

MINUTES OF THE HYBRID COUNCIL MEETING OF WITZENBERG MUNICIPALITY, HELD IN THE TOWN HALL, VOORTREKKER STREET, CERES ON THURSDAY, 12 DECEMBER 2024 AT 10:00

PRESENT

Councillors

Alderlady EM Sidego (DA) (Speaker)
Councillor TE Abrahams (DA) (Executive Mayor)
Councillor JF Nel (ICOSA) (Executive Deputy Mayor)
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) (Online)
Councillor JS Mouton (ANC)
Councillor MJ Ndaba (ANC) (Online)
Councillor N Nogcinisa (ANC)
Councillor N Phatsoane (ANC)
Councillor KA Robyn (GOOD)
Councillor J Rooi (Witzenberg Party)
Alderman HJ Smit (DA)
Alderman D Swart (DA)
Alderman JJ Visagie (DA)
Councillor K Yisa (ANC)

Officials

Mr D Nasson (Municipal Manager)
Mr HJ Kritzinger (Director: Finance)
Mr JE Delport (Acting Director: Technical Services)
Mr M Mpeluza (Director: Corporate Services)
Mr J Kolkota (Deputy Director: Finance)
Ms N Oerson (Chief Internal Audit Executive)
Mr A Hofmeester (Manager: IDP)
Ms R Hendricks (Manager: Communication and Marketing)
Mr CG Wessels (Manager: Administration)
Ms M Arendse-Smith (Chief Administrative Officer)
Mr C Titus (Committee Clerk)
Mr J Pieterse (Senior ICT Officer)

1. OPENING AND WELCOME / OPENING EN VERWELKOMING

The Speaker welcomed everyone present and requested Councillor K Robyn to open the meeting with prayer.

NOTED

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

**2.1 Consideration of application for leave of absence, if any
Aansoeke om verlof tot afwesigheid, indien enige
(3/1/2/1)**

Applications for leave of absence from the meeting were received from Councillors GG Laban (Witzenberg Aksie)(medical condition); I Swartz (EFF) (political party matters) and J Zalie (ANC) (public protest at Wolseley).

It was noted that Councillor P Daniels will join the meeting late.

UNANIMOUSLY RESOLVED

that the applications for leave of absence from the meeting, received from Councillors GG Laban (Witzenberg Aksie) (medical condition); I Swartz (EFF) (political party matters) and J Zalie (ANC) (public protest at Wolseley), be accepted and approved.

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

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

Councillor J Mouton declared a conflict of interest in terms of item 12.2.1 and requested that she be excused from the meeting during the said item.

After deliberations, Speaker informed the meeting that there was no direct conflict of interest and therefore Councillor J Mouton would not be required to leave the meeting during the discussion of item 12.2.1.

No other 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)**

Council's congratulations were conveyed by Councillor W Alexander to the following Councillors on their birthdays:

- | | |
|-----------------------|-------------|
| • Councillor JF Nel | 7 November |
| • Councillor K Robyn | 19 November |
| • Councillor J Zalie | 21 November |
| • Councillor A Gili | 28 November |
| • Councillor G Franse | 11 December |
| • Ms M Fredericks | 26 December |

NOTED

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

The Speaker, Alderlady EM Sidego, conveyed the following:

- Gratitude expressed on behalf of Council to the Municipal Manager and the Administration for the arrangements of the Council year-end function as it was thoroughly enjoyed by all.
- It is the last Council meeting for 2024 and would like to wish all a blessed Christmas and prosperous new year. May the peace experienced during the festive period carry through and be experienced in 2025.
- Word of thanks to all Councillors for their contributions during the year as it was a difficult year for many, but as a team we can succeed.
- Safety Awareness Campaign will be held on Friday, 13 December 2024 from 08:00 until 12:30 at the entrance of Ceres.
- It is noted that since it is the last meeting of the year, there could be consequences for Ward Councillors who have not had a ward committee meeting.
- Manager: Administration, Mr C Wessels, will be retiring at the end of the month and an opportunity will be afforded to Councillors who would like to convey well wishes.

NOTED

Councillor N Nogcinisa joined the meeting at 10:25.

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

The Executive Mayor conveyed the following to the meeting:

- Congratulations conveyed to the Administration and Councillors for the 12th consecutive Clean Audit. Councillors have an oversight function over the municipality, which is a great contribution.
- Thank you to members of the public who diligently attend Council meetings despite personal circumstances and hardships.
- Thank you to the Municipal Administration for their services to Councillors and citizens of Witzenberg, it is greatly appreciated.
- Word of thanks and appreciation to the Executive Mayoral Committee, coalitions and all Councillors for their contributions throughout the year.

Furthermore, the Executive Mayor wished all Councillors, Administration and members of the public a blessed Christmas and prosperous 2025.

NOTED

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

None / Geen

NOTED / AANGETEKEN

4. MINUTES / NOTULES

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

None

NOTED

4.2 Matters arising from the minutes
(3/1/2/3)

None

NOTED

**4.3 Approval of minutes / Goedkeuring van notules
(3/1/2/3)**

The following minutes are attached:

- (a) Special Council meeting, held on 21 October 2024: **Annexure 4.3(a).**
- (b) Special Council meeting, held on 30 October 2024: **Annexure 4.3(b).**

UNANIMOUSLY RESOLVED

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

- (a) *Special Council meeting, held on 21 October 2024.*
- (b) *Special Council meeting, held on 30 October 2024.*

EENPARIG BESLUIT

Dat die volgende notules goedgekeur en deur die Speaker onderteken word:

- (i) *Spesiale Raadsvergadering, gehou op 21 Oktober 2024.*
- (ii) *Spesiale Raadsvergadering, gehou op 30 Oktober 2024.*

**4.4 Outstanding matters / Uitstaande sake
(3/3/2)**

Number	File reference	Heading, item no. and date	Directorate	Action	Progress	Target date
	17/3/2	8.2.2 of 24-01-2024 Proposed position of waste transfer stations	Technical Services	That proposed positions of waste transfer stations at erf 8714, Bella Vista & Erf 1, PA Hamlet be held in abeyance for PPP.	Work-in-progress	End of Feb. 2025

UNANIMOUSLY RESOLVED

that notice be taken of the outstanding matter.

