



MUNISIPALITEIT THEEWATERSKLOOF MUNICIPALITY

[20 MAART / MARCH 2025]

RAADSVERGADERING / **COUNCIL MEETING**

NOTULE / MINUTES

20 MAART / MARCH 2025

MUNISIPALITEIT THEEWATERSKLOOF MUNICIPALITY

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THEEWATERSKLOOF MUNISIPALITEIT/ MUNICIPALITY

**NOTULE VAN 'N RAADSVERGADERING GEHOU OP 20 MAART 2025 OM 14:00
IN DIE RAADSAAL, MUNISIPALE KANTORE, CALEDON.**

**MINUTES OF A COUNCIL MEETING HELD ON 20 MARCH 2025 AT 14:00 IN THE
COUNCIL CHAMBERS, MUNICIPAL OFFICES, CALEDON.**

A. OPENING EN VERWELKOMING

Die Voorsitter, Speaker Raadslid WH Wells, verwelkom almal teenwoordig.

Raadslid H Syster open die vergadering met gebed.

Die Speaker laat 'n bespreking toe insake die Bestuurder: Regsdienste, mnr HM Gxoyiya, en sy teenwoordigheid in die raadsaal; en of hy aangestel is om regsadvies aan die Raad te verskaf, al dan nie.

Die ANC stem nie saam met die terugvoering wat ten opsigte van mnr Gxoyiya verskaf word en die manier waarop regsangeleenthede wat op 'n Raadsvergadering geopper word, hanteer word nie, en versoek dat hul name in die Notule aangeteken word ingevolge Reël 14(2):

Raadsheer DA Appel
Raadsheer MR Nongxaza
Raadslid TP Lemina
Raadslid RL Mienies
Raadsheer BB Mkhwibiso
Raadslid M Mpambani
Raadslid MA Nomkoko
Raadslid MS Shale
Raadslid JD Lekhori
Raadslid V Papier
Raadslid H Syster
Raadslid T Zimmermann

OPENING AND WELCOME

The Chairperson, Speaker Councillor WH Wells, welcomed all present.

Councillor H Syster opened the meeting with a prayer.

The Speaker allowed a discussion regarding the Manager: Legal Services, Mr HM Gxoyiya, and his presence in the Council Chambers; whether he was appointed to provide legal advice to Council or not.

The ANC does not agree with the feedback provided regarding Mr Gxoyiya and how legal issues raised in a Council Meeting be dealt with and requested that their names be recorded in the Minutes as per Rule 14(2):

Alderman DA Appel
 Alderman MR Nongxaza
 Councillor TP Lemina
 Councillors RL Mienies
 Alderman BB Mkhwibiso
 Councillor M Mpambani
 Councillor MA Nomkoko
 Councillor MS Shale
 Councillor JD Lekhori
 Councillor V Papier
 Councillor H Syster
 Councillor T Zimmermann

**B. VERKIESING VAN WNDE SPEAKER (INDIEN NODIG)/
 ELECTION OF ACTING SPEAKER (IF NECESSARY)**

Nie van toepassing nie / Not applicable.

C. BYWONINGSREGISTER/ATTENDANCE REGISTER

**C.1 Teenwoordig/Present
 Raadslede/Councillors**

Raadsheer/Alderman LM de Bruyn	(Virtual Attendance)
Raadsheer/Alderman CC Clayton	
Raadslid/Councillor WH Wells	
Raadsheer/Alderman DA Appel	
Raadslid/Councillor CA Benjamin	
Raadslid/Councillor M Botes	
Raadslid/Councillor CT Cloete	
Raadsheer/Alderman S Fredericks	
Raadslid/Councillor M Gana	
Raadslid/Councillor DA Jacobs	
Raadslid/Councillor D Jooste	
Raadslid/Councillor H Linnerts	
Raadslid/Councillor JD Lekhori	
Raadslid/Councillor TP Lemina	
Raadslid/Councillor RL Mienies	
Raadsheer/Alderman BB Mkhwibiso	
Raadslid/Councillor M Mpambani	
Raadslid/Councillor MA Nomkoko	
Raadsheer/Alderman MR Nongxaza	
Raadslid/Councillor V Papier	
Raadsheer/Alderman M Plato-Mentoor	
Raadslid/Councillor MS Shale	
Raadslid/Councillor J Smit	(Virtual Attendance)

Raadslid/Councillor PJ Stander
Raadslid/Councillor H Syster
Raadslid/Councillor YM van Tonder
Raadslid/Councillor TB Zimmermann

(Virtual Attendance)

