



Munisipaliteit
Municipality
Umasipala

MINUTES OF A SPECIAL MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE MALMESBURY BANQUETING HALL ON TUESDAY, 25 JANUARY 2011 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

Clr J H Cleophas

Clr R J du Plooy

Other councillors:

Speaker, ald A Johnson

Clr A C Sedeman

Clr R F van der Westhuizen

Clr W Wilskut

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

Director: Civil Engineering Services, mr A J Botha

Manager: Secretarial and Records, ms N Brand

1. OPENING/

Clr J H Cleophas opened the meeting with a prayer.

2. APOLOGIES

None

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

None

4. MINUTES

4.1 MINUTES OF AN ORDINARY EXECUTIVE MAYOR'S COMMITTEE MEETING HELD ON 8 DECEMBER 2010

That the minutes of an Ordinary Executive Mayor's Committee Meeting held on 8 December 2010 are approved and signed by the Mayor.

5. MATTERS ARISING FROM THE MINUTES

None

6. NEW MATTERS

6.1 HALF-YEAR BUDGET AND PERFORMANCE EVALUATION (2/4/2)

In accordance with article 72(1) of the Local Government Act: Municipal Financial Management (MFMA), Act 56 of 2003, the accountable officer must evaluate the municipality's performance for the first half of the financial year by 25 January of each year.

The half-year budgets and performance evaluation includes the following documents, which were circulated as an attachment to the report.

- the monthly statements in article 71 refer to the first half of the 2010/2011 financial year;
- the municipality's service delivery performance during the first half of the 2010/2011 financial year, measured against the performance indicators and targets in the performance management system and service delivery and budget implementation plan (SDBIP).

RESOLUTION

- (a) That note is taken of the half-year budget and performance evaluation with respect to the 2010/2011 financial year;
- (b) That, arising from the above mentioned [and with reference to the relevant regulations set out in the report], an adjustment with respect to the 2010/2011 budget, will be tabled at the council meeting on 31 January 2011 for consideration;
- (c) That the Director: Financial Services, in conjunction with the Strategic Manager, will ensure that, in terms of article 72 of the MFMA as well as regulation 35 as laid down in the report, the half-year budget and performance evaluation report -
 - (i) is made available to the National and Provincial Treasurers in both written and electronic format **on time** (25 January 2011) and;
 - (ii) is put on the web site for public comment in terms of regulation 34(1) **not later than 1 February 2011** (but after the council meeting of 31 January 2011).

6.2 ADJUSTED CAPITAL AND OPERATING BUDGETS FOR THE 2010/2011 FINANCIAL YEAR (5/1/4) (5/1/1/1-10/11) (5/1/1/2-10/11)

The Director: Financial Services dealt with the report and explained that the consideration of the adjusted budget must be seen as part of the financial recovery plan to ensure financial sustainability for the Municipality.

Certain items, which had an impact on the operating budget, were highlighted, amongst others the implementation of TASK and the depreciation on the revaluation of assets and the unbundling of them.

RESOLUTION

[for submission to the municipal council on 31 January 2010]

- (a) That approval is given for the contra of funds between capital projects, as indicated in the schedule of capital items attached to the agenda with respect to the budget adjustment for 2010/2011, as well as unexpended capital and necessary new projects proposed for 2010/2011;
- (b) That the necessary documentation is finalised in terms of the MFMA and that both the National and Provincial Treasurers are notified thereof;
- (c) That the adjustment has no financial implications for the Council in terms of increased tariffs for the 2010/2011 financial year, but that any shortfalls will be financed from the un-appropriated surplus account in so far as there is cash available in such funds;

6.2/...

