

DRAKENSTEIN MUNICIPALITY

MINUTES OF AN ORDINARY MEETING OF THE MUNICIPAL COUNCIL HELD IN THE COUNCIL CHAMBERS, CIVIC CENTRE, BERG RIVER BOULEVARD, PAARL ON WEDNESDAY, 26 OCTOBER 2011 AT 14:00.

PRESENT: Councillors (see attached schedule)

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| Senior Officials: | Mr D Smit | (Acting Municipal Manager) |
| | Mr T Matthee | (Executive Director: Social Services) |
| | Dr P Naidoo | (Executive Director: Strategic Services) |
| | Mr L Coetzee | (Executive Director: Infrastructure & Planning) |
| | Mr H Barnard | (Acting Executive Director: Financial Services) |
| | Mr A Marais | (Acting Executive Director: Corporate Governance) |
| | Mr C Mapeyi | (HOD: Finance) |
| | Mr M Fredericks | (Acting HOD: Electrical Services) |



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| 1. CONSIDERATION OF APPLICATIONS BY COUNCILLORS FOR LEAVE OF ABSENCE FROM COUNCIL/COMMITTEE MEETINGS |
| OORWEGING VAN AANSOEKE DEUR RAADSLEDE VIR VERLOF VAN AFWESIGHEID VAN RAAD/KOMITEEVERGADERINGS |

The following applications for leave of absence were approved:-

- 1) Clr C Meyer 26 October 2011;
- 2) Clr J G Rademeyer 26 October 2011; and
- 3) Clr M W Nothnagel requested and was granted permission to leave at 15:00.

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| 2. CONFIRMATION OF MINUTES / BEKRAGTIGING VAN NOTULE |
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The minutes of the Municipal Council meeting held on 28 September 2011 was **confirmed as correct.**

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| 3. MINUTES: COMMITTEE MEETINGS / NOTULES: KOMITEEVERGADERINGS |
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Noted.

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| 4. STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR/EXECUTIVE DEPUTY MAYOR |
| VERKLARINGS EN MEDEDELINGS DEUR DIE UITVOERENDE BURGEMEESTER/UITVOERENDE ONDERBURGEMEESTER |

The Executive Mayor reported Clr Dr N D Adams was nominated to serve on the District Health Council.

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| 5. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER |
| VERKLARINGS EN MEDEDELINGS DEUR DIE SPEAKER |

The Speaker made the following announcements:-

1. Ward projects proposals with the minutes of the Ward Committee meeting where such proposals were agreed to, need to be submitted by Monday, 31 October 2011. Ward projects must be approved by the Executive Mayor.
2. The Code of Conduct for Ward Committee members has been finalized and will be distributed to all ward committee members;
3. A list of NGO's active in the Drakenstein Area was available to Ward Councillors to assist with implementation of ward projects;
4. The allocation of PR councillors to wards to serve as ad-hoc members of Ward Committees have been completed and Whips of parties would be informed accordingly;
5. Ward Committee training sessions will be arranged for end of November 2011;

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6. Councillors celebrating their birthdays during October were congratulated;
7. Councillor L E Ntlemeza has been delegated to serve in the Fraud and Risk Management Committee;
8. Councillor Adams taking over as chairperson of Training and Wellness committees from Councillor Smit.
9. The nomination of a councillor from the small parties to serve on the ad-hoc Committee in the drafting of the Liquor By-Law must still be done. The Chief Whip undertook to convene with the smaller parties after the Council meeting and forward the name to the Speaker; and
10. The Speaker extended a word of welcome to the Mr H Barnard, Acting CFO. On a question as to how the appointment of the Acting CFO was made, the Acting Municipal Manager responded by indicating that Council delegated such powers to the Acting Municipal Manager.

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| 6. STATUTORY MATTERS / STATUTÊRE SAKE |
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The Speaker informed Council of the Municipal Systems Amendment Act 2011, (Act No 7 of 2011) of 2011 that was signed into law by the President and highlighted some provisions in the Act. The Speaker indicated that the full act would be distributed to all councillors.

Noted.

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| 7. CONSIDERATION OF REPORTS BY THE EXECUTIVE MAYOR AND MAYORAL COMMITTEE |
| OORWEGING VAN VERSLAE DEUR DIE UITVOERENDE BURGEMEESTER EN BURGEMEESTERSKOMITEE |
| UKUQWALASELWA KWEENGXELO YI EXECUTIVE MAYOR NE MAYORAL COMMITTEE |

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| 7.1 ESTABLISHMENT OF THE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) |
| INSTELLING VAN DIE MUNISIPALE OPENBARE REKENINGE KOMITEE |
| UKUMILISELWA KWE MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC) |

The ANC requested that the matter and particularly the issue of the chairperson be fully debated at the next meeting.

