



MINUTES OF THE FIRST MEETING OF THE THIRD SWARTLAND MUNICIPAL COUNCIL, HELD IN THE MALMESBURY TOWN HALL ON TUESDAY, 31 MAY 2011 AT 10:00

PRESENT:

COUNCILLORS:

Abrahams, M Z (DA)	Sedeman, A C (DA)
Cleophas, J H (DA)	Sneewe, A M (ANC)
Cloete, C M (ANC)	Stanley, B J (DA)
Fortuin, C (ANC)	Stemele, O M (DA)
Geel, B W (DA)	Rust, N J A (DA)
Goliath, M S I (DA)	Van der Merwe, J I (COPE)
Humphreys, F S (ANC)	Van der Westhuizen, R F (DA)
Hunsinger, C H H (DA)	Van Essen, T (DA)
Johnson, A (DA)	Van Zyl, M (DA)
McKrieling, H (TPICO)	Wilskut, W (DA)
Papers, C H (DA)	Zatu, N S (ANC)
Philander, D B (ANC)	

OFFICIALS:

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

1. OPENING AND WELCOME

Pastor Merwyn Adams of the Calvyn Protestante Kerk, Malmesbury opened the meeting with a scripture reading and prayer at the request of mr J J Scholtz, who in his capacity as Municipal Manager acted as chairman, in accordance with articles 29(2) and 36(3) of the Structures Act, 1998, until the election of the Speaker.

A special word of welcome was extended by the Municipal Manager to councillors, colleagues, members of the public and the press.

A few general rules were presented at the meeting to ensure that the meeting ran smoothly. The Municipal Manager also stated that ms J Lategan from the Independent Electoral Commission would help to count the votes.

2. CONSTITUTING THE MEETING AND REPRESENTATION ON THE COUNCIL AND INTRODUCTION OF COUNCILLORS (17/17/3/2/7)

The Municipal Manager explained that the councillors present had been declared as elected, by the Independent Electoral Commission in Government Gazette 34327 dated 26 May 2011.

2./...

The Municipal Manager declared the meeting duly constituted and opened, and gave the councillors an opportunity to introduce themselves.

The directors and other officials, at the meeting, were also introduced to council members.

3. APOLOGIES

None, the Council was complete.

4. TAKING THE OATH OF ALLEGIANCE BY MEMBERS OF THE SWARTLAND COUNCIL (3/1/1)

The Municipal Manager requested each councillor to take the oath of allegiance verbally and to sign it.

5. NOTICE AND INFORMATION: MUNICIPAL MANAGER (3/1/1)

5.1 CODE OF CONDUCT FOR COUNCILLORS: APPENDIX 1 OF THE SYSTEMS ACT (3/1/1)

The Municipal Manager requested all councillors to take note of the contents of the Code of Conduct for Councillors in accordance with Appendix 1 of the Systems Act (Act 32 of 2000) and referred them specifically to articles 4, 5, 6, 7, 9, 11 and 12(a).

5.2 INDUCTION OF COUNCILLORS (3/1/1)

The Municipal Manager stated that the induction of councillors would take place between 13 to 15 June 2011 at Ganzekraal.

5.3 ADDRESS AND CONTACT DETAILS (3/1/1)

The Municipal Manager circulated a form on which the addresses and contact details of councillors were noted. Councillors were asked to verify the information, specifically the address to which agendas of Council meetings must be sent in accordance with article 11(6) of the Regulation with respect to the Holding of Meetings.

6. ELECTION OF SPEAKER AND HANDING OVER OF CHAIRMANSHIP TO THE SPEAKER (3/1/1)

The procedure applicable to the election of the Speaker was explained by the chairman with reference to articles 36 to 41, as well as Appendix 3 of the Structures Act, 1998.

Ald A Johnson from the DA and clr D B Philander from the ANC were nominated for the office of Speaker on the prescribed forms by ald T van Essen and clr M S I Goliath and clrs F S Humphreys and A M Sneewe respectively.

During the secret ballot, in which clrs R F van der Westhuizen (DA) and A M Sneewe (ANC) acted as counting officials, votes for the office of Speaker were as follows:

- ald A Johnson – 16 (sixteen) votes;
- clr D B Philander – 7 (seven) votes.

Ald A Johnson was thereafter declared by the Municipal Manager as Speaker of the Swartland Municipality, after which he took over as chairman.

7./...

7. MATTERS FOR CONSIDERATION**7.1 RULES OF ORDER (3/4/2/1)****(1) REGULATION WITH RESPECT TO THE HOLDING OF MEETINGS OF THE SWARTLAND MUNICIPALITY (3/4/2/1)**

The regulation with respect to the holding of meetings of the Swartland Municipal Council, proclaimed in Government Gazette PK 6199 of 14 January 2005 was circulated with the agenda.

RESOLUTION

(proposed by clr J H Cleophas, seconded by ald T van Essen)

- (a) That the Council takes note that the meetings of the Swartland Municipal Council and its committees will be organised in accordance with the Regulation with respect to Holding of Council Meetings proclaimed in Provincial Notice 6199 dated 14 January 2005.
- (b) That an amount of R250,00 is imposed by the Council as a fine to be taken directly from councillors allowances for -
 - (1) the non-attendance (without apology) of any Council meeting or any standing or ad hoc committee meetings which the councillor is obliged to attend; or
 - (2) the neglect of a councillor to remain in attendance at any of the above mentioned meetings.

(2) GENERAL RULES OF ORDER (3/4/2/1)

General rules of order, which were approved over time by the previous municipal council to ensure order in council meetings, were attached to the agenda.

RESOLUTION

(proposed by ald N J A Rust, seconded by ald T van Essen)

- (a) That the following rules of order – as stated in Appendix A to the report – will apply to the new Council, namely -
 - (1) fines for the non-attendance of meetings [item 7.1(1) refers];
 - (2) deducting of monies from councillors allowances if they indicate that they will attend a function and then do not turn up, without apology or a acceptable reason;
 - (3) use of cell phones during Council meetings;
- (b) That (at the request of clr C Fortuin) the dress code should be revised and that the Speaker will instruct the Rules Committee to do so.

