

DRAKENSTEIN MUNICIPALITY

MINUTES OF AN ORDINARY MEETING OF THE MUNICIPAL COUNCIL HELD IN THE COUNCIL CHAMBERS, CIVIC CENTRE, BERG RIVER BOULEVARD, PAARL ON THURSDAY, 4 SEPTEMBER 2008 AT 14:00.

PRESENT: Councillors (See attached schedule)

Senior Officials:

Dr S Kabanyane	(Municipal Manager)
L Coetzee	(Director: Infrastructure & Planning)
C Petersen	(Director: Financial Services)
Dr P Naidoo	(Director: Strategic Services)
C Jacobs	(Act Director: Social Services)
N C Marais	(Act Director: Corporate Governance)
A V Marais	(Manager: Administrative Services)

ABSENT: Officials:

K Mrali	(Director: Corporate Governance) (In Council duty)
T Mathee	(Director: Social Services) (In Council duty)



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 granted:-

Clr J Solomons	-	21 September 2008 – 12 October 2008
Clr H R de Goede	-	22 – 26 September 2008
Clr Souda Ross	-	10 – 30 September 2008
Clr C Meyer	-	7 – 25 September 2008
Clr J Smit	-	25 September 2008 – 5 October 2008
Clr R Smuts	-	26 September 2008 - 8 October 2008
Clr V Mbulu	-	6 October 2008
Clr T Kompela	-	4 September 2008
Clr M W Nothnagel	-	4 September 2008
Clr B Fikizolo	-	4 September 2008
Clr B E Vos	-	4 September 2008
Clr W Appollis	-	4 September 2008
Clr W A Petersen	-	4 September 2008

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2. CONFIRMATION OF MINUTES / BEKRAGTIGING VAN NOTULE

The minutes of the Ordinary meeting of the Municipal Council meeting held on 31 July 2008 was **confirmed as correct**.

3. MINUTES: COMMITTEE MEETINGS / NOTULES: KOMITEEVERGADERINGS

Noted.

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

The Executive Mayor thanked the Speaker's Office, all councillors and officials who assisted with Arbor Day, treeplanting activities.

Noted.

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

The Speaker congratulated all councillors who celebrated their birthdays during August. The Speaker also apologized for the postponement of the Council meeting from 25 August 2008 to 4 September 2008. The DA requested that the postponement of Council meetings be avoided.

Noted.

6. STATUTORY MATTERS / STATUTÊRE SAKE

No matters were submitted.

**7. CONSIDERATION OF REPORTS BY THE EXECUTIVE MAYOR AND MAYORAL COMMITTEE
OORWEGING VAN VERSLAE DEUR DIE UITVOERENDE BURGEMEESTER EN BURGEMEESTERSKOMITEE**

**7.1 REPORT: FARM 736, KLAPMUTS
VERSLAG: PLAAS 736, KLAPMUTS
INGXELO: YEFAMA 736, KLAPMUTS**

The Executive Mayor reported that further consultations were being held with Capetainer and had not yet been concluded. The Executive Mayor requested that this matter be held over pending with the finalisation of discussions with Capetainer, whereafter the matter would be re-submitted. The DA expressed disappointment with the delay in this matter since it affects potential income for the Municipality, and requested that the transaction be finalized as a matter of urgency.

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RESOLVED

that this matter be held over and be re-submitted on conclusion of the discussions.

Meeting:	Council - 4/09/2008	Submitted by (Dept):	Corporate Services
Ref No:	15/4/1 (F736)K	Author/s:	N Marais
Doc No:	6748/08	Referred from:	Special EM&MC – 13/08/2008
Clause	Action	Responsible Dept:	Due Date:
	Resubmit on conclusion of the discussion	Corporate Governance (Properties)	

7.2 RESTRUCTURING OF AUDIT COMMITTEE
HERSTRUKTUERING VAN OUDITKOMITEE
UKUMISELWA MGOKUTSHA KWEKOMITI YOKUPHANDA INCWADI

UNANIMOUSLY RESOLVED

1. that Council's previous decision regarding the appointment of the Chairperson(s) of the Audit Committee be rescinded;
2. that two (2) Audit Committees (Finance and Performance Management) for Drakenstein Municipality be established, in view of the large size of the municipality as well as the complexity of the nature of business to be addressed and audited;
3. that Mr Ashley Seymour be appointed as the Chairperson of the Audit Committee (Finance) with effect from 1 September 2008;
4. that Ms Marika Krieg, a member of the present Audit Committee, be appointed as the Chairperson of the Performance Audit Committee with effect from 1 September 2008; and
5. that the Audit Committee (Finance) be constituted by five members and the Performance Audit Committee three members.

Meeting:	Council - 4/09/2008	Submitted by (Dept):	Strategic Services
Ref No:	3/3/1/3	Author/s:	P Naidoo
Doc No:	6756	Referred from:	
Clause:	Action:	Responsible Dept:	Due Date:
	Inform relevant parties	Executive Director: Strategic Services	

7.3 FUNCTIONING OF INTERNAL AUDIT UNIT
FUNKSIONERING VAN INTERNE OUDIT EENHEID
ICANDELO LANGAPHA KATHI LOKUPHANDA INCWADI

The functioning of the Audit Unit and Audit Committee was discussed.

The DA indicated that it could not support the recommendations as, in their view, recommendation 7 undermines the independence of the Internal Audit Unit. The DA proposed an amendment that the Audit Committee should also have direct access to Internal Audit. The amendment was put to the vote and carried by 27-26 votes.

