

DRAKENSTEIN MUNICIPALITY

MINUTES OF AN ORDINARY MEETING OF THE MUNICIPAL COUNCIL HELD IN THE PAARL TOWN HALL, MAIN STREET, PAARL, ON WEDNESDAY, 26 JANUARY 2022 AT 14:00.

PRESENT: **Councillors (see attendance register)**

Senior Officials:	Dr J H Leibbrandt	(City Manager)
	Mr B Brown	(Chief Financial Officer)
	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 N October	(Senior Manager: Legal and Administrative Services)
	Ms R Geldenhuys	(Manager: Communication and Marketing)
	Mr G Dippenaar	(Chief Risk Officer)
	Mr F P Goosen	(Manager: Administrative Support Services)
	Mr P January	(Senior Administrative Officer)

ABSENT: **Councillors (see attendance register)**



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1. APPLICATION FOR LEAVE
AANSOEK OM VERLOF
INGXELO NGU SOMLOMO

- | | | | |
|----|-----------------|---|------------------------------|
| 1. | Clr R B Arnolds | - | Apology; |
| 2. | Clr M Jacobs | - | Apology; |
| 3. | Clr S Ross | - | Apology; and |
| 4. | Mr S Johaar | - | (on Council duty) (Apology). |

2. DISCLOSURE OF INTERESTS
VERKLARING VAN BELANGE
UKUBHENGEZA KOMDLA

The Chief Financial Officer and Executive Directors declared their interest in respect of Item 9.17.

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

The Speaker made the following announcements:

1. Informed Council that the nomination forms in respect of the establishment of the ward committees to be submitted at the following venues on 3 February 2022 at 12:00 and explained the process that will follow thereafter:
 - Civic Centre Paarl: Helpdesk;
 - Wellington Municipal Office: Helpdesk;
 - Market Street, Paarl Municipal Office;
 - Paarl East Thusong Centre or Housing Office;
 - Mbekweni Thusong or Housing Office;
 - Gouda Municipal Office;
 - Saron Municipal Office; and
 - Drakenstein Libraries.
2. Complaints:
 - 2.1 Requested councillors to send emergency complaints (water pipe bursts, etc.) to the toll free number 080 131 3553; and
 - 2.2 Informed councillors that Customer Care only operates during municipal working hours.
3. Informed councillors that all apologies for absenteeism should be submitted to the Office of the Chief Whip;

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4. Congratulated councillors who celebrated their birthdays in January 2022;
5. Informed Council that Cllr A Stowman was elected as deputy chairperson and Ald G C Combrink as additional member at the SALGA Provincial Congress held on 18/19 January 2022;
6. Informed Council that Mr M Mafila will assist with interpretation at the Council meeting; and
7. Welcomed Ms N Oerson of the Auditor-General's Office at the meeting.

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

The Executive Mayor welcomed councillors and wished them a productive year in service of the community.

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

The City Manager stated that the Berg River situation has been addressed. The City Manager further stated that the tap water of the Drakenstein Municipal area is safe to drink.

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

The Ordinary minutes of the Mayoral Committee meeting held on 08 December 2021 is noted.



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8.	CONFIRMATION OF MINUTES
	BEKRAGTIGING VAN NOTULES
	UKUQINISEKISWA KWEMIZUZU

The minutes of the Ordinary meeting of the Municipal Council held on 10 December 2021 was **confirmed as correct**, subject to the following amendment in respect of the last sentence in paragraph 4 of Item 3, Statements by the Speaker:

“4. The Speaker, Ald J F le Roux was unanimously elected as councillor representative from Drakenstein Municipality, where the councillor will be a voting delegate. Mr S Johaar was delegated by the City Manager to attend as Senior Official from the Municipality.”

9.	ITEMS FOR CONSIDERATION
	ITEMS VIR OORWEGING
	UKUQWALASELWA KWEENGXELO KA IKOMITI KASODOLOPHU WESIGQEBA

9.1	COUNCILLORS' OUTSTANDING DEBT REPORT AS AT 30 NOVEMBER 2021
	RAADSLEDE SE UITSTAANDE SKULDVERSLAG SOOS OP 30 NOVEMBER 2021
	INGXELO YAMATYALA YOCEBA NGOBUNJALO NGOMHLA 30 EYENKANGA 2021

UNANIMOUSLY RESOLVED that

The report be noted.

