



**NOTULES VAN DIE / MINUTES OF THE**

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

**31 OCTOBER 2016**

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

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**MINUTES OF THE COUNCIL MEETING OF THE CEDERBERG MUNICIPALITY HELD ON  
31 OCTOBER 2016 IN THE COUNCIL CHAMBER AT 2A VOORTREKKER STREET,  
CLANWILLIAM.**

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**PRESENT AND IN ATTENDANCE:**

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

**ABSENT WITHOUT APOLOGY:**

Geen / None

<b>1. OPENING</b>
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**Rules of Order for Internal Arrangement**

**PART 3: MEETINGS**

**4. Commencement of meetings of Council**

- 4.1 The meeting must commence precisely at a time it is convened for.
- 4.2 The Speaker must assume the chair provided that a quorum is constituted.
- 4.3 The business of the meeting must be outlined at the onset.

**5. Quorum**

- 5.1 The presence of a majority of the members constitutes a quorum.
- 5.2 In the event that no quorum is present at the time at which the meeting was convened, the commencement of the meeting may be delayed for no longer than 30 minutes on the basis that no quorum exists.
  - 5.2.1 Should a quorum exist within this period, the Speaker must assume the chair immediately upon establishing that the quorum exists.
  - 5.2.2 Should no quorum continue to exist at the end of this period, the meeting must be adjourned by the Speaker to an alternate date, time and if applicable venue at his/her discretion., In this instance, the names of members present must be recorded.
- 5.3 In the event that there is no quorum and the Speaker is absent, the commencement of the meeting must be delayed for no more than 30 minutes and if there is no quorum at the end of this period, the meeting shall be cancelled. In this instance, the municipal manager must record the names of the members present.
- 5.4 A quorum is to be sustained during the course of proceedings of a meeting. Should there be a lack of quorum subsequent to the commencement of the meeting, the Speaker must suspend the proceedings until a quorum is again present, provided that if after 10 minutes there is still no quorum the speaker must adjourn the meeting.
- 5.5 In any instance when a meeting is adjourned as a result of the absence of a quorum, the time of such adjournment, as well as the names of the members present, must be recorded in the minutes.
- 5.6 Names of absentee members are to be recorded and provided by the Speaker to the committee established in terms of section 6 for the purposes of an investigation of a breach of these rules.

At 09h00 the Chairperson, Cllr. W Farmer called the meeting to order and welcomed all present. Cllr. B Zass opened the meeting with a prayer.

**1.1 Announcement of Councillors birthdays**

The Speaker, on behalf of Council, congratulate Cllr. Majikejela on her birthday that was on 10 October 2016.

<b>2. ELECTION OF (ACTING) SPEAKER, IF NECESSARY</b>
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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.

#### **3.1 A blank Application for Leave of Absence form is enclosed**

- Cllr. D Smith

#### **3.2 The Attendance Registers will be available at the meeting**

#### **Rules of Order for Internal Arrangement**

##### **Part 3**

#### **6. Attendance at meetings**

- 6.1 An attendance register must be kept in relation to all meetings. Such register is to be signed by every member that attends the meeting/s.
- 6.2 Instances when a member may be absent from a meeting include the following:
  - 6.2.1 upon leave of absence being granted in terms of rule 7; and
  - 6.2.2 upon withdrawal on the basis of a legal requirement.

### **4. INTERVIEWS WITH OR PRESENTATIONS BY DEPUTATIONS**

#### **Rules of Order for Internal Arrangement**

##### **Part 6**

#### **6. Deputations**

Should deputations seek an interview with council, the municipal manager must be provided with ten working days written notice of the intent of the deputation with details of the representations that are to be made as well as its source. The notice must be submitted to the Speaker by the Municipal Manager with recommendations and comments. The Speaker has the discretion to then grant the interview and instate conditions.

- **DBSA:**
- **Eagle Lancha Investments Pty (Ltd):**
- **Creo Design:**
- **Oh Dam Music and Heritage Festival:**

**Pieter Venter**  
**Cedric Daniels**  
**GJ van der Merwe**  
**Lovetta Bolters**

**RESOLVED**

**That in respect of the  
INTERVIEWS AND PRESENTATIONS BY DEPUTATIONS  
discuss by Council at the Council Meeting held on 31 October 2016:**

- a) That Council take note of the presentations;
- b) That all presentations should speak to Local Economic Development in a broader sense;
- c) That all of the presentations be referred to Mayco for further discussions; and
- d) That any decisions taken, emanating from the presentations, be referred to Council for final approval.

<b>5. CONFIRMATION OF MINUTES</b>
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**Rules of Order for Internal Arrangement By-Law 2013 (Provincial Gazette 7118 dated 12 April 2013)**

**Part Four**

**1. Minutes**

- 1.1 Minutes of the proceedings of meetings must be recorded in writing in a minute book;
- 1.2 Such minutes shall be compiled in printed form and be confirmed by the council at the following meeting of Municipal Council and signed by the speaker.
- 1.3 The minutes shall be deemed to have been read for the purpose of confirmation provided a copy thereof was sent to each member within a reasonable period prior to the following meeting.
- 1.4 Discussions or motions in relation to the accuracy of minutes shall be entertained. No further discussion or motions in relation to any other matters forming part of the minutes shall occur.
- 1.5 Minutes shall consist of recordings of all business discussed as well as the names of members that were in attendance, absent, and granted leave of absence.
- 1.6 Should any member have requested that there dissent, abstention or support be recorded during voting, these are to be recorded in the minutes.
- 1.7 Audio recordings of all meetings of Municipal Council must be kept for a period of three years for administrative purposes.

**RESOLVED**

**That in respect of the**

**CONFIRMATION OF MINUTES**

**discussed by Council at the Council Meeting held on 31 October 2016:**

- a) That the following minutes which were sent to each Councillor at least 48 hours prior to the meeting, be taken as Read and Confirmed:
  - 1. Minutes of Council Meeting of 17 August 2016 which continued on 19 August 2016;
  - 2. Minutes of Special Council Meeting of 30 August 2016;
  - 3. Minutes of Special Council Meeting of 09 September 2016; and
  - 4. Minutes of Special Council Meeting of 26 September 2016.

**Proposed:** Cllr. J Barnard

**Seconded:** Cllr. B Zass

<b>6. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER</b>
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- a) The promptness of officials when invited to a meeting; and therefore whenever a timeslot will be given for a Council Meeting, Management will ensure that they arrive 30 minutes prior to the actual commencement of the meeting.
- b) The short notice of Councillors when apologising for not being able to attend a Council Meeting.
- c) Housing Department in Lamberts Bay. The Housing Official, sitting behind a locked office door, not able to deliver services to the community or clients because of tooth ache.
- d) That the Council of Cederberg Municipality is deliberately being brought into disrepute by Officials and Councillors.
- e) Grievances against Councillors being taken to political caucuses.
- f) Municipal resources being used to undermine Councillors.

<b>7. STATEMENTS AND COMMUNICATION BY THE EXECUTIVE MAYOR</b>
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Geen / None

**8. 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**

**Rules of Order for Internal Arrangement**

**PART 3: MEETINGS**

**5. Order of business**

(1) The business of meetings of the Council will appear in the following order on the agenda

(h) 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;

- 1) **The Executive Mayor reports to the municipal council on all decisions taken by the Executive Mayor (excluding Special Council Meetings).**
- 2) **The reports of the Executive Mayor shall be for information and nothing by council and no debate, question, motions, points for information, clarity or points of order on the report shall be allowed save where motions or questions are raised in compliance with the provisions of the Council's Rules of Order.**

**RESOLVED**

**That in respect of the**

**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**

**discuss by Council at the Council Meeting held on 31 October 2016:**

- a) That Council approve the report by the Executive Mayor and the Executive Mayoral Committee.

