

DRAKENSTEIN MUNICIPALITY

MINUTES OF AN ORDINARY MEETING OF THE MUNICIPAL COUNCIL HELD IN THE HUGUENOT HALL, JAN VAN RIEBEECK DRIVE, PAARL ON TUESDAY, 30 NOVEMBER 2021 AT 14:00.

PRESENT: Councillors (see attendance register)

Senior Officials:	Dr J H Leibbrandt	(City Manager)
	Mr B Brown	(Chief Financial Officer)
	Mr S Johaar	(Executive Director: Corporate Services)
	Mr G Esau	(Executive Director: Community Services)
	Ms J Samson	(Executive Director: Planning, Development and Human Settlements)
	Mr M Wüst	(Executive Director: Engineering Services)
	Ms R Jaftha	(Chief Executive Audit)
	Ms N October	(Snr Manager: Legal and Administrative Services)
	Ms R Geldenhuys	(Manager: Communication and Marketing)
	Mr G Dippenaar	(Chief Risk Officer)
	Ms C September	(Manager: IDP/PM)
	Ms W Prins	(Performance Management Officer)
	Mr F P Goosen	(Manager: Administrative Support Services)
	Mr P January	(Senior Administrative Officer)

ABSENT: Councillors (see attendance register)



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30 NOVEMBER 2021

1.	APPLICATION FOR LEAVE
	AANSOEK OM VERLOF
	INGXELO NGU SOMLOMO

1. Cllr C O Davids;
2. Cllr C Croutz;
3. Cllr A van Rooyen; and
4. Cllr N Zoya.

2.	DISCLOSURE OF INTERESTS
	VERKLARING VAN BELANGE
	UKUBHENGEZA KOMDLA

The City Manager disclosed his interest with regard to item 12.3 of the Confidential Agenda.

3.	STATEMENTS BY THE SPEAKER
	VERKLARINGS DEUR DIE SPEAKER
	INGXELO NGU SOMLOMO

After a prayer by Councillor Andreas, a moment of silence was observed in solidarity with councillor Croutz, whose wife passed away as well as those who lost loved ones due to Covid-19.

The Speaker made the following announcements:

1. Congratulated councillors who celebrated their birthdays in November 2021;
2. Reminded councillors of the continuing SALGA councillor training from 29 November 2021 to 3 December 2021;
3. Expressed a word of gratitude to the City Manager and the Senior Managers with the professional manner the councillor induction training was held in the Council Chambers on 25 November 2021 and 26 November 2021;
4. Invite councillors who experience any difficulty with their laptops to contact his Office in order to rectify the matter;
5. Informed councillors that the diaries for 2022 will be distributed at the Council Meeting on 10 December 2021;
6. Inform councillors that a special training session on the Rules of Order and the Code of Conduct for Councillors will be scheduled for January 2022; and



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7. Allowed Mr Plaatjies to read a poem in solidarity with the 360 drive against abuse of women and children.

4. STATEMENTS BY THE EXECUTIVE MAYOR
VERKLARINGS DEUR DIE UITVOERENDE BURGEMEESTER
INGXELO NGU SODOLOPHU WESIGQEBA

The Executive Mayor announced that following the announcement of the Mayoral Committee on 15 November 2021, further consultations were held and he has decided to switch the Finance and Governance and Compliance MMCs. The Deputy Mayor, Ald GC Combrink will now also be the MMC for Finance and Councillor Miller be the MMC for Governance and Compliance.

5. STATEMENTS BY THE DEPUTY EXECUTIVE MAYOR
VERKLARINGS DEUR DIE UITVOERENDE ONDERBURGEMEESTER
INGXELO LISEKELA LIKASODOLOPHU WESIGQEBA

None.

6. URGENT MATTERS BY THE CITY MANAGER
DRINGENDE SAKE DEUR DIE STADSBESTUURDER
IMIBA ENGXAMISEKILEYO NGU MANEJALA WESIXEKO

None.

