



NOTULES VAN DIE / MINUTES OF THE

**VIRTUELE SPESIALE RAADSVERGADERING VAN DIE CEDERBERG MUNISIPALITEIT
SOOS GEHOU OP**

04 FEBRUARIE / FEBRUARY 2021

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**VIRTUAL SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY, HELD
ON**

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**MINUTES OF THE VIRTUAL SPECIAL COUNCIL MEETING OF THE CEDERBERG
MUNICIPALITY HELD ON 04 FEBRUARY 2021.**

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PRESENT AND IN ATTENDANCE:

As per the attendance registers copied into the minutes after the final item:

- Cllr. P Strauss
- Cllr. N Qunta
- Cllr. L Scheepers
- Cllr. E Majikijela
- Cllr. M Heins
- Cllr. F Kamfer
- Cllr. R Pretorius
- Cllr. J Meyer
- Cllr. R Witbooi
- Cllr. F Sokuyeka

- Mr. H Slimmert
- Mr. M Memani
- Mr. J Kotze
- Mr. N Mercuur
- Mr. R Meyers
- Miss J Cloete

ABSENT WITHOUT APOLOGY:

- Geen / None

1. OPENING

- The Chairperson, Cllr. P Strauss called the meeting to order and welcomed all present. Cllr. M Heins opened the meeting with a prayer.

02. ELECTION OF (ACTING) SPEAKER, IF NECESSARY

- N/A

3. APPLICATIONS FOR LEAVE OF ABSENCE

Rules of Order for Internal Arrangement

Part 3

7. Leave of absence

- 7.1 Leave of absence may be obtained from Municipal Council by a member who wishes to absent himself or herself from meetings. Should a member be prevented from obtaining leave of absence based on special circumstances, the Speaker has the discretion to on grant such leave.
- 7.2 A written application for leave of absence from a meeting of the Municipal Council or a Committee must be addressed to the Speaker by the Member applying for leave.
- 7.3 Written applications include emails sent to the Speaker.
- 7.4 In certain instances, the granting of applications for leave is deemed. These instance include:
 - 7.4.1 the Member is acting on behalf of the Municipal Council on other matters elsewhere based on instructions of Council or the Mayor.
 - 7.4.2 the Member is required to remove himself/herself from a meeting by the Municipal Council, Mayor or Committee in circumstances envisaged in item 3(b) of Schedule 1 to the Systems Act, or the member recuses him/herself.
- 7.5 The Speaker may also grant leave of absence to a member for the following reasons:
 - 7.5.1 illness or any other valid reasonable reason making it impossible for the member to attend;
 - 7.5.2 business, personal commitments, or personal circumstances of the member.
 - 7.5.3 The failure to deliver notice of a meeting or the delivery of notice less than 72 hours prior to commencement provided that this does not relate to an ordinary meeting of the Council or Committees or changes of addresses of members.
 - 7.5.4 The lack of informing the Municipal Manager of a revised address for the service of documentation at least 7 days before the relevant meeting;
 - 7.5.5 Where circumstances envisaged in item 3(b) of the Code of Conduct for Councillors in Schedule 1 to the Systems Act occur which prevent the Member from attendance;
 - 7.5.6 Other circumstances where the member is prevented from attending the meeting.

- Cllr. W Farmer
- Mr. A Titus

04. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

- Geen / None

05. STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR

- Geen / None

06. MATTERS FOR CONSIDERATION

Rules of Order for Internal Arrangement

Part Four:

2. DECISIONS AND VOTING

- 2.1 In the event that the Speaker enquires from the attendees at a meeting if they are in agreement with recommendation/s and there is no opposition by any member present, recommendations are adopted.
- 2.2 The Speaker must put every apposed motion to the vote by calling upon the members to indicate by a raising of hands unless otherwise prescribed by law, whether they are in favour of or against such motion. The result of the vote must thereafter be declared by the Speaker.
- 2.3 The number of members voting in favour of or against an item, is to be recorded in the minutes. Members may abstain from voting without leaving the meeting and may request that his/her abstention be recorded in the minutes of that meeting. Consequently, subsequent to the speaker's declaration of the result, a member may demand that his or her opposition or support of a decision be recorded in the minutes and the Municipal Manager must accordingly arrange for the same.
- 2.4 All decisions must be taken by a supporting vote of the majority of the members present at any meeting of the Council.
- 2.5 The Municipal Council must reconsider a decision taken if the majority of members lodge a request in writing with the Municipal Manager. This shall apply unless such reconsideration adversely affects existing rights. Motions for the reconsideration of decision must be submitted in terms of Rule 5 of the Rules of Order.
- 2.6 Notwithstanding the provision of this Rule, the Council may at any time following a recommendation by the Mayor, rescind or amend any resolution passed by it.