Meeting: Council – 26/01/2022 Ref No: 9/1/1/4 Coll No: 1811140	Submitted by Department: Financial Services Author/s: A Abrahams Referred from: MC – 26/01/2022		
PAR:	ACTION:	RESPONSIBLE DEPARTMENT:	DUE DATE:

9.2	COUNCILLORS' OUTSTANDING DEBT REPORT AS AT 31 DECEMBER 2021
	RAADSLEDE SE UITSTAANDE SKULDVERSLAG SOOS OP 31 DESEMBER 2021
	INGXELO YAMATYALA YOCEBA NGOBUNJALO NGOMHLA 31 ETIMNGA 2021

UNANIMOUSLY RESOLVED that

The report be noted.

Meeting: Council – 26/01/2022 Ref No: 9/1/1/4 Coll No: 1815814	Submitted by Department: Financial Services Author/s: A Abrahams Referred from: MC – 26/01/2022		
PAR:	ACTION:	RESPONSIBLE DEPARTMENT:	DUE DATE:

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9.3	REPORT ON TENDER AWARDS: OCTOBER 2021
	VERSLAG OOR TENDERTOEKENNINGS: OKTOBER 2021
	INGXELO NGONIKEZELO LWETHENDA: EYEDWARHA 2021

Various questions were raised with regard to the amount of work awarded to local contractors, the repair of the fleet, the buying of 2nd hand vehicles and the deviation in respect of the landfill site, which were responded to by the Deputy Executive Mayor.

UNANIMOUSLY RESOLVED that

1. The awards above R200,000 that were adjudicated by the Bid Adjudication Committee for the month of October 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 – 26/01/2022	Submitted by Department: Financial Services
Ref No: 8/1/2/1	Author/s: C Hess
Coll No: 1803349	Referred from: MC – 26/01/2022
PAR:	ACTION:
	RESPONSIBLE DEPARTMENT:
	DUE DATE:

9.4	REPORT ON TENDER AWARDS: NOVEMBER 2021
	VERSLAG OOR TENDERTOEKENNINGS: NOVEMBER 2021
	INGXELO NGONIKEZELO LWETHENDA: EYENKANGA 2021

UNANIMOUSLY RESOLVED that

1. The awards above R200,000 that were adjudicated by the Bid Adjudication Committee for the month of November 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 – 26/01/2022	Submitted by Department: Financial Services
Ref No: 8/1/2/1	Author/s: C Hess
Coll No: 1810047	Referred from: MC – 26/01/2022
PAR:	ACTION:
	RESPONSIBLE DEPARTMENT:
	DUE DATE:

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9.5 REPORT ON DEVIATIONS FROM PROCUREMENT PROCESSES: OCTOBER 2021
VERSLAG VAN AFWYKINGS VAN VERKRYGINGSPROSESSE: OKTOBER 2021
INGXELO YOKUPHAMBUKELA KUNYE NOLUNGISO OLUNCINCI LOKUPHEPHELA KWINKQUBO OKUFUMANA: EYEDWARHA 2021

The Deputy Executive Mayor indicated that an error occurred in the amount of the deviations for October 2021 as the hiring of the compactor for the landfill site was already captured in the August 2021 report. The view was expressed that since this matter was only brought to Council's attention during the meeting, the item should be withdrawn and resubmitted at the next Council meeting with the correct figures.

After some discussion the recommendation with the amended amounts was put to the vote and carried by 34 votes to 21 with 6 abstentions.

RESOLVED that

1. In terms of paragraph 36(2) of the Supply Chain Management Policy, the deviations and the reasons for the deviations for the amount of R1,911,454 (incl VAT) for October 2021 as recorded by the Accounting Officer under the annexures attached to this report be noted; and
2. The Chief Financial Officer record the accumulated deviation amount of R6,387,692 (incl VAT) for the financial year in the notes to the 2021/2022 annual financial statements as required by legislation.

Meeting: Council – 26/01/2022	Submitted by Department: Financial Services		
Ref No: 9/1/1/5	Author/s: C Hess		
Coll No: 1803380	Referred from:		
PAR:	ACTION:	RESPONSIBLE DEPARTMENT:	DUE DATE:

9.6 REPORT ON DEVIATIONS FROM PROCUREMENT PROCESSES: NOVEMBER 2021
VERSLAG VAN AFWYKINGS VAN VERKRYGINGSPROSESSE: NOVEMBER 2021
INGXELO YOKUPHAMBUKELA KUNYE NOLUNGISO OLUNCINCI LOKUPHEPHELA KWINKQUBO OKUFUMANA: EYENKANGA 2021

The Deputy Executive Mayor also indicated that the amounts in the report is incorrect and revised it during the meeting.

