



Ref no.2/1/4/4/2

Date distributed:

# **MINUTES**

## **4th COUNCIL MEETING OF THE BREED VALLEY MUNICIPALITY**

**2018-04-19 AT 10:00**

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**1. OPENING AND WELCOME**

In terms of the Rules of Order for Internal Arrangement By-Law 2012 the chairperson 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.

**The Speaker opened the meeting at 10:10, welcomed everyone present and asked Cllr S. Mkhwane to open the meeting with prayer.**

**The Speaker requested a moment of silence for prayer and meditation.**

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**2. OFFICIAL NOTICES****2.1 DISCLOSURE OF INTERESTS**

Item 5 of the Code of Conduct for councillors' states:

A councillor must –

- (a) disclose to the council, or any committee of which that councillor is a member, any direct or indirect personal or private business interest that that councillor or any spouse, partner or business associate of that councillor may have in any matter before the council or the committee; and
- (b) withdraw from the proceedings of the council or committee when that matter is considered by the council or committee, unless the council or committee decides that the councillors' direct or indirect interest in the matter is trivial or irrelevant.

**None**

**2.2 APPLICATIONS FOR LEAVE OF ABSENCE**

In terms of the Rules of Order for Internal Arrangement By-Law 2012;

- 2.2.1 Every Councillor attending a meeting of the Council must sign his or her name in the attendance register kept for such purpose.
- 2.2.2 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.
- 2.2.3 The Attendance Registers will be available at the meeting.
- 2.2.4 A blank Application for Leave of Absence form is enclosed.

**The Speaker received an Application for Leave from Cllr J. Robinson.**

**Cllr C. Ismail informed the Speaker that Cllrs C.F. Wilskut and Cllr N. Wullschleger will join the meeting later. Cllr I. Thsabile informed the Speaker that Cllr P. Tyira will join the meeting later.**

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### 3. COMMUNICATION

#### 3.1 INTERVIEWS OR PRESENTATIONS BY DEPUTATIONS

In terms of the Rules of Order for Internal Arrangement By-Law 2012;

*“A deputation seeking an interview with Council must give the Municipal Manager **6 (six) days** written notice of its intention and furnish details of the representations to be made and the source of the deputation. The Municipal Manager must submit a request by a deputation for an interview with Council to the Speaker, who may decide to grant or refuse an interview and under what conditions”*

##### 3.1.1 AVIAN PARK RESIDENTS: MR ASHLEY MACKAY

The Speaker granted an opportunity to Mr. Ashley Mackay to address the meeting.

Mr A. Mackay conveyed the opinion that cleaning contracts were not awarded equally. The Executive Mayor requested a caucus break to discuss the issue with the community representatives and municipal role-players.

##### 3.1.2 ZWELETHEMBA UNEMPLOYMENT FORUM REPRESENTATIVES

The Speaker granted permission to the representative of Zwelethemba Unemployment Forum (Mr. Luthando Yayi) to address the meeting.

He explained the concern of the group that Martin and East is not willing to discuss issues of unemployment and related matters to the Transhex Development with them.

The meeting resolved that further discussions with the Zwelethemba group will be held on Monday, 23 April 2018.

#### 3.2 BIRTHDAYS OF COUNCILLORS

Cllr E. Van der Westhuizen	28 April 2018
Cllr N. Ismail	1 May 2018
Cllr S.J. Mei	4 May 2018
Cllr J.P. Kritzinger	8 May 2018
Cllr J.D. Levendal	23 May 2018

**The Speaker requested Cllr E.Y. Sheldon to congratulate the Councillors on their**

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respective birthdays.

### 3.3 LONG SERVICE AWARDS: EMPLOYEES

NUMBER	NAME AND SURNAME	POST TITLE AS AT DATE OF LONG SERVICE AWARD	LONG SERVICE YEARS
1	Natasha Adams	Revenue	10
2	Donivan Willemse	Civil Works	10
3	Roland Klein	Civil Works	25
4	Petrus Du Plessis	Civil Works (Water Network)	30

Item is withdrawn.