7. MINUTES: MAYORAL COMMITTEE
NOTULE: BURGEMEESTERSKOMITEE
IMIZUZU: IKOMITI KASODOLOPHU WESIGQEBA

Noted.

8. CONFIRMATION OF MINUTES
BEKRAGTIGING VAN NOTULES
UKUQINISEKISWA KWEMIZUZU

The minutes of the following Council meetings were **confirmed as correct**:-

- (i). Ordinary Council meeting held on 13 October 2021; and
- (ii). Special Council meeting held on 15 November 2021.



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9. ITEMS FOR CONSIDERATION

ITEMS VIR OORWEGING

UKUQWALASELWA KWEENGXELO KA IKOMITI KASODOLOPHU WESIGQEBA

9.1 COUNCILLORS' OUTSTANDING DEBT REPORT AS AT 30 SEPTEMBER 2021

RAADSLEDE SE UITSTAANDE SKULDVERSLAG SOOS OP 30 SEPTEMBER 2021

INGXELO YAMATYALA YOCEBA NGOBUNJALO NGOMHLA 30 EYOMSINTSI 2021

UNANIMOUSLY RESOLVED that

The report be noted.

Meeting: Council-30/11/2021	Submitted by Department: Finance
Ref No: 9/1/1/4	Author/s: A Abrahams
Coll No: 1792816	Referred from: MC -30/11/2021
<u>PAR:</u>	<u>ACTION:</u>
	<u>RESPONSIBLE DEPARTMENT:</u>
	<u>DUE DATE:</u>

9.2 COUNCILLORS' OUTSTANDING DEBT REPORT AS AT 31 OCTOBER 2021

RAADSLEDE SE UITSTAANDE SKULD VERSLAG SOOS OP 31 OKTOBER 2021

INGXELO YAMATYALA YOCEBA NGOBUNJALO NGOMHLA 31 EYEDWARHA 2021

UNANIMOUSLY RESOLVED that

The report be noted.

Meeting: Council-30/11/2021	Submitted by Department: Finance
Ref No: 9/1/1/4	Author/s: A Abrahams
Coll No: 1802514	Referred from: MC -30/11/2021
<u>PAR:</u>	<u>ACTION:</u>
	<u>RESPONSIBLE DEPARTMENT:</u>
	<u>DUE DATE:</u>

9.3 REPORT ON TENDER AWARDS: SEPTEMBER 2021

VERSLAG OOR TENDERTOEKENNINGS: SEPTEMBER 2021

INGXELO NGONIKEZELO LWETHENDA: EYOMSINTSI 2021

UNANIMOUSLY RESOLVED that

1. The awards above R200,000 that were adjudicated by the Bid Adjudication Committee for the month of September 2021 be noted; and
2. The tenders and/or contracts and the reasons for the awards as recorded by the Accounting Officer in the departmental report be noted.

Meeting: Council 30/11/2021	Submitted by Department: Finance
Ref No: 8/1/2/1	Author/s: C Hess
Coll No: 1792102	Referred from: MC - 30/11/2021
<u>PAR:</u>	<u>ACTION:</u>
	<u>RESPONSIBLE DEPARTMENT:</u>
	<u>DUE DATE:</u>

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9.4	REPORT ON DEVIATIONS FROM PROCUREMENT PROCESSES: SEPTEMBER 2021
	VERSLAG VAN AFWYKINGS VAN VERKRYGINGSPROSESSE: SEPTEMBER 2021
	INGXELO YOKUPHAMBUKELA KUNYE NOLUNGISO OLUNCINCI LOKUPHEPHELA KWINKQUBO ZOKUFUMANA: EYOMOSINTSI 2021

Various questions were raised with regard to the Emergency Deviation as set out in Annexure C of the departmental report. The Speaker undertook to provide a written response to the councillors on the questions raised.