**Proposed:** Cllr. R Pretorius

**Seconded:** Cllr. R Witbooi

**8.1 MAYCO MEETING HELD ON 24 NOVEMBER 2016**

**MMC 1: CLLR. J BARNARD -OFFICE OF THE EXECUTIVE MAYOR**

**RESOLVED**

That in respect of the

INTERVIEWS WITH OR PRESENTATIONS BY DEPUTANTS:

- a) That Mayco takes note of the presentations;
- b) That the Administration will revert back to Camissa Solutions regarding the Heritage and Music festival in April of 2017;
- c) That the Administration will also engage with Camissa Solutions pertaining to their involvement in the 01 January festive arrangements of Ward 5.

**RESOLVED**

**That in respect of the**

**CONFIRMATION OF MINUTES**

- a. That Mayco approved the Mayco minutes of 26 September 2016; and
- b. The Portfolio Minutes of 10 November 2016 and 14 November 2016.

**MMC 1: CLLR. J BARNARD - OFFICE OF THE EXECUTIVE MAYOR**

RESOLVED

That in respect of the

CONSTRUCTION – CAPITAL PROJECTS

- a) Management should ensure that the tender document and contract explicitly stipulate that the contractor should pay for services consumed during the construction period;
- b) Temporary water and electricity meters should be installed at the inception of the project, either by the municipality or the contractor;
- c) Contractees should follow due process in applying for the meters at the finance department;
- d) Meter readers should take the readings on a monthly basis and finance department must ensure that they are properly billed;
- e) Management should ensure that effective and efficient controls are implemented to ensure that all monies due to the municipality are properly billed and collected within a reasonable time;
- f) To amend the Tariff Policy to include the billing of water & electricity for construction projects.

**MMC 2: CLLR. B ZASS -DIRECORATE COMMUNITY DEVELOPMENT SERVICES**

RESOLVED

That in respect of the

ESTABLISHMENT OF LOCAL DRUG ACTION COMMITTEE (LDAC) FOR CEDERBERG MUNICIPAL AREA

- a) That Mayco through this item be informed about the plan to establishment the Cederberg Local Drug Action Committee,
- b) That Mayco take note of the proposed MoU by the Department of Social Development,
- c) That Mayco consider the approval to implement the establishment of the LDAC and implementation of Act 70 of 2008,
- d) That Mayco consider to go into an agreement (MoU) with the Department of Social Development to address the social challenges in Cederberg.

**MMC 3: CLLR. R WITBOOI - DIRECTORATE CORPORATE AND STRATEGIC SERVICES**

BESLUIT

Ten opsigte van

KLEINBEGIN BEWAARSKOOL: AANSOEK OM VERVREEMDING VAN GEDEELTE VAN ERF 279, CLANWILLIAM  
VIR DIE DOELEINDES VAN UITBREIDING

- a) Die komitee die versoek van Kleinbegin Bewaarskool om uitbreiding in beginsel ondersteun;
- b) Die aansoek aan MFMA wetgewing moet voldoen, ten opsigte van advertering, ensovoorts;
- c) 'n Voorlegging van skematiese voorstelling met mates van grond aangrensend benodig word;
- d) Waardebepaling gedoen word;
- e) Stadsbeplanningsprosesse vir die koste van aansoeker sal wees...re.- onderverdeling, konsolidasie en hersonering;
- f) Die Munisipaliteit streng moet handel t.o.v. MFMA (Municipal Financial Management Act) asook "Municipal Asset Transfer Regulations" wat voorskriftelik is in die verband ingevolge Regulasie 36 van Hoofstuk 4.
- g) Alle verwante kostes m.b.t. vervreemding / verhuring sal vir aansoeker wees.
- h) Aansoeker moet gebruik maak van 'n kundige persoon/instansie om proses te dryf.

**MMC 3: CLLR. R WITBOOI - DIRECTORATE CORPORATE AND STRATEGIC SERVICES**

RESOLVED

That in respect of the

INCIDENT AT CLANWILLIAM RESORT DATED 7 AUGUST 2016.

- (i) That Mayco awaits the outcome of SAPS;
- (ii) That Mayco will make a final recommendation to Council, after the outcome of SAPS, pertaining to the termination of services of CNF Security.

**MMC 4: CLLR. R PRETORIUS - DIRECTORATE INFRASTRUCTURE AND TECHNICAL SERVICES**

RESOLVED

That the Mayoral Committee:

- a) Takes cognisance of the progress report on the proposed Clanwilliam Mall project.

**MMC 2: CLLR. B ZASS -DIRECTORATE COMMUNITY DEVELOPMENT SERVICES**

RESOLVED

That in respect of the

CEDERBERG MUNICIPALITY: POLICY FOR PAUPER, INDIGENT AND UNKNOWN BURIALS

- a) Mayco approved the Policy for Pauper, Indigent and unknown burials
- b) That the Policy for Pauper, Indigent and unknown burials be workshopped with the administration and Councillors
- c) That policy be submitted to Council for final approval



**MMC 3: CLLR. R WITBOOI - DIRECTORATE CORPORATE AND STRATEGIC SERVICES**

BESLUIT

Dat ten opsigte van

VERVREEMDING VAN GROND – GEDEELTE VAN ERF 833, CLANWILLIAM

1. Die komitee kennis neem van die Item;
2. Die aanbeveling gedoen sal word binne die raamwerk van die Munisipale Finansiële Bestuurswet (Wet 56 van 2003), die Raad se Batebestuursbeleid en ander strategiese beleidsdokumente van die Raad.
3. Dat die Administrasie sal handel volgens seksie 14 van die MFMA vir die normale vevreemding prosedure met betrekking tot gedeelte van erf 833, Clanwilliam.

**MMC 3: CLLR. R WITBOOI - DIRECTORATE CORPORATE AND STRATEGIC SERVICES**

BESLUIT

Dat:

1. Die komitee vervreemding van grond – Ubuntu konder ontwikkeling in beginsel goedkeur;
2. Die aanbeveling gedoen sal word binne die raamwerk van die Munisipale Finansiële Bestuurswet (Wet 56 van 2003), die Raad se Batebestuursbeleid en ander strategiese beleidsdokumente van die Raad.
3. Dat 'n terplaatse onder geloods word deur die Ingenieursdepartement; en
4. Dat die item dan na die Raad sal gaan vir finale goedkeuring.

**MMC 2: CLLR. B ZASS - DIRECTORATE COMMUNITY DEVELOPMENT SERVICES**

RESOLVED

That in respect of the

EMERGENCY HOUSING ASSISTANCE POLICY

- a. Mayco approved the Emergency Housing Assistance Policy;
- b. That the Emergency Housing Assistance Policy be workshopped with the administration and Councillors; and
- c. That policy be submitted to Council for final approval.

**MMC 3: CLLR. R WITBOOI - DIRECTORATE CORPORATE AND STRATEGIC SERVICES**

RESOLVED

- A. That Mayco Nominated the following Councillor(s) to attend the SALGA National Conference from 28 November to 01 December 2016, by name(s)

- (i) Cllr. J Barnard

- (iii) Cllr. W Farmer
- (iv) Cllr. B Zass
- (v) Cllr. R Pretorius
- (vi) Cllr. J Meyer

- B. That Mayco mandated the Executive Mayor, Cllr. J Barnard to vote on behalf of Cederberg Municipality;

## **RESOLVED**

**That in respect of the**

**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**

**discussed by Council at the Council Meeting held on 08 December 2016:**

- a) That Council approve the report by the Executive Mayor on decisions taken by the Executive Mayor together with the Deputy Executive Mayor and the Mayoral Committee.

**Proposed:** Cllr. R Pretorius

**Seconded:** Cllr. B Zass

## **9. 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.

### **9.1.1 PROGRESS AND RECRUITMENT PROCESS PLAN REGARDING FILLING OF VACANCY: MUNICIPAL MANAGER**

**Ref.: 4/3/3**

**Executive Mayor:** Cllr. J Barnard

#### **PURPOSE**

The purpose of the item is to:

1. Inform Council regarding the progress and process plan / timeframes for recruitment and selection pertaining to the Municipal Manager vacancy; and
2. Designate a selection panel that will make recommendations to Council regarding the appointment of a suitable person to fill the aforementioned vacancy

#### **BACKGROUND**

In terms of Regulation 10 (5) of the Local Government: Regulations regarding the appointment and conditions of employment of senior managers, the Executive Mayor must submit monthly reports to the Executive Committee regarding the progress of filling the Municipal Manager vacancy.

