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Municipality
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MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE MALMESBURY BANQUETING HALL ON WEDNESDAY, 9 JUNE 2010 AT 11:00

PRESENT:

Executive Mayor, ald T van Essen (chairman)
Members of the Mayor's Committee:
Deputy Executive Mayor, clr M S I Goliath
ClrJ H Cleophas
Clr R J du Plooy
Other councillors:
Speaker, ald A Johnson
Ald N J A Rust
Clr A C Sedeman
Clr R F van der Westhuizen
Clr W Wilskut

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

1. OPENING

Clr R F van der Westhuizen opened the meeting with a prayer at the request of the chairman.

2. APLOGIES

None

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

3.1 HYDRAFORM: SOLAR POWER UNITS

Mr Alliston from *Hydraform* explained the operation of the solar power unit (of which a model was exhibited) which is used mainly in remote rural areas to provide lighting to a household.

The solar power unit is advantageous because up to 30% of the household budget is spent on fuel based lighting, for example gas, wood or paraffin. Another advantage of the unit is that it is very easy to install and to use.

The relevant costs associated with the solar power unit depend on the amount of power generated and ranges between R3 000,00 and R24 000,00.

NOTED

4. MINUTES FOR APPROVAL

4.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 19 MAY 2010

RESOLUTION

That the minutes of an Ordinary Executive Mayor's Committee Meeting held on 19 May 2010 are approved and signed by the Mayor.

4.2 MINUTES OF A PORTFOLIO COMMITTEE MEETING HELD ON 3 JUNE 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 PORFOLIO COMMITTEES MEETING HELD ON 3 JUNE 2010

5.1.1 ADMINISTRATION AND FINANCES

RESOLUTION

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

5.1.2 CIVIL AND ELECTRICAL SERVICES

RESOLUTION

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

5.1.3 DEVELOPMENT AND SAFETY AND SECURITY SERVICES

RESOLUTION

That the Executive Mayor approves the recommendations in the relevant minutes, subject to the following addition –

ITEM 6.6: SWARTLAND MUNICIPAL POLICE SERVICES: ANNUAL POLICE PLAN, 2010/2011 (17/1/2/2-3)
[change in recommendation]

That note is taken of the aims and priorities contained in the annual police plan of the Swartland Municipality's Police Services for the 2010/2011 financial year and that the plan is therefore approved.

6. MATTERS ARISING FROM THE MINUTES

6.1 MINUTES OF AN EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 19 MAY 2010

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

RESOLUTION

That note is taken that the real amount for write-off with respect to ordinary bad debt for March 2010 amounts to R46 156,96.

6.1.2 ITEM 7.12: WRITE-OFF OF BAD DEBT: DESTITUTE HOUSEHOLDS, MARCH 2010 (5/7/1/1)

RESOLUTION/...

6.1.2/...

RESOLUTION

That note is taken that the real amount for write-off of bad debt with respect to destitute households for March 2010 which amounts to R146 786,02.

7. NEW MATTERS

7.1 SUBMISSION OF THE 2010/2011 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) AND PERFORMANCE RESULTS (2/1/4/4/1)

The aim of the SDBIP is to support the municipal management in attaining service delivery targets as well as spending the capital budget within the given time frames.

RESOLUTION

(a) That the 2009/2010 service delivery and budget implementation plan (SDBIP) is approved in terms of article 53 of the Municipal Financial Management Act (Act 56 of 2003);

(b) That note is taken of the Municipal Manager's and directors' performance agreement for 2009/2010 financial year.

7.2 DELEGATIONS REGISTER: FIRST DRAFT (2/5/2)

The draft delegations register was circulated separately with the agenda.
The register was drawn up in accordance with article 59 of the Municipal Systems Act, 2000 which prescribes the development of a system of delegation which will optimise administrative and operational effectiveness and make provision for adequate checks and balances.

RESOLITION

(a) That, at this stage, the draft delegation register dated June 2010 is only noted;

(b) That the management team is instructed to finalise the contents, if necessary with all the role players (including the Executive Mayor), in order to ensure that the register can be approved by the Council by the end of 2010.

