

MINUTES OF THE HYBRID SPECIAL COUNCIL MEETING OF WITZENBERG MUNICIPALITY, HELD IN THE TOWN HALL, VOORTREKKER STREET, CERES ON TUESDAY, 12 NOVEMBER 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 attendance)
Councillor GG Laban (Witzenberg Aksie)
Councillor JS Mouton (ANC)
Councillor MJ Ndaba (ANC)
Councillor N Nogcinisa (ANC)
Councillor KA Robyn (GOOD)
Councillor J Rooi (Witzenberg Party) (Online attendance)
Alderman HJ Smit (DA)
Alderman D Swart (DA)
Councillor IL Swartz (EFF)
Alderman JJ Visagie (DA)
Councillor K Yisa (ANC)
Councillor J Zalie (ANC)

Officials

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

1. OPENING AND WELCOME / OPENING EN VERWELKOMING

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

A special welcome was conveyed to the newly appointed Acting Director: Technical Services, Mr JE Delport.

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)**

An application for leave of absence from the meeting was received from Councillor N Phatsoane.

UNANIMOUSLY RESOLVED

that the application for leave of absence from the meeting, received from Councillor N Phatsoane, 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.**

No conflict of interest was declared.

NOTED

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

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

This item will be dealt with at the next meeting.

NOTED

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

The Speaker requested Councillors to keep Councillor G Franse and her daughter in prayer as she has been hospitalised.

Congratulations were conveyed to Councillor S de Bruin for receiving the award for Community Worker of the Year in the category Social Development at the Western Cape Prestige Agricultural Awards for 2024.

NOTED

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

The Executive Mayor informed the meeting of the following:

- The Chief Whips of the various political parties have been informed of the outstanding SASRIA forms of Councillors, which are of utmost importance and to be completed and submitted as soon as possible.
- The visit to Essen was very fruitful and resulted in soccer and athletics now being included in the agreement between Witzenberg Municipality and Essen. The report for this engagement will be tabled at the next meeting.
- The Executive Mayor and Speaker of Council attended the SALGA Provincial Members Assembly, where it was ensured that Witzenberg Municipality receives maximum benefit from the engagement.
- The following matters were further highlighted:
 - A message to Councillors and the Administration that the municipality has a duty to the citizens of Witzenberg as there was an investment by voting and a return is expected.
 - SALGA representatives must have a mandate for every work stream meeting attended.
 - SALGA is concerned about the financial sustainability of municipalities and similarly, after comparing the income and expenses of Witzenberg Municipality, the Executive Mayor is somewhat concerned as the line is getting too close.
 - The Grant system will be changed and therefore one must stay informed of the matter.
 - The Provincial Minister of Social Development welcomes innovative projects and therefore the municipality must take advantage of the opportunity for funding. If, however, there are any social development programs for submission, the costing thereof must also be submitted along with the application. It is noted that Witzenberg Municipality is earmarked for the launch of a mobile SASSA Service Unit scheduled for 2 December 2024.

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- There is a Gender Based Violence Ambassador Project within the Social Development Department for which Swartland Municipality has been piloted and Witzenberg Municipality will be piloted next.
- It is noted that there is a shortage of social workers and that the Minister of Social Development will launch an App for Social Workers to share and discuss challenges, thus digitizing Social Workers' activities.
- Witzenberg Municipality has been highlighted as the municipality that has finalised and approved the Climate Change Resilience Plan and therefore ready for partnerships. The relevant persons must therefore position themselves for this opportunity and take full advantage.
- A full report on all the above will be tabled at a later stage.

The Speaker requested that all SALGA and outside bodies representatives submit reports by next week.

Councillor Yisa stated that he is unhappy with the neglect of soccer as a sport and that soccer does not need to be micromanaged. The entire sports fraternity need to be in a better position. Furthermore, that there is no shortage of social workers in Witzenberg.

Councillor Gili and Councillor Mouton commended the Executive Mayor for the work thus far and noted that Witzenberg is moving forward.

NOTED

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

None

NOTED

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4. MINUTES / NOTULES

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

- (a) Councillor A Gili requested that Council resolution 4.1(b) of 23 February 2022, which reads as follows:

“(b) Minutes of Special Council meeting 7 February 2022

Item 3.1: Motion: Request for urgent meeting to table a motion of no confidence and to request the removal of the Speaker from office

Paragraph 5: Last sentence

That the sentence which reads ‘The motion cannot carry’ be removed.”

be amended to read as follows:

“(b) Minutes of Special Council meeting 7 February 2022

Item 3.1: Motion: Request for urgent meeting to table a motion of no confidence and to request the removal of the Speaker from office

Paragraph 5: Last sentence

That the sentence which reads: ‘The motion cannot carry’ be reinstated.”