7.2 EXERCISING OF CHOICE WITH RESPECT TO (1) THE APPOINTMENT OF EXECUTIVE MAYOR, (2) THE ESTABLISHMENT OF WARD COMMITTEES AND (3) THE APPOINTMENT OF DEPUTY EXECUTIVE MAYOR (3/1/1)

Although the Swartland Municipality is classified as a municipality with an executive mayoral operating system, which is combined with a ward participation system in terms of its article 12 Notice of Institution, the interpretation is that the Council must still exercise certain choices in terms of articles 54, 55 and 72 of the Structures Act, 1998, as presented in a report before the Council.

RESOLUTION

(proposed by ald T van Essen, seconded by clr J H Cleophas)

That the Council approves –

7.2/...

- (1) that an Executive Mayor is appointed in terms of article 54 of the Structures Act;
- (2) that ward committees are established in terms of article 72 of the Structures Act; and
- (3) that a Deputy Executive Mayor is appointed in terms of article 55 of the Structures Act.

7.3 ELECTION OF EXECUTIVE MAYOR AND DEPUTY EXECUTIVE MAYOR (3/1/1)

The Speaker requested the Municipal Manager to call for nominations for the office of Executive Mayor and the following nominations were submitted on the prescribed forms -

- (1) ald T van Essen of the DA, nominated by clrs M S I Goliath and J H Cleophas; and
- (2) clr C M Cloete of the ANC, nominated by clrs D B Philander and A M Sneewe.

In a secret ballot in which clrs R F van der Westhuizen (DA) and A M Sneewe (ANC) acted as counting officers, voting for the office of Executive Mayor was as follows:

- ald T van Essen – 15 (fifteen) votes;
- clr C M Cloete – 8 (eight) votes.

Ald T van Essen was then declared by the Speaker as the duly elected Executive Mayor of the Swartland Municipality

The Municipal Manager called for nominations for the office of Deputy Executive Mayor and the following nominations were submitted on the prescribed forms -

- (1) clr M S I Goliath of the DA, nominated by ald T van Essen and clr C Hunsinger; and
- (2) clr N S Zatu of the ANC, nominated by clrs C M Cloete and D B Philander.

In a secret ballot in which clrs R F van der Westhuizen (DA) and A M Sneewe (ANC) acted as counting officers, voting for the office of Deputy Executive Mayor was as follows:

- clr M S I Goliath – 15 (fifteen) votes
- clr N S Zatu – 8 (eight) votes

Clr M S I GOLIATH was then declared by the Speaker as the duly elected Deputy Executive Mayor of the Swartland Municipality.

7.4 ADDRESS BY THE NEWLY ELECTED EXECUTIVE MAYOR (10/1/1)

Ald T van Essen, as the newly elected Executive Mayor delivered his first address. *(attached in full as Attachment A with these minutes)*

7.5 ANNOUNCEMENT OF THE MAYOR'S COMMITTEE (3/2/2 MY)

The Executive Mayor, still in the chair, announced the names of the three members on the Mayor's Committee, who will assist him and the Deputy Executive Mayor, on the Executive Mayor's Committee namely -

- **clr M VAN ZYL**
- **clr W WILSKUT**
- **clr J H CLEOPHAS.**

7.6 APPOINTMENT OF FULL TIME COUNCILLORS (3/1/1 MY) (5/10/1 MY)

The Executive Mayor, still in the chair, stated that in terms of the Third Amendment of the Swartland Municipality Notice of Institution, the municipality may appoint the full time councillors as determined by the MEC for Local Government.

RESOLUTION

(proposed by ald T van Essen, seconded by clr J H Cleophas)

- (a) That the Council appoints the following officers as full time councillors:
 - The Executive Mayor
 - Members of the Executive Mayor's Committee (subject to item 8 of the Code of Conduct for Councillors), including the Deputy Executive Mayor
 - the Speaker;
- (b) That the Executive Mayor, in consultation with the Mayor's Committee, will lay down guidelines as to what is expected of full time councillors.

7.7 APPOINTMENT OF COUNCILLOR TO TAKE RESPONSIBILITY IN THE ABSENCE OF THE EXECUTIVE MAYOR AND THE DEPUTY EXECUTIVE MAYOR (3/1/1)

Article 56(7) of the Structures Act, 1998 stipulates that the Council must nominate a councillor to take responsibility when both the Executive Mayor and Deputy Executive Mayor are absent or unavailable.

RESOLUTION

(proposed by ald T van Essen, seconded by clr J H Cleophas)

That the item is held over, because the election of office bearers for the West Coast District Municipality may have an influence on the availability of councillors for this purpose.

7.8 APPOINTMENT OF REPRESENTATIVES ON THE WEST COAST DISTRICT MUNICIPALITY (3/3/1/1)

The Municipal Manager explained that he was handling this matter due to the fact that he is the *Municipal Electoral Officer* (MEO) for the Swartland. The Speaker was requested to vacate the chair because, for the purposes of this exercise, he is an ordinary voter (councillor).

The MEO explained the process with respect to the determination of the quota and asked for the nomination of two representatives from the DA and the ANC to act as observers (where after clrs R F van der Westhuizen and A M Sneewe were appointed) to assist the Director: Corporate Services and the *Electoral Project Co-ordinator* (EPC) (counting officers).

The MEO called for nominations and declared that no caucus would be allowed during the nomination process.

After receipt of the nominations the MEO declared the nomination process closed. The MEO stated that he had received nominations from the -

- ANC; and
- DA, and confirmed that the nominees had accepted their respective nomination.

The names of the ANC and DA were written on a flip board. The MEO requested the EPC to show everyone present that the vote box was empty, after which each councillor was provided with a voting paper by the EPC of the Independent Electoral Commission (IEC). Voting by the councillors was in secret and the voting papers were placed in the box.

7.8/...

The MEO asked the EPC to take the box and open it and requested clrs R F van der Westhuizen and A M Sneewe to act as observers during counting of the votes. The MEO confirmed with the above mentioned counting officials, that there was consensus on the outcome, which was -

- ANC = 8 (eight);
- DA = 15 (fifteen) written on the flip board.

Based on application of the quota, namely $23 \div 4 = 5,75 + 1$ (omitting the fractions) the result was as follows:

- ANC = 1 (one);
- DA = 3 (three), after which the results were filled in on the IEC prescribed form.

