

**DRAKENSTEIN MUNICIPALITY**

**MINUTES OF A SPECIAL MEETING OF THE MUNICIPAL COUNCIL HELD IN THE  
COUNCIL CHAMBERS, CIVIC CENTRE, BERG RIVER BOULEVARD, PAARL, ON  
FRIDAY, 08 DECEMBER 2017 AT 10:00**

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

<b>Senior Officials:</b>	<b>Dr J H Leibbrandt</b>	<b>(City Manager)</b>
	<b>Mr S Johaar</b>	<b>(Executive Director: Corporate Services)</b>
	<b>Mr J Carstens</b>	<b>(Chief Financial Officer)</b>
	<b>Mr D Hattingh</b>	<b>(Executive Director: Engineering Services)</b>
	<b>Ms L Waring</b>	<b>(Executive Director: Planning and Development)</b>
	<b>Mr G Boshoff</b>	<b>(Executive Director: Community Services)</b>
	<b>Mr AV Marais</b>	<b>(Senior Manager Legal and Administration)</b>
	<b>Ms R Jaftha</b>	<b>(Chief Audit Executive)</b>
	<b>Ms R Geldenhuys</b>	<b>(Manager: Marketing and Communication)</b>
	<b>Mr G Dippenaar</b>	<b>(Chief Risk Officer)</b>
	<b>Mr F P Goosen</b>	<b>(Manager: Administrative Support Services)</b>

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



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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 VAN AFWESIGHEID VAN RAAD/KOMITEEVERGADERINGS</b>
<b>UKUQWALASELWA KWEZICELO ZOCEBA ZOKUNGABIKO KWIBHUNGA/ KWINTLANGANISO ZEBHUNGA</b>

The following applications for leave of absence were approved in terms of Council's Rules of Order:-

- |    |                      |   |                                    |
|----|----------------------|---|------------------------------------|
| 1) | Clr C Kearns         | - | 8 December 2017 (on council duty); |
| 2) | Clr S Ross           | - | 8 December 2017 (sick leave);      |
| 3) | Clr M A Andreas      | - | 8 December 2017 (on council duty); |
| 4) | Clr R Arnolds        | - | 8 December 2017 (apology);         |
| 5) | Clr H J Kotze        | - | 8 December 2017 (apology); and     |
| 6) | Clr D S Blanckenberg | - | 8 December 2017 (apology).         |

**1a. ANNOUNCEMENTS BY THE SPEAKER**

Announcements by the Speaker

1. Congratulated councillors who celebrated their birthdays in December
2. Conveyed a message of good will and season's greetings

<b>2. DISCLOSURE OF INTERESTS BY COUNCILLORS / OFFICIALS</b>
<b>VERKLARING VAN BELANGE DEUR RAADSLEDE / AMPTENARE</b>
<b>UKUBHENGEZA KOMDLA NGOCEBA/AMAGOSA</b>

None.

<b>3. FINANCE: TAKING UP OF EXTERNAL LOANS TO FINANCE CAPITAL PROJECTS FOR THE 2017/2018 FINANCIAL YEAR</b>
<b>FINANSIES: OPNEEM VAN EKSTERNE LENINGS OM DIE KAPITAAL PROJEKTE VIR 2017/2018 TE FINANSIER</b>
<b>EZEMALI: UKUTHATHA KWEMBOLEKO MALI NGAPHANDLE KUSENZELA UKUXASA</b>

The ANC raised concerns regarding the following:-

- 1) The recommendation to proceed with the taking up of the external loan is in conflict with the advice received from National and Provincial Treasury;

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- 2) Slow spending of capital budget;
- 3) Not enough was done to explore alternative funding sources;
- 4) The gearing ratio is outside the range recommended by National Treasury;
- 5) The impact these loans might have on rates;
- 6) A proper credit rating was not obtained; and
- 7) The external loans are largely used to fund infrastructure for the rich.

Councillor S Jonas of the EFF also expressed concern as to the affordability of the loans and that the decision will commit future councils.