RESOLVED

1. that the establishment of the Municipal Public Accounts Committee in terms of the National Treasury guidelines, 2011 be approved;
2. that the Municipal Public Accounts Committee's terms of reference be adopted once the Municipal Public Accounts Committee has been established; and

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3. that the representation of political parties and members of the Municipal Public Accounts Committee be finalized at the next Council meeting.

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| Meeting: Ref No: Doc No: | Council – 26/10/2011 3/3/1/3/18 153756 | Submitted by Directorate: Author/s: Referred from: | Acting Municipal Manager Dennis Smit EM&MC – 19/10/2011 |
| <u>CLAUSE:</u> | <u>ACTION:</u> Resubmit | <u>RESPONSIBLE DEPT:</u> Admin Manager | <u>DUE DATE:</u> |

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| 7.2 COMPOSITION AND REMUNERATION OF THE AUDIT COMMITTEE |
| SAMESTELLING EN BESOLDIGING VAN DIE OUDITKOMITEE |
| UKWKHIWA NNENTLASULO YEKOMITI YOKUPHENGULULA INCWADI |

UNANIMOUSLY RESOLVED

1. that the current Audit Committee members be allowed to serve until the expiry date of their contracts, i.e 31 March 2012;
2. that the size of the Audit Committee be reduced from 8 members to 5 members effective from 1 April 2012;
3. that the Audit Committee be re-composed on 1 April 2012 and vacant positions be identified and advertised. Provision to be made for staggered terms for members to ensure continuity;
4. that Ordinary members be remunerated at R806,00 per hour and the Chairperson be remunerated at R994,00 per hour, with an inflation adjustment from 1 July of each year, based on the % increase in the tariffs published by the Institute of Chartered Accountants;
5. that all Audit Committee members be remunerated for 3 hours preparation time for meetings scheduled before 31 March 2012 and that Audit Committee members appointed or re-appointed after 31 March 2012 be remunerated for 2 hours preparation time;
6. that the remuneration payable to the Chairperson for preparing the agenda (currently 2 hours) be reduced to 1 hour per scheduled meeting. This remuneration is in addition to the preparation time that all committee members receive and will be implemented from 1 November 2011;
7. that Audit Committee members be remunerated for Ad hoc meetings and special work required by Council, the Executive Mayor or Municipal Manager, provided that the Municipal Manager pre-approve the service required; and
8. that the travelling expenses be paid according to the Municipal Subsistence and Travel Policy.

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| Meeting: Ref No: Col No: | Council – 28/09/2011 3/3/1/3/9 154838 | Submitted by Directorate: Author/s: Referred from: | Acting Municipal Manager T Traut EM&MC – 19/10/2011 |
| | <u>ACTION:</u> Inform AC | <u>RESPONSIBLE DEPT:</u> Internal Audit | <u>DUE DATE:</u> |

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| 7.3 PROPOSED AMENDMENTS TO PARKING METERS BY-LAW AND PROPOSED NEW BY-LAW FOR THE DEMARCATION AND ADMINISTRATION OF CONTROLLED PARKING AREAS |
| VOORGESTELDE WYSIGINGS TOT DIE VERORDERING INSAKE PARKEERMETERS EN VOORGESTELDE NUWE VERORDENING VIR DIE AFBAKENING EN ADMINISTRASIE VAN BEHEERDE PARKEER AREAS |
| ISIPHAKAMISO ZOKULUNGISA UMTHETHO WEDOLOPHU WEMITA ZOKUPAKA KUNYE NOMTHETHO WEDOLOPHU OMTSHA WOKUCANDA KUNYE NOLAWULO LWENDAWO ZOKUPAKA |

Members raised certain issues/ complaints regarding the management of the CBD parking.

UNANIMOUSLY RESOLVED

1. that the following By-laws, attached hereto, be finally adopted and promulgated in the Provincial Gazette:
 - i. Amendment of By-law 9/2007 relating to Parking Meters;
 - ii. By-law for the Demarcation and Administration of Controlled Parking Areas, 2011; and
2. that a copy of the contract with the developer regarding CBD parking be made available to all councilors;
3. that the responsible department arrange a meeting with the developer to discuss operational matters/ complaints regarding parking management in the CBD.

