

# **DRAKENSTEIN MUNICIPALITY**

**MINUTES OF A SPECIAL MEETING OF THE MUNICIPAL COUNCIL HELD IN THE COUNCIL CHAMBERS, FIRST FLOOR, CIVIC CENTRE, BERG RIVER BOULEVARD, PAARL ON WEDNESDAY, 10 FEBRUARY 2010 AT 14:00.**

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**PRESENT: Councillors (see attached schedule)**

**Senior Officials: Dr S T Kabanyane (Municipal Manager)**

**Mr K Mrali (Executive Director: Corporate Governance)**

**Mr C Petersen (Executive Director: Financial Services)**

**Mr T Matthee (Executive Director: Social Services)**

**Dr P Naidoo (Executive Director: Strategic Services)**

**Mr L Coetzee (Executive Director: Infrastructure & Planning)**

**Mr A Marais (Head: Corporate Services)**

**Mr K Gordon (Manager: Administrative Services)**



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<b>1. CONSIDERATION OF APPLICATIONS BY COUNCILLORS FOR LEAVE OF ABSENCE FROM COUNCIL/COMMITTEE MEETINGS</b>
<b>OORWEGING VAN AANSOEKE DEUR RAADSLEDE VIR VERLOF TOT AFWESIGHEID VAN RAAD/KOMITTEEVERGADERINGS</b>

The following applications for leave of absence were approved:-

Clr A M Buckle	-	10 February 2010
Clr J W Solomon	-	10 February 2010
Clr R Arnolds	-	10 February 2010
Clr C S Jochims	-	10 February 2010
Clr B Fikizolo	-	10 February 2010
Clr J G Rademeyer	-	10 February 2010
Clr R Brand	-	10 February 2010
Clr J T Basson	-	24 – 27 February 2010

<b>1.(a) ANNOUNCEMENTS</b>
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- i. The Executive Mayor thanked Councillors and Officials who attended the ABSA Innovative Housing Competition Project and referred to the historical significance thereof. Clr C Meyer expressed thanks to the Executive Mayor for organizing the event.
- ii. The Executive Mayor invited councillors to events celebrating the 20<sup>th</sup> Anniversary of the release from Drakenstein Prison (the former Victor Verster Prison) of former President Nelson R Mandela to be held at Drakenstein Prison on 11 February 2010.

<b>2. QUARTERLY REPORT ON THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT SYSTEM OF DRAKENSTEIN MUNICIPALITY</b>
<b>KWARTAALIKSE VERSLAG INSAKE DIE IMPLEMENTERING VAN VOORSIENINGSKANAAL-BESTUURSTELSEL VAN MUNISIPALITEIT DRAKENSTEIN</b>
<b>INGXELO YEKOTHA YOKUMILISELWA KWENKQUBO YESCM YASE DRAKENSTEIN</b>

**UNANIMOUSLY RESOLVED**

that the report be **noted**.

Meeting:	Spec Council – 10/02/2010	Submitted by Directorate:	Financial Services
Ref No:	8/1/1	Author/s:	
Doc No:		Referred from:	EM&MC – 3/02/2010
<b>CLAUSE:</b>	<b>ACTION:</b>	<b>RESPONSIBLE DEPT:</b>	<b>DUE DATE:</b>

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<b>3. TABLING OF AUDITED FINANCIAL STATEMENTS FOR THE PERIOD ENDING 30 JUNE 2009</b>
<b>TER TAFELLEGGING VAN GEOUDITEERDE FINANSIËLE STATE VIR DIE PERIODE GEËINDIG 30 JUNIE 2009</b>
<b>UKONDLALWA KWENGXELO YEZIMALI EPHICHOTHIWEYO YASEXESHA ELIPHELE NGOMHLA WE 30 JUNI 2009</b>

Mr D Alexander from the Office of the Auditor-General attended the meeting for this item and responded to questions raised by Councillors.

**UNANIMOUSLY RESOLVED**

1. that the second successive unqualified Report of the Auditor-General **be noted**;
2. that Management submit a report as to the matters raised in the Auditor-General's Report which must be addressed and should include time lines for the remedial actions to be taken; and
3. that a press report on the unqualified Report of the Auditor-General be released in the media.

