

**MINUTES OF THE COUNCIL MEETING OF WITZENBERG MUNICIPALITY,
HELD IN THE TOWN HALL, VOORTREKKER STREET, CERES ON THURSDAY,
16 MAY 2024 AT 10:00**

PRESENT

Councillors

Councillor EM Sidego (DA) (Speaker)
Councillor TE Abrahams (DA) (Executive Mayor)
Councillor JF Nel (ICOSA) (Executive Deputy Mayor)
Alderman K Adams (DA)
Councillor P Daniels (DA)
Councillor S de Bruin (DA)
Councillor GJ Franse (DA)
Councillor JP Fredericks (FF Plus)
Councillor AL Gili (ANC)
Councillor LA Hardnek (Witzenberg Party)
Councillor JS Mouton (ANC)
Councillor N Nogcinisa (ANC)
Councillor N Phatsoane (ANC)
Alderman HJ Smit (DA)
Councillor D Swart (DA)
Alderman JJ Visagie (DA)
Councillor K Yisa (ANC)

Officials

Mr D Nasson (Municipal Manager)
Mr HJ Kritzinger (Director: Finance)
Mr J Barnard (Director: Technical Services)
Ms N Oerson (Chief Internal Audit Executive)
Ms L Nieuwenhuis (Senior Manager: Legal Services)
Mr A Hofmeester (Manager: IDP)
Ms R Hendricks (Manager: Communication and Marketing)
Mr CG Wessels (Manager: Administration)
Mr CJ Titus (Committee Clerk)
Ms MJ Prins (Word Processor Operator)
Mr J Pieterse (Senior ICT Officer)
Mr M Njokweni (Interpreter)

1. OPENING AND WELCOME / OPENING EN VERWELKOMING

The Speaker welcomed everyone present and requested Councillor J Mouton 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
Aansoeke om verlof tot afwesigheid
(3/1/2/1)**

Applications for leave of absence from the meeting were received from Councillors GG Laban, J Zalie, IL Swartz and WJ Alexander.

UNANIMOUSLY RESOLVED

that the Speaker will consider approval of the applications for leave of absence from the meeting, received from Councillors GG Laban, J Zalie, IL Swartz and WJ Alexander, at the next Council meeting on condition that written apologies be submitted.

EENPARIG BESLUIT

dat die Speaker die aansoeke om verlof tot afwesigheid, ontvang vanaf raadslede GG Laban, J Zalie, IL Swartz en WJ Alexander, by die volgende Raadsvergadering sal oorweeg op voorwaarde dat skriftelike verskonings ingedien 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 was duly signed by all Councillors. No conflict of interest was declared.

NOTED

**3. STATEMENTS, ANNOUNCEMENTS OR MATTERS RAISED
MEDEDELINGS, AANKONDIGINGS OF SAKE GEOPPER**

**3.1 Gratitude, Congratulations and Commiseration
Waardering, Gelukwensing en Meelewing
(11/4/3)**

Councillor LA Hardnek conveyed congratulations on behalf of Council to the following Councillors on their birthdays:

- Councillor N Nogcinisa 6 April
- Councillor P Daniels 8 April
- Councillor W Alexander 12 April

NOTED.

**3.2 Matters raised by the Speaker / Sake deur die Speaker geopper
(09/1/1)**

- (a) The Speaker conveyed best wishes to all mothers on the past Mother's Day, held on Sunday, 12 May 2024.
- (b) The Speaker mentioned that the planned and scheduled meeting with all female Councillors, which was postponed, will be held after the Provincial and National elections 2024.
- (c) The Speaker referred to the planned and scheduled meeting with all Ward Councillors, which was postponed and will be held after the Provincial and National elections.
- (d) The Speaker extended condolences to the family of the late Councillor Gerrit Fredericks of Cape Winelands District Municipality who passed on due to illness and also the passing on of a learner at Tulbagh High School on Mother's Day. The Speaker expressed condolences to all families in the Witzenberg area who had experienced the passing of loved ones.

NOTED

**3.3 Matters raised by the Executive Mayor
Sake deur die Uitvoerende Burgemeester geopper
(09/1/1)**

- (a) The Executive Mayor expressed, on behalf of Council, deepest sympathy and condolences to the bereaved family of the late Councillor Gerrit Fredericks of Cape Winelands District Municipality who passed on and wished the family a speedy emotional recovery.
- (b) The Executive Mayor referred to the tragic collapsing of a building in George and conveyed, on behalf of Council, condolences to the families of the workers who passed on.
- (c) The Executive Mayor congratulated Adriaan Wildschutt on his performance in athletics and the award received from High School Bella Vista. Adriaan is the new world record holder for indoor 10 000 meters and is therefore a member of the South African athletics team for the Olympic Games in Paris during August 2024.
- (d) The Executive Mayor congratulated Pietie and Suretha Deetlefs on their prestigious performance at the recent South African Masters Athletics Tournament.