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| Meeting: Council – 28/09/2011 | Submitted by Directorate: Corporate Governance |
| Ref No: 1/5/2/16 | Author/s: A V Marais |
| Col No: 154752 | Referred from: EM&MC – 19/10/2011 |
| <u>ACTION:</u> | <u>RESPONSIBLE DEPT:</u> |
| 2. Copy to councilors | Acting Executive Director: Corporate Governance |
| 3. Arrange meeting with developers | Executive Director: Social Services |
| | <u>DUE DATE:</u> |

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| 7.4 APPLICATION FOR THE LEASING OF ERF 4399 BERG EN DAL, WELLINGTON TO CELL C |
| AANSOEK OM DIE HUUR VAN ERF 4399 BERG EN DAL, WELLINGTON AAN CELL C |
| ISICELO SOKUQESHISA UERF 4399 EBERG EN DAL , EWELLINGTON KU CELL C |

UNANIMOUSLY RESOLVED

1. that the lease of a portion of Erf 4399 Wellington measuring ±15m² in extent for an antenna on the water tower and a prefabricated hut, to Cell C for a period of 5 (five) years at a monthly rental of R3 497-46 per month (VAT excluded) (current rental) with an annual escalation of 8% per annum from 1 July 2011 until 30 June 2014, be approved in principle;

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2. that the following arrear rental be paid by Cell C:
 - 2.1 1 July 2009 – 30 June 2010 = R2 998-51 per month at 8% escalation per annum as offered by Cell C;
 - 2.2 1 July 2010 – 30 June 2011 = R3 238-39 per month at 8% escalation per annum as offered by Cell C;
3. that all related costs will be for the applicant's account;
4. that the proposal be advertised for possible objections; and
5. that tenders not be called for the leasing of the said space due to the following reason:
 - 5.1 that public competition will not serve a useful purpose as there are exceptional circumstances surrounding this application whereby a Telecommunications Network requires a space for a substation (antenna) to service a particular area within the jurisdiction of this Municipality.

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| Meeting: Ref No: Col No: | Council – 26/10/2011 15/4/1 (4399)W 154756 | Submitted by Directorate: Author/s: Referred from: | Corporate Governance N Marais EM&MC – 19/10/2011 |
| <u>ACTION:</u> Implement decision | | <u>RESPONSIBLE DEPT:</u> Corporate Services (Properties) | <u>DUE DATE:</u> |

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| 7.5 REPORT: APPLICATION FOR RENEWAL OF LEASE AGREEMENT: PORTION OF ERF 1 PAARL MOUNTAIN RESERVE |
| VERSLAG: AANSOEK OM HERNUWING VAN HUUROORENKOMS: GEDEELTE VAN ERF 1 PAARLBERG NATUURRESERVAAT |
| INGXELO: ISICELO SOKUHLAZIYA IZSIVUMELWANO SOKUQESHA: ISIQEPHU SIKA ERF 1 EPAARL MOUNTAIN RESERVE |

UNANIMOUSLY RESOLVED

1. that the renewal of the lease agreement between Council and Sentech in respect of a transmission station on a portion of Erf 1 Paarl, subject to the following conditions, be approved:-
 - 1.1 that the lease will be for a period of 5 years at a rental fee of R2 250-00 per annum (excluding VAT), escalating at 7% per annum;
 - 1.2 that all related costs will be for the applicant's account;
 - 1.3 that the proposals be advertised for possible objections; and
2. that tenders not be called for the leasing of the said space due to the following reason:

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- 2.1 that public competition will not serve a useful purpose as there are exceptional circumstances surrounding this application whereby Sentech (SABC) requires space for a transmitting station (antenna and building) to provide the required radio and television signals for a particular area within the jurisdiction of this Municipality.

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| Meeting: Ref No: Col No: | Council – 26/10/2011 15/4/1 (1)P 154758 | Submitted by Directorate: Author/s: Referred from: | Corporate Governance N Marais EM&MC – 19/10/2011 |
| <u>ACTION:</u> | <u>RESPONSIBLE DEPT:</u> | <u>DUE DATE:</u> | |
| Implement decision | Corporate Services (Properties) | | |

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| 7.6 MONTHLY BUDGET STATEMENTS: 31 AUGUST 2011 AND SEPTEMBER 2011 |
| DIE RAAD SE MAANDELIKSE BEGROTINGSTATE: 31 AUGUSTUS 2011 EN SEPTEMBER 2011 |
| INGXELO YENYANGA YOHLAHLA LWABIWO MALI: 31 OGASTI 2011 KUNYE NO SEPTEMBER 2011 |

UNANIMOUSLY RESOLVED

that the report in terms of sections 54, 66 and 71 of the MFMA, **be noted**.

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| Meeting: Ref No: Col No: | Council – 26/10/2011 9/1/14 154962 | Submitted by Directorate: Author/s: Referred from: | Financial Services Cavin Petersen EM&MC – 19/10/2011 |
| <u>ACTION:</u> | <u>RESPONSIBLE DEPT:</u> | <u>DUE DATE:</u> | |
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| 7.7 COUNCIL'S MONTHLY DEBT REPORT AS AT 30 SEPTEMBER 2011 |
| MAANDELIKSE SKULDVERSLAG SOOS OP 30 SEPTEMBER 2011 |
| INGXELO YAMATYALA YENYANGA YEBHUNGA YE 30 SEPTEMBER 2011 |

UNANIMOUSLY RESOLVED

that the report **be noted**.