Meeting: Ref No: Doc No:	Spec Council – 10/02/2010 5/12/2/1	Submitted by Directorate: Author/s: Referred from:	Financial Services  EM&MC – 3/02/2010
<b>CLAUSE:</b>	<b>ACTION:</b>	<b>RESPONSIBLE DEPT:</b>	<b>DUE DATE:</b>
	1. Submit report 2. Release press report	1. Management 2. ED: Strategic Services	

<b>4. ANNUAL REPORT 2008/2009</b>
<b>JAARVERSLAG 2008/2009</b>
<b>INGXELO YONYAKA KA2008/2009</b>

**UNANIMOUSLY RESOLVED**

that the Audited Financial Statements and the Report of the Auditor-General be noted and be included in the Annual Report for the 2008/2009 financial year.

Meeting: Ref No: Doc No:	Spec Council – 10/02/2010 9/1/2 49270	Submitted by Directorate: Author/s: Referred from:	Strategic Services  EM&MC – 3/02/2010
<b>CLAUSE:</b>	<b>ACTION:</b>	<b>RESPONSIBLE DEPT:</b>	<b>DUE DATE:</b>
	Implement decision	ED: Strategic Services	

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<b>5. MID-YEAR BUDGET AND PERFORMANCE ASSESSMENT AS AT 1 JULY – 30 DECEMBER 2009 AND PROGRESS REPORT ON RESOLVING OUTSTANDING TARGETS AS IN THE ANNUAL REPORT 2008/2009</b>
<b>HALFJAARLIKSE BEGROTING EN PRESTASIE-EVALUERING SOOS OP 1 JULIE – 30 DESEMBER 2009 EN VORDERINGSVERSLAG OOR AFHANDELING VAN UITSTAANDE TEIKENS VERVAT IN DIE JAARVERSLAG 2008/2009</b>
<b>UHLAHLOLWABIWO-MALI LAPHAKATHI KONYAKA KUNYE NOKUHLOLWA KWENDLELA YOKUSEBENZA UKUSUKELA KU 1 JULAYI – 30 DISEMBA 2009; KUNYE NENGXELO YENKQUBELA PHAMBILI KWIZINTO ESIJOLISE KUZO UKUBA MAZILUNGISWE KWI NGXELO YONYAKA KA 2008/2009</b>

**UNANIMOUSLY RESOLVED**

that the report **be noted**.

Meeting: Ref No: Doc No:	Spec Council – 10/02/2010 2/2/8 49733	Submitted by Directorate: Author/s: Referred from:	Strategic Services  EM&MC – 3/02/2010
<u>CLAUSE:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPT:</u>	<u>DUE DATE:</u>

<b>6. FIRST DRAFT INTEGRATED DEVELOPMENT PLANNING (IDP) REPORT 2010-2011 VOLUME 1</b>
<b>EERSTE KONSEP GEÏNTEGREERDE ONTWIKKELINGSBEPLANNING (GOP) VERSLAG 2010-2011 VOLUME 1</b>
<b>UYILO LOKUQALA LE INTEGRATED DEVELOPMENT PLANNING (IDP) REPORT 2010-2011 VOLUME 1</b>

**UNANIMOUSLY RESOLVED**

1. that the Draft IDP Report 2010 – 2011 be adopted and be released for public comment;
2. that the spelling and grammatical errors in the report be rectified before the report is released for public comments; and
3. that the Ward Plans be improved by the addition of comments, indicating what sphere of government is responsible for particular actions in order to avoid a situation where the impression is created that all requests should be addressed by the Municipality.

Meeting: Ref No: Doc No:	Spec Council – 10/02/2010 2/2/5	Submitted by Directorate: Author/s: Referred from:	Strategic Services  EM&MC – 3/02/2010
<u>CLAUSE:</u>	<u>ACTION:</u>  Implement decision	<u>RESPONSIBLE DEPT:</u>  ED: Strategic Services	<u>DUE DATE:</u>

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<b>7. ADJUSTMENTS BUDGET: 2009/2010 FINANCIAL YEAR</b>
<b>AANSUIWERINGSBEGROTING: 2009/2010 FINANSIËLE JAAR</b>
<b>ULUNGELELWANISO LOHLAHLOLWABIWO – MALI :KUNYAKA MALI KA 2009/2010</b>

The DA indicated that they could not support the Adjustments Budget for the reasons as set out in the enclosed submission. After discussion it was

**RESOLVED**

1. that the following Adjustments Budget for the 2009/2010 financial year be approved:-

