

MINUTES OF THE SPECIAL COUNCIL MEETING OF THE BREEDE VALLEY MUNICIPALITY HELD ON 07 APRIL 2015 IN THE COUNCIL CHAMBER, CAPE WINELANDS DISTRICT MUNICIPALITY, 51 TRAPPE STREET, WORCESTER.

PLEASE RETAIN THIS DOCUMENT FOR RECORD PURPOSES AS IT WILL NOT BE CIRCULATED AGAIN.

PRESENT AND IN ATTENDANCE:

As per the attendance registers copied into the minutes after the final item:

ABSENT WITHOUT APOLOGY:

1. OPENING

Rules of Order for Internal Arrangement By-Law 2013 (Provincial Gazette 7118 dated 12 April 2013)

PART 3: MEETINGS

4. Commencement of meetings of Council

The Speaker must take the chair at the time stated in the notice of the meeting or as soon thereafter as is reasonably possible: provided that the meeting does not commence later than 30 (thirty) minutes after the time stated in the notice of the meeting and must proceed immediately with the business of the meeting, subject to Clause 13.

13. Quorum

- (1) A majority of the Councillors constitutes a quorum.
- (2) If there is no quorum at the time for which the meeting is scheduled, the meeting must be delayed for no longer than 20 (twenty) minutes and if at the end of that period, there is still no quorum, the Speaker must adjourn the meeting to the same time, a week later at an available venue and the time of such adjournment, as well as the names of the Councillors present, must be recorded in the minutes.
- (3) Whenever the Speaker is not present and there is no quorum, the start of the meeting must be delayed for no more than 20 (twenty) minutes and if there is no quorum at the end of that period, the Municipal Manager must adjourn the meeting to the same time, a week later at an available venue and the time of such adjournment, as well as the names of the Councillors present, must be recorded in the minutes.
- (4) Whenever during a meeting there is no quorum, the Speaker must suspend the proceedings until a quorum is again present: Provided that if after 15 (fifteen) minutes there is still no quorum the Speaker must adjourn the meeting to the same time, a week later at an available venue and the time of such adjournment, as well as the names of the Councillors present, must be recorded in the minutes.
- (5) The Speaker must report the names of the absentee Councillors to the committee established in terms of Clause 11.2 (Disciplinary Committee) for the purposes of an investigation of a breach of these Rules.

At 9:13 the Speaker called the meeting to order and requested Cllr. S.E. James to open the meeting with prayer.

2. ELECTION OF (ACTING) SPEAKER, IF NECESSARY
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INDEX

PAGES

- 3. APPLICATIONS FOR LEAVE OF ABSENCE**
- 4. CONSIDERATION OF AGENDA ITEMS (REPORTS BY COMMITTEES, DELEGATES, DEPUTATIONS OR OFFICERS OF THE COUNCIL)**
 - 4.1 2014/ 2015 ADJUSTMENTS BUDGET TO TAKE INTO ACCOUNT THE ADDITIONAL ALLOCATIONS AND CHANGES IN ALLOCATIONS– APRIL 2015**
 - 4.2 DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF COUNCILLORS: 2014/2015**
- 5. CLOSURE**
- 6. COPY OF NOTICE PLACED ON NOTICE BOARDS**

3. APPLICATIONS FOR LEAVE OF ABSENCE

Rules of Order for Internal Arrangement By-Law 2013 (Provincial Gazette 7118 dated 12 April 2013)

10. Leave of absence

- (1) A Councillor who wishes to absent himself or herself from meetings must, before so absents himself or herself, obtain leave of absence via the Whip of the respective Political Party, from the Speaker or Chairperson of a Committee prior to a meeting: Provided that the Speaker or Chairperson of a Committee, on good cause, may grant leave of absence after the meeting to a Councillor who has been prevented by special circumstances from obtaining leave of absence prior to the meeting.
- (2) Where necessitated due to circumstances, leave of absence by Councillors must be duly applied for -
 - (a) In the case of Council – to the Speaker;
 - (b) In the case of meeting of Committees of Council – to the Chairperson of the relevant Committee and the Administration must also be timeously informed so that the alternate for the relevant Councillor of the Committee can be informed in time to ensure a quorum;
 - (c) In the case of workshops, congresses, functions and other meetings than those contemplated in (a) and (b) above – to the Speaker to grant approval in such cases and the Administration must also be timeously informed in the event that Councillors cannot attend workshops, congresses, meetings, functions, etc. so that cancellation arrangements can be made to avoid fruitless expenditure.
- (3) In the event that Councillors have not timeously applied for leave of absence as contemplated in (a) to (c) above and the non-attendance results in expenditure related to the attendance of workshops, congresses, meetings, functions, etc. not being recoverable, such expenditure will constitute fruitless expenditure in terms of the Local Government: Municipal Financial Management Act, 2003 (Act No. 56 of 2003) (MFMA) which holds serious implications and penalties;
- (4) Should Councillors contravene Items (1) and (2) above, the contravention will be -
 - (a) Addressed in terms of the Code of Conduct for Councillors [Schedule 1, Item 4, in the Local Government: Municipal Systems Act (Act 32 Of 2000)] as a contravention of the Code;
 - (b) Dealt with as a contravention of Section 32 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) and any non-recoverable costs recovered from the relevant Councillor.