The post has been advertised and closes on 30 September 2016. Please find attached a process plan, attached as Appendix "A", with regard to the filling of the above vacancy.

#### **FINANCIAL IMPLICATION**

The cost of the advertisement was R18 449.12 Quotations must now be obtained for the shortlisting, Development of interview questions and competency testing

#### **PERSONNEL IMPLICATION**

Acting in Municipal Manager position

#### **LEGISLATIVE IMPLICATION**

The process is conducted in accordance with the Local Government: Municipal Systems Act 32 of 2000 and the regulations pertaining to the appointment and conditions of employment of senior managers. See attached: "Annexure" B "" **Extract from legislation'**

The Council may appoint a panel of between 3 and 5 members and which panel must make recommendations regarding the appointment of a suitable candidate to fill the vacancy, and such panel is composed in terms of regulation 12 (3) which reads as follows: -

- “(3) *The selection panel for the appointment of a municipal manager must consist of at least three and not more than five members, constituted as follows:*
- (a) the mayor, who will be the chairperson, or his or her delegate;*
  - (b) a councillor designated by the municipal council; and*
  - (c) at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post”*

In terms of regulation 15 (2), the abovementioned panel must remain the same for the entire duration of the recruitment process.

## **RECOMMENDATION**

**That in respect of the**

### **PROGRESS AND RECRUITMENT PROCESS PLAN REGARDING FILLING OF VACANCY: MUNICIPAL MANAGER**

**discussed by Council at Council Meeting held on 31 October 2016:**

That:

- A. Council take note of the process plan attached as "Appendix" A "
- B. Council notice of the extract from the regulations, "Local Government: Regulations on appointment and Conditions of Employment of Senior Managers", attached as Appendix "B"
- C. A selection panel be constituted, in terms of regulation 12, as follows:
  - 1. The Mayor
  - 2. A member who is appointed by the Council in particular
  - 3. At least one other person who is not a board member or employee of the municipality, and who knowledge and experience of the advertised mail
- D. the selection panel report back to Council as appointing authority with a recommendation of  
a suitable candidate to fill the vacancy of municipal manager;
- E. That a consultant will be appointed to assist Council with the recruitment process, including the interview questions, psychometric testing and interview process.

**RESOLVED**

**That in respect of the**

**PROGRESS AND RECRUITMENT PROCESS PLAN REGARDING FILLING OF  
VACANCY: MUNICIPAL MANAGER**

**discussed by Council at the Council Meeting held on 31 October 2016:**

That:

- a) Council take note of the process plan attached as "Appendix" A "
- b) Council notice of the extract from the regulations, "Local Government: Regulations on appointment and Conditions of Employment of Senior Managers", attached as Appendix "B"
- c) selection panel be constituted, in terms of regulation 12, as follows:
  1. The Mayor
  2. Mayoral Committee
  3. At least one other person who is not a board member or employee of the municipality, and who knowledge and experience of the advertised mail
- d. the selection panel report back to Council as appointing authority with a recommendation of a suitable candidate to fill the vacancy of municipal manager;
- e. That a consultant will be appointed to assist Council with the recruitment process, including the interview questions, psychometric testing and interview process.

**Proposed:** Cllr. J Meyer

**Seconded:** Cllr. J Barnard

## 9.1.2      **PROGRESS AND RECRUITMENT PROCESS PLAN REGARDING FILLING OF VACANCY: DIRECTOR CORPORATE & STRATEGIC SERVICES**

Ref.:4/3/2

**Acting Municipal Manager:** GF Matthyse

### **PURPOSE**

The purpose of the item is to:

1. Inform Council regarding the progress and process plan / timeframes for recruitment and selection pertaining to the Director Corporate & Strategic Services vacancy; and
2. Designate a selection panel that will make recommendations to Council regarding the appointment of a suitable person to fill the aforementioned vacancy

### **BACKGROUND**

In terms of Regulation 10 (5) of the Local Government: Regulations regarding the appointment and conditions of employment of senior managers, the Municipal Manager must submit monthly reports to the Executive Committee regarding the progress of filling the Director Corporate & Strategic Services vacancy.

The post has been advertised and closes on 28 October 2016. Please find attached a process plan, attached as Appendix "A", with regard to the filling of the above vacancy.

### **FINANCIAL IMPLICATION**

The cost of the advertisement was R20684.16. Quotations must now be obtained for the shortlisting, Development of interview questions and competency testing

### **PERSONNEL IMPLICATION**

Acting in Director Corporate & Strategic Services position

### **LEGISLATIVE IMPLICATION**

The process is conducted in accordance with the Local Government: Municipal Systems Act 32 of 2000 and the regulations pertaining to the appointment and conditions of employment of senior managers. See attached: "Annexure" B "" **Extract from legislation'**

The Council may appoint a panel of between 3 and 5 members and which panel must make recommendations regarding the appointment of a suitable candidate to fill the vacancy, and such panel is composed in terms of regulation 12 (3) which reads as follows: -

- “(3)    *The selection panel for the appointment of a municipal manager must consist of at least three and not more than five members, constituted as follows:*
- (a)    the mayor, who will be the chairperson, or his or her delegate;*
  - (b)    a councillor designated by the municipal council; and*
  - (c)    at least one other person, who is not a councillor or a staff member of the municipality, and who has expertise or experience in the area of the advertised post”*

In terms of regulation 15 (2), the abovementioned panel must remain the same for the entire duration of the recruitment process.

## **RECOMMENDATION**

**That in respect of the**

### **PROGRESS AND RECRUITMENT PROCESS PLAN REGARDING FILLING OF VACANCY: DIRECTOR CORPORATE & STRATEGIC SERVICES**

**discuss by Council at Council Meeting held on 31 October 2016:**

- A. That Council take note of the process plan attached as "Appendix" A "
- B. The Council notice of the extract from the regulations, "Local Government: Regulations on appointment and Conditions of Employment of Senior Managers", attached as Appendix "B"
- C. A selection panel be constituted, in terms of regulation 12, as follows:
  - 1. The Mayor
  - 2. A member who is appointed by the Council in particular
  - 3. At least one other person who is not a board member or employee of the municipality, and who knowledge and experience of the advertised mail
- D. The selection panel report back to Council as appointing authority with a recommendation of a suitable candidate to fill the vacancy of Director Corporate & Strategic Services;
- E. That a consultant will be appointed to assist Council with the recruitment process, including the interview questions, psychometric testing and interview process.

## **RESOLVED**

**That in respect of the**

### **PROGRESS AND RECRUITMENT PROCESS PLAN REGARDING FILLING OF VACANCY: DIRECTOR CORPORATE & STRATEGIC SERVICES**

**discuss by Council at Council Meeting held on 31 October 2016:**

- A. That Council take note of the process plan attached as "Appendix" A "



- B. The Council notice of the extract from the regulations, "Local Government: Regulations on appointment and Conditions of Employment of Senior Managers", attached as Appendix "B"
- C. A selection panel be constituted, in terms of regulation 12, as follows:
- 1) The Mayor
  - 2) The Municipal Manager
  - 3) At least one other person who is not a board member or employee of the municipality, and who knowledge and experience of the advertised mail
- D. The selection panel report back to Council as appointing authority with a recommendation of a suitable candidate to fill the vacancy of Director Corporate & Strategic Services;
- E. That a consultant will be appointed to assist Council with the recruitment process, including the interview questions, psychometric testing and interview process.

**Proposed:** Cllr. R Pretorius

**Seconded:** Cllr. J Barnard

### **9.1.3 KONSEP- REKORDS BESTUURSBELEID / DRAFT- RECORD MANAGEMENT POLICY**

**Ref.: 2/4/B**

**Acting Director Corporate and Strategic Services: H Witbooi**  
**Compiled: H Slimmert**

#### **PURPOSE**

This draft policy seeks to provide a high-level direction for managing records to all employees of Cederberg Municipality in terms of the Provincial Archives and Records Service of the Western Cape Act, 2005 (Act 3 of 2005).

