

**MINUTES OF THE COUNCIL MEETING OF WITZENBERG MUNICIPALITY,
HELD IN THE TOWN HALL, VOORTREKKER STREET, CERES ON WEDNESDAY,
24 JANUARY 2024 AT 10:00**

PRESENT

Councillors

Councillor EM Sidego (Speaker) (DA)
Councillor TE Abrahams (Executive Mayor) (DA)
Councillor GG Laban (Executive Deputy Mayor) (Witzenberg Aksie)
Alderman K Adams (DA)
Councillor WJ Alexander (PA)
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 JF Nel (ICOSA)
Councillor N Nogcinisa (ANC)
Councillor N Phatsoane (ANC)
Councillor KA Robyn (GOOD)
Alderman HJ Smit (DA)
Councillor D Swart (DA)
Councillor IL Swartz (EFF)
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)
Mr M Mpeluza (Director: Corporate Services)
Ms N Oerson (Chief Internal Audit Executive)
Ms M Nieuwenhuis (Manager: Legal Services)
Ms R Hendricks (Manager: Communication and Marketing)
Mr CG Wessels (Manager: Administration)
Ms M Arendse-Smith (Chief Administrative Officer)
Mr C Titus (Committee Clerk)
Ms MJ Prins (Word Processor Operator)
Mr J Pieterse (Senior ICT Officer)

1. OPENING AND WELCOME / OPENING EN VERWELKOMING

The Speaker welcomed everyone present and requested Councillor W Alexander 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)**

An application for leave of absence from the meeting was received from Councillor J Zalie due to the visit of Gift of the Givers to Ward 7 to assist and support after the devastating fire.

UNANIMOUSLY RESOLVED

that the application for leave of absence from the meeting, received from Councillor J Zalie, be approved and accepted.

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

- (a) The Confidentiality and Conflict of Interest Declaration was duly signed by all Councillors.
- (b) Councillor TE Abrahams declared a conflict of interest with regard to item 8.1.19 (Finance: Writing off of interest and arrears: Welfare organisations) in respect of Pieter Strauss Home for the Aged.
- (c) Councillor L Hardnek declared a conflict of interest with regard to item 8.1.19 (Finance: Writing off of interest and arrears: Welfare organisations) in respect of HM Beets Bewaarskool.

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)**

- (a) The Speaker conveyed Council's congratulations to the following spouses of Councillors on their birthdays:

| | | |
|---|---------------|------------|
| ❖ | Mr K de Bruin | 15 January |
| ❖ | Ms F Adams | 24 January |

- (b) Councillor J Mouton expressed condolences to the family of Noluthandi Venesia (Thandi), Mlomzale, a girl from Wolseley, who was brutally killed.

Councillor Mouton also thanked the Executive Mayor for his assistance during the passing of her cousin and uncle, Mr Joseph (Boetie) Booysen.

NOTED.

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

- (a) The Speaker thanked the Executive Mayor and Executive Deputy Mayor for rendering services during the festive season and wished all Councillors and the Administration a blessed 2024.
- (b) The Speaker congratulated all successful matriculants of the class of 2023 in the Witzenberg area, especially the Tulbagh High School which increased in performance noteworthy.
- (c) The Speaker mentioned that she will call a meeting with all Ward Councillors to discuss Ward committees.
- (d) The Speaker thanked all Councillors who had visited schools with the opening to wish them well.

NOTED

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

- (a) The Executive Mayor welcomed back Council, the Administration and members of the public after the festive season and expressed to all a blessed and prosperous 2024.

- (b) The Executive Mayor mentioned that a huge backlog is experienced in the municipality and that Councillors must accept that more meetings per day will be called.
- (c) The Executive Mayor announced that after a meeting with the DA alliance it was decided that all Mayoral Committee members will resume duties at 08:30. If a member is not in the Ceres office it will be assumed that such member is in his/her Ward office and work until the end of the day.
- (d) The Executive Mayor reported that during the festive season no murder cases were experienced, but fires at Pieter Strauss Home for the Aged in Ceres and the dumping site in Prince Alfred's Hamlet.
- (e) The Executive Mayor mentioned that the municipality must at all times be disaster ready and must increase their stock of materials and food to assist the victims involved in the disasters.
- (f) The Executive Mayor requested that Administration attend to public members who light fires and inform such in good time.
- (g) The Executive Mayor congratulated all successful matriculants and encouraged those who were not so successful.
- (h) The Executive Mayor requested all Councillors to ensure that they sign the attendance register of Council meetings.
- (i) The Executive Mayor requested Council to complete the SASRIA and Declaration of Interest forms without delay.
- (j) The Executive Mayor expressed condolences to the Reddy family whose two-year old boy had drowned and also to Alderman J Visagie with the passing of his nephew.
- (k) Councillor A Gili expressed gratitude to the Executive Mayor for attending to matters in Nduli and areas elsewhere which were previously neglected by Mayors. The communication is especially noteworthy.

NOTED

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

- (a) The Municipal Manager mentioned that serious electricity problems are experienced at the power station and the transformer in Bon Chretien Street. An information letter will be distributed.
- (b) The Municipal Manager reported that the fire at Kluitjieskraal plantation in Wolseley is under control, but that smoke is still present.

- (c) Councillors K Robyn and W Alexander reported that residents in Bella Vista, Ceres are dissatisfied with the supply of electricity and that they angrily confront Councillors at their homes.
- (d) Councillor J Mouton complimented the Director: Technical Services on his availability and rendering services when necessary. Councillor A Gili was of the opinion that preference is given to white areas, but not similar in non-white areas.

NOTED

4. MINUTES / NOTULES

**4.1 Corrections to the minutes / Wysigings aan die notules
(3/1/2/3)**

UNANIMOUSLY RESOLVED

that consideration of corrections to the minutes be held in abeyance until the next meeting.

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

The following minutes are attached:

- (a) Council meeting, held on 23 February 2022: **Annexure 4.2(a).**
- (b) Council meeting, held on 26 October 2022: **Annexure 4.2(b).**
- (c) Council meeting, held on 9 November 2022: **Annexure 4.2(c).**
- (d) Council meeting, held on 29 November 2022: **Annexure 4.2(d).**

Council resolved on 28 March 2023:

- (a) that the following minutes be held in abeyance to be workshopped:
 - (i) Council meeting, held on 23 February 2022.
 - (ii) Council meeting, held on 26 October 2022.
 - (iii) Council meeting, held on 9 November 2022.
 - (iv) Council meeting, held on 29 November 2022.
- (b) that the ANC coalition provides extracts of the relevant matters of concern to be workshopped, by Monday, 3 April 2023.

The following minutes are further attached:

- (e) Council meeting, held on 30 May 2023: **Annexure 4.2(e).**
- (f) Special Council meeting, held on 6 June 2023: **Annexure 4.2(f).**

- (g) Special Council meeting, held on 24 July 2023: **Annexure 4.2(g).**
- (h) Council meeting, held on 25 August 2023: **Annexure 4.2(h).**
- (i) Special Council meeting, held on 17 October 2023: **Annexure 4.2(i).**
- (j) Special Council meeting, held on 24 October 2023: **Annexure 4.2(j).**
- (k) Special Council meeting, held on 14 December 2023: **Annexure 4.2(k).**
- (l) Special Council meeting, held on 20 December 2023: **Annexure 4.2(l).**

The following recommendation was tabled to Council:

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

- (a) Council meeting, held on 23 February 2022.
- (b) Council meeting, held on 26 October 2022.
- (c) Council meeting, held on 9 November 2022.
- (d) Council meeting, held on 29 November 2022.
- (e) Council meeting, held on 30 May 2023.
- (f) Special Council meeting, held on 6 June 2023.
- (g) Special Council meeting, held on 24 July 2023.
- (h) Council meeting, held on 25 August 2023.
- (i) Special Council meeting, held on 17 October 2023.
- (j) Special Council meeting, held on 24 October 2023.
- (k) Special Council meeting, held on 14 December 2023.
- (l) Special Council meeting, held on 20 December 2023.

UNANIMOUSLY RESOLVED

that the approval of the minutes be held in abeyance until the next meeting.

5. MOTIONS AND NOTICE OF SUGGESTIONS
MOSIES EN KENNISGEWING VAN VOORSTELLE

None

NOTED

**6. INTERVIEWS WITH DELEGATIONS
ONDERHOUDE MET AFVAARDIGINGS**

None

NOTED

7. GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS

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

The following minutes are attached:

- (a) Committee for Technical Services, held on 15 September 2021:
Annexure 7.1(a).
- (b) Committee for Technical Services, held on 5 April 2022:
Annexure 7.1(b).
- (c) Municipal Public Accounts Committee, held on 10 November 2022:
Annexure 7.1(c).
- (d) Municipal Public Accounts Committee, held on 17 January 2023:
Annexure 7.1(d).
- (e) Committee for Technical Services, held on 14 March 2023:
Annexure 7.1(e).
- (f) Executive Mayoral Committee, held on 27 March 2023:
Annexure 7.1(f).
- (g) Committee for Technical Services, held on 18 April 2023:
Annexure 7.1(g).
- (h) Performance, Risk and Audit Committee, held on 24 April 2023:
Annexure 7.1(h).
- (i) Executive Mayoral Committee, held on 24 May 2023:
Annexure 7.1(i).
- (j) Performance, Risk and Audit Committee, held on 28 July 2023:
Annexure 7.1(j).