3.1 A blank Application for Leave of Absence form is enclosed

The Deputy Executive Mayor: Cllr. J.D. Levendal

3.2 The Attendance Registers will be available at the meeting

Rules of Order for Internal Arrangement By-Law 2013 (Provincial Gazette 7118 dated 12 April 2013)

9. Attendance at meetings

- (1) Every Councillor attending a meeting of the Council must sign his or her name in the attendance register kept for such purpose.
- (2) A Councillor must attend each meeting except when –
 - (a) Leave of absence is granted in terms of Clause 10; or
 - (b) The Councillor is required to withdraw in terms of law.

4. MATTERS FOR CONSIDERATION

Rules of Order for Internal Arrangement By-Law 2013 (Provincial Gazette 7118 dated 12 April 2013)

PART 4: DECISIONS

14. Unopposed matters

Whenever Council is called upon to consider a matter before it and there is no opposition from any Councillor, a unanimous vote must be recorded.

15. Opposed matters

- (1) The Speaker must put every opposed matter to the vote by calling upon Councillors to indicate by a show of hands, unless otherwise prescribed by any law or the Council resolves otherwise, whether they are for that matter or against it, whereupon the Speaker must announce the result of the vote.
- (2) Upon the announcement of the result of a vote, a Councillor may demand that his or her vote be recorded against the decision concerned.
- (3) If there is an equality of votes on any matter, the Speaker must exercise a casting vote, as required by section 30(4) of the Structures Act.
- (4) A matter on the agenda is regarded as opposed business if a Councillor signifies the intention to discuss the matter immediately after the Speaker has intimated to the meeting that the matter is open for discussion. No matter is regarded as opposed by reason only of questions being asked in connection therewith.

PART 7: RULES OF DEBATE

24. Councillor to address chair

A Councillor who speaks at a meeting of the Council must address the chair and may do so in any one of the 3 (three) official languages of the Province of the Western Cape.

25. Order of priority

When a Councillor wishes to address the Council, he or she must first have the permission of the Speaker.

26. Precedence of the Speaker

Whenever the Speaker addresses the meeting, all Councillors must be silent so that the Speaker may be heard without any interruption.

27. Relevance

- (1) A Councillor who speaks must direct his speech strictly to the subject or matter under discussion or to an explanation or to a point of order.
- (2) No discussion shall be permitted -
 - (a) which will anticipate any matter on the agenda;
 - (b) on any matter in respect of which a decision by a judicial or quasi-judicial body or a commission of enquiry is pending.

28. Right to speak

- (1) A Councillor may only speak once -
 - (a) to the matter before the Council;
 - (b) to any motion before the Council;
 - (c) to any amendments to the matter before the Council;
 - (d) to a matter or an amendment proposed or to be proposed by himself or herself;
 - (e) to a point of order or a question of privilege;
unless authorised by the Speaker or as provided for in terms of these Rules.
- (2) The mover of an original motion may, however, speak to the motion and reply, but in replying he shall strictly confine himself or herself to answering previous speakers and shall not introduce any new matter into the debate.
- (3) The right of reply shall not extend to the mover of an amendment which, having been carried has become the substantive motion.

29. Length of speeches

- (1) Except with the consent of the Speaker no Councillor may speak for more than **3 (three) minutes** on any subject or matter.
- (2) The mover of an original motion or of any amendment may however speak for 10 (ten) minutes on such motion or amendment.