- (b) Councillor A Gili requested that Council resolution 3.4(a) of 23 February 2022, which reads as follows:

“(a) The Municipal Manager informed Council that a police inquest is undertaken to determine what has happened that a child drowned at the Pine Forest Resort. The municipality is also busy with an independent investigation.”

be removed from Matters raised by the Municipal Manager and placed under Matters raised by the Speaker, as follows:

“Matters raised by the Speaker
(09/1/1)

- (a) The Speaker informed Council that the serial killer of three (3) women in Wolseley had been found guilty. She thanked Councillor J Zalie for attending to the media.
- (b) The Speaker informed Council in respect of the bad situation at Ceres Secondary School, Ceres where overcrowded classes and a lack of adequate classrooms are experienced.

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(c) The Municipal Manager informed Council that a police inquest is undertaken to determine what has happened that a child drowned at the Pine Forest Resort. The municipality is also busy with an independent investigation."

(c) Councillor A Gili requested that item 7.1 of 26 October 2022, which reads as follows:

"A discussion followed, which lasted for a long time and became chaotic, in respect of the placement of item 7.1(a) in the agenda."

be amended to read as follows:

"Councillor Phatsoane informed the meeting that she only received the Council agenda and Council workshop agenda the day prior to the Council meeting, which resulted in not being able to fully prepare for the meeting. Furthermore, that Administration is well aware of the fact that her tablet is faulty and with the Information Technology section for repairs.

A discussion followed, which lasted for a long time and became chaotic, in respect of the placement of item 7.1(a) in the agenda.

The Speaker adjourned the meeting due to the chaos.

NOTED"

NOTED

**4.2 Approval of minutes: February until November 2022
(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 30 March 2022:

- (a) that the approval of the minutes of the Council meeting, held on 23 February 2022, be held in abeyance.
- (b) that the correctness of the minutes be investigated in respect of the removal of the words of the Speaker: "The motion cannot carry."
- (c) that the Municipal Manager appoints an independent investigator in terms of the Municipal Supply Chain processes.

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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.

RESOLVED

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

- (i) *Council meeting, held on 23 February 2022 (as amended)*
- (ii) *Council meeting, held on 26 October 2022 (as amended)*
- (iii) *Council meeting, held on 9 November 2022.*
- (iv) *Council meeting, held on 29 November 2022.*

4.3 Approval of minutes: 2023 until 2024
(3/1/2/3)

Council unanimously resolved on 26 July 2024 that the minutes of the Special Council meeting, held on 24 October 2023, be held in abeyance for deliberations due to the matter of the landfill site and the unauthorised expenditures.

The following minutes are attached:

- (a) Special Council meeting, held on 24 October 2023: **Annexure 4.3(a).**
- (b) Council meeting, held on 26 July 2024: **Annexure 4.3(b).**
- (c) Special Council meeting, held on 30 August 2024: **Annexure 4.3(c).**
- (d) Special Council meeting, held on 30 September 2024: **Annexure 4.3(d).**
- (e) Special Council meeting, held on 14 October 2024: **Annexure 4.3(e).**

UNANIMOUSLY RESOLVED

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

- (a) *Special Council meeting, held on 24 October 2023.*
- (b) *Council meeting, held on 26 July 2024.*
- (c) *Special Council meeting, held on 30 August 2024.*

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- (d) *Special Council meeting, held on 30 September 2024.*
(e) *Special Council meeting, held on 14 October 2024.*

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

Number	File reference	Heading, item no. and date	Directorate	Action	Progress	Target date
4.4.1	7/1/4/1	8.3.4 of 21-06-2024 Tulbagh Feeding Scheme proposal	Community Services	that the matter in respect of the Tulbagh Feeding Scheme proposal be held in abeyance to clarify the differences regarding the specific site.		12 December 2024

UNANIMOUSLY RESOLVED

that notice be taken of the outstanding matter.

