

DRAKENSTEIN MUNICIPALITY

MINUTES OF AN ORDINARY MEETING OF THE MUNICIPAL COUNCIL HELD IN THE COUNCIL CHAMBERS, CIVIC CENTRE, BERG RIVER BOULEVARD, PAARL ON THURSDAY, 8 MAY 2008 AT 14:00.

PRESENT: Councillors (See attached schedule)

Senior Officials:	Dr S Kabanyane	(Municipal Manager)
	L Coetzee	(Director: Infrastructure & Planning)
	T Matthee	(Director: Social Services)
	C Petersen	(Director: Financial Services)
	Dr P Naidoo	(Director: Strategic Services)
	A Sauls	(Head: Communication, Policy & Research)
	S Carstens	(IDP Manager)
	T Traut	(Chief Internal Auditor)
	A V Marais	(Manager: Administrative Services)



1. CONSIDERATION OF APPLICATIONS BY COUNCILLORS FOR LEAVE OF ABSENCE FROM COUNCIL/COMMITTEE MEETINGS

The following applications for leave of absence were granted:-

Clr L N Daries	-	8 May 2008
Clr J Smit	-	8 May 2008
Clr C M Smith	-	8 May 2008
Clr D Kotzé	-	8 May 2008 (sick leave)
Clr M W Nothnagel	-	8 May 2008 (In Council duty)
Clr H Douman	-	8 May 2008 (In Council duty)
Clr C C Van der Westhuizen	-	27 May – 30 May 2008
Clr C Meyer	-	19 May – 25 May 2008
Clr E Basson	-	26 May 2008

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2. CONFIRMATION OF MINUTES

The minutes of the Ordinary meeting of the Municipal Council held on 18 March 2008 was confirmed as correct.

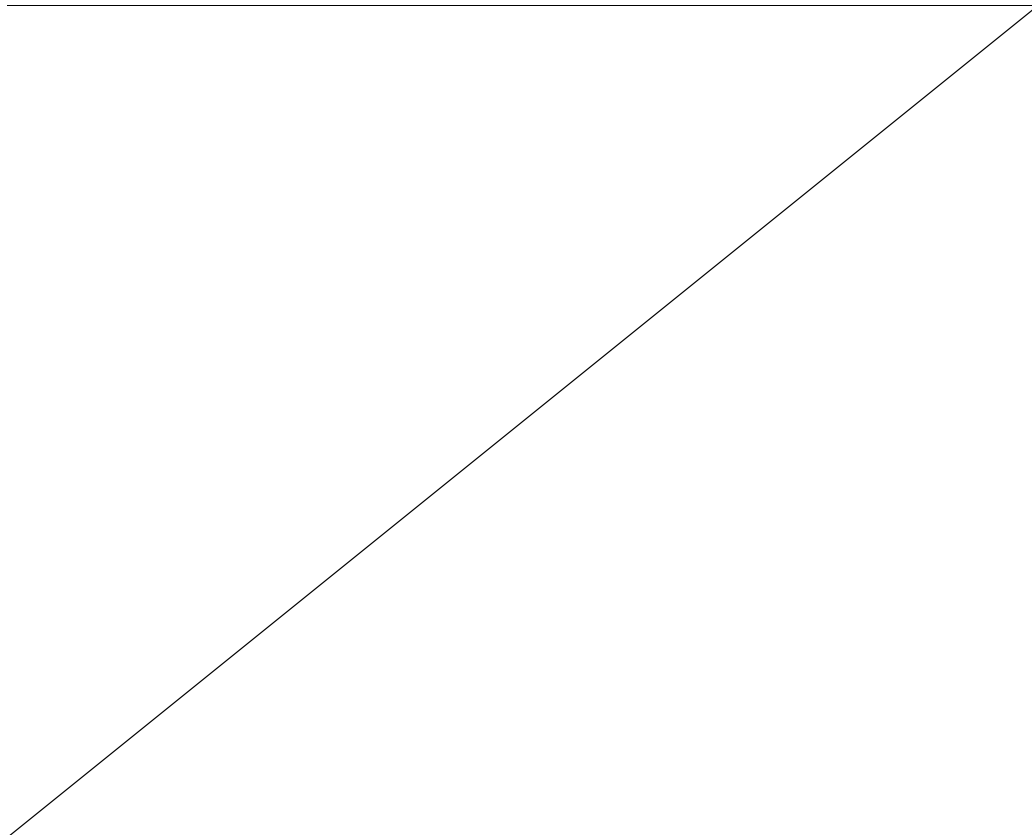
3. MINUTES: COMMITTEE MEETINGS

Noted.

4. STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR/EXECUTIVE DEPUTY MAYOR

Motion of Condolences: The Late Clr N C Stemela

The Executive Mayor submitted the enclosed motion of condolences on the passing away of the late Clr N C Stemela. A moment of silence was observed.



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5. STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

1. The Speaker welcomed the newly appointed directors and wished them well.
2. The Speaker also congratulated all councilors who celebrated their birthdays during April.

6. STATUTORY MATTERS

No matters were submitted.

