



**MINUTES OF AN ORDINARY MEETING OF THE SWARTLAND MUNICIPAL COUNCIL, HELD IN THE MALMESBURY BANQUETING HALL ON THURSDAY, 27 MAY 2010 AT 09:00**

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**PRESENT:**

Speaker, ald A Johnson  
Executive Mayor, ald T van Essen  
Deputy Executive Mayor, clr M S I Goliath

Atkins, A J (DA)	Sedeman, A C (OD)
Cleophas, J H (DA)	Sneewe, A M (ANC)
Du Plooy, R J (DA)	Solomons, C W (ANC)
Fortuin, C (ANC)	Stanley, B J (DA)
Geel, B W (ACDP)	Steleme, O M (ANC)
Loxton, J (DA)	Van der Westhuizen, R F (DA)
Nqokoto, N E (ANC)	Van Wyk, J D (DA)
Rust, N J A (DA)	Wilskut, W (DA)
Schoor, E (ANC)	

Officials:

Municipal Manager, mr J J Scholtz  
Director: Safety and Security Services, mr P A C Humphreys  
Director: Electrical Engineering Services, mr R du Toit  
Director: Financial Services, mr K C Cooper  
Director: Corporate Services, ms M S Terblanche  
Director: Development Services, mr J T Steenkamp  
Head: Technical Services, mr L D Zikmann  
Administrative Official: Secretarial and Records, ms N Brand

**1. OPENING**

Pastor Piet Smit of the AGS Corpus Christi Gemeente, Malmesbury opened the meeting with a scripture reading and prayer at the invitation of the Speaker.

**2. APOLOGIES**

None

**3. DELEGATIONS/DECLARATIONS AND COMMUNICATIONS/PRESENTATIONS**

Ald J H Cleophas congratulated councillors and officials who celebrated birthdays during May at the request of the Speaker.

Rdl J D van Wyk took the oath of allegiance.

**4. CONFIRMATION OF MINUTES**

**4.1 MINUTES OF AN ORDINARY MEETING OF THE SWARTLAND MUNICIPAL COUNCIL HELD ON 25 MARCH 2010**

**RESOLUTION**

(proposed by clr M S I Goliath, seconded by clr R J du Plooy)

That the minutes of an Ordinary Meeting of the Council held on 25 March 2010 are approved and signed by the Speaker.

4.2/...

**4.2 MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 8 APRIL 2010****RESOLUTION**

(proposed by ald N J A Rust, seconded by clr J H Cleophas)

That the minutes of a Special Council Meeting held on 8 April 2010 are approved and signed by the Speaker.

**5. REPORT WITH RESPECT TO DELEGATED DECISION MAKING BY THE EXECUTIVE MAYOR****RESOLUTION**

That note is taken of the decisions made by the Executive Mayor in terms of his delegated authority, as contained in the following minutes:

**5.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 17 FEBRUARY 2010**

read in conjunction with

**MINUTES OF A PORTFOLIO COMMITTEES MEETING HELD ON 10 FEBRUARY 2010****5.2 MINUTES OF A SPECIAL MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 22 FEBRUARY 2010****5.3 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 16 MARCH 2010**

read in conjunction with

**MINUTES OF A PORTFOLIO COMMITTEES MEETING HELD ON 10 MARCH 2010****5.4 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 21 APRIL 2010**

read in conjunction with

**MINUTES OF A PORTFOLIO COMMITTEES MEETING HELD ON 14 APRIL 2010****6. REPORT WITH RESPECT TO THE DELEGATED DECISION MAKING OF THE MUNICIPAL MANAGER****RESOLUTION**

That note is taken of the decisions made by the Municipal Manager, as Accountable Officer, in terms of his delegated authority, in consultation with the tender award committee, as contained in the following minutes:

**6.1 MINUTES OF A TENDER AWARD COMMITTEE MEETING HELD ON 12 FEBRUARY 2010****6.2 MINUTES OF A TENDER AWARD COMMITTEE MEETING HELD ON 9 MARCH 2010****6.3 MINUTES OF A TENDER AWARD COMMITTEE MEETING HELD ON 20 APRIL 2010****6.4 MINUTES OF A TENDER AWARD COMMITTEE MEETING HELD ON 23 APRIL 2010****7. MATTERS ARISING FROM THE MINUTES**

None

**8. MATTERS FOR DISCUSSION****8.1 MOTION: ALD T VAN ESSEN, EXECUTIVE MAYOR – REPRESENTATION OF COUNCILLORS ON INTERNAL AND EXTERNAL COMMITTEES (3/2)**

8.1/...