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

None / Geen

NOTED / AANGETEKEN

6. INTERVIEWS WITH DELEGATIONS
ONDERHOUDE MET AFVAARDIGINGS

None / Geen

NOTED / AANGETEKEN

7. GEDELEGEERDE BEVOEGDHEDE / DELEGATED POWERS

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

The minutes of the following meetings are attached:

- (a) Performance, Risk and Audit Committee, held on 3 November 2023:
Annexure 7.1(a).
- (b) Municipal Public Accounts Committee, held on 9 November 2023:
Annexure 7.1(b).
- (c) Performance, Risk and Audit Committee, held on 17 November 2023:
Annexure 7.1(c).
- (d) Special Performance, Risk and Audit Committee, held on 13 December 2023: **Annexure 7.1(d).**
- (e) Municipal Public Accounts Committee, held on 15 January 2024:
Annexure 7.1(e).
- (f) Executive Mayoral Committee, held on 19 February 2024:
Annexure 7.1(f).
- (g) Executive Mayoral Committee, held on 26 March 2024:
Annexure 7.1(g).
- (h) Committee for Technical Services, held on 9 April 2024:
Annexure 7.1(h).
- (i) Executive Mayoral Committee, held on 18 June 2024:
Annexure 7.1(i).
- (j) Executive Mayoral Committee, held on 21 June 2024:
Annexure 7.1(j).
- (k) Committee for Housing Matters, held on 31 January 2024:
Annexure 7.1(k).
- (l) Committee for Housing Matters, held on 12 February 2024:
Annexure 7.1(l) (Confidential).
- (m) Special Committee for Housing Matters, held on 5 April 2024:
Annexure 7.1(m).
- (n) Committee for Housing Matters, held on 26 April 2024:
Annexure 7.1(n).

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- (o) Special Committee for Housing Matters, held on 29 April 2024:
Annexure 7.1(o).
- (p) Special Committee for Housing Matters, held on 16 May 2024:
Annexure 7.1(p).
- (q) Committee for Housing Matters, held on 3 June 2024:
Annexure 7.1(q).
- (r) Committee for Housing Matters, held on 28 June 2024:
Annexure 7.1(r).
- (s) Municipal Public Accounts Committee, held on 18 July 2024:
Annexure 7.1(s).
- (t) Executive Mayoral Committee, held on 23 July 2024:
Annexure 7.1(t).
- (u) Committee for Housing Matters, held on 1 August 2024:
Annexure 7.1(u).
- (v) Committee for Technical Services, held on 6 August 2024:
Annexure 7.1(v).
- (w) Committee for Corporate and Financial Services, held on 6 August 2024:
Annexure 7.1(w).

UNANIMOUSLY RESOLVED

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

**7.2 Approval of minutes: Municipal Public Accounts Committee
9 November 2024
(3/1/2/3)**

The minutes of the Municipal Public Accounts Committee meeting, held on 9 November 2023, are attached as **annexure 7.2**.

The Municipal Public Accounts Committee resolved on 18 July 2024 that the matter relating to the approval of the minutes of the Municipal Public Accounts Committee meeting, held on 9 November 2023, be held in abeyance for inputs from committee members who attended the meeting.

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The Municipal Public Accounts Committee resolved on 12 September 2024 that the minutes of the Municipal Public Accounts Committee meeting, held on 9 November 2023, be referred to Council for approval.

UNANIMOUSLY RESOLVED

that the minutes of the Municipal Public Accounts Committee meeting, held on 9 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: September 2024
(9/1/2/2)**

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

The Executive Mayoral Committee resolved on 4 November 2024 to recommend to Council:

- (a) that notice be taken of the Section 71 Monthly Budget Statement Report of the Directorate Finance for September 2024.
- (b) that the Section 71 Monthly Budget Statement Report of the Directorate Finance for September 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 September 2024.*
- (b) *that the Section 71 Monthly Budget Statement Report of the Directorate Finance for September 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 Supply Chain Management: Paragraph 7(4) Quarterly Report ending 31 March 2024: Implementation of Supply Chain Management Policy
(9/1/2/2)**

A memorandum from the Manager: Supply Chain, dated 4 April 2024, is attached as **annexure 8.1.2**.

The Committee for Corporate and Financial Services resolved on 6 August 2024 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 2024.