RESOLUTION

- (a) That note is taken of the nomination process completed under the chairmanship of the MEO and that the election showed the following, after the application of the quota -
- 1 (one) representative from the ANC; and
 - 3 (three) representatives from the DA;
- (b) That note is taken that the one ANC, namely clr N S Zatu and the three DA, namely clr J H Cleophas, ald N J A Rust and Clr B J Stanley are delegated as representatives on the West Coast District Municipality, subject to submission of the results to the Independent Electoral Commission for the necessary proclamation and confirmation.

7.9 ARTICLE 53 CLARIFICATION OF ROLES AND RESPONSIBILITIES (3/B)

The Speaker once again took the chair.

A municipality must define the role and area of responsibility of each political structure and political official and that of the Municipal Manager within the framework of and in accordance with the conditions of the Municipal Structures Act, the Systems Act and other relevant laws.

The Executive Mayor stated that Swartland Municipality was one of the few municipalities which complied with the Article 53 provisions, and therefore requested all councillors to sign the document.

RESOLUTION

(proposed by ald T van Essen, seconded by clr J H Cleophas)

- (a) That note is taken of the step taken to carry out Article 53 of the Structures Act which stipulates that a municipal council signs a declaration of intent with respect to the respective roles and responsibilities of political officials and the administration;
- (b) That councillors are requested to familiarise themselves with the contents of the document;
- (c) That, after the meeting, the declaration of intent is signed as a token of identification with the system of roles and responsibilities of every political structure, each political official and the municipal manager;
- (d) That note is taken that the article 53 document will be incorporated in the Council's delegation register (see item 7.10).

7.10 ADOPTION OF A SYSTEM OF DELEGATIONS (2/5/2)

Article 59 of the Municipal Systems Act, 2000 stipulates that a municipal council must develop a system of delegations which will optimise administration and operational efficiency and make provision for checks and balances.

RESOLUTION

(proposed by clr J H Cleophas, seconded by ald T van Essen)

- (a) That the 3rd Swartland Municipal Council approves and ratifies the existing Register of Delegations (dated May 2011) for the purpose of administrative and operational efficiency;
- (b) That the Council notes that this system of delegations is not a static document, and that the introduction of amendments/additions will be a continuing process in consultation with the Council, which patently has the prerogative to recall delegations, to amend or to impose additional conditions;
- (c) That, unless the law specifically prohibits the Council from delegating a power, competency or function, all powers, competencies and functions which are not addressed in the system of delegations are deemed as delegated to the Executive Mayor in consultation with his/her Executive Mayor's Committee.

7.11 ESTABLISHMENT OF COMMITTEES/STRUCTURING THE COUNCIL (3/1/1)

The Executive Mayor presented the DA's proposals for the establishment of article 79 committees, and the nomination of members on this and other committees as well as external bodies.

RESOLUTION

(proposed by ald T van Essen, seconded by clr J H Cleophas)

- (a) That the Council establishes the following article 79 committees, with the competencies as detailed in Attachments B to D of the report:
 - (1) Administration and Finance Committee (Attachment B);
 - (2) Civil and Electrical Services (Attachment C);
 - (3) Development and Safety and Security Services (in accordance with Attachment D);
- (b) That councillors take note that -
 - (1) the meetings of the above mentioned committees take place, where possible, on the first Wednesday of every month, subject to the dates of meetings determined by the Council and the Speaker;
 - (2) the 1st committee (Administration and Finances) meeting will commence at 10:00, and every other committee will meet five minutes after the close of the meeting of the previous committee;
- (c) That the following councillors are appointed to the various committees, limited to a maximum of thirteen members per committee, representing the parties indicated:
 - (1) Administration and Finances:

Chairman (DA):	ald N J A Rust
Vice-chairman (DA):	clr M van Zyl (EMC member responsible for Administration)
Executive Mayor, ex officio	
<u>Members:</u>	
DA: Deputy Mayor, clrs O M Stemele, C H H Hunsinger; R F van der Westhuizen, W Wilskut, B W Geel and M Z Abrahams	
Two councillors from the ANC	
One councillor from COPE	
One councillor from TPICO	

(2) Civil and Electrical Services

Chairman (DA): clr O M Stemele
 Vice-chairman (DA): clr J H Cleophas (subject to the election
 Executive Mayor, ex officio of officials of the West Coast District
Members: Municipality/EMC member responsible
 for Civil and Electrical Services)

DA: Deputy Mayor, alds A Johnson and N J A Rust, clrs C H H
 Hunsinger, A C Sedeman, M van Zyl and M Z Abrahams
 Two councillors from the ANC
 One councillor from COPE
 One councillor from TPICO

(3) Development and Safety and Security Services:

Chairman (DA): clr R F van der Westhuizen
 Vice-chairman (DA): clr W Wilskut (EMC member responsible
 Executive Mayor, ex officio for Development and Safety and Security
Members: Services)

DA: Deputy Mayor, ald A Johnson, clrs B J Stanley, B W Geel, C H
 Papers, A C Sedeman and C H H Hunsinger
 Two councillors from the ANC
 One councillor from COPE
 One councillor from TPICO

(d) That the following representatives from the ranks of the Council are appointed to the various committees and/or external bodies as follows:

- (1) Labour Relations Forum / Executive Mayor
appointment and training committee: Deputy Mayor
(with respect to Labour Relations Forum: ald N J A Rust
three councillors together with clrs C H H Hunsinger, M van
the management team will form a Zyl and W Wilskut (alternate
quorum) for any member)
(with respect to appointment committee:
two councillors together with the management
team will form a quorum)
- (2) GOB/PIMM's Co-ordinating Committee: Executive Mayor
 Deputy Mayor (alternate)
- (3) District Tourism Organisation (DTO): clr B W Geel
 clr M Van Zyl
 clr R F van der Westhuizen
 (alternate for any of the above
 mentioned)
- (4) Dump Site Audit Committee: ald T van Essen
 clr B J Stanley
- (5) Computer Committee: ald T van Essen
- (6) Rules Committee: Speaker (ex officio)
 (max 8 councillors) clr R F van der Westhuizen
 clr M S I Goliath
 clr A C Sedeman
 clr M van Zyl
 one councillor from ANC
 one councillor from COPE
 one councillor from TPICO
- (7) Water Services/...