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RESOLVED

1. that the Manager: Internal Audit report administratively directly to the Executive Director: Strategic Services;
2. that the Executive Director: Strategic Services in terms of delegated authority by the Municipal Manager, report on Internal Audit activities to the Municipal Manager and Executive Management in order to assist management in promoting sound Corporate Governance;
3. that the Executive Director: Strategic Services provide a quarterly report relating on the significant issues related to the processes for controlling the activities of the Municipality as well as the status of the annual audit plan and the sufficiency of directorate resources;
4. that the quarterly report serve before the Executive Mayor and Mayoral Committee in the first instance before being tabled to the full Council;
5. that the minutes of all Audit Committee meetings and Auditor-General reports be tabled before the Executive Mayoral Committee in the confidential agenda in the first instance before being tabled before the full Council;
6. that paragraphs 4 and 5 above be implemented in accordance with legislation pertaining to Labour Relations, Access to Information and Sound Corporate Governance Principles; and
7. that the Audit Committee have direct access to the Executive Director: Strategic Services, the Municipal Manager, the Office of the Executive Mayor, the Office of the Speaker and the Manager: Internal Audit.

Meeting: Ref No: Doc No:	Council - 4/09/2008 5/12/3 6514/08	Submitted by (Dept): Author/s: Referred from:	Strategic Services P Naidoo
<u>Clause:</u>	<u>Action:</u>	<u>Responsible Dept:</u>	<u>Due Date:</u>

7.4	REPORT: SALE OF MUNICIPAL LAND, ERF 2874, PAARL: JAN HANEKOM PARTNERSHIP
	VERSLAG: VERKOOP VAN MUNISIPALE GROND, ERWE 2874, PAARL: JAN HANEKOM VENNOOTSKAP
	INGXELO: YENTENGISO YOMHLABA KAMASIPALA, UEREN 2874 KUNYE, EPAARL: JAN HANKOM PARTHERSHIP

UNANIMOUSLY RESOLVED

1. that Erf 2874, Paarl be sold via public tender for residential purposes; and
2. that the applicant be informed accordingly.

Meeting: Ref No: Doc No:	Council - 4/09/2008 15/4/1 (2874)W 6749/08	Submitted by (Dept): Author/s: Referred from:	Corporate Services N Marais
<u>Clause:</u>	<u>Action:</u> Proceed with tender procedures	<u>Responsible Dept:</u> Corporate Governance (Admin)	<u>Due Date:</u>

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7.5	RESPONSIBILITIES OF THE MUNICIPALITY IN TERMS OF THE PREVENTION OF ILLEGAL EVICTION FROM AND UNLAWFUL OCCUPATION OF LAND ACT NO 19 OF 1998
	VERANTWOORDELIKHEDE VAN DIE MUNISIPALITEIT INGEVOLGE DIE VOORKOMING VAN ONWETTIGE UITSETTING EN BESETTING VAN GROND WET NR 19 VAN 1998
	IMFANELO ZIKAMASIPALA EKUNQANDENI KOKUHUSHWA KWABANTU ABANGENEMVUME YOKUHLALA UKUSUKA KUNYE NOKUHLALA NGOKUGEKHO MTHETHWENI EYOMTHETHO WOMHLABA NOMBHOLO 19 KA 1998

The DA proposed an amendment that the Executive Director: Corporate Governance should only be allowed to sub-delegate to a legal officer of Council. The amendment was not opposed.

UNANIMOUSLY RESOLVED

1. that the Executive Director: Corporate Governance be delegated, with the right to sub-delegate to a legal officer of Council, the duty to evaluate eviction cases and determine whether Council should be involved in individual cases under the Prevention of Illegal Eviction and Unlawful Occupation of Land Act Act (Act 19/1998) and to instruct attorneys and mediators accordingly; and
2. that in evaluating the merits of each case as to whether the municipality will appoint a mediator or not, due regard be given to the broad socio-economic circumstances of the occupiers as outlined in the above Act.

Meeting:	Council - 4/09/2008	Submitted by (Dept):	Corporate Governance
Ref No:		Author/s:	K Mrali
Doc No:		Referred from:	
Clause:	Action:	Responsible Dept:	Due Date:
	Exercise delegations	Executive Director: Corporate Governance	

7.6	COMPOSITION OF ASSESSMENT COMMITTEE, PERFORMANCE OF THE MUNICIPAL MANAGER
	SAMESTELLING VAN EVALUERINGSKOMITEE, PRESTASIE VAN DIE MUNISIPALE BESTUURDER
	UKUQANJWA KWEKOMITI YOKUCEBISA, KWINDLELA YOKUSEBENZA KUKA MANEJALA KAMASIPALA

After the Executive Mayor tabled the recommendation, the DA proposed that the composition of the Committee be changed to allow for two members of the opposition parties to serve on the Committee as well as the Mayor or Municipal Manager from Swartland Municipality. Concerns were expressed by the ANC as to the legality of this amendment as it might be in conflict with Regulation 27(4)(d) of the Municipal Performance Regulations.

After some discussion the DA proposed an amendment to the effect that the Mayor or Municipal Manager from Swartland Municipality serve on the Committee, and that the member of the Ward Committee to be nominated by the Executive Mayor, be from the opposition.

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After a recess requested by the ANC, the Speaker informed the remaining councillors that the ANC would not return to the meeting as they indicated that they do not want to be part of decisions transgressing the law.

The Speaker then adjourned the meeting due to the lack of a quorum.

The meeting was adjourned at 16:47.

CHAIRPERSON:

DATE:

Confirmed on with/without amendments.

PJ/ja
25/09/2008