

**MINUTES OF THE COUNCIL MEETING OF WITZENBERG MUNICIPALITY,  
HELD IN THE TOWN HALL, VOORTREKKER STREET, CERES ON WEDNESDAY,  
24 AUGUST 2022 AT 10:00**

**PRESENT**

**Councillors**

Councillor EM Sidego (Speaker) (DA)  
Alderman HJ Smit (Executive Mayor) (DA)  
Councillor FE Klazen (Deputy Executive Mayor) (GOOD)  
Alderman K Adams (DA)  
Alderman BC Klaasen (DA)  
Councillor P Daniels (DA)  
Councillor S de Bruin (DA)  
Councillor G Franse (DA)  
Councillor D Swart (DA)  
Alderman JJ Visagie (DA)  
Councillor AL Gili (ANC)  
Councillor JS Mouton (ANC)  
Councillor N Nogcinisa (ANC)  
Councillor N Phatsoane (ANC)  
Councillor K Yisa (ANC)  
Councillor J Zalie (ANC)  
Councillor J Cloete (PA)  
Councillor JP Fredericks (FF Plus)  
Councillor LA Hardnek (Witzenberg Party)  
Councillor P Heradien (ICOSA)  
Councillor GG Laban (Witzenberg Aksie)  
Councillor IL Swartz (EFF)

**Officials**

Mr D Nasson (Municipal Manager)  
Mr HJ Kritzinger (Director: Finance)  
Mr J Barnard (Director: Technical Services)  
Mr M Mpeluza (Director: Corporate Services)  
Mr A Hofmeester (IDP Manager)  
Ms L Nieuwenhuis (Manager: Legal Services)  
Ms R Hendricks (Manager: Communication and Marketing)  
Mr CG Wessels (Manager: Administration)  
Mr M Arendse-Smith (Chief Administrative Officer)  
Mr C Titus (Committee Clerk)  
Mr R Rhode (ICT Administrator)  
Mr J Pieterse (Senior ICT Officer)  
Ms MJ Prins (Word Processor Operator)

**1. OPENING AND WELCOME**

The Speaker welcomed everyone present and requested the Deputy Executive Mayor, Councillor F Klazen, to open the meeting with prayer.

**NOTED**

Alderman JJ Visagie, on behalf of the DA coalition, requested a twenty minute caucus break.

**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)**

An application for leave of absence from the meeting was received from Councillor MJ Ndaba.

**RESOLVED**

*that the application for leave of absence from the meeting, received from Councillor MJ Ndaba, be accepted and approved.*

**BESLUIT**

*dat die aansoek om verlof tot afwesigheid van die vergadering, ontvang vanaf raadslid MJ Ndaba, goedgekeur en aanvaar word.*

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

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

**NOTED**

### **3. STATEMENTS, ANNOUNCEMENTS OR MATTERS RAISED**

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

Alderman K Adams conveyed Council's congratulations to the following Councillor and official on their birthdays:

- Director: Corporate Services                      24 August
- Councillor P Heradien                                      28 August

**NOTED**

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

The Speaker informed the meeting of the following:

- (a) That outside bodies and members of the public requested hard copies of the Council agendas, especially those political parties not represented at Council. It is, however, noted that feedback in this regard will be provided at the next meeting.
- (b) There is a request from the IDP Section that Ward Committees schedule their meetings within the first two weeks of a month in order for financial processing to take place timeously. It is also noted that two wards did not have their monthly meetings as required.
- (c) The Women's Day Wellness Trip function will be held on Tuesday, 30 August 2022 and Ward Councillors are requested to ensure that all female Ward Committee members receive the invitation.

**NOTED**

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

The Executive Mayor raised concerns regarding the recent cable theft and stated that Council condemns such acts. Furthermore that all efforts are being made to arrest those involved.

Condolences were also conveyed to the family of the late Mrs S Engelbrecht who tragically passed on at Maudie Kriel Retirement Village.

**NOTED**

**3.4 Matters raised by the Acting Municipal Manager  
(1/1/4)**

The Acting Municipal Manager informed the meeting that the Local Government Municipal Systems Act was amended on 17 August 2022 and that it will be workshopped with all Councillors.

**RESOLVED**

*that the amended Local Government Municipal Systems Act be workshopped.*

**4. MINUTES**

**4.1 Corrections to the minutes  
(3/1/2/3)**

Councillor AL Gili referred to the minutes of the Council meeting held on 23 March 2022 and mentioned that the minutes had been tampered with. The Councillor specifically referred to words uttered by the former Speaker, Councillor JS Mouton, which was not minuted. She said: "Councillors before we start with the next item on the agenda, 3.1.1, I need to ask the Municipal Manager to excuse himself as the legal advisor to me. Due to an incident which occurred in my office last week. I also ask Liza-Mari to be my legal advisor only for today. And as the Speaker of this Council I want a full investigation on the matter which occurred in my office. I will inform the Council on the latest date, but for now I do not want to compromise it, because of the investigation on the matter."