3

Amptenare / Officials

Mnr./Mr W Hendricks	(Wnde Munisipale Bestuurder) (Acting Municipal Manager)
Mnr./Mr GW Hermanus	(Direkteur: Korporatiewe Dienste) (Director: Corporate Services)
Mnr./Mr. P Mabhena	(Direkteur: Finansies) (Director: Finance)
Mnr./Mr ED Marthinus	(Namens Direkteur: Gemeenskapsdienste) (On behalf of the Director: Community Services)
Mnr./Mr H Matthee	Wnde Direkteur: Tegnie- en Infrastruktuur Implementeringsdienste) (Acting Director: Technical- and Infrastructure Implementation Services)
Mnr./Mr E Shortles	(Wnde Direkteur: Ekonomiese Ontwikkeling en Beplanning) (Acting Director: Economic Development and Planning)
Mnr./Mr A Opperman	(Hoof Uitvoerende Ouditeur) (Chief Audit Executive)
Mnr./Mr V Arendse	(Bestuurder: GOP) (Manager: IDP)
Mnr./Mr H Gxoyiya	(Bestuurder: Regsdienste) (Manager: Legal Services)
Me./Ms M Faul	(Bestuurder: Korporatiewe Dienste) (Manager: Corporate Services)
Me./Ms L Kilowan	(Snr Admin Beampte: Raadslidondersteuning) (Snr Admin Officer: Councillor Support)
Me./Ms S Baron	(Sekretariaatdienste) (Secretariat Services)
Me./Ms. F Ngxowa	(Assistent Vertaler) (Assistant Translator)
Me./Ms L Absalom	(Tydelike Nakomingsbeampte GOP en Prestasiebestuur) (Temporary Compliance officer IDP and Performance Management)

C.2 Aansoek(e) om verlof tot afwesigheid:
Application(s) for leave of absence:

Mnr./Mr WSE Solomons-Johannes

D. NOTULES EN/OF VERSLAE VAN DIE UBK VIR KENNISNAME VAN DIE RAAD / MINUTES AND/OR REPORTS OF THE EMC FOR COGNIZANCE OF COUNCIL

D.1 Geen / None

**E. BEKRAGTIGING VAN NOTULES EN/OF VERSLAE VAN DIE RAAD
CONFIRMATION OF MINUTES AND/OR REPORTS OF COUNCIL**

E.1 Notule van Raadsvergadering: 25 Februarie 2025

BESLUIT :

Om op voorstel van Raadsheer S Fredericks gesekondeer deur Raadslid CA Benjamin die Notule van die Raadsvergadering van 25 Februarie 2025 hiermee goed te keur, te bekragtig en te laat onderteken as prima facie bewys van die juistheid daarvan.

Minutes of Council Meeting: 25 February 2025

RESOLVED:

To, on proposal by Alderman S Fredericks, seconded by Councillor CA Benjamin, hereby approve, confirm and have signed the Minutes of the Council Meeting of 25 February 2025 as prima facie evidence of its correctness.

F VERKLARINGS EN MEDEDELINGS DEUR DIE SPEAKER /

Die rede vir vandag se vergadering is dat die Oorsigverslag bespreek sal word ingevolge artikel 129(1) van die MFMA – “*die raad van ’n munisipaliteit moet die jaarverslag van die munisipaliteit en van enige munisipale entiteit oorweeg, en teen nie later nie as twee maande vanaf die datum waarop die jaarverslag ter tafel gelê is, ’n oorsigverslag aanneem*”. Die konsep-Jaarverslag is op 23 Januarie 2025 aan die Raad voorgelê.

STATEMENTS AND COMMUNICATIONS BY THE SPEAKER

The reason for today’s meeting is that the Oversight report will be discussed in terms of Section 129 (1) MFMA - “*the council of a municipality must consider the tabled annual report of the municipality, and any municipal entities, and adopt an oversight report, no later than two months after the date on which the annual report was tabled*”. The Draft Annual Report was tabled at Council on the 23rd of January 2025.

G. VERKLARINGS EN MEDEDELINGS DEUR DIE UITVOERENDE
BURGEMEESTER /
STATEMENTS AND COMMUNICATIONS BY THE EXECUTIVE MAYOR

Geen / None

H. NOTULE VAN SALGA WERKSGROEP VERGADERING /
MINUTES OF SALGA WORKING GROUP MEETING

H.1 *SALGA Governance and Intergovernmental Relations Provincial Working Group
– 13 February 2025).*

On a proposal by Alderman S Fredericks and seconded by Alderman C Clayton, Council noted the Minutes of the SALGA Governance and Intergovernmental Relations Provincial Working Group Meeting held on 13 February 2025.

I. VERSLAE VOORGELê DEUR KANTOOR VAN DIE MUNISIPALE
BESTUURDER
REPORTS PRESENTED BY OFFICE OF THE MUNICIPAL MANAGER

ITEM TITLE

C71/2025 OFFICE OF THE MUNICIPAL MANAGER: DECLARED ELECTED AFRICAN NATIONAL CONGRESS REPRESENTATIVE OF THEEWATERSKLOOF MUNICIPALITY TO THE OVERBERG DISTRICT MUNICIPAL COUNCIL

[English is the original version of the report]

FILE NUMBER

3/3/6

PURPOSE OF REPORT

That Council takes cognizance of the notice from the IEC regarding the declared elected ANC Representative of Theewaterskloof Municipality to the Overberg District Municipal Council to replace Councillor ML Mathews, who ceased to hold office as a Theewaterskloof Municipal Councillor and a representative for Theewaterskloof Municipality on the Overberg District Municipal Council.

BACKGROUND

As per Council Resolution 6.8.1/2021 of a Council Meeting held on 22 November 2021, Council resolved as follows:

RUN-UP TO DECISION MAKING:

1. Mr R Theunissen, a representative of the IEC, handled the entire process of electing Representatives on the Overberg District Municipality.
2. Mr Theunissen explained the process to be followed for the election of Representatives on the Overberg District Municipality, as well as the formula to be used in determining the number of Council representation on the Overberg District Municipality.
3. Nomination forms were completed per party and the names of the Councillors were placed in order of preference. Only two nomination forms were handed out.
4. Thereafter the nomination forms/lists were handed over to Mr Theunissen.