- (k) Performance, Risk and Audit Committee, held on 18 August 2023:
Annexure 7.1(k).
- (l) Municipal Public Accounts Committee, held on 31 August 2023:
Annexure 7.1(l).

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.

**7.2 Approval of minutes: Executive Mayoral Committee meeting
23 August 2023
(3/1/2/3)**

The minutes of the Executive Mayoral Committee meeting, held on 23 August 2023, are attached as **annexure 7.2**.

The Executive Mayoral Committee resolved on 14 November 2023 that the minutes of the Executive Mayoral Committee meeting, held on 23 August 2023, be referred to Council for approval as none of the current Executive Mayoral Committee members had attended the abovementioned meeting.

UNANIMOUSLY RESOLVED

that the minutes of the Executive Mayoral Committee meeting, held on 23 August 2023, be approved and signed by the Chairperson.

EENPARIG BESLUIT

dat die notule van die Uitvoerende Burgemeesterskomitee-vergadering, gehou op 23 Augustus 2023, goedgekeur en deur die Voorsitter onderteken word.

8. GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS

8.1 Direktooraat Finansies / Directorate Finance

8.1.1 Implementation of Debt Collection and Credit Control Policy (5/12/P & 5/1/1/21)

A memorandum from the Director: Finance, dated 16 January 2023, is attached as **annexure 8.1.1**.

Council unanimously resolved on 25 January 2023:

that the matter in respect of the implementation of the Debt Collection and Credit Control Policy be held in abeyance in order for the following matters to be workshopped by Council:

- (i) Portion of electricity purchases to be set off against arrear debt. (Auxiliary – 30 %).
- (ii) Installation of pre-paid water meters if other debt collection measures are not successful.

The Executive Mayoral Committee resolved on 27 February 2023 to recommend to Council:

That the following additional credit control steps be implemented:

- (a) Cutting or blocking of electricity
 - (i) Amount equal to two months' debits are payable before restoring connection - (conventional meters).
 - (ii) Portion of electricity purchases to be set off against arrear debt. (Auxiliary – 30 %).
- (b) Indigent households
 - (i) Portion of electricity purchases to be set off against arrear debt. (Auxiliary – 30 %).
 - (ii) Indigent households be moved from conventional electricity to pre-paid electricity.

(c) Legal collection process

- (i) Section 129 Notice (in terms of National Credit Act).
- (ii) Fourteen days later after Section 129 Notice, summons is compiled.
- (iii) Clerk of the Court issues the summons.
- (iv) Sheriff of the Court serves the summons on the defendant.

If there is moveable property that can be attached:

- (1) If no payment received on summons - Judgement and Warrant of Execution is issued on movable property.
- (2) Council resolution on process to be followed.
- (3) Instruction to sheriff to attach and remove movable property and to sell the attached property.
- (4) Advertisement in newspaper of intention to sell movable property.
- (5) Sale in execution of attached moveable property by sheriff.

If there is no moveable property that can be attached:

- (1) Report with Nulla Bona on fixed property with municipal value for less than R300 000.00 to Council for write off.
- (2) Municipal fixed property with value more than R300 000.00, Section 66 application compiled by private external attorney and application to sell immovable property in a sale of execution, brought before court.
- (3) Council resolution on process to be followed.
- (4) Advertisement in newspaper by attorney of intention to sell immovable property in local newspaper as well as Government Gazette.
- (5) Sale in execution of attached immovable property by sheriff.

(d) Pre-payment water meters

- (i) Installation of pre-paid water meters if other debt collection measures are not successful.

- (ii) That the water consumption can be limited to a maximum of 200 litres per day (6 kilolitres per month).
- (e) that consumers be notified via their municipal account statements of the consequences of non-payment of their municipal accounts and that 30 % of payments will be allocated towards arrears when payment is made.
- (f) that the above-mentioned steps (a)(ii) and b(ii) be implemented from 1 April 2023 and (d)(i) be implemented from 1 July 2023 respectively.

A lengthy discussion, in which various Councillors took part, was held on the matter.

UNANIMOUSLY RESOLVED

- (a) *that the matter in respect of the implementation of the Debt Collection and Credit Control Policy be held in abeyance.*
- (b) *that Council determines dates for the public participation meetings and after that a workshop for further deliberation.*

**8.1.2 Performance, Risk and Audit Committee Charter with effect from 1 July 2023
(5/14/4)**

The Performance, Risk and Audit Committee Charter with effect from 1 July 2023 is attached as **annexure 8.1.2**.

The Performance, Risk and Audit Committee resolved on 28 July 2023:

- (a) That notice be taken of the Performance, Risk and Audit Committee Charter with effect from 1 July 2023.
- (b) That the Performance, Risk and Audit Committee recommends to Council:

that the Performance, Risk and Audit Committee Charter with effect from 1 July 2023, after consideration, be approved.

UNANIMOUSLY RESOLVED

that the Performance, Risk and Audit Committee Charter with effect from 1 July 2023, after consideration, be approved.

8.1.3 Municipal Public Accounts Committee (MPAC) Charter / Munisipale Publieke Komitee (MPAC) Handves / Ikomiti kaMasispala yee-akhawunti zoluntu (MPAC)
(3/3/P)

The following documents are attached:

- (a) MPAC Charter alignment with Section 79A: **Annexure 8.1.3(a).**
- (b) Extract from Guide and Toolkit for MPAC's: **Annexure 8.1.3(b).**
- (c) MPAC Charter 2022: **Annexure 8.1.3(c).**

The Municipal Public Accounts Committee resolved on 31 August 2023 to recommend 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 notice be taken of the Municipal Public Accounts Committee (MPAC) Charter and, after consideration, same be approved and accepted.

8.1.4 Annual Report, Financial Statements and Oversight Report: 2022/2023
(9/1/1)

The Municipal Finance Management Act (Section 129(1)) states that:

"The council of a municipality must consider the annual report of the municipality and of any municipal entity under the municipality's sole or shared control, and by no later than two months from the date on which the annual report was tabled in the council in terms of section 127, adopt an oversight report containing the council's comments on the annual report, which must include a statement whether the council —

- (a) has approved the annual report with or without reservations;
- (b) has rejected the annual report; or
- (c) has referred the annual report back for revision of those components that can be revised."

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

The following documents are attached:

- (a) MPAC Oversight Report on Annual Report 2022/2023: **Annexure 8.1.4(a).**
- (b) Annual Report 2022/2023: **Annexure 8.1.4(b).**

- (c) MPAC checklist for considering 2022/2023 Annual Report: **Annexure 8.1.4(c).**

The Municipal Public Accounts Committee resolved on 15 January 2024:

- (a) that the MPAC considered and finalised the MPAC Oversight Report during the meeting and submitted the signed report to the Municipal Manager for attachment to the final 2022/2023 Annual Report.
- (b) that the Municipal Public Accounts Committee recommends to Council:
- (i) that Council takes notice of the MPAC Oversight Report in the Annual Report 2022/2023 and, after consideration, accepts same.
- (ii) that, having fully considered the 2022/2023 Annual Report of the Witzenberg Municipality, it is recommended that Council adopts the 2022/2023 Oversight Report and approves the 2022/2023 Annual Report without reservations.
- (c) that the cross-reference numbering of the agenda pack be more user friendly.

UNANIMOUSLY RESOLVED

- (a) *that, after consideration, the MPAC Oversight Report of the 2022/2023 Annual Report is adopted.*
- (b) *that, having fully considered the 2022/2023 Annual Report of the Witzenberg Municipality, Council approves the 2022/2023 Annual Report without reservations.*

8.1.5 Quarterly Budget Statement [Section 52(d)] Report: 1st Quarter 2022/2023 (1 July 2022 to 30 September 2022) (9/1/2/2)

The Quarterly Budget Statement [Section 52(d)] Report for the first quarter of 2022/2023 is attached as **annexure 8.1.5**.

Council unanimously resolved on 6 December 2022 that notice be taken of the Quarterly Budget Statement Report in terms of Section 52(d) for the 1st quarter of 2022/2023 and the report be referred to the Performance, Risk and Audit Committee as well as the Municipal Public Accounts Committee for any recommendations to Council.