Items submitted by officials of Council

**4.1 2014/ 2015 ADJUSTMENTS BUDGET TO TAKE INTO ACCOUNT THE
ADDITIONAL ALLOCATIONS AND CHANGES IN ALLOCATIONS-
APRIL 2015**

File No. 5/2/2/15
Directorate: Financial Services

Responsible official: D McThomas
Portfolio: Financial Planning

Purpose

The purpose of this submission is to present an adjustments budget for 2014/2015 financial year that emanated from additional allocations from the Provincial Treasury.

Legal Framework

Section 28 of the Municipal Finance Management Act states that:

- (1) *“The municipality may revise an approved annual budget through an adjustments budget.*
- (2) *An adjustments budget -*
 - (b) *may appropriate additional revenues that have become available over and above those anticipated in the annual budget, but only to revise or accelerate spending programmes already budgeted for.”*

Regulation 23 (3) of the Municipal Budget and Reporting Regulations states that:

“If a national or provincial adjustments budget allocates or transfers additional revenues to a municipality, the mayor of a municipality must, at the next available council meeting, but within 60 days of the approval of the relevant national or provincial adjustments budget, table an adjustments budget referred to in section 28 (2) (b) of the Act in the municipal council to appropriate these additional revenues.”

Background

Several Government Departments have allocated money to the municipality and revised some allocations. Summary is as follows:

Grant	Amount	Funder
Urban Search and Rescue capacity building	R 120 000.00	Provincial Department of Local Government
Regional Bulk Infrastructure	R 3 104 896.00	Provincial Department of Water & Sanitation
Municipal Disaster Recovery	R 770 000.00	National Department of Cooperative Governance
Financial Management Support	R 350 000.00	Provincial Department of Treasury
Human Settlements Development	- R 25 000 000.00	Provincial Department of Human Settlements

Financial implications

A net decrease of R 20 655 104

Attachments

- B1 Consolidated Adjustments Budget Summary
- B2 Consolidated Adjustments Budget Financial Performance
By Standard Classification
- B3 Consolidated Adjustments Budget Financial Performance
By Municipal Vote
- B4 Consolidated Adjustments Budget Financial Performance
(Revenue and Expenditure)
- B5 Consolidated Adjustments Budget Capital Expenditure
Vote and Funding
- B6 Consolidated Adjustments Budget Financial Position
- B7 Consolidated Adjustments Budget Cash Flows
- B8 Consolidated Cash Backed Reserves/Accumulated Surplus
Reconciliation
- B9 Consolidated Asset Management
- B10 Consolidated Basic Service Delivery Measurement
- Quality Certificate

Resolution

That Council approves the adjustments budget in terms of regulation 23 (3) of the Municipal Budget and Reporting Regulations.

Comment of Directorates / Departments concerned

Municipal Manager

Recommendation Supported

Director: Strategic Support Services

Recommendation Supported

Director: Financial Services

Recommendation Supported

Director: Technical

Recommendation Supported

Director: Community Services

Recommendation Supported

RECOMMENDATION:

1. That Council approves the Adjustments Budget.

9:15 ANC Caucus

9:36 Reconvened

9:40 BO Caucus

9:54 Reconvened

9:58 DA Caucus

10:08 Reconvened

10:29 Break for repairs of sound system

10:44 Reconvened

Proposed: Cllr. W.M. Blom

To add a second bullet be added to the recommendation, namely:

- That SDBIP be amended in line with these adjustments and the adjustments as approved in the February adjustment budget.

Seconded: Cllr. G. Stalmeester

Counter proposal: Cllr. C.F. Wilskut

That another bullet be added to the proposal of Cllr Blom, namely:

- Met verwysing na die R25m wat teruggestuur word na die Provinsiale Behuisingsdepartement, dat die Munisipale Bestuurder beopdrag word om met onmiddellike effek planne in werking te stel en 'n behuisingsprojek allokeer waar die R25m opgeneem kan word en sodanig met Provinsie kommunikeer.

Seconded: Cllr. P. Marran

Votes for proposal of Cllr. W.M. Blom: 20
Votes for counter proposal of Cllr. C.F. Wilskut: 16

In terms of Section 30(2) of the Municipal Structures Act, the item is a matter in terms of section 160(2) of the Constitution and thereof must be determined by a decision taken by a municipal council with a supporting vote of a majority of the councillors. In the above matter the decision did not get a supporting vote of the majority of councillors and therefore did not carry.

