

# CAPE WINELANDS DISTRICT MUNICIPALITY

MINUTES OF THE COUNCIL MEETING OF THE CAPE WINELANDS DISTRICT MUNICIPALITY HELD ON THURSDAY, 24 MARCH 2022 AT 10:00 IN THE COUNCIL CHAMBER, CAPE WINELANDS DISTRICT MUNICIPALITY, TRAPPES STREET, WORCESTER

**PRESENT**

**(3/2/1/2)**

## **COUNCILLORS**

Cllr. D.D. Joubert (Speaker)

Ald. (Dr.) H. von Schlicht (Executive Mayor)

Ald. M. Sampson (Executive Deputy Mayor)

Ald. K. Adams

Cllr. E.G. Arendse

Cllr. W.M. Blom (Virtual)

Cllr. M.N. Bushwana

Cllr. G.J. Carinus

Cllr. A.J. du Plessis

Cllr. R. Farao

Cllr. G.J. Fredericks

Cllr. S. Goedeman

Cllr. E. Groenewald

Cllr. V. Hani

Cllr. J.J.S. Januarie

Cllr. F. Jacobs

Cllr. D.B. Janse

Cllr. C.O. Klaaste

Cllr. J. Kriel

Cllr. M.S. Liebenberg

Cllr. J. Maliti

Cllr. C. Manuel

Cllr. X.L. Mdemka

Ald. C. Meyer

Cllr. T.R. Mphulanyana

Cllr. R.S. Nalumango

Cllr. D.W. Nel

Cllr. L. Ngwane

Cllr. A.J. Pedro

Cllr. W.C. Petersen

Cllr. N. Phatsoane

Cllr. A.M. Richards

Cllr. N.D. Sauerman

Cllr. M. Smit

Ald. R. Smuts

Cllr. J.H.P. Steyn

Cllr. D. Swart  
Cllr. M. van Stade  
Cllr. M.H. Yabo

## **OFFICIALS**

Mr. H.F. Prins (Municipal Manager)  
Ms. F.A. du Raan-Groenewald  
Mr. P.A. Williams  
Ms. K. Smit  
Ms. W.M. Neethling  
Ms. B.T. Daries  
Ms. E.J. Otto  
Mr. M.J. Lesch (Virtual)  
Ms. N. Sigwela (Virtual)  
Ms. N.J. Fortuin (Virtual)  
Ms. R.A. Leo (Virtual)  
Mr. R. Hollenbach (Virtual)  
Mr. C.J.M. Arangie (Virtual)  
Ms. M.R. Matthyse  
Ms. C. Michael  
Mr. D.A. Heath  
Ms. I. Willemse

### **C.1**

#### **OPENING**

**(3/2/1/2)**

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The Speaker welcomed all present and requested a moment of reflection.

### **C.1.1**

#### **ROBING CEREMONY**

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I am honoured to address you today. When Karina let me know that our Councillor robes had arrived and that we would be doing this ceremony, it got me thinking about the purpose of robes and ceremonial dress in general.

I thought back to my own experience, and I realized that throughout life, there are occasions that call for specific forms of dress. Through the ages, all leaders, from chiefs and generals to presidents and judges have announced their authority and office through the wearing of specific items.

In religion, we expect the spiritual leader to wear attire that indicates affiliation, belief and in some cases, seniority and designation of office. In sport, the man of the match is often indicated through a special piece of clothing or a trophy, (like the pink shorts in Varsity Cup Rugby). Even at school, leadership and/or achievement is indicated through the wearing of a badge or special blazer. And of course, when we graduate, we are adorned in a gown showing the level of the qualification attained.

Essentially, the wearing of certain clothing communicates to us, the jurisdiction and sphere of influence as well as what we can expect of the wearer. In our organisation, the fire, roads and cleaning staff all wear uniforms that show us what they do. We know that the employee is qualified to wear that uniform, and that we can trust them to accomplish their task.

Today, we celebrate the robing of our Speaker, Executive Deputy Mayor and the Executive Mayor. To celebrate this auspicious occasion, we have asked a staff member from each department to assist with the hanging of the robes. In line with protocol, we will start the ceremony with the Speaker.

By wearing these robes, you are declaring your commitment to this Council in matters of leadership, authority, and accountability. You are also promising to uphold the highest level of service to our public.

Madame Mayor, Executive Deputy Mayor and Speaker, we trust in your leadership. We wish you well in this term, may wisdom guide and passion drive you to succeed at your tasks so that the citizens of the Cape Winelands District may thrive.

Thank you, Speaker.

**C.2 ELECTION OF ACTING SPEAKER, IF NECESSARY (3/2/1/2)**

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Not applicable.