- (7) Water Services Management Team: clr O M Stemele
clr C H H Hunsinger
(alternate)
clr R F van der Westhuizen
clr A C Sedeman (alternate)
- (8) Police Forums: (No councillor is delegated by Council to a police forum, each councillor is free as a member of the community to attend forums)
- (9) Swartland Municipal Police Services Supervisory Committee:
(max 13 councillors): Clr R F van der Westhuizen (chairman)
clr W Wilskut (vice-chairman)
Deputy Mayor
clr C H Papers
clr B J Stanley
ald A Johnson
clr B W Geel
clr A C Sedeman
clr O M Stemele
clr M Z Abrahams
one councillor from ANC
one councillor from COPE
one councillor from TPICO
- (10) West Coast Evaluations Committee (DAC):
ald A Johnson
ald R F van der Westhuizen
clr B J Stanley (alternate for any of the above mentioned 2 councillors)
- (11) Occupational Safety Committee: clr M van Zyl
clr M S I Goliath (alternate)
- (12) Disaster Management Committee: Executive Mayor
Deputy Mayor
ald A Johnson
clr R F van der Westhuizen
clr M van Zyl
clr C H H Hunsinger
(ward councillor recruited from the ward in which the disaster occurs)
- (13) Asset and Fleet Management: Deputy Mayor
ald N J A Rust
clr C H H Hunsinger (alternate for any of the above mentioned 2 councillors)
- (14) Development Services Committee:
(max 13 councillors) clr R F van der Westhuizen (chairman)
clr W Wilskut (vice-chairman)
Deputy Mayor
ald A Johnson
clr C H Papers
clr B J Stanley
clr B W Geel
clr M Z Abrahams
clr O M Stemele
clr A C Sedeman
1 councillor from ANC
1 councillor from COPE
1 councillor from TPICO
- (17) Budget Management Committee/...

7.11(d)/...

(17) Budget Management Committee:

COUNCILLORS	
The Executive Mayor	ald T van Essen
The councillor serving as chairman of the Administration and Finances Portfolio Committee	ald N J A Rust
Member of the Executive Mayor's Committee responsible for Administration and Finances	clr M van Zyl
Additional councillors from the Administration and Finances Portfolio Committee	clr B W Geel clr C H H Hunsinger
OFFICIALS	
The Municipal Manager	Mr J J Scholtz
Chief Financial Officer	Mr K C Cooper
Senior Managers responsible for at least the three largest budget posts in the municipality	All directors
Manager responsible for the budget	Mr E Paulse
Manager responsible for planning (IDP)	Mr L Fourie
Technical specialists in the field of infrastructure	Included with directors

- (d) That the following councillors and alternates are appointed as representatives of the Council to the various SALGA working groups, together with the officials indicated, and that SALGA is advised accordingly (Attachment E contains the functional areas of the various SALGA working groups):

WORKING GROUP	COUNCILLOR	OFFICIAL
<i>Economic Development</i>	Executive Mayor clr M van Zyl (alternate)	J Scholtz L Fourie (alternate)
<i>Governance & Inter-Governmental Relations & International Relations</i>	Executive Mayor ald A Johnson (alternate)	J Scholtz M S Terblanche (alternate)
<i>Human Resource Development</i>	Executive Mayor clr M S I Goliath (alternate)	M S Terblanche S de Jongh (alternate)
<i>Municipal Finance & Administration</i>	Executive Mayor clr C H H Hunsinger (alternate)	K Cooper C Gerber (alternate)
<i>Municipal Services</i>	Executive Mayor clr C H H Hunsinger (alternate)	A Botha R du Toit (alternate)
<i>Social Development, Health & Safety</i>	Executive Mayor clr M van Zyl (alternate)	J Steenkamp M Holtzhausen (alternate)

- (f) That the alternates of the above mentioned six SALGA working groups are appointed by the Executive Mayor out of the members of the Executive Mayor's Committee, with the understanding that the Executive Mayor revises the alternates if the appointed councillor is not available;
- (g) That the Executive Mayor, ald T van Essen and clr C H H Hunsinger, together with the Municipal Manager are delegated to attend the SALGA members conference in August 2011;
- (h) That the Council approves the appointment of members to other sub/ad hoc Council committees or as representatives on other external bodies as follows:

	COMMITTEE/BODY	REPRESENTATIVES	ALTERNATE
1	PROVCOM	Executive Mayor clr C H H Hunsinger	Deputy Mayor clr J H Cleophas
2	Taxi-/Informal Traders Committee (max 6 councillors)	clr M S I Goliath clr W Wilskut clr C H Papers clr B J Stanley	
3	Darling Focus	ald A Johnson	clr B W Geel

	COMMITTEE/BODY	REPRESENTATIVES	ALTERNATE
4	MDI (Moorreesburg Development Initiative)	clr C H Papers	clr M van Zyl
5	Night Shelter	clr A C Sedeman	N/A.
6	Sport committees	<p><u>Malmesbury:</u> clr M S I Goliath clr R F van der Westhuizen</p> <p><u>Ilinge Lethu:</u> clr O M Stemele 1 councillor from ANC</p> <p><u>Moorreesburg:</u> clr C H Papers</p> <p><u>Darling/Yzerfontein:</u> ald A Johnson</p> <p><u>Riebeek Kasteel:</u> clr W Wilskut</p> <p><u>Moorreesburg/Koringberg:</u> clr M van Zyl</p> <p><u>Abbotsdale/Kalbaskraal:</u> clr A C Sedeman</p> <p><u>Chatsworth/Riverlands:</u> clr B J Stanley</p>	N/A.
7	Ilinge Lethu and other multipurpose centres	clr M S I Goliath clr O M Stemele clr A C Sedeman 1 councillor from ANC	N/A
8	Housing Committee: Rental	clr M S I Goliath clr R F van der Westhuizen clr O M Stemele	N/A.
9	Museum committees	<p><u>Malmesbury Museum:</u> ald N J A Rust clr R F van der Westhuizen</p> <p><u>Wheat Industry Museum,</u></p> <p><u>Moorreesburg:</u> clr C H Papers clr M van Zyl</p> <p><u>Darling Museum:</u> ald A Johnson</p> <p><u>Oude Kerk, Riebeek Kasteel:</u> clr W Wilskut</p>	
10	Swartland Conservation Advice Committee	ald T van Essen ald A Johnson clr C H H Hunsinger	N/A.
11	Undertakers Forum	clr B J Stanley ald A Johnson clr M S I Goliath clr R F van der Westhuizen clr W Wilskut clr A C Sedeman clr C H Papers	