UNANIMOUSLY RESOLVED that

1. In terms of paragraph 36(2) of the Supply Chain Management Policy, the deviations and the reasons for the deviations for the amount of R388,890 (incl VAT) for November 2021 as recorded by the Accounting Officer under the annexures attached to this report be noted; and



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2. The Chief Financial Officer record the accumulated deviation amount of R6,776,583 (incl VAT) for the financial year in the notes to the 2021/2022 annual financial statements as required by legislation.

Meeting: Council 26/01/2022	Submitted by Department: Financial Services
Ref No: 9/1/1/5	Author/s: C Hees
Coll No: 1810032	Referred from:
PAR:	ACTION:
	RESPONSIBLE DEPARTMENT:
	DUE DATE:

9.7 MUNICIPAL FINANCE MANAGEMENT ACT: SECTION 71 MONTHLY AND 52 QUARTERLY BUDGET MONITORING REPORT FOR DECEMBER 2021
MUNISIPALE WET OP BESTUUR VAN FINANSIES: ARTIKEL 71 MAANDELIKSE EN 52 KWARTAALLIKSE BEGROTINGSMONITERINGSVERSLAG VIR DESEMBER 2021
UMTHETHO WOLAWULO LWEMALI KAMASIPALA: ICANDELO 71 INGXELO YOKUBEKA ESWENI ULAWULO LWABIWO-MALI LUKAJUNI 2021

UNANIMOUSLY RESOLVED that

- The content of the section 71 monthly budget monitoring report for December 2021 and the supporting documentation be noted;
- The content of the section 52 quarterly report on the implementation of the budget and financial affairs of Drakenstein Municipality referred to in section 52(d) of the MFMA be noted; and
- It be noted that the section 71 monthly and 52 quarterly budget monitoring report for December 2021 was submitted to the Executive Mayor; National Treasury and Provincial Treasury on 14 January 2022, being the 10th working day after the end of December 2021.

Meeting: Council – 26/02/2022	Submitted by Department: Financial Services
Ref No: 9/1/1/4	Author/s: A Viola
Coll No: 1818130	Referred from: MC – 26/01/2022
PAR:	ACTION:
	RESPONSIBLE DEPT:
	DUE DATE:

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9.8	MID-YEAR BUDGET ASSESSMENT REPORT (SECTION 72 OF THE MFMA) FOR THE 2021/2022 FINANCIAL YEAR
	HALF-JAARLIKSE BEGROTING EVALUERINGSVERSLAG (ARTIKEL 72 VAN MFBW) VIR DIE 2021/2022 FINANSIËLE JAAR
	INGXELO YOVAVANYO LWABIWO-MALI EPHAKATHI KONYAKA (ICANDELO 72 LEMFMA) KUNYAKA-MALI 2021/2022

UNANIMOUSLY RESOLVED that

1. The Section 72 Mid-Year Budget Assessment Report be noted;
2. The City Manager and Senior Management compiles an adjustments budget for 2021/2022 based on the findings within the Section 72 Mid-Year Budget Assessment Report; and
3. The 2021/2022 adjustments budget be tabled to the Mayoral Committee and Council during the month of February 2022 to be approved by Council by not later than 28 February 2022.

Meeting: Council – 26/01/2022	Submitted by Department: Financial Services		
Ref No: 5/2/2	Author/s: L Crox		
Coll No: 1818062	Referred from: MC – 26/01/2022		
PAR:	ACTION:	RESPONSIBLE DEPARTMENT:	DUE DATE:
1-3	Implement decision	Chief Financial Officer	

9.9	APPROVAL OF THE 3RD SPECIAL ADJUSTMENTS BUDGET FOR THE 2021/2022 FINANCIAL YEAR
	GOEDKEURING VAN DIE 3DE SPESIALE AANSUIWERINGSBEGROTING VIR DIE 2021/2022 FINANSIËLE JAAR
	UKWAMKELWA KOHLAHLLO LWABIWO MALI LWESITHATHU LOLUNGISO ESIZODWA KUNYAKA-MALI KA-2021/2022

UNANIMOUSLY RESOLVED that

1. The total operating revenue of R2,738,869,030 for the 2021/2022 financial year as set out in Table 1 of the Special Adjustments Budget Report be approved;
2. The operating expenditure of R2,672,744,741 for the 2021/2022 financial year as set out in Table 2 of the Special Adjustments Budget Report be approved;
3. The capital expenditure budget of R171,969,637 for the financial year as set out in Table 4 of the Special Adjustments Budget Report be approved;



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4. The capital expenditure budget of R171,969,637 to be funded by the following revenue sources as set out in Table 5 of the Special Adjustments Budget Report:
- 4.1 Capital Replacement Reserve (CRR) (R54,278,562);
- 4.2 Secured grants to be received from national government, provincial government and other donors (R116,487,671); and
- 4.3 Developers Contributions (R1,203,404).
5. It be noted that no taxes and tariffs be affected with the approval of this adjustments budget; and
6. Schedules B1 to B10 attached as Appendix 2 to the Special Adjustments Budget Report be approved.