EENPARIG BESLUIT

dat kennis geneem word van die uitstaande saak.

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 minutes of the following meetings are attached:

- (a) Committee for Local Economic Development and Tourism, held on 11 April 2024: **Annexure 7.1(a).**
- (b) Performance, Risk and Audit Committee, held on 19 July 2024: **Annexure 7.1(b).**
- (c) Special Performance, Risk and Audit Committee, held on 16 August 2024: **Annexure 7.1(c).**
- (d) Executive Mayoral Committee, held on 26 September 2024: **Annexure 7.1(d).**
- (e) Committee for Technical Services, held on 8 October 2024: **Annexure 7.1(e).**

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: Committee for Community Development 23 November 2023 (3/1/2/3)

The minutes of the meeting of the Committee for Community Development, held on 23 November 2023, are attached as **annexure 7.2.**

The Committee for Community Development resolved on 10 October 2024 that the minutes of the meeting of the Committee for Community Development, held on 23 November 2023, be referred to Council for approval.

UNANIMOUSLY RESOLVED

that the minutes of the meeting of the Committee for Community Development, held on 23 November 2023, be approved and signed by the Chairperson.

8. GERESERVEERDE BEVOEGDHEDE / RESERVED POWERS

8.1 Direktooraat Finansies / Directorate Finance

8.1.1 Section 71 Monthly Budget Statement Report of the Directorate Finance: October 2024 (9/1/2/2)

The Section 71 Monthly Budget Statement Report of the Directorate Finance for October 2024 is attached as **annexure 8.1.1**.

The Executive Mayoral Committee resolved on 10 December 2024 to recommend to Council:

- (a) that notice be taken of the Section 71 Monthly Budget Statement Report of the Directorate Finance for October 2024.
- (b) that the Section 71 Monthly Budget Statement Report of the Directorate Finance for October 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.

UNANIMOUSLY RESOLVED

- (a) *that notice be taken of the Section 71 Monthly Budget Statement Report of the Directorate Finance for October 2024.*
- (b) *that the Section 71 Monthly Budget Statement Report of the Directorate Finance for October 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.*

8.1.2 Quarterly Budget Statement [Section 52(d)] Report: 1st Quarter 2024/2025 (9/1/1 & 9/1/2/2)

The Quarterly Budget Statement [Section 52(d)] Report for the 1st Quarter of 2024/2025 is attached as **annexure 8.1.2**.

The Executive Mayoral Committee resolved on 10 December 2024 to recommend to Council:

- (a) that notice be taken of the Quarterly Budget Statement [Section 52(d)] Report for the 1st Quarter of 2024/2025.

- (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.

UNANIMOUSLY RESOLVED

- (a) *that notice be taken of the Quarterly Budget Statement [Section 52(d)] Report for the 1st Quarter of 2024/2025.*
- (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.*

**8.1.3 Draft Combined Assurance Framework
(5/14/P)**

The Draft Combined Assurance Framework, dated March 2024, is attached as **annexure 8.1.3.**

The Performance, Risk and Audit Committee resolved on 20 September 2024 to recommend to Council that notice be taken of the Combined Assurance Framework and, after consideration, same be approved.

UNANIMOUSLY RESOLVED

that notice be taken of the Combined Assurance Framework and, after consideration, same be approved.

**8.1.4 Finance: Writing off of interest and arrear monies: Indigent household debt
(5/12/1/3)**

Memorandum from Director: Finance, dated 3 December 2024:

"Purpose

The purpose of this report is for Council to consider the writing off of indigent households' debt.

Legislature framework

In terms of Section 96 of the Municipal Systems Act (Act 32 of 2000), Council must collect all money that is due and payable to it. Subject to the provisions of the Municipal Systems Act. It also allows the municipality to compile and adopt a policy to give effect to this power to collect.

The Council adopted a Credit Control and Debt Collection Policy on 28 May 2009 per item 8.1.2(c). Amendments to this policy were approved at subsequent Council meetings.

The relevant portion is:

- 26.11 Whenever all the legal avenues and procedures listed above have been exhausted, or it becomes uneconomical to proceed further, the arrear amounts should be classified as irrecoverable and should be written off.
- 26.12 The Chief Financial Officer may forward a report to Council for the writing off of consumer debt, if such debts may be irrecoverable.
- 26.13 The Executive Committee, in terms of its delegated authority, may authorise the writing off of the debts wherein after a report will be forwarded to full Council for ratification.
- 26.14 The Chief Financial Officer shall as soon as possible after 30 June each year, or more regularly if requested by Council to do so, present to the Council a report indicating the amount of the arrears that have been written off during the financial year, together with the reasons for the write off.
- 26.15 The Chief Financial Officer may write off debts if he is satisfied that:
 - All reasonable steps have been taken to recover the debt and the debt is considered to be irrecoverable, or
 - He/she is convinced that recovery of the debt would be uneconomical.
- 26.16 Any debtors whose amounts are written off may be listed with the Credit Bureau and may not be permitted to enter future service contracts with the Council.

The Accounting Officer of a municipality must take all reasonable steps to ensure that the municipality has effective revenue collection systems in terms of Section 64 of the Municipal Finance Management Act (Act 56 of 2003).

