



**MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE MALMESBURY BANQUETING HALL ON WEDNESDAY, 19 MAY 2010 AT 11:00**

---

**PRESENT:**

Executive Mayor, ald T van Essen (chairman)

Deputy Executive Mayor, clr M S I Goliath

Members of the Mayor's Committee:

Clr J H Cleophas

Clr R J du Plooy

Other councillors:

Speaker, ald A Johnson

Clr A J Atkins

Ald N J A Rust

Clr W Wilskut

Officials:

The Municipal Manager, mr J J Scholtz

Director: Safety and Security Services, mr P A C Humphreys

Director: Financial Services, mr K C Cooper

Director: Development Services, mr J T Steenkamp

Director: Electrical Engineering Services, mr R du Toit

Head: Technical Services, mr L D Zikmann

Administrative Official: Secretarial and Records, ms N Brand

**1. OPENING**

Clr J H Cleophas opened the meeting with a prayer at the request of the chairman.

Special congratulations were extended to ald N J A Rust on his 70<sup>th</sup> birthday.

**2. APOLOGIES**

None

**3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS**

None

**4. MINUTES FOR APPROVAL**

**4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 21 APRIL 2010**

**RESOLUTION**

That the minutes of an Ordinary Executive Mayor's Committee Meeting held on 21 April 2010 are approved and signed by the Mayor.

**4.2 MINUTES OF A PORTFOLIO COMMITTEES MEETING HELD ON 12 MAY 2010**

*[Corrections held over at the prerogative of the various committees.]*

**5. CONSIDERATION OF RECOMMENDATIONS AND MATTERS ARISING FROM THE MINUTES**

**5.1 MINUTES OF A PORTFOLIO COMMITTEE MEETING HELD ON 12 MAY 2010**

**5.1.1 CIVIL AND ELECTRICAL ENGINEERING SERVICES**

**RESOLUTION**

That the Executive Mayor approves the recommendations in the relevant minutes.

**5.1.2 DEVELOPMENT AND SAFETY AND SECURITY SERVICES**

**RESOLUTION**

That the Executive Mayor approves the recommendations in the relevant minutes, subject to the following amendment:

- (1) ITEM 6.7: PROPOSED SUBDIVISION AND DEPARTURE ON ERF 3479, MALMESBURY (15/3/4-8, 15/3/6-8) (WARD 10)**  
[in place of A8(b)]

That all objectors – including those who signed the petition – are notified individually by registered post of their right to appeal.

**5.1.3 ADMINISTRATION AND FINANCES**

**RESOLUTION**

That the Executive Mayor approves the recommendations in the relevant minutes.

**6. MATTERS ARISING FROM THE MINUTES**

None

**7. NEW MATTERS**

**7.1 LEAVE: MUNICIPAL MANAGER (4/8/3)**

The application for leave from the Municipal Manager was presented to the committee, and–

**RESOLUTION**

- (a) That the Municipal Manager's leave for an additional week in June 2010 from 21 to 25 June 2010, is approved (14 to 18 June 2010 was approved on 16 March 2010);
- (b) That note is taken of the absence, and accordingly approval is given that the following Directors will deputise during the absence of the Municipal Manger:
- week of 14 June 2010 (ie. 12 June to 18 June 2010) – Director: Development Services;
  - week of 21 June 2010 (ie. 19 June to 26 June 2010) – Director: Safety and Security Services.

**7.2 MINUTES OF A FINANCIAL AND PERFORMANCE AUDIT COMMITTEE MEETING HELD ON 29 APRIL 2010 (11/1/3/1/7)**

The above mentioned committee serves as a completely independent committee of the Council and fulfils its functions in accordance with the conditions of article 166 of the MFMA, Act 56 of 2003.

7.2/...

In terms of its mandate, recommendations must be submitted to the Council for consideration and approval, but there were no recommendations arising from the above mentioned meeting and thus -

#### **RESOLUTION**

That note is taken that the minutes of the combined meeting of the municipality's Financial and Performance Audit Committee meeting held on 29 April 2010, as well as the report from the Financial Audit Committee for the period ending 31 December 2009.

#### **7.3 DRAFT REGULATION WITH RESPECT TO THE DISPLAY OF POSTERS AND BANNERS (1/1) (ALL WARDS)**

The draft Regulation with respect to the Display of Posters and Banners was circulated with the agenda.