The Performance, Risk and Audit Committee resolved on 24 April 2023:

- (a) That notice be taken of the Quarterly Budget Statement Report in terms of Section 52(d) for the first quarter of 2022/2023 and, after consideration, same be accepted.
- (b) That the Performance, Risk and Audit Committee recommends to Council:

that Council, after consideration, refers the Quarterly Budget Statement Report in terms of Section 52(d) for the first quarter of 2022/2023 to the Municipal Public Accounts Committee for consideration and a recommendation to Council.

Council unanimously resolved on 30 May 2023 that Council, after consideration, refers the Quarterly Budget Statement Report in terms of Section 52(d) for the first quarter of 2022/2023 to the Municipal Public Accounts Committee for consideration and a recommendation to Council.

The Municipal Public Accounts Committee resolved on 31 August 2023 to recommend to Council that the Quarterly Budget Statement [Section 52(d)] Report for the 1st Quarter of 2022/2023 be approved and accepted by Council.

UNANIMOUSLY RESOLVED

that the Quarterly Budget Statement [Section 52(d)] Report for the 1st Quarter of 2022/2023 be approved and accepted by Council.

8.1.6 Quarterly Budget Statement [Section 52(d)] Report: 2nd Quarter 2022/2023 (1 October 2022 to 31 December 2022) (9/1/2/2)

Report from Director: Finance, dated 16 January 2023:

“1. Purpose

The purpose of this memorandum is to submit the Quarterly Budget Statement Report to Council for information.

2. Background

The Quarterly Budget Statement [Section 52(d)] Report for the second quarter of 2022/2023 is attached as **annexure 8.1.6.**”

Council unanimously resolved on 25 January 2023 that notice be taken of the Quarterly Budget Statement Report in terms of Section 52(d) for the 2nd quarter of 2022/2023 and the report be referred to the Performance, Risk and Audit Committee as well as the Municipal Public Accounts Committee for any recommendations to Council.

The Performance, Risk and Audit Committee resolved on 24 April 2023:

- (a) That notice be taken of the Quarterly Budget Statement Report in terms of Section 52(d) for the second quarter of 2022/2023 and, after consideration, same be accepted.
- (b) That the Performance, Risk and Audit Committee recommends to Council:

that Council, after consideration, refers the Quarterly Budget Statement Report in terms of Section 52(d) for the second quarter of 2022/2023 to the Municipal Public Accounts Committee for consideration and a recommendation to Council.

Council unanimously resolved on 30 May 2023 that Council, after consideration, refers the Quarterly Budget Statement Report in terms of Section 52(d) for the second quarter of 2022/2023 to the Municipal Public Accounts Committee for consideration and a recommendation to Council.

The Municipal Public Accounts Committee resolved on 31 August 2023 to recommend to Council that the Quarterly Budget Statement [Section 52(d)] Report for the 2nd Quarter of 2022/2023 be approved and accepted by Council.

UNANIMOUSLY RESOLVED

that the Quarterly Budget Statement [Section 52(d)] Report for the 2nd Quarter of 2022/2023 be approved and accepted by Council.

8.1.7 Quarterly Budget Statement [Section 52(d)] Report: 3rd Quarter 2022/2023 (1 January 2023 to 31 March 2023) (9/1/1 & 9/1/2/2)

The Quarterly Budget Statement [Section 52(d)] Report for the 3rd Quarter of 2022/2023 is attached as **annexure 8.1.7**.

Council unanimously resolved on 30 May 2023:

- (a) that notice be taken of the Quarterly Budget Statement [Section 52(d)] Report for the 3rd Quarter of 2022/2023.
- (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.

The Performance, Risk and Audit Committee resolved on 28 July 2023 to recommend to Council that notice be taken of the Quarterly Budget Statement [Section 52(d)] Report for the third quarter of 2022/2023 and, after consideration, same be approved.

The Municipal Public Accounts Committee resolved on 31 August 2023 to recommend to Council that the Quarterly Budget Statement [Section 52(d)] Report for the 3rd Quarter of 2022/2023 be approved and accepted by Council.

UNANIMOUSLY RESOLVED

that notice be taken of the Quarterly Budget Statement [Section 52(d)] Report for the third quarter of 2022/2023 and, after consideration, same be approved and accepted.

8.1.8 Section 71 Monthly Budget Statement Reports of Directorate Finance: March, April, May, June, July, August, September, October, November and December 2023 (9/1/2/2)

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

- (a) March 2023: **Annexure 8.1.8(a)**
- (b) April 2023: **Annexure 8.1.8(b)**
- (c) May 2023: **Annexure 8.1.8(c)**
- (d) June 2023: **Annexure 8.1.8(d)**
- (e) July 2023: **Annexure 8.1.8(e)**
- (f) August 2023: **Annexure 8.1.8(f)**
- (g) September 2023: **Annexure 8.1.8(g)**
- (h) October 2023: **Annexure 8.1.8(h)**
- (i) November 2023: **Annexure 8.1.8(i)**
- (j) December 2023: **Annexure 8.1.8(j)**

The Performance, Risk and Audit Committee resolved on 28 July 2023:

- (a) that notice be taken of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for March, April and May 2023.
- (b) that the Performance, Risk and Audit Committee recommends the Section 71 Monthly Budget Statement Reports of the Directorate Finance for March, April and May 2023 to Council for consideration.

The Committee for Corporate and Financial resolved on 19 September 2023 to recommend to the Executive Mayoral Committee and Council that the Committee for Corporate and Financial Services, after consideration, takes notice of the content of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for March, April, May, June and July 2023 and same be accepted.

The Executive Mayoral Committee resolved on 14 November 2023 to recommend to Council that notice be taken of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for March, April, May, June and July 2023 and, after consideration, same be accepted.

The Performance, Risk and Audit Committee resolved on 3 November 2023 to recommend to Council that notice be taken of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for June, July, August and September 2023 and, after consideration, same be accepted.

The Committee for Corporate and Financial Services resolved on 21 November 2023 to recommend to the Executive Mayoral Committee and Council that the Committee for Corporate and Financial Services, after consideration, takes notice of the content of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for August and September 2023 and same be accepted.

The Executive Mayoral Committee resolved on 22 January 2024 to recommend to Council that notice be taken of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for August, September, October, November and December 2023 and, after consideration, same be accepted.

UNANIMOUSLY RESOLVED

that notice be taken of the Section 71 Monthly Budget Statement Reports of the Directorate Finance for March, April, May, June, July, August, September, October, November and December 2023 and, after consideration, same be accepted.

8.1.9 Supply Chain Management: Paragraph 7(4) Quarterly Report ending 31 March 2023: Implementation of Supply Chain Management Policy (9/1/2/2)

A memorandum from the Manager: Supply Chain, dated 4 April 2023, is attached as **annexure 8.1.9**.

The Committee for Corporate and Financial Services resolved on 19 September 2023 to recommend to the Executive Mayoral Committee and Council:

- (a) that notice be taken of the Supply Chain Management: Paragraph 7(4) Quarterly Report ending 31 March 2023.
- (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.

The Executive Mayoral Committee resolved on 14 November 2023 to recommend to Council:

- (a) that notice be taken of the Supply Chain Management: Paragraph 7(4) Quarterly Report ending 31 March 2023.
- (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.

UNANIMOUSLY RESOLVED

- (a) that notice be taken of the Supply Chain Management: Paragraph 7(4) Quarterly Report ending 31 March 2023.*
- (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.*

8.1.10 Banking services: Consideration of facility agreement (8/2/19/71)

The following documents are attached:

- (a) Memorandum from Director: Finance: **Annexure 8.1.10(a).**
- (b) Addendum to facility agreement: **Annexure 8.1.10(b).**

The Executive Mayoral Committee resolved on 14 November 2023 to recommend to Council:

- (i) that the municipality enters negotiations with FIRSTRAND BANK LIMITED (Reg. No. 1929/001225/06) acting through its First National Bank Public Sector Banking division ("the Bank"), regarding the granting of facilities by the Bank to the Municipality, subject to the terms and conditions as set forth in the facility agreement and the Addendum from the Bank and subject to the terms and conditions of the Bank. The municipality furthermore authorises the execution of all additional schedules and annexures, including subordination and security agreements as the Bank may require from time to time.

The municipality may negotiate as per (a) above up to a maximum capital exposure of R1 700 000-00 (One Million Seven Hundred Thousand Rand).

- (ii) that the municipality furthermore resolves that any amendment to the facility will only be affected following a resolution by the municipality authorising such amendments.

- (iii) that the municipality declares and states that it has complied with, in so far as it relates to the facilities referred to in paragraph (a) supra, with the relevant provisions of the Local Government: Municipal Finances Management Act of 2003.
- (iv) that draft copies of the aforementioned documents were tabled at the meeting and the terms and conditions thereof approved.
- (v) that Messrs D Nasson and HJ Kritzinger, in their capacities as Accounting Officer and Chief Financial Officer of Witzenberg Municipality, be authorised and empowered to sign all documents and do all things necessary to give effect to the above on behalf of the municipality.