### 3.4 STATEMENTS BY THE SPEAKER

*“Burgermeester, kollegas en Administrasie ons gaan nie net vandag Raadsvergadering hou nie maar ook ‘n Werkswinkel vir uitstaande items wat ons nie op 5 April 2018 afgehandel is nie.*

*Die volgende Raadsvergadering is geskeduleer vir 29 Mei 2018 vir die goedkeuring van die GOP en Begroting. Op hierdie vergadering sal ons ook die nuwe verkose Raadslid verwelkom tot die Raad.*

*Die Jamboree het plaasgevind op 13 & 14 April 2018 en sal die Burgermeester meer hieroor sê sowel as die publieke deelname van die GOP wat tans plaasvind.*

*Wyksraadslede moet asseblief kennis neem dat ons die wyk gebasseerder projekte wil afsluit op 30 April 2018.*

*Ons het gister a baie suksesvolle gemeenskaps veiligheid werkswinkel gehad wat aangebied wat deur die kantoor van die Minister van Plaaslike Gemeenskapsveiligheid. Die Burgermeester sal meer hieroor uitbrei.*

### 3.5 STATEMENTS BY THE EXECUTIVE MAYOR

*Speaker, Munisipale Bestuurder, Raadslede, Administrasie en publiek baie dankie vir die geleentheid. Ek wil eerste vra dat ons oomblik van stilte sal hê vir diegene wat afgesterf het in die Vallei.*

*Ek wil van die geleentheid gebruik maak om vir die Raadslede wie se IDP reeds plaasgevind het dankie sê vir die manier hoe u volwasse optree en hoe u prioriteite uitrol.*

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*Ek wil ook dankie sê vir die Raadslede wie tans besig is om hul wykgebaseerde projekte uit te rol en so ook 'n verskil in hul gemeenskappe te maak.*

*Ek wil ook baie dankie sê aan die Munisipale Bestuurder en amptenare wie ons gehelp het Saterdag waar die Jamboree uitgerol is. Ek glo daar is steeds behoeftes maar glo ek ook dat Mr Ontong en sy span nog 'n rondte sal uitrol vir diegene wie dit nie kon maak vir hierdie ronde van die Jamboree.*

*Ons was gister in die Stadsaal met al die verkose verteenwoordigers, Raadslede en Wykskommittee wat uitgenooi was om te kyk hoe ons 'n verskil kan maak met projekte en planne wat ons kan uitrol. Die Plaaslike Minister was nou wel nie daar nie want hy was opgeroep na die Minister van Nasionaal. Ons het ook gister deur die gemeenskap sommige van die behoeftes aangeraak en die grootste twee is 'n gemeenskapsaal en sport in Avian Park. Die mense wat daar is en wat graag wil help, weet ek sal ons ondersteun soda tons Avian Park kan verander. Daar is goeie besluite geneem en ek dink die werksessie was 'n groot sukses.*

*Dienslewering is een van die kwessies wat ons moet gaan kyk want ek weet gister was daar genoem van klippe in Avian Park se paaie en die toilette, maar ons sal moet kyk na ons dienslewering om dit te verbeter vir ons gemeenskappe.*

*Baie dankie Speaker.”*

**Cllr P. Marran requested a caucus which the Speaker approved.**

**Caucus started at: 10:35.**

**Meeting reconvened at 11:35.**

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#### **4. CONFIRMATION OF MINUTES**

4.1 In terms of the Rules of Order for Internal Arrangement By-Law 2012;

- (a) Minutes of the proceedings of meetings must be compiled in printed form and be confirmed by the Council at the next meeting and signed by the Speaker.
- (b) The minutes shall be taken as read, for the purpose of confirmation, if a copy thereof was sent to each Councillor within forty-eight hours before the next meeting, subject to the provisions of sub-Clause (4).
- (c) No motion or discussion shall be allowed on the minutes, except in connection with the correctness thereof.
- (d) The minutes formulated and screened during meetings, shall constitute a resolution for purposes of implementation of decisions.

#### **4.2 Council Meeting held on 20 March 2018 (Copy enclosed)**

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**RECOMMENDATION**

That in respect of

**CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING  
discussed by Council at the Council meeting held on 19 April 2018:**

1. As the Minutes of the Council Meeting held on 20 March 2018 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 20 March 2018 be taken as read and confirmed.

**PROPOSED: CLLR E. VAN DER WESTHUIZEN****SECONDED: ALDERMAN A. STEYN****RESOLVED****C36/2018**

That in respect of

**CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING  
discussed by Council at the Council meeting held on 19 April 2018:**

1. As the Minutes of the Council Meeting held on 20 March 2018 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Council meeting held 20 March 2018 be taken as read and confirmed.

**4.3 Special Council Meeting held on 28 March 2018 (Copy enclosed)****RECOMMENDATION**

That in respect of

**CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING  
discussed by Council at the Council meeting held on 19 April 2018:**

1. As the Minutes of the Special Council Meeting held on 28 March 2018 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Special Council meeting held 28 March 2018 be taken as read and confirmed.