A motion was received from ald T van Essen on behalf of the DA caucus, to propose clr J D van Wyk for the Night Shelter Committee.

**RESOLUTION**

(proposed by ald T van Essen, seconded by clr R J du Plooy)

That clr J D van Wyk is appointed as the Council representative on the Night Shelter Committee.

**8.2 EXTERNAL AUDITING FOR THE FINANCIAL YEAR 2008/2009 (5/15/1/2)**

The company *Ernst & Young* was appointed by the Auditor General to audit the Municipality's financial statements and records for the 2008/2009 financial year.

Problems are experienced annually with respect to the audits and more time is taken than envisaged, and budgeted, which results in higher audit expenses.

**RESOLUTION**

(proposed by clr R J du Plooy, seconded by ald N J A Rust)

- (a) That note is taken that the planned audit costs have again been exceeded, mainly due to the expansion of the audit to include the Information Systems, and the revision of the financial statements after adjustments;
- (b) That note is also taken that the Auditor General failed to inform the Municipality of the extension of the audit and the resultant higher audit costs and that the Municipal Manager has already expressed the Council's dissatisfaction in writing;
- (c) That the work done by the Auditor General was necessary to express an opinion;
- (d) That the increase in audit costs of 16% is considered as fair in comparison with audits done on medium capacity municipalities.

**8.3 DRAFT REGULATION WITH RESPECT TO DISPLAYING POSTERS AND BANNERS (1/1)**

The draft regulation with respect to the displaying of posters and banners was circulated with the agenda and will be presented at the ward committees during the week of 31 May 2010 for comment.

**RESOLUTION**

(proposed by ald N J A Rust, seconded by clr R J du Plooy)

- (a) That the draft regulation with respect to displaying posters and banners is approved in principle and will be advertised for public comment in terms of article 12(3)(b) of the Systems Act 2000 in the local media as well as on the municipal web site;
- (b) That it is also circulated to the ward committees for comment;
- (c) That, in order to get final approval and promulgation of the Regulation the following procedures are undertaken forthwith -
  - (i) the determination of appropriate fines by the Magistrate;
  - (ii) the drafting of an application form.

**8.4 SONDEZA AFRI-YOUTH CAMP: REPORT WITH RESPECT TO THE CAMP HELD FROM 4 – 13 DECEMBER 2009 (17/2/2/1)**

The report with respect to the Sondeza Afri-Youth Camp held from 4-13 December 2009 was circulated with the agenda.

In answer to a question by clr O M Stemele, with respect to monitoring projects resulting from the camp, the Director: Corporate Services explained that the Senior Community Development Official is mainly responsible for this.

8.4/...

**RESOLUTION**

(proposed by clr M S I Goliath, seconded by clr R J du Plooy)

That note is taken of the 2009 Sondeza Afri-Youth Camp report.

**8.5 JUNIOR TOWN COUNCIL: REPORT ON ACTIVITIES (3/6)**

In the report attached to the agenda the new Junior Town Council, inaugurated on 22 April 2010, was confirmed.

The report also included the report with respect to the "bosberaad" which took place at Ganzekraal from 24-26 April 2010, as well as the minutes of the past few meetings of the junior council.

**RESOLUTION**

(proposed by clr M S I Goliath, seconded by clr R J du Plooy)

That note is taken of –

- (a) the members elected to the Junior Town Council for the period 1 March 2010 to 28 February 2011;
- (b) the facilitator's report with respect to the 2010 "bosberaad";
- (c) the minutes of the Junior Town Council Meetings held on 25 January, 22 February, 17 March and 19 April 2010.