Nominations were received from the DA and the ANC and were recorded as such on the ballot paper.

5. Ballot papers were handed out by the IEC and each Councillor signed receipt thereof. Councillors were given the opportunity to cast their vote in writing and to place ballot papers in the ballot box. The votes were counted by IEC in the presence of representatives of the DA and ANC.

6. Following the calculations, the seats were allocated as follows:

ANC = 3

DA = 2

7. The names as shown on each nomination list [first 3 of the ANC/PA/GOOD Alliance and first 2 of the DA] were read aloud and these 5 Councillors will represent Theewaterskloof Municipality on the Overberg District Municipality.

“RESOLVED BY COUNCIL: 22 NOVEMBER 2021

After the election process was completed by the Representative of the IEC, the following Councillors were elected to represent the Theewaterskloof Municipal Council on the Overberg District Municipality:

**Councillor J Mckenzie
Alderlady BB Mkhwibiso
Councillor MA Nomkoko
Councillor PJ Stander
Councillor YM van Tonder”**

Councillor J Mckenzie resigned as a Theewaterskloof Municipal representative on the Overberg District Municipality and Council resolved as follows:

“RESOLVED BY COUNCIL: 30 NOVEMBER 2023

Council noted that Councillor ML Mathews has been declared as elected GOOD representative of Theewaterskloof Municipality to the Overberg District Municipal Council.”

DISCUSSION

Councillor ML Mathews ceased to hold office as Councillor in the municipality because of her expulsion by the party.

A notice was issued by the IEC declaring Alderman DA Appel as the elected ANC representative of Theewaterskloof Municipality to the Overberg District Municipal Council. Notice is attached as annexure to the item.

FINANCIAL IMPLICATIONS

None

LEGAL RESPONSIBILITIES

None

RISK MANAGEMENT IMPLICATIONS

Not applicable.

RECOMMENDATION TO COUNCIL:

It is recommended that Council notes that Alderman DA Appel has been declared as elected ANC representative of Theewaterskloof Municipality to the Overberg District Municipal Council.

RECOMMENDATION BY COUNCIL: 20 MARCH 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, it was unanimously resolved as follows:

Council noted that Alderman DA Appel has been declared as elected ANC representative of Theewaterskloof Municipality to the Overberg District Municipal Council.

For finalization by the Manager: Corporate Services, Ms M Faul.

ITEM TITLE

C72/2025 OFFICE OF THE MUNICIPAL MANAGER: DECLARED ELECTED DEMOCRATIC ALLIANCE REPRESENTATIVE OF THEEWATERSKLOOF MUNICIPALITY TO THE OVERBERG DISTRICT MUNICIPAL COUNCIL

[English is the original version of the report]

FILE NUMBER

3/3/6

PURPOSE OF REPORT

That Council takes cognizance of the notice from the IEC regarding the declared elected DA Representative of Theewaterskloof Municipality to the Overberg District Municipal Council to replace Alderman LM de Bruyn who ceased to hold office as a Councillor in the district, following his resignation.

BACKGROUND

As per Council Resolution 6.8.1/2021 of a Council Meeting held on 22 November 2021, Council resolved as follows:

RUN-UP TO DECISION MAKING:

1. Mr R Theunissen, a representative of the IEC, handled the entire process of electing Representatives on the Overberg District Municipality.
2. Mr Theunissen explained the process to be followed for the election of Representatives on the Overberg District Municipality, as well as the formula to be used in determining the number of Council representation on the Overberg District Municipality.
3. Nomination forms were completed per party and the names of the Councillors were placed in order of preference. Only two nomination forms were handed out.
4. Thereafter the nomination forms/lists were handed over to Mr Theunissen.

Nominations were received from the DA and the ANC and were recorded as such on the ballot paper.

5. Ballot papers were handed out by the IEC and each Councillor signed receipt thereof. Councillors were given the opportunity to cast their vote in writing and to place ballot papers in the ballot box. The votes were counted by IEC in the presence of representatives of the DA and ANC.

6. Following the calculations, the seats were allocated as follows:

ANC = 3

DA = 2

7. The names as shown on each nomination list [first 3 of the ANC/PA/GOOD Alliance and first 2 of the DA] were read aloud and these 5 Councillors will represent Theewaterskloof Municipality on the Overberg District Municipality.

“RESOLVED BY COUNCIL: 22 NOVEMBER 2021

After the election process was completed by the Representative of the IEC, the following Councillors were elected to represent the Theewaterskloof Municipal Council on the Overberg District Municipality:

**Councillor J Mckenzie
Alderlady BB Mkhwibiso
Councillor MA Nomkoko
Councillor PJ Stander
Councillor YM van Tonder “**

Councillor P Stander resigned as a Theewaterskloof Municipal representative on the Overberg District Municipality and Council resolved as follows:

“RESOLVED BY COUNCIL: 10 AUGUST 2023

Council noted that Alderman LM de Bruyn has been declared as elected DA representative of Theewaterskloof Municipality to the Overberg District Municipal Council. “

DISCUSSION

Alderman LM de Bruyn ceased to hold office as a Councillor in the district following his resignation.

A notice was issued by the IEC declaring Councillor CA Benjamin as the elected DA representative of Theewaterskloof Municipality to the Overberg District Municipal Council. Notice is attached as annexure to the item.

