

MINUTES OF THE COUNCIL MEETING OF WITZENBERG MUNICIPALITY, HELD IN THE COUNCIL CHAMBERS, MUNICIPAL OFFICES, 50 VOORTREKKER STREET, CERES ON TUESDAY, 28 JANUARY 2020 AT 10:00

PRESENT

Councillors

Alderman TT Godden (Speaker) (COPE)
Councillor BC Klaasen (Executive Mayor) (DA)
Councillor TE Abrahams (DA)
Councillor P Daniels (DA)
Councillor MD Jacobs (EFF)
Councillor D Kinnear (DA)
Councillor GG Laban (Witzenberg Aksie Groep)
Councillor C Lottering (DA)
Councillor TP Mgoboza (ANC)
Councillor ZS Mzauziwa-Mdishwa (DA)
Councillor MJ Ndaba (ANC)
Councillor N Phatsoane (ANC)
Alderlady JT Phungula (ANC)
Alderman JW Schuurman (ANC)
Councillor EM Sidego (DA)
Councillor RJ Simpson (ANC)
Alderman HJ Smit (DA)
Councillor D Swart (DA)
Councillor HF Visagie (ANC)
Alderman JJ Visagie (DA)

Officials

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

Other attendees

Mr A Allie (AGSA)

1. OPENING AND WELCOME

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

NOTED

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

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

Applications for leave of absence from the meeting were received from Alderman K Adams and Councillor P Heradien.

UNANIMOUSLY RESOLVED

that the applications for leave of absence from the meeting, received from Alderman K Adams and Councillor P Heradien, be approved and accepted.

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

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

NOTED

3. STATEMENTS, ANNOUNCEMENTS OR MATTERS RAISED

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

Alderman J Schuurman conveyed, on behalf of Council, congratulations to the following Councillors and spouses on their birthdays:

❖	Mr M Mdishwa	1 January
❖	Councillor B Klaasen	8 January
❖	Alderslady J Phungula	15 January
❖	Councillor H Visagie	18 January
❖	Ms F Adams	24 January
❖	Ms C Godden	25 January

NOTED.

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

- (a) The Speaker referred to the extreme high temperatures and requested the Administration to care for the employees working outside in the hot weather. The provision of water is important and will be appreciated.
- (b) The Speaker welcomed all Councillors back from the festive season recess and expressed his gratitude for the safety of everyone.

- (c) Alderlady J Phungula referred to the tragic deaths over the festive season in the Koue Bokkeveld and requested that in future the municipality conveys condolences through the municipal newsletter.

NOTED

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

The Executive Mayor welcomed all Councillors back in Council and wished them a successful and prosperous new year. He urged everyone to work hard and passionately to take our communities forward.

NOTED

4. MINUTES

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

The following minutes are attached:

- (a) Council meeting, held on 30 October 2019: **Annexure 4.1(a)**.
(b) Council meeting, held on 11 December 2019: **Annexure 4.1(b)**.

Council unanimously resolved on 11 December 2019 that the approval of the minutes of the Council meeting, held on 30 October 2019, be held in abeyance until the next meeting.

The following recommendation was tabled to Council:

that the minutes of the Council meetings, held on 30 October 2019 and 11 December 2019 respectively, be approved and signed by the Speaker.

UNANIMOUSLY RESOLVED

That the approval of the minutes of the Council meetings, held on 30 October 2019 and 11 December 2019 respectively, be held in abeyance until the next meeting.

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

Alderman JW Schuurman mentioned that matters of the Pine Forest Resort court case and the Ceres Golf Estate are outstanding.

The Municipal Manager mentioned that the Pine Forest Resort court case matter is not outstanding. A meeting was held between the Municipal Manager and Alderman Schuurman and the report on the Ceres Golf Estate matter follows.