Section 118(1) of the Municipal Systems Act regulates the issuing of clearance certificates for the transfer of property and is quoted below:

'118. Restraint on transfer of property. –

- (1) A registrar of deeds may not register the transfer of property except on production to that registrar of deeds of a prescribed certificate -
 - (a) issued by the municipality or municipalities in which that property is situated; and

- (b) which certifies that all amounts that became due in connection with that property for municipal service fees, surcharges on fees, property rates and other municipal taxes, **levies and duties during the two years preceding the date of application for the certificate have been fully paid.**

- (1A) A prescribed certificate issued by a municipality in terms of subsection (1) is valid for a period of 60 days from the date it has been issued.'

Discussion

1. Council resolved on 18 April 2024 to write off the debt of indigent households. The list included households on the indigent register during the 2023 calendar year.
2. New applications have been received and approved till date.
3. The total outstanding debt in respect of indigent households are R11 135 757,51. R8 126 070,68 of this outstanding debt is in respect of households whose debt was not written off during April 2024.
4. The Chief Financial Officer is convinced that the recovery of the debt would be uneconomical as stated in 26.15 of the Credit Control and Debt Collection Policy.

Financial implications

The current provision of bad debt, excluding traffic fines, is R265 001 856,00 at the end of June 2024. This provision will be debited with the amount of R8 126 070,68. The provision has already been created prior to this financial year."

The Executive Mayoral Committee resolved on 10 December 2024 to recommend to Council:

- (a) that the indigent debt to the value of R8 126 070,68 be written off.
- (b) 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.
- (c) that during 2025 Council strategically discuss and deliberate in depth the matter of writing off of interest and arrear monies of indigent households and plan how to manage it in future.

Councillor MJ Ndaba requested that the list of the names of people from whom interest and arrear monies will be written off, for transparency be made available in the next Council agenda.

The Speaker responded that the abovementioned list be made available in the in-committee agenda of the next Council meeting.

UNANIMOUSLY RESOLVED

- (a) that the indigent debt to the value of R8 126 070,68 be written off.*
- (b) 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.*
- (c) that the list of names in respect of the Writing off of interest and arrear monies: Indigent household debt be part of the in-committee agenda of the next Council meeting.*

**8.1.5 Reconnection of electricity over the festive season
(5/12/1/R)**

A memorandum from the Director: Finance, dated 4 December 2024, is attached as **annexure 8.1.5**.

The Executive Mayoral Committee resolved on 10 December 2024 to recommend to Council:

- (a) that all residents have access to electricity and that no credit control measures be implemented for the period 20 December 2024 until 3 January 2025.*
- (b) Consumers whose electricity are disconnected because of tampering with their meters are excluded from this resolution.*
- (c) that the 30 % auxiliary be implemented for all consumers with prepayment electricity meters whose accounts are in arrears.*
- (d) that conventional consumers pay a deposit of R1 000-00 as their electricity is supplied in advance.*

UNANIMOUSLY RESOLVED

- (a) that all residents have access to electricity and that no credit control measures be implemented for the period 20 December 2024 until 3 January 2025.*
- (b) Consumers whose electricity are disconnected because of tampering with their meters are excluded from this resolution.*
- (c) that the 30 % auxiliary be implemented for all consumers with prepayment electricity meters whose accounts are in arrears.*
- (d) that conventional consumers pay a deposit of R1 000-00 as their electricity is supplied in advance.*

8.2 Direktooraat Tegniese Dienste / Directorate Technical Services

8.2.1 Electricity: Eselfontein Boerdery (Edms) Bpk: Take-over of the municipal medium voltage infrastructure (16/3/3/1/1)

Councillor A Gili requested a caucus break on behalf of the ANC alliance from 10:52 until 11:21 before item 4.2.1 was being dealt with.

After the break Councillor Gili reported that the ANC alliance had expressed concerns that the members of the Committee for Technical Services, i.e. ANC and EFF had requested that the value of the assets which the municipality intends to transfer to the Eselfontein Boerdery (Edms) Bpk be made known, but to date such report had not been received. Councillor Gili proposed that the matter therefore be held in abeyance, which proposal was seconded by Councillor G Laban.

Alderman JJ Visagie requested a caucus break on behalf of the DA alliance from 11:23 until 11:39.

After the caucus break Councillor T Abrahams reported back that the Executive Mayoral Committee had endorsed the resolution of the Committee for Technical Services that the amount to be paid by the applicant for the municipal assets is R575 888-92. Alderman H Smit proposed and Alderman J Visagie seconded that the recommendations in the agenda be accepted.

Councillor Gili mentioned that the ANC alliance wants to compare the value of the municipal assets to be transferred to the applicant with the amount to be paid to the municipality by the applicant.

The Speaker called for a caucus meeting with all Chief Whips of the political parties from 11:53 until 12:00.

The Speaker reported back after the meeting that the Chief Whips had recommended to Council that the matter be held in abeyance and that an independent market valuator for the municipal assets be appointed to determine the market value of the assets.

The Committee for Technical Services resolved on 14 March 2023 that the matter in respect of the Electricity: Eselfontein Boerdery (Edms) Bpk: Take-over of the municipal medium voltage infrastructure be held in abeyance and referred to the Acting Senior Manager: Electro-Technical Services for further information.

The following documents are attached:

- (a) Memorandum from Senior Manager: Electro-Technical Services, dated 28 February 2024: **Annexure 8.2.1(a)**.
- (b) Letter from Eselfontein Boerdery, dated 16 September 2021: **Annexure 8.2.1(b)**.

- (c) Monthly report of May 2023 with Eselfontein SSEG application:
Annexure 8.2.1(c).

The Committee for Technical Services resolved on 9 April 2024 that the item relating to the Electricity: Eselfontein Boerdery (Edms) Bpk: Take-over of the municipal medium voltage infrastructure be held in abeyance to determine the financial impact from time of the installation of the Small Scale Embedded Generation (SSEG).