#### **BACKGROUND**

The Directorate compiles and submits information on the conditions of the Act (The Provincial Archives and Records Service of the Western Cape Act, 2005 (Act 3 of 2005)) with the view to finalize the Policy.

#### **FINANCIAL IMPLICATION**

- Activities do not have financial implications.

#### **PERSONNEL IMPLICATION**

Geen./ None.

#### **REGSIMPLIKASIE / LEGISLATIVE IMPLICATION**

- All legislative requirements are observed in the process.

#### **BELEID / POLICY**

- Act and Policy imperatives are adhered to.

#### **CONSULTATION WITH OTHER PARTIES**

- Draft policy to be send to all affected directorates for notice and comments.

#### **RECOMMENDATIONS**

**That in respect of the**

#### **DRAFT RECORDS MANAGEMENT POLICY**

**discussed by Council at the Council Meeting held on 31 October 2016:**

- A. That the Draft Record Management Policy be approved in principle by Council;
- B. That the Policy be workshopped by Council; and
- C. That the Policy then be referred back to Council for final approval.

**RESOLVED**

**That in respect of the**

**DRAFT RECORDS MANAGEMENT POLICY**

**discussed by Council at the Council Meeting held on 31 October 2016:**

- A. That the Draft Record Management Policy be approved in principle by Council;
- B. That the Policy be workshopped by Council; and
- C. That the Policy then be referred back to Council for final approval.

**Proposed:** Cllr. B Zass

**Seconded:** Cllr. J Barnard

#### **9.1.4 FINAL REPORT TO COUNCIL: ESTABLISHMENT OF WARD COMMITTEES: CEDERBERG MUNICIPALITY**

**Ref.: 3/2/2/8**

**Director Community Development Services: J France**  
**Compiled: PL Volscenk**

##### **PURPOSE**

To inform Council on the establishment of the 6 ward committees for Cederberg Municipality.

##### **BACKGROUND**

In terms of the recommendations of the Municipal Demarcation Board, Cederberg Municipal area is divided into 6 wards. Ward committees for the 6 wards had to be established within 90 days after the inauguration meeting of the newly elected Council, thus by 17 November 2016.

The process of the establishment of the ward committees started 17 August 2016. During August and September 2016 nominations for sectorial- and geographical representation were invited up to 16 September 2016. Where more than one nomination was received per sector/geographical area, dates for the election of representatives were determined for the last week of September 2016.

Wards 1, 3 and 6 were constituted without the need for elections. Elections took place in Ward 2 on the 27<sup>th</sup> of September 2016 and wards 4 and 5 on 28<sup>th</sup> of September 2016. Elections were conducted by the Office of the Speaker.

All 6 wards for Cederberg Municipality have thus been established well within the timeframe of 90 days.

Training of ward committee members will be conducted as follows:

- Wards 1 and 2: Citrusdal: 25 October 2016
- Wards 3 and 6: Clanwilliam: 26 October 2016
- Wards 4 and 5: Lamberts bay: 27 October 2016

It is envisaged that ward committees first meeting will take place during November 2016.

1. The list of ward committee members per ward, is available at the Office of the Speaker.

##### **PERSONNEL, LEGAL AND FINANCIAL IMPLICATIONS**

All legal requirements have been met.

**RECOMMENDATION**

That in respect of the

**FINAL REPORT TO COUNCIL: ESTABLISHMENT OF WARD COMMITTEES:  
CEDERBERG MUNICIPALITY**

**discussed by Council at the Council Meeting held on 31 October 2016:**

- a) That the final report on the establishment of the 6 ward committees for Cederberg municipality, be noted.

**RESOLVED**

That in respect of the

**FINAL REPORT TO COUNCIL: ESTABLISHMENT OF WARD COMMITTEES:  
CEDERBERG MUNICIPALITY**

**discussed by Council at the Council Meeting held on 31 October 2016:**

- a) That the final report on the establishment of the 6 ward committees for Cederberg municipality, be noted.

**Proposed:** Cllr. R Witbooi

**Seconded:** Cllr. J Meyer

### **9.1.5 AMENDMENTS PERTAINING TO RB5.1.13/17-08-2016: DATES AND FREQUENCY OF FUTURE MEETINGS**

**Ref.:10/1/1**

**Acting Director Corporate and Strategic Services: H Witbooi**

#### **BACKGROUND**

In terms of section 18(2) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) **a municipal council** must meet at least quarterly. Section 29(1) determines that the speaker of a municipal council decides when and where the council meets subject to section 18(2), but if a majority of councillors request the speaker in writing to convene a council meeting, the speaker must convene a meeting at a time set out in the request. In terms of section 29(2) the municipal manager of a municipality must call the first meeting of the council of that municipality within 14 days after the council has been declared elected.

In terms of section 50 of the Local Government Structures Act, 1998 (Act 117 of 1998) the Executive Mayor decides when and where the Executive Mayoral Committee meets, but if a majority of the members requests the Executive Mayor in writing to convene a committee meeting, the Executive Mayor must convene a meeting at a time set out in the request.

Proposed dates for Council Meetings and Executive Mayoral Committee meetings are attached to this item.

#### **RECOMMENDED**

**That in respect of the**

**AMENDMENTS PERTAINING TO RB5.1.13/17-08-2016: DATES AND FREQUENCY OF  
FUTURE MEETINGS**

**discussed by Council at the Council Meeting held on 31 October 2016:**

1. The Council approves the amendments to the dates and frequency of future meetings; and
2. That the public be informed accordingly of such dates.

**RESOLVED**

**That in respect of the**

**AMENDMENTS PERTAINING TO RB5.1.13/17-08-2016: DATES AND FREQUENCY OF  
FUTURE MEETINGS**

**discussed by Council at the Council Meeting held on 31 October 2016:**

1. The Council approves the amendments to the dates and frequency of future meetings; and
2. That the public be informed accordingly of such dates.

**Proposed:** Cllr. R Witbooi

**Seconded:** Cllr. R Pretorius

**9.1.6 PROPOSED ENTERING INTO A LEASE AGREEMENT: ERF 334 ELANDS  
BAY: ACVV WIELIE WALIE CRECHE**

**Ref: 3/2/2/8**

**Director Community Development Service: J France  
Compiled: C Sheldon**

**PURPOSE**

To get an in principle Council decision on a proposed lease of Erf 334 Elands Bay, (also known as Wielie Walie Creche) to the ACVV (Afrikaanse Christelike Vroue Vereniging).

**BACKGROUND**

The abovementioned creche is being managed by the ACVV for more than 10 years. Since 2012 the ACVV intended to extend the said buildings to accommodate more than the 45 children they are allowed to care for. Their current waiting list is more than 42. Building plans which have been submitted and approved in 2012. The ACVV wishes now to enter into a lease agreement with the municipality for the said building, to enable them to extend the building at their own cost.

Background facts on this matter are as follows:

1. The creche only operates on a portion of erf 334; the other part is being used as the Provincial Clinic,
2. The said erf was originally registered with Bergriver municipality- the process of transporting the said erf to Cederberg municipality is currently in process with no indication how long it will take;
3. The Surveyor-General already approved the subdivision of erf 334 – after subdivision Wielie Walie Creche will be on portion of erf 334 and the Clinic on erf 705;
4. Council can consider to sell the said portion to Wielie Walie Creche, subject to the provisions of the MFMA, being not an essential service; however, the ACVV is in no position to buy this portion of the said erf;
5. Another option can be to enter into a lease agreement with the ACVV to enable them to continue with the proposed extensions until clarity have been obtained regarding ownership of erf 334 as mentioned in para 2. above. This process is also subject to the provisions of the MFMA;
6. ACVV has indicated they are not in a position to buy the said erf, but only have funding to complete the building work;
7. They indicated they wish to lease the portion of land at a reasonable price – no current lease agreement between the municipality and the ACVV could be produced by both parties.