Part 5

4. Councillor to address chair

A member who speaks at a meeting must address the chair.

Part 5

16. Order of priority

- 16.1 The Speaker must ensure that there is maintenance of order. To this end, the Speaker may, if he / she deems it necessary, at any time in a meeting direct an officer to remove or cause the removal of any person, excluding a member, from the Council Chamber. The Speaker may also direct that the public gallery be vacated.
- 16.2 The removal of any person or persons who refuse to carry out any reasonable instruction given by the Speaker or obstructs the carrying out of such instruction may be ordered by the Speaker.

Part 5

3. Precedence of the Speaker

Silence must be observed by all present in meeting when the Speaker addresses meetings in order for the Speaker to be heard without interruption. Whenever the speaker addresses the meeting, all members must be silent so that the speaker may be heard without any interruption. Council must be addressed by members through the Speaker.

13. Relevance

Speeches by members must address the subject or matter under discussion or to an explanation or to a point of order. In this regard, no discussion shall be tolerated in relation to the anticipation of any matter on the agenda or in respect of any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of inquiry, whether instituted in terms of legislation or not, is pending, provided that such matter may be considered with the permission of Council.

Part 5

5. Right to speak

A member is provided with an opportunity to speak with the permission of the Speaker only once for no longer than 5 (five) minutes on a matter before the meeting unless authorised by the Chairperson.

A member is entitled to speak once on any recommendation, motion or proposal, provided that the Mayor or Member may reply to conclude a debate and shall restrict himself/herself to answering previous speakers rather than the introduction of new matters.

Prior to the consideration of any item contained in the report of the mayor in reply to a specific question or during discussion of the same, the Speaker shall permit the Mayor, MMC or Chairperson of the Committee in terms of section 79 and 80 of the Local Government Municipal Structures Act 117 of 1998 who made the proposal in terms of rule 9 or rule 14 of part 5 of these Rules to make and explanatory statement.

6. Length of speeches

- 6.1 A member may (unless authorised otherwise by the Speaker) only speak once to-
 - 6.1.1 the matter and any amendments to that matter that is before the council;
 - 6.1.2 any motion before the council;
 - 6.1.3 to a matter or an amendment proposed or be proposed by himself or herself;
 - 6.1.4 a point of order or a question of privilege, unless authorised by the speaker or as provided for in terms of these rules.
- 6.2 No new matters may be introduced by a mover that speaks to a motion and replies to previous speakers in a debate. The right of reply shall not extend to the mover of an amendment which, having been carried, has become substantive motion.

6.1 Items submitted by Officials of Council

04 FEBRUARY 2021

<p>DISPOSAL OF IMMOVABLE PROPERTY: REMAINDER OF ERF 168 LAMBERTS BAY</p>
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RB6.1.1/04-02-2021

04 FEBRUARY 2021

REPORT FROM THE ACTING CHIEF FINANCIAL OFFICER

PURPOSE OF THE ITEM / DOEL VAN DIE ITEM

The purpose of this item is to inform Council of the outcome on the sale of ERF 168 and seek mandate to re-advertise.

AGTERGROND / BACKGROUND

The municipality called for development proposals for economic/ business/ tourist development to develop un-serviced land on portion of the remainder of erf 168 Lamberts Bay for residential purposes (unregistered erf 2611). The proposed alienation of land has been advertised in terms of the prescribed public participation process.

During a Council meeting held on 6 December 2018 specific opportunities were identified for the alienation of municipal properties. During this meeting Council resolved that:

- a. Council to approve, in principle, the disposal of municipal land for housing, land ownership, church purposes and economic development opportunities within the parameters of the Supply Chain Management Policy and other related legislative requirements.

- b. The administration to be mandated to commence with the disposal and/ or appropriate process or alternative mechanisms and submit progress reports to Council as implementation progresses.