**8.6 PROPOSED ALIENATION OF MUNICIPAL LAND IN MOORREESBURG (15/3/3-9, 15/3/6-9) (WARD 2)**

The previous Moorreesburg Municipality began negotiations in 1999 with the relevant parties with respect to alienating portions of erwen 968 and 974, as well as the consolidation thereof with erwen 3896 and 3894.

The subdivision of erwen 968 and 974, Moorreesburg was approved on 13 December 1999, but since then no further action has taken place and the applicants now wish to continue with the process.

**RESOLUTION**

(proposed by clr J Loxton, seconded by clr A J Atkins)

- (a) That the Council approves the alienation of erf 974 (588<sup>2</sup>m in extent) and a portion of erf 968 (102m<sup>2</sup>), a total of 690m<sup>2</sup> to the owners of erwen 3896 and 3894, Moorreesburg;
- (b) That because the land is not required for any municipal services and also has no economic benefit to the Council, it is alienated at R5,00/m<sup>2</sup>;
- (c) That the relevant property owners are notified in writing of the Council's decision, and that they agree, in writing, to take transfer of the relevant portions adjoining their properties for consolidation with their properties and that they will pay the transfer costs;
- (d) That the alienation is advertised in the local press in accordance with the Council's Regulation and that the purchasers will pay the relevant costs.

**8.7 PROPOSED ALIENATION OF ERF 9109, MALMESBURY (12/2/R) (WARDS 6 AND 9)**

The Council owns erf 9109 (20079m<sup>2</sup> in extent) situated in Alfa Street, Malmesbury. The property is zoned for educational purposes.

As a result of the recent unrest at the Naphakade Senior Secondary School the erf has been made available to the Department of Transport and Public Works to begin necessary planning to erect a new school, subject to following the prescribed alienation process and that a market related price is paid.

8.7/...

**RESOLUTION**

(proposed by clr M S I Goliath, seconded by clr O M Stemele)

- (a) That note is taken that erf 9109, Malmesbury is not needed in future for basic municipal services;
- (b) That the Council approves the alienation of erf 9109 to the Western Cape Provincial Government taking into consideration the requirements in terms of article 14 of the Municipal Financial Management Act, 2003;
- (c) That the proposed alienation of erf 9109 is advertised, for comment, in the local press in terms of the Council's Regulation with respect to the Administration and Management of Immovable Property;
- (d) That the Municipal Manager (or his deputy) is authorised to finalise the conditions of alienation of the property in consultation with the Council's lawyer;
- (e) That the purchase price is fixed at R800 000,00 plus VAT;
- (f) That the purchaser is responsible for the payment of all the costs associated with this transaction;
- (g) That the prospective purchaser confirms in writing that they agree with the conditions, in order to activate the administrative process.

**8.8 PROPOSED ALIENATION OF MUNICIPAL LAND IN KALBASKRAAL (12/2/R) (WARD 7)**

The Western Cape Department of Health has an urgent need to erect a new clinic building in Kalbaskraal.

A temporary structure was erected on erf 389 (617m<sup>2</sup>) until funds are available to purchase a suitable property from the Council in order to erect a permanent clinic building and erf 386 (457m<sup>2</sup>) has been allocated for this purpose.

The Department of Transport and Public Works has indicated that erf 389, because it is larger, will be more suitable for the purposes of a clinic building.

**RESOLUTION**

(proposed by clr B J Stanley, seconded by clr A C Sedeman)

- (a) That council decision 8.17 of 26 November 2009 is amended to the effect that erf 389, Kalbaskraal is alienated out of hand to the Department of Transport and Public Works for the purpose of erecting a clinic;
- (b) That the purchase price is 10% of the market related price of R84 000,00, namely R8 400,00 plus VAT;
- (c) That erf 386, Kalbaskraal therefore remains the property of the Municipality;
- (d) That the necessary process with respect to the change in land usage (rezoning) is carried out by the town planning department.

**SIGNED:  
SPEAKER**