Any lease agreement should comply with the principles as indicated in the MFMA, 56 of 2003 (justified, transparent, competitive and cost-effective) and council's Asset Transfer Regulations.



## **FINANCIAL IMPLICATIONS**

Entering into a lease agreement will generate rental income.

## **LEGAL IMPLICATIONS:**

MFMA processes to be adhered to in the absence of a current lease agreement between the municipality and the ACVV.

## **CONSULTATION WITH OTHER PARTIES:**

Area Manager Lambertsbay; Christo Visser Attorneys, Albertus Erasmus Attorneys and ACVV

Comments by CFO

Comments by Technical Department

Comments by Manager Public Participation

Comments by Manager Housing

## **RECOMMENDATION**

That in respect

**PROPOSED ENTERING INTO A LEASE AGREEMENT: ERF 334 ELANDS BAY: ACVV  
WIELIE WALIE CRECHE**

**discussed by Council at the Council Meeting held on 31 October 2016:**

1. Council take cognisance of the report;
2. Council in principle supports the lease of the abovementioned property for a period of three (3) years to ACVV subject to the transfer of the property to Cederberg municipality.
3. Recommendation in 2 above is done within the framework of the MFMA, 56 of 2003, and Council's Asset Transfer Regulations.

**RESOLVED**

**That in respect**

**PROPOSED ENTERING INTO A LEASE AGREEMENT: ERF 334 ELANDS BAY: ACVV  
WIELIE WALIE CRECHE**

**discussed by Council at the Council Meeting held on 31 October 2016:**

1. Council take cognisance of the report;
2. Council in principle supports the lease of the abovementioned property for a period of three (3) years to ACVV subject to the transfer of the property to Cederberg municipality.
3. Recommendation in 2 above is done within the framework of the MFMA, 56 of 2003, and Council's Asset Transfer Regulations.

**Proposed:** Cllr. J Barnard

**Seconded:** Cllr. J Meyer

### **9.1.7 REQUEST TO NAME THE NEW MULTI-PURPOSE HALL ELANDS BAY AND UPGRADED RECREATION HALL LAMBERTS BAY: WARD 5**

**Ref.: 17/6/2**

**Director Community Development Services: J France  
Compiled: PL Volschenk**

#### **PURPOSE**

1. To obtain council's in principle approval to give names to the newly constructed multi-purpose centre in Elands bay as well as the upgraded recreation hall in Lamberts bay; and
2. Proceed with a public participation process in this regard.

#### **BACKGROUND**

A request has been received from the ward councillor and also the Speaker for Cederberg municipality, Councillor WJ Farmer, that a process be started to name the newly constructed multi-purpose hall in Elands bay as well as the upgraded recreation hall in Lamberts bay, both situated in ward 5.

The multi-purpose hall in Elands bay is a brand new facility recently completed and will accommodate the municipal offices, library and other government departments.

The upgrading of the recreation hall in Lamberts bay, have also been completed. This hall, originally constructed in the late 1970's/80's, is known in general terms as the "Ontspanningsaal" or "Jukskeisaal".

It is requested that a process be started to suitably name these to venues in terms of council's approved public participation policy.

#### **PERSONNEL, LEGAL AND FINANCIAL IMPLICATIONS**

- None, however, all requirements in terms of the public participation policy must be met.

#### **Other parties consulted:**

Speaker and ward councillor for ward 5, Councillor WJ Farmer

#### **RECOMMENDATION**

**That in respect of the**

#### **REQUEST TO NAME THE NEW MULTI-PURPOSE HALL ELANDS BAY AND UPGRADED RECREATION HALL LAMBERTS BAY: WARD 5**

**discussed by Council at the Council Meeting held on 31 October 2016:**

1. Council approves in principle that names be given the newly constructed Multi-purpose hall in Elands bay as well as the upgraded recreation hall Lamberts bay;
2. A report to be submitted to council for final consideration after the process of public participation had been completed.

**RESOLVED**

**That in respect of the**

**REQUEST TO NAME THE NEW MULTI-PURPOSE HALL ELANDS BAY AND  
UPGRADED RECREATION HALL LAMBERTS BAY: WARD 5**

**discussed by Council at the Council Meeting held on 31 October 2016:**

1. Council approves in principle that names be given the newly constructed Multi-purpose hall in Elands bay as well as the upgraded recreation hall Lamberts bay;
2. A report to be submitted to council for final consideration after the process of public participation had been completed.

**Proposed:** Cllr. F Sokuyeka

**Seconded:** Cllr. B Zass

### **9.1.8 DEVIATION FROM AND RATIFICATION OF MINOR BREACHES OF, PROCUREMENT PROCESSES**

**Ref.: 8/1/B**

**Chief Financial Officer: ER Alfred**

#### **BACKGROUND**

(1) The accounting officer may-

- (a) dispense with the official procurement processes and to procure any required goods or services through any convenient process in terms of Section 36 of the SCM Regulations.

#### **DISCUSSION**

In terms of Government Notice no 27636 dated 30 May 2005 the Supply Chain Management Regulations states the following to section 36:

(1) A supply chain management policy may allow the accounting officer-

- (a) To dispense with the official procurement processes established by the policy and to procure any required goods or services through any convenient process, which may include direct negotiations, but only-
  - (i) in an emergency;
  - (ii) If such goods or services are produced or available from a single provider only;
  - (iii) For the acquisition of special works of art or historical objects where specifications are difficult to compile;
  - (iv) Acquisition of animals for zoos; or
  - (v) In any other exceptional case where it is impractical or impossible to follow the official procurement processes; and
- (b) To ratify any minor breaches of the procurement processes by an official or committee acting in terms of delegated powers or duties which are purely of a technical nature.

(2) The accounting officer must record the reasons for any deviations in terms of subregulation (1)(a) and (b) and report them to the next meeting of the council, or board of directors in the case of a municipal entity, and include as a note to the annual financial statements.

(3) Sub-regulation (2) does not apply to the procurement of goods and services contemplated in regulation 11(2).

## **APPLICABLE LEGISLATION**

The Municipal Supply Chain Management Regulations (2005).

## **FINANCIAL IMPLICATIONS**

The attached transaction amounts was processed for the month of July 2016 till September 2016, and are therefore tabled in terms of Sec .36 (2) of SCM policy before Council for information.

### **Comment of Directorates / Departments concerned:**

Municipal Manager:	Noted
Acting Director: Corporate and Strategic Services:	Noted
Director: Financial Services:	Noted
Director: Engineering and Planning Services:	Noted
Director: Community Development Services:	Noted

## **RECOMMENDATION**

**That in respect of:**

### **DEVIATION FROM AND RATIFICATION OF MINOR BREACHES OF, PROCUREMENT PROCESSES**

**discussed by Council at the Council meeting held on 31 October 2016:**

1. Council, in terms of section 36 of the Supply Chain Management Regulations, takes cognisance and approve the transactions for the month of July 2016, August 2016 and September 2016.

## **RESOLVED**

**That in respect of:**

### **DEVIATION FROM AND RATIFICATION OF MINOR BREACHES OF, PROCUREMENT PROCESSES**

**discussed by Council at the Council meeting held on 31 October 2016:**

1. Council, in terms of section 36 of the Supply Chain Management Regulations, takes cognisance and approve the transactions for the month of July 2016, August 2016 and September 2016.
2. That the deviation report for the months of July 2016, August 2016 and September 2016 be referred to the Municipal Public Accounts Committee for further discussions and investigations.

**Proposed:** Cllr. R Pretorius

**Seconded:** Cllr. B Zass

### **9.1.9 AANBRING VAN ALTERNATIEWE TAXI STAANPLEKKE TE CLANWILLIAM**

**Verw.:17/8**

**Direkteur Gemeenskap Ontwikkelingsdienste: J France**

**Saamgestel: P Titus**

#### **DOEL**

Om goedkeuring van die Raad te verkry vir die aanbring van alternatiewe taxi staanplekke te Clanwilliam.