- (i) That note is taken that, in terms of article 166(1) of the Municipal Financial Management Act, 2003 the previous Council had already appointed members to the external audit committee as well as the performance audit committee, which are already operational with the following members:
- Audit Committee: mr J M Becker (chairman), mr C B de Jager and ms F Allie (service contract expires 31 December 2012)
 - Performance Audit Committee: above mentioned members plus mr A Dippenaar (appointed annually)
- (j) That the ANC put forward names of representatives for the various committees listed on/before Friday 02 June 2011.

7.12 APPROVAL OF THE DRAFT CONSTITUTION FOR WARD COMMITTEES AND THE PRELIMINARY PROCESS PLAN FOR ELECTION OF NEW WARD COMMITTEES (3/4/4B)

The draft Constitution for Ward Committees was circulated with the agenda and will be finalised after input from the new ward councillors with respect to sector and geographical representation on the various ward committees.

RESOLUTION

(proposed by clr J H Cleophas, seconded by ald T van Essen)

- A: **With respect to approval in principle of the draft Constitution for Ward Committees**
- (a) That the amendments to the Constitution for Ward Committees are approved in principle;
- (b) That discussions with ward councillors and ward managers take place as soon as possible, to finalise the Constitution with specific reference to the geographic and/or sector representation on the various ward committees (Attachment A to the Constitution) and the prescriptions, in some instances with respect to the four ordinary members for submission to Council for final approval;
- B: **With respect to the preliminary process plan for the election of new ward committee members**
- (a) That note is taken that the Constitution for Ward Committees states that the election of ward committees must take place within 120 days after the Council decision, in accordance with article 72 of the Systems Act, to set up ward committees (see item 7.2 on the agenda);
- (b) That, in terms of the Constitution for Ward Committees, the Municipal Manager is empowered to arrange an extraordinary public meeting solely for the purpose of electing ward committee members;
- (c) That the preliminary time frame for the election of new ward committee members is noted and that it will be revised and executed as and when dates are finalised.

7.13 REMUNERATION FOR COUNCILLORS: 2010/2011 FINANCIAL YEAR (5/10/1 MY)

The increase in salaries, allowances and bonuses for councillors was approved by the previous council in January 2011, whereafter the MEC for Local Government approved them for implementation.

The matter/...

7.13/...

The matter was brought to the vote by the Speaker and decided with fifteen DA councillors in favour thereof, and eight abstentions.

RESOLUTION

(proposed by clr J H Cleophas, seconded by ald T van Essen)

That note is taken of the contents of the various documents attached to the report with reference to the remuneration for councillors.

7.14 FINAL (4TH) REVISION OF THE 2007-2011 IDP (2011/2012 YEAR PLAN) (2/1/4/4/1)

The 2011/2012 Year Plan approved by the previous Municipal Council confirming the IDP and budget for 2011/2012 within the statutory framework was circulated with the agenda for information.

RESOLUTION

- (a) That note is taken of the 2011/2012 IDP Year Plan, namely the final (4th) revision of the 2007-2012 IDP for the Swartland drawn up in terms of article 34(a)(i) of the Municipal Systems Act (Act 32 of 2000);
- (b) That it is noted that the ward plans for the various wards form part of the IDP Year Plan.

7.15 MULTI-YEAR CAPITAL AND OPERATING BUDGETS FOR 2011/2012, 2012/2013 AND 2013/2014 (5/1/1/1, 5/1/1/2, 5/1/4)

The report with the agenda contains the resolution taken by the previous Council on 5 May 2011 with respect to approval of the multi-year budgets. A full copy of the budget documents was circulated to the new councillors.

RESOLUTION

That note is taken of the final decision with respect to the approval of the multi-year capital and operating budgets for 2011/2012, 2012/2013 and 2013/2014, as well as the contents of the budget documents.

7.16 ACKNOWLEDGMENT OF PERFORMANCE AGREEMENTS OF THE MUNICIPAL MANAGER AND SENIOR MANAGERS DIRECTLY RESPONSIBLE TO THE MUNICIPAL MANAGER (2/4/2)

The performance agreements pertaining to the Municipal Manager and Senior Managers directly responsible to the Municipal Manager were circulated with the agenda. The Directors' contracts are all genetically the same, except for exceptions in the indicators which have a specific bearing on the relevant discipline, hence the presentation of only that of the Director: Financial Services.

Article 53 (3)(b) of the Financial Management Act (Act 56 of 2003) [MFMA] stipulates that copies of the performance agreements with respect to the Municipal Manager and Senior Managers must be submitted to the Council and the MEC for Local Government.

RESOLUTION

- (a) That note is taken that the performance agreements with respect to the Management Team were approved by the Executive Mayor on 11 May 2011 and that they have already been signed;
- (b) That the performance agreements with respect to the Municipal Manager and Directors for the 2011/2012 financial year are noted and submitted to the MEC for Local Government in terms of article 53 of the MFMA.

7.17 CODE OF CONDUCT FOR COUNCILLORS: DECLARATION OF INTERESTS (3/1/1 MY)

In accordance with item 7 of the Code of Conduct for Councillors, councillors must declare their financial interests in writing within 60 days of their election, as well as gifts in excess of R1 000,00.

RESOLUTION

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

- (a) That councillors take note of the stipulations in terms of item 5 of Attachment 1 of the Municipal Systems Act;
- (b) That councillors take note that the nature or details of their financial interests, referred to in item 7 of the Code of Conduct for Councillors **must be submitted annually to the Municipal Manager**, including gifts received by a councillor which exceed R1 000,00 in value;
- (c) That note is taken that the declaration referred to in paragraph (b) must be handed to the Director: Corporate Services no later than 8 July 2011.

