poses to the municipality.
- (e) The Executive Mayor mentioned that an official delegation of Council will attend the funeral of the former Deputy Executive Mayor, Mr Zola Mdala, in Ndofela, Sterkspruit, Eastern Cape.
- (f) The Executive Mayor requested a moment of silence, out of respect, for the members of the South African Police Services who were shot in the Eastern Cape.

NOTED

4. MINUTES

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

The following minutes are attached:

- (a) Special council meeting, held on 21 December 2017: **Annexure 4.1(a)**.
- (b) Council meeting, held on 24 January 2018: **Annexure 4.1(b)**.

UNANIMOUSLY RESOLVED

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

- (i) *Special council meeting, held on 21 December 2017.*
- (ii) *Council meeting, held on 24 January 2018.*

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

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

UNANIMOUSLY RESOLVED

That notice be taken of the outstanding matter.

5. MOTIONS AND NOTICE OF SUGGESTIONS

None

NOTED

6. INTERVIEWS WITH DELEGATIONS

**6.1 Bank accounts for SASSA payments: First National Bank
(12/1/2/3)**

Ms S Muller and Ms B Williams from Messrs First National Bank made a presentation with regard to bank accounts for SASSA payments.

RESOLVED

that Council takes notice of the presentation by Messrs First National Bank with regard to bank accounts for SASSA payments.

7. GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS

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

The reports/minutes of the following meetings are attached:

- (a) Committee for Housing Matters, held on 9 November 2017: **Annexure 7.1(a)**.
- (b) Executive Mayoral Committee meeting, held on 1 December 2017: **Annexure 7.1(b)**.
- (c) Special Committee for Housing Matters, held on 13 December 2017: **Annexure 7.1(c)**.

Council has had a lengthy discussion with regard to the Bella Vista housing matter.

The Executive Mayor requested that a report of allegations of bribe and fraud by councillors be submitted to him for investigation.

UNANIMOUSLY RESOLVED

- (a) *that notice be taken of the minutes of the Committee meetings and the same be accepted.*
- (b) *that the member of Council who has made allegations of bribe and fraud by councillor(s) in respect of the Bella Vista housing project, submits a report to the Executive Mayor for investigation.*

8. GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS

8.1 Direkoraat Finansies / Directorate Finance

8.1.1 Section 71 monthly reports of the Department Finance: October and November 2017 (9/1/2/2)

The following items refer:

- (a) Item 8.1 of the Performance, Risk and Audit Committee meeting, held on 15 January 2018.
- (b) Item 7.1.1 of the Executive Mayoral Committee meeting, held on 26 February 2018.

The following Section 71 monthly reports of the Department Finance are attached:

- (a) October 2017: **Annexure 8.1.1(a)**
- (b) November 2017: **Annexure 8.1.1(b)**

The Director: Finance submitted the Section 71 monthly reports of the Department Finance for October and November 2017. The Committee decided to focus only on the November 2017 report and highlighted the following:

- The Performance, Risk and Audit Committee enquired with regard to the re-reading of water meters and the Director: Finance explained that it is due to the average differences/discrepancies. The readers are sent back to ensure the correct readings to prevent inaccurate invoices. Devices are also used to take a photo of the readings.
- The reason for the drop in electricity from September to November is due to the higher consumption in winter time than in summer time.
- AGSA enquired with regard to the measuring of old debt separate from the current debt i.e. two collection rates of old and current debt. The Director: Finance explained the difficult administration thereof, because payment goes off against the oldest debt. The Department Finance will try to indicate payments on old debt in the monthly report of January 2018.
- that the payment to Worcester Nissan be formulated as "2 x bakkies with canopies".
- The incident at Pine Forest Resort will be handled in the Appeal Court during February 2018.
- The Municipal Manager explained the management of risks pertaining to claims and the role of the Legal Advisor who handles it.

The Performance, Risk and Audit Committee resolved on 15 January 2018:

That the Performance, Risk and Audit Committee recommends to the Executive Mayoral Committee and Council:

that notice be taken of the Section 71 monthly reports of the Department Finance for October and November 2017 and the same be accepted.

The Executive Mayoral Committee resolved on 26 February 2018:

That the Executive Mayoral Committee recommends to Council:

that notice be taken of the Section 71 monthly reports of the Department Finance for October and November 2017 and the same be accepted.

UNANIMOUSLY RESOLVED

that notice be taken of the Section 71 monthly reports of the Department Finance for October and November 2017 and the same be accepted.

8.1.2 Quarterly Budget Statement [Section 52(d)] Report: 1 July 2017 to 30 September 2017 (9/1/2/2)

The following items refer:

- (a) Item 6.1 of the Performance, Risk and Audit Committee meeting, held on 22 November 2017.
- (b) Item 8.1.6 of the council meeting, held on 5 December 2017.
- (c) Item 6.1 of the Performance, Risk and Audit Committee meeting, held on 15 January 2018.
- (d) Item 7.1.2 of the Executive Mayoral Committee meeting, held on 26 February 2018.