#### **RESOLUTION**

That the Executive Mayor's Committee recommend to the Council on 27 May 2010 -

- (a) that the draft Regulation with respect to the Display of Posters and Banners is approved in principle and advertised in the local media and on the municipal web site for public comment in terms of article 12(3)(b) of the Systems Act, 2000;
- (b) that it is also circulated for comment from the ward committees;
- (c) that in order to obtain final approval for, and promulgate the Regulation the following procedures must be put in place without delay -
  - (i) the determination of the relevant fines by the Magistrate;
  - (ii) the drawing up of the application form.

#### **7.4 APPLICATION TO LEASE LAND IN CHATSWORTH (17/11/R)**

On 11 December 2008 the Council approved the lease of erf 302 (1,1896 ha in extent) to the *Chatsworth Fynbos Group* for the purpose of carrying out environmental conservation activities.

The property has, however, never been used by the group, and during a personal visit to the Municipal Manager an alternative property in the low cost housing project was requested.

#### **RESOLUTION**

- (a) That a portion of the property zoned as public open space on the far northern boundary of the proposed low cost housing project north of 7<sup>th</sup> Avenue, Chatsworth is leased to the *Chatsworth Fynbos Group* for a period of 10 years for their environmental conservation activities (see site plan marked C);
- (b) That the lease is advertised in the local press in accordance with the Council's Regulation with respect to the Management and Administration of Immovable Property;
- (c) That a nominal rental of R100,00 plus BTW per annum is requested;
- (c) That the proposed lessee guarantees in writing payment of:
  - (i) advertising costs
  - (ii) provision of services and payment of service accounts with respect to the usage thereof.

### **7.5 LETTING OF BUILDING IN LONG STREET, ABBOTSDALE (12/1/3/1-1/1)**

A small building situated on erf 604, Long Street, Abbottdale is leased on an annual basis to the *Hoeksteen van Sion Pinkster Gemeente van SA* for church purposes.

The lease agreement expires on 30 June 2010.

#### **RESOLUTION**

- (a) That the building situated on erf 604, Long Street, Abbottdale is leased out of hand for a further period of 12 months from 1 July 2010 for church purposes to the *Hoeksteen van Sion Pinkster Gemeente van SA*.
- (b) That a rental is kept at R10,00 per month plus 14% VAT;
- (c) That the rental conditions remain the same.

### **7.6 OFFER TO REPURCHASE ERF 10375, MALMESBURY (12/2/5/4-8/16)**

The relevant erf was offered on a "pre-launch" basis together with 65 other residential plots to first time property buyers on Saturday, 24 March 2007.

The transfer of erf 10375 was registered at the deeds office to E Coetzee on 6 August 2007, but the purchaser now wishes to sell the property back to the Municipality in accordance with the purchase conditions.

#### **RESOLUTION**

That the offer from E Coetzee to buy back erf 10375, Malmesbury is rejected in the light of the present unfavourable economic climate, the continuing, unfavourable property market and the number of available properties in the relevant extension.

### **7.7 LEASE OF COMMONAGE TO MALMESBURY PAINT BALL CLUB (12/2/4-8/4)**

The *Malmesbury Paint Ball Club* has leased a portion of the bluegum plantation, Malmesbury situated behind Swartland High School from the Council since 1 July 2009. The lease expires on 30 June 2010.

#### **RESOLUTION**

- (a) That the portion of commonage known as the bluegum plantation behind Swartland High School is leased to the *Malmesbury Paint Ball Club* for a further period of 12 months from 1 July 2010 for use as a paintball range;
- (b) That the rental is kept at R100,00 plus VAT per annum;
- (c) That the existing lease conditions remain in place.

### **7.8 APPLICATION TO ESTABLISH BROADCASTING EQUIPMENT: *THE HOPE CHANNEL* (12/2/4-8/4)**

An application has been received from *SID MEDIA* for approval to install equipment for the free broadcasting of *The Hope Channel* from the municipality's existing transmitter room on Klipkoppie.

#### **RESOLUTION**

- (a) That approval is given to *SID Media* to install broadcasting equipment in the municipality's transmitter room on Klipkoppie, Malmesbury at no charge subject to obtaining a broadcasting licence from the Independent Communication Authority of South Africa (ICASA);

7.8/...

