



NOTULES VAN DIE / MINUTES OF THE

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

26 JUNIE / JUNE 2023

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SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY, HELD ON

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**MINUTES OF THE SPECIAL COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY HELD
ON 26 JUNE 2023 IN THE COUNCIL CHAMBER AT 2A VOORTREKKER STREET,
CLANWILLIAM.**

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PRESENT AND IN ATTENDANCE:

As per the attendance register:

Cllr. J Hayes

Cllr. R Richards

Cllr. A Mouton (Virtually logged in)

Cllr. J Van Heerden

Cllr. L Venter

Cllr. M Bergh

Cllr. F Kamfer (Virtually logged in)

Cllr. A Scheepers (Virtually logged in)

Cllr. M Heins

Cllr. W Farmer (Virtually logged in)

Mr. G Matthyse (Virtually logged in)

Mr. E Delport (Virtually logged in)

Mr. C Sheldon

Miss E Visser

Mr. A Titus

Mr. J Goeieman

Miss J Maarman

Mr. B Zass

Miss J Cloete

APOLOGIES:

- Cllr. P Strauss

ABSENT WITHOUT APOLOGY:

- Geen / None

1. OPENING AND WELCOMING

- The Chairperson, Cllr. J Hayes welcomed all present and asked for a moment of silence for the late Mr. W Koeries.
- Cllr. Venter also said a few word of condolences on behalf of the Directorate Support Services.

2. ELECTION OF (ACTING) SPEAKER, IF NECESSARY

N/A

3. APPLICATIONS FOR LEAVE OF ABSENCE

- Cllr. P Strauss

4. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

- Speaker referred to a press realease from the ANC and asked Cllr. F Kamfer is he was willing to withdraw what was released. Cllr. Kamfer's response was no, he was not willing to withdraw the press release on which the Speaker then responded that this matter will than be dealt with in an official manner.

5. STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR

A: The Mayor:

1. Simpathised with the loss of a colleague.
2. Shared a word of thanks to the Administration for their hard work and such great teamwork with regard to the disaster situation and he than extended his gratitude to the donors and all involved, as well.
3. We should prepare adequately as it is anticipated that more rain will occur during the week.

6. REPORT BY THE EXECUTIVE MAYOR ON DECISIONS TAKEN BY THE EXECUTIVE MAYOR, THE EXECUTIVE MAYOR TOGETHER WITH THE DEPUTY EXECUTIVE MAYOR AND THE EXECUTIVE MAYOR TOGETHER WITH THE MAYORAL COMMITTEE

- Geen / None

7. MATTERS FOR CONSIDERATION

7.1 ITEMS SUBMITTED BY OFFICIALS OF COUNCIL

- The Speaker informed the Meeting that RB7.2.1/26-06-2023 will be handled first.

RB7.2.1/26-06-2023

DISASTER MANAGEMENT ITEM: DECLARATION OF A STATE OF DISASTER FOR CEDERBERG MUNICIPAL JURISDICTION

RESOLVED:

1. That Council takes note of the intent to the pursuing of declaration of a local, provincial, national state of disaster within Cederberg Municipal jurisdiction after heavy rains and flooding incident.
2. That Council approved the application for a declaration of a state of disaster to the National Disaster Management Centre of South Africa.

Proposed: Cllr. R Richards

Seconded: Cllr. L Venter

No Counter Proposals

RB7.1.1/26-06-2023

RECOGNITION OF SUSPENSE CREDITORS ACCOUNTS AS REVENUE

RESOLVED:

1. Council recognise the amount of R 162 346.43 as revenue in terms of the 3 year prescribed debt principle as receipts are older than 3 years.

Proposed: Cllr. J Van Heerden

Seconded: Cllr. L Venter

No Counter Proposals.

RB7.1.2/26-06-2023

DEBT WRITE-OFF FOR OLD AGE HOMES

RESOLVED:

- a) That the item be reviewed in the next financial year.

Proposed: Cllr. J Van Heerden

Seconded: Cllr. M Bergh

No Counter Proposals.