7. CONSIDERATION OF REPORTS BY THE EXECUTIVE MAYOR AND MAYORAL COMMITTEE

7.1 TRANSFER OF CAPITAL FUNDS: SARON RESORT WORKER ACCOMMODATION

RESOLVED

that approval be granted for funds to be transferred from the following vote numbers to Vote no 4670 420 094 00 to complete the above project:-

<u>Vote No</u>	<u>Amount to be transferred</u>	<u>Vote description</u>
4810-420-118-00 :	R25 000 -	Cemeteries : Rural Infrastructure
4805-420-117-00 :	R27 000 -	Cemeteries : Rural Infrastructure

Meeting:	Council - 8/05/2008	Submitted by (Dept):	Community Services
Ref No:	17/16/2/3	Author/s:	A vd Merwe
Doc No:	2187/08	Referred from:	EM&MC – 9/4/2008
<u>Clause:</u>	<u>Action:</u>	<u>Responsible Dept:</u>	<u>Due Date:</u>
7.1	Implement project	Social Services	

**7.2 PROPOSED ROAD CLOSURE AND ALIENATION OF MUNICIPAL LAND:
PICARDI FARM, ERF 3396, LABORIE STREET, PAARL**

RESOLVED

1. that the following proposals be approved:-
 - 1.1 Closure of the 6,3m road over Erf 3396, Paarl to be substituted with a 6,3m Servitude Right-of-Way over Erf 3396, Paarl in favour of Erf 3399, Paarl;

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- 1.2 Closure of the unbuilt portion of Laborie Street, in extent " 160m² adjacent to Erf 14981, Paarl for alienation to the owner of Erf 3396, Paarl at R4 000;
2. that the above approval be subject to the following conditions:-
 - 2.1 The proposals must be properly advertised for possible objections;
 - 2.2 The applicant (owner of Erf 3396, Paarl) shall be responsible for all costs involved in the transactions including advertisement, survey, consolidation, rezoning and registering costs; and
3. that the applicant be responsible for the costs of any possible relocation of municipal services.

Meeting:	Council - 8/05/2008	Submitted by (Dept):	Planning & Economic Development
Ref No:	15/4/1 (3396) P	Author/s:	D Cupido
Doc No:	6909/07 & 2560/08	Referred from:	EM&MC – 10/4/2008
Clause:	Action:	Responsible Dept:	Due Date:
7.2	Inform applicant	Admin (Properties)	

7.3 APPLICATION FOR CLOSURE AND ALIENATION OF PORTION OF JAN HOFMEYER STREET, DENNEBURG, PAARL

RESOLVED

1. that the closure of a portion of Jan Hofmeyr Street abutting Erf 7750, Paarl, in extent 297m² and the alienation thereof, at R55/m² plus VAT be approved, subject to the normal selling conditions including the following conditions:-
 - 1.1 The proposal must be advertised for possible objections;
 - 1.2 The portion to be closed must be rezoned to be for business purposes;
 - 1.3 The portion to be closed must be consolidated with Erf 7750, Paarl;
 - 1.4 The cost of installation, alteration or re-routing of any municipal services will be for the account of the applicant; and
2. All costs involved in the transaction including advertisement, survey, consolidation, rezoning, transfer, Surveyor-General Status Report, etc., will be for the account of the developer.

Meeting:	Council - 8/05/2008	Submitted by (Dept):	Planning & Economic Development
Ref No:	71/2/4/2	Author/s:	D Cupido
Doc No:	5960/07	Referred from:	EM&MC – 10/4/2008
Clause:	Action:	Responsible Dept:	Due Date:
7.3	Inform applicant	Admin (Properties)	

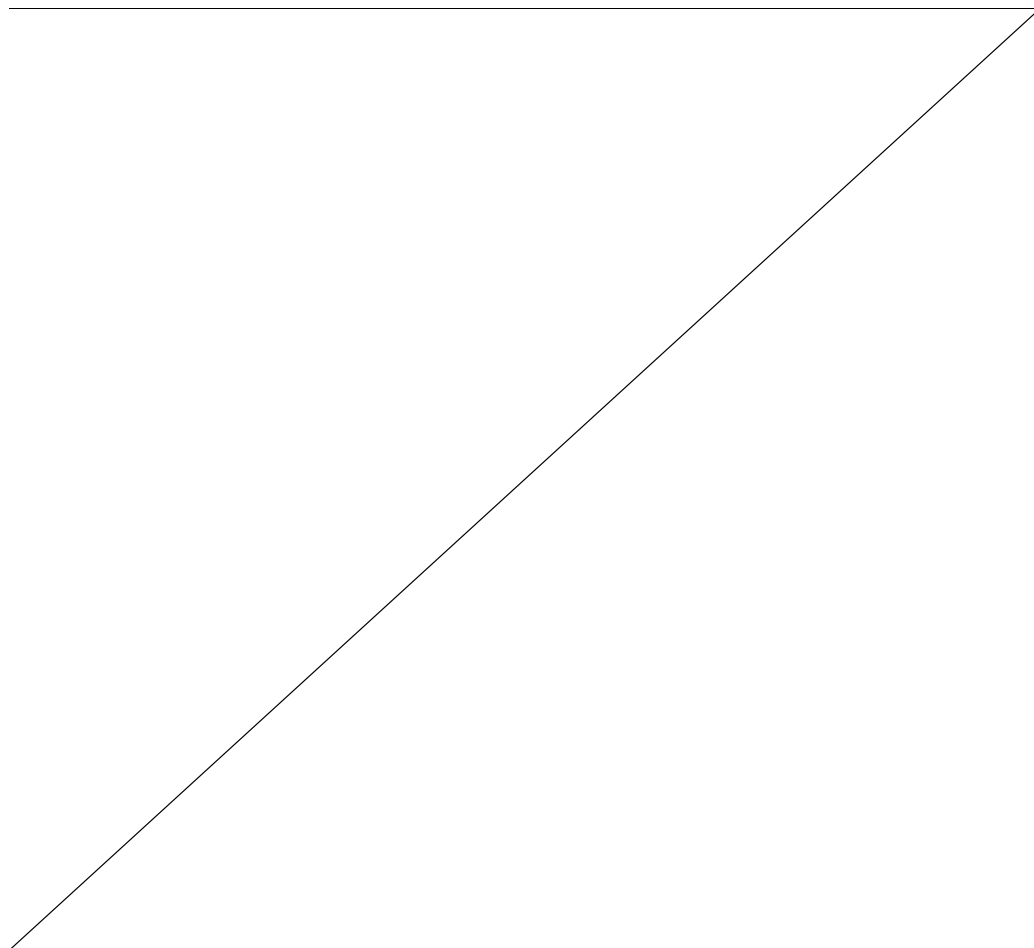
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7.4 APPROVAL OF MARKETING STRATEGY

RESOLVED

that the enclosed Marketing Strategy for Drakenstein be approved.