**PROPOSED: CLLR E. VAN DER WESTHUIZEN****SECONDED: CLLR P. RAMOKHABI****RESOLVED****C37/2018**

That in respect of

**CONFIRMATION OF MINUTES OF PREVIOUS COUNCIL MEETING**

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discussed by Council at the Council meeting held on 19 April 2018:

1. As the Minutes of the Special Council Meeting held on 28 March 2018 were sent to each councillor at least forty-eight hours prior to the meeting, the minutes of the Special Council meeting held 28 March 2018 be taken as read and confirmed.

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**5. REPORT BY THE EXECUTIVE MAYOR ON DECISIONS TAKEN BY THE EXECUTIVE MAYOR, THE EXECUTIVE MAYOR TOGETHER WITH THE DEPUTY EXECUTIVE MAYOR AND THE MAYORAL COMMITTEE**

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

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**5.2 MMC1: Cllr. M. Sampson**

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**5.3 MMC 3: Cllr. J.P. Kritzinger**

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**5.4 MMC 4: Cllr. R. Faroa**

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**5.5 MMC 5: Cllr. S.J. Mei**

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**5.6 MMC 6: Cllr. E.Y. Sheldon**

**Mayco Meeting held on 19 March 2018**

**5.6.1 DEMOLITION OF OVD COUNCIL RENTAL UNITS AND THE RELOCATION OF LEGAL TENANTS TO TRANSHEX AND OTHER AREAS**

**RESOLVED:**

**EX7/2018**

That in respect of

**DEMOLITION OF OVD COUNCIL RENTAL UNITS AND THE RELOCATION OF LEGAL TENANTS TO TRANSHEX AND OTHER AREAS**

discussed by MayCo at the MayCo meeting held on the 19 March 2018:

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1. Council approves the demolition of OVD and the subsequent relocation of the current legal tenants to Transhex or any available rental unit;
2. Recommendation supported subject to the following:
  - That the municipality properly consult with each affected household;
  - That demolition only be enforced once proper legal processes have been followed and complied with;
  - Proper risk assessments be conducted for each household;
  - That alternative accommodation be provided.
  - That the narrative of the author as indicated in the way forward, alluded to supra be encapsulated herein;
3. That OVD be included in the Housing Pipeline for 2018/19 and that the Department of Human Settlements be requested to favourably include this project in their implementation plan.

#### 5.6.2 DEVOLUTION OF RENTAL STOCK: ROUX PARK PROVINCIAL RENTAL UNITS

##### RESOLVED:

EX8/2018

That in respect of

##### DEVOLUTION OF RENTAL STOCK: ROUX PARK PROVINCIAL RENTAL UNITS

as discussed by Mayco at the Mayco meeting held on 19 March 2018:

1. That MAYCO rescind the decision of 2014, resolution 15 July 2014 and accept the devolution of the units indicated above and the Department to be informed of the decision;
    - 1.1 Provided, that all contracts are updated, verified and in place with reference to inter alia,
      - 1.1.1 Rent payable and whether inclusive of services; (electricity, sewerage, rubbish removal);
      - 1.1.2 Yearly escalation;
      - 1.1.3 Lessee particulars and whether categorised as pensioner or employed;
      - 1.1.4 Rent payable, whether differentiate with reference to income;
      - 1.1.5 Duration of Lease and or whether such rights accrue to extended family members in case of death and the consequent continuation of a Rental Relationship.
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- 1.2 Lease properties and their respective state of repair to be updated and renovated to acceptable standard.
- 1.3 Invoking of clause that further breakages, excluding normal wear and tear, as well as maintenance are to be borne by lessee.
2. The properties be included as part of the Breede Valley Social housing programme.
3. Western Cape Department of Human Settlement Departmental Rental Policy used on the Management, Maintenance and Allocation of Department's rental properties which was approved by the Minister in 2015 be applicable in these properties.

**5.6.3 WITHDRAWAL OF MEDIATION AGREEMENT AVIAN PARK (439) HOUSING PROJECT: OCCUPIERS AND TRANSFER OF AFFECTED SUBSIDIES TO TRANSHEX HOUSING PROJECT**

**RESOLVED:**

**EX9/2018**

That in respect of

**WITHDRAWAL OF MEDIATION AGREEMENT AVIAN PARK (439) HOUSING PROJECT: OCCUPIERS AND TRANSFER OF AFFECTED SUBSIDIES TO TRANSHEX HOUSING PROJECT**

as discussed by Mayco at the Mayco meeting held on 19 March 2018:

1. That Mayco note that the parties to the mediation agreement dated 26 October 2015 agrees voluntary and freely to remediate the terms of set agreement.
2. That full and final settlement authority be given to the municipal manager or his delegate to re-mediate and reach a final agreement in the matter.