7.18 DATES/FREQUENCY OF FUTURE COUNCIL MEETINGS (3/4/2/1)

RESOLUTION

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

That the programme and times of meetings are approved for the second semester of 2011, as attached to the agenda and that note is taken of the Council meeting scheduled for 23 June 2011.

The meeting adjourned at 12:55.

**SIGNED
SPEAKER**

**ELECTION OF EXECUTIVE MAYOR, TUESDAY, 31 MAY 2011:
SPEECH DELIVERED BY THE ELECTED EXECUTIVE MAYOR:**

Mr Speaker, fellow councillors, Municipal Manager, Directors, other managers and personnel, members of the press, ladies and gentlemen.

DA Swartland

I am proud of the fact that the DA in the Swartland had a very clean election campaign and that we were not involved in any accusations or slander with the other parties.

Many thanks to all DA candidates and fellow DA workers.

This enabled us to obtain the highest DA percentage vote in South Africa. Swartland DA has grown from 58.23% DA votes in 2006 to 64.24% DA votes in 2011.

This gives the DA a very strong mandate in the Swartland to continue with the management of the best municipality in South Africa – Swartland.

The closest was the Cape Metro with 60.92 % DA votes, and I wish to congratulate them and all the other DA managed municipalities on their success.

In the Western Cape the DA manages 17 municipalities outright and 5 in a coalition, the ANC manages only 1 and 7 in a coalition.

Mr Speaker

I wish to take this opportunity to congratulate all the Councillors on their election to the Council of the best Municipality in South Africa, congratulations.

Also my congratulations to you as Speaker and the second woman in my life, who has again been elected as Deputy Mayor, Councillor Maude Goliath.

I trust that you will once again bring the necessary skills to this position during this term of office.

It is a great privilege to me to once again serve the Swartland and its residents during this term as Executive Mayor, a position with great challenges.

It is just more than 2 years ago that I was elected as Executive Mayor, and let me give you the assurance that together with my Executive Mayor's Committee, Municipal Manager and the complete Management Team, I will do all in my power to carry out the task, that has been entrusted to me, with great circumspection and responsibility, in terms of the MFMA.

Each one of us as Councillors is the elected representative of the Swartland community, and we embrace this responsibility with dedication and humility.

I am however sad to note that the ANC does not elect it's Council Representatives with more discretion.

It is not healthy to nominate a Councillor whose spouse has an important executive position in this Municipality.

I earnestly request the ANC to be careful in electing representatives to the various committees and that the relevant Councillor is not elected to committees where her husband is the responsible Director.

The election is a thing of the past and we as Councillors are here to serve the community without asking who voted for which party.

With the support of the Executive Mayor's Committee, Councillors, the Municipal Manager and his Management Team I am certain that the Swartland Municipality will continue to grow as one of the most successful municipalities within the West Coast District, the Western Cape and South Africa.

Mr Speaker, before I address some successes and goals, I wish to thank the outgoing councillors for the role that they played in building the Swartland.

Allow me once again the opportunity to thank our personnel for their loyalty to the Municipality.

Without you we would not have reached our goal.

In the past 5 years the Swartland has achieved the following successes:

- In 2006 in the Provincial VUNA award we won two of the five categories and at National level we won the Local Economic Development award.
- In 2007 we won the full Vuna Award for both the Western Cape and at National level.
- In 2007 & 2008 we also won the Cleanest Town Competition, both Provincial and National.

- In 2010 we participated in an independent survey (Municipal IQ) with respect to service delivery and in this instance Swartland achieved 6th place out of 222 "B" municipalities.
- In December 2010 the Western Cape Provincial Government brought out a special government gazette in which the performance of all the Western Cape municipalities was judged in the same way as VUNA.
Swartland was listed no. 1 out of the Western Cape "B" municipalities.
This is indeed an achievement and Swartland gained 2.6 out of a possible 3 points. There is therefore still room for improvement.
- Between 2006 and 2010 Swartland achieved unqualified audits every year from the Auditor General.

In the last ten years Swartland has built 4200 low cost houses for an amount of R156 million. This includes all bulk services and extra costs, such as the tarring of roads and fencing each property.

- In the Darling low cost housing scheme Province, together with assistance from the Danish Government, provided 540 houses with solar panel heating at no charge.
We would also like to thank the MEC for Local Government and former Mayor of the Swartland, mr Anton Bredell for his assistance.
- Serviced plots in Moorreesburg (Sibanye) 93 and in Phola Park 254 were developed at a cost of more than R5,6 million and successfully transferred to families previously living in squatter camps.
- In Chatsworth it is distressing to note that a group of residents are trying to delay the housing project. I earnestly and urgently request that we can move these people, living under dreadful conditions, into new houses and in so doing lift them out of the spiral of poverty.
- The following low cost housing projects will be built in the following order of priority - Abbotsdale (325) and Riebeek West (320).

This Council has already made the decision that, as soon as the above mentioned housing projects are completed, low cost houses will only be built in Moorreesburg, Darling and Malmesbury, because adequate services such as water, electricity and sewerage are only available in these towns.

Lack of service delivery

Mr Speaker, at national level there is anxiety over municipalities' inability to deliver services.

In addition municipalities are also accused of not being persons/client orientated.

A general complaint is that municipalities are self-centred instead of being community orientated. People complain inter alia about

- councillors, who after five years, are no longer in touch with voters.
- political appointments;
- corruption.

We have already demonstrated over the past 10 years that we are not guilty of this.

I will once again pledge that the Council, will not become guilty of this.

I can also state, with humility and pride, that Swartland will, in all probability, continue to delight the National Government by being one of the best municipalities in the country with respect to delivery of services to the entire community, but I am still aware that much more can still be done.

We must never forget our role, namely to deliver sustainable and affordable services to all our residents.

It can also be asked why several of these problems arise in many municipalities?