12:16 Caucus & Lunch
13:45 Reconvened

Proposal: Cllr. J.F. van Zyl

That another two bullets be added to the recommendation, namely:

- That SDBIP be amended in line with these adjustments and the adjustments as approved in the February adjustment budget.
- Council hereby instructs the Municipal Manager to engage Provincial Department of Human Settlement not to infringe on the DORA allocation of the Breede Valley Municipality inclusive of the R25m allocated to BVM, and thereby avoid negative impact.

Seconded: Cllr. T.M. Wehr

14:06 Civic Independent Caucus
14:15 Reconvened

Counter proposal: Cllr. C.F. Wilskut

- That Council approves the Adjustments Budget on condition that:
 - The SDBIP be amended in line with these adjustments and the adjustments as approved in the February adjustment budget.
 - Met verwysing na die R25m wat teruggestuur word na die Provinsiale Behuisingsdepartement, dat die Munisipale Bestuurder beopdrag word om met onmiddellike effek planne in werking te stel en 'n behuisingsprojek allokeer waar die R25m opgeneem kan word en sodanig met Provinsie kommunikeer.

Seconded: Cllr. B.V. Klein

Votes for proposal of Cllr. J.F. van Zyl: 22
Votes for counter proposal of Cllr. C.F. Wilskut: 17

RESOLVED:

C28/2015

**That in respect of the
2014/ 2015 ADJUSTMENTS BUDGET TO TAKE INTO ACCOUNT THE
ADDITIONAL ALLOCATIONS AND CHANGES IN ALLOCATIONS – APRIL 2015
discussed by Council at the Special Council meeting held on 7 April 2015:**

1. That Council approves the Adjustments Budget.
2. That SDBIP be amended in line with these adjustments and the adjustments as approved in the February adjustment budget.
3. Council hereby instructs the Municipal Manager to engage Provincial Department of Human Settlement not to infringe on the DORA allocation of

the Breede Valley Municipality inclusive of the R25m allocated to BVM, and thereby avoid negative impact.

4.2 DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF COUNCILLORS: 2014/2015

File No./s: 2/1/2/8
Directorate: Financial Services

Responsible Official: D. McThomas
Portfolio: Financial Services

Purpose

To inform Council of the upper limits as received from the Department of Cooperative Governance and Traditional Affairs and to get a resolution for the concurrence and implementation of the increase with effect from 1 July 2014.

Background

The National Minister of Cooperative Governance and Traditional Affairs amended the upper limits of the remuneration, cell phone and data card allowances of members of Municipal Councils as per Government Gazette 38608, under Government Notice No. 10400 of 25 March 2015. The over-all inclusive increase is with affect from 1 July 2014, retrospectively. Government Gazette No. 38608 is attached as **Annexure "A"** to report on the increase of remuneration of members of Municipal Councils for the period 1 July 2014 to 30 June 2015.

Based on the formula as set out on page 8 & 9 of the Gazette, it is clear that the Breede Valley Municipality still falls within the grade 4 category with a total score of 58.33 points (25 for population and 33.33 for total municipal own income).

Financial Implications

The total cost (expected spending) amounts to **R14, 468,991-00** for the 2014/15 financial year (excluding the provision for a Special Risk Insurance that is still to be determined). The amount is sufficiently provided for in the budget for 2014/15 financial year. **See the attached Table as Annexure B that indicates proposed remuneration, including cell phone allowance and mobile data card.**

Summary

Sufficient funds have been provided in the 2014/15 operating budget to implement the proposed increases in upper limits of salaries, allowances and benefits of different members of the municipal council of Breede Valley as from 1 July 2014.

Applicable Legislation / Council Policy

Remuneration of Public Office Bearers Act, 1998 (Act No. 20 of 1998)
Municipal Finance Management Act, 2003 (Act No. 5 of 2003)

Comment of Directorates / Departments

Municipal Manager

The recommendation is supported and it was included in the short term insurance tender.

Director: Strategic Support Services

The recommendation is supported.

Director: Financial Services

As recommended.

Director: Technical Services

The recommendation is supported.

Director: Community Services

The recommendation is supported.

RECOMMENDATION

That in respect of -

DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF COUNCILLORS: 2014/15

discussed by Council at the Special Council meeting held on 7 April 2015:

1. All relevant Stakeholders be informed that the Breede Valley Municipal Council supports the upwards adjustment of councillor allowances as proposed from 1 July 2014;
2. It be noted that before the implementation of the notice by municipalities the concurrence of the relevant Member of the Executive Council (MEC) responsible for local government is required; and
3. The increase is implemented immediately after the concurrence has been received from the MEC for Local Government.