#### **AGTERGROND**

Daar is huidiglik slegs een taxirank te Clanwilliam wat gelee is te Visserstraat naby Ou Kaapse weg. Die ligging van die taxirank is ver van sentrale besigheid, wat gevolg het dat pendelaars, veral pensioenarisse, ver moet loop om 'n taxi te haal.

Dit het ook die gevolg dat onwettig taxi operateurs 'n geleentheid sien om onwettige taxi praktyke daar te stel.

Ons het alternatiewe staanplekke vir wettige taxi operateurs ondersoek en die volgende plekke is geïdentifiseer:

- Khayelitsha by eensame boompie.
- Visserstraat – agter spar. ( Drie afgemerkte staanplekke word beoog).
- Straat tussen spar en Nedbank ( Drie afgemerkte staanplekke word beoog).
- Hoofstraat Oorkant U-safe - ( Drie afgemerkte staanplekke word beoog).

Die taxi staanplekke sal duidelik gemerk word met geelverf en die nodige padtekens sal aangebring word. Die aangeleentheid was ook besluit, in oorleg met die Onder Burgermeester, Verkeershoof en die plaaslike Taxi vereniging op 'n vergadering met die plaaslike taxi vereniging.

#### **AANBEVELING**

**Dat ten opsigte van**

#### **AANBRING VAN ALTERNATIEWE TAXI STAANPLEKKE TE CLANWILLIAM**

**bespreek deur die Raad by die Raadsvergadering van 31 Oktober 2016:**

- a) Dat die bogenoemde taxi staanplekke goedgekeur word deur die Raad vir implimentering;



- b) Dat die tekens en padmerke so gou moontlik, na raadsbesluit, geimplimeteer word deur die Verkeershoof; en
- c) Dat die plaaslike Taxi vereniging sodanig ingelig word rakende die nuwe staanplekke.

## **BESLUIT**

**Dat ten opsigte van**

### **AANBRING VAN ALTERNATIEWE TAXI STAANPLEKKE TE CLANWILLIAM**

**bespreek deur die Raad by die Raadsvergadering van 31 Oktober 2016:**

- a) Dat die bogenoemde taxi staanplekke goedgekeur word deur die Raad vir implimentering;
- b) Dat die Hoofstraat oorkant U-save (Beoogde 3 staanplekke) nie goedgekeur word nie en sodanig van die lys met die geïdentifiserde staanplekke verwyder word;
- c) Dat die tekens en padmerke so gou moontlik, na raadsbesluit, geimplimeteer word deur die Verkeershoof; en
- d) Dat die plaaslike Taxi vereniging sodanig ingelig word rakende die nuwe staanplekke.

**Voorstel:** Rdl. M Nel

**Sekondant:** Rdl. R Pretorius

**9.1.10**

**SALE OF COMPANY HOUSES: CITRUSDAL**

**Ref: 17/5/R**

**Director Community Development Services: J France**

**Compiled: P Jantjies**

**BACKGROUND**

Approximately 30 to 35 years ago a certain Mr Gert van Rooyen - A shop owner in Citrusdal build four houses for his employees on municipal land. The numbers of the plots are respectively 3594, 2341, 2340 and 2338. The inhabitants of the houses could not get ownership of the property as the land belongs to the municipality.

During 2000/2001, there was a sales contract drafted that was signed by the then Mayor Mr Jannie Meyer and Municipal Manager Mr Louis Volschenk, for the amount of R16000 per house in order to give the residents the opportunity to register the property in their name. (It can be concluded that the amount provides for the total property the top structure including - it while the top structure actually a gift was from the employer.) The transfer would then be dealt with by local lawyer in the amount of R2000 each. Of course not one of the residents had the money the transaction could not be concluded.

The municipality submitted an application to Province for a subsidy for the inhabitants, that was also granted. The money, however, was never claimed and the money was returned to The Department. Meanwhile, some of the residents began to pay off the transfer costs. Because of the money situation, the project therefore was never dealt with and put the residents still in the unsavoury problem.

Furthermore, at the time (also by the employer) a portion to one of the houses existing block (on site in 2341) to allow a single lady to stay there. (This lady has since deceased. She was never married and apparently also had no children. After her death family adopted the property and now they lease the house to someone else) The site on which this extension are done was also divided, with its own erf number and is known as a panhandle erf.

**DISCUSSION**

Given the course of time and the fact that the residents were harmed to obtain home ownership it would be just right to sell the houses at a reduced price to the residents.

## **LEGAL IMPLICATIONS**

All indications from the scanty information available to us, suggest that the former Citrusdal council took a decision that these houses be registered in the names of beneficiaries. It is precisely hence mention is made of the subdivision of the land for the aforesaid purpose and purchase contracts to be concluded with the householders. It suggests, however, that the board of Citrusdal ownership would enhance the property and register it in the names of the people. However, the transaction was then never brought administratively to finality and finalized. Note that the event took place before the regulation of the MFMA. However, it would now be unreasonable and unfair against the inhabitants to follow the MFMA route through the ground now after all these years been sold to them at the current market-related value.

## **SOURCES CONSULTED**

Mr. Craig Sheldon

Mr. Louis Volschenk

## **COMMENTS**

Mr. Craig Sheldon - see legal implication

Mr. Louis Volschenk - None

CFO - None

## **FINANCIAL IMPLICATIONS**

Revenue generated from the sale of the properties.

## **RECOMMENDATION**

**That in respect of the**

**SALE OF COMPANY HOUSES: CITRUSDAL**

**discuss by Council at the Council Meeting held on 31 October 2016:**

- a. That Council takes cognisance of BK8.1.1/28-09-2016;
- b. That Council approve that these houses be alienated to the current residents at a cost of R200,00 plus VAT, and
- c. That the current residents be held accountable for the payment of transfer fees.

**RESOLVED**

**That in respect of the**

**SALE OF COMPANY HOUSES: CITRUSDAL**

**discuss by Council at the Council Meeting held on 31 October 2016:**

- a. That Council takes cognisance of BK8.1.1/28-09-2016;
- b. That Council approve that these houses be alienated to the current residents at a cost of R200,00 plus VAT, and
- c. That the current residents be held accountable for the payment of transfer fees.
- d. That the MFMA regulations be followed accordingly.

**Proposed:** Cllr. J Barnard

**Seconded:** Cllr. R Pretorius

**9.1.11**

**REVIEW OF HUMAN RESOURCES POLICIES**

**Acting Director Corporate & Strategic Services: H Witbooi**

**PURPOSE**

To review the attached policies and workshop same before final approval

**AGTERGROND / BACKGROUND**

The attached list of policies has been approved and must be reviewed on an annual basis. It is proposed that Council workshop the following attached policies before final approval:

- Health & Safety
- HIV/Aids
- Recruitment & Selection
- Relocation
- Sexual Harassment
- Smoking Policy
- Substance abuse
- Employee Study Aid and Leave

**FINANCIAL IMPLICATION**

None

**LEGISLATIVE IMPLICATION**

The attached policies must be submitted to the Local labour Forum for consultation

**RECOMMENDATION**

**That in respect of the**

**REVIEW OF HUMAN RESOURCES POLICIES**

**discuss by Council at Council Meeting held on 31 October 2016:**

That Council:

- A. That Council review and approve in principle the following policies:
- (i) Health & Safety
  - (ii) HIV/Aids
  - (iii) Recruitment & Selection

- (iv) Relocation
  - (v) Sexual Harassment
  - (vi) Smoking Policy
  - (vii) Substance abuse
  - (viii) Employee Study Aid and Leave
- B. That the above mentioned policies be workshopped with the relevant functionaries; and
- C. That final approval be granted at a following Council meeting after the policies have been consulted with the Local Labour Forum.

**RESOLVED**

**That in respect of the**

**REVIEW OF HUMAN RESOURCES POLICIES**

**discuss by Council at Council Meeting held on 31 October 2016:**

- A. That Council review and approve in principle the following policies:
  - (ix) Health & Safety
  - (x) HIV/Aids
  - (xi) Recruitment & Selection
  - (xii) Relocation
  - (xiii) Sexual Harassment
  - (xiv) Smoking Policy
  - (xv) Substance abuse
  - (xvi) Employee Study Aid and Leave
- B. That the above mentioned policies be workshopped with the relevant functionaries; and
- C. That final approval be granted at a following Council meeting after the policies have been consulted with the Local Labour Forum.