Meeting: Ref No: Coll No:	Council – 26/01/2022 5/2/2 1817406	Submitted by Department: Author/s: Referred from:	Financial Services L Crox MC – 26/01/2022
PAR:	ACTION:	RESPONSIBLE DEPARTMENT:	DUE DATE:
1-6	Implement decision	Chief Financial Officer	

9.10 DRAFT ANNUAL REPORT: 2020/2021
KONSEP JAARVERSLAG: 2020/2021
UKUBEKWA KWENGXELO YONYAKA KA 2020/2021

UNANIMOUSLY RESOLVED that

- The Draft 2020/2021 Annual Report be noted;
- The Draft 2020/2021 Annual Report be advertised for public comment as prescribed by the Municipal Finance Management Act and the Municipal Systems Act; and
- The Draft 2020/2021 Annual Report be submitted to the Auditor-General, Provincial Treasury and the Provincial Department of Local Government.

Meeting: Ref No: Coll No:	Council – 26/01/2022 9/1/2 1818391	Submitted by Department: Author/s: Referred from:	Financial Services B Brown MC – 26/01/2022
PAR:	ACTION:	RESPONSIBLE DEPARTMENT:	DUE DATE:
1-3	Implement decision	Chief Financial Officer	

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9.11 CONFERMENT OF ALDERMAN/ALDERLADY STATUS TO QUALIFYING COUNCILLORS TOEKENNING VAN RAADSHEER/RAADSDAME STATUS AAN KWALIFISERENDE RAADSLEDE UKUNIKEZELWA KOBU ALDERMAN/ALDERLADY KOO CEBA ABAFANELEKILEYO
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UNANIMOUSLY RESOLVED that

1. The title of Alderman be conferred upon Cllr A C Stowman who qualifies therefor in terms of the Policy for the Bestowal of Alderman/Alderlady status; and
2. The Alderman lapel badge be handed to the above councillor by the Executive Mayor at the next Council meeting.

Meeting: Council – 26/01/2022	Submitted by Department: Corporate Services		
Ref No: 3/B x 3/B/6	Author/s: F Goosen		
Coll No: 1811479	Referred from: MC – 20/01/2022		
PAR: 2	ACTION: Implement decision	RESPONSIBLE DEPARTMENT: ED Corporate Services	DUE DATE:

9.12 FINAL APPROVAL: ALIENATION OF A PORTION OF ERF 23613, MAASDORP STREET, PAARL TO THE ADJOINING LANDOWNER OF ERF 6359 PAARL (WARD 33) FINALE GOEDKEURING: VERVREEMDING VAN 'N GEDEELTE VAN ERF 23613, MAASDORPSTRAAT, PAARL AAN DIE AANLIGGENDE EIENAAR VAN ERF 6359 PAARL (WYK 33) UKUVUNYWA KOKUGQIBELA: UKUPHELISWA KWELUNGELO LOBUNINI-MHLABA BESAPHLULO SE-ERF 23613, KWISITALATO I-MAASDORP, E-PAARL BUDLULISELWA KUMNINIMHLABA WE-ERF 6359 PAARL (KWIWADI 33) OSECALENI KWASO
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UNANIMOUSLY RESOLVED that

1. In terms of Section 14 of the MFMA Council resolves that:
 - 1.1 The subject property is not needed to provide the minimum level of basic municipal services; and
 - 1.2 The fair market value of the asset and the economic and community value to be received in exchange for the asset has been considered.
2. In terms of Section 14 of the MFMA final approval be granted for the alienation of a portion of Erf 23613, measuring approximately 330m² in extent, to the adjacent landowner of Erf 6359, Paarl, (Mr A M Dombas) subject to the normal conditions of sale and the following further conditions:
 - 2.1 The subject property be sold at a market related selling price of R245,000.00 (VAT excluded) as determined by an Independent valuer;



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- 2.2 All cost related to the transaction will be for the applicant's account; and
- 2.3 The transaction be subject to the technical conditions as set out in Annexure B attached to the departmental report.
3. It be noted that this transaction will not set a precedent in respect of the sale of portions of Public Open Spaces and that each application will be considered on merit; and
4. In terms of Paragraph 13 of the Asset Transfer Policy, the portion of land be alienated by way of direct negotiation, since the subject property can only be used by the adjacent landowner.