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**5.7 MMC 7: Cllr. W.R. Meiring**

**Mayco Meeting held on 19 March 2018**

**5.7.1 IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED  
JANUARY 2018  
MFMA SECTION 71 Report**

**RESOLVED:**

**EX6/2018**

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That in respect of  
**IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE PERIOD ENDED  
January 2018  
MFMA SECTION 71 Report**

discussed by MayCo at the MayCo meeting held on the 19 March 2018:

That MayCo takes note of the contents in the In-year monthly report for January 2018 as set out in the schedules contained in Section 4 (In-year budget statement tables) as well as the supporting documentation in Section 6 to 13.

1. Table C1 – Monthly Budget Statement Summary;
2. Table C2 – Monthly Budget Statement – Financial Performance (Standard classification);
3. Table C3 – Monthly Budget Statement – Financial Performance Standard classification (Revenue and expenditure by Municipal vote);
4. Table C4 – Monthly Budget Statement – Financial Performance (Revenue by Source and Expenditure by Type);
5. Table C5 – Monthly Budget Statement – Capital Expenditure;
6. Table C6 – Monthly Budget Statement – Financial Position; and
7. Table C7 – Monthly Budget Statement – Cash Flows.

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**5.8 MMC 8: Cllr. J.F. Van Zyl**

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**6. CONSIDERATION OF AGENDA ITEMS**

The Executive Mayor requested a caucus at 12:50.  
Meeting reconvened at 14:15.

**6.1 SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR  
THE PERIOD ENDED 31 MARCH 2018.  
MFMA SECTION 71 & 52 (d) Report****File No. /s:** 3/15/1**Responsible Officials:** R. Ontong**Directorate:** Financial Services**Portfolio:** Financial Services

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**1. Purpose**

To submit to Council the In-year financial management report for adoption.

**2. Background**

**In terms of the Municipal Finance Management Act, 56 of 2003, section 71.**

(1) The accounting officer of a municipality must by no later than 10 working days after the end of each month submit to the mayor of the municipality and the relevant provincial treasury a statement in the prescribed format on the state of the municipality's budget reflecting the following particulars for that month and for the financial year up to the end of that month:

- (a) Actual revenue, per revenue source;
- (b) actual borrowings;
- (c) actual expenditure, per vote;
- (d) actual capital expenditure, per vote;
- (e) the amount of any allocations received;
- (f) actual expenditure on those allocations, excluding expenditure on
  - (i) its share of the local government equitable share; and
  - (ii) allocations exempted by the annual Division of Revenue Act from compliance with this paragraph; and
- (g) when necessary, an explanation of-
  - (i) any material variances from the municipality's projected revenue by source, and from the municipality's expenditure projections per vote;
  - (ii) any material variances from the service delivery and budget implementation plan; and
  - (iii) any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remain within the municipality's approved budget.

- (2) The statement must include-
-

(a) a projection of the relevant municipality's revenue and expenditure for the rest of the financial year, and any revisions from initial projections; and

(b) the prescribed information relating to the state of the budget of each municipal entity as provided to the municipality in terms of section 87(10).

(3) The amounts reflected in the statement must in each case be compared with the corresponding amounts budgeted for in the municipality's approved budget.

(4) The statement to the provincial treasury must be in the format of a signed document and in electronic format.

(5) The accounting officer of a municipality which has received an allocation referred to in subsection (1) (e) during any particular month must, by no later than 10 working days after the end of that month, submit that part of the statement reflecting the particulars referred to in subsection (1) (e) and (f) to the national or provincial organ of state or municipality which transferred the allocation.

(6) The provincial treasury must by no later than 22 working days after the end of each month submit to the National Treasury a consolidated statement in the prescribed format on the state of the municipalities' budgets, per municipality and per municipal entity.

(7) The provincial treasury must, within 30 days after the end of each quarter, make public as may be prescribed, a consolidated statement in the prescribed format on the state of municipalities' budgets per municipality and per municipal entity. The MEC for finance must submit such consolidated statement to the provincial legislature no later than 45 days after the end of each quarter.

**In terms of the Municipal Finance Management Act, 56 of 2003, section 52(d).**

The mayor of a municipality—

(d) must, within 30 days of the end of each quarter, submit a report to the council on the implementation of the budget and the financial state of affairs of the municipality.