(The policy document will be included in the official minutes.)



Meeting:	Council - 8/05/2008	Submitted by (Dept):	Planning & Economic
Ref No:	10/1/8	Author/s:	Development
Doc No:	1110/08 & 2574/08	Referred from:	G Fouldien
			EM&MC – 10/4/2008
<u>Clause:</u>	<u>Action:</u>	<u>Responsible Dept:</u>	<u>Due Date:</u>

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7.5 REPORT ON SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLANS FOR SECOND QUARTER 2007/2008

Clr N D Du Toit mentioned that some projects seemed to be behind schedule and that this could negatively effect service delivery. Clr A M Petersen indicated that the Mayoral Committee have noted that and would be monitoring progress and make the necessary interventions where appropriate.

RESOLVED

that the Service Delivery and Budget Implementation Plan report for the second quarter for 2007/08 be noted.

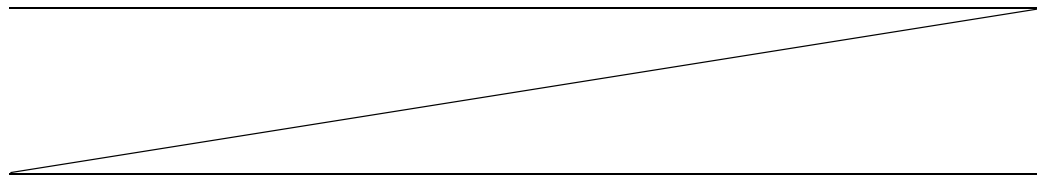
Meeting:	Council - 8/05/2008	Submitted by (Dept):	Municipal Manager
Ref No:	5/2/8	Author/s:	V Arendse
Doc No:	2813/08	Referred from:	EM&MC – 10/4/2008
<u>Clause:</u>	<u>Action:</u>	<u>Responsible Dept:</u>	<u>Due Date:</u>

**7.6 MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT REVIEW:
31 DECEMBER 2007**

The Director: Financial Services tabled a detailed explanation of reasons for additional funds required and savings identified to cover additional requests. After various questions and explanation by the Chief Financial Officer, it was

RESOLVED

1. that the Mid-Year Assessment, Financial Health and Performance Indicators as set out in the agenda be noted; and
2. that the Operational **(Annexure A)** and the Capital **(Annexure B)** Adjustment Budget (High Level), 2007/08, be approved.



Meeting:	Council - 8/05/2008	Submitted by (Dept):	
Ref No:		Author/s:	
Doc No:		Referred from:	
<u>Clause:</u>	<u>Action:</u>	<u>Responsible Dept:</u>	<u>Due Date:</u>

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8. MATTERS FOR CONSIDERATION/INFORMATION

**8.1 TENDER PROP 1/2007: SALE OF PORTIONS OF ERF 8431, PAARL:
SPORTS FACILITY AND RIVER FRONT DEVELOPMENT**

The DA objected to the fact that the questions submitted were not answered. The Executive Mayor responded that the intention of the previous Council decision was that the questions be directed to the Municipal Manager and that clarification be provided outside the meeting. The DA further indicated that in their view the legal opinion of Council's legal advisors were being disregarded. They further indicated that in their view Council's Rules of Order were not being complied with as answers to their questions were not provided.

The proposal of the ANC that the recommendation of the Procurement Bid Adjudication Committee and the Municipal Manager be accepted was put to the vote and carried by 29 to 23 votes.

RESOLVED

1. that the offer of Queensgate Property Group (Pty) Ltd / Evening Star Trading 745 (Pty) Ltd Joint Venture for the purchase and development of three portions of Erf 8431, Paarl (± 13,2ha in extent) at the amount of R20 million (14% VAT excluded), be accepted, subject to the conditions of tender; and
2. that further negotiations be entered into with Queensgate Property Group (Pty) Ltd / Evening Star Trading 745 (Pty) Ltd Joint Venture with regard to the technical problems raised in the report as well as the amount at which the sports fields are to be sold back to Council.

(The DA requested that their objection be recorded for the reasons as set out above.)

Meeting: Council - 8/05/2008		Submitted by (Dept): Corporate Services	
Ref No: 15/4/1		Author/s: N Marais	
Doc No: 8755/07		Referred from: EM&MC – 18/4/2008	
Clause:	Action:	Responsible Dept:	Due Date:
8.1	Take necessary steps.	Admin (Properties)	

8.2 ANNUAL REPORT 2006/07

RESOLVED

that the Annual Report 2006/07 be approved.