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- (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 4 November 2024 to recommend to Council:

- (a) that notice be taken of the Supply Chain Management: Paragraph 7(4) Quarterly Report ending 31 March 2024.
- (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 2024.*
- (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.*

8.2 Direktoraat Tegniese Dienste / Directorate Technical Services

8.2.1 By-law for the deployment of electronic communications infrastructure: Witzenberg Municipality and Policy for work and the installation of services in the road reserve (Revision 2) (16/4/P)

The following documents are attached:

- (a) Report from Senior Manager: Streets and Storm Water, dated 5 December 2023: **Annexure 8.2.1(a)**.
- (b) Draft Bylaw for Deployment of Electronic Communications Facilities: **Annexure 8.2.1(b)**.
- (c) Schedule A: Framework Municipal Land Use Agreement: **Annexure 8.2.1(c)**.
- (d) Schedule B: Electronic Communications Facilities Lease: **Annexure 8.2.1(d)**.
- (e) Wayleave tariffs Witzenberg Municipality 2024/2025: **Annexure 8.2.1(e)**.
- (f) Policy for work and installation of services in road reserve (Revision 2): **Annexure 8.2.1(f)**.

The Committee for Technical Services resolved on 9 April 2024 that the item relating to By-law for the deployment of electronic communications infrastructure: Witzenberg Municipality and Policy for work and the installation of services in the road reserve be workshopped by Council.

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

- (a) that the draft By-law for the deployment of electronic communications infrastructure: Witzenberg Municipality be adopted.
- (b) that the draft By-law be advertised for public comments for at least 30 days.
- (c) that the proposals of the public be considered and incorporated as recommended by the Department Streets and Storm Water.
- (d) that the Municipal Manager as soon as possible after the closing date for public comments, submits a report to the Executive Mayoral Committee for a recommendation to Council.
- (e) that the Policy for work and the installation of services in the road reserve (Revision 2) be adopted.

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The Executive Mayoral Committee resolved on 4 November 2024 to recommend to Council:

- (a) that the draft By-law for the deployment of electronic communications infrastructure: Witzenberg Municipality be adopted.
- (b) that the draft By-law be advertised for public comments for at least 30 days.
- (c) that the proposals of the public be considered and incorporated as recommended by the Department Streets and Storm Water.
- (d) that the Municipal Manager as soon as possible after the closing date for public comments, submits a report to the Executive Mayoral Committee for a recommendation to Council.
- (e) that the Policy for work and the installation of services in the road reserve (Revision 2) be adopted.

UNANIMOUSLY RESOLVED

- (a) *that the draft By-law for the deployment of electronic communications infrastructure: Witzenberg Municipality be adopted.*
- (b) *that the draft By-law be advertised for public comments for at least 30 days.*
- (c) *that the proposals of the public be considered and incorporated as recommended by the Department Streets and Storm Water.*
- (d) *that the Municipal Manager as soon as possible after the closing date for public comments, submits a report to the Executive Mayoral Committee for a recommendation to Council.*
- (e) *that the Policy for work and the installation of services in the road reserve (Revision 2) be adopted.*

8.2.2 Pigeon Society Clubhouse: Erf 496, Stamper Street, Wolseley (15/4/R)

Memorandum from Senior Manager: Town Planning and Building Control, dated 21 August 2023:

“Background

The old clubhouse previously used by the Wolseley Pigeon Society is in a state of disrepair and is no longer fit for occupation.

Reasoning

Photos [attached as **annexure 8.2.2(a)**], taken during a site visit conducted by the Building Control Officer and Town Planner on 23 May 2023, show the state of the building.

There is free access to the building with no control over what happens there. The site visit confirmed that it has become a dumping place and could act as hiding place for vagrants.

Concerned residents previously complained about the state of the building and views it as dangerous and a nuisance.

In terms of the National Building Regulations there rests a duty on the local authority to order the demolition of dilapidated buildings.

Because the building is owned by the municipality, the Council as landowner needs to consent to the demolition.”

The Executive Mayoral Committee decided that the Director: Technical Services obtains quotations for reparations to the building and the safeguarding thereof to determine the cost for maintaining the building.

The Executive Mayoral Committee will make a recommendation after that.

The following recommendation was tabled to the Executive Mayoral Committee:

That the Executive Mayoral Committee recommends to Council that the Pigeon Society clubhouse located on erf 496, Stamper Street, Wolseley, is not needed to provide a minimum level of service and can be demolished.

The Executive Mayoral Committee resolved on 14 November 2023:

- (a) that the matter of the Pigeon Society Clubhouse: Erf 496, Stamper Street, Wolseley be held in abeyance until the next meeting.

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- (b) that the Director: Technical Services obtains quotations for reparations and safeguarding of the building to determine the cost for maintaining the building.

Report from Director: Technical Services, dated 15 August 2024:

"A bill of quantities was compiled to repair the building to an acceptable standard. The estimated cost to repair the building is attached as **annexure 8.2.2(b)** and totals to R730 803-15 (VAT inclusive)."