RB7.1.3/26-06-2023

MUNICIPALITY'S CREDIT CONTROL, DEBT COLLECTION AND INDIGENT SUPPORT BY-LAW, PROPERTY RATES BY-LAW AND TARIFF BY-LAWS

RESOLVED:

1. Council take note of the three by laws;
2. Council considered the Credit Control, Debt Collection and Indigent, Property Rates and Tariff By-laws;
3. Council approved the following By-laws for implementation upon promulgation in the Western Cape Government Gazette:
 - a) Credit Control, Debt Collection and Indigent Support By-law,
 - b) Property Rates By-law; and
 - c) Tariff By-law

Proposed: Cllr. R Richards

Seconded: Cllr. L Venter

No Counter Proposal

RB7.1.4/26-06-2023

EXTENSION OF EXISTING PROCUREMENT CONTRACTS IN TERMS OF SECTION 33 AND 116(3) OF THE LOCAL GOVERNMENT: MUNICIPAL FINANCE MANAGEMENT ACT, 2003 (ACT 56 OF 2003)

RESOLVED:

- 1 That approval is granted to continue with the contract extensions:
 - (a) for a period of six months or shorter for CED 04/2018-2019: The Supply, Installation And Configuration Of A VOIP Telephone System, CED 12/2019-2020 – Provision of accounting services
 - (b) from the day that the initial contract lapsed until all current projects has been is finalised for CED 01/2019-2020 – Professional Engineering Services.
- 2 That council grant approval to make known the intent of extending the current contracts as per Annexure A in terms of Section 33 and 116 (3) of the Municipal Financial Management Act, Act 56 and invite/solicit public comments.
- 3 That comments be obtained from the respective Provincial an National Treasury in terms of Section 33 and 116 (3) of the Municipal Financial Management Act, Act 56
- 4 That report back in terms of 2 and 3 to the above be presented to Council prior to concluding the contract extension addendums.

It was further resolved:

- 5 That all engineering contracts be reviewed on a six (6) month basis.

Proposed: Cllr. R Richards

Seconded: Cllr. J Van Heerden

No Counter Proposals

RB7.1.5/26-06-2023

WRITE-OFF OF TRAFFIC FINES AND WITHDRAWALS IN TERMS OF UNIFORM NATIONAL INSTRUCTIONS ISSUED BY NATIONAL PROSECUTION SERVICES

RESOLVED:

1. Council to take cognisance of the National Prosecution Services Circular 10/2/12/3 – 223/2017.
2. Council approves that unpaid traffic fines as amounting to R 2 666 400.00. be written-off against the provision relating to traffic infringements older than 18 months.

Proposed: Cllr. R Richards

Seconded: Cllr. L Venter

No Counter Proposal

RB7.1.6/26-06-2023

WRITE-OFF OF OUTSTANDING DEBT OF INDIGENT CUSTOMERS

RESOLVED:

- a) That the item be reviewed in the next financial year.

Proposed: Cllr. F Kamfer

Seconded: Cllr. R Richards

No Counter Proposals

RB7.1.7/26-06-2023

WRITE-OFF OF PROPERTY RATES

RESOLVED:

1. Council approves the amount of R3 123 421.87 to be written off.

Proposed: Cllr. J Van Heerden

Seconded: Cllr. M Bergh

No Counter Proposals

RB7.1.8/26-06-2023

CONSIDERATION OF OVERDRAFT FACILITY

RESOLVED:

1. Council, in terms of section 45 of the MFMA, take note of the following:
 - (i) Overdraft Facility of R9 000 000.00 payable as set out as follow:
 - a) Overdraft facility of R 9 000 000.00 (Nine million Rand) effectively from 01 July 2023 till 15 March 2024.
 - (ii) The Municipal Manager, Mr GF Matthyse, ID: 631006 5039 080 be mandated to sign all relevant documents with Standard Bank.

Proposed: Cllr. J Van Heerden

Seconded: Cllr. L Venter

No Counter Proposals

RB7.1.9/26-06-2023

PHOENIX ERP SOLUTIONS – IRREGULAR EXPENDITURE

RESOLVED:

1. Council takes note of the Phoenix ERP Solution report;
2. It further be noted that:
 - 2.1 The non-payment of the Phoenix ERP Solution account can result in a total shut down of the financial system; and
 - 2.2 in order to prevent the risk, mentioned in 2.1, the Administration be mandated to proceed with payment to be made on the Phoenix ERP Solution account before 30 June 2023.
3. The Municipal Manager/Administration be mandated to submit a final report to Council, pending the input from the external legal advisor, advocate Helen Venter.