Some of the reasons include the following:

- the high expectations of the community (possibly too high for the amount of money available);
- increase in outstanding debt (because some Councillors and the public do not encourage the community to pay for their services);
- new legislation which must be implemented annually;
- complex legal framework within which Municipalities must operate;

- lack of development orientated focus (which should create the climate for local economic development so that the private sector can develop and create the badly needed employment opportunities);

Mr Speaker, I must also include the following risks with which the municipalities have to contend:

- political instability (weak and/or ignorant Councillors, management and personnel);
- financial sustainability (the building of low cost housing is not sustainable and we must make more effort to provide GAP housing to the section of the community who CAN afford to pay for their services);
- provision of services (which is affordable, sustainable and includes replacement of ageing infrastructure);
- immigration (the steady influx of people places an unaffordable burden on municipalities);
- “Un-funded mandates” or “Under-funded mandates” (such as libraries, Thusong centres, licenses, road worthiness etc.).

THE CHALLENGES

(1) Human resources development

The development of human resources at local government level is twofold:

- (a) councillors and officials; and
- (b) the community with focus on the poorest sector.

With respect to in-house development, councillors and officials must be schooled in the legal requirements for good governance and the art of strategic thinking and planning.

This strategic planning must have a strong development focus.

We must think creatively as a team in order to attract investors such as industries and businesses to the Swartland.

In addition, using our multipurpose centres, we must develop the abilities of the community to help them out of the cycle of poverty.

The poorest sector of the community must thereby be empowered.

(2) Political leadership

Healthy local government depends on the quality of political leaders.

*We were elected to make a difference, not to make excuses.
Or, in the words of Robert Kennedy, recently quoted by President Obama:
“The future is not a gift. It is an achievement.”*

We must ensure that:

- Swartland Municipality is community orientated;
- Appointment of personnel is according to merit and not for political reasons;
- Tenders called for by the municipality must benefit the Swartland community by creating job opportunities;
- The Swartland Municipality governs in a clean, goal orientated, effective and corruption free manner;
Corruption is stealing from the poor, stealing from those who are most dependent on help from the government;
- We maintain the municipal infrastructure and where necessary create new infrastructure which is necessary for healthy growth and growth in job opportunities;
- We must not stand in the way of people wanting to start businesses or grow existing businesses;
- We must adopt an attitude of adaptation to modern society and change citizens experience of “red-tape” to “red-carpet”.

That we as parties in the Council have differences of opinion and that matters are then debated is usually a good thing.

It indicates that our democracy is strong and healthy, and that there is room for differences and conflict.

It is however necessary to ensure that debate in this Council focuses on alternative solutions.

We cannot share a future if we are caught up in the conflicts of the past. Naturally the legacy of the past is still with us and will be with us for years to come. Swartland is however committed to repair of the legacy in the shortest possible time and in the most sustainable manner. Let's embrace each other's trust. Let's make matters count, and play the ball and not the man, to the benefit of the Swartland community.

The Swartland would not be one of the best Municipalities in the Western Cape and South Africa if it were not for our dedicated personnel under the management of a dedicated management team and a dedicated municipal manager. Without them we would also be just a municipality where money is wasted, corruption is rampant and service delivery is poor.

I would also like to thank the personnel who reach out to the community in their own free time, amongst others the following:

- Just before Christmas 2010 a "chomp-project" was rolled out for our children;
- In April this year the Council decided to start the "Wonderbag" project. The personnel grabbed the opportunity, and after-hours on a voluntary basis, distributed "Wonderbags" to about 5000 destitute households to use for cooking their food, thus saving on electricity and fuel.

On behalf of the Swartland community many thanks for your unselfish service to the community.

*Clean government is essential, but it is not enough.
Government must also spend taxpayers' money effectively, and make a measurable difference to peoples' lives.
And Swartland does exactly that!*

Mr Speaker, there will not be any 100 day plan.

Swartland's previous Council drew up and approved a 10-year plan, in which there is a strong focus on service delivery, wiping out the backlog, maintenance of infrastructure and/or replacement thereof. The community has once again given us an overwhelming mandate to continue on the path already embarked on by the Swartland Municipality.

Councillors, Officials and the Public:

One of the greatest challenges in South Africa is bad sewerage works and the resulting pollution of the environment. Faulty sewerage works will severely limit future growth in many municipalities and therefore Swartland Municipality has budgeted more than R182 million over the next 5 years for the replacement and expansion of sewerage plants.

- By upgrading of the Malmesbury sewerage plant with a membrane system we are ensuring the optimal use of the property. Whereas with the old technology we could treat sewerage for a maximum of 100 000 residents, with the new membrane technology on the same premises we can treat sewerage from more than 250 000 residents.

It can be stated with conviction that switching over to the latest sewerage treatment technology we are leaving a legacy for the future, just as our forefathers, who built the Paardeberg Dam in 1920, left for us.

- The building and successful commissioning of the Dahlia Care Centre is part of the development and protection of the youth.
- Our Thusong centres assist our community and the youth by providing a "one-stop-shop" of services and already helps more than 1000 people per month. During the next few years we will make a great effort to build and operate further Thusong centres in Saamstaan, Kalbaskraal and Chatsworth/Riverlands.

- Of the approximately 24 000 households in the Swartland more than 4500 households (20%) receive subsidised or free services. These destitute households receive the following free every month under certain conditions:
(Besides the free 6 kiloliter water which each household receives, destitute households get an extra 4 kiloliter water), 50 Kwh electricity, weekly refuse removal, flush sanitation or sewerage pumping and a discount of R 100 000.00 on property valuation on which rates and taxes are calculated. This does not however mean that the free 10 kiloliters of water should be wasted.

I once again implore all residents to please use water sparingly.

- The Council will also continue to provide free plumbing services to destitute households in an attempt to limit water wastage from leaking toilets, water pipes and taps and in so doing keep the outstanding debt of these households under control.
- Mr Speaker, the building of storm water drainage systems and the building of roads in certain areas is one of this Council's priorities and during the next 10 years more than R60 million will be spent on ensuring these residents a more acceptable and humanitarian existence. In addition the savings on vehicles (as a result of bad roads) and possible doctor's fees (as a result of dust related illnesses) will be a big advantage to this sector of the community.

In towns such as Kalbaskraal, Abbotsdale, Darling, Riebeek West and Riebeek Kasteel more than R11 million will have been spent before the end of this financial year (30 June 2011) on solving storm water problems and providing roads with a tarred surface.