The Quarterly Budget Statement [Section 52(d)] Report for the period 1 July 2017 to 30 September 2017 is attached as **annexure 8.1.2**.

Performance, Risk and Audit Committee meeting: 22 November 2017

The Quarterly Budget Statement [Section 52(d)] Report was tabled and the following matters were highlighted:

- that the in-year budget statement tabled, wrongly refers to 30 September 2016 and should read 30 September 2017.
- that the Department Finance consults whether the budgeted figures can be adjusted for current reporting or only at the adjustment process, taking into consideration the risk of incorrect reporting for December 2017.
- the Municipal Manager requested that due to the errors with budgeted figures, the report be updated and re-tabled to Council and the Performance, Risk and Audit Committee.

The Performance, Risk and Audit Committee resolved on 22 November 2017 that the matter in respect of the Quarterly Budget Statement [Section 52(d)] Report for the period 1 July 2017 to 30 September 2017 be held in abeyance until the next meeting.

Council meeting: 5 December 2017

The Director: Finance submitted the Quarterly Budget Statement [Section 52(d)] Report for the period 1 July 2017 to 30 September 2017. The following matters were highlighted:

- The report was submitted to the Performance, Risk and Audit Committee.
- The Performance, Risk and Audit Committee expressed concern about the monthly budget figures and referred the matter to the Adjustment Budget to be corrected. Process of corrections ongoing. Can only be completed by February 2018.
- Depreciation is in process of updating until 31 December 2017.
- That the Director: Finance will in future add more explanatory notes.
- That the in-year budget statement tabled, wrongly refers to 30 September 2016 and should read 30 September 2017.
- The Performance, Risk and Audit Committee raised a question with regard to the consequences for using less water and the municipality receiving less revenue. The Municipal Manager reported that the municipality is on extreme savings and that the effect of the drought on the economy of Witzenberg is still unknown. Money has been allocated for Tulbagh, but the Department of Water Affairs has not yet signed off.
- Director: Finance in process to complete a report on the cost analysis for TASK on the current positions. Might have an impact.
- Government gazetted during December 2017 an increase for councillors. Resolution was taken to accept the highest and approval from the Minister is awaited.
- The Municipal Manager responded on an enquiry that cellular phone allowances of councillors are approved by the Minister and part of the Government Gazette. Cell phone allowances for all councillors are brought level with the Executive Mayor. Housing allowance is an option for councillors.

Council unanimously resolved on 5 December 2017 that the Quarterly Budget Statement [Section 52(d)] Report for the period 1 July 2017 to 30 September 2017 be approved and accepted.

Performance, Risk and Audit Committee meeting: 15 January 2018

The Performance, Risk and Audit Committee resolved on 15 January 2018:

- (a) that the Director: Finance corrects the monthly budget figures of the Section 52(d) Report for the period 1 July 2017 until 30 September 2017 in the Adjustment Budget.
- (b) that the Director: Finance in future adds more explanatory notes in the report.
- (c) To recommend to Council:

that the Quarterly Budget Statement [Section 52(d) Report] for the period 1 July 2017 until 30 September 2017 be noted and accepted.

The Executive Mayoral Committee resolved on 26 February 2018:

That the Executive Mayoral Committee recommends to Council:

that notice be taken that the Quarterly Budget Statement [Section 52(d) Report] for the period 1 July 2017 until 30 September 2017 has been noted and accepted by the Performance, Risk and Audit Committee as well as Council.

UNANIMOUSLY RESOLVED

that notice be taken that the Quarterly Budget Statement [Section 52(d) Report] for the period 1 July 2017 until 30 September 2017 has been noted and accepted by the Performance, Risk and Audit Committee as well as Council.

**8.1.3 Audit Report and Financial Statements 2016/2017
(5/14/1/14 & 5/3/1)**

The following items refer:

- (a) Item 8.2 of the Performance, Risk and Audit Committee meeting, held on 22 November 2017.
- (b) Item 8.2 of the Performance, Risk and Audit Committee meeting, held on 15 January 2018.
- (c) Item 7.1.3 of the Executive Mayoral Committee, held on 26 February 2018.

The Municipal Finance Management Act (no. 56 of 2003) Section 166(2)(b) states that:

- “(2) An audit committee is an independent advisory body which must –
 - (b) review the annual financial statements to provide the council of the municipality with an authoritative and credible view of the financial position of the municipality, its efficiency and effectiveness and its overall level of compliance with this Act, the annual Division of Revenue Act and any other applicable legislation.”