Proposed: Cllr. J Van Heerden

Seconded: Cllr. L Venter

No Counter Proposals

RB7.1.10/26-06-2023

RENEWAL OF TERM FOR AUDIT & PERFORMANCE AUDIT COMMITTEE MEMBERS

RESOLVED:

1. It be noted that:
 - a) The term of office of Mr. Valley and Mr. Beukes will not exceed the six year period as indicated in Circular 65 of the MFMA

2. That Council, taking the above mentioned 1 (a) into consideration and to ensure continuity and further existence of the committee, approved the following:
 - a) The renewal of term for Mr. Valley as member of the Audit & Performance Audit Committees for a further term of office of 3 years;

 - b) The renewal of term for Mr. Beukes as member of the Audit & Performance Audit Committees for a further term of office of 3 years; and

 - c) It be noted that Mr. Valley and Mr. Beukes are committed and have provided excellent service over the past term of office.

Proposed: Cllr. J Van Heerden

Seconded: Cllr. M Bergh

No Counter Proposals

RB7.1.11/26-06-2023

DECLARATION OF INTEREST FOR COUNCILLORS

RESOLVED:

1. The Council to take note of the Financial interests to be disclosed even if they incurred for only part of the year as per the Annual Report directive from National Treasury;

2. That the Council approve the code on the following basis:

- a. The Disclosures Financial Interests Register to have a confidential part and a public part;
- b. Confidential part –
 - i. The value of financial interests in a private or public company;
 - ii. The amount of any remuneration for any employment outside Council;
 - iii. The amount of any remuneration for any directorate or partnership;
 - iv. Address of private residence;
 - v. The value of any pension and any amount paid;
 - vi. Details of all financial interests of a member's spouse, dependents, child or permanent companion to the extent that a members is aware of.
 - vii. No person who has access to the confidential part of the Register, may disclose particulars of any entry in the confidential part except to the Speaker and the Municipal Manager, and also as part of a report in respect of an alleged irregularity or when a court so orders.
- c. Public part –
 - i. All relevant details other than those in b (i-vii) above, of the registrable interests as for the public interest for disclosure;
 - Councillor name
 - Councillor status
 - Political Party
 - Interests in shares and security company
 - Membership of any closed corporation
 - Interest in any trust
 - Directorships
 - Partnerships
 - Other financial interests in any business undertaking
 - Employment other than Cederberg Municipality

- Interests in property
 - Pension
 - Subsidies, Grants and Sponsorships by any organisation
 - Interest in municipal contracts / suppliers
 - Gifts received above prescribed amount of R 350.00 for Municipal Manager and Directors
 - Gifts received above prescribed amount of R 1 000.00 for Councillors
- ii. Any person has access to the public part of the Register on a working day during office hours at the office of the Municipal Manager in terms of the application procedure as required by the provisions of the Promotion of Access of Information Act.
- d. Councillors, Municipal Manager and Directors to disclose the financial interests annually between 01 July and 30 June; and
- e. Any time when a material change occurs.
3. To obtain consent from Council for the following full-time councillors to do other work.
- Cllr. R Richards: Executive Mayor
 - Cllr. A Mouton: Deputy Executive Mayor
 - Cllr. J Hayes: Speaker
 - Cllr. J Van Heerden: Exec. Mayoral Committee Member

It further be noted that:

4. Cllr. F Kamfer request to put the following on record:
- That he did request, from Cogta, an investigation into matters declared by all 11 Councillors. – since 01/03/2023.

Proposed: Cllr. R Richards

Seconded: Cllr. M Bergh

No Counter Proposals

7.2 URGENT MATTERS SUBMITTED BY THE MUNICIPAL MANAGER

RB7.2.2/26-06-2023

IMPLEMENTATION OF CODE OF CONDUCT FOR COUNCILLORS REGULATIONS, 2023

RESOLVED:

1. Councillors take cognisance and approved of the implementation of the Code of Conduct for Councillors regulations, 2023 and be committed to comply with the provisions thereof;
2. The Speaker ensure compliance with all the provisions of the Code of conduct for Councillors;
3. That the Code of Conduct for Councillors be work-shopped with all Councillors, if necessary.

Proposed: Cllr. R Richards

Seconded: Cllr. Bergh

No Counter Proposals

7.3 MATTERS FOR NOTIFICATION

A: In Committee followed:

- **RB7.1.12/26-06-2023 Appointment of Director Support Services**

B: The Speaker notified all Councillors that no Councillor is allowed to make use of official vehicles of the Municipality without the necessary permission.

7.4 CONSIDERATION OF NOTICES OF MOTION

- Geen / None

7.5 CONSIDERATION OF NOTICES OF QUESTION

- Geen / None

7.6 CONSIDERATION OF MOTIONS OF EXIGENCY

- Geen / None

08. CLOSURE

- Meeting adjourned.

VOORSITTER/CHAIRPERSON

DATUM/DATE