Proposed: Cllr. W.M. Blom

Seconded: Cllr. W.R. Meiring

RESOLVED:

C29/2015

That in respect of -

DETERMINATION OF UPPER LIMITS OF SALARIES, ALLOWANCES AND BENEFITS OF COUNCILLORS: 2014/15

discussed by Council at the Special Council meeting held on 7 April 2015:

1. All relevant Stakeholders be informed that the Breede Valley Municipal Council supports the upwards adjustment of councillor allowances as proposed from 1 July 2014;
2. It be noted that before the implementation of the notice by municipalities the concurrence of the relevant Member of the Executive Council (MEC) responsible for local government is required; and
3. The increase is implemented immediately after the concurrence has been received from the MEC for Local Government.

5. CLOSURE

Meeting adjourns at 15:43

6. COPY OF NOTICE PLACED ON NOTICE BOARDS

NOTICE IS HEREBY GIVEN that a SPECIAL COUNCIL MEETING of the Breede Valley Municipality will be held on TUESDAY, 07 APRIL 2015 at 09:00 in the COUNCIL CHAMBERS, CAPE WINELANDS DISTRICT MUNICIPALITY, 51 TRAPPE STREET, WORCESTER

Members of the media and the public wishing to attend the meeting must please contact **Mr. J.R. Botha (Public Relations Officer) at 023 348 2807** during office hours to book one of the **16 seats available to the public** on a first come first served basis. The list will be closed at **16:30** the previous working day before the meeting and will be handed to Security officials the morning of the meeting. Only persons whose names appear on the list will be allowed to attend the meeting and they must be seated at least five minutes before the scheduled start of the meeting. Once the meeting has started, no member of the public will be allowed into the meeting. If a member of the public leaves the meeting venue during the course of the meeting, he / she will not be allowed to return to the meeting.

KENNIS GESKIED HIERMEE dat 'n SPESIALE RAADSVERGADERING van die Breede Valleï Munisipaliteit op TUESDAY, 07 APRIL 2015 om 09:00 gehou sal word in die RAADSAAL, KAAPSE WYNLAND DISTRIKSMUNISIPALITEIT, TRAPPE-STRAAT 51, WORCESTER

Lede van die media en die publiek wat graag die vergadering wil bywoon moet asseblief **Mnr. J.R. Botha (Skakelbeampte) by 023 348 2807** gedurende kantoorure kontak om een van die **16 sitplekke wat vir die publiek beskikbaar is** op 'n "first come first served basis" te bespreek. Die lys sal om **16:30** die werksdag voor die vergadering sluit en sal aan Sekuriteitbeamptes die oggend van die vergadering gegee word. Alleenlik persone wie se name op die lys verskyn sal toegelaat word om die vergadering by te woon en hulle moet 'n sitplek inneem minstens vyf minute voor die geskeduleerde tyd van die vergadering. Niemand sal tot die vergadering toegelaat word wanneer dit reeds begin het nie. Indien 'n lid van die publiek die vergaderplek gedurende die duur van die vergadering verlaat sal hy / sy nie weer tot die vergadering toegelaat word nie.

**G.F. MATTHYSE
MUNICIPAL MANAGER / MUNISIPALE BESTUURDER**



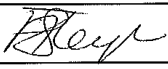

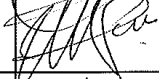

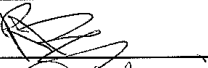

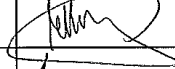



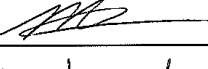
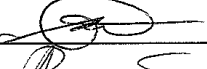

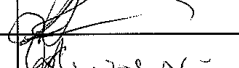

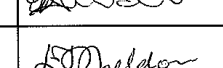

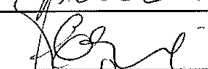

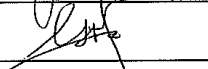
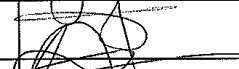
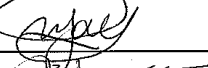


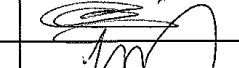
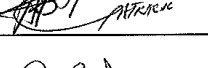

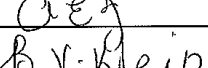



2015 04 31

BREEDE VALLEY MUNICIPALITY. ATTENDANCE REGISTER; COUNCILLORS.