UNANIMOUSLY RESOLVED

- (a) *that the municipality enters negotiations with FIRSTRAND BANK LIMITED (Reg. No. 1929/001225/06) acting through its First National Bank Public Sector Banking division ("the Bank"), regarding the granting of facilities by the Bank to the Municipality, subject to the terms and conditions as set forth in the facility agreement and the Addendum from the Bank and subject to the terms and conditions of the Bank. The municipality furthermore authorises the execution of all additional schedules and annexures, including subordination and security agreements as the Bank may require from time to time.*

The municipality may negotiate as per (a) above up to a maximum capital exposure of R1 700 000-00 (One Million Seven Hundred Thousand Rand).

- (b) *that the municipality furthermore resolves that any amendment to the facility will only be affected following a resolution by the municipality authorising such amendments.*
- (c) *that the municipality declares and states that it has complied with, in so far as it relates to the facilities referred to in paragraph (a) supra, with the relevant provisions of the Local Government: Municipal Finances Management Act of 2003.*
- (d) *that draft copies of the aforementioned documents were tabled at the meeting and the terms and conditions thereof approved.*
- (e) *that Messrs D Nasson and HJ Kritzinger, in their capacities as Accounting Officer and Chief Financial Officer of Witzenberg Municipality, be authorised and empowered to sign all documents and do all things necessary to give effect to the above on behalf of the municipality.*

8.1.11 Quarterly Budget Statement [Section 52(d)] Report: 1st Quarter 2023/2024 (1 July 2023 until 30 September 2023) (9/1/1 & 9/1/2/2)

The Quarterly Budget Statement [Section 52(d)] Report for the 1st Quarter of 2023/2024 is attached as **annexure 8.1.11**.

The Executive Mayoral Committee resolved on 14 November 2023 to recommend to Council:

- (a) that notice be taken of the Quarterly Budget Statement [Section 52(d)] Report for the 1st Quarter of 2023/2024.
- (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.

UNANIMOUSLY RESOLVED

- (a) that notice be taken of the Quarterly Budget Statement [Section 52(d)] Report for the 1st Quarter of 2023/2024.*
- (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.*

8.1.12 Mid-year Budget Statement and Performance Assessment (Section 72) Report 2023/2024: 1 July 2023 until 31 December 2023 (9/1/1 & 5/1/5/16)

The following memorandum, dated 17 January 2024, was received from the Director: Finance:

“Purpose

The purpose of this report is to submit the 2022/2023 Section 72 Mid-year Budget and Performance Assessment Report for the period 1 July 2023 to 31 December 2023 to Council, for information.

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.

Discussion

The Mid-year report for 1 July 2023 until 31 December 2023 is attached as **annexure 8.1.12.**

The Executive Mayoral Committee resolved on 22 January 2024 to recommend to Council:

- (a) that notice be taken of the Mid-year Budget Statement and Performance Assessment (Section 72) Report for the period 1 July 2023 until 31 December 2023.
- (b) that the report supra (a) be referred to the Performance, Risk and Audit Committee and Municipal Public Accounts Committee for their recommendations to Council.

UNANIMOUSLY RESOLVED

- (a) that notice be taken of the Mid-year Budget Statement and Performance Assessment (Section 72) Report for the period 1 July 2023 until 31 December 2023.*
- (b) that the report supra (a) be referred to the Performance, Risk and Audit Committee and Municipal Public Accounts Committee for their recommendations to Council.*

8.1.13 MPAC Annual Work Plan: 2023/2024 (2/1/2)

The Municipal Public Accounts Committee Annual Work Plan for July 2023 until June 2024 is attached as **annexure 8.1.13.**

The Municipal Public Accounts Committee resolved on 9 November 2023 to recommend to Council that the MPAC Work Plan for 2023/2024 be approved by Council.

UNANIMOUSLY RESOLVED

that the Municipal Public Accounts Committee Work Plan for 2023/2024 be approved.

8.1.14 Writing off of interest and arrears: Household debt and other irrecoverable outstanding amounts (5/12/1/3)

A memorandum from the Director: Finance, dated 27 October 2023, is attached as **annexure 8.1.14(a)**.

The Performance, Risk and Audit Committee resolved on 17 November 2023 to recommend to Council:

- (a) that prescribed debt to the value of R129,853,263.04 be written off.
- (b) that the indigent debt to the value of R43,765,510.01 be written off.
- (c) that the debt that was not recoverable in terms of Section 118(1) of the Municipal Systems Act to the value of R233,510.36 be written off.
- (d) that any interest or new debits raised on indigent accounts as per Section 2 and debt to be written off in terms of paragraph 118 of the Municipal Systems Act be written off as well.
- (e) that the Municipality's Credit Control and Debt Collection Policy be implemented in respect of all debt incurred after the write-off even if the household is indigent.

An updated memorandum from the Director: Finance, dated 17 January 2024, is attached as **annexure 8.1.14(b)**.

An updated document indicating debt per town, as on 17 January 2024, is attached as **annexure 8.1.14(c)**.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council:

- (a) That prescribed debt to the value of R129 853 263-04 be written off.
- (b) That the indigent debt to the value of R47 535 655-38 be written off.
- (c) That the debt that was not recoverable in terms of Section 118(1) of the Municipal Systems Act to the value of R233 510-36 be written off.
- (d) That any interest or new debits raised on indigent accounts as per Section 2 and debt to be written off in terms of paragraph 118 of the Municipal Systems Act be written off as well.
- (e) That the Municipality's Credit Control and Debt Collection Policy be implemented in respect of all debt incurred after the write-off even if the household is indigent.

The Executive Mayoral Committee resolved on 22 January 2024 to recommend to Council that notice be taken of the writing off of interest and arrears of household debt and other irrecoverable outstanding amounts and that same be workshopped, after which the matter be tabled to Council for consideration.

UNANIMOUSLY RESOLVED

that the writing off of interest and arrears of household debt and other irrecoverable outstanding amounts be held in abeyance.

8.1.15 Supply Chain Management: Paragraph 7(4) Quarterly Report ending 31 December 2023: Implementation of Supply Chain Management Policy (9/1/2/2)

A memorandum from the Manager: Supply Chain, dated 4 January 2024, is attached as **annexure 8.1.15**.

The Executive Mayoral Committee resolved on 22 January 2024 to recommend to Council:

- (a) that notice be taken of the Supply Chain Management: Paragraph 7(4) Quarterly Report ending 31 December 2023.
- (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.

UNANIMOUSLY RESOLVED

- (a) *that notice be taken of the Supply Chain Management: Paragraph 7(4) Quarterly Report ending 31 December 2023.*
- (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.*

8.1.16 Quarterly inventory count: Municipal stores, Drommedaris Street, Ceres: 30 November 2023 (6/1/1)

A memorandum from the Manager: Supply Chain, dated 7 December 2023, is attached as **annexure 8.1.16**.

The Executive Mayoral Committee resolved on 22 January 2024 to recommend to Council:

- (a) that cognisance be taken of the stock count of 30 November 2023.
- (b) that Council authorises the writing off of stock shortages as per table 3.2 to the value of R3 802-21 (excluding VAT).

UNANIMOUSLY RESOLVED

- (a) that cognisance be taken of the stock count of 30 November 2023.*
- (b) that Council authorises the writing off of stock shortages as per table 3.2 to the value of R3 802-21 (excluding VAT).*

8.1.17 Quarterly Budget Statement [Section 52(d)] Report: 2nd Quarter 2023/2024 (1 October 2023 until 31 December 2023) (9/1/1 & 9/1/2/2)

The Quarterly Budget Statement [Section 52(d)] Report for the 2nd Quarter of 2023/2024 is attached as **annexure 8.1.17**.

The Executive Mayoral Committee resolved on 22 January 2024 to recommend to Council:

- (a) that notice be taken of the Quarterly Budget Statement [Section 52(d)] Report for the 2nd Quarter of 2023/2024.
- (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.

UNANIMOUSLY RESOLVED

- (a) that notice be taken of the Quarterly Budget Statement [Section 52(d)] Report for the 2nd Quarter of 2023/2024.*
- (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.*

**8.1.18 Draft Witzenberg Performance Management Policy Framework
(5/1/5/16)**

The Municipal System Act (MSA), 2000 requires municipalities to establish a performance management system. In addition, Regulation 7(1) of the Local Government: Municipal Planning and Performance Management Regulations, 2001 states that "A Municipality's Performance Management System entails a framework that describes and represents how the municipality's cycle and processes of performance planning, monitoring, measurement, review, reporting and improvement will be conducted, organised and managed, including determining the roles of the different role players."

This draft Performance Management Policy Framework (**annexure 8.1.18**) is a revision of the document approved by Council in 2018. The main changes relate to the incorporation of the published Municipal Staff Regulations and Guidelines as well as revised operating procedures.