Meeting: Council - 8/05/2008		Submitted by (Dept): Municipal Manager	
Ref No: 9/1/2		Author/s: V Arendse	
Doc No: 3686/08		Referred from:	
Clause:	Action:	Responsible Dept:	Due Date:
8.2	Forward report to relevant stakeholders.	Admin (IDP Manager)	

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8.3 COMPOSITION OF ASSESSMENT COMMITTEES ON THE PERFORMANCE OF THE MUNICIPAL MANAGER AND MANAGERS REPORTING DIRECTLY TO THE MUNICIPAL MANAGER

The DA indicated that they could not support the recommendation of the composition of the Committee as none of the opposition parties were represented on the Committees. The DA further submitted an amendment that the assessment for Managers reporting to the Municipal Manager be submitted to the Mayoral Committee and full Council and that a councillor from the DA be included on the Committee instead of the Mayco member.

The amendment was put to the vote and defeated by 29 – 23 votes.

RESOLVED

1. that the Committee assessing the Performance of the Municipal Manager comprise the following members:-
 - i) Executive Mayor
 - ii) Chairperson of Performance Audit Committee
 - iii) Member of Mayco – Clr A Bekeer
 - iv) Municipal Manager from another municipality: Stellenbosch Municipality or Cape Winelands District Municipality
 - v) Member of a Ward Committee (name to be forwarded by the Executive Mayor)

2. that the Committee assessing the Performance of Managers reporting directly to the Municipality comprise the following members:-
 - i) Municipal Manager
 - ii) Chairperson of Performance Audit Committee
 - iii) Member of Mayco – Clr A Bekeer
 - iv) Municipal Manager from another municipality: Stellenbosch Municipality or Cape Winelands District Municipality

3. that members who are non-councillors, be remunerated on the same basis as a member of the Audit Committee; and

4. that a consultant be appointed to facilitate the assessment process.

(The DA requested that their objection be recorded, for the reasons set out above.)

Meeting: Ref No: Doc No:	Council - 8/05/2008 4/12	Submitted by (Dept): Author/s: Referred from:	Executive Mayor C M Manuel
Clause:	Action:	Responsible Dept:	Due Date:
8.3 (4)	Appointment of consultant.	Corporate (HR)	

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**8.4 PROPOSED NEW POSITION: OFFICE OF THE MUNICIPAL MANAGER:
MANAGEMENT SUPPORT**

RESOLVED

that this matter be held over for a next meeting of Council.

Meeting:	Council - 8/05/2008	Submitted by (Dept):	Municipal Manager
Ref No:	4/6/3/1	Author/s:	
Doc No:		Referred from:	
<u>Clause:</u>	<u>Action:</u>	<u>Responsible Dept:</u>	<u>Due Date:</u>

**8.5 REPORT: IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT SYSTEM:
REGULATION 6 OF DRAKENSTEIN SUPPLY CHAIN MANAGEMENT POLICY**

RESOLVED

1. that the report be noted; and
2. that a quarterly report in future be submitted detailing all categories of procurement expenditure in order for Council to exercise its oversight role.

Meeting:	Council - 8/05/2008	Submitted by (Dept):	Financial Services
Ref No:	8/1/1	Author/s:	D Jacobs
Doc No:		Referred from:	
<u>Clause:</u>	<u>Action:</u>	<u>Responsible Dept:</u>	<u>Due Date:</u>
8.5	Prepare quarterly report.	Chief Financial Officer	

**8.6 DEVIATION FROM AND RATIFICATION OF MINOR BREACHES OF PROCUREMENT
PROCESS**

General concern was expressed that insufficient reasons were provided for the deviations and minor breaches of the procurement process.

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RESOLVED

1. that the report be noted; and
2. that in future more detailed reports be provided for the deviations and minor breaches of the procurement process.

Meeting: Ref No: Doc No:	Council - 8/05/2008 8/1/1	Submitted by (Dept): Author/s: Referred from:	Financial Services C M Petersen
Clause: 8.6 (2)	Action: Submit more detail in future reports.	Responsible Dept: Chief Financial Officer	Due Date:

9. CONSIDERATION OF REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS DEALING WITH MATTERS OF URGENCY BY THE MUNICIPAL MANAGER

9.1 CAPE WINELANDS DISTRICT MUNICIPALITY IDP/BUDGET REVIEW: 2008/09

The Municipal Manager reported that an invitation to a District wide IDP/Budget Review 2008/09, to be held on 14 May 2008, had been received from the Cape Winelands District Municipality. All councilors were invited to attend.

Noted.

Meeting: Ref No: Doc No:	Council - 8/05/2008	Submitted by (Dept): Author/s: Referred from:	
Clause:	Action:	Responsible Dept:	Due Date:

10. CONSIDERATION OF NOTICES OF MOTIONS AND NOTICES OF QUESTIONS

The Speaker expressed concern regarding the time that was being devoted to the motions in recent meetings.

Noted.