NOTED

5. MOTIONS AND NOTICE OF SUGGESTIONS

None

NOTED

6. INTERVIEWS WITH DELEGATIONS

**6.1 Presentation: AGSA Audit Report: 2018/2019
(5/14/1/16)**

Mr Ashiq Allie of the office of the Auditor-general of South Africa made a presentation in respect of the AGSA Audit Report for 2018/2019 and highlighted the following:

- The Witzenberg Municipality obtained for the seventh consecutive year a clean audit. He congratulated the Council, Municipal Manager and Administration.
- No material misstatements were found and that AGSA is satisfied with the financial statements for 2018/2019.
- No findings on pre-determined objectives, which are very good.
- A transferal finding in terms of Section 32 which, however, affected all municipalities. Circular 96 of the Treasury Department with regard to the use of contracts of another organ of state, also called “piggyback” contracts. It is due to difference in interpretation. The matter is a big concern amongst municipalities. Witzenberg Municipality has only two matters in this regard. The matter will be clarified in the time ahead.

Question: Is it better for the municipality to refrain from Section 32 transactions?

Answer: Given the uncertainty around it, it is better to wait for proper guidelines from National Treasury.

Question: Will AGSA have more focus on the EPWP projects of municipalities in the next audit?

Answer: No specific scope yet on the EPWP projects for the next audit. Will follow up on the matter.

Question: What is AGSA’s opinion on the provision of civil litigation for the municipality?

Answer: At the end of the audit AGSA takes it to the lawyers to say what is the probabilities of the case. AGSA then looks at the GRAP requirements. Most cases are in the contingency liabilities than in the provision liabilities. National Treasury takes it from the lawyers to say on probability what is the success rate of the case. It is better to budget for liability in the case of uncertainty.

Question: The message of a clean audit is not always accepted well and with appreciation in the poor communities. They are unhappy with service delivery.

Answer: It is true that on the one hand we have a clean audit, but on the other hand the community does not see the service delivery. AGSA does not give an opinion on service delivery always, but ensures that everything is okay and in place.

Question: AGSA audit differently in different municipalities. At Witzenberg Municipality the focus is on supply chain, but at Breede Valley Municipality it is on something else. We recommend that AGSA focusses on a specific matter in all municipalities. That means that a clean audit is for a specific section and not for the entire municipality.

Answer: A lot of work still needs to be done to give everyone an idea what a clean audit involves. AGSA audits the same at all municipalities, but if there is a risk matter the focus of AGSA is on such a matter. AGSA is willing to inform Council on what a clean audit entails.

Question: The audit modus is to take samples. Can AGSA put more emphasis in the audit on performance management and service delivery?

Answer: The intention of the AGSA is to put more emphasis on service delivery.

Question: Did you find any unfunded mandate, which was funded by the municipality, in your audit for the municipality?

Answer: No unfunded mandate in the audit was found for the municipality in respect of expenditure.

UNANIMOUSLY RESOLVED

that Council took notice of the presentation in respect of the AGSA Audit Report for 2018/2019 and, after consideration, approved and accepted same.

7. GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS

None

NOTED

8. GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS

8.1 Direkoraat Finansies / Directorate Finance

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

The following items refer:

- (a) Item 7.1 of the meeting of the Committee for Corporate and Financial Services, held on 25 July 2019.
- (b) Item 8.1 of the Performance, Risk and Audit Committee meeting, held on 2 August 2019.
- (c) Item 7.1 of the meeting of the Committee for Corporate and Financial Services, held on 22 August 2019.
- (d) Item 8.1 of the Performance, Risk and Audit Committee meeting, held on 13 September 2019.
- (e) Item 7.1.1 of the Executive Mayoral Committee meeting held on 24 October 2019.
- (f) Item 8.1.1 of the Council meeting, held on 30 October 2019.
- (g) Item 8.1.1 of the Council meeting, held on 11 December 2019.

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

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

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

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

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

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

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

Notule: Raadsvergadering 28 Januarie 2020
Minutes: Council meeting 28 January 2020

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

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

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

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

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

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

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

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

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

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

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

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

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

The following recommendation was tabled to Council:

That the Executive Mayoral Committee recommends to Council:

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

Council unanimously resolved on 30 October 2019:

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

The following recommendation was tabled to Council:

That the Executive Mayoral Committee recommends to Council:

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

Council unanimously resolved on 11 December 2019 that the matter in respect of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for April, May, June and July 2019 be held in abeyance until the next meeting.