Comment from Senior Manager: Electro-Technical Services:

"Page 5 of annexure 8.2.2(a) shows the financial impact studied for Eselfontein in the graph format."

The Committee for Technical Services resolved on 6 August 2024 to recommend to the Executive Mayoral Committee and Council:

- (a) that the content of the memo and the request of the farm owner be noted.
- (b) that the advantages of this transaction for the municipality be noted.
- (c) that the request be supported and that the amount of R575 888-92 (VAT incl.) be paid by the applicant.
- (d) that the assets be transferred to Eselfontein Boerdery.
- (e) that a bulk metering unit be installed at the main intake point of Eselfontein at the cost of the customer.
- (f) that all the low voltage metering units be removed.
- (g) that the asset is not needed for service delivery to other consumers and that Witzenberg Municipality will continue to provide electricity to the purchaser in bulk.
- (h) that Council's intent to alienate the assets be advertised.

The Executive Mayoral Committee resolved on 26 September 2024 to recommend to Council:

- (a) that the content of the memo and the request of the farm owner be noted.
- (b) that the advantages of this transaction for the municipality be noted.
- (c) that the request be supported and that the amount of R575 888-92 (VAT incl.) be paid by the applicant.
- (d) that the assets be transferred to Eselfontein Boerdery.

- (e) that a bulk metering unit be installed at the main intake point of Eselfontein at the cost of the customer.
- (f) that all the low voltage metering units be removed.
- (g) that the asset is not needed for service delivery to other consumers and that Witzenberg Municipality will continue to provide electricity to the purchaser in bulk.
- (h) that Council's intent to alienate the assets be advertised.
- (i) that the land owner continues providing the farm workers with electricity on the farm.
- (j) that Council investigates the possibility of piloting a roll-out of free basic electricity in terms of Council's Indigent Policy to the households that are in need on the farm.

Council unanimously resolved on 30 September 2024 that the matter in respect of Eselfontein Boerdery (Edms) Bpk: Take-over of the municipal medium voltage infrastructure be held in abeyance and that an independent market valuator for the municipal assets be appointed to determine the market value of the assets.

Council unanimously resolved on 12 November 2024 that the matter in respect of Electricity: Eselfontein Boerdery (Edms) Bpk: Take-over of the municipal medium voltage infrastructure be held in abeyance until the next meeting.

The following report was received from the Municipal Manager:

"The municipality appointed Neil Lyners and Associates Consulting Engineers and Project Managers to perform a valuation on the municipal infrastructure as per the discussion item. A written report was compiled by Neil Lyners and Associates, which is attached as **annexure 8.2.1(d) (Confidential)**. Council's attention is drawn to the market valuation of the consultant, which is lower than the asset value of the municipality. It is recommended that the asset value of the municipality be used as the selling price.

UNANIMOUSLY RESOLVED

- (a) that the request be supported and that the amount of R575 888-92 (VAT incl.) be paid by the applicant.*
- (b) that the assets be transferred to Eselfontein Boerdery.*
- (c) that a bulk metering unit be installed at the main intake point of Eselfontein at the cost of the customer.*

- (d) that all the low voltage metering units be removed.*
- (e) that the asset is not needed for service delivery to other consumers and that Witzenberg Municipality will continue to provide electricity to the purchaser in bulk.*
- (f) that Council's intent to alienate the assets be advertised.*
- (g) that the land owner continues providing the farm workers with electricity on the farm.*
- (h) that Council investigates the possibility of piloting a roll-out of free basic electricity in terms of Council's Indigent Policy to the households that are in need on the farm.*

8.3 Direktooraat Gemeenskapsdienste / Directorate Community Services

8.3.1 Witzenberg Disaster Management: Annual Report 2023/2024 (17/07/2/1)

The Witzenberg Disaster Management Annual report for 2023/2024, received from the Manager: Disaster Management and Emergency Services, is attached as **annexure 8.3.1**.

The Committee for Community Development resolved on 10 October 2024:

- (a) That the Committee for Community Development takes notice of the Witzenberg Disaster Management Annual Report for 2023/2024.
- (b) To recommend to the Executive Mayoral Committee and Council:

that Council takes notice of the content of the Witzenberg Disaster Management Annual Report for 2023/2024.

The Executive Mayoral Committee resolved on 10 December 2024 to recommend to Council:

- (a) that notice be taken of the content of the Witzenberg Disaster Management Annual Report for 2023/2024.
- (b) that the matter regarding the Witzenberg Disaster Management Annual Report for 2023/2024 be discussed by Council at an upcoming workshop.

UNANIMOUSLY RESOLVED

- (a) *that notice be taken of the content of the Witzenberg Disaster Management Annual Report for 2023/2024.*
- (b) *that the matter regarding the Witzenberg Disaster Management Annual Report for 2023/2024 be discussed by Council at an upcoming workshop.*

8.3.2 Report: Working visit to Essen, Belgium: October 2024 (10/2/3)

A report from the Manager: Socio-Economic Development, dated 24 October 2024, is attached as **annexure 8.3.2**.

The Executive Mayoral Committee resolved on 10 December 2024 to recommend to Council that notice be taken of the report on the working visit to Essen, Belgium during October 2024.

UNANIMOUSLY RESOLVED

that notice be taken of the report on the working visit to Essen, Belgium during October 2024.

Councillor P Daniels joined the meeting at 11:00.

8.3.3 Municipal contribution to cost of boundary wall along Vredebes/Crispy Farming/Morceaux and Patrick de Wet farm (17/4/1/1/2/4)

Report from Municipal Manager, dated 4 December 2024:

"1. Purpose

To consider granting approval for Council's contribution to the actual cost of the construction of the boundary wall along Vredebes/Crispy Farming/Morceaux and Patrick de Wet farm in the adjustment budget to be tabled to Council at the end of January 2025.