- (e) The Executive Mayor wished, on behalf of Council, all political parties a fair and successful campaign with the Provincial and National Elections to be held on 29 May 2024.

NOTED

3.4 Matters raised by the Municipal Manager
Sake deur die Munisipale Bestuurder geopper

None

NOTED

4. GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS

4.1 Direktooraat Finansies / Directorate Finance

4.1.1 Finance: Budget 2024/2025 and Reviewed IDP 2024/2025 (5/1/1/23 & 2/2/1)

Memorandum from Director: Finance, dated 8 May 2024:

"1. Purpose

The purpose of this report is to table the Draft Budget 2024/2025 and the Draft Reviewed IDP 2024/2025 to the Executive Mayor and Council.

2. Legal framework

Section 16 - 18 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) stipulates as follows:

'Annual budgets

16. (1) The council of a municipality must for each financial year approve an annual budget for the municipality before the start of that financial year.
- (2) In order for a municipality to comply with subsection (1), the mayor of the municipality must table the annual budget at a council meeting at least 90 days before the start of the budget year.
- (3) Subsection (1) does not preclude the appropriation of money for capital expenditure for a period not exceeding three financial years, provided a separate appropriation is made for each of those financial years.'

'Contents of annual budgets and supporting documents

17. (1) An annual budget of a municipality must be a schedule in the prescribed format –
 - (a) setting out realistically anticipated revenue for the budget year from each revenue source;
 - (b) appropriating expenditure for the budget year under the different votes of the municipality;
 - (c) setting out indicative revenue per revenue source and projected expenditure by vote for the two financial years following the budget year;
 - (d) setting out –
 - (i) estimated revenue and expenditure by vote for the current year; and

- (ii) actual revenue and expenditure by vote for the financial year preceding the current year; and
 - (e) a statement containing any other information required by section 215(3) of the Constitution or as may be prescribed.
- (2) An annual budget must generally be divided into a capital and an operating budget in accordance with international best practice, as may be prescribed.
- (3) When an annual budget is tabled in terms of Section 16 (2), it must be accompanied by the following documents:
- (a) draft resolutions –
 - (i) approving the budget of the municipality;
 - (ii) imposing any municipal tax and setting any municipal tariffs as may be required for the budget year;
 - (iii) approving the budgets for the relevant financial year of each municipal entity under the sole or shared control of the municipality; and
 - (iv) approving any other matter that may be prescribed;
 - (b) measurable performance objectives for each vote in the budget, taking into account the municipality's integrated development plan;
 - (c) a projection of cash flow for the budget year by revenue source, broken down per month;
 - (d) any proposed amendments to the municipality's integrated development plan following the annual review of the integrated development plan in terms of section 34 of the Municipal Systems Act;
 - (e) any proposed amendments to the budget-related policies of the municipality;
 - (f) particulars of the municipality's investments;
 - (g) any prescribed budget information on municipal entities under the sole or shared control of the municipality;
 - (h) particulars of all proposed new municipal entities which the municipality intends to establish or in which the municipality intends to participate;
 - (i) particulars of any proposed service delivery agreements, including material amendments to existing service delivery agreements;
 - (j) particulars of any proposed allocations or grants by the municipality to –
 - (i) other municipalities;

- (ii) any municipal entities and other external mechanisms assisting the municipality in the exercise of its functions or powers;
 - (iii) any other organs of state;
 - (iv) any organisations or bodies referred to in Section 67(1);
- (k) the proposed cost to the municipality for the budget year of the salary, allowances and benefits of –
 - (i) each political office-bearer of the municipality;
 - (ii) councillors of the municipality; and
 - (iii) the municipal manager, the chief financial officer, each senior manager of the municipality and any other official of the municipality at a remuneration package at least equal to that of a senior manager;
- (l) the proposed cost for the budget year to a municipal entity under the sole or shared control of the municipality of the salary, allowances and benefits of –
 - (i) each member of the entity's board of directors; and
 - (ii) the chief executive officer and each senior manager of the entity; and
- (m) any other supporting documentation as may be prescribed.'