UNANIMOUSLY RESOLVED

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

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

The following items refer:

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

(d) Item 7.1.1 of the Executive Mayoral Committee meeting, held on 4 December 2019.

(e) Item 8.1.2 of the Council meeting, held on 11 December 2019.

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

(a) August 2019 **Annexure 8.1.2(a)**

(b) September 2019 **Annexure 8.1.2(b)**

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

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

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

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

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

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

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

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

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

The Executive Mayoral Committee resolved on 4 December 2019

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

(b) that the Executive Mayoral Committee recommends to Council:

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

The following recommendation was tabled to Council:

that the Executive Mayoral Committee recommends to Council:

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

Council unanimously resolved on 11 December 2019 that the matter in respect of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for August and September 2019 be held in abeyance until the next meeting.

UNANIMOUSLY RESOLVED

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

8.1.3 Municipal Public Accounts Committee (MPAC) Charter with effect from July 2019 (02/01/2)

The following items refer:

- (a) Item 7.2 of the Municipal Public Accounts Committee meeting, held on 20 August 2019.
- (b) Item 8.1.13 of the Council meeting, held on 30 October 2019.
- (c) Item 8.1.9 of the Council meeting, held on 11 December 2019.

A report from the Head: Internal Audit regarding the Municipal Public Accounts (MPAC) Charter, dated July 2019, is attached as **annexure 8.1.3**.

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

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

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

The following recommendation was tabled to Council:

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

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

The following recommendation was tabled to Council:

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

Council unanimously resolved on 11 December 2019 that the matter in respect of the Municipal Public Accounts Committee (MPAC) Charter be held in abeyance until the next meeting.

The following recommendation was tabled to Council:

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

UNANIMOUSLY RESOLVED

that the matter in respect of the MPAC Charter with effect from July 2019 be held in abeyance until the next meeting.

8.1.4 PRAC 2nd Bi-Annual Performance Management Report: 2018/2019 (5/14/4)

Item 8.1.10 of the Council meeting, held on 11 December 2019, refers.

The PRAC Second Bi-Annual Performance Management Report to Council for 2018/2019, dated November 2019, is attached as **annexure 8.1.4**.

The following recommendation was tabled to Council:

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

Council unanimously resolved on 11 December 2019 that the matter in respect of the PRAC Second Bi-Annual Performance Management Report for 2018/2019 be held in abeyance until the next meeting.

UNANIMOUSLY RESOLVED

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

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

Item 8.1.12 of the Council meeting, held on 11 December 2019, refers.

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

The following documents are attached:

- (a) Minutes of MPAC meeting, held on 21 October 2019: **Annexure 8.1.5(a)**.
- (b) Minutes of MPAC meeting, held on 28 October 2019: **Annexure 8.1.5(b)**.
- (c) Minutes of MPAC meeting, held on 4 November 2019: **Annexure 8.1.5(c)**.
- (d) Report of MPAC on the matter: **Annexure 8.1.5(d)**.

Council unanimously resolved on 11 December 2019 that the matter in respect of the settling of the Rand Merchant Bank (RMB) loan for the Koekedouw Dam be held in abeyance until the necessary consultations have been done.

UNANIMOUSLY RESOLVED

that the matter in respect of the settling of the Rand Merchant Bank (RMB) loan for the Koekedouw Dam be held in abeyance until the next meeting.

**8.1.6 AGSA Audit Report: 2018/2019
(5/14/1/16)**

Item 4.1 of the Special Performance, Risk and Audit Committee meeting, held on 29 November 2019, refers.

The AGSA Audit Report for 2018/2019 is attached as **annexure 8.1.6**.