The Committee for Technical Services resolved on 8 October 2024 to recommend to the Executive Mayoral Committee and Council:

- (a) that Council's intention to lease the Pigeon Society Clubhouse on erf 496, Stamper Street, Wolseley be advertised in the local newspaper.
- (b) that the repair and maintenance of the asset will be for the cost of the successful lessee or tenant.
- (c) that the asset is not needed in terms of Section 14(2)(a) of the Municipal Finance Management Act (Act 56 of 2003) to provide in the minimum level of basic municipal services.

The Executive Mayoral Committee resolved on 4 November 2024 to recommend to Council:

- (a) that Council's intention to lease the Pigeon Society Clubhouse on erf 496, Stamper Street, Wolseley be advertised in the local newspaper.
- (b) that the repair and maintenance of the asset will be for the cost of the successful lessee or tenant.
- (c) that the asset is not needed in terms of Section 14(2)(a) of the Municipal Finance Management Act (Act 56 of 2003) to provide in the minimum level of basic municipal services.

UNANIMOUSLY RESOLVED

- (a) *that Council's intention to lease the Pigeon Society Clubhouse on erf 496, Stamper Street, Wolseley be advertised in the local newspaper.*
- (b) *that the repair and maintenance of the asset will be for the cost of the successful lessee or tenant.*
- (c) *that the asset is not needed in terms of Section 14(2)(a) of the Municipal Finance Management Act (Act 56 of 2003) to provide in the minimum level of basic municipal services.*

8.2.3 Lease and operation of Material Recovery Facility (MRF): Erf 364/82, Ceres (17/3/2)

The following documents are attached:

- (a) Proposal from Unite the City: **Annexure 8.2.3(a)**.
- (b) Memorandum from Director: Technical Services, dated 4 September 2024: **Annexure 8.2.3(b)**.

The Committee for Technical Services resolved on 8 October 2024 to recommend to the Executive Mayoral Committee and Council:

- (a) that Section 110 of the Municipal Finance Management Act is not applicable.
- (b) that the company Unite the City signs an agreement to operate the Material Recovery Facility on a trial basis of three months.
- (c) that should the company be successful in the probation period of three months, the agreement be further extended with one (1) year.
- (d) that the Witzenberg Municipality employs the fifteen EPWP workers currently operating at the Material Recovery Facility, during the trial period to assist the mentioned company with the operation of the MRF, after which it will be the responsibility of Unite the City.
- (e) that an agreement be drawn up between the municipality and Unite the City regarding the operation and maintenance of the MRF.
- (f) that the Municipal Manager be authorised to sign the mentioned agreement.
- (g) that Council's intention to lease the Material Recovery Facility (MRF) on erf 364/82, Ceres be advertised in the local newspaper for inputs, comments and any objections.

The Executive Mayoral Committee resolved on 4 November 2024 to recommend to Council:

- (a) that Section 110 of the Municipal Finance Management Act is not applicable.
- (b) that the company Unite the City signs an agreement to operate the Material Recovery Facility on a trial basis of three months.
- (c) that should the company be successful in the probation period of three months, the agreement be further extended with one (1) year.

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- (d) that the Witzenberg Municipality employs the fifteen EPWP workers currently operating at the Material Recovery Facility, during the trial period to assist the mentioned company with the operation of the MRF, after which it will be the responsibility of Unite the City.
- (e) that an agreement be drawn up between the municipality and Unite the City regarding the operation and maintenance of the MRF.
- (f) that the Municipal Manager be authorised to sign the mentioned agreement.
- (g) that Council's intention to lease the Material Recovery Facility (MRF) on erf 364/82, Ceres be advertised in the local newspaper for inputs, comments and any objections.

UNANIMOUSLY RESOLVED

- (a) that Section 110 of the Municipal Finance Management Act is not applicable.*
- (b) that the company Unite the City signs an agreement to operate the Material Recovery Facility on a trial basis of three months.*
- (c) that should the company be successful in the probation period of three months, the agreement be further extended with one (1) year.*
- (d) that the Witzenberg Municipality employs the fifteen EPWP workers currently operating at the Material Recovery Facility, during the trial period to assist the mentioned company with the operation of the MRF, after which it will be the responsibility of Unite the City.*
- (e) that an agreement be drawn up between the municipality and Unite the City regarding the operation and maintenance of the MRF.*
- (f) that the Municipal Manager be authorised to sign the mentioned agreement.*
- (g) that Council's intention to lease the Material Recovery Facility (MRF) on erf 364/82, Ceres be advertised in the local newspaper for inputs, comments and any objections.*

8.2.4 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 8.2.4(a)**.
- (b) Letter from Eselfontein Boerdery, dated 16 September 2021: **Annexure 8.2.4(b)**.