FINANCIAL IMPLICATIONS

None

LEGAL RESPONSIBILITIES

None

RISK MANAGEMENT IMPLICATIONS

Not applicable.

RECOMMENDATION TO COUNCIL:

It is recommended that Council notes that Councillor CA Benjamin has been declared as elected DA representative of Theewaterskloof Municipality to the Overberg District Municipal Council.

RECOMMENDATION BY COUNCIL: 20 MARCH 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, it was unanimously resolved as follows:

Council noted that Councillor CA Benjamin has been declared as elected DA representative of Theewaterskloof Municipality to the Overberg District Municipal Council.

For finalization by the Manager: Corporate Services, Ms M Faul.

ITEM TITLE**C73/2025 OFFICE OF THE MUNICIPAL MANAGER: DEPARTMENT INTERNAL
AUDIT: REPORT OF THE MUNICIPAL PUBLIC ACCOUNTS
COMMITTEE**

[English version of the report is the original]

FILE NUMBER

3/2/17/3

PURPOSE OF REPORT

The purpose of the report is to inform the Council of the reports of Internal Audit that was presented to the Municipal Public Accounts Committee (MPAC) Meeting of 15 January 2025.

BACKGROUND

According to the MPAC Terms of Reference, as approved by Council on 23 March 2023, Section 7.1: "In accordance with the provisions of section 79A(4) of the Municipal Structures Amendment Act 2021, reports of the MPAC must be submitted to the Speaker who must table such reports in the next meeting of Municipal Council."

According to the Municipal Structures Amendment Act No.3 of 2021:

79A. (1) A municipal council must establish a committee called the municipal public accounts committee.

(2) The municipal council must determine the functions of the municipal public accounts committee, which must include the following:

- (a) review the Auditor-General's reports and comments of the management committee and the audit committee and make recommendations to the municipal council;
- (b) review internal audit reports together with comments from the management committee and the audit committee and make recommendations to the municipal council;

(3) Reports of the municipal public accounts committee must be submitted to the speaker who must table such reports in the next meeting of the municipal council.

DISCUSSION

This item was submitted to the Speaker for approval before submission to Council and the Speaker approved the item for submission to Council on 6 March 2025.

The following Internal Audit reports were presented to the MPAC meeting of 15 January 2025:

- Performance Management First Quarter 2023/2024 Audit
- Internal Audit Follow-up Report Second Quarter 2023/2024
- Supply Chain Management Audit 1 August 2023 – 31 October 2023
- Performance Management Second Quarter 2023/2024 Audit
- Cash Management and Investment Audit
- Solid Waste Third Quarter 2023/2024 Audit
- Waste Water and Water Use License Audit
- Internal Audit Follow-up Report Third Quarter 2023/2024
- Auditor General Report Follow-up April 2024
- Performance Management Third Quarter 2023/2024 Audit
- Risk Management Audit
- 2023/2024 Year End Stock Count Report
- Internal Audit Follow-up Report Fourth Quarter 2023/2024
- Auditor General Report Follow-up September 2024
- Performance Management Fourth Quarter 2023/2024 Audit
- Auditor General Report 2023/2024 Audit
- Supply Chain Management Audit 1 February 2024 – 30 April 2024
- Solid Waste First Quarter 2024/2025 Audit
- Supply Chain Management Audit 1 May 2024 – 31 July 2024
- Internal Audit Follow-up Report First Quarter 2024/2025

In the Internal Audit reports tabled to MPAC:

- 102 findings were made;
- 27 of these findings was regarded as significant (serious).
- 75 findings were regarded as housekeeping (minor transgressions which could easily be rectified) and remains the responsibility of administration to address.

The status of these findings are included in the Internal Audit Follow-up reports and are reported to MPAC on a quarterly basis.

The MPAC considered the comments of the Management Committee and the Performance- and Audit Committee on all these reports presented.

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

None

LEGAL IMPLICATIONS (ITEM AUTHOR)

Municipal Structures Amendment Act No.3 of 2021

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

None

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended that Council takes note that the Internal Audit reports, together with the comments of the Management Committee and the Performance- and Audit Committee was presented at the Municipal Public Accounts Committee Meeting of 15 January 2025.

RESOLVED BY COUNCIL: 20 MARCH 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Councillor RL Mienies and seconded by Alderman BB Mkhwibiso, it was resolved as follows:

Council noted the Internal Audit reports, together with the comments of the Management Committee and the Performance- and Audit Committee was presented at the Municipal Public Accounts Committee Meeting of 15 January 2025.

For finalization by the Chief Audit Executive, Mr. A Opperman.

ITEM TITLE

C74/2025 OFFICE OF THE MUNICIPAL MANAGER: DEPARTMENT IDP/PERFORMANCE MANAGEMENT: REPORT ON THE ANNUAL PERFORMANCE AND 2023/2024 FINANCIAL YEAR PERFORMANCE APPRAISAL PROCESS IN RESPECT OF THE SECTION 56/57 MANAGERS

[English version of the report is the original]

FILE NUMBER

4/1/3

PURPOSE OF REPORT

To report on the outcome of the 2023/2024 financial year performance appraisal process which was followed and to obtain approval from Council for the related recommendations.

BACKGROUND

The attached Performance Review Report 2023/2024 outlines the background and process followed for the performance appraisals of the Directors directly accountable to Municipal Manager as listed in the attached report.

DISCUSSION

As per background.