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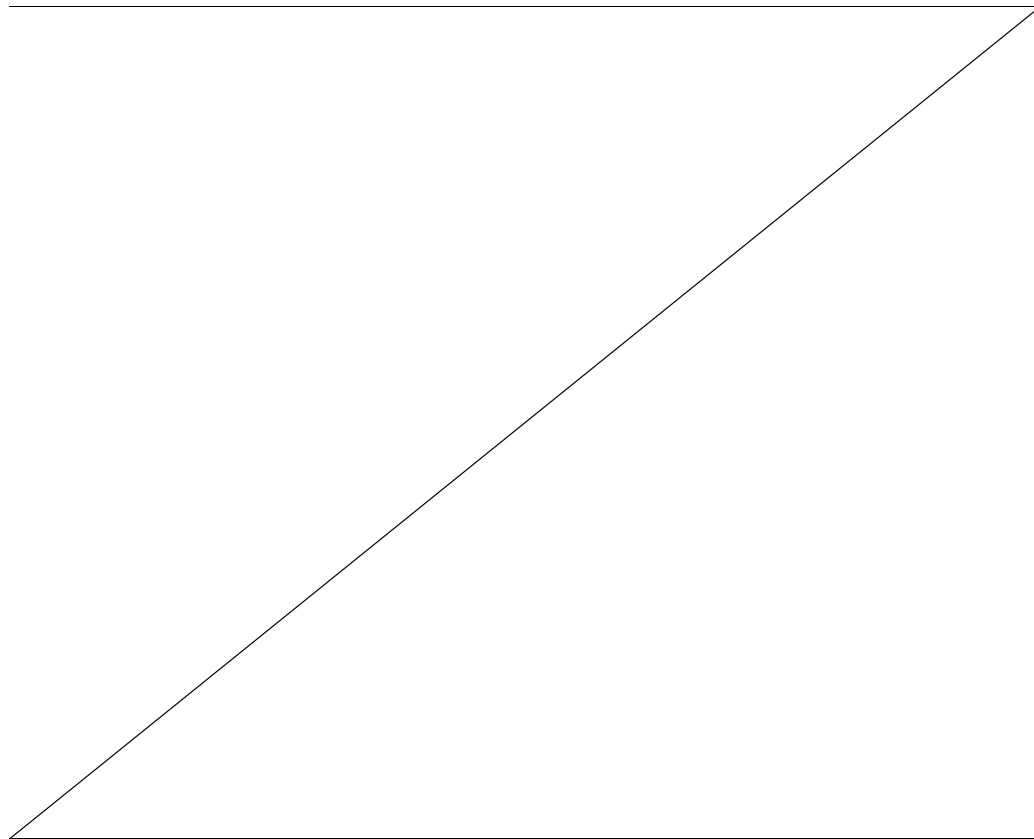
10.1 MOTION OF QUESTIONS BY THE DA: APPOINTMENT OF DIRECTORS
MOTION OF QUESTIONS: APPOINTMENTS, VACANT POSTS, ACTING, ADDITIONAL WORK, NON-CONFORMANCE TO PROCEDURES

The Executive Mayor requested that the DA indicate in terms of which legislation the Mayor has an obligation to respond to questions.

The Executive Mayor responded to the questions as set out in the attached annexure.

RESOLVED

that the response of the Executive Mayor be **noted**.



Meeting:	Council - 8/05/2008	Submitted by (Dept):	
Ref No:		Author/s:	
Doc No:		Referred from:	
Clause:	Action:	Responsible Dept:	Due Date:

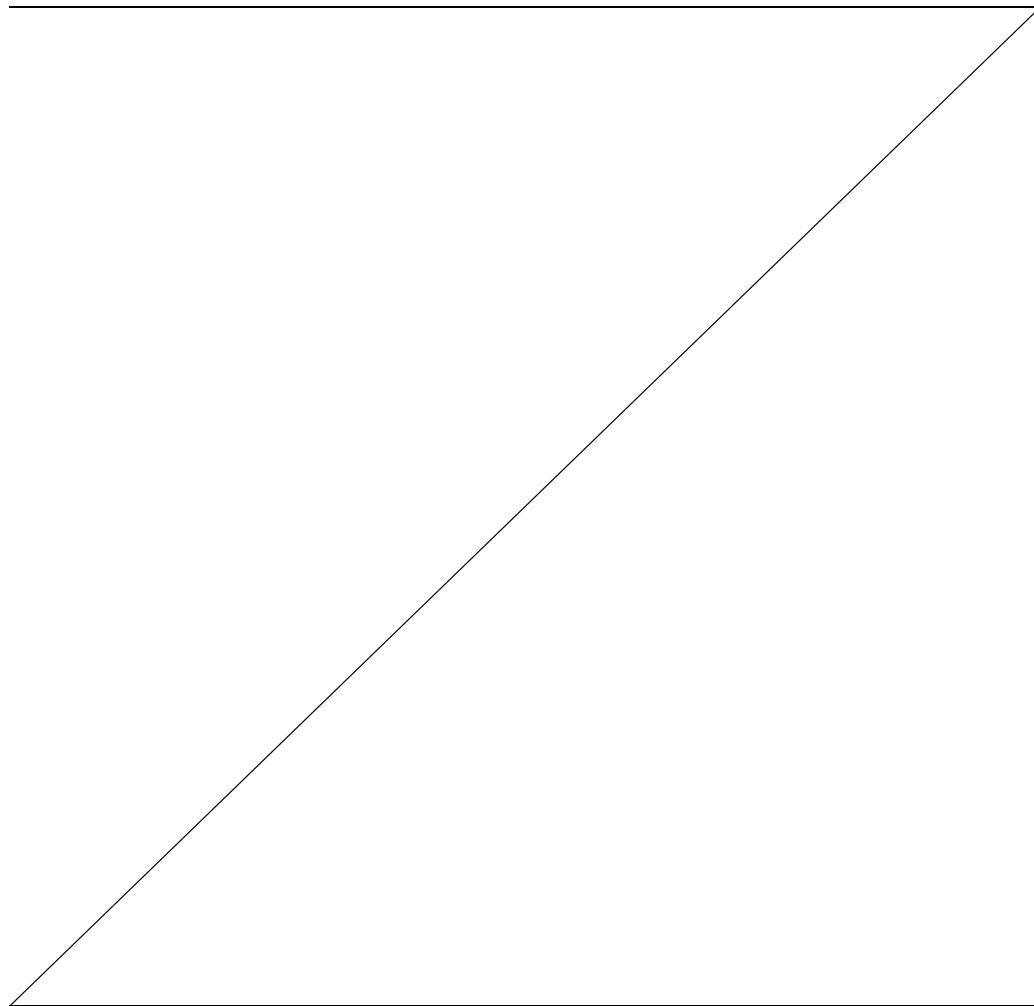
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10.2 MOTION OF QUESTIONS: APPOINTMENTS, VACANT POSTS, ACTING, ADDITIONAL WORK, NON-CONFORMANCE TO PROCEDURES

The Executive Mayor responded to the questions as set out in the attached annexure.