The Executive Deputy Mayor responded that:-

1. National and Provincial Treasury were not aware of the additional income streams to be generated by the investment in income generating infrastructure, as the prescribed format in which loan applications are submitted does not require the disclosure of such information.
2. Plans were in place to reduce the gearing ratio in the current financial year to 65%.
3. The Administration had already embarked on a process to ensure that capital spending targets are met.
4. A proper credit rating will be conducted.
5. The view that spending favoured the more affluent areas was not correct as the investment in income generating infrastructure is to the benefit of all communities.
6. Actions are being considered to obtain an increase in grant funding.
7. Building plans to the value of R2, 2 billion are currently being considered which will have a positive impact on income streams.

After some discussion the ANC and Councillor Jonas of EFF proposed that this matter be held over and that the full information as set out in the report be forwarded to Provincial and National Treasury in order for them to review their recommendations. The proposal was put to vote and was defeated by 41 votes to 17 votes.

The recommendation of the Mayoral Committee was then put to the vote and carried with 41 votes to 16 votes and 1 abstention.



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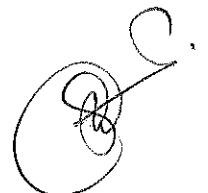
**RESOLVED**

1. that Council take note of the written comments received from National Treasury and Provincial Treasury;
2. that Council take note of the estimate additional revenue of R 494 million in year ten from now and the estimated additional avenue of R 3.0 billion over the 2018/2019 to 2027/28 financial years;
3. that Council take note that the gearing ratio for the 2017/18 financial year will be managed not to exceed the 70% margin; and
4. that the capital budget for the 2018/19 financial year be reduced to ensure that the gearing ratio is brought down to 65%.
5. Three year loan period:
  - 5.1 That the loan agreement with conditions with Standard Bank for the R 5,250,000 loan for the purchase of infrastructure and equipment (2017/2018 capital budget) be approved;
  - 5.2 That it be noted that the instalments (R 1,024,584.87 x 6) for the loan in point 5.1 above is based on a re-payment period of three years and a fixed interest rate of 9.39% as at 7 September 2017;
  - 5.3 That it be noted that the fixed interest rate (9.39% as at 7 September 2017) might still change depending on the base rate on the date of the signing of the loan agreement referred to in point 5.1 above;
  - 5.4 That the Mayor be authorised to certify that Council has approved the debt agreement referred to in point 5.1 above;
  - 5.5 That the City Manager and Chief Financial Officer be authorised to sign the debt agreement referred to in point 5.1 above on behalf of Council;
  - 5.6 That it be noted that the debt agreement are for external loans to be raised to finance property, plant and equipment capital expenditure; and
  - 5.7 That it be noted that the property, plant and equipment forms part of the Integrated Development Plan prioritized needs.

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6. Five year loan period:
- 6.1 That the loan agreement with conditions with Standard Bank for the R 13,806,715 loan for the purchase of infrastructure and equipment (2017/2018 capital budget) be approved;
  - 6.2 That it be noted that the instalments (R 1,774,801.51 x 10) for the loan in point 6.1 above is based on a re-payment period of five years and a fixed interest rate of 9.68% as at 7 September 2017;
  - 6.3 That it be noted that the fixed interest rate (9.68% as at 7 September 2017) might still change depending on the base rate on the date of the signing of the loan agreement referred to in point 6.1 above;
  - 6.4 That the Mayor be authorised to certify that Council has approved the debt agreement referred to in point 6.1 above;
  - 6.5 That the City Manager and Chief Financial Officer be authorised to sign the debt agreement referred to in point 6.1 above on behalf of Council;
  - 6.6 That it be noted that the debt agreement are for external loans to be raised to finance property, plant and equipment capital expenditure; and
  - 6.7 That it be noted that the property, plant and equipment forms part of the Integrated Development Plan prioritized needs.
7. Ten year loan period:
- 7.1 That the loan agreement with conditions with Development Bank of Southern Africa (DBSA) for the R 404,755,427 loan for the purchase of infrastructure and equipment (2017/2018 capital budget) be approved;
  - 7.2 That it be noted that the instalments (R 31,958,233.72 x 20) for the loan in point 7.1 above is based on a re-payment period of ten years and a fixed interest rate of 9.99% as at 7 September 2017;
  - 7.3 That it be noted that an amount of R 370,943,285 be taken-up before 30 June 2018 and an amount of R33,812,142 of the loan to be taken-up in the new financial year by 31 August 2018;