UNANIMOUSLY RESOLVED that

- In terms of paragraph 36(2) of the Supply Chain Management Policy, the deviations and the reasons for the deviations for the amount of R319,924 (incl. VAT) for September 2021 as recorded by the Accounting Officer under the annexures attached to this report, be noted; and
- The Chief Financial Officer record the accumulated deviation amount of R4,476,239 (incl. VAT) for the financial year in the notes to the 2021/2022 annual financial statements as required by legislation.

Meeting: Council 30/11/2021	Submitted by Department: Finance
Ref No: 9/1/1/5	Author/s: C Hess
Coll No: 1792153	Referred from: MC – 30/11/2021
PAR:	ACTION:
	RESPONSIBLE DEPARTMENT:
	DUE DATE:

9.5	MUNICIPAL FINANCE MANAGEMENT ACT: SECTION 71 MONTHLY BUDGET MONITORING REPORT FOR OCTOBER 2021
	MUNISIPALE WET OP BESTUUR VAN FINANSIES: ARTIKEL 71 MAANDELIKSE BEGROTINGSMONITERINGSVERSLAG VIR OKTOBER 2021
	UMTHETHO WOLAWULO LWEMALI KAMASIPALA: ICANDELO 71 INGXELO YOKUBEKA ESWENI ULAWULO LWABIWO-MALI LONYAKA OKTOBHA 2021

UNANIMOUSLY RESOLVED that

- The content of the section 71 monthly budget monitoring report for October 2021 and the supporting documentation be noted; and
- It be noted that the section 71 monthly budget monitoring report for October 2021 was submitted to the Executive Mayor on 8 November 2021 and National Treasury and Provincial Treasury on 15 October 2021.

Meeting: Council 30/11/2021	Submitted by Department: Finance
Ref No: 9/1/1/4	Author/s: A Viola
Coll No: 1804790	Referred from: MC – 30/11/2021
PAR:	ACTION:
	RESPONSIBLE DEPARTMENT:
	DUE DATE:

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9.6 SUBMISSION OF THE DRAFT 2022/2023 - 2026/2027 INTEGRATED DEVELOPMENT PLAN (IDP) AND BUDGET PROCESS PLAN
INDIEN VAN DIE KONSEP 2022/2023 - 2026/2027 GEÏNTEGREERDE ONTWIKKELINGSPLAN (GOP) EN BEGROTINGSPROSES PLAN
UKUNGENISWA KOYILO 2022/2023 - 2026/2027 ISICWANGCISO SOPHULISO ESIHLANGANISIWEYO (IDP) KUNYE NESICWANGCISO SENKQUBO YOHLAHLA LWABIWO-MALI

UNANIMOUSLY RESOLVED that

1. The Draft 2022/2023 – 2026/2027 IDP and Budget Process Plan, attached as Annexure A to the departmental report, be noted; and
2. The draft 2022/2023 – 2026/2021 IDP and Budget Process Plan be advertised on the Municipal Website, Local Newspapers as well as the Municipal Electronic Newspaper VARS, for purpose of obtaining input from the public on the intended process to be followed.

Meeting: Council-30/11/2021	Submitted by Department: IDP/PM
Ref No: 2/2/5	Author/s: C September
Coll No: 1804617	Referred from: MC-30/11/2021
<u>PAR:</u>	<u>ACTION:</u>
	<u>RESPONSIBLE DEPARTMENT:</u>
	<u>DUE DATE:</u>

9.7 AUDIT COMMITTEE REPORT
OUKITKOMITEE VERSLAG
INGXELO YEKOMITI YOPHICOTHO-ZINCWADI

The Chairperson of the Audit Committee, Mr R Najjaar, was present at the meeting.

UNANIMOUSLY RESOLVED that

1. The report of the Audit Committee (Annexure A) be noted; and
2. The minutes of the Audit Committee meeting held on 29 July 2021 (Annexure B) be noted.