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| Meeting: Ref No: Coll No: | Council – 26/10/2011 9/1/14 154972 | Submitted by Directorate: Author/s: Referred from: | Financial Services Cavin Petersen EM&MC – 19/10/2011 |
| <u>ACTION:</u> | <u>RESPONSIBLE DEPT:</u> | <u>DUE DATE:</u> | |
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| 7.8 QUARTERLY FINANCIAL REPORTS: APRIL – JUNE 2011 AND JULY TO SEPTEMBER 2011 |
| FINANSIËLE KWARTAALVERSLAE: APRIL – JUNIE 2011 EN JULIE TOT SEPTEMBER 2011 |
| INGXELO YEKOTA: APRIL – JUNI KUNYE NO JULAYI UKUYA KU SEPTEMBER 2011 |

UNANIMOUSLY RESOLVED

that the report in terms of section 52(d) of the MFMA **be noted**.

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| Meeting: Council – 26/10/2011 Ref No: 9/1/1/4 Col No: 154980 | Submitted by Directorate: Financial Services Author/s: Cavin Petersen Referred from: EM&MC – 19/10/2011 |
| <u>ACTION:</u> | <u>RESPONSIBLE DEPT:</u> <u>DUE DATE:</u> |

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| 7.9 MAINTENANCE POLICY: ELECTRICAL INFRASTRUCTURE |
| INSTANDHOUDINGSBELEID: ELEKTRIESE INFRASTRUKTUUR |
| INKQUBO YOKULUNGISA AMAZIKHO OMBANE AMILEYO |

UNANIMOUSLY RESOLVED

that the Electrical Maintenance Policy be adopted.

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| Meeting: Council – 26/10/2011 Ref No: 16/2/B Col No: 147917 | Submitted by Directorate: Infrastructure & Planning Author/s: M J Rhode Referred from: EM&MC – 21/9/2011 |
| <u>ACTION:</u> Publish policy | <u>RESPONSIBLE DEPT:</u> Admin Manager <u>DUE DATE:</u> |

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| 7.10 REQUEST TO WORK OVERTIME: FESTIVE LIGHTS |
| VERSOEK OM OORTYD TE WERK: FEESLIGTE |
| ISICELO SOKUSEBENZA EMVENI KWEXESHA: IZIBANE ZOMBHIYOZO |

UNANIMOUSLY RESOLVED

that approval to work overtime beyond 60 hours per month, be granted to staff from the Electrical Services Department involved in the installation of festival lights, for November and December 2011.

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| Meeting: Council – 26/10/2011 Ref No: 4/8/8/3 Col No: 153018 | Submitted by Directorate: Infrastructure & Planning Author/s: M J Rhode Referred from: EM&MC – 21/9/2011 |
| <u>ACTION:</u> | <u>RESPONSIBLE DEPT:</u> <u>DUE DATE:</u> |

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| 8. MATTERS FOR CONSIDERATION/INFORMATION |
| SAKE VIR OORWEGING/INLIGTING |

No matters were submitted.

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| 9. CONSIDERATION OF REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS DEALING WITH MATTERS OF URGENCY BY THE MUNICIPAL MANAGER |
| OORWEGING VAN VERSLAE, MEDEDELINGS, VERSOEKSKRIFTE EN AANSOEKE IN VERBAND MET DRINGENDE SAKE VOORGELÊ DEUR DIE MUNISIPALE BESTUURDER |

No matters were submitted.

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| 10. CONSIDERATION OF NOTICES OF MOTIONS AND NOTICES OF QUESTIONS |
| OORWEGING VAN KENNISGEWINGS VAN MOSIES EN KENNISGEWINGS VAN VRAE |

No matters were submitted.

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| 11. SUPPLEMENTARY AGENDA (IF ANY) |
| AANVULLENDE AGENDA (INDIEN ENIGE) |

No supplementary agenda was considered.

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| IN-COMMITTEE |
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| 12. CONSIDERATION OF CONFIDENTIAL MATTERS |
| OORWEGING VAN VERTROULIKE SAKE |

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| 12.1 CONFIRMATION OF CONFIDENTIAL MINUTES: 28 SEPTEMBER 2011 |
| BEKRAGTIGING VAN VERTROULIKE NOTULES: 28 SEPTEMBER 2011 |

(See Confidential Minutes.)

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| 12.2 APPOINTMENT OF PERSON AS TEMPORARY BUILDING CONTROL OFFICER |
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(See Confidential Minutes.)

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| 12.3 STATUTORY APPOINTMENT OF THE HEAD OF THE DISASTER MANAGEMENT CENTRE OF THE DRAKENSTEIN MUNICIPALITY |
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(See Confidential Minutes.)

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The meeting ended at

CHAIRPERSON:

DATE:

Confirmed on with / without amendments.