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- (c) Monthly report of May 2023 with Eselfontein SSEG application:
Annexure 8.2.4(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.

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- (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.

UNANIMOUSLY RESOLVED

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.

8.3 Direktoraat Gemeenskapsdienste / Directorate Community Services

8.3.1 Proposed By-law: Municipal parks and open spaces (1/3/R)

The following memorandum, dated 21 July 2021, was received from the Municipal Manager:

"Purpose

To consider the tabling of the proposed By-Law on Public Parks and Open Spaces and to approve that same be published for comments and public participation.

Background

Section 156 of the Constitution provides that a municipality has executive authority in respect of, and has the right to administer, local government matters listed in part B of schedule 4 and part B of schedule 5.

Part B of schedule 5 includes public places and municipal parks and recreation.

Section 151(3) provides that a municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation, as provided for in the Constitution.

The said Constitution confers on the municipality the authority to regulate matters within its jurisdiction by way of by-laws. In recent times the municipality has received a lot of complaints of activities at its parks and open spaces. During a meeting with a delegation of Ward 5 it was brought to the attention of the municipality that play parks are being used for illegal activities such as drinking of alcohol, smoking of illegal substances, organised rugby, soccer and cricket events as well as playing of golf. Whenever the neighbouring residents engage with the users of the municipal parks there are various threats of violence, vandalism and/or intimidation. There are no municipal processes and/or by-laws in place that can adequately address the problems associated with the municipal parks.

A draft by-law, dealing with the problems associated with our municipal parks, have been prepared for Council's notice and public comments and participation. A copy of the draft by-law is attached as **annexure 8.3.1(a)**. The by-law will be translated in all three languages and the public will be invited to make comments for Council's consideration.

Legal implications

Law Enforcement can only effectively ensure compliance if there is a by-law in place, authorising them to impose fines and/or affect an arrest in the event of non-compliance. The Constitution and the Systems Act authorise the Council to pass a by-law after certain conditions are met.

Financial implications

None.”

The Executive Mayoral Committee resolved on 27 July 2021 to recommend to Council:

- (a) that notice be taken of the By-Law on Public Parks and Open Spaces.
- (b) that Council approves that the by-law be published for public comments and that same be referred back to Council for further consideration.

Council unanimously resolved on 25 August 2021:

- (a) that notice be taken of the By-Law on Public Parks and Open Spaces.
- (b) that Council approves that the by-law be published for public comments and that same be referred back to Council for further consideration.

The following documents are attached:

- (a) Public notice of meetings and attendance registers:
Annexure 8.3.1(b).
- (b) Letter from Mr PD September on behalf of Morrisdale residents, dated 28 October 2021: **Annexure 8.3.1(c).**

The final adoption of the by-law did not materialise, because of the pending Local Government elections of November 2021.

Council unanimously resolved on 26 July 2024 that the matter in respect of the proposed by-law on municipal parks and open spaces be held in abeyance and workshopped by Council.

UNANIMOUSLY RESOLVED

that the matter in respect of the Proposed By-law: Municipal parks and open spaces be advertised for public comments and after that be referred back to Council for further consideration.

8.4 Direktoraat Korporatiewe Dienste / Directorate Corporate Services

8.4.1 Deed of Sale: Erf 919, Wolseley (7/1/4/2)

A memorandum from the Manager: Legal Services, dated 17 July 2024, is attached as **annexure 8.4.1**.

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

- (a) that the old Deed of Sale with the old purchase price for erf 919, Wolseley be cancelled.
- (b) that a contract be entered into a new Deed of Sale for erf 919, Wolseley.
- (c) that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 919 Wolseley, be sold at a fair market related price of R73 000-00.
- (d) that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 919, Wolseley is not needed to provide the minimum level of basic municipal services.
- (e) that the proposed transaction be advertised in the local newspaper for public comment and/or any objections.

The Executive Mayoral Committee resolved on 4 November 2024 to recommend to Council:

- (a) that the old Deed of Sale with the old purchase price for erf 919, Wolseley be cancelled.
- (b) that a contract be entered into a new Deed of Sale for erf 919, Wolseley.
- (c) that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 919 Wolseley, be sold at a fair market related price of R73 000-00.
- (d) that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 919, Wolseley is not needed to provide the minimum level of basic municipal services.
- (e) that the proposed transaction be advertised in the local newspaper for public comment and/or any objections.
- (f) that the purchaser must pay the purchase price within a period of three months after signing the Deed of Sale failing of which the property will be advertised in terms of Council's supply chain management process.