'Funding of expenditures

18. (1) An annual budget may only be funded from –
- (a) realistically anticipated revenues to be collected;
 - (b) cash-backed accumulated funds from previous years' surpluses not committed for other purposes; and
 - (c) borrowed funds, but only for the capital budget referred to in Section 17(2).
- (2) Revenue projections in the budget must be realistic, taking into account –
- (a) projected revenue for the current year based on collection levels to date; and
 - (b) actual revenue collected in previous financial years.'

The following documents are attached:

- (a) Tariff Setting Tool: **Annexure 4.1.1(a)**.
- (b) Draft Reviewed IDP 2024/2025: **Annexure 4.1.1(b)**.

- (c) Draft Budget: 2024/2025 – 2026/2027: **Annexure 4.1.1(c).**
- (d) Draft Budget Related Policies: 2024/2025: **Annexure 4.1.1(d).**
- (e) Draft Budget Schedules: 2024/2025 – 2026/2027: **Annexure 4.1.1(e).**

The Executive Mayor, Councillor TE Abrahams, submitted the Draft Budget 2024/2025 and Draft Reviewed IDP 2024/2025 and rendered the budget speech, attached as **annexure 4.1.1(f).**

The Executive Mayor, Councillor TE Abrahams, proposed that the recommendations in the agenda be accepted, seconded by Alderman K Adams.

Councillor K Yisa objected against the Draft Budget 2024/2025 on grounds that the budget was not workshopped. The Speaker differed from the Councillor and mentioned that a workshop was held.

Councillor AL Gili mentioned that a workshop was held and that it was decided that the budget 2024/2025 would be taken to the communities for public participation and inputs. That was not done and thus Council does not know what the inputs of the communities are. The matters of Nduli for the budget is therefore not addressed, i.e. the restoration of the library and offices for the Councillors.

Councillor AL Gili proposed that the budget be objected, seconded by Councillor N Phatsoane.

The Speaker called for a vote and the outcomes were:

In favour of recommendations for budget	12
Objection against budget	5
Absent	2
Apologies	<u>4</u>
 TOTAL	 23

The Speaker declared the outcomes in favour of the majority votes.

RESOLVED

- (a) *That the annual budget of Witzenberg Municipality for the financial year 2024/2025; and indicative for the two projected years 2025/2026 and 2026/2027, as set out in the schedules contained in Section 4, be approved:*
 - (i) *Table A2: Budgeted Financial Performance (expenditure by standard classification).*
 - (ii) *Table A3: Budgeted Financial Performance (expenditure by municipal vote).*
 - (iii) *Table A4: Budgeted Financial Performance (revenue by source).*
 - (iv) *Table A5: Budgeted Capital Expenditure for both multi-year and single year by vote, standard classification and funding.*
- (b) *Property rates reflected in annexure 4.1.1(c) and any other municipal tax reflected in annexure 4.1.1(c) are imposed for the budget year 2024/2025.*
- (c) *Tariffs and charges reflected in annexure 4.1.1(c) are approved for the budget year 2024/2025.*
- (d) *The measurable performance objectives for revenue from each source reflected in Table A4 - Budgeted Financial Performance (revenue and expenditure) are approved for the budget year 2024/2025.*
- (e) *The measurable performance objectives for each vote reflected in SA8 are approved for the budget year 2024/2025.*
- (f) *That the new amended budget related policies be approved with implementation as from 1 July 2024:*
 - (i) *Tariff Policy*
 - (ii) *Property Rates Policy*
 - (iii) *Credit Control and Debt Collection Policy.*
 - (iv) *Cash Management and Investment Policy*

- (v) *Consumer Payment Incentive Policy.*
 - (vi) *Municipal Supply Chain Management Policy*
 - (vii) *Petty Cash Policy*
 - (viii) *Indigent Policy*
 - (ix) *Budget Policy*
 - (x) *Budget Virement Policy*
 - (xi) *Asset Management Policy*
 - (xii) *Funding and Reserves Policy*
 - (xiii) *Cellular Telephone and Data Card Policy*
 - (xiv) *Borrowing Policy*
 - (xv) *Long Term Financial Plan Policy*
 - (xvi) *Transport, Travel and Subsistence Allowance*
 - (xvii) *Post-Employment Medical Aid Contributions*
 - (xviii) *Infrastructure Investment Policy*
 - (xix) *Cost Containment Policy*
- (g) *That Council takes cognisance of the budget circulars issued by National Treasury and Provincial Treasury.*
- (h) *That Council takes cognisance of the SIME/LG MTEC Integrated Planning and Budgeting Assessment and the responses by the municipality.*
- (i) *that the Reviewed Integrated Development Plan (IDP) for 2024/2025 be adopted.*