Mr Ashiq Allie (AGSA) presented the AGSA Audit Report for 2018/2019 and highlighted the following matters:

- That Witzenberg Municipality had received a clean financial audit report for 2018/2019.
- That there is an overall regress in clean audits within municipalities.
- That there is a lack of registers at the Provincial Traffic Department for fines. AGSA requested that the municipality continues with discussions with the Department.
- That in terms of Section 32 of the Supply Chain in respect of piggy-back the different spheres of government will finalise the matter after the audit.
- That the municipality received a material finding in terms of irregular expenditure. A circular from Department Treasury was received very late, only in July 2019 after the financial year-end. Therefore the circular could not be in operation retrospectively.
- Concerns were expressed in respect of financial viability of the municipality.
- That there are currently no ongoing investigations and no fruitless and wasteful expenditure.
- No findings with regard to water and sanitation.

- That AGSA has looked into the indigent debtors. The Internal Audit team assisted with this.
- That the Bid Adjudication Committee needs to comply in terms of its structure. AGSA advised the municipality.
- AGSA expressed congratulations towards the municipality with obtaining a clean audit.
- The PRAC Chairperson responded likewise with gratitude towards AGSA. The Chairperson emphasised the requests that the views and concerns of the municipality in terms of the audit be conveyed.

The Performance, Risk and Audit Committee resolved on 29 November 2019 to recommend to Council:

that the Performance, Risk and Audit Committee took notice, after consideration, of the AGSA Audit Report for 2018/2019 and recommends same to Council for consideration.

UNANIMOUSLY RESOLVED

that the AGSA Audit Report for 2018/2019, after consideration, be approved by Council.

**8.1.7 Draft Witzenberg Annual Report: 2018/2019
(5/14/2 & 9/1/1)**

Item 7.1.1 of the Executive Mayoral Committee meeting, held on 23 January 2020, refers.

The following memorandum, dated 20 January 2020, was received from the Acting Director: Finance:

Purpose

The purpose of this report is to table the draft annual report for 2018/2019 to Council.

Legislature framework

In terms of Section 127 (2) of the Municipal Finance Management Act (Act 56 of 2003), the Mayor of a municipality must, within seven months after the end of a financial year, table in the municipal council the annual report of the municipality and of any municipal entity under the municipality's sole or shared control.

Discussion

The draft annual report for 2018/2019 is attached as **annexure 8.1.7.**"

The Executive Mayoral Committee resolved on 23 January 2020 to recommend to Council:

- (a) That cognisance be taken of the Draft Witzenberg Municipality Annual Report for 2018/2019.
- (b) That a public participation process be followed as prescribed by law.
- (c) That the Municipal Public Accounts Committee compiles an oversight report on the Draft Annual Report as per its delegated powers, not later than **13 March 2020.**

UNANIMOUSLY RESOLVED

- (a) *That cognisance be taken of the Draft Witzenberg Municipality Annual Report for 2018/2019.*
- (b) *That a public participation process be followed as prescribed by law.*
- (c) *That the Municipal Public Accounts Committee compiles an oversight report on the Draft Annual Report as per its delegated powers.*

8.1.8 Mid-year Budget Statement and Performance Assessment (Section 72) Report for period 1 July 2019 to 31 December 2019 (9/1/1 & 5/1/5/12)

Item 7.1.2 of the Executive Mayoral Committee meeting, held on 23 January 2020, refers.

The following memorandum, dated 20 January 2020, was received from the Acting Director: Finance:

“1. Purpose

The purpose of this report is to submit the mid-year budget and performance assessment for the period 1 July 2019 to 31 December 2019 to Council, for information.

2. Legislature framework

In terms of Section 72 of the Local Government: Municipal Finance Management Act, 2003 (Act 56 of 2003):

- (1) The Accounting Officer of a municipality must by 25 January of each year:
 - (a) Assess the performance of the municipality during the first half of the financial year.
 - (b) Submit the report to the Mayor, National Treasury and Provincial Treasury.

The Mayor must, in terms of Section 54(1)(f) of the Act submit the report to the Council by 31 January of each year.