2. Background

This item was tabled to Council on 4 October 2019. Council resolved that Council engages with the MEC's for Housing and Agriculture for a donation in respect of the building of a boundary wall/erection of a fence along Vredebes/Crispy Farming/Morceaux and Patrick de Wet farm, after which the matter be referred back to Council. The item that was tabled to Council is attached as **annexure 8.3.3**.

All attempts to acquire grant funding for the fencing from the respective Provincial departments were unsuccessful. The owners of the affected farms maintain that it was part of the initial agreement with the development of Vredebes that a boundary wall would be constructed for the cost of the developer. The municipality is the developer of the Vredebes housing development. During negotiations it was agreed that the farm owners will contribute 50 % to the cost of the boundary wall. The owners went ahead to construct the boundary well, because of potential damage to their farms, mainly because of stray animals and theft that emanated from Vredebes. The farmers are now threatening to institute legal action if they are not been paid. The farmers have been lenient for more than four years. The total cost that Council must contribute amounts to R1 407 311-85, which is broken down as follows:

- Morceaux Agri (Pty) Ltd R747 602-52
- Patrick de Wet Familietrust R384 276-52
- Crispy Farming (Pty) Ltd R275 432-51"

The Executive Mayoral Committee resolved on 10 December 2024 to recommend to Council that provision be made in the adjustment budget for the amount of R1 407 311-85.

A lengthy discussion was held in respect of the matter of the funding, the applicable reasons for the boundary wall and the emerging farmers involved.

The Municipal Manager provided in-depth clarity on the matter to the satisfaction of Council.

UNANIMOUSLY RESOLVED

that provision be made in the adjustment budget for the amount of R1 407 311-85.

**8.3.4 Rietvlei PALS project: Water allocation and solar energy
(17/19/2/30)**

Report from Municipal Manager, dated 4 December 2024:

1. Purpose

To consider a request from Witzenberg PALS, called the Rietvlei Project, for the provision of a water allocation from the municipality of 350 000 m³ and an off-take agreement to purchase solar energy from an independent power producer.

2. Deliberation

The Western Cape Provincial Government invited municipalities to apply for funding to the Province for alternative energy projects which would allow municipalities to go off-grid during load shedding by ESKOM. Extensive investigations were done and the provincial project of solar and battery generated plants appear to be too expensive and not economically viable. The Witzenberg Municipality decided to proceed with an environmental impact assessment study on farm land, more commonly known as portion 85 of the farm Rietvallei 364. The firm Zutari was appointed to do the environmental impact assessment for a 19.5 MW solar photovoltaic (PV) facility. A draft basic assessment report was compiled in terms of NEMA and the EIA regulations of 2014 and which is now open for public comment until 6 January 2025.

The Dutoit Group has submitted a project proposal to the municipality for the development of a 40 ha cherry orchard for which they require 350 000 m³ and the development of a 19.5 MWp solar farm. The proposal is attached as **annexure 8.3.4 (Confidential)**.

3. Request for municipal water

The previous Director: Technical Services, Mr J Barnard, had indicated that the municipality has enough water and that it will not have a significant impact on the municipal water quota.

4. Solar farm request

The consultant that the municipality had appointed, has compiled its draft basic assessment report for the same piece of land that the Dutoit Group is now requesting to develop their solar project. If the municipality is successful with a positive basic impact assessment report, the municipality would then embark on a tender process to invite potential independent power producers to develop the solar plant at their own cost and will the municipality, subject to Council's approval, sign an off-take agreement to buy the solar-generated energy for feed into the municipal infrastructure. The Dutoit Group's proposal amounts to an unsolicited bid proposal, which will have to follow the guidelines and procedures as set out by National Treasury.

The Dutoit Group is the lessee of portion 85 of the farm Rietvallei 364 and has acquired the option for a long-term lease agreement and/or acquisition of the farm.

5. Legal implication

If the water is made available the project will have to pay for the water in terms of Council's lease agreement. The Dutoit Group can either participate in Council's supply chain process for the development of a solar photovoltaic plant or through a unsolicited bid process where the approval of both Provincial and National Treasury must be obtained.

6. Financial implications

There is no negative financial implications for Council. On the water being made available, Council will derive an income and the price offered for the solar energy will have to be tested through an independent process. In terms of the project proposal it is indeed correct that Council can generate a saving on the sale of electricity through an alternative solar photovoltaic plant."

The Executive Mayoral Committee resolved on 10 December 2024 to recommend to Council:

- (a) that 25 kilolitre water per square meter be made available as the cherry trees are planted per year over a period of twenty years in terms of the approved project plan.
- (b) that the Witzenberg Municipality be provided with an annual report of the project.

- (c) that a suspensive condition be included in the agreement indicating that the project be implemented within three years, failure of which resulting in non-provision of water due to non-compliance.
- (d) that in a drought stricken year the municipality has the domesticous of Council's quota of water in the Koekedouw Dam.
- (e) that the Witzenberg Municipality supports and endorses the solar photovoltaic (PV) facility project of the Dutoit Group.
- (f) that the Witzenberg Municipality already embarked on a solar project on the same land and is awaiting the Environmental Impact Assessment outcomes.
- (g) that if Council is in favour of the solar project that the Dutoit Group participates in the Council's supply chain process for the development of a solar photovoltaic plant.
- (h) that notice is taken that a written agreement in respect of the Nduli social development project be finalised.