**3. Financial Implications**

None

**4. Applicable Legislation/ Council Policy:**

Municipal Finance Management Act, 56 of 2003 (Section 52(d) & 71);

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Municipal Budget and Reporting Regulations, 2009

**Comment of Directorates/ Departments concerned:**

**Municipal Manager:** Recommendation supported

**Director: Strategic Support Services:** Recommendation supported

**Director: Financial Services:** Recommendation supported

**Director: Technical Services:** Recommendation supported

**Director: Community Services:** Recommendation supported

**RECOMMENDATION:**

That in respect of

**SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE MONTH ENDED 31 MARCH 2018**

**discussed by Council at the Council Meeting held on the 19 April 2018:**

(a) That council adopt the contents in the In-year monthly report for March 2018 as set out in the schedules contained in Section 4 (In-year budget statement tables) as well as the supporting documentation in Section 6 to 13.

1. Table C1 – Monthly Budget Statement Summary;
2. Table C2 – Monthly Budget Statement – Financial Performance (Standard classification);
3. Table C3 – Monthly Budget Statement – Financial Performance Standard classification (Revenue and expenditure by Municipal Vote)
4. Table C4 – Monthly Budget Statement – Financial Performance (Revenue by Source and Expenditure by Type)
5. Table C5 – Monthly Budget Statement – Capital Expenditure;
6. Table C6 – Monthly Budget statement – Financial Position; and
7. Table C7 – Monthly Budget statement – Cash Flows

(b) Any other resolutions required by Legislation.

**PROPOSED: CLLR W. R. MEIRING**

**SECONDED: CLLR J.R. JACK**

**VOTES IN FAVOUR OF RECOMMENDATION: 21**

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**RESOLVED****C38/2018**

That in respect of

**SUBMISSION OF THE IN-YEAR FINANCIAL MANAGEMENT REPORT FOR THE MONTH ENDED 31 MARCH 2018****discussed by Council at the Council Meeting held on the 19 April 2018:**

(a) That council adopt the contents in the In-year monthly report for March 2018 as set out in the schedules contained in Section 4 (In-year budget statement tables) as well as the supporting documentation in Section 6 to 13.

1. Table C1 – Monthly Budget Statement Summary;
2. Table C2 – Monthly Budget Statement – Financial Performance (Standard classification);
3. Table C3 – Monthly Budget Statement – Financial Performance Standard classification (Revenue and expenditure by Municipal Vote)
4. Table C4 – Monthly Budget Statement – Financial Performance (Revenue by Source and Expenditure by Type)
5. Table C5 – Monthly Budget Statement – Capital Expenditure;
6. Table C6 – Monthly Budget statement – Financial Position; and
7. Table C7 – Monthly Budget statement – Cash Flows

(b) Any other resolutions required by Legislation.

**To Action**R. Ontong

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**6.2 REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF MARCH 2018****File No./s:** 2/1/1/1**Responsible Official:** D.R.M Potgieter**Directorate:** Finance**Portfolio:** Finance

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**1. Purpose**

The purpose of this report is to inform Council of all deviations from the Supply Chain Management Policy, approved by the delegated authority in terms of Paragraph 36 and of the Supply Chain Management Policy, for the month of March 2018

**2. Background**

The purpose of this report is to ensure that Council maintains oversight over the implementation of the Supply Chain Management Policy. In terms of paragraph 36(13) of the said policy, the Accounting Officer must record the reasons for any deviations in terms of paragraph 36(1)(b) of the policy and report to Council. However, it must be noted that these deviations also serve on the **monthly Section 71** (MFMA) report/s to Mayco and **quarterly Section 52** (MFMA) report/s to Council.

Deviations approved in terms of paragraph 36(1)(b) for the month of March 2018, are attached as **Annexure A**.

**3. Financial Implications**

None

**4. Applicable Legislation / Council Policy**

Municipal Finance Management Act. 2003, (Act 56 of 2003)  
Breede Valley Supply Chain Management Policy, as amended.  
Supply Chain Management Regulations

**Comment of Directorates / Departments:****Municipal Manager**

Recommendation is supported

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**Director: Strategic Support Services**

Recommendation is noted.

**Director: Financial Services**

Recommendation supported

**Director: Technical Services**

Recommendation is supported

**Director: Community Services**

Recommendation is noted

**Senior Manager: Legal Services**

No comments were received.