The Executive Mayoral Committee resolved on 22 January 2024 to recommend to Council:

- (a) that notice be taken of the Draft Witzenberg Performance Management Policy Framework.
- (b) that the Draft Witzenberg Performance Management Policy Framework conditionally be approved subject to being workshopped by Council.

UNANIMOUSLY RESOLVED

that the Draft Witzenberg Performance Management Policy Framework be held in abeyance.

**8.1.19 Finance: Writing off of interest and arrears: Welfare organisations
(5/12/1/3)**

A memorandum from the Director: Finance, dated 17 January 2024, is attached as **annexure 8.1.19**.

The Executive Mayoral Committee resolved on 22 January 2024 to recommend to Council:

- (a) that an amount of R60 000-00 be written off from the account of Pieter Strauss Home for the Aged and that the possibility of a prepaid electricity meter be investigated.
- (b) that an amount of R147 235-51 be written off from the account of HM Beets Bewaarskool and that the possibility of a prepaid electricity meter be investigated.

- (c) that an amount of R99 182-90 be written off from the account of the Verenigde Gereformeerde Kerk Tulbagh.
- (d) that the writing off of interest and arrears of welfare organisations will be a once-off and will not be entertained in future. Welfare organisations must ensure that their monthly municipal accounts be paid.

Councillors TE Abrahams and L Hardnek left the meeting for the duration of discussion of the item due to conflict of interest in the matter.

Councillor J Mouton proposed and Councillor D Swart seconded that the matter be approved as recommended in the agenda.

Councillor A Gili proposed and Councillor IL Swartz seconded that the matter be held in abeyance due to the applications not reflecting in the agendas for proper consideration.

The Speaker called for a vote and the outcomes were:

| | |
|---|----------|
| Votes in favour of the recommendation: | 10 |
| Votes in favour of item being held in abeyance: | 5 |
| Votes abstained | 6 |
| Absent and apologies | <u>2</u> |
| Total | 23 |

The Speaker ruled in favour of the majority vote.

RESOLVED

- (a) *That an amount of R60 000-00 be written off from the account of Pieter Strauss Home for the Aged and that the possibility of a prepaid electricity meter be investigated.*
- (b) *That an amount of R147 235-51 be written off from the account of HM Beets Bewaarskool and that the possibility of a prepaid electricity meter be investigated.*
- (c) *That an amount of R99 182-90 be written off from the account of the Verenigde Gereformeerde Kerk Tulbagh.*
- (d) *that the writing off of interest and arrears of welfare organisations will be a once-off and will not be entertained in future. Welfare organisations must ensure that their monthly municipal accounts be paid.*

**8.1.20 Quarterly Budget Statement [Section 52(d)] Report:
4th Quarter 2022/2023 (1 April 2023 to 30 June 2023)
(9/1/1 & 9/1/2/2)**

The Quarterly Budget Statement [Section 52(d)] Report for the 4th Quarter of 2022/2023 is attached as **annexure 8.1.20**.

Council unanimously resolved on 25 August 2023:

- (a) that notice be taken of the Quarterly Budget Statement [Section 52(d)] Report for the 4th Quarter of 2022/2023.
- (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.

The Performance, Risk and Audit Committee resolved on 3 November 2023:

- (a) That notice be taken of the Quarterly Budget Statement [Section 52(d)] Report for the 4th Quarter of 2022/2023.
- (b) That the Performance, Risk and Audit Committee recommends to Council:

that notice be taken of the Quarterly Budget Statement [Section 52(d)] Report for the 4th Quarter of 2022/2023 and, after consideration, same be accepted.

UNANIMOUSLY RESOLVED

that notice be taken of the Quarterly Budget Statement [Section 52(d)] Report for the 4th Quarter of 2022/2023 and, after consideration, same be accepted.

8.2 Direktooraat Tegniese Dienste / Directorate Technical Services

8.2.1 Request for use of municipal borehole at Die Eiland swimming pool, Ceres (16/2/3)

Report from Manager: Water and Sewerage, dated 29 March 2023:

"Purpose

The purpose of this memorandum is to inform the Municipal Manager regarding the above request from Ceres Secondary School and to obtain permission for the request.

Discussion

Ceres Secondary, a local high school within Ceres, has applied for the use of the municipal borehole at Die Eiland swimming pool. The first request was submitted in 2008. The motivation at that stage was for irrigation purposes and to upgrade the landscaping at the school. Due to funding constraints at the time the school did not go ahead with their request.

In 2021 the school contacted the Municipality again regarding the use of the borehole. This was followed up with a meeting in 2022.

The motivation for the use of the borehole has changed. The school indicated that they are now teaching a new subject from beginning 2023, Agriculture Technology. Part of this subject is practical evaluation which will include actual farming practices at the school. The borehole will primarily be used for irrigation of planted crops and tunnels.

In order to cut cost and also save clean potable water, the school has opted for the use of the borehole for purposes mentioned, if approved. It should be noted that Ceres Secondary School is a "no fees" school who is totally reliant on government funding for all operation and maintenance cost.

It should also be noted that the municipality has not used the borehole in the last 20 years, and that no existing infrastructure is in place to connect the borehole to our existing network.

Financial impact

None."

Councillor TE Abrahams requested to be excused from the discussion of this item. Councillor Abrahams was excused from 15:40 until 15:50.

Councillor JS Mouton enquired whether the school has the necessary funds if the recommendation below is approved by Council. The Senior Manager: Water and Sewerage responded that the school will obtain funding from the Provincial Government once Council has approved.

The Committee for Technical Services resolved on 21 September 2023 to recommend to the Executive Mayoral Committee and Council:

That the request / application of the school be considered and approved based on the following conditions:

- (i) The school is responsible for all the cost associated with the testing and equipping of the existing borehole.
- (ii) The school installs a pre-paid electricity meter at own cost at the borehole and take responsibility for the cost of electricity during operation of the borehole.
- (iii) The school will be responsible to construct a connection pipeline from the borehole to their premises at own cost, and according to municipal specifications.
- (iv) The school will take full responsibility for maintenance of the borehole during period of lease agreement.
- (v) During periods of drought or severe water shortages, use of the borehole will revert back to the municipality, notwithstanding any agreement in place.
- (vi) The municipality cannot guarantee a minimum yield from the borehole. Yield tests will have to be done by the school at own cost.
- (vii) That a Service Level Agreement be drawn up between Ceres Secondary School and Witzenberg Municipality for the use of the borehole at Die Eiland swimming pool.

The Executive Mayoral Committee resolved on 14 November 2023 to recommend to Council:

That the request / application of the school be considered and approved based on the following conditions:

- (i) The school is responsible for all the cost associated with the testing and equipping of the existing borehole.
- (ii) The school installs a pre-paid electricity meter at own cost at the borehole and take responsibility for the cost of electricity during operation of the borehole.

- (iii) The school will be responsible to construct a connection pipeline from the borehole to their premises at own cost, and according to municipal specifications.
- (iv) The school will take full responsibility for maintenance of the borehole during period of lease agreement.
- (v) During periods of drought or severe water shortages, use of the borehole will revert back to the municipality, notwithstanding any agreement in place.
- (vi) The municipality cannot guarantee a minimum yield from the borehole. Yield tests will have to be done by the school at own cost.
- (vii) That a Service Level Agreement be drawn up between Ceres Secondary School and Witzenberg Municipality for the use of the borehole at Die Eiland swimming pool.

UNANIMOUSLY RESOLVED

That the request / application of the school be approved based on the following conditions:

- (i) *The school is responsible for all the cost associated with the testing and equipping of the existing borehole.*
- (ii) *The school installs a pre-paid electricity meter at own cost at the borehole and take responsibility for the cost of electricity during operation of the borehole.*
- (iii) *The school will be responsible to construct a connection pipeline from the borehole to their premises at own cost, and according to municipal specifications.*
- (iv) *The school will take full responsibility for maintenance of the borehole during period of lease agreement.*
- (v) *During periods of drought or severe water shortages, use of the borehole will revert back to the municipality, notwithstanding any agreement in place.*
- (vi) *The municipality cannot guarantee a minimum yield from the borehole. Yield tests will have to be done by the school at own cost.*
- (vii) *That a Service Level Agreement be drawn up between Ceres Secondary School and Witzenberg Municipality for the use of the borehole at Die Eiland swimming pool.*

8.2.2 Proposed positions of waste transfer stations (17/3/2)

A memorandum from the Director: Technical Services, dated 15 August 2023, is attached as **annexure 8.2.2**.

Council unanimously resolved on 30 May 2023 that the matter relating to the proposed waste transfer stations be held in abeyance for inputs from the community.