According to the said Councillor the investigation did not take place. The Councillor proposed and was seconded by Councillor J Mouton that the minutes of Council meetings held on 23 March 2022, 24 May 2022, 30 May 2022 and 22 June 2022 be held in abeyance until the next meeting.

Aldermen JJ Visagie and K Adams, respectively proposer and seconder of a proposal that only the minutes of 23 May 2022 be held in abeyance, withdrew the proposal after a DA coalition caucus break.

**UNANIMOUSLY RESOLVED**

*that the matter in respect of the corrections to the minutes of the Special Council meeting, held on 23 March 2022, be held in abeyance for the minutes to be workshopped by Council and after that be tabled to Council again.*

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

The following minutes are attached:

- (a) Special Council meeting, held on 23 March 2022: **Annexure 4.2(a)**.
- (b) Special Council meeting, held on 24 May 2022: **Annexure 4.2(b)**.
- (c) Special Council meeting, held on 30 May 2022: **Annexure 4.2(c)**.
- (d) Special Council meeting, held on 22 June 2022: **Annexure 4.2(d)**.

**UNANIMOUSLY RESOLVED**

*That the approval of the following minutes be held in abeyance and same be tabled again after the minutes of the Special Council meeting held on 23 March 2022 have been workshopped:*

- (a) Special Council meeting, held on 23 March 2022.*
- (b) Special Council meeting, held on 24 May 2022.*
- (c) Special Council meeting, held on 30 May 2022.*
- (d) Special Council meeting, held on 22 June 2022.*

**5. MOTIONS AND NOTICE OF SUGGESTIONS**

None

**NOTED**

**6. INTERVIEWS WITH DELEGATIONS**

None

**NOTED**

**7. GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS**

**7.1 Minutes: Committee meetings / Notules: Komiteevergaderings (03/3/2)**

The minutes of the following meetings are attached:

- (a) Performance, Risk and Audit Committee meeting, held on 21 January 2022: **Annexure 7.1(a)**.
- (b) Executive Mayoral Committee meeting, held on 22 February 2022: **Annexure 7.1(b)**.
- (c) Special Performance, Risk and Audit Committee meeting, held on 25 February 2022: **Annexure 7.1(c)**.
- (d) Municipal Public Accounts Committee meeting, held on 10 March 2022: **Annexure 7.1(d)**.

**UNANIMOUSLY RESOLVED**

*that notice be taken of the minutes of the Committee meetings and same be accepted.*

**EENPARIG BESLUIT**

*dat kennis geneem word van die notules van die Komiteevergaderings en genoemde aanvaar word.*

## **8. GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS**

### **8.1 Direkoraat Finansies / Directorate Finance**

#### **8.1.1 Service Delivery and Budget Implementation Plan (SDBIP): 2022/2023 (5/1/5/15)**

The Top Layer Service Delivery and Budget Implementation Plan for 2022/2023, as approved by the Executive Mayor, is attached as **annexure 8.1.1**.

#### **UNANIMOUSLY RESOLVED**

*that notice be taken of the Top Layer Service Delivery and Budget Implementation Plan (SDIP) for 2022/2023.*

#### **EENPARIG BESLUIT**

*dat kennis geneem word van die Strategiese Dienslewering- en Begrotingsimplementeringsplan vir 2022/2023.*

#### **8.1.2 Performance, Risk and Audit Committee: 1<sup>st</sup> Bi-Annual Report on Performance Management: 2021/2022 (5/14/4)**

The First Bi-Annual Report of the Performance, Risk and Audit Committee on Performance Management for 2021/2022, dated June 2022, is attached as **annexure 8.1.2**.

#### **UNANIMOUSLY RESOLVED**

*that notice be taken of the First Bi-Annual Report of the Performance, Risk and Audit Committee on Performance Management for 2021/2022 and, after consideration, same be approved.*

#### **EENPARIG BESLUIT**

*dat kennis geneem word van die Eerste Halfjaarlikse Verslag van die Prestasie-, Risiko- en Ouditkomitee oor Prestasiebestuur vir 2021/2022 en, na oorweging, genoemde verslag goedgekeur word.*

**8.1.3 Quarterly Budget Statement [Section 52(d)] Report: 1<sup>st</sup> Quarter 2021/2022 (1 July 2021 to 30 September 2021) (9/1/2/2)**

The Quarterly Budget Statement [Section 52(d)] Report for the first quarter of 2021/2022 is attached as **annexure 8.1.3**.