UNANIMOUSLY RESOLVED

- (a) that the old Deed of Sale with the old purchase price for erf 919, Wolseley be cancelled.*
- (b) that a contract be entered into a new Deed of Sale for erf 919, Wolseley.*
- (c) that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 919 Wolseley, be sold at a fair market related price of R73 000-00.*
- (d) that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 919, Wolseley is not needed to provide the minimum level of basic municipal services.*
- (e) that the proposed transaction be advertised in the local newspaper for public comment and/or any objections.*
- (f) that the purchaser must pay the purchase price within a period of three months after signing the Deed of Sale failing of which the property will be advertised in terms of Council's supply chain management process.*

**8.4.2 Request to purchase erf 2997, Bella Vista, Ceres
(7/1/4/2)**

A memorandum from the Municipal Manager, dated 6 August 2024, is attached as **annexure 8.4.2**.

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

- (a) that in the absence of a signed Deed of Sale a contract be entered into for a new Deed of Sale for erf 2997, Bella Vista, Ceres.*
- (b) that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 2997, Bella Vista, Ceres is not needed to provide a minimum level of basic municipal services.*
- (c) that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 2997, Bella Vista, Ceres be sold at a fair market related price of R99 000-00.*
- (d) that the proposed transaction be advertised in the local newspaper for public comment and/or any objections.*

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The Executive Mayoral Committee resolved on 4 November 2024 to recommend to Council:

- (a) that in the absence of a signed Deed of Sale a contract be entered into for a new Deed of Sale for erf 2997, Bella Vista, Ceres.
- (b) that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 2997, Bella Vista, Ceres is not needed to provide the minimum level of basic municipal services.
- (c) that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 2997, Bella Vista, Ceres be sold at a fair market related price of R99 000-00.
- (d) that the proposed transaction be advertised in the local newspaper for public comment and/or any objections.
- (e) that the purchaser must pay the purchase price within a period of three months after signing the Deed of Sale failing of which the property will be advertised in terms of Council's supply chain management process.

UNANIMOUSLY RESOLVED

- (a) *that in the absence of a signed Deed of Sale a contract be entered into for a new Deed of Sale for erf 2997, Bella Vista, Ceres.*
- (b) *that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 2997, Bella Vista, Ceres is not needed to provide the minimum level of basic municipal services.*
- (c) *that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 2997, Bella Vista, Ceres be sold at a fair market related price of R99 000-00.*
- (d) *that the proposed transaction be advertised in the local newspaper for public comment and/or any objections.*
- (e) *that the purchaser must pay the purchase price within a period of three months after signing the Deed of Sale failing of which the property will be advertised in terms of Council's supply chain management process.*

**8.4.3 Request to purchase erf 218, Op-die-Berg
(7/1/4/2)**

A memorandum from the Municipal Manager, dated 6 August 2024, is attached as **annexure 8.4.3**.

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

- (a) that the old Deed of Sale with the old purchase price for erf 218, Op-die-Berg be cancelled.
- (b) that a contract be entered into for a new Deed of Sale for erf 218, Op-die Berg.
- (c) that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 218, Op-die-Berg is not needed to provide the minimum level of basic municipal services.
- (d) that the proposed transaction be advertised in the local newspaper for public comment and/or any objections.
- (e) that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 218, Op-die-Berg be sold at a fair market related price of R54 000-00.

The Executive Mayoral Committee resolved on 4 November 2024 to recommend to Council:

- (a) that the old Deed of Sale with the old purchase price for erf 218, Op-die-Berg be cancelled.
- (b) that a contract be entered into for a new Deed of Sale for erf 218, Op-die Berg.
- (c) that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 218, Op-die-Berg is not needed to provide the minimum level of basic municipal services.
- (d) that the proposed transaction be advertised in the local newspaper for public comment and/or any objections.
- (e) that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 218, Op-die-Berg be sold at a fair market related price of R54 000-00.