**4.1.2 Quarterly Budget Statement [Section 52(d)] Report: 3rd Quarter 2023/2024 (January until March 2024)
(9/1/1 & 9/1/2/2)**

The Quarterly Budget Statement [Section 52(d)] Report for the 3rd Quarter of 2023/2024 is attached as **annexure 4.1.2.**

UNANIMOUSLY RESOLVED

- (a) *that notice be taken of the Quarterly Budget Statement [Section 52(d)] Report for the 3rd Quarter of 2023/2024.*
- (b) *that the report supra (a) be referred to the Portfolio Committee for Corporate and Financial Services, the Performance, Risk and Audit Committee as well as the Municipal Public Accounts Committee to take notice or to advise Council if deemed necessary.*

**4.1.3 Section 71 Monthly Budget Statement Report of Directorate Finance:
March 2024
(9/1/2/2)**

The Section 71 Monthly Budget Statement Report of the Directorate Finance for March 2024 is attached as **annexure 4.1.3**.

UNANIMOUSLY RESOLVED

- (a) that notice be taken of the Section 71 Monthly Budget Statement Report of the Directorate Finance for March 2024.*
- (b) that the Section 71 Monthly Budget Statement Report of the Directorate Finance for March 2024 be referred to the Portfolio Committee for Corporate and Financial Services, the Performance, Risk and Audit Committee and the Municipal Public Accounts Committee to take notice or to advise Council if deemed necessary.*

**4.1.4 Rebates granted during 2022/2023 financial year
(5/12/1/7)**

Memorandum from Director: Finance, dated 2 February 2024:

"1. Purpose

To table before Council a list of all exemptions, rebates and reductions, as prescribed by the Local Government Municipal Property Rates Act Section 15(3)(a) of 2004: 'The Municipal Manager must annually table in the Council of the municipality a list of all exemptions, rebates and reductions granted by the municipality during the previous financial year'.

2. Background

In terms of Subsection 15(1) of the Municipal Property Rates Act (No. 6 of 2004) a municipality may in terms of the criteria set out in its Rates Policy:

- (a) Exempt a specific category of owners of properties, or the owners of a specific category of properties, from payment of a rate levied on their property; or*
- (b) Grant to a specific category of owners of properties, or to the owners of a specific category of properties, a rebate on or a reduction in the rates payable in respect of their properties.*

Subsection 15(3) notes that the Municipal Manager must annually table in the Council of the municipality a list of all exemptions, rebates and reductions granted by the municipality in terms of subsection 15(1) during the previous financial year.

The Council grants exemption on the first R120 000 property value of the following categories of property owners:

- Residential property
- Residential informal property
- Business/Commercial property
- Industrial property

In addition, Council also grants 50 % rebate to qualifying pensioners (persons older than 60 years old) on residential property rates.

3. Legislature framework

- Municipal Rates Policy
- Municipal Property Rates Act (No. 6 of 2004)

4. Financial implication

The total revenue forgone in respect of exemptions, reductions and rebates for the 2022/23 financial year in respect of property rates amounts to R10 418 986-44."

The Executive Mayoral Committee resolved on 19 February 2024 to recommend to Council that notice be taken of the list of exemptions, rebates and reductions granted by the municipality during the 2022/2023 financial year.

On a question of Councillor AL Gili for reasons of the rebates the Chief Financial Officer clarified that the matter originated from a Council resolution in the previous budget for grants exemption on the first R120 000 property value for categories of property owners. In addition that Council also grants 50 % rebate to qualifying pensioners (persons older than 60 years) on residential property.

UNANIMOUSLY RESOLVED

that notice be taken of the exemptions, rebates and reductions granted by the municipality during the 2022/2023 financial year.

4.2 Direktooraat Tegniese Dienste / Directorate Technical Services

None

NOTED

4.3 Direktooraat Gemeenskapsdienste / Directorate Community Services

None

NOTED

4.4 Direktooraat Korporatiewe Dienste / Directorate Corporate Services

**4.4.1 Council meeting program: June until December 2024
(3/1/2/3)**

Memorandum from Manager: Administration, dated 6 May 2024:

1. Purpose

To obtain the approval of the Executive Mayoral Committee as well as Council for the proposed Council meeting program for June until December 2024.

2. For decision

Council.

3. Executive summary

The Council meeting program and meeting schedule for January until June 2024 was approved by Council and advertised in the local newspaper. Due to the national and provincial elections on 29 May 2024 a Council meeting program for only six months was planned. It is recommended that the attached program (**annexure 4.4.1**) for the period June until December 2024 be approved.