**UNANIMOUSLY RESOLVED**

- (a) *that the Quarterly Budget Statement Report in terms of Section 52(d) for the first quarter of 2021/2022, after consideration, be accepted.*
- (b) *that the Director: Finance submits a report to Council with all long outstanding debt which cannot be collected with a recommendation that writing off be considered.*
- (c) *that Councillors contact the relevant Director directly with emergency matters for service delivery.*

**EENPARIG BESLUIT**

- (a) *dat die Kwartaallikse Begrotingsverslag ingevolge Artikel 52(d) vir die eerste kwartaal van 2021/2022, na oorweging, aanvaar word.*
- (b) *dat die Direkteur: Finansies 'n verslag aan die Raad voorlê ten opsigte van alle lang uitstaande skuld wat nie ingevorder kan word nie met die aanbeveling dat die afskrywing daarvan oorweeg word.*
- (c) *dat Raadslede direk met die relevante Direkteur skakel in geval van noodgevalle ten opsigte van dienslewering.*

**8.1.4 Quarterly Budget Statement [Section 52(d)] Report: 2<sup>nd</sup> Quarter 2021/2022 (1 October 2021 to 31 December 2021) (9/1/2/2)**

The following memorandum, dated 19 January 2022, was received from the Director: Finance:

"The purpose of this memorandum is to submit the Section 52(d) Budget Statement Report for the 2<sup>nd</sup> quarter of 2021/2022 to Council for information.

The required report in terms of Section 52(d) is attached as **annexure 8.1.4**."

**UNANIMOUSLY RESOLVED**

*that the Quarterly Budget Statement Report in terms of Section 52(d) for the second quarter of 2021/2022, after consideration, be accepted.*

## **EENPARIG BESLUIT**

*dat die Kwartaallikse Begrotingsverslag ingevolge Artikel 52(d) vir die tweede kwartaal van 2021/2022, na oorweging, aanvaar word.*

### **8.1.5 Quarterly Budget Statement [Section 52(d)] Report: 3<sup>rd</sup> Quarter 2021/2022 (1 January 2022 to 31 March 2022) (9/1/2/2 & 5/1/1/20)**

The Quarterly Budget Statement [Section 52(d)] Report for the third quarter of 2021/2022 is attached as **annexure 8.1.5**.

The following matters were highlighted by the Municipal Public Accounts Committee on 9 June 2022:

- The year-to-date recovery rate excluding traffic fines is 89 % against the annual estimated target of 94 % .
- Government departments and commercial customers which are in arrears are receiving attention.
- A report will be submitted to Council to recommend consideration for writing off of long outstanding debt which cannot be collected.
- The vandalism of municipal assets remains a concern with major damages. The Municipal Public Accounts Committee requested that the communities take ownership of municipal assets and assist in the protection thereof.
- Capital expenditure at the end of March 2022 at 48.4 % of a total capital budget of R81.2 million. The lower percentage is due to delays with the Vredebes Housing Project, Van Breda Bridge and the Tulbagh Dam.
- The Municipal Public Accounts Committee expressed concern with regard to the lack of appointment of a security company. The Acting Municipal Manager explained the complexities of the supply chain process.
- The Municipal Public Accounts Committee also discussed the matter of permits for street stalls in Ceres; attention to electricity disconnections, cooperation with the repair of water breaks and all members were satisfied.

## **UNANIMOUSLY RESOLVED**

- (a) *that the Quarterly Budget Statement Report in terms of Section 52(d) for the third quarter of 2021/2022, after consideration, be accepted.*
- (b) *that the Director: Finance provides clarification to the Performance, Risk and Audit Committee on the matters which the Performance, Risk and Audit Committee has listed:*
  - (i) *Councillors' pension and UIF contributions compared Actuals vs Budget.*
  - (ii) *Variance of R5,896 million in salaries of municipal staff.*

**EENPARIG BESLUIT**

- (a) *dat die Kwartaallikse Begrotingsverslag ingevolge Artikel 52(d) vir die derde kwartaal van 2021/2022, na oorweging, aanvaar word.*
- (b) *dat die Direkteur: Finansies duidelikheid aan die Prestasie-, Risiko- en Ouditkomitee verskaf aangaande die volgende sake:*
  - (i) *Raadslede se pensioen- en WWF-bydraes vergelyk Werklikhede vs Begroting.*
  - (ii) *Afwyking van R5,896 miljoen in salarisse van munisipale personeel.*

**8.1.6 Quarterly Budget Statement [Section 52(d)] Report: 4th Quarter 2021/2022 (1 April 2022 to 30 June 2022) (9/1/1 & 9/1/2/2)**

The Quarterly Budget Statement [Section 52(d)] Report for the 4<sup>th</sup> Quarter of 2021/2022 is attached as **annexure 8.1.6**.