Meeting: Council – 26/01/2022		Submitted by Department: Corporate Services	
Ref No: 15/4/1 (23813)P		Author/s: N Williams	
Coll No: 1777490		Referred from: MC – 20/01/2022	
PAR:	ACTION:	RESPONSIBLE DEPARTMENT:	DUE DATE:
1-4	Implement decision	ED Corporate Services	

9.13 PROPOSED ALIENATION OF A PORTION ERF 534 SARON TO JSRR TRADING (PTY) LTD FOR COMMERCIAL DEVELOPMENT PURPOSES (WARD 30)
VOORGESTELDE VERVREEMDING VAN 'N GEDEELTE VAN ERF 534 SARON AAN JSRR TRADING (EDMS) BPK VIR KOMMERSIËLE ONTWIKKELING DOELEINDES (WYK 30)
ISINDULULO SOKUPHEPHELA KWICEBA LESIZA 534 SARON KWI JSRR TRADING (PTY) LTD KUSENZELWA UPHUHLISO LOQOQOSHO (WADI 30)

Various questions and comments were raised regarding the legality and desirability of the proposed transaction as well as the role of the ward councillor in the process. The view was also expressed that the transaction be held in abeyance pending the finalization of the TRANCRAA process.

After some discussion the recommendation of the Executive Mayor was put to the vote and carried by 34 votes to 21 with 6 abstentions.

RESOLVED that

1. In terms of Section 14 of the Municipal Finance Management Act (No 56 of 2003) in principle approval be granted for the alienation of a portion of Erf 534 Saron, measuring approximately 1.2ha in extent, via direct alienation, to JSRR Trading (Pty) Ltd, at a market related selling price, subject to the standards conditions of sale as well as the following further conditions:
 - 1.1 The subject property vests in the Municipality as Section 2 land and in terms of the prescribed legislation an application to the Deeds Office for the vesting transfer of the subject property to the Municipality is required. Council will however only consider the granting of final approval of the proposed alienation once the Minister of Agriculture,

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Rural Development and Land Reform has been duly informed and consented to the proposed transaction. A letter will be addressed to the Minister requesting the consent and falling any response within 2 months from date of letter in respect of the aforementioned request, we will proceed with the transaction as consent is not required in terms of the relevant prescribed legislation. The subject property is a portion of Erf 534 Saron on which the municipal library, community hall as well as various public streets in the northern residential area, vesting in the Municipality, is situated. The correspondence already addressed to the regional, provincial and national spheres of government in respect of the aforementioned and broader Saron TRANCRAA process, marked Annexures "E" – "H" to the departmental report, also be noted;

- 1.2 A valuation must be obtained from an independent valuer to determine a market related selling price;
- 1.3 The proposed transaction be advertised in the local press for objections, comments and representations;
- 1.4 The closure, rezoning and subdivision of the subject property must be undertaken by and at the cost of the applicant. All other costs relating to this transaction must be borne by the purchaser;
- 1.5 Approval and confirmation of the availability of the required capacity in respect of the proposed development's electricity needs must be obtained from Eskom before final approval in respect of the proposed transaction will be considered by Council;
- 1.6 Consultations in respect of any required services infrastructure upgrades and installations as well as in respect of approximate development charges payable and due by the developer must have been undertaken prior to the consideration of the granting of final approval by Council in respect of the proposed transaction;
- 1.7 Written confirmation must be obtained from LDB Attorneys that the applicant/developer has submitted all the required documentation/information for the application of funding from possible investors for the project, within 2 months of receipt of in principle approval of the proposed transaction by Council. The information consists mainly of, but is not limited to the following:
 - 1.7.1 Confirmation that JSRR Trading (Pty) Ltd will be the project owner;
 - 1.7.2 Proof of Return on Investment of 25% over a 5 – 7 year period as well as equity in the project until the capital debt and interest have been repaid where after the investors will exit the project; and