7.3 TENDER T14/09/10: ADULT EDUCATION FOR SWARTLAND MUNICIPAL PERSONNEL (8/2/2/1, 4/6/3/1)

The report gives the background to the non award of a tender for adult education for municipal personnel and that use will be made of the West Coast District Municipality's offer to take part in their ABET training project.

The service provider for the West Coast District Municipality, namely *Triple E Training Holdings Pty Ltd* has for the past few years been involved in ABET training for Swartland municipal personnel.

RESOLUTION

(a) That the Swartland Municipality takes part in the ABET programme offered by the West Coast District Municipality on the basis of a tender awarded to *Triple E Training Holdings (Pty) Ltd* by the West Coast District Municipality;

(b) That note is taken that there will be no award made with respect to Tender T14/09/10.

7.4 MINUTES OF TENDER AWARD COMMITTEE MEETINGS (11/1/3/1/6)

The relevant minutes were circulated with the agenda and –

RESOLUTION

That the contents of the minutes of the Tender Award Committee Meetings held respectively on 20 and 23 April 2010 are noted.

7.5 PROPOSED ALIENATION OF A PORTION OF ERF 327, MALMESBURY (12/2/R)

During a Special Council Meeting held on 8 April 2010 the Council approved in principle that a portion of erf 327 (±2, 62ha in extent), situated between the old cemetery and the N7 national road, Malmesbury is alienated, out of hand, to Pioneer Foods (known as SASKO Pasta).

The Municipal Manager explained to the committee the negotiations which took place after the valuations were obtained from both the municipality (R2,62 million) and the above mentioned purchaser (R1,8 million).

The Municipal Manager explained further that during the negotiations the purchase condition to build a pedestrian bridge was waived because it would cost millions of rand and would mean that SASKO would have to consider alternative options elsewhere in the country to expand the factory.

RESOLUTION

(a) That the offer from SASKO Pasta of R2,3 million for the purchase of a portion of erf 327 (± 2,62 ha in extent), Malmesbury is accepted, so that all the administrative processes with respect to advertising, town planning and environmental impact studies can be set in motion;

(b) That note is taken that SASKO Pasta does not see their way clear to building the pedestrian bridge, because it will mean that the proposed extensions will not be viable locally and as a result they will have to look elsewhere.

(c) That the condition (h) of council decision 3.1 of 8 April 2010 with respect to the building of the pedestrian bridge is withdrawn;

(d) That approval by the committee of the purchase price and scrapping of condition (h), will be submitted to the Council on 26 August 2010 for approval;

(c) That a condition is laid down that if any extensions to services are necessary, or if servitudes to existing services need to be registered the relevant costs will be to the account of SASKO;

(d) That a further condition is laid down that SASKO will be responsible for the provision and building of the entrance road to the property.

7.6 WRITE-OFF OF BAD DEBT: ORDINARY DEBT, JUNE 2010 (5/7/1/1)

A schedule of non-recoverable debt was work shopped with the members of the Executive Mayor's Committee and is submitted for write-off.

RESOLUTION

(a) That the Executive Mayor's Committee approves the amount of R12 268,59 for write-off as per the attached schedule, as non-recoverable debt;

(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 submitted 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.

7.7 WRITE-OFF OF BAD DEBT: DESTITUTE HOUSEHOLDS, JUNE 2010 (5/7/1/1)

A schedule of the Council's Equitable Share users, who still owe money which cannot be collected despite steps taken by the Credit Management Division, was work shopped with members of the Executive Mayor's Committee and was presented with the agenda for write-off.

RESOLUTION

(a) That the Executive Mayor's Committee approves the write-off of an amount of R169 132,71 as per the attached schedule, as non-recoverable;

(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 submitted 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 Division personally visits each Equitable Share Household in order to explain the write-off and the future implications of "responsible users", especially with respect to excess use of water.

7.8 OUTSTANDING INSURANCE CLAIMS (5/14/3/5)

In accordance with article 10(6) of the Asset Management Policy outstanding insurance claims must be reported monthly.

RESOLUTION

That note is taken of the status of outstanding insurance claims as per the list of outstanding insurance claims circulated with the agenda.