**UNANIMOUSLY RESOLVED**

- (a) *that notice be taken of the Quarterly Budget Statement [Section 52(d)] Report for the 4<sup>th</sup> Quarter of 2021/2022.*
- (b) *that the report supra (a) be referred to the Performance, Risk and Audit Committee as well as the Municipal Public Accounts Committee for their recommendations to Council.*

**EENPARIG BESLUIT**

- (a) *dat kennis geneem word van die Kwartaallikse Begrotingsverslag ingevolge Artikel 52(d) vir die 4de Kwartaal van 2021/2022.*
- (b) *dat die verslag supra (a) na die Prestasie-, Risiko- en Ouditkomitee sowel as die Munisipale Publieke Rekeninge Komitee verwys word vir hul aanbevelings aan die Raad.*

**8.1.7 Approval of long term contract: Provision of property valuation services in terms of Municipal Property Rates Act (Act 6 of 2004) (5/2/11)**

A memorandum from the Director Finance, dated 7 July 2022, is attached as **annexure 8.1.7**.

**UNANIMOUSLY RESOLVED**

- (a) *that notice be taken of the outcome of the process undertaken in terms of Section 33 of the Municipal Finance Management Act.*
- (b) *that approval be given to enter into a long term contract with HCB Valuations and Services for bid 8/2/19/20: Service provider for compilation and maintenance of general valuation roll, supplementary valuation roll and other related valuation services until 30 June 2028.*

**8.1.8 Witzenberg Municipality: Municipal Public Accounts (MPAC): Annual Work Plan 2022/2023 (2/2/2)**

The Head: Internal Audit submitted the Municipal Public Accounts Committee (MPAC): Annual Work Plan for 2022/2023, attached as **annexure 8.1.8**. The following matter was highlighted:

- The Municipal Public Accounts Committee requested that the outstanding matter in respect of the Koekedouw Dam Irrigation Project be submitted to the Municipal Public Accounts Committee at the next meeting.

The Municipal Public Accounts Committee resolved on 9 June 2022 to recommend to Council that notice be taken of the MPAC Annual Work Plan for 2022/2023 and same be accepted.

**UNANIMOUSLY RESOLVED**

*that the matter relating to the Witzenberg Municipality Municipal Public Accounts Committee (MPAC) Work Plan for 2022/2023 be held in abeyance.*

**EENPARIG BESLUIT**

*dat die aangeleentheid rakende die Munisipale Publieke Rekeninge Komitee se Werksplan vir 2022/2023 oorstaan tot die volgende vergadering.*

**8.1.9 Supply Chain Management: Paragraph 7(4) Quarterly Report ending 30 June 2022: Implementation of Supply Chain Management Policy (9/1/2/2)**

A memorandum from the Manager: Supply Chain, dated 6 July 2022, is attached as **annexure 8.1.9**.

**UNANIMOUSLY RESOLVED**

- (a) *that notice be taken of the Supply Chain Management Paragraph 7(4) Quarterly Report ending 30 June 2022.*
- (b) *that the report supra (a) be made available to the public in terms of Section 21A of the Municipal Systems Act (Act no. 32 of 2000) after it has been tabled to Council.*

**EENPARIG BESLUIT**

- (a) *dat kennis geneem word van die Voorsieningskanaalbestuur Paragraaf 7(4) Kwartaalverslag eindigende 30 Junie 2022.*
- (b) *dat die verslag supra (a) aan die publiek beskikbaar gestel word ingevolge Artikel 21A van die Munisipale Stelselwet (Wet no. 32 van 2000) nadat dit aan die Raad voorgelê is.*

**8.1.10 Witzenberg Whistleblowing Policy (2/12/P)**

The Whistleblowing Policy for Witzenberg Municipality is attached as **annexure 8.1.10**.

The Performance, Risk and Audit Committee resolved on 24 June 2022 to recommend to Council:

- (a) that notice be taken of the Witzenberg Whistleblowing Policy and, after consideration, same be approved.
- (b) that the municipality approaches other municipalities to determine their experience and evaluation to outsource fraud and corruption hotlines.
- (c) that the Head: Internal Audit performs an analysis on the National Fraud and Corruption Hotline to determine the benefit for the municipality.

**UNANIMOUSLY RESOLVED**

*that the matter relating to the Witzenberg Whistleblowing Policy be held in abeyance until the next meeting.*

## **EENPARIG BESLUIT**

*dat die aangeleentheid rakende die Witzenberg Fluitjieblaas Beleid oorstaan tot die volgende vergadering.*

### **8.1.11 Witzenberg Fraud and Corruption Prevention Policy and Response Plan (2/12/P)**

The Fraud and Corruption Prevention Policy and Response Plan for Witzenberg Municipality is attached as **annexure 8.1.11**.

The Performance, Risk and Audit Committee resolved on 24 June 2022 to recommend to Council that notice be taken of the Witzenberg Fraud and Corruption Prevention Policy and Response Plan and, after consideration, same be approved.