**Annexures**

Annexure A: Schedule of deviations from the procurement processes approved in terms of sub-delegations

**RECOMMENDATION TO COUNCIL**

In terms of the

**REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF MARCH 2018**

As discussed by Council at the Council Meeting held on 19 April 2018

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the month of March 2018, **be noted**;

**PROPOSED: CLLR W.R. MEIRING****SECONDED: CLLR E. VAN DER WESTHUIZEN****RESOLVED****C39/2018**

In terms of the

**REPORT TO COUNCIL ON DEVIATIONS FOR THE MONTH OF MARCH 2018**

As discussed by Council at the Council Meeting held on 19 April 2018

1. That the deviations from the procurement processes, approved in terms of the delegated authority for the month of March 2018, **be noted**;

**To Action****M. Potgieter**

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**6.3 MINUTES OF THE AUDIT COMMITTEE MEETINGS SUBMITTED TO COUNCIL FOR INFORMATION AND NOTIFICATION****File No. /s:** 2/1/1/3/2**Responsible Official:** W du Plessis**Directorate:** Municipal Manager**Portfolio:** Internal Audit

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**1. Purpose**

To submit the Minutes of the Audit Committee meetings held to Council for information and notification.

**2. Background**

Since the initial appointment date the Audit Committee and Performance Audit Committee are fully functional and have met regularly as prescribed.

The members of the Audit Committee requested that the minutes of the Audit Committee be submitted to Council as part of their communication to Council.

Audit Committee minutes for the relevant quarters is hereby submitted to Council as prescribed.

**3. Financial Implications:**

N/A

**4. Applicable Legislation / Council Policy:**

Municipal Finance Management Act (Section 166)  
National Treasury Internal Audit Framework 2<sup>nd</sup> Edition (March 2009)  
MFMA Circular 65(November 2012)  
Audit Committee Charter 2017/2018

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**Comment of Directorates / Departments concerned:**

<b>Municipal Manager:</b>	Supported
<b>Director: Community Services:</b>	Supported
<b>Director: Strategic Support Services:</b>	The content of the Audit Committee Minutes is noted
<b>Director: Financial Services:</b>	Supported
<b>Director: Technical Services:</b>	Noted
<b>Senior Manager: Legal Services:</b>	Noted

**RECOMMENDATION:**

That in respect of

**MINUTES OF THE AUDIT COMMITTEE MEETINGS SUBMITTED TO COUNCIL FOR INFORMATION AND NOTIFICATION**

**discussed by Council at the Council meeting held on 19 April 2018:**

Council notes the content of the Minutes of the Audit Committee.

**RESOLVED****C40/2018**

That in respect of

**MINUTES OF THE AUDIT COMMITTEE MEETINGS SUBMITTED TO COUNCIL FOR INFORMATION AND NOTIFICATION**

**discussed by Council at the Council meeting held on 19 April 2018:**

Council notes the content of the Minutes of the Audit Committee.

**To Action****W. Du Plessis**

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The DA requested a caucus of 10 mins.

Caucus started at 15:20

Meeting reconvened at 15:45.

#### 6.4 DEMOLITION OF OVD COUNCIL RENTAL UNITS AND THE RELOCATION OF LEGAL TENANTS TO TRANSHEX AND OTHER AREAS

**File No. /s:** 12/8/3/1/1

**Responsible Official:** S. Mayeki

**Directorate:** Community Services

**Portfolio Committee:** Housing &  
Human Settlements

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### 1. Purpose

To obtain council approval to demolish OVD rental units and relocate all tenants/occupants to Transhex and other areas.

### 2. Background:

OVD is situated in erf 5910 in Worcester, Western Cape and is approximately 1.3 ha of land. OVD is existing Municipal rental stock situated next to the Florian Park between Van Huysteen Avenue and Buitekant streets.

The area was developed in the early 60's as an old age home for the elderly from the "coloured" community. The compound consists of 120 (2) two – roomed, single –story, detached, concrete structures with asbestos roof sheeting community residential units.

The units were initially built to accommodate senior citizens however over the years new younger tenants have moved in. The condition of the properties is very bad due lack of proper maintenance.

### Problem Statement

Several development proposals were considered in the past. Council accepted the proposal to relocate all families to Avian Park in year 2000.

In terms of this proposal, all families would be allocated a low cost housing subsidy in the Avian Park 350 housing project. 150 residential properties were allocated to the occupants.

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The relocation was unsuccessful and did not yield the desired outcomes. It appears that there were no proper plans to prevent illegal occupants from occupying vacated units.

The situation has changed radically over the last couple of years. The area is also a crime hub and structural condition of the units is deteriorating.

The relocation and demolishing of OVD is a top priority in Ward 13 and during the community engagements, the same issue were highlighted.

During the 90's, a few of the blocks were upgraded by the then Divisional Council. The program was discontinued because it was not feasible to divert the units into family units.