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

Sufficient funds have been budgeted for.

LEGAL IMPLICATIONS (ITEM AUTHOR)

Section 56 and 57 of the Systems Act, 32 of 2000 and the Municipal Performance Regulations for Municipal Managers and Managers directly accountable to Municipal Managers, 2006. (Notice R805, No. 29089 of 1 August 2006)

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

None

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:**It is recommended:**

1. That Council takes cognisance of the outcome of the Evaluation process.
2. That Council takes note of the following start and end of employment dates:
 - 2.1. Acting Director Corporate Services: Mr. Stevens: 01 August 2023 – 30 April 2024
 - 2.2. Director Financial Services: Paul Mabhena: 01 August 2023 – 30 April 2024
 - 2.3. Director Technical and Infrastructure Implementation Services: H. Matthee: 01 March 2024 – 30 June 2024
 - 2.4. Director Economic and Development Services: Namso Baliso: 01 March 2024 – 30 June 2024
 - 2.5. That Council confirms the results of the Evaluation Panel and approve the payment of the following performance bonuses:

Acting Director Corporate Services: Reynold Stevens	9% (73.44%)	(9 Months)
Director Financial Services: Paul Mabhena	5% (69.10%)	(9 Months)
Director Technical and Infrastructure Implementation Services: Henk Matthee	9% (70.90%)	(4 Months)
Director Economic Development and Planning: Namso Baliso	5% (65.07%)	(4 Months)

3. In terms of section 34 (3) of regulation GNR 805 of 1 August 2006 a copy of the performance assessment results of the municipal manager must be submitted to the MEC responsible for local government in the relevant province as well as the national minister responsible for local government, within fourteen (14) days after the conclusion of the assessment.
4. That Council notes that the above requirements has been complied with and the minutes of the council meeting will be forwarded to the MEC and National Minister responsible for Local Government.

5. That Council notes that the payment of performance bonuses is subject to approval of the Oversight Report.
6. That Council notes the following:
 - 6.1. Any disputes about the outcome of the employee's performance evaluation must be mediated by –
 - 6.1.1. In the case of the municipal manager, the MEC for local government in the province within thirty (30) days of receipt of a formal dispute from the employee, or any other person designated by the MEC; and
 - 6.1.2. In the case of managers directly accountable to the municipal manager, a member of the municipal council, provided that such member was not part of the evaluation panel provided for in sub-regulation 27(4)(e), within thirty (30) days of receipt of a formal dispute from the employee.
 - 6.2. whose decision shall be final and binding on both parties.

RESOLVED BY COUNCIL: 20 MARCH 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman DA Appel and seconded by Alderman MR Nongxaza, it was resolved as follows:

1. Council noted the outcome of the Evaluation process.
2. Council noted the following start and end of employment dates:
 - 2.1. Acting Director Corporate Services: Mr. Stevens: 01 August 2023 – 30 April 2024
 - 2.2. Director Financial Services: Paul Mabhena: 01 August 2023 – 30 April 2024
 - 2.3. Director Technical and Infrastructure Implementation Services: H. Mathee: 01 March 2024 – 30 June 2024
 - 2.4. Director Economic and Development Services: Namso Baliso: 01 March 2024 – 30 June 2024

- 2.5. That Council confirms the results of the Evaluation Panel and approve the payment of the following performance bonuses:

Acting Director Corporate Services: Reynold Stevens	9% (73.44%)	(9 Months)
Director Financial Services: Paul Mabhena	5% (69.10%)	(9 Months)
Director Technical and Infrastructure Implementation Services: Henk Matthee	9% (70.90%)	(4 Months)
Director Economic Development and Planning: Namso Baliso	5% (65.07%)	(4 Months)

3. In terms of section 34 (3) of regulation GNR 805 of 1 August 2006 a copy of the performance assessment results of the municipal manager must be submitted to the MEC responsible for local government in the relevant province as well as the national minister responsible for local government, within fourteen (14) days after the conclusion of the assessment.
4. Council noted that the above requirements has been complied with and the minutes of the council meeting will be forwarded to the MEC and National Minister responsible for Local Government.
5. Council noted that the payment of performance bonuses is subject to approval of the Oversight Report.
6. Council noted the following:
 - 6.1. Any disputes about the outcome of the employee's performance evaluation must be mediated by –
 - 6.1.1. In the case of the municipal manager, the MEC for local government in the province within thirty (30) days of receipt of a formal dispute from the employee, or any other person designated by the MEC; and
 - 6.1.2. In the case of managers directly accountable to the municipal manager, a member of the municipal council, provided that such member was not part of the evaluation panel provided for in sub-regulation 27(4)(e), within thirty (30) days of receipt of a formal dispute from the employee.

6.2. whose decision shall be final and binding on both parties.

For finalization by the Manager: IDP, Mr. V Arendse.

ITEM TITLE**C75/2025 MUNICIPAL PUBLIC ACCOUNTS COMMITTEE: OVERSIGHT REPORT IN RESPECT OF THE 2023/2024 ANNUAL REPORT FOR THEEWATERSKLOOF MUNICIPALITY**

[English version of the report is the original]

FILE NUMBER

9/1/1

PURPOSE OF REPORT

To inform Council about the work of the Municipal Public Accounts Committee and to make a recommendation to Council as required in terms of Section 129(1) of the MFMA, Act 56 of 2003.