#### **UNANIMOUSLY RESOLVED**

*that the matter relating to the Witzenberg Fraud and Corruption Prevention Policy and Response Plan be held in abeyance until the next meeting.*

### **8.1.12 Witzenberg Fraud and Corruption Prevention Strategy (2/12/P)**

The Fraud and Corruption Prevention Strategy for Witzenberg Municipality is attached as **annexure 8.1.12**.

The Performance, Risk and Audit Committee resolved on 24 June 2022 to recommend to Council that notice be taken of the Witzenberg Fraud and Corruption Prevention Strategy and, after consideration, same be approved.

#### **UNANIMOUSLY RESOLVED**

*that the matter relating to the Witzenberg Fraud and Corruption Prevention Strategy be held in abeyance until the next meeting.*

**8.1.13 Review or amendment of IDP and Budget Process Plan for 2023/2024 (02/02/1)**

In terms of Section 28 of the Municipal Systems Act (Act 32 of 2000), Council must adopt an IDP and Budget Process Plan. The Municipal Finance Management Act (Act 56 of 2003) further stipulates that at least ten months before the start of the budget year, the Executive Mayor should table a time schedule outlining key deadlines in respect of the IDP/Budgetary process.

Section 29 of the Municipal Systems Act (Act 32 of 2000), specifies that such a Process Plan must include:

- Programs that set out timeframes for the different planning steps;
- Appropriate mechanisms, processes and procedures for consultation with:
  - Local communities, both in terms of needs and priorities as well as consultation during development;
  - Organs of state, traditional authorities, and other role-players in the drafting process; and
- Binding plans and planning requirements, i.e. policy and legislation.

National Treasury has provided further guidance by the issuing of MFMA Circular 10. That circular provides specific guidance with regard to six distinct steps in compilation of the IDP and the annual Budget. The table below highlights these steps, with a brief description of each step:

<b>Steps</b>		<b>Process</b>
<b>1</b>	<b>Planning</b>	Schedule dates, establish consultation forums, review previous processes
<b>2</b>	<b>Strategi-zing</b>	Review IDP, set service delivery objectives for next 3 years, consult on tariffs, indigents, credit control, free basic services etc., and consider local-, provincial- and national issues, the previous year's performance and current economic and demographic trends etc.
<b>3</b>	<b>Preparing</b>	Prepare Budget, revenue and expenditure projections; draft Budget policies; consult and consider local-, provincial- and national priorities
<b>4</b>	<b>Tabling</b>	Table draft Budget, draft IDP and Budget-related policies before council; consult and consider local-, provincial- and national inputs or responses
<b>5</b>	<b>Approving</b>	Council approves the IDP, the Budget and related policies
<b>6</b>	<b>Finalising</b>	Publish the IDP, Budget and approve the SDBIP and performance targets

In capturing the above steps, this IDP & Budget Process Plan seeks to address, *inter alia*, the:

- Identification of areas requiring additional attention in terms of legislative requirements, proper planning processes and sound financial management;

- Inclusion of the most current Census and own statistical data;
- Consideration and review of any other relevant and new information;
- Addressing comments received from the various role-players;
- Factor-in the shortcomings and weaknesses identified through self-assessment;
- Preparation and review of sector plans and its alignment with the IDP;
- Preparation and review of the Performance Management System (PMS);
- Updating of the 5-year Financial Plan; and
- Finalisation of the annual Budget and IDP in terms of the relevant legislation.

Pursuant to the above statutory requirements, an IDP and Budget Process Plan for the 2023/2024 cycle for review/amendment is attached as **annexure 8.1.13**.

**UNANIMOUSLY RESOLVED**

- (a) *that the Reviewed / Amended IDP and Budget Process Plan for 2023/2024 be approved.*
- (b) *that in the event of any changes with regard to the dates of the Process Plan, the Municipal Manager be mandated to change same after consultation with the Executive Mayor.*

**8.1.14 Finance: Adjustment budget 2022/2023  
(5/1/1/21)**

The following documents are attached:

- (a) Memorandum from Director: Finance: **Annexure 8.1.14(a)**.
- (b) Adjustment budget 2021/2022 to 2022/203: **Annexure 8.1.14(b)**.
- (c) Budget schedules: **Annexure 8.1.14(c)**.

**UNANIMOUSLY RESOLVED**

*that the adjustment budget of Witzenberg Municipality for the financial year 2022/2023 as set out in the budget documents be approved on condition that expenditure may only be incurred once approval has been obtained from National or Provincial Treasury in respect of roll-over funding and once the Memorandums of Agreements are in place with the partnering organisations:*

- (i) *Table B1 - Budget summary;*
- (ii) *Table B2 Adjustments Budget Financial Performance (by standard classification);*
- (iii) *Table B3 – Budgeted Financial performance (Revenue and Expenditure) by Vote;*

- (iv) *Table B4 Adjustments Budget Financial Performance (revenue by source); and*
- (v) *Table B5 – Budgeted Capital Expenditure by Vote, standard classification and funding.*

### **8.1.15 Proposed amendment to Leave Policy (4/2/P)**

Memorandum from Director: Finance, 17 August 2022:

#### **“Purpose**

To obtain approval from Council to amend the Leave Policy.