RESOLVED

that the response of the Executive Mayor be **noted**.



Meeting: Council - 8/05/2008		Submitted by (Dept):	
Ref No:		Author/s:	
Doc No:		Referred from:	
Clause:	Action:	Responsible Dept:	Due Date:

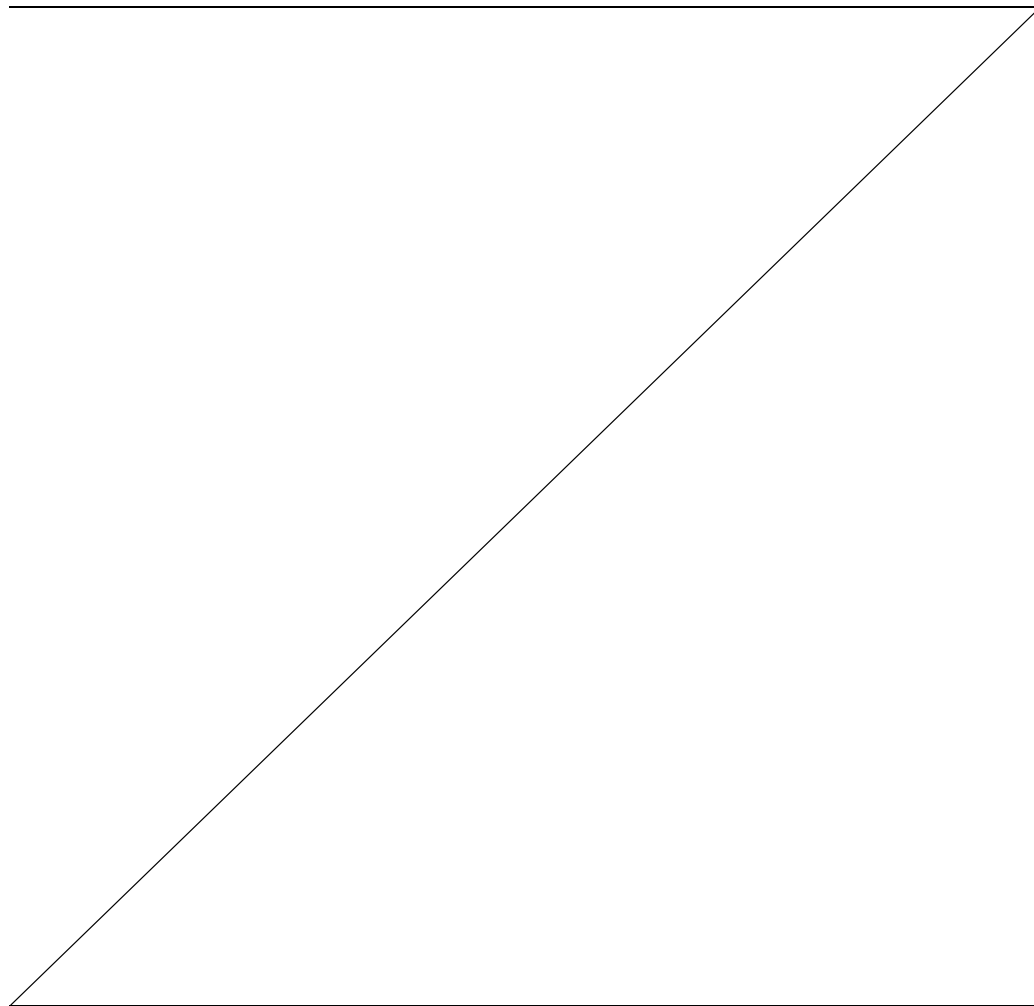
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**10.3 MOTION OF QUESTIONS: PROPOSED DEVELOPMENT AND ALIENATION OF LAND
AT KLAPMUTS TO CAPETAIRNER**

The Executive Mayor responded to the questions as set out in the attached annexure.

RESOLVED

that the response of the Executive Mayor be **noted**.



Meeting: Council - 8/05/2008		Submitted by (Dept):	
Ref No:		Author/s:	
Doc No:		Referred from:	
Clause:	Action:	Responsible Dept:	Due Date:

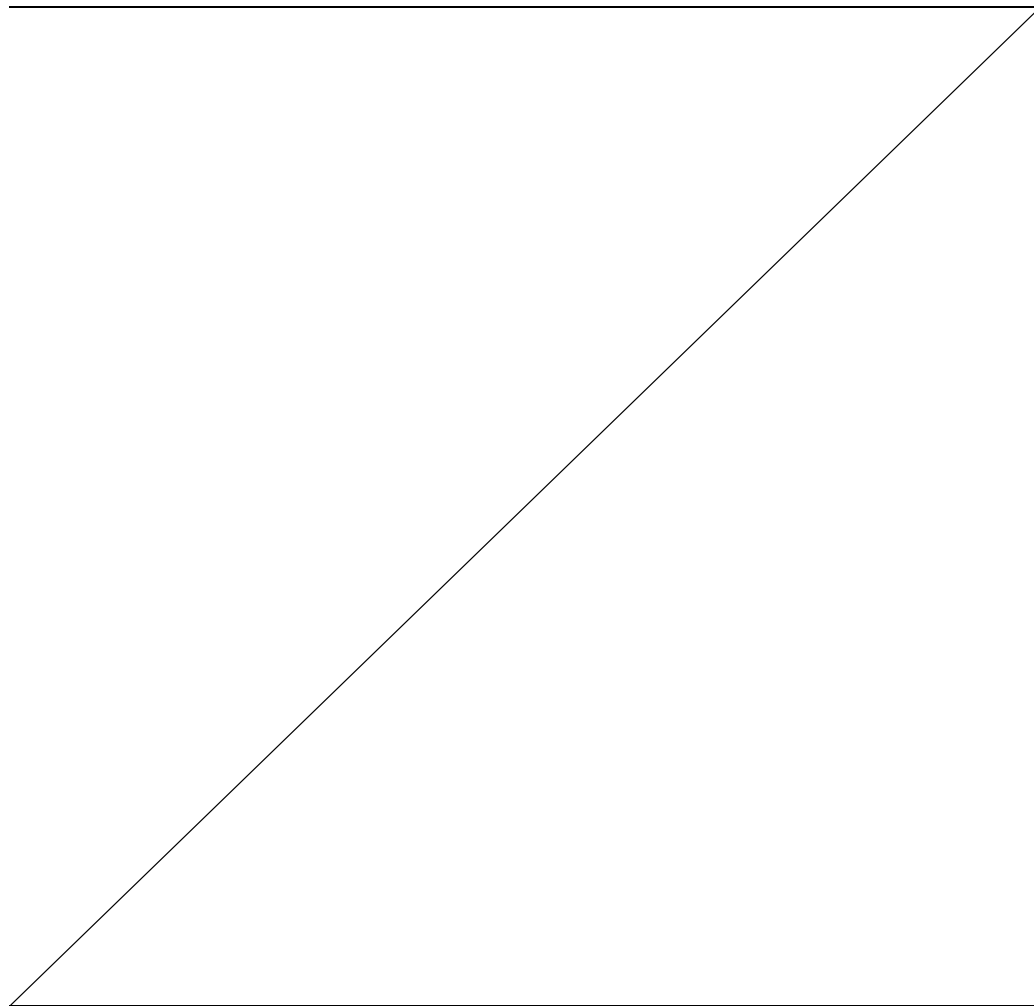
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10.4 MOTION OF QUESTIONS: PRESS REPORTS REGARDING ALLEGED IRREGULARITIES BY PERSONNEL WORKING WITH CASH
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The Executive Mayor responded to the questions as set out in the attached annexure.

RESOLVED

that the response of the Executive Mayor be **noted**.



Meeting: Council - 8/05/2008		Submitted by (Dept):	
Ref No:		Author/s:	
Doc No:		Referred from:	
Clause:	Action:	Responsible Dept:	Due Date:

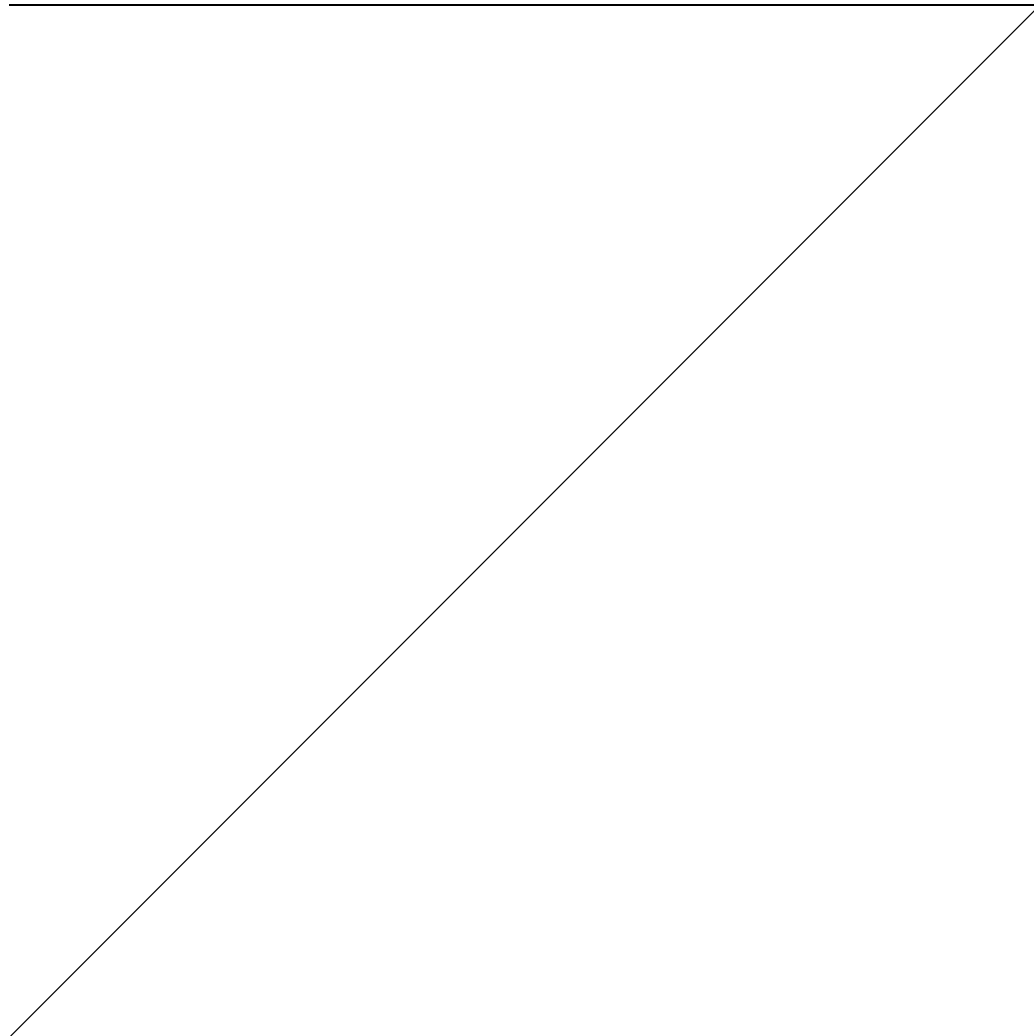
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10.5 MOTION OF QUESTIONS: THE TRIP TO ANGOLA THAT NEVER REACHED ANGOLA

The Executive Mayor responded to the questions as set out in the attached annexure.