The Performance, Risk and Audit Committee resolved on 22 November 2017:

- (a) that the Performance, Risk and Audit Committee takes notice of the Annual Financial Statement for 2016/2017 (after COMAF's) and accepts the same.
- (b) that the final Audit Report and Annual Financial Statements 2016/2017 be tabled at the next Performance, Risk and Audit Committee meeting.

The following documents are attached:

- (a) Signed Audit Report 2016/2017: **Annexure 8.1.3(a)**.
- (a) Signed Annual Financial Statements for 2016/2017: **Annexure 8.1.3(b)**.
- (b) Financial ratio analysis: 2016/2017: **Annexure 8.1.3(c)**.

The Performance, Risk and Audit Committee resolved on 15 January 2018:

That the Performance, Risk and Audit Committee recommends to the Executive Mayoral Committee and Council:

that the Audit Report and Financial Statements for 2016/2017 be noted and the same be accepted.

The Executive Mayoral Committee resolved on 26 February 2018:

That the Executive Mayoral Committee recommends to Council:

that the Audit Report and Financial Statements for 2016/2017 be noted and the same be accepted.

UNANIMOUSLY RESOLVED

that the Audit Report and Financial Statements for 2016/2017 be noted and the same be accepted.

8.1.4 Annual confirmation of organisational independence of Internal Audit Activity (5/14/3)

The following items refer:

- (a) Item 8.3 of the Performance, Risk and Audit Committee meeting, held on 15 January 2018.
- (b) Item 7.1.4 of the Executive Mayoral Committee meeting, held on 26 February 2018.

A memorandum from the Head: Internal Audit, dated 12 December 2017, is attached as **annexure 8.1.4**.

The Performance, Risk and Audit Committee resolved on 15 January 2018:

That the Performance, Risk and Audit Committee recommends to the Executive Mayoral Committee and Council:

that it be concluded that the Witzenberg Internal Audit Activity is allowed to fulfil its responsibilities and that the Internal Audit Activity is independent.

The Executive Mayoral Committee resolved on 26 February 2018:

That the Executive Mayoral Committee recommends to Council:

that it be concluded that the Witzenberg Internal Audit Activity is allowed to fulfil its responsibilities and that the Internal Audit Activity is independent.

UNANIMOUSLY RESOLVED

that it be concluded that the Witzenberg Internal Audit Activity is allowed to fulfil its responsibilities and that the Internal Audit Activity is independent.

**8.1.5 Annual report and financial statements: 2016/2017
(9/1/1 & 5/3/1)**

The following items refer:

- (a) Item 7.1 of the Municipal Public Accounts Committee meeting, held on 16 January 2018.
- (b) Item 7.1.5 of the Executive Mayoral Committee meeting, held on 26 February 2018.

In terms of the MPAC Charter, approved on 10 December 2014, Council has mandated MPAC to perform an oversight function on behalf of Council.

The Municipal Public Accounts Committee thoroughly discussed and scrutinised the 2016/2017 Annual Report Oversight Checklist and resolved that the Municipal Public Accounts Committee recommends to Council:

- (a) that Council establishes a task team consisting of each political party to compile and submit a report on the debt impairment issues emphasised by the AGSA.
- (b) that Council includes 2014/2015 financial year comparative information and detailed breakdown of Municipal Infrastructure Grant and housing projects for the last three years in the Annual Report.
- (c) that Council considers the expansion of the ICT Department to ensure an effective and efficient support of IT Services within the municipality.
- (d) that Council reviews its infrastructure back logs to assess relevance with emphasis on Tulbagh roads and council assets such as Pine Forest, The Island and Klip River Park.
- (e) that Council reviews the Capital Plan during the IDP review process to ensure that back logs are addressed.
- (f) that Council takes notice of the following concerns of the Performance, Risk and Audit Committee:
 - (i) that the collection of long outstanding debts remains a concern and has a serious negative impact on the cash flow and sustainability of the municipality.
 - (ii) water losses.
 - (iii) the process of traffic fine collections.
 - (iv) the effective usage of the Performance Management System to ensure reliability of information.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

- (a) that Council establishes a task team consisting of each political party to compile and submit a report on the debt impairment issues emphasised by the AGSA.
- (b) that Council expands the ICT Department to ensure an effective and efficient support of IT Services within the municipality.
- (c) that Council reviews its infrastructure back logs to assess relevance with emphasis on Tulbagh roads and council assets such as Pine Forest Resort, The Island Resort and Klip River Park.
- (d) that Council reviews the Capital Plan during the IDP review process to ensure that back logs are addressed.
- (e) that Council takes notice of the following concerns of the Performance, Risk and Audit Committee:
 - (i) that the collection of long outstanding debts remains a concern and has a serious negative impact on the cash flow and sustainability of the municipality.
 - (ii) water losses.
 - (iii) the process of traffic fine collections.
 - (iv) the effective usage of the Performance Management System to ensure reliability of information.