#### **Legal framework**

The following section of the Indigent Policy was approved on 25 August 2021 by Council:

Section 9.3.1 of the Leave Policy determines that the municipality will not pay out any leave except on termination of employment, which will be payable the month following month of termination.

The Leave Policy with the recommended amendments is attached as **annexure 8.1.15**.

#### **Motivation**

It happens from time to time that exceptional circumstances exist that may merit the pay out of leave to an employee.”

#### **UNANIMOUSLY RESOLVED**

*That the following paragraphs be added to the Leave Policy:*

- 9.3.4 The Municipal Manager is authorised to approve the pay out of leave to an employee in exceptional circumstances (e.g. the employee’s ownership of his or her house is at risk due to outstanding debt, excessive medical expenses not covered by medical aid or any other exceptional circumstances according to merit, approved by the Municipal Manager).*
- 9.3.5 The Municipal Manager is authorised to approve the pay out of leave to an employee if the employee cannot be granted leave due to operational requirements.*

## **EENPARIG BESLUIT**

*Dat die volgende paragrawe by die Verlofbeleid gevoeg word:*

*9.3.4 Dat die Munisipale Bestuurder gemagtig word om die uitbetaling van verlof aan 'n werknemer in buitengewone omstandighede goed te keur (bv. wanneer die werknemer se eienaarskap van sy of haar huis in gevaar is as gevolg van uitstaande skuld, buitensporige mediese uitgawes wat nie deur mediese fonds gedek word nie of enige ander buitengewone omstandighede volgens meriete, goedgekeur deur die Munisipale Bestuurder).*

*9.3.5 Die Munisipale Bestuurder word gemagtig om die uitbetaling van verlof aan 'n werknemer goed te keur indien verlof nie aan die werknemer toegestaan kan word nie as gevolg van operasionele vereistes.*

Councillor P Heradien, on behalf of ICOSA, requested that it be minuted that the party is not in agreement with the resolution.

## **8.2 Direkoraat Tegniese Dienste / Directorate Technical Services**

### **8.2.1 Wolseley Wind Farm (15/4/2/222)**

Memorandum from Manager: Town Planning and Building Control, dated 11 August 2022:

#### **“Background**

Council previously approved the consent use application for the Wolseley Wind Farm facility. Kindly refer to **annexure 8.2.1(a)** (letter of consent dated 18 September 2015).

The developer at the time was SAGIT Energy Ventures represented by Mich Nieuwoudt.

Request is now made for the transfer of the consent from SAGIT to Acciona Energy South Africa Global (Pty) Ltd.

#### **Purpose**

SAGIT was the developer that initially applied to the municipality for the land use rights (consent).

Subsequently Acciona Energy South Africa Global (Pty) Ltd acquired 100 % of the shares in Project Company that holds the development rights to the Wolseley Wind Farm Project.

The Transfer and Cession Undertaking signed by SAGIT with the intention to transfer the permits, licenses, approvals and consents to the Project Company, dated 28 July 2022, is attached as **annexure 8.2.1(b)**.

#### **Deliberation**

It was made a condition of approval that the land use consent cannot be transferred without agreement of the local authority.

Condition xiii of the consent reads:

‘This consent only applies to the owner and cannot be transferred without the agreement of the local authority.’

Acciona Energia submitted a company profile which is attached as **annexure 8.2.1(c)**.”

**UNANIMOUSLY RESOLVED**

- (a) *that Council agrees to the transfer of the land use consent from SAGIT to Acciona Energy South Africa Global (Pty) Ltd for the purposes of a renewable energy facility as stipulated under letter of consent dated 18 September 2015.*
- (b) *that the Municipal Manager be authorised to arrange with Messrs Acciona Energy South Africa Global (Pty) Ltd to make a presentation in respect of the Wolseley Wind Farm to Council.*
- (c) *that (a) and (b) supra subject to further engagements with the municipality on opportunities that will be created for Witzenberg Municipality.*

### **8.3 Direkoraat Gemeenskapsdienste / Directorate Community Services**

#### **8.3.1 Presentation: Vredebes Incremental Housing Voorlegging: Vredebes Inkrementele Behuising (17/04/1/1/1)**

The following documents are attached:

- (a) Presentation by Ms Karen Siebrits of ASLA: **Annexure 8.3.1(a)**.
- (b) Presentation by Messrs Devco and ASLA: **Annexure 8.3.1(b)**.

The Acting Municipal Manager mentioned that no further consultation was held with the provincial department. The Department is awaiting Council's approval for the Vredebes Incremental Housing project to be a pilot project. Furthermore, the Department is busy with a parallel process to investigate the possibility of any other service provider with a presentation of any other incremental housing project. The purpose is to compare and to determine the best market related proposal. Other possible proposals may therefore be submitted to Council.