**Proposed:** Cllr. F Sokuyeka

**Seconded:** Cllr. E Majikejela

### **9.1.12 REQUEST TO PURCHASE A PORTFION OF ERF 52 ELANDS BAY AND TO BE CONOLIDATED WITH ERF 10 IN ELANDS BAY**

**Acting Director Corporate and Strategic Services:** H Witbooi

**Compiled:** C Sheldon

#### **PURPOSE**

To obtain an in principle decision from Council whether to alienate the portion of erf 52 to the applicant, Silver Moon Investment (Pty) Ltd, as requested by them.

#### **BACKGROUND**

The Municipality of Cederberg received a request from Silver Moon, the owner of erf 10 Elands Bay, to purchase a portion of erf 52, which belongs to the municipality. (See attachment of CK Rumboll & Partners). The portion of the subject portion of land (erf 52) that they wish to purchase is approximately 163m<sup>2</sup> and to be consolidated with erf 10. The consolidation of the erven are for parking purposes for the proposed development of flats on erf 10 (See attached Motivational Report).

#### **FINANCIAL IMPLICATION**

It should be noted that all applicable costs with regards to this transaction should be for the applicants' account. Councils' attention is drawn to the offer to purchase amount of R 98 000.00 as calculated by the applicant (See attached CK Rumboll report)

#### **LEGAL IMPLICATION**

When Council considers the alienation or lease of immovable property, the **following must be complied with:**

- i) Consider the determinations as envisaged in terms of Section 14(2) of the MFMA which must be made **in respect of alienation of land,**
- ii) **Take into account the issues as contained in Regulations 7 and 11 of the ATR in respect of the alienation of immovable property, and**
- iii) **Comply with the general procedures as laid down in Chapters 2 and 4 of the ATR.**

**Any transfer of ownership of a capital asset must be fair, equitable, transparent, competitive and consistent with the SCM policy of Council.** As a general principle, immovable property offered by council for sale or lease, shall be

sold or leased by public competition. Council may however approve the direct lease or sale of property in circumstances set out above.

Immovable property will be sold or leased at a reasonable market value except when the public interest or the plight of the poor demands otherwise. Council may likewise determine subsidized selling prices or lease rates in respect of certain classes of property in order to promote Council's functions or goals as set out in the Constitution. **Should it be intended to transfer immovable property for less than its fair market value, the considerations listed under regulation 13(2) of the ATR, must be taken into account.**

Council will enjoy a right of pre-emption in the instance of purchasers applying to re-sell undeveloped immovable property purchased from Council. Immovable property may only be used for the purpose as approved by council and in accordance with the approved town planning scheme/s or spatial development framework.

No transactions shall be processed unless the applicant has confirmed in writing that the applicant will bear all applicable costs as set out above **and also confirmed that all other conditions imposed by the Municipality will be complied with.**

## **RECOMMENDED**

**That in respect of the**

**REQUEST TO PURCHASE A PORTFION OF ERF 52 ELANDS BAY AND TO BE CONSOLIDATED WITH ERF 10 IN ELANDS BAY**

**discuss by Council at Council Meeting held on 31 October 2016:**

1. Council approves in principle the alienation of the identified portion of immovable land in terms of section 14 of the MFMA and the Asset Transfer Regulations as well as the Supply Chain Management Policy and any other related legislative requirements.
2. The administration to be mandated to commence with the disposal process.
3. Council to resolve that the asset on reasonable grounds are not needed to provide the minimum level of basic municipal services; and



4. Council to consider the fair market value of the asset and the economic and community value to be received in exchange for the asset.
5. That the administration be mandated to go ahead with the alienation of the identified portion of immovable land as per the determined fair market value.

**RESOLVED**

**That in respect of the**

**REQUEST TO PURCHASE A PORTFION OF ERF 52 ELANDS BAY AND TO BE  
CONSOLIDATED WITH ERF 10 IN ELANDS BAY**

**discuss by Council at Council Meeting held on 31 October 2016:**

- a) That Council referred the item to Mayco for further discussion; and
- b) The item be tabled before Council at the next Council Meeting.

**Proposed:** Cllr. R Pretorius

**Seconded:** Cllr. J Meyer

### **9.1.13 HIGH MAST LIGHTS FOR KHAYELITSHA INFORMAL SETTLEMENT, CLANWILLIAM**

**Director Infrastructure and Technical Services: P Majeni**

**Compiled: J. van Zyl**

#### **PURPOSE**

The purpose of this report is to inform Council of the Municipal Infrastructure Grant (MIG) application for funding of 6 high mast lights for the informal settlement in Khayelitsha, as well as to obtain a Council Resolution to support this urgent application.

#### **BACKGROUND**

On 8 December 2015, the Department of Community Development Services tabled an item to Council regarding problems/ challenges in Khayelitsha and pro-active measurements to address them (RB 703/08-12-2015).

The informal settlement of Khayelitsha in Clanwilliam has seen an unprecedented increase in the number of informal structures over the past few years. This increase has led to a number of challenges including health issues. According to SAPD statistics as at December 2015, there had been a huge increase in crime ranging from minor offences to murder.

Furthermore, the unstructured nature of the informal area (especially the new shacks) has made it virtually impossible for the SAPD to do adequate policing in the settlement. This was highlighted during numerous meetings held to date between the SAPD, community policing forum and Cederberg Municipality.

It has therefore become important for Cederberg Municipality to put measures in place to mitigate the negative impacts of the settlement of people in Clanwilliam. One of these measures includes an urgent installation of high mast lights for the area. This requirement will be included in the municipality's Integrated Development Plan.

#### **DISCUSSION**

The MIG project application comprises of the installation of 6 new 20m high masts each with 4x400W HPS or similar light fittings, spaced approximately 250m apart.

## **FINANCIAL IMPLICATIONS**

The total project cost is R 1 866 300.00 VAT inclusive with the municipality required to counter fund R 213 532.00 of this cost and MIG R 1 423 573.00. (R229 195 VAT)

## **APPLICABLE LEGISLATION**

- The Constitution of the Republic of South Africa

## **Comment of Directorates/Departments concerned:**

- |                                 |                        |
|---------------------------------|------------------------|
| • Municipal Manager:            | Support recommendation |
| • Director: Corporate Services: | Support recommendation |
| • Director: Financial Services: | Support recommendation |
| • Director: Community Services: | Support recommendation |

## **RECOMMENDATION**

**That in respect of the**

**HIGH MAST LIGHTS FOR KHAYELITSHA INFORMAL SETTLEMENT, CLANWILLIAM  
discuss by Council at Council Meeting held on 31 October 2016:**

1. That Council approves the application for Municipal Infrastructure Grant (MIG) funding of 6 high mast lights for Khayelitsha informal settlement in Clanwilliam.

## **RESOLVED**

**That in respect of the**

**HIGH MAST LIGHTS FOR KHAYELITSHA INFORMAL SETTLEMENT, CLANWILLIAM  
discuss by Council at Council Meeting held on 31 October 2016:**

1. That Council approves the application for Municipal Infrastructure Grant (MIG) funding of 6 high mast lights for Khayelitsha informal settlement in Clanwilliam.

**9.1.14**

**GAP/AFFORDABLE HOUSING:  
CONSIDERATION OF SECTION 14 OF THE MFMA FOR DISPOSAL OF  
CAPITAL ASSETS**

**Director Community Development Services:** J France

**Responsible Official:** S. Mouton

**PURPOSE**

To get an in principle decision from council for the disposal of immovable land identified by the administration for GAP housing development, in accordance with section 14 of the MFMA (disposal of assets) for the planning and implementation of various parcels of land in Cederberg Municipal area for the GAP housing market.

“That in respect of

DISPOSAL OF IMMOVABLE LAND: **RB 533/ 25-09-2014**, Ref: **17/5/R**”, this report was aimed to identify opportunities for Cederberg Council to alienate immovable property (real estate land) for economic benefit and for the provision of GAP housing opportunities.