The Executive Mayoral Committee resolved on 14 November 2023 to recommend to Council:

- (a) that erf 683, Tulbagh (option 3) be approved for the development and construction of a waste drop-off/transfer station as the zoning is presently "Authority use".
- (b) That the proposed positions of waste transfer stations at:
 - (i) Bella Vista: Option 3: Erf 8714 and
 - (ii) Prince Alfred's Hamlet: Option 2: Erf 1be held in abeyance until the next meeting.
- (c) That notice be taken that the erven in Bella Vista, Ceres and Prince Alfred's Hamlet have to be rezoned to "Authority use".

UNANIMOUSLY RESOLVED

- (a) *that erf 683, Tulbagh (option 3) be approved for the development and construction of a waste drop-off/transfer station as the zoning is presently "Authority use".*
- (b) *That the proposed positions of waste transfer stations at:*
 - (i) *Bella Vista: Option 3: Erf 8714 and*
 - (ii) *Prince Alfred's Hamlet: Option 2: Erf 1**be held in abeyance and that a Public Participation Process be followed after which the matter be tabled to Council again for a resolution.*
- (c) *That notice be taken that the erven in Bella Vista, Ceres and Prince Alfred's Hamlet have to be rezoned to "Authority use".*

8.2.3 Witzenberg Municipality: Local Integrated Transport Plan: 2022 until 2027 (16/P)

The following documents are attached:

- (a) Memorandum from Senior Manager: Streets and Storm Water, dated 21 February 2023: **Annexure 8.2.3(a)**.
- (b) Integrated Transport Plan 2022 – 2027: **Annexure 8.2.3(b)**.

The Committee for Technical Services resolved on 14 March 2023 to recommend to the Executive Mayoral Committee and Council that the Witzenberg Local Integrated Transport Plan for 2022 until 2027 be workshopped by Council.

The Executive Mayoral Committee resolved on 27 March 2023 to recommend to Council that the Local Integrated Transport Plan for 2022 until 2027, after being workshopped, be adopted by Council.

Councillor P Daniels conveyed to the meeting that the Local Integrated Transport Plan for 2022 until 2027 is not a true reflection of what is occurring in the community.

Councillor A Gili enquired about the public participation process after which the Municipal Manager informed that the public participation process had been dealt with by the Cape Winelands District Municipality. The Municipal Manager will, however, follow up on the matter and provide feedback to Councillor Gili.

Councillor A Gili raised an objection that the Cape Winelands District Municipality had done the Public Participation Process, but that Witzenberg Municipality must approve the matter.

The municipality will obtain all details and proof from Cape Winelands District Municipality and submit same at the Council workshop meeting.

UNANIMOUSLY RESOLVED

that the matter regarding the Local Integrated Transport Plan for 2022 until 2027 be held in abeyance in order for the Municipal Manager to obtain all details and proof of the Public Participation Process from the Cape Winelands District Municipality and submit same to a Council workshop meeting for a decision.

8.2.4 Report: Damage caused to infrastructure by heavy rainfall (16/2/1/1/1)

A report from the Director: Technical Services, dated 24 October 2023, is attached as **annexure 8.2.4**.

Councillor P Heradien mentioned that the matter also be tabled to Council as heavy rainfall was unforeseeable.

The Committee for Technical Services resolved on 23 November 2023 to recommend to the Executive Mayoral Committee and Council that notice be taken of damage caused to infrastructure by heavy rainfall during June 2023.

The Executive Mayoral Committee resolved on 22 January 2024 to recommend to Council that notice be taken of damage caused to infrastructure by heavy rainfall during June 2023.

UNANIMOUSLY RESOLVED

that notice be taken of damage caused to infrastructure by heavy rainfall during June 2023.

8.2.5 Standard Conditions for Land Use Planning and Building Development, Civil and Electrical Engineering Services (15/04/P)

The following documents are attached:

- (a) Memorandum from the Director: Technical Services, dated 3 February 2021: **Annexure 8.2.5(a)**.
- (b) Policy document regarding the Standard Conditions for Land Use Planning and Building Development, Civil and Electrical Engineering Services, Version 2 of 28 January 2021: **Annexure 8.2.5(b)**.

Council unanimously resolved on 24 February 2021 that the status quo of the current policy be maintained and that the amended Standard Conditions for Land Use Planning and Building Development, Civil and Electrical Engineering Services, Version 2 of 28 January 2021, after consideration, not be approved by Council.

The Director: Technical Services requested that the matter be tabled again as the Directorate Technical Services continues to have many problems with it.

The Committee enquired about the reasons for the previous Council not approving the matter.

The Director: Technical Services mentioned the following:

- that the previous Council believed that the poor of poor does not benefit, especially in respect of rezoning and building plans.
- that the Directorate Technical Services receives many applications from applicants with the wrong specifications due to not obtaining a professional land surveyor or architect etc., resulting in non-approval of applications.

A Committee member enquired whether Indigent households are exempted in respect of rezoning. If not, a special condition must be built in the Standard Conditions for Land Use Planning and Building Development, Civil and Electrical Engineering Services.

The Senior Town Planner informed the meeting that most applications are for RDP house shops without having the correct building plans.

A Committee member reported that all areas in Witzenberg have accelerating economic growth and are expanding on a massive scale.

The Committee for Technical Services resolved on 23 November 2023 to recommend to the Executive Mayoral Committee and Council that the amended Standard Conditions for Land Use Planning and Building Development, Civil and Electrical Engineering Services, Version 2 of 28 January 2021, be approved by Council.

The Executive Mayoral Committee resolved on 22 January 2024 to recommend to Council that the amended Standard Conditions for Land Use Planning and Building Development, Civil and Electrical Engineering Services, Version 2 of 28 January 2021, be approved by Council.

UNANIMOUSLY RESOLVED

that the amended Standard Conditions for Land Use Planning and Building Development, Civil and Electrical Engineering Services, Version 2 of 28 January 2021, be approved by Council.

8.2.6 Request to return unspent conditional Integrated National Electrification Programme (INEP) Grant (16/3/3/1/1)

Memorandum from the Senior Manager: Electro-Technical Services, dated 10 October 2023:

“Purpose

The purpose of this report is to request Council to approve the returning of unspent conditional INEP funds granted for the Ceres Vredebes Phase H (IRDP) Phase 2 to Department of Mineral Resource and Energy (DMRE).

Background

The DMRE approved R3 900 000,00 in the 2023/2024 financial year for the electrification of 205 households under the Ceres Vredebes Phase H (IRDP) Phase 2 project. To date the first approved R900 000,00 remains unspent due to lack of RDP houses construction on site. One of the grant conditions refers to appointment of the service provider by end of September 2023, which has since passed and with no appointment.

Clause 6.16 of the signed Memorandum of Agreement states that 'Ensure that houses are already built and occupied before electrification project can commence. Where houses are not in existence or unoccupied, the Department will not be liable for theft and vandalism of the electrification infrastructure thereof.'

With that said, returning of these funds will therefore afford Council sufficient time to resolve issues prohibiting the success of this project. The re-application process of the INEP funds will then be initiated once the housing construction dates are formally communicated.

Supporting documents attached

- (a) Memorandum of Agreement signed by Council for the R3 900 000,00 funds: **Annexure 8.2.6(a)**.
- (b) Confirmation of cash flow transfer report on the R900 000 transferred by DMRE to date: **Annexure 8.2.6(b)**."

The Committee for Technical Services resolved on 23 November 2023 to recommend to the Executive Mayoral Committee and Council:

- (a) that notice be taken of the contents of the memorandum.
- (b) that the request to return the Integrated National Electrification Programme (INEP) Grant funds of R3 900 000,00 be supported.

The Executive Mayoral Committee resolved on 22 January 2024 to recommend to Council:

- (a) that notice be taken of the contents of the memorandum.
- (b) that the request to return the Integrated National Electrification Programme (INEP) Grant funds of R3 900 000,00 be supported.

UNANIMOUSLY RESOLVED

- (a) *that notice be taken of the contents of the memorandum.*
- (b) *that the request to return the Integrated National Electrification Programme (INEP) Grant funds of R3 900 000,00 be supported.*

8.3 Direktooraat Gemeenskapsdienste / Directorate Community Services

8.3.1 Renewal of lease agreement: Vrolike Vinkies Enrichment and Development Centre, Ceres (7/1/4/1)

A letter from Vrolike Vinkies Enrichment and Development Centre, dated 28 July 2022, is attached as **annexure 8.3.1**.

Memorandum from the Acting Manager: Socio-Economic Development, dated 28 July 2022:

"Purpose

To request Council's approval for renewal of the lease agreement with Vrolike Vinkies Enrichment and Development Centre situated on erf 2019, Ceres also known as The Island Holiday Resort.

Background and deliberation

The crèche started in 2001. The crèche is a registered Non-profit organisation and receives a subsidy from Department Social Development. The crèche is registered for 98 children between the ages of six months and six years for the ECD Centre and for 41 children with special needs from ages three to sixteen. Children from Bella Vista, Nduli, Hamlet, Ceres and surrounding farms are enrolled at the crèche. They follow a day program approved by the Department. The crèche is functioning well and is managed by a governing body, represented by parents from the community. The governing body meets bi-monthly. The crèche seems to be managed well.

