

**MINUTES OF THE SPECIAL COUNCIL MEETING OF WITZENBERG MUNICIPALITY, HELD IN THE TOWN HALL, VOORTREKKER STREET, CERES ON WEDNESDAY, 23 MARCH 2022 AT 10:00**

**PRESENT**

Councillors

Councillor JS Mouton (Speaker) (ANC)  
Alderman HJ Smit (Executive Mayor) (DA)  
Councillor FE Klazen (Deputy Executive Mayor) (GOOD)  
Alderman K Adams (DA)  
Councillor S de Bruin (DA)  
Councillor GJ Franse (DA)  
Alderman BC Klaasen (DA)  
Councillor EM Sidego (DA)  
Councillor D Swart (DA)  
Alderman JJ Visagie (DA)  
Councillor AL Gili (ANC)  
Councillor MJ Ndaba (ANC)  
Councillor N Nogcinisa (ANC)  
Councillor N Phatsoane (ANC)  
Councillor K Yisa (ANC)  
Councillor J Zalie (ANC)  
Councillor J Cloete (PA)  
Councillor JP Fredericks (FFP)  
Councillor LA Hardnek (Witzenberg Party)  
Councillor IL Swartz (EFF)

Officials

Mr D Nasson (Municipal Manager)  
Mr HJ Kritzinger (Director: Finance)  
Mr J Barnard (Director: Technical Services)  
Ms L Nieuwenhuis (Manager: Legal Services)  
Mr CG Wessels (Manager: Administration)  
Ms M Arendse-Smith (Chief Administrative Officer)  
Mr C Titus (Committee Clerk)  
Mr J Pieterse (Senior ICT Officer)

**1. OPENING AND WELCOME / OPENING EN VERWELKOMING**

The Speaker welcomed everyone present and opened the meeting with scripture reading after which she requested Councillor JJ Cloete 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**  
**Aansoek om verlof tot afwesigheid, indien enige**  
**(3/1/2/1)**

An application for leave of absence from the meeting was received from Councillor GG Laban.

**UNANIMOUSLY RESOLVED**

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

**EENPARIG BESLUIT**

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

**2.2 Confidentiality and Conflict of Interest Declaration**  
**Vertroulikheid en Botsing van Belange Verklaring**  
**(3/2/1)**

The Confidentiality and Conflict of Interest Declaration is attached as **annexure 2.2.**

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

**NOTED**

**2.3 Request from Speaker: Legal Advisor**

The Speaker requested that the Municipal Manager who serves as the legal advisor to Speaker, excuse himself from the duty due to an incident in the office of the Speaker. She requested that the Manager: Legal Services of the municipality replace the Municipal Manager for the day and attend the meeting from 10:15:

"I need to ask the MM to excuse himself as the legal advisor for today due to an incident that occurred in my office last week and I also request Liza-Mari to be my legal advisor only for today, and as the Speaker of this Council I want to ask a full investigation on the matter that occurred in my office, I will inform the Council on a later stage on this matter, but for now I do not want to compromise the process of the investigation on this matter."

Alderman JJ Visagie requested more information and the Speaker responded that the Municipal Manager did not want to implicate himself, because the incident was still under investigation.

The Speaker mentioned that the Executive Mayor, Alderman HJ Smit, and Councillor JP Fredericks had also been present with the incident and requested that the abovementioned Councillors excuse themselves.

Alderman JJ Visagie objected to the excusal on grounds that no facts in respect of the matter were available. The Speaker mentioned that the Councillors may attend the meeting, because nothing in this regard will be discussed.

**NOTED.**

#### **2.4 Questions to the Executive Mayor by the ANC coalition in the municipality**

Councillor A Gili put a list of questions to the Executive Mayor in respect of various matters, attached as **annexure 2.4**.

The Executive Mayor responded that the answers on the questions will be given at the next meeting.

**NOTED**

Alderman JJ Visagie requested on behalf of the DA coalition a caucus break from 10:23 until 10:25.

After the caucus break Alderman Visagie confirmed that the Executive Mayor will respond to the answers at the next Council meeting.

**NOTED**

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

#### **3.1 Directorate Finance**

##### **3.1.1 Annual Report and Financial Statements: 2020/2021 (9/01/1)**

The following documents are attached:

- (a) The 2020/2021 Annual Report Oversight Report: **Annexure 3.1.1(a)**.
- (b) MPAC check list for Annual Report 2020/2021: **Annexure 3.1.1(b)**.
- (c) Annual Report and Financial Statements 2020/2021: **Annexure 3.1.1(c)**.

No public comment on the Witzenberg Annual Report 2020/2021 was received.

Alderman K Adams enquired about the correctness of the sentence of the Overview report of the Municipal Manager under Revenue Collection.