The Executive Mayor informed the meeting that recommendation (b) will be addressed by the Director: Corporate Services.

The Executive Mayor informed the meeting that regarding recommendation (c), the infrastructure back logs have been addressed.

The Executive Mayoral Committee resolved on 26 February 2018:

That the Executive Mayoral Committee recommends to Council:

- (a) that Council establishes a task team consisting of the following councillors to compile and submit a report on the debt impairment issues emphasised by the AGSA:
 - (i) Councillor BC Klaasen (Executive Mayor) (DA)
 - (ii) Alderman HJ Smit (Portfolio Corporate and Financial Services) (DA)
 - (iii) Councillor TT Godden (Speaker) (COPE)
 - (iv) Councillor MD Jacobs (Chairperson: MPAC) (EFF)
- (b) that Council reviews the Capital Plan during the IDP review process to ensure that back logs are addressed.

- (c) that Council takes notice of the following concerns of the Performance, Risk and Audit Committee:
- (i) that the collection of long outstanding debts remains a concern and has a serious negative impact on the cash flow and sustainability of the municipality.
 - (ii) water losses.
 - (iii) the process of traffic fine collections.
 - (iv) the effective usage of the Performance Management System to ensure reliability of information.

UNANIMOUSLY RESOLVED

- (a) *that Council establishes a task team consisting of the following councillors to compile and submit a report on the debt impairment issues emphasised by the AGSA:*
- (i) *Councillor BC Klaasen (Executive Mayor) (DA)*
 - (ii) *Alderman HJ Smit (Portfolio Corporate and Financial Services) (DA)*
 - (iii) *Councillor TT Godden (Speaker) (COPE)*
 - (iv) *Councillor MD Jacobs (Chairperson: MPAC) (EFF)*
- (b) *that Council reviews the Capital Plan during the IDP review process to ensure that back logs are addressed.*
- (c) *that Council takes notice of the following concerns of the Performance, Risk and Audit Committee:*
- (i) *that the collection of long outstanding debts remains a concern and has a serious negative impact on the cash flow and sustainability of the municipality.*
 - (ii) *water losses.*
 - (iii) *the process of traffic fine collections.*
 - (iv) *the effective usage of the Performance Management System to ensure reliability of information.*

**8.1.6 Finance: Adjustments budget: 2017/2018 to 2019/2020
(5/1/16)**

Item 8.1.6 of the Executive Mayoral Committee meeting, held on 26 February 2018, refers.

The following documents are attached:

- (a) Adjustments budget: 2017/2018 to 2019/2020: **Annexure 8.1.6(a)**.
- (b) Adjustments budget summary: **Annexure 8.1.6(b)**.

The Executive Mayoral Committee resolved on 26 February 2018:

That the Executive Mayoral Committee recommends to Council:

that the Adjustments Budget for 2017/2018 to 2019/2020 be approved and the same be accepted.

UNANIMOUSLY RESOLVED

that the Adjustments Budget for 2017/2018 to 2019/2020 be approved and the same be accepted.

8.1.7 Service Delivery and Budget Implementation Plan 2017/2018: Proposed revisions as per Section 54(1)(c) of MFMA (5/1/5/10)

Item 7.1.7 of the Executive Mayoral Committee meeting, held on 26 February 2018, refers.

A memorandum from the Manager: Projects and Performance, dated 19 February 2018, is attached as **annexure 8.1.7**.

The Executive Mayoral Committee resolved on 26 February 2018 that the matter regarding proposed revisions as per Section 54(1)(c) of the Municipal Finance Management Act to the Service Delivery and Budget Implementation Plan 2017/2018 be referred to Council for further deliberations.

UNANIMOUSLY RESOLVED

that Council takes notice of the revisions to the Service Delivery and Budget Implementation Plan 2017/2018 as per Section 54(1)(c) of the Municipal Finance Management Act and the same be approved and accepted.

8.1.8 Property Rates By-Law (1/3/1/31)

Item 7.1.8 of the Executive Mayoral Committee meeting, held on 26 February 2018, refers.

The following documents are attached:

- (a) Memorandum from the Director: Finance, dated 20 February 2018: **Annexure 8.1.8(a)**.
- (b) Property Rates By-Law: **Annexure 8.1.8(b)**.

The Executive Mayoral Committee resolved on 26 February 2018:

That the Executive Mayoral Committee recommends to Council:

- (i) that the Property Rates By-Law formulated in terms of Section 3 of the Local Government: Municipal Property Rates Act (Act no. 6 of 2004), as amended, be approved and accepted.
- (ii) That the approved Property Rates By-Law be published in the official Provincial Gazette.