The properties under consideration are not classified as “high value” in terms of the stipulations of the Regulations and Council has resolved that the relevant properties will not be required for minimum level of basic service delivery.

Council has, in terms of Regulation 14, considered the fair market value of the assets and the economic and community value to be received in exchange for the capital asset.

Tender CED 03/2020-2021 was advertised in accordance with the SCM Regulations and processes for disposal of assets as stipulated in the MFMA Asset Transfer Regulations, were followed.

Only 1 tender was received, for CED 03/2020-2021(Gaza Strip Lamberts Bay) respectively. The bid was in line with or above the fair market value as determined by the Council’s Valuer. The Bid Evaluation Committee approved the process and the validity of the tenders to tenders to the Bid Adjudication Committee. On 19 August 2020, the Bid Adjudication Committee approved the process and recommended the rewarding of said property to the successful bidder to the Accounting Officer. The Accounting Officer, in terms of his approved delegations; has the authority to approve awarding of tenders below R10m and the adjudication results was referred to Council for notification and condonation of the transfer of the properties in terms of the stipulation in this regard.

During the Council Meeting held on 31 August 2020, Council resolved that:

1. Council approved in terms of the MFMA section 14.2(b) that it has considered the fair market value of the asset and the economic and community value to be received in exchange for the offer.

2. That the administration, after completion of due diligence, proceed with the transfer process of these assets.

Tender No & Name	Fair market value	Bid received	Successful bidder
CED 09: Un-serviced land on portion of the remainder of erf 168 Lamberts Bay for residential purposes (Unregistered erf 2611)	R5 500 000	R5 500 000	Empire Investment Cars (Pty) Ltd

3. The following SPECIFIC CONDITIONS OF SALE is registered on the title deeds of the properties:

- a. That, in the event that the developments do not occur within the stipulated period, the said properties will revert back to Council at the same price it was sold for;
- b. That no building work or development may occur on any of these properties without a municipal approved building plan and a signed sales agreement; and
- c. All connections to services, property transfers, bond registration and any other related cost will be borne by the successful bidders.

FINANCIAL IMPLICATIONS / FINANSIËLE IMPLIKASIES

Valuation Amount: R 5 500 000.00.

RELEVANT LEGISLATION / RELEVANTE WETGEWING

1. Local Government: Municipal Financial Management Act, Act 56 of 2003) (sections 14, 28 and 87).
2. Local Government: Municipal Systems Act, 2000 (section 21A).
3. Local Government: Municipal Asset Transfer Regulations (Regulations 14 and 47).
4. Local Government: Supply Chain Management Regulations.
5. Town Planning and Building Control regulations and guide lines.
6. Municipal Set of Delegations.

CONCLUSION

On Friday, 04 September 2020, the Supply Chain Management Unit sent an email to the successful applicant regarding their monetary obligations. In terms of section 4.1 of the Terms of Reference in the tender document, the successful bidder had to deposit 75% (R 4 125 000) of the land purchase price into the municipality's bank account and has failed to do so.

A follow-up email was sent to the successful application, but no response was received to date.

COMMENTS: MUNICIPAL MANAGER

The item is supported.

COMMENTS: ACTING DIRECTOR CORPORATE AND COMMUNITY SERVICES

The item is supported.

COMMENTS: ACTING CHIEF FINANCIAL OFFICER

The item is supported.

COMMENTS: ACTING DIRECTOR TECHNICAL SERVICES

The item is supported.

RECOMMENDATION

It is recommended that:

1. Council note the progress regarding the Disposal of Immovable Property: Remainder of Erf 168, LAMBERTS BAY
2. The Council mandate administration to cancel the current tender process and re advertise the Disposal of Immovable Property: Remainder of Erf 168, LAMBERTS BAY in terms of Council SCM policy, SCM Regulations and applicable legislation.

APPENDIX/AANHANGSELS/ ISIHLOMELO

RESOLVED

1. That Council note and approve the progress regarding the Disposal of Immovable Property: Remainder of Erf 168, LAMBERTS BAY
2. The Council mandate administration to cancel the current tender process and re-advertise the Disposal of Immovable Property: Remainder of Erf 168, LAMBERTS BAY in terms of Council SCM policy, SCM Regulations and applicable legislation.