UNANIMOUSLY RESOLVED

- (a) that 25 kilolitre water per square meter be made available as the cherry trees are planted per year over a period of twenty years in terms of the approved project plan.*
- (b) that the Witzenberg Municipality be provided with an annual report of the project.*
- (c) that a suspensive condition be included in the agreement indicating that the project be implemented within three years, failure of which resulting in non-provision of water due to non-compliance.*
- (d) that in a drought stricken year the municipality has the domesticous of Council's quota of water in the Koekedouw Dam.*
- (e) that the Witzenberg Municipality supports and endorses the solar photovoltaic (PV) facility project of the Dutoit Group.*
- (f) that the Witzenberg Municipality already embarked on a solar project on the same land and is awaiting the Environmental Impact Assessment outcomes.*
- (g) that if Council is in favour of the solar project that the Dutoit Group participates in the Council's supply chain process for the development of a solar photovoltaic plant.*
- (h) that notice is taken that a written agreement in respect of the Nduli social development project be finalised.*

8.4 Direktooraat Korporatiewe Dienste / Directorate Corporate Services

8.4.1 Council matters: Council recess for festive season 2024/2025 (3/1/2/3)

The Speaker recommends:

- (a) that the recess period of Council for the 2024/2025 festive season will be from 17 December 2024 until 15 January 2025.
- (b) that if the Speaker needs to call a Council meeting all Councillors must be available for a virtual Council meeting at all times.
- (c) that the Executive Mayor and Executive Deputy Mayor will be on standby during the recess period.

UNANIMOUSLY RESOLVED

- (a) that the recess period of Council for the 2024/2025 festive season will be from 17 December 2024 until 15 January 2025.*
- (b) that if the Speaker needs to call a Council meeting all Councillors must be available for a virtual Council meeting at all times.*
- (c) that the Executive Mayor and Executive Deputy Mayor will be on standby during the recess period.*

8.4.2 Personnel matters: Closure of municipal offices: 23, 24, 27, 30 and 31 December 2024 and 2 January 2025 (04/2/8)

For the past number of years the municipal offices have been closed in December and January for the festive season.

The Municipal Manager Services proposed:

- (a) That business hours on 20 December 2024 shall be from 07:30 to 13:00.
- (b) That all employees be granted paid leave on 23, 24, 27, 30 and 31 December 2024 and 2 January 2025.
- (c) That essential services staff in all departments be on standby on 23, 24, 25, 26, 27, 28, 29, 30, 31 December 2024 and 1 and 2 January 2025.
- (d) That the municipality resumes full services on 3rd January 2025.

The Executive Mayoral Committee resolved on 10 December 2024 to recommend to Council:

- (a) That business hours on 20 December 2024 shall be from 07:30 to 13:00.
- (b) That all employees be granted paid leave on 23, 24, 27, 30 and 31 December 2024 and 2 January 2025.
- (c) That essential services staff in all departments be on standby on 23, 24, 25, 26, 27, 28, 29, 30, 31 December 2024 and 1 and 2 January 2025.
- (d) That the municipality resumes full services on 3rd January 2025.

UNANIMOUSLY RESOLVED

- (a) That business hours on 20 December 2024 shall be from 07:30 to 13:00.*
- (b) That all employees be granted paid leave on 23, 24, 27, 30 and 31 December 2024 and 2 January 2025.*
- (c) That essential services staff in all departments be on standby on 23, 24, 25, 26, 27, 28, 29, 30, 31 December 2024 and 1 and 2 January 2025.*
- (d) That the municipality resumes full services on 3rd January 2025.*

**8.4.3 Annual Report 2023/2024
(9/1/1)**

Memorandum from Director: Finance, dated 2 December 2024:

"1. Purpose

The purpose of this report is to table the Annual Report for 2023/2024 to Council.

2. Legal framework

In terms of Section 127(2) of the Municipal Finance Management Act (Act 56 of 2003), the mayor of a municipality must, within seven months after the end of a financial year, table in the municipal council the annual report of the municipality and of any municipal entity under the municipality's sole or shared control. In terms of the Municipal Finance Management Act Council must adopt the final Audit Report within two months after the tabling of the Annual Report. The Annual Report will now be advertised for public comments.

In terms of Council's delegations, the Municipal Public Accounts Committee is the oversight committee which must compile an oversight report for consideration by Council before the Annual Report is adopted. The Annual Report includes the audited Financial Statements as well as the Audit Report of the Auditor-general of South Africa.

3. Discussion

The annual report for 2023/2024 is attached as **annexure 8.4.3.**"

UNANIMOUSLY RESOLVED

- (a) that notice be taken of the Witzenberg Municipality Annual Report for 2023/2024.*
- (b) that a Public Participation Process be followed as prescribed by law.*
- (c) that the Municipal Public Accounts Committee (MPAC) compiles an oversight report on the Annual Report as per its delegated powers.*
- (d) that the following schedule for consideration of the report be adopted:*
 - (i) Advertisement in local newspaper on or before 20 December 2024.*
 - (ii) The Municipal Public Accounts Committee compiles an oversight report on the Annual Report on or before 21 January 2025.*
 - (iii) Council considers approval of the Annual Report and oversight report on or before 23 January 2025.*

8.4.4 Council meeting program: January until December 2025 (3/1/2/3)

Memorandum from Manager: Administration, dated 29 November 2024:

"1. Purpose

To obtain the approval of the Executive Mayoral Committee as well as Council for the proposed Council meeting program for January until December 2025.

2. For decision

Council.

3. Executive summary

The Council meeting program and meeting schedule for January until December 2025 as well as a 2025 calendar is attached as **annexure 8.4.4**. It is recommended that the attached program for the period January until December 2025 be approved. SALGA and the Western Cape Government have requested that municipalities finalise their own Council calendar dates in order for them to synchronise dates with everybody.

Council is requested to approve the meeting program for January until December 2025. The Council meeting program of the Witzenberg Municipality has been synchronised with the meeting dates of the Cape Winelands District Municipality and is now submitted to Council for approval.