SPECIAL COUNCIL MEETING AND WORKSHOP

DATE: 07 APRIL 2015 - TIME: 09:00


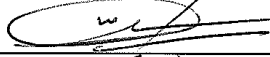


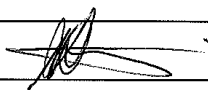
VENUE: CWDM, TRAPPE STREET, Worcester

COUNCILLOR	SIGNATURE	COUNCILLOR	SIGNATURE
The Speaker: Sampson, M		Lakey, S.	
The Executive Mayor: Steyn, A		Lubisi, M.N.	
The Deputy Executive Mayor: Levendal, J.D.	Apology	Marran, P.	
Apollis, V.K.M.	V. Apollis	Matjan, E.S.C.	
Blom, R.		Mei, S.J.	S.J. Mei
Blom, W.M.		Meiring, W.R.	
Boshoff, J.A.		Mfutwana, S.B.	
Bushwana, M.N.	NA	Ntshingila, B.W.	
Du Toit, A.M.		Ntsomi, C.	
Dyabooi, L.		Richards, L.	
Dyonta, T.C.		Schneider, J.	
Farao, R. (Chief Whip)		Sheldon, E.Y.	E.Y. Sheldon
Goedeman, S.		Smith, P.G.	
Ismail, C.		Stalmeester, G.	
Jaffha, G.F.		Steto, N.V.	
Jali, N.		Tyira, P.	
James, S.E.		Van Der Westhuizen, E.	
Januarie, P.B.		Van Zyl, J.F.	
Jordaan, A.E.	A.E.J.	Wehr, T.M.	
Klein, B.V.	B.V. Klein	Wilskut, C.F.	
Kriegler, B.J.			

**BREEDE VALLEY MUNICIPALITY. ATTENDANCE REGISTER; OFFICIALS
 SPECIAL COUNCIL MEETING AND WORKSHOP**

DATE: 07 APRIL 2015 - TIME: 09:00

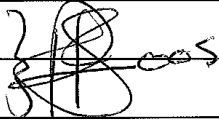
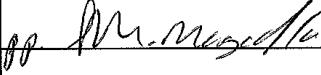
VENUE: CWDM, TRAPPE STREET, Worcester

POSITION	OFFICIAL	SIGNATURE
Municipal Manager	G.F. Matthyse	
Director: Financial Services	D. McThomas	
Director: Community Services	J. Marthinus	
Director: Strategic Support Services	P.R. Esau	
Director: Technical Services	E. Delpont	
Deputy Director: Financial Services	J.M. Boonzaaier	
Manager: I.D.P./PMS	G. Muller	
Chief Internal Auditor	W.F. Du Plessis	
Chief Risk Officer	E. Cloete	
Public Relations Officer	J.R. Botha	
Area Manager: De Doorns		
Area Manager: Touws River	N.B. Fourie	
Snr. Clerk / Cashier: Rawsonville	R.K. Baadjies	
Chief: Fire and Emergency Services		
Chief: Traffic Services	S. Swartz	
Chief Librarian	C. Gerber	
Manager: Administration	A. Joseph	
Manager: Housing Development & Projects	G.S. Mayeki	

**BREEDE VALLEY MUNICIPALITY. ATTENDANCE REGISTER; OFFICIALS
 SPECIAL COUNCIL MEETING AND WORKSHOP**

DATE: 07 APRIL 2015 - TIME:09:00

VENUE: CWDM, TRAPPE STREET,Worcester

POSITION	OFFICIAL	SIGNATURE
Manager: Human Resources	M. Nell	
Manager: ICT	Z. Tyala	
Acting Senior Manager: Legal Services	I. Roos	
Admin. Officer: Committees	I. Roos	
Officer: Committees	L.H. Du Plessis	
Admin. Officer		
Manager: Financial Planning	H.B. Volscenk	HP.
Manager: Revenue	R.T. Ontong	
Town Electrical Engineer - Head: Electrical Services		
Manager: Civil Engineering Services	J.A. Steyn	/
Manager: Civil Works		
Manager: Planning Development & Building Control	P.S.J. Hartzenberg	
Town Planner: Planning Development & Building Control	C.S. Pieters	
Engineering Technician	J.A. Beukes	
Arts Culture & Heritage Officer		
P.A. To Cllr. W.M. Blom		
Manager: Administration & Strategic Planning	N.P. Mercur	