Proposed: Cllr. E Majikijela
Seconded: Cllr. L Scheepers

DEPARTMENT ADMINISTRATION

RB6.1.2/04-02-2021

04 FEBRUARY 2021

**REPORT TO COUNCIL: MUNICIPAL ASSISTANCE AND SUPPORT TO GOLDBLOCKS
CHRÈCHE, GRAAFWATER**

Reference: 17/2/3

Acting Director: Corporate Services: A Titus

Report compiled by: N Mercur

Purpose

The purpose of this report is to inform council about the support rendered by the Cederberg Municipality to Goldilocks Crèche in Graafwater.

Background

The matter of Goldilocks is well documented, with discussions between the municipality and management of Goldilocks dating back to 2017. The crèche has expressed their need for suitable premises from which to operate their early childhood development centre.

In 2018 council resolved to lease a portion of land to Goldilocks, and that Enel Green would be approached to provide additional support with regard to fencing and the structure itself. The council resolution number is RB9.2.1/03-10-2018. It was, however, determined that the proposed site was not ideal for the erection of an early childhood development centre.

During January 2021 the management of Goldilocks informed the municipality that they had to vacate their current premises at the Graafwater Primary School, which meant that they would not be able to operate a crèche in the absence of premises. On 19 January 2021 a meeting was held between municipal officials and the management of Goldilocks, with a view to provide an alternative whilst a more long-term solution was sought.

After considering a number of options it was proposed that the municipality would be able to make available the Graafwater Sports Hall, also known as the "Koffiekan", as an interim solution.

Implementation

The municipality will ensure that the basic services at the premises are in working condition, and may provide partitioning and other means to support the crèche, without incurring any additional costs. It is very important to inform council that this temporary assistance will not in any way be an exclusive arrangement where other individuals, organisations or groups will be precluded from making use of the facility.

No permanent structural changes will be made to the building, and Goldilocks will be responsible for the payment of the services that they utilise. An Agreement will be entered into between the Municipal Manager and the management of Goldilocks.

Consultation with Stakeholders

The following stakeholders were consulted:

- Department of Social Development: Support the initiative, advised that Grassroots must be informed (the 2 organisations do consult on matters of this nature);
- departments within municipality: Building Control, Social Development, administration, technical services;
- West Coast District Municipality Environmental Health Officers: Support the proposed initiative. WCDM will conduct inspection with recommendations.

Financial Implications

There will be no loss of income as the facilities are usually not being rented during the daytime.

Legal Implications

It is important that council indemnifies itself against any damages or losses that Goldilocks may incur as a result of this decision. All these matters will be clearly stipulated in a memorandum of agreement that will be drafted.

Comments by the Director: Community Services / Corporate Services

The recommendations are supported.

Comments by the CFO

Supported

Comments by the Municipal Manager

The report and recommendations are supported.

RECOMMENDATIONS

that in respect of the

REPORT TO COUNCIL: MUNICIPAL ASSISTANCE AND SUPPORT TO GOLDILOCKS CRÈCHE, GRAAFWATER

discussed by the Council at the Virtual Special Council Meeting held on 4 February 2021:

That:

1. Council takes cognisance of the report.

RESOLVED:

1. That Council takes cognisance of the report.

Proposed: Cllr. L Scheepers

Seconded: Cllr. E Majikijela

Counter Proposal: Cllr. R Pretorius

(Insufficient detail in item, No objections for Goldilocks receiving assistance, Process is irregular.)

Seconded: Cllr. F Sokuyeka

VOTE

FOR	AGAINST	ABSTAIN
6 - ANC	3 – DA 1 - ADC	-

6.2 Urgent matters submitted by the Municipal Manager

- Geen / None

6.3 Matters for notification

- Geen / None

6.4 Consideration of motions of exigency

Rules of Order for internal Arrangement

Part 4

8. Motion of exigency

8.1 A motion of exigency exists when the attention of Municipal Council is directed to any matter not appearing on the agenda for which no notice was provided. The subject of the matter is briefly stated as well as reference to the fact that the motion to which attention has been directed be considered a matter of exigency.

8.2 The attention to the matter is drawn by a member. The matter is brought under the consideration of council by way of motion or question only if the motion is seconded and carried by a majority of the members present.

- Geen / None

7. CLOSURE

- Meeting adjourned at 12h05.

VOORSITTER / CHAIRPERSON

DATUM / DATE