UNANIMOUSLY RESOLVED

- (a) *that the Property Rates By-Law formulated in terms of Section 3 of the Local Government: Municipal Property Rates Act (Act no. 6 of 2004), as amended, be approved and accepted.*
- (b) *That the approved Property Rates By-Law be published in the official Provincial Gazette.*

**8.1.9 Debt collection task team
(5/12/4)**

Item 7.1.9 of the Executive Mayoral Committee meeting, held on 26 February 2018, refers.

The following memorandum, dated 20 February 2018, was received from the Municipal Manager:

“1. Purpose

The purpose of this report is to submit a proposal to establish a task team consisting of each political party to compile and submit a report on the debt impairment issues reported by the AGSA in the 2016/2017 audit report.

2. Background

The Municipal Public Accounts Committee (MPAC) recommended that a task team consisting of each political party must be established to compile and submit a report on the debt impairment issues emphasised by the AGSA.

3. Legal framework

In terms of Section 96 of the Municipal Systems Act (Act 32 of 2000) a municipal council must collect all money that is due and payable to it.

4. Discussion

The AGSA emphasised the material impairment of receivables from exchange transactions amounting to R129,4 million and receivables from non-exchange transactions amounting to R54,4 million in the 2016/2017 audit report.

The oversight of the annual report was done by MPAC who recommended to Council to establish a task team consisting of each political party to compile and submit a report on the debt impairment issues emphasised by the AGSA.

The committee should compile a terms of reference for approval by the Executive Mayoral Committee. The terms of reference should include objectives and scope and the work plan.

The Executive Mayoral Committee resolved on 26 February 2018 that the matter was dealt with per item 7.1.5.

The item was removed from the agenda.

NOTED

**8.1.10 Water demand management meters
(5/12/4)**

Item 7.1.10 of the Executive Mayoral Committee meeting, held on 26 February 2018, refers.

The following memorandum, dated 20 February 2018, was received from the Director: Finance:

“1. Purpose

The purpose of this report is to submit a report to Council for consideration on the installation of water demand management meters.

2. Background

The monthly consumption of water is still above the required norms to address the drought. Eight hundred water demand management meters with prepaid functionality have been procured and must be installed.

3. Legal framework

The Drought Management Plan stipulates that flow reducing devices shall be installed where the prescribed usage limits are exceeded. Except for a registered indigent household, the offender will be charged for the cost of the installation.

4. Discussion

It is proposed that the water demand management meters be installed to identified users/areas after the customers have been informed. The perception that the water demand management meters are discriminating can be partially addressed by installing the water demand management meters to all councillors and senior officials.”

The Executive Mayoral Committee resolved on 26 February 2018 that the matter regarding water demand management meters be referred to Council for further discussion.

The Director: Finance tabled the report in respect of the water demand management meters. The following were highlighted:

- Various Council members debated that the water meters only be installed where people waste water and that the municipality deals with the culprits and not with innocent people. A list must be made available for Council of the high usage home owners of water and they must be attended to. Expenditure must be limited.
- Other Councillors debated that all leakages be repaired before the project is rolled out. The focus will be on the people with at least double the usage as prescribed. The concern raised was about the 800 meters in the stores which need to be installed.

Council referred the matter to the Executive Mayoral Committee for further deliberation and a recommendation to Council.

UNANIMOUSLY RESOLVED

that the matter in respect of the water demand management meters be referred to the Executive Mayoral Committee for further deliberation and a recommendation to Council.

8.1.11 Supply Chain Management: Disposal of movable capital assets in terms of Section 14(4) of Municipal Management Finance Act (6/1/2)

Item 7.1.11 of the Executive Mayoral Committee meeting, held on 26 February 2018, refers.

The following report, dated 20 February 2018, was received from the Director: Finance:

“1. Purpose

The purpose of this report is to submit information to Council on the disposal of assets.

2. Background

Council resolved on 26 July 2017:

- (a) that Council approves the disposal of assets as attached as annexures.
- (b) that the Supply Chain Management Unit proceeds with the disposal of assets in accordance with paragraph 49(4) of Council's Supply Chain Management Policy.
- (c) that a report in respect of the disposal of the assets be tabled to Council at the first meeting after the auction, which must include all the assets disposed of, the benefit/profit made and the remaining assets not sold.

3. Discussion

- The auction was held on 15 November 2017
- The total value of items disposed of during the auction is R661 460.00.

- The following items were withdrawn from the auction:
 - Compressor on trailer CT 4882
 - Flatbed trailer CT 7137
 - Scaffolding jacks
 - Motors x 10
 - Asbestos drill

- The following items were not sold at the auction:
 - Ceramic pipes (Lot nr. 115)
 - Cement pipes (Lot nr. 117)
 - Porcelain pipes (Lot. 144)
 - Asbestos pipes (Auctioneer not authorised to sell asbestos)”

The Executive Mayoral Committee resolved on 28 February 2018:

That the Executive Mayoral Committee recommends to Council:

that notice be taken of the disposal of movable assets.