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- 7.4 That it be noted that the fixed interest rate (9.99% as at 7 September 2017) might still change depending on the base rate on the date of the signing of the loan agreement referred to in point 7.1 above;
- 7.5 That the Mayor be authorised to certify that Council has approved the debt agreement referred to in point 7.1 above;
- 7.6 That the City Manager and Chief Financial Officer be authorised to sign the debt agreement referred to in point 7.1 above on behalf of Council;
- 7.7 That it be noted that the debt agreement are for external loans to be raised to finance property, plant and equipment capital expenditure; and
- 7.8 That it be noted that the property, plant and equipment forms part of the Integrated Development Plan prioritized needs.

**(The ANC and Councillor S Jonas requested that their counter vote to the above be recorded for the reasons as mentioned).**

Meeting: Special Council-8/12/2017	Submitted by Directorate: Financial Services
Ref No: 5/5/1	Author/s: A Viola
CoII Nr: 1261730	Referred from: Special MC-08/12/2017
<b>PAR:</b> 1-7	<b>ACTION:</b> Implement decision
	<b>RESPONSIBLE DEPT:</b> Chief Financial Officer
	<b>DUE DATE:</b>

**4. CONSIDERATION OF CAPITAL AND OPERATING PROGRAMME FOR UPGRADING AND MAINTENANCE OF PROVINCIAL ROADS**

**OORWEGING VAN KAPITAAL EN BEDRYFSPROGRAM VIR DIE OPGRADERING EN ONDERHOUD VAN PROVINSIALE PAAIE**

**INGCAMANGO YOKUPHULISA UHLAHO LWABIWO MALI KUNYE NOLUNGISO LWENDLELA YEPHONDO**

**UNANIMOUSLY RESOLVED**

1. that the proposed capital programme as depicted on Annexure A of the departmental report for the following 8 years from 2018/2019 to 2025/26 for the upgrading of Provincial Roads within the Drakenstein municipal area at a total estimated cost of R 637 million of which up to 80% (R 509,6 million) is provided by the Provincial Department of Transport and Public Works and the remaining 20% by Drakenstein Municipality (R 127,4 million), be approved;

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2. that it be noted that the Western Cape Government is considering the amendment of legislation and regulations which will have the effect that the level of subsidy applicable to Drakenstein Municipality would reduce from 80% to 70% of construction cost. This implies that the expected counter contribution by the municipality would increase from 20% to 30% of construction cost;
3. that an appropriate maintenance provision for the maintenance of Provincial Roads for 2018/19 in Drakenstein municipal area be considered and supported to an amount of R1,2 million as Drakenstein contribution of either 20% or 30% of the applicable maintenance provision, depending on the applicable legislation;
4. that it be noted that the Provincial Department of Transport and Public Works will provide a maintenance subsidy for Provincial contribution of either 80% or 70% of the applicable maintenance budget, depending on applicable legislation;
5. that the above be subject to the final allocation of funds by the Department of Transport and Public Works, Western Cape and the final approval of the capital and maintenance budgets by the Drakenstein Council; and
6. that the above resolutions be submitted to the Department of Transport and Public Works, Western Cape Government for consideration and inclusion in their 2018/19 provision.

Meeting: Special Council -8/12/2017	Submitted by Directorate: Engineering Services		
Ref No: 5/7/15	Author/s: C Lotz		
Coll Nr: 1258164	Referred from: Special MC-08/12/2017		
<b>PAR:</b> 1-6	<b>ACTION:</b> Implement decision	<b>RESPONSIBLE DEPT:</b> ED: Engineering Services	<b>DUE DATE:</b>

<b>5. PNIEL ELECTRICITY TAKE-OVER: IN PRINCIPLE APPROVAL OF THE MEMORANDUM OF AGREEMENT BETWEEN DRAKENSTEIN AND STELLENBOSCH MUNICIPALITY</b>
<b>PNIEL ELEKTRIESE DIENSTE OORNAME: IN-BEGINSEL GOEDKEURING VAN DIE OOREENKOMS TUSSEN DRAKENSTEIN EN STELLENBOSCH MUNISIPALITEIT</b>
<b>UKUTHATHWA KOKUHANJISWA KOMBANE KWIMIMANDLA YASE PNIEL KUNYE HOLLANSE MOLLEN MGUMASIPALA WASE STELLENBOSCH</b>

**UNANIMOUSLY RESOLVED**

1. that the content of the report and Appendices A (Memorandum of the Consultants Report) and B (MOA) attached to the report **be noted**;



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2. that the City Manager be authorised to negotiate a final Memorandum of Agreement (MOA); and
3. that the final Memorandum of Agreement be submitted to Council for approval.