For purposes of considering this item, Councillors are requested to also refer to the Annual Report which was tabled on 23 January 2025.

BACKGROUND

In terms of Section 129(1) the council of the municipality must consider the Annual Report of the municipality (and municipal entity under the municipality's sole and shared control), and must adopt an Oversight Report containing the council's comments on the Annual Report by no later than two (2) months from the date on which the Annual Report was tabled in the council. It must include a statement whether the council has:

- Approved the Annual Report with or without reservations;
- Rejected the Annual Report; or
- Referred the Annual Report for revision of those components that can be revised.

In terms of Section 129 (2) the Accounting Officer must:

- Attend council and council committee meetings where the Annual Report is discussed for the purpose of responding to questions concerning the report; and
- Submit copies of the Minutes of those Meetings to the Auditor-General, the relevant Provincial Treasury and the Provincial Department of Local Government.
- Section 129 (3) requires the accounting officer to make public an Oversight Report within seven (7) days of its adoption (in accordance with Section 21A of the Municipal Systems Act).

In terms of MFMA S127 (5): Immediately after the Annual Report is tabled in the council in terms of subsection (2), the accounting officer of the municipality must-

- (a) (i) make public the Annual Report; and

- (ii) Invite the local community to submit representations in connection with the Annual Report;

The Annual Report together with the Annual Financial Statements was submitted to the combined Performance- and Audit Committee on 17 January 2025 for consideration and comments.

The 2023/2024 Annual Report together with the Financial Statements was tabled at council on 23 January 2025 and advertised in the local newspapers from 24 January 2025 to 20 February 2025 for public comments. A copy of the advertisement is attached as **APPENDIX 2 to the Oversight Report**.

A notice was placed in the local newspapers highlighting the meeting scheduled of the Municipal Public Accounts Committee and inviting the public to submit written inputs and/or present their inputs to the Municipal Public Accounts Committee at a public hearing scheduled for 26 February 2025.

According to MFMA 129 (4) -The National Treasury may submit guidelines on –

- (a) The manner in which the municipal councils should consider annual reports and conduct public hearings; and
- (b) The functioning and composition of any public accounts or oversight committees established by the council to assist it to consider an annual report.

MFMA Circular Number 32 recommends the establishment of an Oversight Committee for the detailed analysis and review of the Annual Report, following its tabling in council, receiving and reviewing representations made by the public, inputs from councillors and council portfolio committees and then drafting an oversight report that may be taken to full council for discussion.

The composition of the MPAC is contained in the Oversight Report together with the dates where the Annual report was discussed.

The full MPAC oversight report is attached containing all comments received.

DISCUSSION

As discussed in the Oversight Report.

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

None.

LEGAL RESPONSIBILITIES

The process is driven by legislation as explained in detail under background. These include:

1. Local Government: Municipal Finance Management Act, 2003 (Act 56 Of 2003) (Chapter 12) (MFMA).
2. Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) (Chapter 6).

3. Local Government: Municipal Structures Act, 1998 (Act 117 of 1998).
4. MFMA circular No 32

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

None.

RECOMMENDATION BY ITEM AUTHOR TO MPAC:

It is recommended that MPAC adopt the recommendations as contained in the oversight report.

RECOMMENDATION BY MPAC TO COUNCIL: 06 MARCH 2025

It is recommended:

- 1. That Council adopts the recommendations as contained in the oversight report.**
- 2. That Council notes that payment of the performance bonuses is subject to the adoption of Oversight Report and Final Annual Report.**

RESOLVED BY COUNCIL: 20 MARCH 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman DA Appel and seconded by Alderman BB Mkhwibiso, it was resolved as follows:

- 1. Council noted the Oversight Report on the 2023/2024 annual report of Theewaterskloof Municipality.**
- 2. Council noted that extra effort and funding went into improving participation in the process by developing the citizens annual report.**
- 3. Council noted the impact made by the citizens annual report and the statistics that relates to it.**
- 4. The administration should continue to be innovative to further improve participation in the process.**
- 5. That Management consider presenting the annual report to ward committees, after approval of the draft annual report, this would require the presence of employees from all relevant departments at these meetings.**
- 6. Special emphasis is placed on the comments from Provincial Treasury and Auditor-General, and Management to put measures in place to improve audit outcomes and address poor performance.**

7. **MPAC noted with concern the R41m highlighted in the AG's report (pg. 335 of the 2023/2024 AR) for which they could not obtain sufficient evidence, MPAC however is satisfied by the assurance given from the municipal manager that this will be investigated, and the outcome will be provided to MPAC and Council. The outcome will also be made public online with legislation to ensure that the rights of all parties are protected.**
8. **Council, having fully considered the 2023/2024 annual report, adopts the Oversight report.**
9. **Council adopts the 2023/2024 annual report of Theewaterskloof Municipality without reservation.**
10. **That the Oversight report be made public in accordance with section 129(3) of the Municipal Finance Management (Act 56 of 2003)**
11. **That the minutes of those meetings where the annual report was discussed be distributed in accordance with section 129 (2) (b).**
12. **That the oversight report be submitted to the provincial legislature in accordance with section 132 (2) of the Municipal Finance Management Act (Act 56 of 2003).**
13. **Council noted that payment of the performance bonuses is subject to the adoption of Oversight Report and Final Annual Report.**

For finalization by the Manager: IDP, Mr. V Arendse

ITEM TITLE

**C76/2025 DIRECTORATE CORPORATE SERVICES: DEPARTMENT
ADMINISTRATION: DESIGNATION OF A COUNCILLOR AND
SECUNDI TO SERVE ON THE DISTRICT HEALTH COUNCIL**

[English version of the report is the original]

FILE NUMBER

3/3/6

PURPOSE OF REPORT

To designate a Councillor and secundi to serve on the District Health Council.