The personnel consist of a CEO, manager for ECD, assistant manager for ECD, supervisor for disabilities, program implementer, six ECD practitioners, four disability carers, one cook, five general workers and a driver.

In August 2015 the Council granted the usage of the extra building previously used as a café to be utilised as a unit for children with special needs. Council also granted permission for the erection of two Nutech buildings to accommodate more children with special needs. Vrolike Vinkies received funding from the Lotto and Breadline for this project. This unit started with nine children, but currently accommodates 41 children from all towns in die Witzenberg area. The disability of the children includes cerebral, Down syndrome, epilepsy, blindness, intellectual and other disabilities. The children are supported by regular input from the physiotherapist and occupational therapist from Department Health. This is the only facility in the Witzenberg municipal area that includes children with special needs in the mainstream.

The practitioners receive training to stimulate the children with suitable exercise. Subsidy is received from the Department of Health. The Department Education is also involved with screening and placing of children. Currently they have a waiting list.

Witzenberg Municipality currently has a valid lease agreement with Vrolike Vinkies, but it expires on 31 August 2022. . Rental and services are paid up to date and the current rental amount is R876.04 per year.

Community value

Vrolike Vinkies is currently the only facility accommodating children with special needs in the Witzenberg area. Children from all areas have the opportunity to be exposed to early childhood development in a facility where vulnerable children are safe and protected.

Sustainability

Department Social Development, Department of Education and Department Health will ensure the sustainability of the daily operations.

Legislation

A lease agreement must be entered into.”

The Committee for Community Development resolved on 20 April 2023 to recommend to the Executive Mayoral Committee and Council:

- (a) that Council considers the lease of erf 2019 to Vrolike Vinkies Enrichment and Development Centre for a period of two (2) years.
- (b) that the yearly rental amount be determined.
- (c) that notice be taken that the property that will be leased, is not required for the provision of a minimum level of basic services in terms of Section 14.2(a) of the Municipal Finance Management Act.
- (d) that Vrolike Vinkies Crèche is liable to pay for municipal services and that they are responsible to maintain the building.
- (e) that Vrolike Vinkies Crèche is responsible for own security measures, such as alarms, guards, burglar bars etc.
- (f) that the building will stay the property of the municipality after the lease agreement has expired and/or is cancelled.
- (h) that the Municipal Manager be authorised to sign the lease agreement on behalf of the Council.

The Executive Mayoral Committee resolved on 14 November 2023 to recommend to Council:

- (a) that Council considers the lease of erf 2019 to Vrolike Vinkies Enrichment and Development Centre for a period of two (2) years.
- (b) that the yearly rental amount be determined.
- (c) that notice be taken that the property that will be leased, is not required for the provision of a minimum level of basic services in terms of Section 14.2(a) of the Municipal Finance Management Act.
- (d) that Vrolike Vinkies Crèche is liable to pay for municipal services and that they are responsible to maintain the building.
- (e) that Vrolike Vinkies Crèche is responsible for own security measures, such as alarms, guards, burglar bars etc.
- (f) that the building will stay the property of the municipality after the lease agreement has expired and/or is cancelled.
- (h) that the Municipal Manager be authorised to sign the lease agreement on behalf of the Council.

UNANIMOUSLY RESOLVED

- (a) *that Council approves the lease of erf 2019 to Vrolike Vinkies Enrichment and Development Centre for a period of two (2) years.*
- (b) *that the yearly rental amount be determined.*
- (c) *that notice be taken that the property that will be leased, is not required for the provision of a minimum level of basic services in terms of Section 14.2(a) of the Municipal Finance Management Act.*
- (d) *that Vrolike Vinkies Crèche is liable to pay for municipal services and that they are responsible to maintain the building.*
- (e) *that Vrolike Vinkies Crèche is responsible for own security measures, such as alarms, guards, burglar bars etc.*
- (f) *that the building will stay the property of the municipality after the lease agreement has expired and/or is cancelled.*
- (h) *that the Municipal Manager be authorised to sign the lease agreement on behalf of the Council.*

8.3.2 Housing: Changes in the Department of Human Settlements Infrastructure Policy (17/4/P)

A memorandum from the Manager: Housing, dated 8 June 2023, is attached as **annexure 8.3.2**.

The Committee for Housing Matters resolved on 28 September 2023 to recommend to the Executive Mayoral Committee and Council that notice be taken of the Housing Policy: Changes of Human Settlements Infrastructure Policy and same be accepted.

The Executive Mayoral Committee resolved on 14 November 2023 to recommend to Council that notice be taken of the changes in the Infrastructure Policy of the Department of Human Settlements and that the matter be discussed at a Council workshop.

UNANIMOUSLY RESOLVED

that notice be taken of the changes in the Infrastructure Policy of the Department of Human Settlements.

8.3.3 Dunlop Business in a Box Initiative (7/1/4/1)

A memorandum from the Acting Manager: Socio-Economic Development, dated 17 August 2023, is attached as **annexure 8.3.3**.

The Chairperson enquired whether the project was only permitted to be on municipal land or whether private property could also be utilised.

The Acting Manager: Socio-Economic Development responded that it would be best that interested parties contact the project initiators for assistance in this regard.

The Committee for Local Economic Development and Tourism resolved on 19 September 2023 to recommend to the Executive Mayoral Committee and Council:

- (a) that the Executive Mayoral Committee and Council determine which of the indicated land could be identified and earmarked for Dunlop Business in a Box Initiative.
- (b) that the municipality engages with Dunlop's Business in a Box Initiative on the possibility to start with one to two pilot sites that can be rolled out to other areas afterwards.

The Executive Mayoral Committee resolved on 14 November 2023 to recommend to Council that a representative of Dunlop will visit all towns in the Witzenberg area and identify a suitable site for the development.

UNANIMOUSLY RESOLVED

that a representative of Dunlop will visit all towns in the Witzenberg area and identify a suitable site for the development.

8.3.4 Housing: Municipal Policy for Human Settlement Beneficiary Selection of Ownership-based Projects (17/4/P)

A memorandum in respect of the Municipal Policy for Human Settlement Beneficiary Selection of Ownership-Based Projects, received from the Manager: Housing, is attached as **annexure 8.3.4**.

The Committee for Housing Matters resolved on 28 September 2023 to recommend to the Executive Mayoral Committee and Council that the Municipal Policy for Human Settlement, Beneficiary Selection of Ownership-based Projects be approved and adopted by Council.

The Executive Mayoral Committee resolved on 14 November 2023 to recommend to Council that the Municipal Policy for Human Settlement, Beneficiary Selection of Ownership-based Projects be approved and adopted by Council.

UNANIMOUSLY RESOLVED

that the matter in respect of the Municipal Policy for Human Settlement, Beneficiary Selection of Ownership-based Projects be held in abeyance until the next meeting.

8.3.5 Farm evictions: Witzenberg area (12/1/2/2)

A letter from the Witzenberg Justice Coalition, dated 21 September 2023, is attached as **annexure 8.3.5**.

A meeting between the abovementioned organisation and Witzenberg Municipality was held on 21 September 2023.

The Executive Mayoral Committee resolved on 14 November 2023 to recommend to Council that the Municipal Manager, in terms of the matter Farm evictions: Witzenberg area, be instructed to arrange discussions with all the relevant organisations to determine further action.

UNANIMOUSLY RESOLVED

- (a) *that the Municipal Manager, in terms of the matter Farm evictions: Witzenberg area, be instructed to arrange discussions with all the relevant organisations to determine further action.*
- (b) *that an Ad hoc committee be established for purposes of (a) supra, consisting of:*
 - (i) *Councillor TE Abrahams (Leader)*
 - (ii) *The municipal Committee for Housing Matters*
 - (iii) *Councillor JP Fredericks*
 - (iv) *Councillor L Hardnek*
 - (v) *Councillor K Robyn*
 - (vi) *Councillor J Nel*
 - (vii) *Councillor W Alexander*
 - (viii) *Councillor A Gili*
 - (ix) *Councillor I Swartz*
 - (x) *Councillor G Laban*

8.3.6 Implementation of subsidised human settlement projects: Tulbagh and Prince Alfred's Hamlet (17/4/R)

A memorandum from the Manager: Projects and Performance, dated 28 November 2023, is attached as **annexure 8.3.6**.

The Executive Mayoral Committee resolved on 22 January 2024 to recommend to Council:

- (a) that the Municipal Manager, as a matter of urgency, activates a plan to prioritise the implementation of subsidised human settlement projects at Tulbagh, Prince Alfred's Hamlet and Wolseley.
- (b) that the plan of activation includes short and long term priorities.
- (c) that the plan supra (a) and (b) in the case of Prince Alfred's Hamlet preference be given to the short term priorities such as the health condition in the river.
- (d) that the Municipal Manager embarks on a process to obtain capital for the project.