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- 1.7.3 Proof of sufficient security for the capital provided by the investors.
- 1.8 All technical conditions imposed by the technical departments be adhered to.
2. The transaction shall further be subject to a suspensive condition in that the required land use rights approvals including all other statutory approvals required, must be obtained within 12 months from date of final approval being granted for the proposed transaction, prior to registration of transfer being granted;
 3. The transaction shall also be subject to a suspensive condition in that building plan approval must be obtained within 14 months from final approval being granted for the alienation of the proposed transaction, prior to registration of transfer being granted;
 4. The subject property shall be subject to pre-emptive and reverslonyary rights in favour of the Municipality should the developer intend to use the subject property for any other purpose as set out on the Site Development Plan (Annexure B to the departmental report) or fail to complete the proposed development in line with the aforementioned Site Development Plan within 24 months of date of registration of transfer; and
 5. The subject property is a viable pocket of land and in terms of Paragraph 13 of the Asset Transfer Policy it may be alienated directly when the Municipality is of the view that it will not be in the interest of the Municipality or the community in general to follow a competitive process. It should however be noted that the direct disposal of the subject property will incorporate the principles of competitiveness by inviting interested parties to submit counter applications or offers. The disposal will be advertised for objections, comments, counter offers and representations.

Meeting:	Council – 26/01/2022	Submitted by Department:	Corporate Services
Ref No:	15/4/1 (6126)P	Author/s:	N October
Coll No:	1787817	Referred from:	MC –26/01/2022
<u>PAR:</u>	<u>ACTION:</u>	<u>RESPONSIBLE DEPARTMENT:</u>	<u>DUE DATE:</u>
1-5	Implement decision	ED Corporate Services	

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9.14	PROCESS PLAN: INTEGRATED DEVELOPMENT PLAN (IDP) AND BUDGET
	PROSES PLAN: GEÏNTEGREERDE ONTWIKKELINGSPLAN (GOP) EN BEGROTING
	UYILO LWENKQUBO: UYILO LOPHUHLISO OLUDIBENEYO (IDP) KUNYE NOHLAHO LWABIWO MALI

UNANIMOUSLY RESOLVED that

1. The IDP and Budget Process Plan (Annexure A to the departmental report), be approved;
2. A notice be placed on the Municipal Website, Local Newspapers as well as the Electronic Municipal Newspaper Vars to inform the public of the approval of the IDP and Budget Process Plan; and
3. The IDP and Budget Process Plan be submitted to:
 - 3.1 The MEC for Local Government, Mr Anton Bredell;
 - 3.2 The Western Cape Department of Local Government; and
 - 3.3 Provincial Treasury.

Meeting: Council – 26/01/2022	Submitted by Department: IDP/PM
Ref No: 2/2/5	Author/s: C September
Coll No: 1817273	Referred from: MC – 26/01/2022
PAR:	ACTION:
1-3	Implement decision
	RESPONSIBLE DEPARTMENT:
	Manager IDP/PM
	DUE DATE:

9.15	SECTION 52 (MFMA) QUARTERLY PERFORMANCE ASSESSMENT REPORT TOP LAYER SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN (QUARTER 2: 01 OCTOBER TO 31 DECEMBER 2021)
	ARTIKEL 52 (MFMA) KWARTAALLIKSE PRESTASIE ASSESSERINGSVERSLAG TOP VLAK DIENSLEWERING EN BEGROTING IMPLEMENTERINGSPLAN (KWARTAAL 2: 01 OKTOBER TOT 31 DESEMBER 2021)
	ICANDELO 52 (MFMA) INGXELO YOVAVANYO LWEKOTA LWENKQUBELA PHAMBILI TOP LAYER SERVICE DELIVERY BUDGET IMPLEMENTATION PLAN (KWI-2:01 OKTOBHA UKUYA NGE-31 DISEMBA 2021)

UNANIMOUSLY RESOLVED that

1. The Quarterly Performance Assessment Report 2021/2022 Q2 (01 October to 31 December 2021) be adopted;
2. The Quarterly Performance Assessment Report be placed on the Municipal Website; and



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3. The approved Quarterly Performance Assessment Report be submitted to the:
- 3.1 Internal Audit Unit (for notification);
 - 3.2 Auditor General of South Africa;
 - 3.3 Provincial Treasury Western Cape;
 - 3.4 National Treasury; and
 - 3.5 Department of Local Government: Western Cape.