3. Discussion

The Mid-year report for the 2019/2020 financial year is attached as **annexure 8.1.8.**”

The Executive Mayoral Committee resolved on 23 January 2020:

that the Executive Mayoral Committee takes cognisance of the Mid-year Budget Statement and Performance Assessment (Section 72) Report for 1 July 2019 to 31 December 2019 and recommends same to Council for information.

UNANIMOUSLY RESOLVED

that notice be taken of the Mid-year Budget Statement and Performance Assessment (Section 72) Report for 1 July 2019 to 31 December 2019.

8.1.9 Quarterly Budget Statement [Section 52(d)] Report: 2nd Quarter of 2019/2020 (1 October 2019 until 31 December 2019) (9/1/2/2)

Item 7.1.3 of the Executive Mayoral Committee meeting, held on 23 October 2020, refers.

The Quarterly Budget Statement [Section 52(d)] Report for the second quarter of 2019/2020 is attached as **annexure 8.1.9**.

The Executive Mayoral Committee resolved on 23 January 2020 to recommend to Council:

- (a) that notice be taken of the Quarterly Budget Statement Report in terms of Section 52(d) for the period 1 October 2019 until 31 December 2019.
- (b) that the report be referred to the Performance, Risk and Audit Committee and the Municipal Public Accounts Committee for their recommendations to Council.

UNANIMOUSLY RESOLVED

- (a) *that notice be taken of the Quarterly Budget Statement Report in terms of Section 52(d) for the period 1 October 2019 until 31 December 2019.*
- (b) *that the report be referred to the Performance, Risk and Audit Committee and the Municipal Public Accounts Committee for their recommendations to Council.*

8.2 Direkoraat Tegniese Dienste / Directorate Technical Services

8.2.1 Minutes of the meeting of Ceres Koekedouw Management Committee: 13 August 2019 (16/2/1/1/1)

The following items refer:

- (a) Item 7.2 of the meeting of the Committee for Technical Services, held on 20 November 2019.
- (b) Item 7.2.1 of the Executive Mayoral Committee meeting, held on 23 January 2020.

The minutes of the meeting of Ceres Koekedouw Management Committee, held on 13 August 2019, is attached as **annexure 8.2.1**.

The Committee for Technical Services resolved on 20 November 2019 to recommend to the Executive Mayoral Committee and Council:

that Council considers and takes notice of the minutes of the Ceres Koekedouw Management Committee meeting, held on 13 August 2019.

The Executive Mayoral Committee resolved on 23 January 2020 to recommend to Council:

that Council considers and takes notice of the minutes of the Ceres Koekedouw Management Committee meeting, held on 13 August 2019.

UNANIMOUSLY RESOLVED

that notice be taken, after consideration, of the minutes of the Ceres Koekedouw Management Committee meeting, held on 13 August 2019.

8.3 Direkoraat Gemeenskapsdienste / Directorate Community Services

**8.3.1 Proposed erf 2622 for Schoonvlei SMME Business HUB: Corner of Bank and Forel Streets, Bella Vista, Ceres
(7/1/4/1)**

The following items refer:

- (a) Item 7.1 of the meeting of the Committee for Local Economic Development and Tourism, held on 20 November 2019.
- (b) Item 7.3.1 of the Executive Mayoral Committee meeting, held on 23 January 2020.

A memorandum from the Acting Manager: Socio-Economic Development, dated 4 November 2019, is attached as **annexure 8.3.1**.

The Committee for Local Economic Development and Tourism resolved on 20 November 2019 to recommend to the Executive Mayor and Council:

- (a) that Council takes notice of the approved funding application from Witzenberg Municipality for the development of an SMME Small Business HUB in the Schoonvlei industrial area located in Bella Vista, Ceres.
- (b) that Council considers to develop a Small Business HUB in Schoonvlei industrial area on erf 2622 on the corner of Bank and Forel Streets, Bella Vista, Ceres.