### **Current Process**

Brede Valley form parts of the ten leader towns that has been identified as a restructuring towns, to provide sustainable housing and develop a rental housing strategy and implementation plan for the next ten years. Our Municipality's **restructuring zone** application was approved at MINMEC in November 2016 and gazetted in **May 2017**. OVD is now part of our social housing programme.

MAYCO has already approved the **draft rental strategy and the final strategy** will be table to Council for approval. OVD was identified for rental housing development due to its closeness to the CBD and it fall in a serviced area, in order for us to execute this we need to demolish the existing units.

**The Project Pipeline Preparation was** completed and submitted to the Department. The identified projects has been presented at the Rental Housing Workgroup/ Provincial Steering Committee) for addition to the Social Housing Pipeline.

**Pipeline Readiness** Analysis of readiness of Pipeline projects has been undertaken in order to establish potential implementation years. This analysis focused in particular on (but not be limited to):

- Land Availability
- Land Source
- Zoning
- Environmental
- Engineering: Bulk Services
- Engineering: Link Services
- Water Licence
- Detailed Planning: Site Development Plans
- Detailed Planning: Building Plans

**The Transhex** mixed development has been approved and construction of the bulk and internal services will commence September 2017. The **beneficiary administration** for the project is currently underway.

The provision of alternative accommodation for these families will be handled in the same manner of first time home - owners will be assisted to apply for government funding. Non

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- qualified will be relocated to enhanced service sites in Transhex or in the existing rental stock in other areas.

### **Way Forward**

Council approval on the relocation proposal and allocation of erven in Transhex is paramount. This will pay the way for the securing **SHI (social housing institution) Partners**. It is important that securing an SHI Smart Partner is taken up a notch. The partner will task amongst others:

- Conduct a feasibility study on the project.
- Submit a relocation proposal plan that includes all stakeholders as well as the demolishing plan.

The pre-screening of the tenants will be conducted by Greystone/Imizi projects as part of the Transhex project beneficiary administration.

Only legal tenants/ families residing in rental units will be include in the relocation, backyarders is the responsibility of the tenant and they should relocate with the tenant.

Illegal tenants be investigated and relocated to another area in terms of their needs.

### **3. Financial Implications:**

- A commitment from the National Department of Human Settlements (NDHS) to make institutional subsidy grants available in the identified RZ from their DORA allocation.
- This should also include a commitment from the Province and Social Housing Regulation Authority (SHRA) to timeously make the necessary arrangements for efficient administration of the institutional subsidy process.

### **4. Applicable Legislation / Council Policy:**

- Breaking New Ground: A Comprehensive Plan for the Development of Sustainable Human Settlements , 2004
  - National Housing Code,2009
  - Social Housing Act, Act of 2008
  - Breede Valley Municipal Spatial Development Framework, 2013
  - Breede Valley Municipal Human Settlement Plan/Pipeline
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**Comment of Directorates / Departments concerned:**

**Municipal Manager:** Item is supported

**Director: Community Services:** Our final Rental Strategy makes provision for the development of OVD. This proposal is supported.

**Manager: Human Settlements:** OVD social housing project has been included in the social housing pipeline. The appointment of the Social Housing Partner must be expedited in order to align this project with the construction in Transhex.

**Director: Strategic Services:** Recommendation supported subject to the following:

1. That the municipality properly consult with each affected household;
2. That demolition only be enforced once proper legal processes have been followed and complied with;
3. Proper risk assessments be conducted for each households;
4. That alternative accommodation be provided.

**Senior Manager: Legal Services:** Recommendation noted

**Director: Financial Services:** Item is supported

**Director: Technical Services:** Item is supported

**RECOMMENDATION:**

That in respect of

**DEMOLITION OF OVD COUNCIL RENTAL UNITS AND THE RELOCATION OF LEGAL TENANTS TO TRANSHEX AND OTHER AREAS**

discussed by Council at the Council Meeting held on the 19 April 2018:

1. Council approves the demolition of OVD and the subsequent relocation of the current legal tenants to Transhex or any available rental unit;
  2. Recommendation supported subject to the following:
    - That the municipality properly consult with each affected household;
    - That demolition only be enforced once proper legal processes have been followed and complied with;
    - Proper risk assessments be conducted for each household;
    - That alternative accommodation be provided.
-

- That the narrative of the author as indicated in the way forward, alluded to supra be encapsulated herein;
- 3. That OVD be included in the Housing Pipeline for 2018/19 and that the Department of Human Settlements be requested to favourably include this project in their implementation plan.