Meeting: Special Council-8/12/2017 Ref No: 16/2/1 Coll Nr: 1251138	Submitted by Directorate: Engineering Services Author/s: W Albertyn Referred from: Special MC- 08/12/2017		
<b>PAR:</b> 2-3	<b>ACTION:</b> Implement decision	<b>RESPONSIBLE DEPT:</b> ED: Engineering Services	<b>DUE DATE:</b>

<b>6. THE RURAL BASIC SERVICES INVESTIGATION FOR SERVICES ON FARMS IN THE DRAKENSTEIN AREA</b>
<b>DIE LANDELIKE BASIESE DIENSTE ONDERSOEK NA DIENSTE OP PLASE IN DIE DRAKENSTEIN GEBIED</b>
<b>UPHANDO LWENKONZO ZESISEKO ZAMAPHANDLE KUSENZELWA IINKONZO KUMAFAMA KUMMANDLA WASE DRAKENSTEIN</b>

Several questions were raised inter alia regarding the number of farms leased by government to farmers, the cost of the study, waste management on farms, the reason why information could not be obtained from certain owners, the evaluation and monitoring of the subsidies provided to property owners to upgrade basic services, etc.

The general view was shared that:

1. strict conditions need to apply in respect of the granting of subsidies.
2. human rights issues must be reported where necessary.
3. the implementation of subsidies will be duly monitored.
4. the rendering of services in the rural areas need constant consideration.

After further discussion it was agreed by Council that no additional studies need to be carried out in respect of services on farms.

**UNANIMOUSLY RESOLVED**

1. that the report on the rural basic services investigation for services on farms in the Drakenstein area, be noted;
2. that the findings from the report be incorporated in the long term planning for service delivery within the Drakenstein municipal area; and

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3. that no additional studies regarding this matter be conducted.

Meeting: Special Council -8/12/2017	Submitted by Directorate: Engineering Services
Ref No: 5/7/15	Author/s: W Pretorius
Coll Nr: 1267674	Referred from: Special MC-08/12/2017
<b>PAR:</b> 2-3	<b>ACTION:</b> Implement decision
	<b>RESPONSIBLE DEPT:</b> ED: Engineering Services
	<b>DUE DATE:</b>

<b>7. VAL DE VIE SUPER ESTATE EMERGENCY WATER PROVISION AGREEMENT</b>
<b>VAL DE VIE NOOD WATER VOORSIENINGS OOREENKOMS</b>
<b>ISIVUMELWA LWESIBONELELO SAMANZI SIKAXAKEKA E VAL DE VIE ESTATE</b>

This matter was withdrawn.

Meeting: Special Council -8/12/2017	Submitted by Directorate: Engineering Services
Ref No: 7/1/2/2	Author/s: W Pretorius
Coll Nr: 1251139	Referred from: Special MC-08/12/2017
<b>PAR:</b>	<b>ACTION:</b> Re-submit item
	<b>RESPONSIBLE DEPT:</b> ED: Engineering Services
	<b>DUE DATE:</b>

<b>8. ELECTRO TECHNICAL SERVICES REQUIRES ADDITIONAL OFFICE SPACE, STORAGE FACILITIES, WORKSHOP SPACE AND SECURE VEHICLE PARKING</b>
<b>ELEKTRO TEGNIESE DIENSTE VERLANG ADDISIONELE KANTOOR SPASIE, STOOR FASILITEITE, WERKSWINKEL SPASIE EN VEILIGE PARKERING VIR VOERTUIE</b>
<b>INKONZO ZOBUCHULE BOMBANE ZICELA UKWANDISELWA INDAWO YE OFISI, YOKUGCINA , NEYOKUSEBENZA KUNYE NOKOMISA OKUKHUSELEKILEYO LWEMOTO</b>