- (b) That *SID Media* will pay all costs incurred;
- (c) That the Municipality will not take responsibility with respect to any damage incurred by *SID Media* during use of the space.

**7.9 AMENDMENT TO CREDIT MANAGEMENT AND DEBT RECOVERY POLICY IN ORDER TO (1) PROVIDE FOR WRITE-OFFS; (2) TO AMEND THE LIMIT WITH RESPECT TO PROPERTY RATES AND TAXES (5/7/1/B)**

In the recent audit, the Auditor General recommended that the submission with respect to the write-off of bad debt is included in the Credit Management and Debt Recovery Policy.

Furthermore the recent interim valuation which was implemented on 30 April 2010, indicates that the properties in the new low cost housing project in Darling are valued at R95 000,00. The present ceiling for destitute households for the levying of property rates and taxes is R75 500,00.

If the maximum ceiling is not amended, it means that the households receiving destitute subsidies in Darling will be responsible for paying the difference in property levies between R75 500,00 and R95 000,00.

**RESOLUTION**

That the Credit Management and Debt Recovery Policy is added to/amended as follows:

A. With respect to irrecoverable debt:

“A list of non-recoverable debt” must be submitted quarterly to the Executive Mayor’s Committee by the Director: Financial Services or his deputy;

The reason for write-off of each and every account must be fully motivated by the Director: Financial Services or his deputy and work-shopped with the Executive Mayor’s Committee before write-off.”

B. With respect to the limit applicable to property rates and taxes for the destitute subsidy

Paragraph 23.1(4) –

“the property rates and taxes payable with respect to the relevant property is limited to a maximum amount determined as follows:

the tariff fixed from time to time by the Municipal Council, multiplied by R100 000,00.”

**7.10 OUTSTANDING DEBTS, APRIL 2010 (5/7/1/1)**

The Director: Financial Services stated that it is a matter of concern that outstanding debts are on the increase despite the good work done by the Collection Division.

The Municipal Manager explained that a press conference with local newspapers would take place on Monday, 24 May 2010 in order to inform the media about the state of outstanding debts and to implore all Swartland Municipal clients to regularly pay their service accounts.

The Executive Mayor warned councillors that steps will be taken against councillors who discourage members of the public from paying their service accounts, with reference to write-off of bad debt at a later stage.

7.10/...

**RESOLUTION**

- (a) That note is taken of the report with respect to outstanding debt as of end of April 2010;
- (b) That a presentation to the computer committee is arranged with respect to the new approach to geographical information systems (GIS), as explained by the Director: Development Services in order to determine how the system can be beneficially used by other Departments for example for credit management.

**7.11 WRITE-OFF OF BAD DEBT: ORDINARY DEBT, MARCH 2010 (5/7/1/1)**

A schedule of non-recoverable debt was workshopped with the Executive Mayor's Committee and was presented for write-off.

**RESOLUTION**

- (a) That the Executive Mayor's Committee approves the write-off of non-recoverable debt to the amount of R46 713,31 as per the attached schedule;
- (b) That if, after the date of this approval, it comes to light that a portion of the debt owed by a debtor is not correct, or that any information was not made known to the Executive Mayor's Committee at the time of write-off which would have led to the Committee not considering the amount for write-off, the Executive Mayor's Committee retains the right to write back the debt to the relevant debtor and that the necessary steps will be taken to recover the debt;
- (c) That, if the property is in any way alienated, the Council retains the right to refuse clearance on the relevant property in order to recover the amounts written-off, before clearance is given. In order to enforce this decision a register is kept by the Rates and Taxes Division which enables the department to see if any debts were written-off within the previous two years, and if so to recover the amounts before clearance is considered;
- (d) That approval is also given that current levies, which do not appear in the list, but which have accumulated due to the administrative delays with respect to the above list, from the start of the list and for the period thereafter, form part of the write-off, providing that the Credit Division is convinced that the new debt is also non-recoverable under the same circumstances;
- (e) That, with reference to the above mentioned, the real amount for write-off will be presented to the Executive Mayor's Committee for noting;
- (f) That any VAT levied on the services is claimed back from the Receiver of Revenue in the prescribed manner.