UNANIMOUSLY RESOLVED

that notice be taken of the disposal of movable assets and the same be approved and accepted.

**8.1.12 Banking services: First National Bank facility
(5/9)**

Item 7.1.12 of the Executive Mayoral Committee meeting, held on 26 February 2018, refers.

The following memorandum, dated 20 February 2018, was received from the Director: Finance:

“1. Purpose

The purpose of this report is to submit a report to Council for consideration on a settlement facility with First National Bank (FNB) for debt collection.

2. Background

The tender for banking services was awarded to FNB.

3. Discussion

The collection of funds by way of electronic fund transfers is part of the banking services to be rendered by FNB.

The possibility exists that funds collected on behalf of Witzenberg Municipality might be dishonoured by the debtor. FNB requires a settlement facility to mitigate the risk that funds collected are dishonoured by the debtor that might result in the bank balance being in an *overdraft*."

The Executive Mayoral Committee resolved on 26 February 2018:

That the Executive Mayoral Committee recommends to Council:

- (i) That Witzenberg Municipality enters into negotiations with First Rand Bank Limited (Reg. No. 1929/001225/06) acting through its First National Bank Public Sector Banking division ("the Bank"), regarding the granting of facilities by the Bank to the Local Municipality, subject to the terms and conditions as set forth in the facility agreement with reference number LDP01/WM/2018 from the Bank and subject to the terms and conditions of the Bank. The Local Municipality furthermore authorises the execution of all additional schedules and annexures, including subordination and security agreements as the Bank may require from time to time.
- (ii) The Witzenberg Municipality may negotiate as per (i) above up to a maximum capital exposure of R1 500 000 (one million five hundred thousand Rand).
- (iii) The Witzenberg Municipality furthermore resolves that any amendment to the facility will only be effected following a resolution by the Local Municipality authorising such amendments.
- (iv) The Witzenberg Municipality further declares and states that it has complied with, in so far as it relates to the facilities referred to in paragraph (i) supra, with the relevant provisions of the Local Government: Municipal Finances Management Act of 2003.
- (v) That David Nasson and Hendrik Jacobus Kritzinger in their capacities as Municipal Manager and Director: Finance of the Witzenberg Municipality be authorised and empowered to sign all documents and do all things necessary to give effect to the above on behalf of the Witzenberg Municipality.

UNANIMOUSLY RESOLVED

- (a) *That Witzenberg Municipality enters into negotiations with First Rand Bank Limited (Reg. No. 1929/001225/06) acting through its First National Bank Public Sector Banking division ("the Bank"), regarding the granting of facilities by the Bank to the Local Municipality, subject to the terms and conditions as set forth in the facility agreement with reference number LDP01/WM/2018 from the Bank and subject to the terms and conditions of the Bank. The Local Municipality furthermore authorises the execution of all additional schedules and annexures, including subordination and security agreements as the Bank may require from time to time.*
- (b) *The Witzenberg Municipality may negotiate as per (a) above up to a maximum capital exposure of R1 500 000 (one million five hundred thousand Rand).*
- (c) *The Witzenberg Municipality furthermore resolves that any amendment to the facility will only be effected following a resolution by the Local Municipality authorising such amendments.*

- (d) *The Witzenberg Municipality further declares and states that it has complied with, in so far as it relates to the facilities referred to in paragraph (a) supra, with the relevant provisions of the Local Government: Municipal Finances Management Act of 2003.*
- (e) *That David Nasson and Hendrik Jacobus Kritzinger in their capacities as Municipal Manager and Director: Finance of the Witzenberg Municipality be authorised and empowered to sign all documents and do all things necessary to give effect to the above on behalf of the Witzenberg Municipality.*

8.2 Direktoraat Tegniëse Dienste / Directorate Technical Services

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

The following items refer:

- (a) Item 7.2.6 of the Executive Mayoral Committee meeting, held on 1 December 2017.
- (b) Item 8.2.6 of the council meeting, held on 5 December 2017.
- (c) Item 8.2.1 of the council meeting, held on 24 January 2018.

The following documents are attached:

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

The Executive Mayoral Committee unanimously resolved on 1 December 2017:

That the Executive Mayoral Committee recommends to Council:

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

The following recommendation was tabled to Council:

That the Executive Mayoral Committee recommends to Council:

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

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

The following recommendation was tabled to Council:

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

Council unanimously resolved on 24 January 2018 that the matter in respect of the Draft By-Law for House Shops in the Witzenberg municipal area be held in abeyance until the next meeting.