- Resealing of roads is also a very important part of maintenance.
In the next 10 years Swartland will spend more than R73 million on resealing.
The roads identified are prioritised according to a technical programme without interference from Councillors.
- With the ageing water storage facilities and old networks we will need to spend a great deal of money in the next 10 years to maintain these and have in fact budgeted more than R5 million over the next 5 years for this purpose.
The replacement of certain parts of the network will be determined by the number of water pipe breaks, as indicated in the municipality's incident programme.
We also need to urgently investigate whether the drop in water pressure at certain times can result in a reduction of water pipe breakage's and/or water loss.
- Swartland Swartland Municipality operates one of the most successful dump sites in South Africa, near Abbotsdale.
The site will serve the needs of the Swartland for about the next 30 years.
For the next few years we are helping Bergrivier by allowing them access to our dump.
In the previous year we began a huge campaign by erecting notice boards with our Swartland "litterbug".
"Igloos" for the recycling of glass, paper, plastic and tins were erected in all the towns.
This has been done in order to encourage Swartland residents to recycle and I implore the community to make use of the "igloo" facilities and by doing so to contribute to the well known slogan "REDUCE" - "RE-USE" - "RECYCLE".
- It is however very disappointing that the prize money of R2 million for winning the national cleanest town competition in 2006/2007 and 2007/2008 has not yet been received.
- In the past 10 years almost R20,5 million has been spent on upgrading the Eskom supply and R26,6 on upgrading our own networks.
- In the next 5 years more than R59 million will be spent on upgrading our own electricity networks as well as a further R8,7 million for extending networks for new developments.
Swartland has sent requests to NERSA to take over the electricity network in towns where electricity is supplied by ESKOM.
- Swartland Council has already unilaterally decided that an annual increase of more than 12% in ESKOM electricity tariffs is not affordable to the Swartland community and letters to this effect have been written to NERSA, but no notice was taken of them.

Mr Speaker, it is this kind of practise which incites the community to revolt against excessive tariff increases.

It can also be said with feeling that, "You do not understand" which has been clearly spelt out in letters to NERSA.

- In the past 10 years more than R100 million has been spent in ward 7, of which in Chatsworth alone R63 million was spent.
The problem is that backlogs in these areas are huge and therefore the most money is spent on providing services which are underground such as water, storm water, sewerage and much more. The community then thinks that nothing has been done to upgrade their area but this is not true. Before you can provide visible improvements you must first have all the invisible services in place.
- The youth is very important in the Swartland and the Junior Town Council will be strongly supported over the next 5 years.
- Sondeza Youth Camp, which has already been held 7 times and where in December 2010, 90 learners from the schools in surrounding municipalities, as well as learners from England and Germany received training in leadership skills will also be strongly supported over the next 5 years. Swartland is one of the few municipalities in South Africa making strides in the development and leadership of our youth.
The youth of today are the adults (leaders) of tomorrow who will decide in which old age home we will spend our declining years.
- The establishment and operation of ward committees is a large feather in Swartland's cap and the ward committee's constitution is being used by the relevant national department to get the ward committees in the rest of the country up and running.
I ask the new Council to tackle this function with the necessary diligence and responsibility.
- Communication problems with which most municipalities struggle can primarily be addressed by ward committees which function correctly. It is important that the ward councillor works together with the municipal manager and the management team in order to make the system function.
- A huge responsibility rests on every councillor to ensure that the compilation of his ward committee is **transparent, participative and inclusive**. As Council and management team we must use the ward committees to keep the public informed about municipal matters.
An informed community is a happy community.
- As the only non-metro municipality Swartland has a very successful Municipal Police Service which is highly regarded in the rest of the country.
- A very real threat to growth is crime, especially violent crime. Crime does not only mean that no one wants to invest in your area, but also violates people's right to live without threat.
We must do everything in our power and within our limited resources and legal mandate to increase the safety of the citizens of the Swartland and in so doing to ensure good living conditions.
- We are at present in the process of reconstituting the SMPS in order to carry out such tasks as Traffic Control, Crime Prevention and Policing of municipal by-laws more efficiently.
In this realignment of the SMPS it is not envisaged that any posts will be lost.
- In a discussion with the MEC of Sport, Swartland requested that the Moorreesburg sports grounds, because of their suitability and central position, are made the athletics home for all the 5 municipalities making up the West Coast District area.
Swartland Municipality also supports the development of a Tartan athletic track in Moorreesburg and has already made requests for funding to various bodies.
- During the same visit to the minister a request was made to make Malmesbury, with its Olympic standard swimming pool, to be the swimming home for the same 5 municipalities in the West Coast District area. The building of an Astroturf hockey field was also discussed.
- Requests for funding for heated swimming facilities and an Astroturf hockey field have also been made to various bodies.

The position of Executive Mayor, together with the Mayor's Committee, is a great challenge to me.

In order to implement my plans the above mentioned processes must be put in place as soon as possible in order to deliver sustainable services.

We will also undertake the following:

- The mayor's committee will meet on a regular basis, so that decisions can be taken as quickly as possible.
These meetings are however not held behind closed doors and therefore promote democracy in a transparent manner.
It also means that we, the Council, will not always be able take popular decisions.
We, as leaders, must sometimes be prepared to take unpopular decisions.
- That no official inauguration will take place, but that the money available for this purpose is rather used to the benefit of the community.
- The performance management system is in place and I wish to thank the management team for their participation in the system without drawing financial gain.
- Swartland Municipality set up a performance management system for Councillors on 1 July 2010 and is one of the first municipalities to implement such a system.
You, as Councillors, must be prepared for the first evaluations.
Performance contracts between full time Councillors and the Executive Mayor will be concluded over and above the performance contracts with senior personnel.
- Mr Speaker, Councillors, the above are some of the most important subjects that Swartland Council presents to the Swartland community for the future. I cannot do this alone, and I rely on the co-operation of Council, the Municipal Manager and his team and believe that we as one can achieve our vision for the Swartland, namely -

That local government in the Swartland WILL work over time, because we are building sustainable partnerships with ALL our people. We are going to play a key role in delivering democracy and development.

May the Almighty Father bless us with prosperity, health and peace.

Nkosi Sikelel' iAfrika. God bless Africa. God bless you all.

I thank you.
Alderman Tijmen van Essen
31 May 2011