<b>GFS CLASSIFICATION - FUNCTION</b>	<b>Capital Adjustments Budget</b>	<b>Operational Adjustments Budget</b>	<b>Total Adjustments Budget</b>
Executive and Council	182,525	29,758,726	29,941,250
Budget and Treasury Office	567,613	43,670,169	44,237,782
Corporate Services	34,727,519	73,362,031	108,089,550
Planning and Development	1,446,850	26,461,269	27,908,120
Health	668,000	5,774,392	6,442,392
Community and Social Services	5,411,238	21,427,745	26,838,983
Housing	13,502,802	107,316,343	120,819,145
Public Safety	3,003,838	41,712,182	44,716,021
Sport and Recreation	24,727,804	50,611,812	75,339,616
Waste Management	3,212,036	52,885,800	56,097,836
Waste Water Management	70,552,523	52,378,516	122,931,040
Road Transport	22,466,717	80,603,064	103,069,781
Water	42,814,545	58,768,686	101,583,231
Electricity	27,749,435	366,614,223	394,363,658
<b>Total Expenditure Per GFS Classification</b>	<b>251,033,446</b>	<b>1,011,344,958</b>	<b>1,262,378,404</b>

2. that in terms of section 28 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) the amendments proposed for incorporation into the 2009/10 adjustments budget as set out in Annexures A to F in the agenda, be approved.

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**(The DA abstained from voting in this matter.)**

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<b>Meeting:</b>	<b>Spec Council – 10/02/2010</b>	<b>Submitted by Directorate:</b>	<b>Financial Services</b>
<b>Ref No:</b>	<b>5/2/2</b>	<b>Author/s:</b>	
<b>Doc No:</b>		<b>Referred from:</b>	<b>EM&amp;MC – 3/02/2010</b>
<b>CLAUSE:</b>	<b>ACTION:</b>	<b>RESPONSIBLE DEPT:</b>	<b>DUE DATE:</b>

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<b>8.</b>	<b>APPLICATION FOR PUBLIC ROAD TO CLOSURE, ALIENATION, AMENDMENT OF SUBDIVISIONAL PLAN AND AMENDMENT OF CONDITIONS OF APPROVAL RELATING TO A PREVIOUS APPLICATION FOR PUBLIC ROAD CLOSURE, REZONING AND SUBDIVISION OF ERVEN 484, 585 AND 592, PAARL (PREVIOUSLY KNOWN AS HONEYDEW FARM)</b>
	<b>AANSOEK VIR PUBLIEKE PADSLUITING, VERVREEMDING, WYSIGING VAN ONDERVERDELINGSPLAN EN WYSIGING VAN VOORWAARDES VAN GOEDKEURING MET BETREKKING TOT 'N VORIGE AANSOEK VIR PUBLIEKE PADSLUITING EN ONDERVERDELING VAN ERWE 484, 585 EN 592, PAARL (VOORHEEN BEKEND AS HONEYDEW PLAAS)</b>
	<b>ISICELO SOKAWONKE WONKE EKUVALWENI INDLELA, YOKUPHEPHELA, UKUGUQULWA KWESBANA LEPANI KUNYE NOKUGUQULWA KWEMIQATHANGO EQUKA IMVUMELWANO EBKISELELENE KWISICELO SANGAPHAMBILI SE RPAD KAWONKE-WONKE. UKUVALWA, UKWAHLULWA KOMDA KWAKHONA KUNYE NOKWAHLULANA KWE ERVEN 484,585 KUNYE NO 592, EPAARL(AWAYEKWAZIWA NJENGHEHONEYDEW FAM)</b>