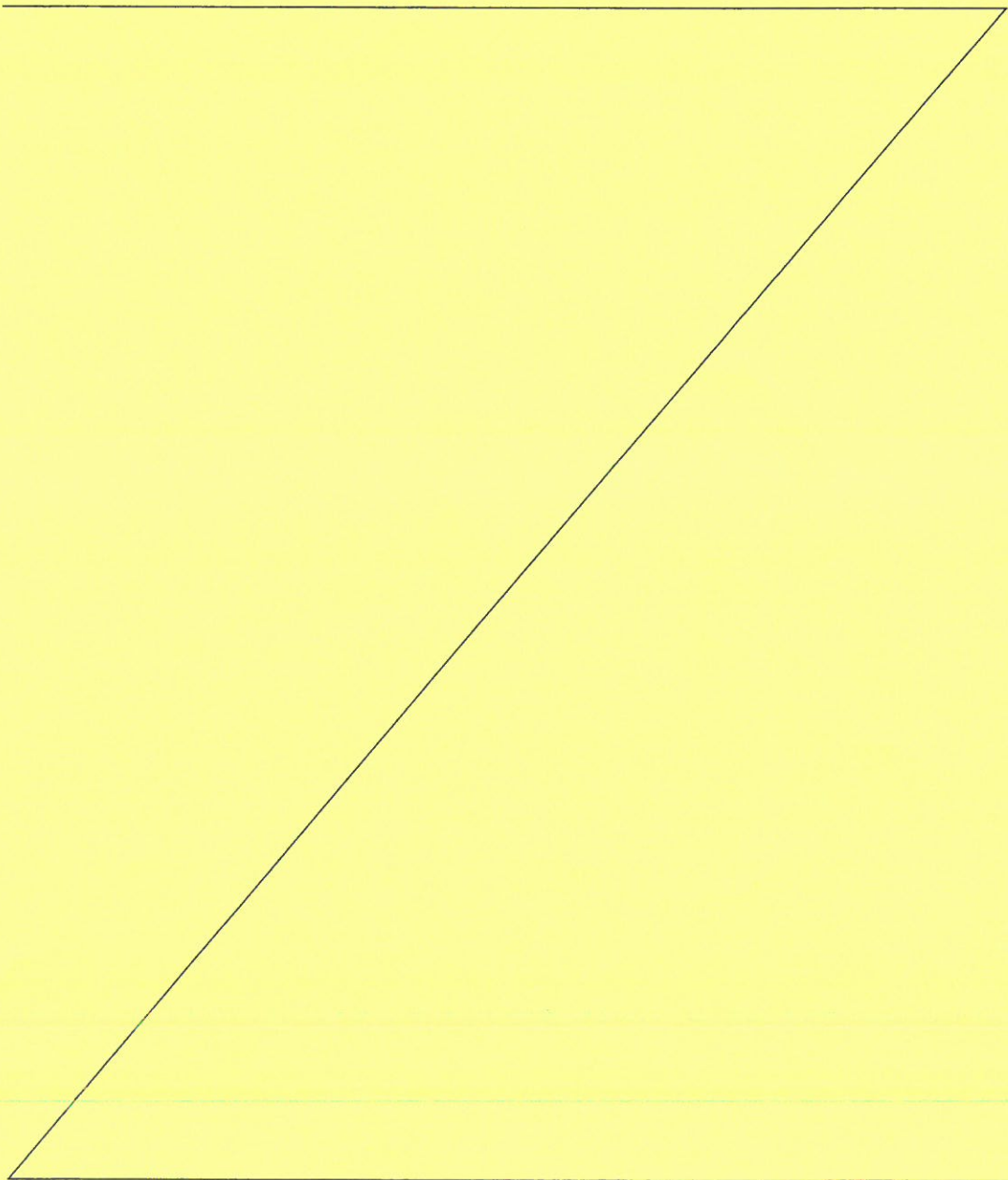
Meeting: Council-30/11/2021	Submitted by Department: Internal Audit
Ref No: 3/3/1/3/13	Author/s: R Jaftha
Coll No: 1801957	Referred from:
<u>PAR:</u>	<u>ACTION:</u>
	<u>RESPONSIBLE DEPARTMENT:</u>
	<u>DUE DATE:</u>