The Council meeting program of the Witzenberg Municipality has been synchronised with the meeting dates of the Cape Winelands District Municipality and with the SALGA Working Group meetings. The program 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 June until December 2024 provides the list of scheduled meetings of Council, the Executive Mayoral Committee, the various Section 80 Committees, Municipal Public Accounts Committee (MPAC), Performance, Risk and Audit Committee (PRAC), the Local Labour Forum (LLF) and the Senior Management with the applicable time, date, venue or modus of the meetings.

Senior Management meetings are once again proposed to be held every Monday, Section 80 Committee meetings on the third Tuesday and Thursday of every second month and 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 Tuesday of the month, depending on specific circumstances. Council meetings are also synchronised with the Council meetings of the Cape Winelands District Municipality. Meetings of the Executive Mayoral Committee are scheduled twice a month. All meetings can be held virtually or in contact depending on circumstances at the time.

4.2 Constitutional and policy implications

Compliance with any health regulation in case of contact meetings and compliance with municipal IT Policy in case of virtual meetings.

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 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, date and venue or modus of every ordinary meeting of the Council and special or urgent meetings of the Council except when time constraints make this impossible.

Council meetings for this schedule are planned for every month except for September and November 2024 and this exceeds the minimum requirement of one meeting per quarter as prescribed.

All legislative and policy requirements are complied with."

UNANIMOUSLY RESOLVED

that the Council meeting program for June until December 2024 be approved.

4.4.2 Amendment of Section 12 Notice of Witzenberg Municipality to allow Chairperson of MPAC to be full-time position (3/3/1/1)

Memorandum from Director: Finance, dated 6 May 2024:

"1. Purpose

To submit approval obtained from the MEC for Local Government that the Municipal Public Accounts Committee (MPAC) Chairperson be a full-time position.

2. Discussion

2.1 MPAC Chairperson

Council resolved on 24 January 2024 to request the MEC for Local Government to amend the Section 12 Notice of Witzenberg to allow the Chairperson of the Municipal Public Accounts Committee to be a full-time position.

The following documents are attached:

- (a) Required approval, dated 6 May 2024: **Annexure 4.4.2(a)**.
- (b) Relevant Government Gazette: **Annexure 4.4.2(b)**.

2.2 Grading of the municipality

The grading of Witzenberg Municipality is Grade 4.

2.3 Upper limits of remuneration

The upper limits of the remuneration of a part-time Chairperson of Municipal Public Accounts Committee (MPAC) are R399 846-00 while the remuneration for a full-time Chairperson of MPAC is R695 712-00.

2.4 Date of implementation

According to the letter received from the MEC, the effective date is 26 April 2024, or any other date thereafter as determined by the municipal Council.

2.5 Affordability

Provision was made for an increase in Councillor allowances in the 2023/2024 operating budget with the result that the provision in the original budget for the increase is sufficient.

2.6 Concurrence of the Provincial Minister for Local Government

The Councillor allowances may only be implemented once the concurrence of the Provincial Minister for Local Government has been obtained."

UNANIMOUSLY RESOLVED

That in respect of the determination of upper limits of salaries, allowances, and benefits of the Municipal Public Accounts Committee Chairperson:

- (a) That Council notes the content of Provincial Gazette no. 8913.*
- (b) That sufficient funds are available to set the upward salary adjustment of the Municipal Public Accounts Committee Chairperson with effect from 26 April 2024.*
- (c) That Council approves the salary for the Municipal Public Accounts Committee Chairperson in the amount of R695 712-00 per annum.*
- (d) That the increase of total remuneration be approved retrospectively from 1 May 2024 subject to the concurrence of the Provincial Minister for Local Government.*
- (e) That the Provincial Minister for Local Government notes that Council has not implemented the adjustment in the remuneration of the Municipal Public Accounts Committee Chairperson allowance adjustment yet.*

5. URGENT MATTERS SUBMITTED AFTER DISPATCHING OF THE AGENDA DRINGENDE SAKE NA AFSENDING VAN DIE AGENDA

None

NOTED

6. FORMAL AND STATUTORY MATTERS FORMELE EN STATUTÊRE SAKE

6.1 Feedback on matters of outside bodies Terugvoering oor sake van buite-organisasies (3/R)

None

NOTED

**7. QUESTIONS and/or MATTERS RAISED by COUNCILLORS
VRAE en/of SAKE DEUR RAADSLEDE GEOPPER**

None

NOTED

8. ADJOURNMENT

The meeting adjourned at 11:05.

Approved on 26 July 2024 without amendments.

**COUNCILLOR EM SIDEGO
SPEAKER**

/MJ Prins