The Executive Mayoral Committee resolved on 23 January 2020 to recommend to Council:

- (a) that Council takes notice of the approved funding application from Witzenberg Municipality for the development of an SMME Small Business HUB in the Schoonvlei industrial area located in Bella Vista, Ceres.
- (b) that Council considers to develop a Small Business HUB in Schoonvlei industrial area on erf 2622 on the corner of Bank and Forel Streets, Bella Vista, Ceres.

Alders J Phungula requested Council to create more entrepreneurial opportunities for Nduli. Councillor T Abrahams ensured Council that all opportunities are open for everybody.

UNANIMOUSLY RESOLVED

- (a) *that Council takes notice of the approved funding application from Witzenberg Municipality for the development of an SMME Small Business HUB in the Schoonvlei industrial area located in Bella Vista, Ceres.*
- (b) *that Council, after consideration, approved to develop a Small Business HUB in Schoonvlei industrial area on erf 2622 on the corner of Bank and Forel Streets, Bella Vista, Ceres.*

**8.3.2 Local Economic Development: Recommended names for Prince Alfred's Hamlet Business HUB units
(7/1/4/1)**

The following items refer:

- (a) Item 6.4 of the meeting of the Committee for Local Economic Development and Tourism, held on 16 October 2019.
- (b) Item 7.2 of the meeting of the Committee for Local Economic Development and Tourism, held on 19 November 2019.
- (c) Item 7.3.2 of the Executive Mayoral Committee meeting, held on 23 January 2020.

The Committee resolved on 16 October 2019:

- (a) that the Acting Manager: Socio-Economic Development engages with the applicants by modus of a presentation and explains the layout of the business hub.
- (b) that the Acting Manager: Socio-Economic Development, after the presentation supra (a), submits the names of the applicants to the Committee for Local Economic Development and Tourism for consideration.

A memorandum from the Acting Manager: Socio-Economic Development, dated 5 November 2019, is attached as **annexure 8.3.2**.

The Committee for Local Economic Development and Tourism resolved on 19 November 2019 to recommend to the Executive Mayoral Committee and Council:

- (a) that the following type of business be approved and allocated in a single unit:
 - (i) Hair salon
 - (ii) Honey pollination
 - (iii) Production of security doors (welding)
 - (iv) Photography and;
 - (v) Fruit and vegetables
- (b) that the tyre repair works and selling of tyre products business be approved and allocated in a double unit.
- (c) that the Municipal Manager be mandated to determine a lease amount for the leasing of the Prince Alfred's Hamlet Business HUBS.
- (d) that the lease amount not be market related in order to ensure and assist that the businesses can be successful.
- (e) that the Municipal Manager and Acting Manager: Socio-Economic Development evaluate the success of the businesses when in operation.

The Executive Mayoral Committee resolved on 23 January 2020 to recommend to Council:

- (a) that the following type of business be approved and allocated in a single unit:
 - (i) Hair salon
 - (ii) Beehive manufacturer
 - (iii) Production of security doors (welding)
 - (iv) Photography and;
 - (v) Fruit and vegetables
- (b) that the tyre repair works and selling of tyre products business be approved and allocated in a double unit.
- (c) that the Municipal Manager be mandated to determine a lease amount for the leasing of the Prince Alfred's Hamlet Business HUBS.
- (d) that the lease amount not be market related from date of contract signing for two years in order to ensure and assist that the businesses can be successful, after which the lease amount will be revisited.
- (e) that the Municipal Manager and Acting Manager: Socio-Economic Development evaluate the success of the businesses when in operation.
- (f) that the Committee for Local Economic Development and Tourism determine the criteria to evaluate the success of the businesses when in operation.