**C.3 DISCLOSURE OF ANY DIRECT OR INDIRECT INTERESTS BY COUNCILLORS AND/OR OFFICIALS (3/4/1 & 4/8/4)**

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None.

**C.4 APPLICATION FOR LEAVE OF ABSENCE (3/2/1/2)**

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**COUNCILLORS**

Cllr. J. Smit [subject to submission and approval of prescribed leave form]

Cllr. C.F. Wilskut [subject to submission and approval of prescribed leave form]

## OFFICIALS

None.

### C.5 STATEMENTS AND COMMUNICATIONS BY THE SPEAKER (*Verbatim*) (3/2/1/3)

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I want to confirm that I will address the training of all Councillors regarding the Rules of Order by SALGA Western Cape with the Provincial Director of Operations of SALGA Western Cape as a matter of urgency.

#### **Councillor Birthdays: March 2022**

I would like to congratulate the following Councillors who have celebrated their birthdays during March 2022:

02 March	:	Cllr. G.J. Carinus
14 March	:	Cllr. A.J. du Plessis
15 March	:	Cllr. M. Smit
15 March	:	Cllr. M. van Stade

I wish that you will be blessed with happiness, good luck and success in your life.

**C.15.2 DRAFT ANNUAL REPORT FOR 2020/2021 OF THE CAPE WINELANDS DISTRICT MUNICIPALITY AND DRAFT OVERSIGHT REPORT FOR THE 2020/2021 FINANCIAL YEAR (3/2/5/5, 5/1/1/13 & 9/1/1)**

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**PURPOSE OF SUBMISSION**

That Council consider to approve the draft Annual Report for 2020/2021 of the Cape Winelands District Municipality and the draft Oversight Report for the 2020/2021 financial year without reservations.

**BACKGROUND**

The draft Annual Report 2020/21 is tabled in terms of sections 121 and 127 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).

The Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), section 121(2), states that the purpose of the draft Annual Report is to provide a record of activities of Council during the financial year, and to provide a report on the performance against the budget for the financial year and to promote accountability to the local community for the decisions made throughout the year.

At Item C.14.1 of 27 January 2022 Council resolved that cognisance be taken of the draft Annual Report 2020/2021.

**COMMENT**

\*\*\* Included under separate cover in the agenda as Annexure "A" is a copy of the draft Annual Report 2020/2021.

**IMPLICATIONS**

**PERSONNEL**

None.

*Comment prepared by: Ms. G.C.N. Gilbert*

## **FINANCIAL**

The approval of the 2020/2021 Draft Annual Report and concomitant oversight report have no financial impact on the Municipality.

*Comment prepared by: Ms. F.A. du Raan-Groenewald*

## **LEGAL**

In terms of section 121(2) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) the purpose of the annual report is –

- (a) to provide a record of the activities of the municipality or municipal entity during the financial year to which the report relates;
- (b) to provide a report on performance against the budget of the municipality or municipal entity for that financial year; and
- (c) to promote accountability to the local community for the decisions made throughout the year by the municipality or municipal entity.

Annual reports must be aligned with the planning documents and municipal budget for the year reported on. This means that the IDP, Budget, SDBIP, In-year reports, annual performance report and annual report should have similar and consistent information to facilitate understanding and to enable the linkage between plans and actual performance.

Annual reports are the key reporting instruments for municipalities to report against the performance targets and budgets outlined in their strategic plans. Annual reports are therefore required to contain information on service delivery and outcomes, in addition to financial statements. It is a backward-looking document, focusing on performance in the financial year that has just ended, and it must demonstrate how the budget was implemented and the results of service delivery operations for that financial year.

The annual report of municipalities is governed by Chapter 12 of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003). In terms of section 127(2) of the said Act, the mayor of a municipality must, within seven (7) months after the end of the financial year, table the annual report of the municipality in the municipal council.

Section 127(3)(a) and (b) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) stipulates that if the mayor, for whatever reason is unable to table in the council the annual report of the municipality, the mayor must promptly submit to the council a written explanation setting out the reasons for the delay, together with any components of the report that are ready and submit to council the outstanding report or the outstanding components of the annual report as soon as possible.