**7.12 WRITE OFF OF BAD DEBT: DESTITUTE HOUSEHOLDS, MARCH 2010: R152 513,11 (5/7/1/1)**

A schedule of users who receive an Equitable Share from the Council, but still have outstanding debts which cannot be recovered by the Credit Management Division, was workshopped with the Executive Mayor's Committee and presented with the agenda for write-off.

**RESOLUTION**

- (a) That the Executive Mayor's Committee approves the write-off the amount of R152 513,11, as per the attached schedule, as non-recoverable debt.

7.12/...

- (b) That if, after the date of this approval, it comes to light that a portion of the debt owed by a debtor is not correct, or that any information was not made known to the Executive Mayor's Committee at the time of write-off which would have led to the Committee not considering the amount for write-off, the Executive Mayor's Committee retains the right to write back the debt to the relevant debtor and that the necessary steps will be taken to recover the debt;
- (c) That, if the property is in any way alienated, the Council retains the right to refuse clearance on the relevant property in order to recover the amounts written-off, before clearance is given. In order to enforce this decision a register is kept by the Rates and Taxes Division which enables the department to see if any debts were written-off within the previous two years, and if so to recover the amounts before clearance is considered;
- (d) That approval is also given that current levies, which do not appear in the list, but which have accumulated due to the administrative delays with respect to the above list, from the start of the list and for the period thereafter, form part of the write-off, providing that the Credit Division is convinced that the new debt is also non-recoverable under the same circumstances;
- (e) That, with reference to the above mentioned, the real amount for write-off will be presented to the Executive Mayor's Committee for noting;
- (f) That any VAT levied on the services is claimed back from the Receiver of Revenue in the prescribed manner.
- (g) That the Credit Management Division pays a personal visit to each Equitable Share household in order to explain the write-off and the future obligations of "responsible users", especially with respect to the excess use of water.
- (h) That, in order to use the cut-off of electricity as a stronger tool for credit control in areas where the Municipality is not the provider and where non payment is therefore higher, Eskom and the relevant state departments are requested to implement REDS as soon as possible.

#### **7.13 PAYMENT OF INTEREST TO MOORREESBURG WHEAT FARMERS WITH RESPECT TO VARIOUS OUTSTANDING INVOICES (5/8/1)**

**RESOLUTION** that the matter is referred back.

#### **7.14 OUTSTANDING INSURANCE CLAIMS (5/14/3/5)**

In accordance with the Asset Management Policy outstanding insurance claims must be reported monthly.

**RESOLUTION**

That the list of outstanding insurance claims circulated with the agenda is noted.

#### **7.15 STOCKTAKING (6/1/1)**

The annual stock take of the store, stationery store in Malmesbury and the electrical store in Moorreesburg is scheduled for 28 June 2010.

**RESOLUTION**

That the members of the Executive Mayor's Committee will be available on 28 June 2010 to serve as observers during the annual stock take which will commence at 09:00 sharp at the main store in Malmesbury.

**7.16 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCESS FOR PAYMENT TO BRITLOW CONSTRUCTION: ROSENHOF SPORTS GROUNDS, MOORREESBURG (17/9/2/2/2-9)**

*Britlow Construction* is busy upgrading the Rosenhof Sports Grounds and has been approached to provide temporary living quarters for a temporary caretaker in order to limit vandalism.

The caretaker will provide supervision of the sports grounds during the day as well as after hours.

**RESOLUTION**

- a. That departure from the procurement process for the appointment of *Britlow Construction* to turn part of the building into living quarters for a temporary caretaker at the Rosenhof sports grounds, Moorreesburg is approved for the following reasons:
  - (i) that it is impractical to follow the usual procurement process because the contractor is already busy with similar work at the sports grounds;
  - (ii) that it is regarded as a matter of urgency because the revamped pavilion and other facilities have already been vandalised during the upgrade and a caretaker can guard the Council's assets during working hours and after hours;
- (b) That note is taken that, due to the above mentioned reasons, the Municipal Manager approved the continuation with the work at the Rosenhof sports grounds;
- (c) That the Head: Financial Statements and Management, mr C F Gerber is instructed in terms of the Supply Chain Management Policy to include the above mentioned reasons as a note in the financial statements when the relevant statements are drawn up.

**(SGN) T VAN ESSEN  
EXECUTIVE MAYOR**