Meeting: Council – 26/01/2022	Submitted by Department: IDP & PM		
Ref No: 2/2/8	Author/s: W Prins		
Coll No: 1818002	Referred from: MC – 26/01/2022		
PAR:	ACTION:	RESPONSIBLE DEPARTMENT:	DUE DATE:
1-3	Implement decision	Manager IDP/PM	

9.16 SECTION 72 (MFMA) MID-YEAR PERFORMANCE ASSESSMENT REPORT 2021/2022 (01 JULY – 31 DECEMBER 2021)
ARTIKEL 72 (MFMA) HALFJAARLIKSE PRESTASIE – EVALUERINGSVERSLAG 2021/2022 (01 JULIE – 31 DESEMBER 2021)
ICANELO72 (MFMA) INGXELO YOMBIDI WONYAKA LOVAVANYO LWENKQU 2021/2022 (01 JULAYI – 31 DISEMBA 2021)

UNANIMOUSLY RESOLVED that

1. The performance of the Municipality against the set objectives contained in the Mid-Year Performance Assessment Report 2021/2022 for the Drakenstein Municipality (Annexure A to the departmental report), be noted;
2. The Mid-Year Performance Assessment Report 2021/2022 be published on the Municipal website; and
3. The Mid-Year Performance Assessment Report 2021/2022 be submitted to the:
 - 3.1 Internal Audit and the Audit Committee;
 - 3.2 Provincial Treasury, Western Cape;
 - 3.3 Provincial Department of Local Government, Western Cape; and
 - 3.4 National Treasury.

Meeting: Council – 26/01/2022	Submitted by Department: IDP & PM		
Ref No: 2/2/8	Author/s: W Prins		
Coll No: 1818057	Referred from: MC – 26/01/2022		
PAR:	ACTION:	RESPONSIBLE DEPARTMENT:	DUE DATE:
1-3	Implement decision	Manager IDP/PM	

**DRAKENSTEIN MUNICIPALITY
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26 JANUARY 2022**

9.17 EXTENSION OF CONTRACTS OF THE CHIEF FINANCIAL OFFICER (CFO) AND EXECUTIVE DIRECTORS (ED)
VERLENGING VAN KONTRAKTE VAN DIE HOOF FINANSIËLE BEAMPTE (HFB) EN UITVOERENDE DIREKTEURE (UD)
UKWANISWA KWEZIVUMELWANO ZEGOSA LEZEMALI ELIYINTLOKO (CFO) NABALAWULI ABALAWULAYO (ED)

The CFO and Executive Directors were not present when the item was discussed.

The ANC, GOOD and CDR expressed their concerns with regard to the extension of the contracts of the CFO and the three Executive Directors. Amongst the concerns raised were that the extension of the contracts is against the principle of competitiveness in that others did not have the opportunity to apply and that the legal basis as set out in the report is questionable. The view was further expressed that the item be withdrawn and referred for a legal opinion and thereafter be resubmitted to Council. The Executive Mayor indicated that he was satisfied that the extensions of the contracts were lawful and that all the concerns raised is addressed in the discussion. The recommendations were put to the vote and carried by 34 votes to 24 with 3 abstentions.

RESOLVED that

1. The report be noted;
2. The Municipal Council hereby confirms that:
 - 2.1 The position of the Chief Financial Officer (CFO) and four (4) Executive Directors are required to meet the strategic objectives of the Municipality;
 - 2.2 The job descriptions for the CFO and Executive Director posts have been developed;
 - 2.3 The remuneration and other conditions of employment attached to the posts are governed by Regulation; and
 - 2.4 The posts has been budgeted for and sufficient funds are available.
3. The Council hereby approved the extension of the employment contracts of the CFO and three (3) Executive Directors as follows:
 - 3.1 The employment contract of the Executive Director: Corporate Services, Mr Seraj Johaar, be extended for a period of 10 years with an amended termination date of 01 May 2032;
 - 3.2 The employment contract of the Executive Director: Community Services, Mr Gerald Esau, be extended for a period of 10 years with an amended termination date of 01 December 2033;

**DRAKENSTEIN MUNICIPALITY
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26 JANUARY 2022**

- 3.3 The employment contract of the Executive Director: Engineering Services, Mr Marius Wüst, be extended for a period of 10 years with an amended termination date of 01 September 2034; and
- 3.4 The employment contract of the Chief Financial Officer, Mr Bradley Brown, be extended for a period of 10 years with an amended termination date of 01 June 2040.
4. Authorisation be granted to the City Manager to conclude and sign the amended employment contracts.

Meeting:	Council – 26/01/2022	Submitted by Department:	Corporate Services
Ref No:	4/6/3	Author/s:	N October
Coll No:	1787237	Referred from:	MC – 26/01/2022
PAR:	ACTION:	RESPONSIBLE DEPARTMENT:	DUE DATE:
1-4	Implement decision	ED Corporate Services	

10. NOTICES OF MOTIONS AND QUESTIONS

OORWEGING VAN MOSIES EN VRAE

UKUQWALASELWA KWEZAZISO ZEZIPHAKAMISO KUNYE NEZAZISO ZEMIBUZO

The Freedom Front Plus submitted an urgent motion on the situation at the Berg River, but could not muster the required two thirds support for the motion to be consider.