#### **UNANIMOUSLY RESOLVED**

*that Witzenberg Municipality agrees for the roll-out of the pilot project for the Vredebes Incremental Housing project.*

#### **BESLUIT**

*dat Munisipaliteit Witzenberg instem vir die uitrol van die loodsprojek vir die Vredebes Inkrementele Behuisingsprojek.*

#### **8.3.2 Housing: Demolition of vandalised houses: The Island Holiday Resort, Ceres (17/4/1/1/R)**

A memorandum from the Manager: Housing, dated 14 March 2022, is attached as **annexure 8.3.2**.

#### **UNANIMOUSLY RESOLVED**

- (a) *that the recyclable material be recycled by the maintenance team of the Department of Housing.*
- (b) *that the ticket office at the entrance of The Island Resort be demolished.*
- (c) *that the five (5) vacant houses be demolished internally with the assistance of a digger loader from the Directorate Technical Services and temporary workers.*

**EENPARIG BESLUIT**

- (a) *dat alle herwinbare materiaal deur die Departement Behuising se instandhoudingspan herwin word.*
- (b) *dat die kaartjieskantoor by die ingang van die Eiland Vakansieoord gesloop word.*
- (c) *dat die vyf (5) vakante wonings intern gesloop word met behulp van 'n laaigraaf van Direktoraat Tegniese Dienste en tydelike werkers.*

## **8.4 Direkoraat Korporatiewe Dienste / Directorate Corporate Services**

### **8.4.1 Lease of old Post Office building: Tulbagh (Busy Bee) (7/1/4/1)**

A development proposal for Tulbagh Tourism and De Oude Kerk Volksmuseum is attached as **annexure 8.4.1**.

The Executive Mayoral Committee resolved on 6 October 2021 to recommend to Council:

- (a) that Council considers to lease the old Post Office building in Tulbagh to the Oude Kerk Volksmuseum and Tulbagh Tourism for a period of three years with the option to extend the lease.
- (b) that a Supply Chain process be followed to determine the market related rent for the building.
- (c) that a Public Participation Process be followed for any comments or objections regarding the lease of the old Post Office building.
- (d) that the Municipal Manager be authorised to sign the lease agreement on behalf of Council.

#### **UNANIMOUSLY RESOLVED**

*that the matter in respect of the old Post Office building in Tulbagh (Busy Bee) be held in abeyance to obtain further information and after that be submitted to Council.*

#### **EENPARIG BESLUIT**

*dat die aangeleentheid rakende die ou Poskantoorgebou in Tulbagh (Busy Bee) oorstaan ten einde verdere inligting te bekom en daarna aan die Raad voorgelê word.*

### **8.4.2 Appointment of employer representatives: SALA Pension Fund (12/1/1/2)**

A letter from SALA Pension Fund, dated 6 July 2022, is attached as **annexure 8.4.2**.

#### **UNANIMOUSLY RESOLVED**

- (a) *that Mr Jeffrey Jones be appointed as the employee representative on the provincial forum of the SALA Pension Fund*
- (b) *that in the event that supra (a) cannot be realised, Councillor JP Fredericks be appointed as the employer representative.*

### **EENPARIG BESLUIT**

- (a) *dat mnr. Jeffrey Jones aangewys word as die werknemerverteenwoordiger op die provinsiale forum van die SALA Pensioenfonds.*
- (b) *dat ingeval supra (a) nie uitgevoer kan word nie, raadslid JP Fredericks aangewys word as die werkgewerverteenwoordiger.*

#### **8.4.3 Appointment of Section 80 Committees by Council (03/3/1/1)**

In terms of Section 80 of the Structures Act, Council may appoint Committees of Councillors to assist the Executive Committee or the Executive Mayor. Such Committees may not in number exceed the number of members of the Executive Committee or the Mayoral Committee. Therefore, four (4) Section 80 Committees can be established. The Executive Committee or Executive Mayor appoints a Chairperson for each Committee from the Executive Committee or Mayoral Committee and:

- May delegate any powers and duties to the committee
- Is not divested of the responsibility concerning the exercise of the power or performance of the duty.
- May revoke any decision taken by the committee, subject to any vested rights.

Section 80 Committees are usually permanent committees that specialise in one area of work and sometimes are given the right to make decisions over small issues. Section 80 Committees will also advise executive committees on policy matters and make recommendations to Council.

Council will have to decide whether both Section 79 and 80 Committees will be established or whether only Section 79 or only Section 80 Committees will be established. Section 79 Committees report directly to Council, whilst Section 80 Committees report to the Executive Committee or the Executive Mayor.

Present Management structure

The present Management structure consists of four directorates as follows:

- Directorate Corporate Services
- Directorate Technical Services
- Directorate Financial Services
- Directorate Community Services

Committees can be established for each of the directorates or for any combination thereof.