UNANIMOUSLY RESOLVED

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

8.3 Direktoraat Gemeenskapsdienste / Directorate Community Services

**8.3.1 International relations: Working visit to Essen, Belgium: 21 to 27 April 2018
(10/2/3)**

Item 7.3.1 of the Executive Mayoral Committee meeting, held on 26 February 2018, refers.

The following memorandum, dated 21 February 2018, was received from the Director: Community Services:

“1. Purpose

To recommend to the Executive Mayoral Committee and Council that a Witzenberg delegation consisting of four members (three officials and one political office bearer) attends a working visit in Essen Belgium from 21 until 27 April 2018.

2. Deliberation

Witzenberg Municipality has a Twinning Agreement with Essen Municipality in Belgium which focuses on waste management and the Youth Job Placement Program. The funding of the twinning agreement between the two municipalities is covered by two separate funding sources, namely Federal and Flemish. The Federal programme runs over a period of five years and the Flemish program over three years. The purpose of the visit is to evaluate the implementation of the Federal and Flemish funding applications for the period 2017 to 2021.

Essen Municipality requests that the Portfolio Councillor or Mayoral Committee member, the Director: Community Services, Jo-Ann Krieger, and the Acting Manager: Socio-Economic Development, Riaan Fick, responsible for the Flemish Program as well as the Director: Technical Services, who is responsible for the Federal Program, attend the working visit.

The invitation letter is attached as **annexure 8.3.1**.

3. Financial implications

The flight and accommodation costs of the delegation will be borne by the funding programme. Council will, however, be liable for the subsistence allowance of the three municipal officials and the political office bearer. Council does have a budget for international relations.

4. Legal implications

Council must approve all overseas visits and costs incurred.”

The Executive Mayoral Committee resolved on 26 February 2018:

That the Executive Mayoral Committee recommends to Council:

- (i) That the Portfolio Councillor for Technical Services, Councillor JJ Visagie, the Director: Community Services, Jo-Ann Krieger, and the Acting Manager: Socio-Economic Development, Riaan Fick, responsible for the Flemish Program as well as the Director: Technical Services, Joseph Barnard, who is responsible for the Federal Program, attend the working visit.

- (ii) That all the above-mentioned municipal representatives be paid the travel and subsistence allowance in terms of Council's policy.

The Director: Community Services tabled the item in respect of a working visit to Essen, Belgium. The following was highlighted:

- The Alderman of the opposition commented that recycling was not attended to over the years. The Councillor who attends the conference must provide a report and implement what was seen. The Alderman also requested that Councillors be rotated on the working visits and not the same councillor over and over.
- The ruling party argued that it is not a holiday, but a working visit as stated on the invitation. The municipality budgeted for a regional dumping site, but it did not realise.

UNANIMOUSLY RESOLVED

- (a) *That the Portfolio Councillor for Technical Services, Councillor JJ Visagie, the Director: Community Services, Jo-Ann Krieger, and the Acting Manager: Socio-Economic Development, Riaan Fick, responsible for the Flemish Program as well as the Director: Technical Services, Joseph Barnard, who is responsible for the Federal Program, attend the working visit.*
- (b) *That all the above-mentioned municipal representatives be paid the travel and subsistence allowance in terms of Council's policy.*

8.3.2 Relocation of homeless people from informal trading area, Ceres: Community engagement (17/16/R)

Item 7.3.2 of the Executive Mayoral Committee meeting, held on 26 February 2018, refers.

The following memorandum, dated 21 February 2018, was received from the Director: Community Services:

“1. Purpose

To inform the Executive Mayoral Committee and Council about the community engagement regarding the homeless persons in Ceres.

2. Background

Council resolved on 25 October 2017 that there will be an engagement with the communities in Wards 3 and 5 in respect of the relocation of homeless people from the trading area at the corner of Vos and Pretorius Streets, Ceres after the IDP meetings.

3. Deliberation

An advertisement was placed in the Witzenberg Herald and invites were sent out to all relevant stakeholders to a meeting held on 27 November 2017. The following stakeholders attended:

- The Haven Shelter
- Youth worker Bella Vista
- Witzenberg Herald
- Hawkers Association
- Volunteers
- Cape Winelands District Municipality
- Ceres Town Regeneration
- Ceres Business Initiative
- Ward Committee members
- Residents
- Church leaders
- Ceres Vryburgers
- Councillors
- WACC

The minutes of the public meeting held on 27 November 2017 are attached as **annexure 8.3.2.**”

The Executive Mayoral Committee resolved on 26 February 2018 that the relocation of homeless people be referred to Council for further discussion.