**PROPOSED: CLLR J. P. KRITZINGER proposed that the word “Transhex” in Bullet 1 and throughout the content of the item be amended to read “suitable areas”.**

**SECONDED: CLLR M. SAMPSON**

**Counter proposal: Cllr N. NEL proposed that this item be withdrawn for further investigation by the administration and that nothing should happen until all investigations has been finalized. Furthermore, that if the people of OVD are being relocated that they should be relocated into houses.**

**SECONDED: CLLR P. MARRAN**

**Votes in favour of Cllr J.P. Kritzinger’s proposal: 21**

**Votes in favour of Cllr N. Nel’s proposal: 18**

**RESOLVED**

**C41/2018**

That in respect of

**DEMOLITION OF OVD COUNCIL RENTAL UNITS AND THE RELOCATION OF LEGAL TENANTS TO ANY SUITABLE AREA**

discussed by Council at the Council Meeting held on the 19 April 2018:

1. Council approves the demolition of OVD and the subsequent relocation of the current legal tenants to suitable areas or any available rental unit;
  2. Recommendation supported subject to the following:
    - That the municipality properly consult with each affected household;
    - That demolition only be enforced once proper legal processes have been followed and complied with;
    - Proper risk assessments be conducted for each household;
    - That alternative accommodation be provided.
    - That the narrative of the author as indicated in the way forward, alluded to supra be encapsulated herein;
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3. That OVD be included in the Housing Pipeline for 2018/19 and that the Department of Human Settlements be requested to favourably include this project in their implementation plan.

**To Action**

**S. Mayeki**

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**7. CONSIDERATION OF REPORTS, COMMUNICATIONS, PETITIONS AND APPLICATIONS DEALING WITH MATTERS OF URGENCY SUBMITTED BY THE MUNICIPAL MANAGER**

**CONFIDENTIAL:  
IN TERMS OF: -**

**SECTION 20: ADMISSION OF PUBLIC TO MEETINGS. – (1) (a) & (b) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT NO. 32 OF 2000.**

**THE MUNICIPAL MANAGER IS OF THE OPINION THAT THE DISCLOSURE OF THE ITEMS MARKED “CONFIDENTIAL” AND OR PRINTED ON BLUE PAPER IN THE AGENDA, WILL NOT BE IN THE INTEREST OF THE MUNICIPALITY.**

**THE PUBLIC AND THE PRESS SHALL THEREFORE BE EXCLUDED FROM THE PROCEEDINGS WHILE THESE ITEMS ARE CONSIDERED. SUCH RULING MAY ONLY BE OVERTURNED BY COUNCIL IN-COMMITTEE. THE RESOLUTIONS REGARDING THESE ITEMS WILL BE MINUTED SEPARATELY.**

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**7.1 RECRUITMENT AND SELECTION PROCEDURE FOR THE APPOINTMENT OF THE DIRECTOR COMMUNITY SERVICES**

**File No./s:**

**Directorate:** Municipal Manager

**Responsible Official:** D McThomas

**Portfolio:** Municipal Manager

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**8. CONSIDERATION OF MATTERS SUBMITTED BY THE CHAIRPERSON OF THE COUNCIL**

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**9. CONSIDERATION OF NOTICES OF MOTION AND NOTICES OF QUESTIONS WHICH SHALL APPEAR ON THE AGENDA IN THE ORDER IN WHICH THEY HAVE BEEN RECEIVED BY THE MUNICIPAL MANAGER**

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**10. CONSIDERATION OF MOTIONS OF EXIGENCY**

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**11. CLOSURE**

The Speaker closed the meeting at 17:15.

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**11.1 COPY OF NOTICE PLACED ON NOTICE BOARDS**

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For information, a copy of the Notice follows:

**NOTICE IS HEREBY GIVEN** that a **COUNCIL MEETING**  
of the **Breede Valley Municipality** will be held on  
**THURSDAY, 19 APRIL 2018 at 10:00** in the  
**COUNCIL CHAMBERS, CWDM, 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 (sixteen) seats available to the public** on a first come first served basis. The list will be closed at **16:30** on **Wednesday, 18 April 2018** 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

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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 **RAADSVERGADERING**  
van die **Breede Vallei Munisipaliteit** op  
**DONDERDAG, 19 APRIL 2018 om 10:00**  
gehou sal word in die  
**RAADSAAL, KWDM, TRAPPESTRAAT 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 (sestien) sitplekke wat vir die publiek beskikbaar is** op 'n "first come first served basis" te bespreek. Die lys sal om **16:30** op **Woensdag, 18 April 2018** 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.

**D. MCTHOMAS**  
**MUNICIPAL MANAGER/MUNISIPALE BESTUURDER**

**04 2018**

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