#### Functions of the Section 80 Committees

The following functions can be considered for the Section 80 Committees:

1. At least one meeting per month to consider reports from the directors.
2. Deal with matters that have been referred to the committee by the Council or the Executive Committee or Executive Mayor.
3. Review and evaluate policies and make recommendations to the Executive Committee or the Executive Mayor on amendments thereto and the revoking thereof.
4. Make recommendations to the Executive Committee or the Executive Mayor on new policy to be implemented.
5. Evaluate and review bylaws and make recommendations to the Executive Committee or the Executive Mayor thereon.
6. Oversee service delivery within the relevant portfolio.
7. Perform such duties and perform such powers as may be delegated to them by Council in terms of Section 59 of the Structures Act.

#### Acceptance of system of delegations

It is recommended that committees be delegated the power to consider and approve monthly reports from the Directors and various sections within the directorates.

A document indicating the current composition of Section 80 Committees is attached as **annexure 8.4.3**.

#### **UNANIMOUSLY RESOLVED**

- (a) *that the matter in respect of the appointment of Section 80 Committees the Executive Mayor be authorised to appoint the members to the Section 79 and 80 Committees after consultation with the Chief Whips of the various political parties.*
- (b) *that an interpreter be appointed to render duties at all Committee and Council meetings.*
- (c) *that Council be informed of all Chairpersons of the Committees.*

**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)**

None

**NOTED**

**11. QUESTIONS and/or MATTERS RAISED by COUNCILLORS**

**11.1 Question to the Deputy Executive Mayor in respect of a Facebook post (3/R)**

Councillor A Gili put a question to the Deputy Executive Mayor in respect of a post by GOOD on Facebook. The verbal enquiry of the Councillor is summarised as follows:

Councillor Gili enquired about the WhatsApp line which is being advertised on Facebook as the method of reporting problems. The concern is that none of the Councillors have been informed of this and it is embarrassing to find out about it from community members. The question is then whether it is a product of the GOOD Party or of Witzenberg Municipality.

The Speaker requested that Councillor A Gili submits a written question in order for the Deputy Executive Mayor to respond on the question before Council as prescribed by the Rules of Order for conducting meetings.

The Deputy Executive Mayor responded that the answer to the question will be given at the next Council meeting.

Councillor Gili informed the meeting that no written submission was made and that the matter no longer needed to be dealt with.

**RESOLVED**

*that the matter relating to the questions to the Deputy Executive Mayor in respect of a Facebook post be removed from the agenda.*

**11.2 Various questions to Executive Mayor  
(3/R)**

A letter from Councillor A Gili, dated 23 March 2022, is attached as **annexure 11.2**.

**UNANIMOUSLY RESOLVED**

*that the matter in respect of questions to the Executive Mayor be held in abeyance and answered at the next meeting.*

**EENPARIG BESLUIT**

*dat die aangeleentheid rakende vrae aan die Uitvoerende Burgemeester oorstaan en die vrae by die volgende vergadering beantwoord word.*

**11.3 Letter of complaint on Public Participation Process in drafting of Council's Reviewed IDP and Budget 2022/2023  
(5/1/1/21; 2/2/1)**

The following documents are attached:

- (a) Letter from Ward Councillors J Zalie and A Gili, dated 15 March 2022: **Annexure 11.3(a)**.
- (b) Memorandum from the Municipal Manager, dated 30 March 2022: **Annexure 11.3(b)**.

**UNANIMOUSLY RESOLVED**

*that the matter be removed from the agenda.*

**EENPARIG BESLUIT**

*dat die aangeleentheid van die agenda verwyder word.*

**11.4 Complaint against Witzenberg Municipality: Non-compliance of Private Security Industry Regulation Act (Act 56 of 2001)  
(17/7/5)**

The following documents are attached:

- (a) Letter from Mr Jimmy van Wyk that was emailed to the Speaker: **Annexure 11.4(a)**.
- (b) Memorandum from the Municipal Manager, dated 30 March 2022: **Annexure 11.4(b)**.

**UNANIMOUSLY RESOLVED**

*that the matter in respect of the complaint against Witzenberg Municipality being in non-compliance of the Private Security Industry Regulation Act (PSIRA) (No. 56 of 2001) be held in abeyance pending reports from PSIRA in this regard.*

**11.5 Registration of Rooikamp of Ceres District Taxi Association  
(17/14/3)**

A letter from the Rooikamp of Ceres District Taxi Association, dated 9 February 2022, is attached as **annexure 11.5**.

**UNANIMOUSLY RESOLVED**

*that the matter in respect of the Registration of Rooikamp of Ceres District Taxi Association be held in abeyance to be workshopped by Council and after that be tabled to Council again.*

**12. COUNCIL-IN-COMMITTEE**