BACKGROUND

A request was received from the Department of Health and Wellness (Overberg District) to designate a councillor to serve on the District Health Council.

The District Health Councils representation include all the sub-districts i.e. Theewaterskloof, Overstrand, Cape Agulhas and Swellendam Municipalities.

DISCUSSION

The Western Cape Health Facility Boards and Committees Act, 2016 (Act 4 of 2016) provides the following, which must be taken into account when designating a Councillor / Councillors to serve on the District Health Committee:

Section 6(1) provides as follows regarding the "Appointment of members of Committee":

The Provincial Minister must appoint to a committee not more than 12 members, including –

- a. one or more councillors of the municipal council for the municipal area in which the primary health care facility is situated, nominated by the municipal council or a health-related committee of the municipal council;
- b.

Furthermore, Section 7 provides the following regarding "Eligibility for appointment as a member":

7.(1) To be eligible for appointment as a member a person must –

- (a) be a South African citizen;
- (b) be older than 18 years;
- (c) not be an unrehabilitated insolvent;
- (d) not, at any time, have been convicted of –

- (i) an offence for which he or she was sentenced to imprisonment without the option of a fine; or
- (ii) theft, fraud, forgery, the uttering of a forged document, perjury, any offence in terms of the Prevention and Combating of Corrupt Activities Act, 2004 (Act 12 of 2004), or any offence of which dishonesty is an element, whether in the Republic or elsewhere if the conduct constituting the offence would be an offence in the Republic;
- (e) demonstrate commitment to community service;
- (f) demonstrate support for the mission and values of the health facility concerned; and
- (g) demonstrate a high level of personal integrity and honesty.

Section 8 provides as follows regarding the "Term of office of members"

- 8.(1) Members are appointed for a period of three years.
- (2) On the expiry of the term of office of a member, that member may remain in office until a successor has been appointed, but not for longer than six months.
- (3) Subject to subsection (4), a member is eligible for reappointment to a Board or Committee at the expiry of his or her term of office.
- (4) A member, other than a member appointed in terms of section 5(1)(c) or 6(1)(c), may not serve on a Board or Committee for more than two consecutive terms. (Not applicable to a Municipal Council appointment.)
- (5) Despite subsection (4), a member who has served for two consecutive terms may be reappointed if, in the opinion of the Provincial Minister, exceptional circumstances exist for reappointment or, in the absence of exceptional circumstances, after an interval of not less than one year.

Council must designate a Councillor with a secundi to serve on the District Health Council.

FINANCIAL IMPLICATIONS

None

LEGAL RESPONSIBILITIES

As indicated under "discussion".

RISK MANAGEMENT IMPLICATIONS

None

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

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It is recommended:

- 1. That Alderman/ Councillor be designated to serve on the District Health Council as a Councillor on behalf of Theewaterskloof Municipality.**
- 2. That Alderman/ Councillor be nominated as secundi on the District Health Council.**

RESOLVED BY COUNCIL: 20 MARCH 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman S Fredericks and seconded by Alderman DA Appel, it was resolved as follows:

- 1. That Alderman C Clayton be designated to serve on the District Health Council as a Councillor on behalf of Theewaterskloof Municipality.**
- 2. That Councillor Y van Tonder be nominated as secundi on the District Health Council.**

For finalization by the Manager: Corporate, Services, Ms. M Faul.

ITEM TITLE

C77/2025 DIRECTORATE FINANCE: OFFICE OF THE DIRECTOR: POTENTIAL LIABILITY OF MUNICIPAL OFFICIALS, POLITICAL OFFICE – BEARERS AND ACCOUNTING OFFICERS FOR UNAUTHORISED, IRREGULAR, FRUITLESS AND WASTEFUL EXPENDITURE

[English version of the report is the original]

FILE NUMBER

6/3/3/6

PURPOSE OF REPORT

The purpose of this report is to inform the Council on the Potential Liability of Municipal Officials, Political Office – Bearers and Accounting Officers for Unauthorised, Irregular, Fruitless and Wasteful Expenditure as per Local Government Circular 1 of 2025

BACKGROUND

The purpose of this Circular is to inform municipalities of the recent judgement of Mbambisa and Others v Nelson Mandela Metropolitan Municipality (hereafter referred to as the "Mbambisa case") which was handed down by the Supreme Court of Appeal on 08 November 2024 has far reaching implications for any Municipal Official, Political Office-Bearer or Accounting Officer who deliberately or negligently incurred, authorised or instructed the incurrence of UIFW Expenditure.

DISCUSSION

Council takes note of the Content of the Circular 01 of 2025.

Scheduling of a comprehensive training session for all role players (Councilors and officials) within the MPAC process flow facilitated by Western Cape Government (WCG – DLG).

FINANCIAL IMPLICATIONS (ITEM AUTHOR)

When recovery processes are implemented.