UNANIMOUSLY RESOLVED

- (a) that the old Deed of Sale with the old purchase price for erf 218, Op-die-Berg be cancelled.*
- (b) that a contract be entered into for a new Deed of Sale for erf 218, Op-die Berg.*
- (c) that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 218, Op-die-Berg is not needed to provide the minimum level of basic municipal services.*
- (d) that the proposed transaction be advertised in the local newspaper for public comment and/or any objections.*
- (e) that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 218, Op-die-Berg be sold at a fair market related price of R54 000-00.*

**8.4.4 Request to purchase erf 769 (unregistered erf 870): Prince Alfred's Hamlet
(7/1/4/2)**

A memorandum from the Senior Manager: Legal Services, dated 1 October 2024, is attached as **annexure 8.4.4**.

The Executive Mayoral Committee resolved on 4 November 2024 to recommend to Council:

- (a) that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 769 (unregistered erf 870), Prince Alfred's Hamlet, is not needed to provide the minimum level of basic municipal services.
- (b) that the proposed transaction be advertised in the local newspaper for public comment and/or objections.
- (c) that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 769 (unregistered erf 870), Prince Alfred's Hamlet, be sold at a market related price.
- (d) that a contract be entered into for a new Deed of Sale for erf 769 (unregistered erf 870), Prince Alfred's Hamlet.
- (e) that the Municipal Manager be mandated to sign the Deed of Sale on behalf of the municipality.
- (f) that the proposed transaction be advertised in the local newspaper for public comment and/or any objections.

- (g) that a valuer be appointed to assess the market value of the building.

UNANIMOUSLY RESOLVED

- (a) *that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 769 (unregistered erf 870), Prince Alfred's Hamlet, is not needed to provide the minimum level of basic municipal services.*
- (b) *that the proposed transaction be advertised in the local newspaper for public comment and/or objections.*
- (c) *that in terms of Section 14(2) of the Municipal Finance Management Act (Act 56 of 2003) the asset, erf 769 (unregistered erf 870), Prince Alfred's Hamlet, be sold at a market related price.*
- (d) *that a contract be entered into for a new Deed of Sale for erf 769 (unregistered erf 870), Prince Alfred's Hamlet.*
- (e) *that the Municipal Manager be mandated to sign the Deed of Sale on behalf of the municipality.*
- (f) *that the proposed transaction be advertised in the local newspaper for public comment and/or any objections.*
- (g) *that a valuer be appointed to assess the market value of the building.*

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

**9.1 Council matters: Missing Mayoral chain
(3/R & 6/1/R)**

Alderman K Adams enquired with regard to the missing Mayoral chain.

The Municipal Manager responded that the South African Police Services are in the phase to take the matter to the court.

NOTED

**9.2 Demolition of dilapidated municipal buildings in Nduli, Ceres
(15/6/1/6)**

Councillor K Yisa enquired with regard to the status of the demolition of dilapidated municipal buildings in Nduli, Ceres.

The Municipal Manager responded that the municipality was awaiting the building plans for building.

The Municipal Manager also informed Council that the matter in respect of the old office of the South African Police Services will be referred back to the Committee for Technical Services for discussion.

NOTED

**9.3 Third taxi association
(17/14/1)**

Councillor MJ Ndaba enquired with regard to the matter of a third taxi association and whether the municipality can intervene in the fight between the taxi associations.

The Municipal Manager responded that a committee was established under leadership of Colonel Kriel from the South African Police Services. Colonel Kriel did report that the Transport Association will apply for an interdict. The municipality was also alerted of potential conflict.

NOTED

**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)**

No reports in respect of any feedback on matters of outside bodies or formal and statutory matters were submitted.

The Speaker requested that all such reports be submitted and be dealt with at the next Council meeting.

NOTED

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

**11.1 Speed limit: Road between Ceres and Prince Alfred's Hamlet
(17/7/4/1/1)**

Councillor J Rooi requested that a speed limit be implemented on the road between Ceres and Prince Alfred's Hamlet.

**11.2 Meeting: Letter from Witzenberg Rate Payers' Association
(12/1/2/1)**

Councillor J Rooi enquired with regard to an outstanding response on a letter received from the Witzenberg Rate Payers' Association. The letter requested a meeting with the municipality, but no response was yet received.

The association is awaiting an answer.

**11.3 State of affairs: Spaza shops
(17/1/4/3/2)**

Councillor N Nogcinisa enquired with regard to the state of affairs regarding the spaza shops in the Witzenberg area. The incidents of contaminated food products, related illnesses and deaths are a great concern.

The Speaker ruled that notice is taken of all the above matters and requested that all questions be submitted in writing to the Speaker's office and same be answered at the next Council meeting.

NOTED

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

These items are dealt with in the confidential minutes.