- (e) that the matter be addressed in the Adjustment Budget 2023/2024 and the short term priorities of Prince Alfred's Hamlet get attention.

UNANIMOUSLY RESOLVED

- (a) *that the Municipal Manager, as a matter of urgency, activates a plan to prioritise the implementation of subsidised human settlement projects at Tulbagh, Prince Alfred's Hamlet and Wolseley.*
- (b) *that the plan of activation includes short and long term priorities.*
- (c) *that the plan supra (a) and (b) in the case of Prince Alfred's Hamlet preference be given to the short term priorities such as the health condition in the river.*
- (d) *that the Municipal Manager embarks on a process to obtain capital for the project.*
- (e) *that the matter be addressed in the Adjustment Budget 2023/2024 and the short term priorities of Prince Alfred's Hamlet get attention.*

8.4 Direktooraat Korporatiewe Dienste / Directorate Corporate Services

8.4.1 Minutes/Summary of Outcomes: SALGA Working Group meetings (12/1/1/11)

The following minutes/Summary of Outcomes of SALGA Working Group meetings are attached:

- (a) Provincial Working Group on Human Settlement & Urban Agenda: **Annexure 8.4.1(a).**
- (b) Joint Provincial Working Group on Public Transport and Roads & Environmental Management Climate and Resilience: **Annexure 8.4.1(b).**
- (c) Provincial Working Group on Municipal Capabilities & Institutional Resilience: **Annexure 8.4.1(c).**
- (d) Provincial Working Group on Governance and Intergovernmental Relations: **Annexure 8.4.1(d).**
- (e) Provincial Working Group on Municipal Finance and Fiscal Policy: **Annexure 8.4.1(e).**
- (f) Provincial Working Group on Municipal Digital Solutions: **Annexure 8.4.1(f).**

UNANIMOUSLY RESOLVED

that notice be taken of the minutes and Summary of Outcomes of the SALGA Working Group meetings.

EENPARIG BESLUIT

dat kennis geneem word van die notules en Opsomming van Uitkoms van die SALGA Werkgroepe-vergaderings.

8.4.2 Municipal Demarcation Board: Municipal Boundary Re-determination process Batch 1 and Batch 2 (3/1/1/2)

Circular 3 of 2023 from the Municipal Demarcation Board, dated 4 August 2023, is attached as **annexure 8.4.2.**

UNANIMOUSLY RESOLVED

that notice be taken of the outcomes of the Municipal Boundary Re-determination process Batch 1 and Batch 2.

**8.4.3 Council's representatives on outside bodies
(3/1/1/5)**

The following documents are attached:

- (a) E-mail from the Department of Health: Cape Winelands District Office, dated 12 September 2023: **Annexure 8.4.3(a)**.
- (b) Provincial Gazette Extraordinary, dated 5 July 2016: **Annexure 8.4.3(b)**.
- (c) Nomination form: **Annexure 8.4.3(c)**.
- (d) Council's representatives on outside bodies: **Annexure 8.4.3(d)**.

The Executive Mayoral Committee resolved on 14 November 2023 to recommend to Council that Council's representatives on the Clinic Committees and other outstanding bodies be appointed.

UNANIMOUSLY RESOLVED

that the status quo of Council's representatives on the Clinic Committees be maintained.

**8.4.4 Political structure: Council's committee system
(03/3/1/1)**

A copy of Council's committee system is attached as **annexure 8.4.4**.

The Executive Mayoral Committee resolved on 22 January 2024 that the Executive Mayor will meet with the whips of the various political parties during the Council workshop and finalise the committee system and submit same to Council for approval and acceptance.

UNANIMOUSLY RESOLVED

- (a) *that Council's committee system is finalised by the Executive Mayor.*
- (b) *that Councillor A Gili, on own request, be removed from the Municipal Public Accounts Committee.*

8.4.5 Annual Risk Assessment Report: 2023
(2/12/1)

The Annual Risk Assessment Report for 2023, dated October 2023, is attached as **annexure 8.4.5**.

The Performance, Risk and Audit Committee resolved on 3 November 2023:

- (a) that the Risk Titles be rephrased that read:
 - (i) Money collected late for depositing to the bank.
 - (ii) Money not collected daily.
- (b) that the Performance, Risk and Audit Committee took notice of the Annual Risk Assessment Report for 2023.
- (c) that the Performance, Risk and Audit Committee recommends to Council:

that notice be taken of the Performance, Risk and Audit Committee's Annual Risk Assessment Report for 2023 and, after consideration, same be accepted.

UNANIMOUSLY RESOLVED

that notice be taken of the Performance, Risk and Audit Committee's Annual Risk Assessment Report for 2023 and, after consideration, same be accepted.

8.4.6 Performance, Risk and Audit Committee: 2nd Bi-Annual Report on Performance Management: 2022/2023
(5/14/4)

The Second Bi-Annual Report of the Performance, Risk and Audit Committee on Performance Management for 2022/2023, dated October 2023, is attached as **annexure 8.4.6**.

The Performance, Risk and Audit Committee resolved on 17 November 2023 that the Performance, Risk and Audit Committee takes notice of the Second Bi-Annual Report of the Performance, Risk and Audit Committee on Performance Management for 2022/2023 and forwards same to the Municipal Manager for tabling to Council and to be accepted after consideration.

UNANIMOUSLY RESOLVED

that notice be taken of the Second Bi-Annual Report of the Performance, Risk and Audit Committee on Performance Management for 2022/2023 and, after consideration, same be accepted.

9. URGENT MATTERS SUBMITTED AFTER DISPATCHING OF THE AGENDA

**9.1 Amendments to Preferential Procurement Policy
(8/1/P & 5/1/1/22)**

A memorandum from the Director: Finance, dated 24 January 2024, is attached as **annexure 9.1**.

UNANIMOUSLY RESOLVED

that the proposed amendments to the Preferential Procurement Policy be approved, with application from 1 February 2024.

**9.2 Proposed amendments to Supply Chain Management Policy
(8/1/P & 5/1/1/22)**

The following documents are attached:

(a) Memorandum from Director: Finance, dated 24 January 2024:
Annexure 9.2(a).

(b) Government Gazette no. 4198 of 14 December 2023:
Annexure 9.2(b).

UNANIMOUSLY RESOLVED

that the proposed amendments to the Supply Chain Management Policy be approved, with application from date of approval.

**9.3 Council affairs: Requesting MEC for Local Government in the Province to amend the Section 12 Notice of Witzenberg to allow the Chairperson of MPAC to be a fulltime position
(3/3/1/1)**

Report from Municipal Manager, dated 24 January 2024:

"Purpose

To ask Council to request the MEC for Local Government to amend the Section 12 Notice of Witzenberg to allow the Chairperson of Municipal Public Accounts Committee to be a fulltime position.

Deliberation

The amended Structures Act that became effective as from 1 November 2021, has placed additional responsibilities on the Municipal Public Accounts Committee Chairperson. In the past the Municipal Public Accounts Committee was limited to scrutinise the annual report and also Section 52 Reports. After the amendment of the Structures Act all internal audit reports are now being referred to Municipal Public Accounts Committee after it has been viewed and dealt with by the Performance, Risk and Audit Committee. The municipality has achieved its 11th clean audit report and it is critical and imperative that the oversight committee performs at maximum capacity with the emphasis on quality outputs. It is important that the Chairperson of the Municipal Public Accounts Committee is appointed fulltime. Only the MEC can approve of same and must amend the Section 12 establishment Notice of the municipality. The Section 12 Notice only provides for six fulltime positions.

Financial implication

The financial impact on the municipality between a fulltime and part-time Chairperson is approximately R300 000. This year the municipality will have to adjust its budget with R150 000 and from 1 July 2024 with the amount as promulgated in the regulation for the upper limits of political office bearers.

Legal implication

The Structures Act is applicable. The payment of remuneration as a fulltime Councillor may only be implemented once the Section 16(3) process has been completed and the final Section 12 Notice has been published in the Provincial Gazette. The concurrence of the MEC for Local Government must be obtained in terms of the determination of Upper Limits of the salaries, allowances and benefits of municipal Councillors as promulgated in Government Gazette 3807, GG49142, dated 18 August 2023."

UNANIMOUSLY RESOLVED

that Council approves that the MEC for Local Government: Western Cape be requested to amend the Section 12 Notice of Witzenberg Municipality to allow the Chairperson of the Municipal Public Accounts Committee to be a fulltime position.

10. FORMAL AND STATUTORY MATTERS FORMELE EN STATUTÊRE SAKE

None / Geen

NOTED / AANGETEKEN

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

The Speaker informed Council to submit all questions six days before the Council meeting.

NOTED

12. COUNCIL-in-COMMITTEE / RAAD-in-KOMITEE

These items are dealt with in the confidential agenda.