LEGAL IMPLICATIONS (ITEM AUTHOR)

Section 32 of the MFMA

Section 176 (1) of the MFMA

Definitions of UIFW Expenditure as per section 1 of the MFMA

Section 62 (1) (d) and 78(1)(C) of the MFMA

MFMA Circular No.111

MFMA Circular No.125

RISK MANAGEMENT IMPLICATION (ITEM AUTHOR)

- If MPAC does not sit according to schedule
- non submission of reports.

RECOMMENDATION BY ITEM AUTHOR TO COUNCIL:

It is recommended:

1. That Council takes note of the Content of the Circular 01 of 2025.
2. That Council approves this scheduling of a comprehensive training session for all role players (Councilors and officials) within the MPAC process flow facilitated by Western Cape Government (WCG – DLG).

RESOLVED BY COUNCIL: 20 MARCH 2025

After the Chairperson had given the Councillors an opportunity, and the item had been thoroughly discussed, on a proposal by Alderman S Fredericks and seconded by Councillor Y van Tonder, it was resolved as follows:

1. Council noted the Content of the Circular 01 of 2025.
2. Council approves this scheduling of a comprehensive training session for all role players (Councilors and officials) within the MPAC process flow facilitated by Western Cape Government (WCG – DLG).

For finalization by the Director: Finance, Mr P Mabhena.

M. OORWEGING VAN KENNISGEWINGS EN VRAE
CONSIDERATION OF NOTICES OF MOTIONS

N. OORWEGING VAN KENNISGEWINGS EN VRAE
CONSIDERATION OF NOTICES AND QUESTIONS

O. OORWEGING VAN DRINGENDE MOSIES /
CONSIDERATION OF NOTICES AND QUESTIONS

P. IN-KOMITEEVERGADERING AGENDA-ITEMS VIR BESPREKING
IN-COMMITTEE MEETING AGENDA-ITEMS FOR DISCUSSION

Minuted and distributed as a separate Minutes of the Meeting.

Q. VERDAGING / ADJOURNMENT

Die vergadering verdaag om 15:50.
The meeting adjourned at 15:50.

NOTULE BEKRAGTIG OP DIE DAG VAN
..... AS PRIMA FACIE BEWYS VAN DIE
JUISTHEID DAARVAN.

MINUTES CONFIRMED ON THE DAY OF
..... AS PRIMA FACIE EVIDENCE OF
IT'S CORRECTNESS.

.....
SPEAKER

.....
DATUM/DATE










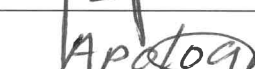

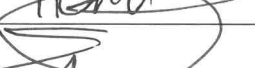




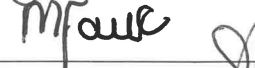


OPGESTEL EN BYGEHOU DEUR:
COMPILED AND RECORDED BY:


.....
S BARON
SEKRETARIAATDIENSTE
SECRETARIAT SERVICES

RAADSVERGADERING
COUNCIL MEETING

20 MAART / MARCH 2025

NAAM EN VAN / NAME AND SURNAME	HANDTEKENING / SIGNATURE
<u>Raadslede / Councillors :</u>	
Raadsheer/Alderman LM de Bruyn	Virtual Attendance
Raadsheer/Alderman CC Clayton	<i>CC Clayton</i> 14 Feb 25
Raadslid/Councillor WH Wells	<i>WH Wells</i>
Raadsheer/Alderman DA Appel	<i>DA Appel</i>
Raadslid/Councillor CA Benjamin	<i>CA Benjamin</i>
Raadslid/Councillor M Botes	<i>M Botes</i>
Raadslid/Councillor CT Cloete	<i>CT Cloete</i>
Raadsheer/Alderman S Fredericks	<i>S Fredericks</i>
Raadslid/Councillor M Gana	<i>M Gana</i>
Raadslid/Councillor DA Jacobs	<i>DA Jacobs</i>
Raadslid/Councillor D Jooste	<i>D Jooste</i>
Raadslid/Councillor H Linnerts	<i>H Linnerts</i>
Raadslid/Councillor JD Lekhori	<i>JD Lekhori</i>
Raadslid/Councillor TP Lemina	<i>TP Lemina</i>
Raadslid/Councillor RL Mienies	<i>R. Mienies</i>
Raadsheer/Alderman BB Mkhwibiso	<i>BB Mkhwibiso</i>
Raadslid/Councillor M Mpambani	<i>M. Mpambani</i>
Raadslid/Councillor MA Nomkoko	<i>M Nomkoko</i>

Raadsheer/Alderman MR Nongxaza	
Raadslid/Councillor V Papier	
Raadsheer/Alderman M Plato-Mentoor	
Raadslid/Councillor MS Shale	
Raadslid/Councillor J Smit	Virtual Attendance
Raadslid/Councillor PJ Stander	Virtual Attendance
Raadslid/Councillor H Syster	
Raadslid/Councillor YM van Tonder	
Raadslid/Councillor TB Zimmermann	
<u>Amptenare/Officials:</u>	
Mnr/Mr W Hendricks	
Mnr/Mr GW Hermanus	
Mnr/Mr P Mabhena	
Mnr./Mr WSE Solomons-Johannes	Apologies
Mnr / Mr H Marthinus	
Mnr./Mr E Shortles	
Mnr./Mr A Opperman	
Mnr/Mr H Gxoyiya	
Mnr./Mr V Arendse	
Me./Ms M Faul	
Me./Ms S Baron	
Me./Ms F Ngxowa	
Mnr. /Mr N Parnell	

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