UNANIMOUSLY RESOLVED

- (a) *that the following type of business be approved and allocated in a single unit:*
 - (i) *Hair salon*
 - (ii) *Beehive manufacturer*
 - (iii) *Production of security doors (welding)*
 - (iv) *Photography and;*
 - (v) *Fruit and vegetables*
- (b) *that the tyre repair works and selling of tyre products business be approved and allocated in a double unit.*
- (c) *that the Municipal Manager be mandated to determine a lease amount for the leasing of the Prince Alfred's Hamlet Business HUBS.*
- (d) *that the lease amount not be market related from date of contract signing for two years in order to ensure and assist that the businesses can be successful, after which the lease amount will be revisited.*
- (e) *that the Municipal Manager and Acting Manager: Socio-Economic Development evaluate the success of the businesses when in operation.*
- (f) *that the Committee for Local Economic Development and Tourism determine the criteria to evaluate the success of the businesses when in operation.*

8.4 Direkoraat Korporatiewe Dienste / Directorate Corporate Services

**8.4.1 Council meeting program: February until December 2020
(3/1/2/3)**

The following items refer:

- (a) Item 8.4.3 of the Council meeting, held on 11 December 2019.
- (b) Item 7.4.1 of the Executive Mayoral Committee meeting, held on 23 January 2020.

Council unanimously resolved on 11 December 2019 that the Council meeting program for January until March 2020 be approved, but that the matter will be revisited at the next Council meeting.

The following memorandum, dated 20 January 2020, was received from the Manager: Administration:

“1. Purpose

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

2. For decision

Council.

3. Executive summary

The Council meeting program and meeting schedule for February until December 2020 is attached as **annexure 8.4.1**. The program differs from that of 2019 in order to create more flexibility to hold meetings on dates and times suitable for all involved. It is recommended that the attached program for the period February until December 2020 be approved. The SALGA Provincial Working Group meeting dates for 2020 are included in the schedule. Council is requested to approve the meeting program for February until December 2020. The Council meeting program of the Witzenberg Municipality has been synchronised with the meeting dates of the Cape Winelands District Municipality and is now submitted to Council for approval.

4. Discussion

4.1 Background and discussion

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

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

Senior Management meetings are once again proposed to be held every Monday, Section 80 Committee meetings every second month and normally on the third Wednesday and Thursday of the month, but meetings of the Committee for Housing Matters on the last Thursday of the month, Council workshops on the day prior to the Council meeting and Council meetings on the last Wednesday of the month, depending on specific circumstances. Executive Mayoral Committee meetings will be scheduled as necessary and determined by the Municipal Manager and Executive Mayor.

4.2 Constitutional and policy implications

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

4.3 Environmental implications

This program has no environmental implications.

4.4 Financial implications

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

4.5 Legal implications

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

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

All legislative and policy requirements are complied with.”

The Executive Mayoral Committee resolved on 23 January 2020 to recommend to Council:
that the proposed council meeting program for February until December 2020 be approved.

UNANIMOUSLY RESOLVED

that the proposed council meeting program for February until December 2020 be approved.

9. URGENT MATTERS SUBMITTED AFTER DISPATCHING OF THE AGENDA

**9.1 Housing matters: Committee for Housing Matters and beneficiaries for Vredebes Housing Project
(3/3/1/1 & 17/4/1/1/2/4)**

Alderslady J Phungula expressed concern that the Committee for Housing Matters consists of only three (3) members in comparison with the other Portfolio Committees which consist of four (4) members.

Alderslady J Phungula expressed concern about the beneficiaries for the Vredebes Housing Project. People from Bella Vista and Wolseley are being settled, therefore the Nduli residents living in the informal settlement are very unhappy. The community is not allowed to raise their concerns due to the presence of Mafoko Security.

UNANIMOUSLY RESOLVED

that Alderslady J Phungula submit motions to Speaker in respect of her concerns regarding:

- (i) members of the Committee for Housing Matters, and*
- (ii) the beneficiaries for the Vredebes Housing Project to be placed on the Council agenda.*

The Speaker requested Council to submit written questions in good time to the office of the Speaker.

10. FORMAL AND STATUTORY MATTERS

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

None

NOTED

11. QUESTIONS and/or MATTERS RAISED by COUNCILLORS

None

NOTED

12. COUNCIL-IN-COMMITTEE