- (d) That approval is given for the transfer of unspent funds from state grants with respect to the 2009/2010 financial year, as indicated in the Council's financial statements as of 30 June 2010. Amendments with respect to the latter and updates of new requests as well as the contra of funds are included in schedules attached to the agenda and will be explained by the Director: Financial Services if any related queries arise;
- (e) That the Executive Mayor's Committee decision not to take out an external loan for the 2010/2011 financial year, is endorsed by the Council;
- (f) That the Council takes note of the depreciation of the unbundled assets to the value of R73 602 871 and of the operating shortfall of R49 730 813 which this has caused in the operating budget. The depreciation of unbundled assets was adopted by the Council at the end of 30 June 2010 which resulted in an operating shortfall of R34 160 119 in the Council's final income account. Furthermore that the adoption of the above mentioned is taken up with the National and Provincial Treasurers and the financial implications explained to them;
- (g) That approval is given to amend the capital and operating budgets for 2010/2011 as follows:
- | | | | |
|--------------------------|---------------|----|---------------|
| Capital | R 86 603 200 | to | R 90 225 769 |
| Operating expenses | R322 500 045 | to | R373 067 703 |
| Operating income | R303 621 809 | to | R316 461 043 |
| Surplus in terms of GRAP | R 28 506 764 | to | -R 2 528 657 |
| Net cash shortfall of | -R 11 954 751 | to | -R 49 730 813 |
| Total Income Budget | R351 006 810 | to | R 370 539 046 |
| Operating shortfall | -R 18 064 776 | to | -R 55 840 840 |

6.3 AMENDMENTS TO THE 2010/2011 SERVICE DELIVERY AND BUDGET IMPLEMENTATION PLAN (SDBIP) (2/1/4/4/1)

The budget adjustment, which will be submitted to the municipal council on 31 January 2011 for consideration, means that the SDBIP must be revised accordingly.

Article 54(1)(c) of the Local Government Act: Municipal Financial Management (Act 56 of 2003) states as follows: that the Mayor -

"54(1)(c) considers the service delivery and budget implementation plan and, if necessary, makes amendments, on condition that amendments to the service delivery targets and performance indicators are only implemented with the approval of the Council after the budget adjustment is approved."

RESOLUTION

(for approval by the municipal council on 31 January 2011)

That the revised service delivery and budget implementation plan (SDBIP) for the 2010/2011 financial year is approved in accordance with article 54(1)(c) of the Local Government Act: Municipal Financial Management (Act 56 of 2003).

6.4 APPOINTMENT OF MEMBERS TO THE FINANCIAL AND PERFORMANCE AUDIT COMMITTEE (11/1/3/1/7)

The Council is obliged, in accordance with statutory requirements, to maintain an Audit Committee, which functions as an independent advisory body.

The MFMA states that the Financial Audit Committee must consist of at least three members who may be appointed for a period of three years. The members of the Performance Audit Committee must however be appointed annually in accordance with regulation 14(2)(a) of the Local Government: Municipal Planning and Performance Management Regulations of 2001.

6.4/...

The term of office of the present members of the Performance Audit Committee expired on 31 December 2010.

RESOLUTION

That in order to maintain continuity the following is approved -

- (a) the term of office of the members of the Performance Audit Committee, namely the members of the Financial Audit Committee plus mr A B J Dippenaar, as specialist performance manager, is extended to 31 December 2011;
- (b) the remuneration with respect to preparation for and attendance at the meetings remains the same.

6.5 OVERSIGHT ROLE OF THE COUNCIL/EXECUTIVE MAYOR WITH RESPECT TO THE ACTIVITIES OF THE SUPPLY CHAIN MANAGEMENT DIVISION (7/1/1/2)

The *Supply Chain Management Regulations* (article 6) state that a report must be submitted to the Executive Mayor on a quarterly basis with respect to the activities of the relevant division.

Within 30 days of the end of the financial year another report must be submitted to the Council with respect to the activities of the previous year.

RESOLUTION

- (a) That note is taken of the activities of the Supply Chain Management Division for the period 1 October 2010 to 31 December 2010, as reported in accordance with article 6 of the *Supply Chain Management Regulations*;
- (b) That it is also noted with thanks that the Supply Chain Management Division received a "clean" audit for the 2009/2010 financial year;
- (c) That it is noted that reports for the 3rd and 4th quarter will appear in April and July 2011 respectively;
- (d) That thanks and appreciation is expressed with respect to the Supply Chain Management Division, TEC (Tender Evaluations Committee) and TAC (Tender Award Committee) for the circumspect manner in which tenders are handled in order to minimise appeals.

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

The minutes of the recent tender award committee meetings were circulated with the agenda.

RESOLUTION

That note is taken of the contents of the minutes of the Tender Award Committee Meetings held on 9, 10, 18 and 23 November and 7 December 2010 respectively.