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10. NOTICES OF MOTIONS AND QUESTIONS
OORWEGING VAN MOSIES EN VRAE
UKUQWALASELWA KWEZAZISO ZEZIPHAKAMISO KUNYE NEZAZISO ZEMIBUZO

10.1 MOTION OF QUESTIONS IN TERMS OF RULE 34(2) OF THE RULES OF ORDER
MOSIE VAN VRAE INTERME VAN REËL 34(2) VAN DIE ORDEREËLS

The Speaker ruled that the attached responses to the questions would be provided to the councillor who posed the questions.



A handwritten signature or set of initials is located in the bottom right corner of the page.

RESPONSE TO WRITTEN QUESTIONS

**VRAAG AAN DIE BURGEMEESTER IN TERME VAN REEL 34 (2) VAN DIE
ORDEREELS VIR DIE DRAKENSTEIN RAADSVERGADERING 30 NOVEMBER 2021****Rdl. Stephan Landsberg - VF Plus, vra die Burgemeester:**

1. Kan die Burgemeester die Raad inlig of daar voort gegaan word met die beplande/beoogde **Waste to Energy (WTE)** verbrandingsoond projek in samewerking met **Interwaste**;

The councilor is well aware that the Municipal Council took a decision on 31 May 2018 to not proceed with the project. We are therefore not proceeding with incineration project with interwaste.

2. Kan die Burgemeester die Raad verder toelig:
 - a) Of daar onlangs verdere samesprekings gevoer is met **Interwaste** ten opsigte van 'n beoogde terrein in Wellington; en

No

- b) Of daar enige tender proses in werking gestel is om afval te verwyder en wat die besonderhede is.

There is no tender to remove solid waste. There is a tender in process for a service provider to provide waste disposal and waste diversion activities at Wellington landfill site that includes the day-to-day operations, chipping of green waste, crushing of builder's rubble, and diverting recyclable waste from the landfill site.



Drakenstein Municipality remains the License Holder of the landfill site. The tender process is still underway.

3. Kan die Burgemeester ook lig werp op:

- a) Of daar gevorder is met die skikking met die **Wellington Association Against the Incinerator** (WAAI) waaroor in beginsel ingestem is in 2018; en

The Municipality placed on record that an agreement was reached with WAAI on 31 May 2018 in that WAAI accepted our proposal to settle. On 30 May 2018 we provided WAAI with a draft settlement agreement incorporating the amendments as suggested by WAAI.

The agreement would have been a positive step forward in that various aspects of the projects such as a materials recovery facility and an anaerobic digester could have been implemented. This would have resulted in a significant savings to the municipality and citizens.

We further placed on record that on 31 May 2018 WAAI approved the settlement by proposing amendments to the draft settlement agreement and also amended a joint media statement, thereby giving effect to the settlement agreement, which was accepted by the Municipality as well as WAAI. The Municipality provided WAAI with the final settlement agreement as agreed to by WAAI. The settlement agreement was subject to Council approval and was to serve before our client's Council at its meeting on 31 May 2018.

Two WAAI's representatives who was part of the settlement discussions attended the Council meeting .They were party to instructing the WAAI legal representatives to accept the settlement agreement. However, during the Council meeting they publicly declared and insisted and maintained during the Council meeting that no settlement has been reached with them and that municipal political office-bearers and relevant officials were lying and misleading the Municipal Council and the public by advising that a settlement was reached.



We also placed on record that the behavior of these representatives is regarded as reprehensible conduct and a deliberate mala fide misrepresentation of the factual position and that they intentionally misled councillors and the broader public. As a result of this conduct the settlement agreement was not ratified by the Municipal Council.