4. Discussion

4.1 Background and discussion

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

The proposed Council meeting program for January until December 2025 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), the Senior Management (Administrative) and the Senior Municipal Leadership (Municipal Manager and Executive Mayor) meetings with the applicable time, date, venue or modus of the meetings.

The Senior Municipal Leadership and Senior Management meetings are once again proposed to be held every Monday, Section 80 Committee meetings on the third Tuesday and Thursday of every month, but meetings of the Committee for Housing Matters on the third Tuesday of the month, Council workshops on the day prior to the Council meeting and Council meetings on the last Wednesday of the month, depending on specific circumstances. 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 on a Tuesday. 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 are planned for every month except for April, June, September and November 2025 and this exceeds the minimum requirement of one meeting per quarter as prescribed.

All legislative and policy requirements are complied with."

The Executive Mayoral Committee resolved on 10 December 2024 to recommend to Council that the proposed Council meeting program for January until December 2025 be approved.

UNANIMOUSLY RESOLVED

that the Council meeting program for January until December 2025 be approved.

8.4.5 Presidential pronouncement to register spaza shops within 21 days (13/1)

The following documents are attached:

- (a) Report from Senior Manager: Legal Services, dated 28 November 2024: **Annexure 8.4.5(a).**
- (b) Standard draft By-Law for Township Economies: **Annexure 8.4.5(b).**
- (c) House Shop By-Law of Witzenberg Municipality: **Annexure 8.4.5(c).**

- (d) SALGA circular on regulation of spaza shops: **Annexure 8.4.5(d)**.

The Executive Mayoral Committee resolved on 10 December 2024 that the matter regarding the presidential pronouncement to register spaza shops within 21 days be held in abeyance until the next meeting.

UNANIMOUSLY RESOLVED

- (a) *that Council takes notice of the matter in respect of the Presidential announcement to register spaza shops within 21 days.*
- (b) *that Council takes notice of the Standard By-law for Township Economies as published in Government Gazette no. 51529 of 7 November 2024 by the National Minister for Cooperative Governance and Traditional Affairs.*
- (c) *that Council takes notice of the disaster declaration that relates to food borne illnesses.*
- (d) *that Council takes notice of COGTA's 10-point action plan.*
- (e) *that Council takes notice that Council does have a by-law on house shops as well as informal traders.*
- (f) *that Administration will amend the municipal By-law on House and Spaza Shops as well as informal traders and will submit the amended draft by-law to Council at the next Council meeting for discussion and implementation.*

8.4.6 Tulbagh Feeding Scheme: Request to lease a portion of erf 1326, Tulbagh (7/1/4/1)

The following documents are attached:

- (a) Report from Senior Manager: Legal Services and Manager: Socio--Economic Development, dated 3 December 2024: **Annexure 8.4.6(a)**.
- (b) Report from Manager: Socio-Economic Development, dated 7 June 2024: **Annexure 8.4.6(b)**.
- (c) Proposal: Witzenville Park by Care4Tulbagh: **Annexure 8.4.6(c)**.

The Executive Mayoral Committee resolved on 10 December 2024 that the matter regarding the Tulbagh Feeding Scheme: Request to lease a portion of erf 1326, Tulbagh be held in abeyance until the next meeting.

UNANIMOUSLY RESOLVED

that the matter regarding the Tulbagh Feeding Scheme: Request to lease a portion of erf 1326, Tulbagh be held in abeyance until the next meeting.

8.4.7 Alienation and subdivision of a portion of erf 2622, Schoonvlei industrial area, Ceres (unregistered erven 10913 and 10914): LED project (7/1/4/2)

Report from Municipal Manager, dated 4 December 2024:

1. Purpose

To consider the alienation of unregistered erf 10913 and erf 10914 to Oslo Fruiters (Pty) Ltd. as an LED project for their sourced water bottling plant and parking of their heavy vehicle fleet.

2. Background

The subdivision of erf 2622, Schoonvlei, Ceres was approved subject to certain conditions. In terms of Council's policy on the contribution of bulk levies (development charge per service) any potential buyer will have to pay the bulk contribution cost as set out in **annexure 8.4.7(a)**. The minimum cost in terms of the industrial zoning of the erf will be R681 578-07 per unit. This excludes the market related cost of the erf. When Council deliberated on the matter the idea was to empower the previously disadvantaged sector of our community who has not benefited from any land acquisition in the past.

Council also wanted to cater for the small business people within the Schoonvlei industrial park. The payment of the development cost makes it economically unviable and unaffordable for any small business person to purchase the property from Council.

Council is requested to consider to waive the development charges for upcoming and small business entrepreneurs from the previously disadvantaged communities.

3. LED project

Oslo Fruiters (Pty) Ltd., which is a 100 % black-owned company, has made enquiries to the municipality for the purpose of land to extend their businesses. The company owns a property where they have installed a water production bottling line. The company now wishes to extend their business. The company further bought a fleet of heavy vehicles to transport fruit and other produce to various markets within South Africa.

They do not have property where the trucks can be parked and are parking some of the trucks on the pavement of their business site in Schoonvlei. The company is reporting that:

- Thieves have been targeting their trucks that are parked on side of roads. They have torn the sails of the trucks to see if there are goods loaded on the trucks.
- Thieves have also stolen batteries of the trucks and cables.
- Thieves also tried to steal spare tyres from the trucks.
- They are also having troubles with their neighbours as the trucks parked on the road side, takes up their space.

The municipality has earmarked Schoonvlei as an area where Council wants to see local business people thriving and emancipated from the previous apartheid regime. The high development cost is making it extremely difficult to sell property in Schoonvlei that has been set aside for the previously disadvantaged community. The Local Economic Development Policy of Council has as its object the creation of job opportunities and the empowerment of our communities. The potential land identified is marked X on the registered subdivision plan of Riding & Watt. The portions 10913 and 10914 will have to be consolidated, but will bring it in line with the size of the land that is enquired by the applicant. See plan attached as **annexure 8.4.7(b)**.