6.6 APPLICATION FOR FINANCIAL CONTRIBUTIONS TO THE MANAGEMENT OF THE R27HUB TOURISM INFORMATION OFFICE, YZERFONTEIN (9/1/3/2)

Mr Sakkie de Villiers, Director (Tourism) of West Coast Biosphere and ms Mary Ashford, chairperson of the West Coast District Tourism Organisation recently visited the Municipality.

During the above mentioned discussion a request was made for financial contributions from the Municipality for running the R27 Tourism HUB, and the request was also submitted in writing. An explanation of the HUB's projected monthly budget, as well as the financial implications for the Municipality were presented with the agenda.

RESOLUTION

- (a) That approval is given for a financial contribution from the Council's operating budget (budget item no. 050852002220: *Local Economic Development*) as follows:
 - (i) with respect to 2010/11 (1 April – 30 June 2011) an amount of R6 000,00 (R2 000,00 x 3 months)
 - (ii) with respect to 2011/12 an amount of R24 000,00 (R2 000,00 x 12 months);
- (b) That the LED budget for 2011/2012 is decreased by R24 000,00, and that the Director: Financial Services will ensure that this amount is reallocated to the relevant tourism item for payment to the HUB during the relevant financial year;
- (c) That the Centre is requested to:
 - (i) present their financial statements at the end of their financial year which ends on 30 March 2012 for reconsideration by the Council with respect to continuing the contribution for the 2012/2013 financial year;
 - (ii) put mechanisms in place to measure visitor numbers together with other benefits which the HUB brings to tourism in the Swartland, so that the Municipality can evaluate future contributions.

6.8 OUTSTANDING DEBTS – NOVEMBER/DECEMBER 2010 (5/7/1/1)

A full report with respect to outstanding debts was circulated with the agenda.

RESOLUTION

That the report, with respect to outstanding debts for the months of November and December 2010, is noted.

6.9 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 the state of outstanding insurance claims circulated with the agenda is noted

6.10 LEASE OF MUNICIPAL PROPERTY IN RIEBEEK KASTEEL (12/1/3/1-11/1)

The Council leases a small outbuilding on a portion of erf 147, Riebeek Kasteel to Riebeek Cellars on an annual basis for storing and refrigerating their wines. The latter has requested a further year's lease.

RESOLUTION

- (a) That the outbuilding situated on erf 147, Riebeek Kasteel is leased out of hand to Riebeek Cellars for a further 12 months for use as a store for wine;
- (b) That the rental is increased to R110,00 plus 14% VAT per month;
- (c) That the rental conditions remain unaltered.

6.11 PROPOSED SUBDIVISION OF ERF 257, MOORREESBURG (15/3/6-9) (WARD 1)

An application has been received for the subdivision of erf 257 (2319m in extent) situated on c/r Reservoir and Plein Streets, Moorreesburg into a restant ($\pm 818\text{m}^2$), portion A ($\pm 661\text{m}^2$) and portion B ($\pm 840\text{m}^2$).

This application was presented at the Executive Mayor's Committee Meeting on 15 September 2010, but was referred back in order to get clarification with regard to the public road which runs through erf 257.

RESOLUTION

That the application for the subdivision of erf 257 (2319m in extent), situated on c/r Reservoir and Plein Streets, Moorreesburg, as shown on subdivision plan "B", is approved in accordance with article 25(1) of Ordinance 15 of 1985 subject to the following conditions:

A1 TOWN PLANNING AND BUILDING MANAGEMENT

- (a) that portion B, ±840m² in extent, is transferred to the Swartland Municipality;
- (b) that Swartland Municipality is accepts responsibility for the transfer fees and registration of portion B as well as the cost of the land surveyor amounting to R5 532,00;

A2 WATER

- (a) that each subdivided portion is provided with a separate water connection – this condition is applicable at building plan stage;

A3 SEWERAGE

- (a) that each subdivided portion is provided with a separate sewerage connection – this condition is applicable at building plan stage;

A4 REFUSE

- (a) that a basic refuse removal tariff is levied on each built-on erf;
- (b) that refuse is place in black plastic bags on the nearest municipal pavement on the morning of refuse removal;