While Drakenstein Municipality is willing to settle the matter it will be settled within the framework as mandated previously and agreed to by WAAI.

b) Of hy bewus is van die regsaksie wat WAAI aan het met die Departement van Omgewingsake.

I am aware of the legal action. The Municipality is however not actively involved in this action.

4. Kan die Burgemeester aandui of daar enige oplossings-gerigte aksies ter oorweging op die tafel is oor hierdie uitgerekte saga rondom vullis verwydering en die hantering daarvan.

The Municipality has approval for a height extension that provides additional years of operation. The height extension provides sufficient time for the Municipality to plan for medium and long term requirements and interventions that are the most cost effective and efficient.

The relevant department has draft 5-year strategic plan for Solid Waste Management, which includes the transporting of "tailings" to a remote landfill site. This can only be implemented after the upgrading of the Paarl Material Recovery Facility and Refuse Transfer Station. This strategic plan will serve at Council during the first half of 2022 for approval after final discussions and inputs from all relevant stakeholders.



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11. SUPPLEMENTARY AGENDA
AANVULLENDE AGENDA
I AJENDA EYONGEZIWEYO

None.

IN-COMMITTEE/ IN-KOMITEE/ KWI-KOMITI
12. CONFIDENTIAL MATTERS
VERTROULIKE SAKE
IMIBA EYIMFIHLO

12.1 WRITING-OFF OF IRRECOVERABLE DEBT REPORT - SEPTEMBER 2021
AFSKRYWING VAN ONINVORDERBARESKULDVERSLAG - SEPTEMBER 2021
INGXELO YOKUCINYWA KWAMATYALA ANGAHLAWULWAYO – EYOMSINTSI 2021

See Confidential minutes.

Meeting: Council 30/11/2021	Submitted by Department: Financial Services		
Ref No: 5/15/1	Author/s: A Abrahams		
Coll No: 1792610	Referred from: Mayo 30/11/2021		
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPARTMENT:</u>	<u>DUE DATE:</u>

12.2 WRITING-OFF OF IRRECOVERABLE DEBT REPORT - OCTOBER 2021
AFSKRYWING VAN ONINVORDERBARESKULDVERSLAG - OKTOBER 2021
INGXELO YOKUCINYWA KWAMATYALA ANGAHLAWULWAYO – EYEDWARHA 2021

See Confidential minutes.

Meeting: Council 30/11/2021	Submitted by Department: Financial Services		
Ref No: 5/15/1	Author/s: A Abrahams		
Coll No: 1801114	Referred from: Mayo 30/11/2021		
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPARTMENT:</u>	<u>DUE DATE:</u>

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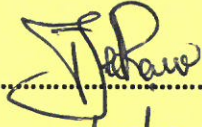
12.3 APPOINTMENT OF MUNICIPAL MANAGER (CITY MANAGER)
AANSTELLING VAN MUNISIPALE BESTUURDER (STADSBESTUURDER)

See Confidential minutes.

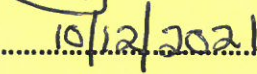
Meeting: Council 30/11/2021 Ref No: 4/6/3/1 Coll No: 1807381	Submitted by Department: Corporate Services Author/s: S Johaar Referred from:		
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPARTMENT:</u>	<u>DUE DATE:</u>

The meeting ended at 15:55.

CHAIRPERSON:



DATE:



Confirmed ~~with~~ without amendments.

PJ/mg





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COUNCIL MEETING

Date: 30 November 2021

Time: 14:00

Venue: COMMUNITY HALL

SURNAME	NAME	TITLE	SIGNATURE
ADAMS	JH	CLLR	
ADRIAANSE	MM	ALD	
ANDERSON	JV	CLLR	
ANDREAS	MA	CLLR	
APPOLLIS	AMB	CLLR	
ARENDSE	EG	CLLR	
ARENDSE	LC	CLLR	
ARNOLDS	RB	CLLR	
BARON	E	CLLR	
BESTER	TG	CLLR	
BOLANI	LE	CLLR	
BOOYSEN	VC	CLLR	
COMBRINK	GC	ALD	
CUPIDO	FP	CLLR	
CUPIDO	PBA	CLLR	
CYSTER	L	CLLR	
DANIELS	JV	CLLR	