**UNANIMOUSLY RESOLVED**

1. that approval be granted for the lease of 4046,1m<sup>2</sup> warehouse and 595,2m<sup>2</sup> office space on erf 31203, Paarl from Urban Growth Developments (Pty) Ltd;
2. that the Terms of Lease (Appendix A to the departmental report) and General Conditions of Lease (Appendix B to the departmental report), **be noted**;
3. that the lease be for a period of one (1) year as from 1 February 2018 or as soon as possible at an amount of R274 724 per month, VAT excluded;

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4. that Section 33 of the MFMA be complied with prior to the conclusion of a further term of lease;
5. that approval be granted to the City Manager to finalise the lease agreement;
6. that the final agreement be submitted to Council for approval; and
7. that the rental be funded from savings on the 2017/2018 budget.

Meeting: Ref No: Coll Nr:	Special Council-8/12/2017 7/1/2/2 1251139	Submitted by Directorate: Author/s: Referred from:	Engineering Services W Albertyn Special MC-08/12/2017
<b>PAR:</b>	<b>ACTION:</b>	<b>RESPONSIBLE DEPT:</b>	<b>DUE DATE:</b>
2-6	Implement decision	ED: Engineering Services	

<b>9. CONVERTING TO LEVEL 6 WATER RESTRICTIONS AND REMAIN ON LEVEL 4 WATER TARIFFS</b>
<b>OMSKAKELING NA VLAK 6 WATER BEPERKING EN BEHOUD VAN VLAK 4 WATER TARIEWE</b>
<b>UKUGUQULWA KUMANQANABA EMIMISELO YAMANZI AHLALE KUMGANGATHO WE-4 WAMANZI</b>

**UNANIMOUSLY RESOLVED**

1. that the report be noted;
2. that Drakenstein Municipality imposes the set of Level 6 restrictions with effect from 1 January 2018 as set out in the departmental report;
3. that residents be informed of the new level 6 water restrictions through local newspapers and hand delivered flyers; and
4. that water tariffs be adjusted with effect from 1 February 2018 after considering a report with recommendations at a council meeting to be held in January 2018.

Meeting: Ref No: Coll Nr:	Special Council-8/12/2017 1/4/3 (3708) 1267747	Submitted by Directorate: Author/s: Referred from:	Engineering Services A Kowalewski Special MC-08/12/2017
<b>PAR:</b>	<b>ACTION:</b>	<b>RESPONSIBLE DEPT:</b>	<b>DUE DATE:</b>
2-4	implement decision	ED: Engineering Services	

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The meeting ended at 11:57.

**CHAIRPERSON:** .....

**DATE:** .....

Confirmed with/without amendments.

*PJ/mg*

A handwritten signature or set of initials, possibly 'PJ', enclosed in a circular scribble.

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SURNAME	INITIALS	TITLE	CELL NO	SIGNATURE
ABRAHAMS	AW	MS	0737503484	<i>Abraham</i>
ADRIAANSE	MM	MS	0795089815	<i>M. Maas</i>
AFRIKA	AF	MS	0795021437	<i>Afrika</i>
ANDERSON	JV	MS	0766851088	<i>J. van der Merwe</i>
ANDREAS	MA	MS	0767901066	<i>* Apology Chief Whip</i>
ARNOLDS	RB	MS	0824450022	<i>Apology Chief Whip</i>
BEKEER	A	MR	0793726947	<i>B. Keer</i>
BESTER	TG	MR	0823767839	<i>T. G. Bester</i>
BLANCKENBERG	DS	MR	<i>Apology</i> 0833493366 <i>received</i>	<i>Apology Chief Whip</i>
BOOYSEN	VC	MS	0798342556	<i>V. Booysen</i>
BUCKLE	AML	MR	0834608060	<i>A. M. L. Buckle</i>
COMBRINK	GC	MR	0824553445	<i>G. C. Combrink</i>
CUPIDO	FP	MR	0724874744/ 0726975802	<i>F. P. Cupido</i>
CUPIDO	PBA	MS	0764467741	<i>P. B. A. Cupido</i>
DE GOEDE	HR	MR	0824369830	<i>H. R. De Goede</i>
DE WET	J	MS	0837385623 0609687359	<i>J. De Wet</i>
DUBA	BP	MS	0739679629	<i>B. P. Duba</i>
FORD	GH	MR	0726016418	<i>G. H. Ford</i>
GEORGE	NN	MS	0736722618	<i>N. N. George</i>
GOUWS	E	MS	0824479711	<i>E. Gouws</i>
JACOBS	F	MD MS	0837600466	<i>F. Jacobs</i>
JONAS	SX	MS	0726521981	<i>S. X. Jonas</i>