A5 ELECTRICITY

- (a) that each subdivided portion is provided with a separate electricity connection to the account of the owner/developer;
- (b) that any moving of electricity cables on the relevant subdivided portions will be to the account of the owner/developer;
- (c) that any electrical inter-connections are isolated and completely removed;
- (d) that the electricity connection is connected to the existing low voltage network;

A6 CAPITAL CONTRIBUTIONS

- (a) that the owner/developer takes note of the capital contribution with respect to provision of bulk water which is determined by the West Coast District Municipality at R7 716,66 plus VAT per kiloliter annual average daily demand (R7 716,66/kl AADD) for each newly created unit. This capital contribution is payable to the Swartland Municipality at clearance stage. This amount is valid for the 2010/2011 financial year and after which it may be revised and is payable to budget item no. 50-80-75-72-7710;
- (b) that the fixed capital contribution with respect to bulk water services to the amount of R7 277,00 per newly created unit is payable to this municipality at clearance stage. This amount is payable to budget item no. 77-92-86-00-6200 and is valid for the 2010/2011 financial year after which it may be revised;
- (c) that the fixed capital contribution with respect to bulk sewerage services to an amount of R3 600,00 per newly created unit is payable to this municipality at clearance stage. This amount is payable to budget item no. 59-76-86-00-6200 and is valid for the 2010/2011 financial year after which it may be revised;

6.11/...

- (d) that the fixed capital contribution with respect to roads and storm water to the amount of R5 363,00 per newly created unit is payable to this municipality at clearance stage. This amount is payable to budget item no. 71-82-86-00-6200 and is valid for the 2010/2011 financial year after which it may be revised;
- (e) that the fixed capital contribution with respect to electricity to the amount of R4 321,00 per newly created unit is payable to this municipality at clearance stage. This amount is payable to budget item no. 83-34-86-00-6200 and is valid for the 2010/2011 financial year after which it may be revised;

A7 GENERAL

- (a) that any existing domestic plumbing connections between the restant and the subdivided portions must be moved and/or disconnected so that each erf carries its own pipe work;
- (b) that if it is necessary to extend any existing services in order to supply the subdivided portions with service connections the relevant costs will be to the account of the owner/developer;
- (c) that the legal certificate necessary for the transfer of any subdivided portion, in accordance with article 31 of Ordinance 15 of 1985, will not be issued until all the relevant conditions have been met;

A8 REASONS FOR NON-PAYMENT OF COMPENSATION

- (a) erf 257 is registered in the deeds office with a surface area of 1 031m²;
- (b) the latter surface area is also the size on which the present owner has paid property rates and taxes to the Swartland Municipality since 1996, and this size excludes portion B;
- (c) at no stage was portion B used by the present owner;
- (d) according to the beacons registered in the Surveyor General's Office in 1925 the records show:
 - (i) ±421m² (public road)
 - (ii) ±870m² (ordinary erf with ±50 road reserve)
 - (iii) 1031m² (erf 257, registered as such in the Deeds Office)
- (e) portion B as presently defined in the relevant subdivision plan has already, for many years before the transfer of erf 257 in 1996, been occupied and used as a public road.

6.12 DEPARTURE: ERF 2890, MOORREESBURG (15/4/2-9) (WARD 2)

A building plan application has been received proposing new construction work on erf 2890, situated in Van Niekerk Street, Moorreesburg, but both the street and side building lines will be encroached upon.

RESOLUTION

That the departures on erf 2890, Moorreesburg in order to depart from the 5m street building line to ±1.4 and the 3m side building line to ±1.8m in order to accommodate the proposed "braaikamer" together with an enlarged family room/lounge and a workroom is approved in accordance with article 15(1)(b) of Ordinance 15 of 1985.

6.13 DEPARTURE: ERF 1301, RIEBEEK KASTEEL (15/4/2-3) (WARD 3)

A building plan application has been received to legalise the wendy house which was illegally erected on erf 1301, Fontein Street, Riebeek Kasteel and which encroaches on the 2m side building line to 0m.

6.13/...

RESOLUTION

That the item is referred back, at the request of the Executive Mayor, in order to discuss with the applicant the conditions in accordance with which approval for departure can be given.