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SURNAME	NAME	TITLE	SIGNATURE
DAVIDS	CO	CLLR	Verstekoning oornica
DE KOCK	J	CLLR	[Signature]
DE VILLIERS	PT	CLLR	[Signature]
DU PLESSIS	AJ	CLLR	[Signature]
DUBA	BP	CLLR	[Signature]
FOURIE	A	CLLR	[Signature]
GANANDANA	S	CLLR	[Signature]
GODONGWANA	N	CLLR	[Signature]
GOUWS	E	CLLR	[Signature]
GRAVEL	S	CLLR	[Signature]
JACOBS	B	CLLR	[Signature]
JACOBS	CM	CLLR	[Signature]
JACOBS	F	CLLR	[Signature]
JACOBS	M	CLLR	[Signature]
KEARNS	C	CLLR	[Signature]
KOEGELENBERG	RA	ALD	[Signature]
KROUTZ	C	CLLR	Verstekoning oornica
KULSEN	G	CLLR	[Signature]
LANDSBERG	S	CLLR	[Signature]
LANDU	L	CLLR	[Signature]





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SURNAME	NAME	TITLE	SIGNATURE
LE ROUX	JF	ALD	<i>JF Le Roux</i>
LIEBENBERG	SJ	CLLR	<i>SJ Liebenberg</i>
MANGENA	TC	CLLR	<i>TC Mangena</i>
MATTHEE	HJN	CLLR	<i>HJN Matthee</i>
MATTHEE	LC	CLLR	<i>LC Matthee</i>
MILLER	J	CLLR	<i>J Miller</i>
MOOI	TP	CLLR	<i>TP Mooi</i>
NELL	RH	CLLR	<i>RH Nell</i>
NONGOGO - WANA	N	CLLR	<i>N Nongogo-Wana</i>
NOBALA	M	CLLR	<i>M Nobala</i>
POOLE	CJ	ALD	<i>CJ Poole</i>
RICHARDS	AM	CLLR	<i>AM Richards</i>
ROSS	S	CLLR	<i>S Ross</i>
SAMBOKWE	LS	CLLR	<i>LS Sambokwe</i>
SAUERMAN	ND	CLLR	<i>ND Sauerman</i>
SEPTEMBER	JA	CLLR	<i>JA September</i>
SMIT	J	CLLR	<i>J Smit</i>
SMUTS	R	ALD	<i>R Smuts</i>
SOLOMONS	EA	CLLR	<i>EA Solomons</i>
STOWMAN	A	CLLR	<i>A Stowman</i>



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SURNAME	NAME	TITLE	SIGNATURE
STULWENI	AM	CLLR	
VAN NIEKERK	LT	CLLR	
VAN NIEUWENHUYZEN	RH	CLLR	
VAN ROOYEN	A	CLLR	Verstekering oorspronk
VAN SANTEN	AJ	CLLR	a. Jean Santen
VAN WILLINGH	B	CLLR	Bert Willingh
XHEGO	Z	CLLR	
ZOYA	N	CLLR	Verstekering oorspronk

**EX OFFICIO COMMISSIONER
OF OATHS S.A.
Serving Councillor
Drakenstein Municipality Paarl
Berg River Boulevard**

**EX OFFICIO KOMMISSARIS
VAN EDE S.A.
Dienende Raadslid
Drakenstein Munisipaliteit Paarl
Bergrivier Boulevard**

1/12/2021

Ek, sertifiseer dat hierdie dokument 'n ware afdruk/afskrif,
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of the original which was examined by me and that from my;
is en dat volgens my waarnemings, die oorspronklike nie;
observations, the original has not been altered in any manner.
op enige wyse gewysig is nie.