11. SUPPLEMENTARY AGENDA

AANVULLENDE AGENDA

I AJENDA EYONGEZIWEYO

None.

IN-COMMITTEE/ IN-KOMITEE/ KWI-KOMITI

12. CONFIDENTIAL MATTERS

VERTROULIKE SAKE

IMIBA EYIMFIHLO

12.1 CONFIDENTIAL MINUTES

VERTROULIKE NOTULE

UKUQWALASELWA KWEMIZUZU YIMFIHLO

See Confidential Minutes.

**DRAKENSTEIN MUNICIPALITY
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12.2 WRITING-OFF OF IRRECOVERABLE DEBT REPORT – NOVEMBER 2021
AFSKRYWING VAN ONINVORDERBARE SKULDVERSLAG - NOVEMBER 2021
INGXELO YOKUCINYWA KWAMATYALA ANGAHLAWULWAYO – EYEKANGA 2021

See Confidential Minutes.

Meeting: Mayco – 26/01/2022	Submitted by Department: Financial Services		
Ref No: 5/15/1	Author/s: A Abrahams		
CoH No: 1810988	Referred from:		
PAR:	ACTION:	RESPONSIBLE DEPARTMENT:	DUE DATE:

12.3 WRITING-OFF OF IRRECOVERABLE DEBT REPORT – DECEMBER 2021
AFSKRYWING VAN ONINVORDERBARE SKULDVERSLAG - DESEMBER 2022
INGXELO YOKUCINYWA KWAMATYALA ANGAHLAWULWAYO – ETIMNGA 2022

See Confidential Minutes.

Meeting: Mayco – 26/01/2022	Submitted by Department: Financial Services		
Ref No: 5/15/1	Author/s: A Abrahams		
CoH No: 1810988	Referred from:		
PAR:	ACTION:	RESPONSIBLE DEPARTMENT:	DUE DATE:

The meeting ended at 16:57.

CHAIRPERSON: J.F. le Roux

DATE: 25/2/2022

Confirmed ~~with~~ without amendments, but request noted to verify minutes on p 12, item 9.13, first paragraph.

PJ/mg





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City Centre, Berg River Boulevard, Paarl 7646

COUNCIL MEETING

Date: 26 January 2022

Time: 14:00

Venue: PAARL TOWN 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	Verstekening oantoor
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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CHIEF WHIP/ROOFSV. EEF

CLLR/ RDL CHRISTEPHINE KEAONS

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

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 CHIEF WHIP/ HOOF SWEEP
 CLLR/ RDL CHRISTEPHINE KEARNS
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SURNAME	NAME	TITLE	SIGNATURE
LE ROUX	JF	ALD	
LIEBENBERG	SJ	CLLR	
MANGENA	TC	CLLR	
MATTHEE	HJN	CLLR	
MATTHEE	LC	CLLR	
MILLER	J	CLLR	
MOOI	TP	CLLR	
NELL	RH	CLLR	
NONGOGO - WANA	N	CLLR	
NOBALA	M	CLLR	
POOLE	CJ	ALD	
RICHARDS	AM	CLLR	
ROSS	S	CLLR	
SAMBOKWE	LS	CLLR	
SAUERMAN	ND	CLLR	
SEPTEMBER	JA	CLLR	
SMIT	J	CLLR	
SMUTS	R	ALD	
SOLOMONS	EA	CLLR	
STOWMAN	A	CLLR	

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SURNAME	NAME	TITLE	SIGNATURE
STULWENI	AM	CLLR	<i>T. van Wouda</i>
VAN NIEKERK	LT	CLLR	<i>N. van Niekerk</i>
VAN NIEUWENHUYZEN	RH	CLLR	<i>G. van Nieuwenhuizen</i>
VAN ROOYEN	A	CLLR	<i>A. van Rooyen</i>
VAN SANTEN	AJ	CLLR	<i>A. J. van Santen</i>
VAN WILLINGH	B	CLLR	<i>B. van Willingh</i>
XHEGO	Z	CLLR	<i>T. van Wouda</i>
ZOYA	N	CLLR	<i>T. van Wouda</i>

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Christiephe Kearns

27/01/2022

[Handwritten mark]