4. Municipal services

All the municipal service delivery sections have provided their inputs as per the email from the Senior Manager: Properties and Legal Services, attached as **annexure 8.4.7(c)**.

5. Legal implications

These subdivided erven is not required for basic service delivery as envisaged by Section 40 of the Municipal Finance Management Act. Council's intention to sell the property to Oslo Fruiters, if so approved, will have to be advertised in the local newspaper to make the process open and transparent and to meet the requirements of the Constitution.

6. Financial implications

Council will not receive any development charges income in terms of Council's policy if the cost is waived. If the property is sold it will be sold at market related price and Council's income will be from the services delivered at the erven as well as future rates."

The Executive Mayoral Committee resolved on 10 December 2024 to recommend to Council:

- (a) that unregistered erven 10913 and 10914 are not required for basic municipal services as per the Municipal Finance Management Act.

- (b) that Council's intention of selling the property be advertised in the local newspaper to obtain objections, if any.
- (c) that the Municipal Manager be mandated to sign all the relevant documentation necessary to effect the transfer of the properties.
- (d) that all cost incidental to the sale and transfer of the property will be for the purchasers.
- (e) that the alienated land not be sold for a market related price, but at a selling price of R100-00 per square metre and that unregistered erven 10913 and 10914 be consolidated.

UNANIMOUSLY RESOLVED

- (a) that unregistered erven 10913 and 10914 are not required for basic municipal services as per the Municipal Finance Management Act.*
- (b) that Council's intention of selling the property be advertised in the local newspaper to obtain objections, if any.*
- (c) that the Municipal Manager be mandated to sign all the relevant documentation necessary to effect the transfer of the properties.*
- (d) that all cost incidental to the sale and transfer of the property will be for the purchasers.*
- (e) that the alienated land not be sold for a market related price, but at a selling price of R100-00 per square metre and that unregistered erven 10913 and 10914 be consolidated.*

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

9.1 Project: CCTV Cameras along Voortrekker Road and Vos Street, Ceres (R46 Ceres to Nduli) and Voortrekker and Olienhout Streets in Prince Alfred's Hamlet (17/7/5)

Report from Municipal Manager, dated 6 December 2024:

"1. Purpose

To recommend to Council for consideration to enter into a new two (2)-year agreement with Witzenberg Security Forum (Pty) Ltd to maintain and monitor the circuit television cameras installed along Voortrekker Road and Vos Street, Ceres (R46 Ceres to Nduli) and Voortrekker and Olienhout Streets in Prince Alfred's Hamlet.

2. Background

Council resolved on 23 August 2019 to enter into an agreement with Ceres Business Initiative to install CCTV cameras along Voortrekker Road and Vos Street, Ceres (R46 Ceres to Nduli) and Voortrekker and Oliehouth Streets in Prince Alfred's Hamlet. At the time the capital investment for the project was R1.056 million and the operational cost R69 575 per month. CBI accepted responsibility for the capital investment as well as a contribution to the operational expenses. The municipality agreed to contribute R50 000-00 per month, escalating at 7 % annually. It was initially agreed that a non-profit company will be registered to enable all the parties to claim back in terms of payment made. Witzenberg Security Forum (Pty) Ltd was eventually established with the directors being elected from the contributors of the project.

Council further resolved on 6 December 2022 as follows:

- (a) that the project be approved and the budget provided for with a monthly contribution of R57 245-00.
- (b) that the Department Provincial Roads and Transport approves the installation of the cameras on the provincial roads.
- (c) that the commitment be for a period of two (2) years.

3. Deliberation

The business sector chose to fund their capital over a 5-year period which came to an end. The sustainability of the project is dependent on the financial contribution of the municipality. The last payment in terms of the old agreement was made during November 2024.

The private company established has requested that the municipality considers extending its monthly contribution for a further two-year period on the same terms and conditions as initially concluded. When the project was initiated LTS Security was selected as the preferred bidder, because of their experience and involvement in a similar project. They have established a control room with a response unit to monitor activities on the cameras. In terms of the agreement the security company reports monthly on all activities.

4. Legal implication

Council must approve of the project and provide for it in the budget.

5. Financial implication

If Council approves of the project the municipality will be responsible for a monthly contribution in the amount of R65 539.80 with a 7 % increase from 1 December 2025."

The Executive Mayoral Committee resolved on 10 December 2024 to recommend to Council:

- (a) that the project be approved and the budget provided for with a monthly contribution of R65 539.80 with a 7 % increase from 1 December 2025.
- (b) that the commitment be for a period of two (2) years from 1 December 2024.

UNANIMOUSLY RESOLVED

- (a) that the project be approved and the budget provided for with a monthly contribution of R65 539.80 with a 7 % increase from 1 December 2025.*
- (b) that the commitment be for a period of two (2) years from 1 December 2024.*

10. FORMAL AND STATUTORY MATTERS
FORMELE EN STATUTÊRE SAKE

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

None

NOTED

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

The following Chief Whips conveyed their heartfelt gratitude to the Manager: Administration, Mr C Wessels, for his years of service, dedication and loyalty towards Witzenberg Municipality:

- Alderman JJ Visagie (on behalf of Democratic Alliance)
- Councillor W Alexander (on behalf of Patriotic Alliance)
- Councillor K Robyn (on behalf of Good Party)
- Councillor J Rooi (on behalf of Witzenberg Party)
- Councillor M Ndaba (on behalf of African National Congress)

Furthermore, appreciation and gratitude were conveyed for the professionalism, leadership and guidance during the years and for uplifting others. Well wishes and blessings conveyed for a wonderful retirement and joyous time with the family.

NOTED

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

These items are dealt with in the confidential minutes.