RESOLVED

that the response of the Executive Mayor be **noted**.



Meeting:	Council - 8/05/2008	Submitted by (Dept):	
Ref No:		Author/s:	
Doc No:		Referred from:	
Clause:	Action:	Responsible Dept:	Due Date:

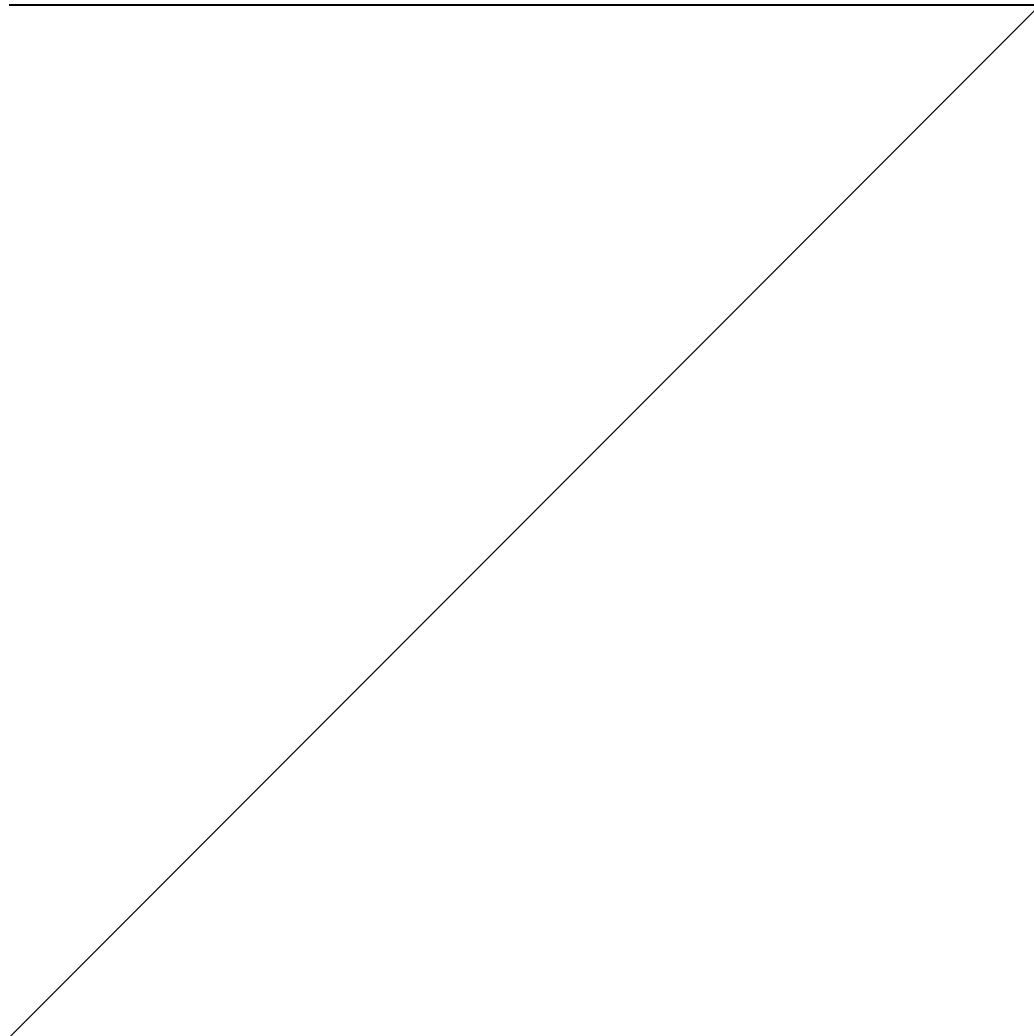
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10.6 MOTION OF QUESTIONS: PURCHASE OF THE CULTAVARIA PAINTING

The Executive Mayor responded to the questions as set out in the attached annexure.

RESOLVED

that the response of the Executive Mayor be **noted**.



Meeting: Council – 8/05/2008		Submitted by (Dept):	
Ref No:		Author/s:	
Doc No:		Referred from:	
Clause:	Action:	Responsible Dept:	Due Date:

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11. SUPPLEMENTARY AGENDA (IF ANY)

No supplementary items were submitted.

IN-COMMITTEE

12. CONSIDERATION OF CONFIDENTIAL MATTERS

12.1 CONFIRMATION OF MINUTES: 27 MARCH 2008

(See confidential minutes.)

12.2 CONFIRMATION OF MINUTES: 3 APRIL 2008

(See confidential minutes.)

**12.3 APPOINTMENT OF EXECUTIVE DIRECTOR: CORPORATE GOVERNANCE:
MS L SIZANI**

(See confidential minutes.)

The meeting ended at 16:07.

CHAIRPERSON:

DATE:

PJ/db