6.14 DEPARTURE: ERF 9572, MALMESBURY (15/4/2-8) (WARD 4)

A building plan application has been received for the erection of a garage and gym area (in the attic) on erf 9572, situated at 31 Burton Hill Avenue, Mount Royal, Malmesbury. The proposed garage departs from the 4,5m street building line and the 1.5m side building line to 0m respectively.

RESOLUTION

That the application in respect of erf 9572, Malmesbury to depart from the 4.5m street building line to 0m and the 1.5m side building line to 0m in order to accommodate the proposed garage is approved in accordance with article 15(1)(b) of Ordinance 15 of 1985 subject to the following condition:

- (a) that standard measures are taken to catch and channel the rainwater from the garage roof and to ensure that there is no runoff onto erf 9573.

6.15 DEPARTURE: ERF 226, YZERFONTEIN (15/4/2-14) (WARD 5)

A building plan application has been received for building work on erf 266, situated at 57 Main Street, Yzerfontein proposing a balcony at first floor level which will encroach on the 4m street building line to 0.8m.

RESOLUTION

That the departure on erf 266, Yzerfontein to relax the 4m street building line to 3.2m in order to accommodate a balcony is approved in accordance with article 15(1)(b) of Ordinance 15 of 1985.

6.16 PROPOSED REMOVAL OF RESTRICTIONS: ERWEN 501, 502, 503 AND 504, YZERFONTEIN (15/3/3-14, 15/3/5-14, 15/3/10-14) (WARD 5)**RESOLUTION**

That the item is referred to the Ward 5 ward committee meeting on 25 January 2011 in order to get comment from committee members, before a decision with respect to removing the restrictions is taken.

6.17 PROPOSED REZONING OF ERF 389, KALBASKRAAL (15/3/3-6) (WARD 7)

The purpose of the report with respect to the rezoning of erf 389, Kalbaskraal from business zone to I to institutional zone III in order to erect a clinic is to amend the conditions laid down by the Executive Mayor's Committee on 15 September 2010.

RESOLUTION

That the approval conditions are amended as follows, namely that the application for rezoning of erf 389 (671m² in extent), situated in Main Road, Kalbaskraal from business zone to I to institutional zone III in order to erect a clinic is approved in accordance with article 16(1) of Ordinance 15 of 1985, subject to the following conditions:

A1 TOWN PLANNING AND BUILDING MANAGEMENT

- (a) that the development complies with the new zoning scheme parameters. If the development does not comply with the new zoning scheme parameters the Director: Development Services has the delegated authority to consider the departures.

6.17/...

- (b) that the necessary application for displaying signage is submitted to the Director: Development Services;
- (c) that building plans are submitted to the Director: Development Services if any additions or structures are to be erected;

A2 REFUSE REMOVAL

- (a) that the basic refuse removal tariff is levied for each built-on property, and in the case of a business the tariff will be according to the amount of refuse to be removed;
- (b) that the refuse is placed in black bags on the nearest municipal pavement on the morning of refuse removal;
- (c) that medical waste will not be removed by the Swartland Municipality, and therefore must not be placed in the same bags as household refuse, but is removed by an accredited company in the correct manner;

A3 ESKOM

- (a) that, if as a result of the development, any Eskom services need to be moved this will be to the account of the owner/developer;
- (b) that the erection of any structure within 9m of an Eskom power line is prohibited;
- (c) that the owner/developer is responsible for the electricity reticulation to the proposed development.

6.18 DEPARTURE: ERF 6852, MALMESBURY (15/4/2-8) (WARD 8)

A building plan application has been received proposing the erection of two carports and a shade cloth lean-to on erf 6852, situated at 14 Voortekker Road, Malmesbury which results in departure on both the street and side building lines to 0m.

RESOLUTION

That the departure on erf 6852, Malmesbury in order to depart from the 5m street building line to 0m and the 1.5m side building line to 0m in order to accommodate the addition of a garage and carport is approved in accordance with article 15(1)(b) of Ordinance 15 of 1985, subject to the following condition:

- (a) that standard measures are taken to catch and channel the rainwater from both the garage roofs and the carport and to ensure that there is no runoff onto erf 71.

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