The Municipal Manager acknowledged the mistake and corrected the sentence to read:

"The municipality's performance for revenue collection increased from 88 % in 2019/2020 to 90 % in the 2020/2021 financial year."

#### **UNANIMOUSLY RESOLVED**

- (a) *that Council takes notice of the MPAC Oversight Report in the Annual Report 2020/2021 and, after consideration, accepts same.*
- (b) *that, having fully considered the 2020/2021 Annual Report of the Witzenberg Municipality, Council adopts the 2020/2021 Oversight Report and approves the 2020/2021 Annual Report without reservations.*

#### **EENPARIG BESLUIT**

- (a) *dat die Raad kennis neem van die Munisipale Publieke Rekeningekomitee se Oorsigverslag in die Jaarverslag 2020/2021 en, na oorweging, genoemde aanvaar.*
- (b) *dat, nadat die 2020/2021 Jaarverslag van die Munisipaliteit Witzenberg volledig oorweeg is, word die 2020/2021 Oorsigverslag deur die Raad aanvaar en die 2020/2021 Jaarverslag sonder voorbehoude goedgekeur.*

**3.1.2 Finance: Adjustment budget 2020/2021**  
**(5/1/1/19)**

The following documents are attached:

- (a) Memorandum from Director: Finance, dated 19 January 2022: **Annexure 3.1.2(a)**.
- (b) Adjustment budget report 2020/2021: **Annexure 3.1.2(b)**.
- (c) Budget schedules 2020/2021: **Annexure 3.1.2(c)**.

**UNANIMOUSLY RESOLVED**

- (a) *that no official or public office bearer that made, permitted or authorised the unauthorised expenditure acted deliberately or in grossly negligent manner.*
- (b) *that the municipality has not suffered any loss as a result of the action.*
- (c) *that the unauthorised expenditure not be recovered from any official or public office bearer, and that the amount be written off.*
- (d) *That the Adjustment Budget of Witzenberg Municipality for the financial year 2020/2021, as set out in the budget documents, be approved by Council.*

**EENPARIG BESLUIT**

- (a) *dat geen amptenaar of openbare ampsdraer wat die ongemagtigde uitgawe gemaak, toegelaat of gemagtig het, opsetlik of op growwe nalatige wyse opgetree het nie.*
- (b) *dat die munisipaliteit geen verlies gely het as gevolg van die optrede nie.*
- (c) *dat die ongemagtigde uitgawe nie van enige amptenaar of openbare ampsdraer verhaal word nie en dat die bedrag afgeskryf word.*
- (d) *Dat die Aansuiweringsbegroting van Munisipaliteit Witzenberg vir die finansiële jaar 2020/2021, soos uiteengesit in die begrotingsdokumente, deur die Raad goedgekeur word.*

### **3.2 Directorate Corporate Services**

#### **3.2.1 By-law: Rules of order for conducting of meetings (1/3/1/25)**

The By-law on the Rules of Order regulating the conduct of meetings of the Witzenberg Municipality is attached as **annexure 3.2.1**.

The following recommendation was tabled to Council:

that the By-law on the Rules of Order regulating the conduct of meetings of the Witzenberg Municipality, be approved and adopted for promulgation.

#### **UNANIMOUSLY RESOLVED**

*that notice be taken of the discussions on the By-law: Rules of Order for conducting of meetings.*

#### **EENPARIG BESLUIT**

*dat kennis geneem word van die besprekings rondom die Verordeninge insake die Ordereëls vir vergaderings.*

### **4. QUESTIONS AND/OR MATTERS RAISED BY COUNCILLORS**

#### **4.1 Question to the Deputy Executive Mayor in respect of a Facebook post**

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.

#### **NOTED**

**4.2 Sewerage pipeline: Nduli, Ceres  
(16/5/R)**

Councillor N Phatsoane requested that the long coming complaints about the sewerage pipeline in Nduli, Ceres be addressed urgently. The Speaker requested that Councillor Phatsoane and all Councillors in future submit written questions for Council as prescribed by the Rules of Order for conducting meetings.

**UNANIMOUSLY RESOLVED**

*that Councillor N Phatsoane informs the Director: Technical Services with a written request to urgently attend to the defects on the sewerage pipeline in Nduli, Ceres.*

**EENPARIG BESLUIT**

*dat raadslid N Phatsoane 'n skriftelike versoek aan die Direkteur: Tegniese Dienste rig om dringend aandag te skenk aan die foute op die rioolpypleiding in Nduli, Ceres.*

**5. ADJOURNMENT / VERDAGING**

The meeting adjourned at 10:40.

Approved on \_\_\_\_\_ with / without amendments.

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**COUNCILLOR J MOUTON**  
**SPEAKER**

*MJ Prins*