**UNANIMOUSLY RESOLVED**

1. that in terms of section 14 of the Local Government: Municipal Finance Management Act, 2003 (Act No 56 of 2003) and Council's Policy for the Management and Administration of Council's Immovable Property, approval in principle be granted for the alienation of the portion of Koning Street as mentioned in paragraph 2.1 hereunder, subject to the advertising thereof and submission of a further report to Council;
2. that subject to the final approval of the alienation of the property, the following approvals be granted:-
  - 2.1 in terms of section 127(1) of the Municipal Ordinance, 1974 (Ord 20 of 1974) for the closure of a portion of Koning Street (which stretches eastwards from Boegoe Street and measuring  $\pm 1735\text{m}^2$  in extent), as indicated on the detail proposal plan (**Annexure B to the departmental report**);
  - 2.2 in terms of sections 30(1) and 42(3)(a) of the Land Use Planning Ordinance, 1985 (Ord 15 of 1985) for the following Subdivisional Plan amendments and amendment of conditions of approval relating to the Executive Mayor and Mayoral Committee resolution of 16 October 2007 under item 13:-
    - 2.2.1 Amendment of the Subdivisional Plan to amend the following approved unregistered portions of Koning Street and Crystal Street from Public Road to Private Road and to incorporate the widening of Aandblom Street and Boegoe Street into the development, as indicated on the detail proposal plan (**Annexure B to the departmental report**):-
      - (a) Portion of Erf 29116, Paarl (unmade Koning Street extension and Aandblom Street widening);
      - (b) Erf 29118, Paarl (unmade Koning Street extension);
      - (c) Portion of Erf 29120, Paarl (unmade Koning Street and Crystal Street extensions and Boegoe Street widening);

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- 2.2.2 Amendment of the approved unregistered Erven 29125 and 29128, Paarl from Public Open Space to Private;
- 2.2.3 Suspension of various conditions of approval laid down by internal and external parties relating to extension/upgrading of Koning Street and Aandblom Street, as well as instituting certain traffic calming measures therein;
3. that the approvals granted in paragraph 2.2 above be subject to the following conditions in terms of Section 42(3) of the Land Use Planning Ordinance, 1985 (Ord 15 of 1985):-
- 3.1 Adherence to the conditions laid down by the Department of Public Works and Transport (Roads Infrastructure) in it's letter 13/3/5/1-10/120 (Job 17249) dated 4 December 2009 (**Annexure H to the departmental report**);
- 3.2 Adherence to the conditions laid down by Drakenstein Municipality's Civil Engineering Services Department (**Annexure L to the departmental report**); and
- 3.3 that the contents paragraph 8 (**PLANNING COMMENT**) of the departmental report, be regarded as the reasons for Council's decision."

Meeting: EM&MC – 03/02/2010 Ref No: 14/4/1 Doc No: 2958/09, 9797/08, 2720/09, 2522/09,2523/09, 2528/09, 2521/09 & 291114		Submitted by Directorate: Infrastructure & Planning Author/s: H Louw Referred from:	
<b>CLAUSE:</b>	<b>ACTION:</b> 1. Advertise alienation of property 2. Submit further report	<b>RESPONSIBLE DEPT:</b>  Corporate Governance (Prop)	<b>DUE DATE:</b>

<b>9. CONSTITUTIONAL COURT APPEAL CASE BETWEEN DRAKENSTEIN MUNICIPALITY AND DEETLEFS DU TOIT AND OTHERS: 2009/10 BUDGET</b>
<b>KONSITUSIONELE HOF APPELSAAK TUSSEN MUNISIPALITEIT DRAKENSTEIN EN DEETLEFS DU TOIT EN ANDER: 2009/10 BEGROTING</b>
<b>ISIBHENO SETYALA KWINKUNDLA YOMGAQO SISEKO PHAKATHI KOMASIPALA WASEDRAKENSTEIN KUNYE NO DEETLEFS NAMAHLAKANI WAKHE</b>

**RESOLVED**

that the Judgment of the Constitutional Court **be noted**.

Meeting: Spec Council – 10/02/2010 Ref No: 5/2/2 (2009/10) Doc No: 522/(2009/2010)		Submitted by Directorate: Financial Services Author/s: Referred from: EM&MC – 3/02/2010	
<b>CLAUSE:</b>	<b>ACTION:</b>	<b>RESPONSIBLE DEPT:</b>	<b>DUE DATE:</b>

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<b>IN-COMMITTEE</b>
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<b>10. CONSIDERATION OF CONFIDENTIAL MATTERS</b>
<b>OORWEGING VAN VERTROULIKE SAKE</b>
<b>IMIBA EYIFIHLO</b>

<b>10.1 PERFORMANCE EVALUATION OF THE EXECUTIVE MANAGEMENT TEAM OF DRAKENSTEIN MUNICIPALITY</b>
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(See confidential minutes.)

<b>10.2 APPOINTMENT OF THE PERFORMANCE AUDIT COMMITTEE CHAIRPERSON</b>
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(See confidential minutes.)

The meeting ended at 15:15.

**CHAIRPERSON:** .....

**DATE:** .....

Confirmed on ..... with / without amendments.

PJ/ja