*R. A. Koegelenberg*  
Office of the / Kantoor van die  
**CHIEFWHIP / HOOF SWEEP**  
**Clr / Rd R.A. KOEGELEBERG**  
**Drakenstein**

*x Official duty elsewhere*  
*[Signature]*

**DRAKENSTEIN MUNICIPALITY  
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SURNAME	NAME	TITLE	CELL NO	SIGNATURE
KEARNS	C	MS	0765018441/ 0769406614	*Atology Chief Whip
KLAAS	MT	MR	076 843 4749	
KOEGELENBERG	RA	MR	0832693138	
KOTZÉ	HJ	MR	0794311560 0824477693	Atology Chief Whip
KROUTZ	C	MR	0722522866	
LANDU	L	MS	0729187202	
LE HOE	MJ	MR	0602184899 0845851699	
LE ROUX	JF	MR	0834595965	
LUGQOLA	A	MS	0730896903	
MANGENA	TC	MR	0725937804	
MASOKA	ZL	MR	0791202895	
MATTHEE	HJN	MR	0824795315	
MATTHEE	J	MR	0824486180	
MBENENE	NP	MS	0604141567	
MDUNUSIE	MN	MS	0604531733	
MEYER	WPD	MR	081 556 8224	
MILLER	J	ADV	0834400507	
MKABILE	ND	MR	0604223964	
MPULANYANA	TR	MR	0769042103	
MOKOENA	LP	MS	0734198671	
NIEHAUS	LW	MR	0844216780	
NOBULA	MD	MR	0825947333	

Office of the / Kantoor van die  
C. YEFWHIP / HOOFSWEEP  
Clr / : R.A. KOEGELENBERG

\* Official date decided

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SURNAME	INITIALS	TITLE	CELL NO	SIGNATURE
NQORO	TZ	MS	0790639041	ABSENT Chief Whip
NZELE	LV	MR	0731622287	<del>V. Nzele</del>
PHILANDER	WF	MS	0765281211	Philander
POOLE	CJ	MR	0785304285 0824979046	<del>C. J. Poole</del>
RENS	SC	MR	0795580013 0827860053	G. Rens
RICHARDS	AM	MR		A. Richards
ROSS	S	MS	0745499921	Apolo Chief Whip
SAMBOKWE	LS	MS	0712664622	<del>L. Sambokwe</del>
SAUERMAN	ND	MR	0828991005	N. Saerman
SEPTEMBER	SE	MS	0849219770	<del>S. September</del>
SMIT	J	MR	0817354467	J. Smit
SMIT	WE	MS	0828251550	<del>W. Smit</del>
SMUTS	R	MR	0824948467	R. Smuts
SOLOMONS	EA	MS	0736503007	R. Solomons
STOWMAN	AC	MR	0791895359	<del>A. C. Stowman</del>
VAN NIEKERK	LT	MS	0818858365	<del>L. T. Van Niekerk</del>
VAN NIEWENHUYZEN	RH	MR	0826296239	<del>R. H. Van Nieuwenhuyzen</del>
VAN SANTEN	AJ	MS	0824226339	A. J. van Santen
VIKA	M	MS	0797044556/ 0732433996	M. Vika
WILLEMSE	L	MS	0820799421	L. Willems
ZIKHALI	N	MS	0784000130	<del>N. Zikhali</del>

Office of the / Kantoor van d.  
**CHIEFWHIP / HOOFSWEEP**  
**Clr / RdI R.A. KOEGELENBERG**

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