The properties hereunder were listed as part of the areas identified for GAP Housing projects, and are now obtaining approval from council in adopting these properties, for alienation and expropriation of immovable properties, through an open tender process.

**STRATEGIC OBJECTIVES** (The customer value proposition)

To accelerate higher and shared economic growth and development

To fight poverty, build clean, healthy, safe and sustainable communities

Foster participatory democracy and Batho Pele principles through caring, accessible and accountable services

Ensure good governance, financial viability and optimal institutional transformation with capacity to execute its mandate

**BENEFITS OF PRIVATE PROPERTY OWNERSHIP/BUSINESS OWNERSHIP**

Create opportunities for owners to obtain credit by offering land/property as security to financial institutions

Creates social sustainability

Widens the Municipality's rates and taxes income bases

To alleviate the land /housing need of Municipal and other Government officials

## BACKGROUND

The IDP of Cederberg Municipality identified and prioritised economic development, GAP Housing as a priority and access to land for the historically disadvantaged communities. It has become imperative to address their plight for housing and land. By making the identified land available for these purposes this will afford the GAP market an opportunity to become owners of land.

Cederberg Municipality has residential land available at its disposal, some serviced and others not.

It is Cederberg Municipality's intention to contribute to the alleviation of the housing challenges facing our communities and specific those who fall outside the income bracket of full state subsidize housing, by availing pieces of land at its disposal through supply chain management processes. This should also entail a process to determine the market value of the identified plots and furthermore exploit the option of dispose not service land to potential developers, to fast track the GAP market and alleviate our current Housing Demand Database in Cederberg Municipality.

### AREAS/TOWN

### LAMBERTSBAY

RESIDENTIAL ERVEN: 1186-1189 FAROA STREET	
Erf Description	Erven 1186,1187,1188 and 1189 Faroa and Vraagom Street
Locality	Located in the established residential area on the eastern side of Lambertsbay
Urban Edge	The area is included in the urban edge of Lambertsbay
Spatial Development Framework (SDF)	Residential area
Ownership	Cederberg Municipality
Extent	Erf 1186- 334m <sup>2</sup>  Erf 1187-286m <sup>2</sup>  Erf 1188-499m <sup>2</sup>  Erf 1189-464m <sup>2</sup>
Development proposal	Vacant residential erven for infill
Development rights	All land use right are in place
Zoning	Residential
Current use	Vacant
Valuation	No valuation has been done
Services	Uncertainty regarding connection to services
Capacity and detail of bulk infrastructure	To be confirmed by Municipal Engineering department
General notes	Vacant residential erven for infill development
Recommendation	Confirm connection and availability of services- <b>TO BE SOLD</b>

## **9.2 Urgent matters submitted by the Municipal Manager**

### **9.2.1 NOMINATION OF COUNCILORS TO SERVE AS SALGA REPRESENTATIVES ON PLENARY- AND EXECUTIVE COMMITTEE OF THE WESTERN CAPE DIVISION OF THE SALGBC**

**Ref: (4/3/3)**

**Acting Municipal Manager: GF Matthyse**

#### **PURPOSE**

The purpose of the item is to obtain nominees from Council to serve as SALGA representatives on the Western Cape Division of the SALGBC.

#### **BACKGROUND**

The South African Local Government Association (SALGA) Provincial Conference took place in Cape Town, from 19 to 21 October 2016, to elect the Provincial Executive Committee (PEC). The newly elected PEC must now appoint members to serve as SALGA representatives on the below structures of the Western Cape Division of the South African Local Government Bargaining Council (SALGBC). (See attached: SALGA Circular with reference number: 11/1/3/5/R):

#### **1. PLENARY**

Twelve Councillors from the municipalities in the Western Cape, excluding the City of Cape Town, must serve as members (SALGA representatives) on the plenary committee of the SALGBC, which meets once a year in August / September. The plenary committee considers issues such as:

- a) Election of office bearers of the Division;
- b) Appointment of the panel of conciliators and arbitrators;
- c) Annual report on the activities of the division;
- d) Other matters submitted by any party to the division

#### **2. EXECUTIVE COMMITTEE**

Five Councillors from the twelve councillors serving on the plenary committee must serve on the Executive Committee, and they will meet at least six (6) times per annum. The Executive committee considers issues such as:

- a) Annual budget of the division;
- b) Quarterly and annual income and expenditure statements;
- c) Approval of the year planner;

- d) Appointment and review of panel of conciliators and arbitrators;
- e) Matters referred by the Divisional plenary;
- f) Job Evaluation;
- g) Supervise divisional bargaining where applicable;
- h) Supervise conclusion of minimum service agreements;
- i) Reports regarding disputes referred to the division;

SALGA requested that councillors with the necessary experience in Collective Bargaining be nominated to serve on the abovementioned structures, and as such, nominations must be accompanied by the nominated Councillors' experience. The Provincial Executive Committee will then choose from the nominations, members to serve as the SALGA Western Cape representatives on the structures of the Western Cape Division of the SALGBC.

#### **FINANCIAL IMPLICATION**

None.

#### **LEGISLATIVE IMPLICATION**

None.

#### **RECOMMENDATION**

That Council:

- A. Nominate a Councillor(s) to serve as SALGA representative on the plenary, by name(s) \_\_\_\_\_
- B. Task the nominated councillor(s) to submit a motivation, which includes the councillor's experience in Collective Bargaining to the administration;
- C. Task the administration to submit the nomination(s) including the motivation(s) to SALGA Western Cape not later than Wednesday 09 November 2016.

**RESOLVED**

**That in respect of the**

**NOMINATION OF COUNCILORS TO SERVE AS SALGA REPRESENTATIVES ON  
PLENARY- AND EXECUTIVE COMMITTEE OF THE WESTERN CAPE  
DIVISION OF THE SALGBC**

**discussed by Council at the Council Meeting held on 31 October 2016:**

- a) That Council Nominate Cllr. J Barnard to serve as SALGA representative on the plenary;
- b) Task Cllr. J Barnard to submit a motivation, which includes the councillor's experience in Collective Bargaining to the administration;
- c) Task the administration to submit the nomination(s) including the motivation(s) to SALGA Western Cape not later than Wednesday 09 November 2016.

**Proposed:** Cllr. J Meyer

**Seconded:** Cllr. F Sokuyeka



### 9.3 Matters for notification

### 9.4 Consideration of notices of motion

#### Rules of Order for internal Arrangement

##### Part 4

#### 4. Notice of motion

- (1) Unless contained otherwise in these Rules, written notice of intent by a member to introduce a motion must be provided accompanied with a motivation, signature of mover and member seconding the motion as well as the date. Such notice must be delivered to the Municipal Manager at least six working days prior to the date of the meeting on which it is intended to be introduced. It shall incorporate a motivation, signature and date. The speaker may not accept any motion other than motion/s of exigency or motion/s of course unless notice has been provided.

### 9.5 Consideration of notices of questions

#### Rules of Order for internal Arrangement

##### Part 4

#### 3. Notice of question

Unless contained otherwise in these Rules, written notice must be provided of intention by a member to introduce a question. Such notice shall be effected at least six working days before the date of the meeting on which it is intended to be introduced. It shall incorporate a motivation, signature and date.

Consideration of notice of question tabled by Councillor R Witbooi.

### RESOLVED

That in respect of the

### CONSIDERATION OF NOTICES OF QUESTIONS

discuss by Council at Council Meeting held on 31 October 2016:

- a) Council approve the following matters to be investigated:
- i. Employees and Councillors bringing the Municipality and Council in disrepute on social media;
  - ii. Orchestrating illegal marches;
  - iii. That the request of the Executive Mayor to have the unauthorised disclosure of confidential information be investigated.

**Proposed:** Cllr. R Pretorius

**Seconded:** Cllr. E Majikejela

## **9.6 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.

<b>10. CLOSURE</b>
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**VOORSITTER / CHAIRPERSON**

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**DATUM / DATE**