The table below is a short summary of the Chapter 12 process:

ACTION	DEADLINE
The Mayor must within 7 months after the end of the financial year table the draft Annual Report in Council.	31 January 2022
The Accounting Officer must publish the draft Annual Report.	Immediately after tabling
The Accounting Officer must invite submissions.	Immediately after tabling
The Accounting Officer must submit the draft Annual Report to the Auditor General, Provincial Treasury and the Provincial Department of Local Government.	Immediately after tabling
Council must deal with the draft Annual Report within 9 months after the end of the financial year. Part of this process includes the drafting of an oversight report.	31 March 2022

In terms of section 121(3) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) the Annual Report must include-

- (a) the annual financial statements of the municipality, and in addition, if section 122(2) applies, consolidated annual financial statements, as submitted to the Auditor-General for audit in terms of section 126(1);
- (b) the Auditor-General's audit report in terms of section 126(3) on those financial statements;
- (c) the annual performance report of the Municipality prepared in terms of section 46 of the Municipal Systems Act;
- (d) the Auditor-General's audit report in terms of section 45(b) of the Municipal Systems Act;
- (e) an assessment by the municipality's accounting officer of any arrears on municipal taxes and service charges;
- (f) an assessment by the municipality's accounting officer of the municipality's performance against the measurable performance objectives referred to in section 17(3)(b) for revenue collection from each revenue source and for each vote in the approved budget for the year;
- (g) particulars of any corrective action taken or to be taken in response to issues raised in the audit reports referred to in paragraphs (b) and (d);
- (h) any explanations that may be necessary to clarify issues in connection with the financial statements;

- (i) any information as determined by the municipality;
- (j) any recommendations of the municipality's Audit Committee; and
- (k) any other information as may be prescribed.

In terms of section 130(1) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003) the meetings of a municipal council at which an annual report is to be discussed or at which decisions concerning an annual report are to be taken, must be open to the public and any organs of state.

According to MFMA Circular 32 dated 15 March 2006, the Annual Report is submitted to Council by the Accounting Officer and the Mayor and is part of the process for discharging accountability by the executive and administration for their performance in achieving the goals set by Council.

*Comment prepared by: Ms. W.M. Neethling*

#### **RECOMMENDATION BY MUNICIPAL MANAGER:**

That the members of the Municipal Public Accounts Committee (MPAC) consider to recommend to Council to –

- (a) Take cognisance of –
  - (i) The report on the draft Annual Report for 2020/2021 by the Chairperson of the Audit Committee as contained in the draft Annual Report;
  - (ii) The report of the Auditor-General on the financial statements of the Cape Winelands District Municipality for the year ended 30 June 2021 as contained in the draft Annual Report;
- (b) Approve –
  - (i) The draft Annual Report for 2020/2021 of the Cape Winelands District Municipality, attached as Annexure "A" to the agenda item;
  - (ii) The draft Oversight Report for the 2020/2021 financial year without reservations.

**MUNICIPAL PUBLIC ACCOUNTS COMMITTEE (MPAC): 15 MARCH 2022:  
ITEM MPAC.9.3**

**RESOLVED:**

That it be recommended to Council to –

(a) Take cognisance of –

- (i) The report on the draft Annual Report for 2020/2021 by the Chairperson of the Audit Committee as contained in the draft Annual Report;
- (ii) The report of the Auditor-General on the financial statements of the Cape Winelands District Municipality for the year ended 30 June 2021 as contained in the draft Annual Report;

(b) Approve –

- (i) The draft Annual Report for 2020/2021 of the Cape Winelands District Municipality included under separate cover as Annexure “A” to the agenda item;
- (ii) The draft Oversight Report for the 2020/2021 financial year without reservations.

**RECOMMENDATION BY MUNICIPAL PUBLIC ACCOUNTS COMMITTEE  
(MPAC): That –**

(a) Council take cognisance of the –

- (i) Report on the draft Annual Report for 2020/2021 by the Chairperson of the Audit Committee as contained in the draft Annual Report;
- (ii) Report of the Auditor-General on the financial statements of the Cape Winelands District Municipality for the year ended 30 June 2021 as contained in the draft Annual Report;

(b) Council consider to approve the –

- (i) Draft Annual Report for 2020/2021 of the Cape Winelands District Municipality included under separate cover as Annexure “A” to the agenda item;
- (ii) Draft Oversight Report for the 2020/2021 financial year without reservations.

**COUNCIL MEETING: 24 MARCH 2022: ITEM C.15.2**

**RESOLVED (28 Councillors):** That –

- (a) Cognisance be taken of the –
  - (i) Report on the draft Annual Report for 2020/2021 by the Chairperson of the Audit Committee as contained in the draft Annual Report;
  - (ii) Report of the Auditor-General on the financial statements of the Cape Winelands District Municipality for the year ended 30 June 2021 as contained in the draft Annual Report;
- (b) The draft Annual Report for 2020/2021 of the Cape Winelands District Municipality included under separate cover as Annexure “A” to the agenda item, be approved;
- (c) The draft Oversight Report for the 2020/2021 financial year be approved without reservations.

**C.16 CONCLUSION**

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The agenda was concluded at 14:35.

CONFIRMED ON THIS                      DAY OF    2022.

SPEAKER

DAH/iw