7.9 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCESS FOR THE PURCHASE OF RECYCLING IGLOOS (16/4/4)

In order to attempt to win the Cleanest Town Competition again it is necessary to establish and operate a recycling project. The prize money of R2 million for the previous Cleanest Town Award has not yet been received and the Municipal Manager has given permission to use savings from the 2009/2010 capital budget as bridging finance for the recycling project.

RESOLUTION

(a) That the Executive Mayor's Committee ratifies the purchase of 66 recycling igloo's to the amount of R790 020,00 (VAT inclusive) from *Plastic Omnium*;

(b) That the prescribed procurement process, was deviated from for the following reasons:

(i) because there is only one supplier;
(ii) because it is an unusual circumstance and because of the time restriction in purchasing the goods before the end of the 2009/2010 financial year;

(c) That the Head: Financial Statements and Management, mr C Gerber, is instructed to note the above mentioned reasons in accordance with the Supply Chain Management Policy in the relevant financial statements when they are drawn up.

7.10 DEPARTURE: ERF 9407, MALMESBURY (15/3/4-8) (WARD 8)

A building plan application has been received for the erection of a garage on erf 9407 situated in Barocca Street, Malmesbury which will depart from the 5m street building line to 2,5m as well as the side building line to 0m.

RESOLUTION

That the departure from the 5m street building line to 2,5m as well as the side building line to 0m, as indicated on building plan marked "B1" and "B2" is approved in accordance with article 15(1)(b) of Ordinance 15 of 1985 subject to the following conditions:

(a) that building plans are submitted to the Director: Development Services for consideration;
(b) that the garage is equipped with a remote controlled electric garage door;
(c) that the proposed garage compliments the architectural style of the existing residence.

7.11 LEVYING OF ADDITIONAL BUILDING PLAN FEES: BUILDING WITHOUT APPROVAL (15/4/2/1)

At present the Council levies an additional tariff for all building work commenced without approved building plans which amounts to 3x building plan fees with a minimum and maximum tariff for buildings smaller and larger than 500m².

There are situations however where the previous owner undertook the illegal building work and has either left town in the meantime or has died and the present owner is then liable for the fine.

RESOLUTION

That the matter is referred back in order to get the following statistics, namely:

(a) How many instances of illegal building work are discovered;
(b) How many instances are found before valuation and how many after valuation;
(c) How many instances of illegal building work have been done by the present owner and how many by the previous owner(s);

7.12 FUNDING FROM THE DEPARTMENT OF AGRICULTURE FOR DARLING SMALL FARMERS (17/2/2/4)

An application for the development of four projects in which emerging farmers will be established on commonage has been submitted to the Department of Agriculture.

A letter has been received from the Department of Agriculture stating that R2,4 million has been approved for the Darling Commonage Project. An additional amount of R1,6 million has also been approved.

RESOLUTION

That the matter is referred back in order to instruct the consultants to present the following to the Council:

(a) who was responsible for drawing up the original policy and were the participants identified, in other words how many small farmers are involved;
(b) were contracts signed with the participants;
(c) was the growth in the number of participants, as well as the number of animals allowed included in the policy;
(d) was provision made in the contract for additions and what was the purpose of additions or were they illegally added;
(e) does the contract make provision for participants taking responsibility with respect to management of pests, plagues and any nuisance caused by the farming operation, eg. stench;
(f) how will maintenance of infrastructure be addressed;
(g) if municipal services are necessary who will be responsible for the payment thereof;
(h) what is the process if existing structures must be demolished;
(i) the number of animals which may be kept must be specified;
(j) what is the term of the contract with participants;
(k) what are the criteria for participation in the project;
(l) how will adherence to all competency and health regulations be monitored on an ongoing basis.

7.13 OUTSTANDING DEBTS: MAY 2010 (5/7/1/1)

A complete report with respect to outstanding debtors was circulated with the agenda.

RESOLUTION

That note is taken of the report with respect to outstanding debts for the period ending May 2010.

(SGN) T VAN ESSEN
EXECUTIVE MAYOR