RESOLVED

- (a) *that the Municipal Manager be authorised to remove the homeless people in conjunction with the law enforcement officers from the informal trading area on the corner of Vos and Pretorius Streets, Ceres to The Haven Night Shelter or any other available shelter.*
- (b) *that the possessions of the homeless people be stored in a safe place by the municipality.*
- (c) *that a fence be erected at the informal trading area on the corner of Vos and Pretorius Streets, Ceres for the convenience of the informal traders and the area be monitored by the law enforcement officers.*

8.4 Direktoraat Korporatiewe Dienste / Directorate Corporate Services

**8.4.1 LA Retirement Fund: Annual General Meeting: 25 May 2018
(12/1/1/2)**

Item 7.4.1 of the Executive Mayoral Committee meeting, held on 26 February 2018, refers.

The following memorandum, dated 14 February 2018, was received from the Manager: Human Resources:

“1. Purpose

To nominate one (1) delegate to attend the annual General Meeting for the LA Retirement Fund on Friday, 25 May 2018.

2. For consideration by

Executive Mayoral Committee and Council.

3. Executive summary

The Annual General Meeting will be held on Friday, 25 May 2018. Council must nominate one (1) delegate to attend the Annual General meeting in terms of the Rules of the Fund.

4. Background and discussion

Notice has been received from the Principal Officer of the LA Retirement Fund in terms of the Rules of the Fund that the Thirty-fourth Annual General Meeting of the Fund will be held on Friday, 25 May 2017 at 09:00 in the CR Louw Lecture Hall, Sanlam Head Office, Strand Road, Bellville.

In terms of rule 16.10 of the Rules of the Fund each municipality (employer) may nominate the same number of councillor delegates and secondi as the members to attend the annual general meeting. The number of councillor delegates which the municipality is entitled to, is attached as annexure.

5. Constitutional implications

The Rules of the LA Retirement Fund.

6. Financial implications

The applicable tariffs for the use of privately owned vehicles are prescribed by the municipality's Financial Policy.

7. Staff implication

The Council representatives cannot represent the staff members as well.

8. Annexures

Notice of Annual General Meeting 2018: **Annexure 8.4.1(a)**.
Extract from the rules: **Annexure 8.4.1(b)**.”

The Executive Mayoral Committee resolved on 26 February 2018:

That the Executive Mayoral Committee recommends to Council:

- (a) that Councillor TT Godden be delegated to attend the Annual General Meeting of the LA Retirement Fund on Friday, 25 May 2018.
- (b) that Councillor MD Jacobs be nominated as *secondi* to attend the abovementioned meeting as alternate.
- (c) that the delegated councillor provides feedback to Council after attending the meeting.

UNANIMOUSLY RESOLVED

- (a) *that Councillor TT Godden be delegated to attend the Annual General Meeting of the LA Retirement Fund on Friday, 25 May 2018.*
- (b) *that Councillor MD Jacobs be nominated as secondi to attend the abovementioned meeting as alternate.*
- (c) *that the delegated Councillor provides feedback to Council after attending the meeting.*

**8.4.2 Proposed council meeting program: March until December 2018
(3/1/2/3)**

Item 7.4.2 of the Executive Mayoral Committee meeting, held on 26 February 2018, refers.

A memorandum from the Manager: Administration, dated 20 February 2018, is attached as **annexure 8.4.2**.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

that the proposed council meeting program for March until December 2018 be approved.

The Executive Mayoral Committee resolved on 26 February 2018 that the matter regarding the proposed council meeting program for March until December 2018 be held in abeyance until the next meeting.

UNANIMOUSLY RESOLVED

that the matter regarding the proposed Council meeting program for March until December 2018 be held in abeyance until the next meeting.

9. URGENT MATTERS SUBMITTED AFTER DISPATCHING OF THE AGENDA

None

NOTED

10. FORMAL AND STATUTORY MATTERS

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

UNANIMOUSLY RESOLVED

- (a) *that the minutes of all SALGA Working Group meetings as well as minutes of meetings of other outside bodies be forwarded to the various Portfolio Committees for discussion.*
- (b) *that the Portfolio Committees, after scrutinising and deliberation of (a) supra, submit a report to Council in respect of matters applicable to Witzenberg Municipality.*

**11. QUESTIONS and/or MATTERS RAISED by COUNCILLORS
(3/1/2/2)**

Various questions in respect of municipal matters were raised by Councillors and the following answers were provided:

- (a) The Municipal Manager responded that an item in respect of land will be prepared and submitted to the Committee for Corporate and Financial Services.
- (b) The Municipal Manager informed Council that an advertisement in respect of the closure of alleys was advertised.
- (c) That the matter in respect of the Ceres Golf Estate will be placed on outstanding matters.
- (d) That the matter in respect of the naming of streets in Bella Vista, Ceres be placed on outstanding matters.
- (e) That the Speaker will put the Chief Whip system in place before the next council meeting.

NOTED

12. ADJOURNMENT

The meeting adjourned at 13:05.

Approved on _____ with / without amendments.

COUNCILLOR TT GODDEN
SPEAKER

MJ Prins