



MINUTES OF A MEETING OF THE SWARTLAND MUNICIPAL COUNCIL, HELD IN THE MALMESBURY BANQUETING HALL ON THURSDAY, 26 APRIL 2018 AT 10:00

PRESENT:

Speaker, cllr M A Rangasamy

Executive Mayor, ald T van Essen

Deputy Executive Mayor, ald M S I Goliath

Bekebu, Z (ANC)

Bess, D G (DA)

Daniels, C (DA)

De Beer, J M (DA)

Fortuin, C B (DA)

Maart, E S M (DA)

Mfutwana, L E (EFF)

McQuire, V D (DA)

Papers, C H (DA)

Penxa, B J (ANC)

Philander, D B (ANC)

Smit, N (DA)

Sneewe, A M (ANC)

Solomons, P E (DA)

Stanley, B J (DA)

Stemele, O M (DA)

Van der Westhuizen, R F (DA)

Van Zyl, M (DA)

Zatu, N S (ANC)

Officials:

Municipal Manager, mr J J Scholtz

Director: Electrical Engineering Services, mr R du Toit

Director: Civil Engineering Services, mr L D Zikmann

Director: Financial Services, mr M A C Bolton

Director: Security Services, mr P A C Humphreys

Director: Corporate Services, ms M S Terblanche

Director: Development Services, mr J T Steenkamp

Manager: Secretarial and Records, ms N Brand

1. OPENING

The Speaker requested a minute's silence in remembrance of the iconic Winnie Madikizela-Mandela who passed away on 2 April 2018.

The Speaker welcomed the Executive Mayor, the Deputy Executive Mayor, councillors, officials and the media.

Cllr D B Philander opened the meeting with a scripture reading and a prayer at the request of the Speaker.

The Speaker congratulated cllr C H Papers who celebrated his birthday on 3 April.

2. APOLOGIES

Apology received from cllr F S Humphreys.

3. DEPUTATIONS/DECLARATIONS AND COMMUNICATIONS/SUBMISSIONS

3.1 SUBMISSION BY THE MUNICIPAL MANAGER: WATER SITUATION

The Speaker gave the Municipal Manager, mr J J Scholtz, the opportunity to make a presentation in respect of the provision of water from the Misverstand Dam to the relevant towns on the West Coast.

3.1/...

The Municipal Manager explained that the submission is twofold, firstly to inform councillors in respect of the water situation and secondly to acknowledge the law enforcement officers, who were attending the meeting, for their efforts during the past week.

Background was provided in respect of the decision by the Department of Water Affairs to release 5 million m³ from the Berg River in order to supply the Misverstand Dam because water released from the Voëlvelei Dam, for this purpose, had failed.

It is also important at this stage to empower the municipal law enforcers, in accordance with the Water Services Act, to act against culprits who are taking water illegally from the Berg River.

The Municipal Manager made use of the opportunity to thank the Municipal Manager of the West Coast District Municipality, mr D Joubert, for co-ordinating the process. This modus operandi, in which five local authorities, provincial departments and national departments were involved, is seen as the best practise to date of co-operative governance in which the goal to provide water to the Misverstand Dam over a distance of 138 km was achieved.

The presentation by the Municipal Manager included photos of the release of water from the Berg River Scheme, and the arrival of the water at various points on the Berg River and into the Misverstand Dam. The presentation also showed disturbing photos of illegal structures in the Berg River set up in order to irregularly extract water from the Berg River, mainly for agricultural purposes.

In closing, the Municipal Manager, on behalf of the Management Team and the Council, praised the law enforcers who were on duty for long hours during the week to monitor the flow of water to the Misverstand Dam, in order to ensure that the allocated water reached the dam.

FOR INFORMATION

4. MINUTES FOR APPROVAL

4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 29 MARCH 2018

RESOLUTION

(proposed by cllr M van Zyl, seconded by cllr E S M Maart)

That the minutes of an Ordinary Council Meeting held on 29 March 2018 are approved and signed by the Speaker.

5. REPORT IN RESPECT OF THE DELEGATED DECISION MAKING BY THE EXECUTIVE MAYOR

RESOLUTION

That note is taken of the decisions made by the Executive Mayor in accordance with his delegated power with reference to the following minutes:

5.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 14 MARCH 2018, read in conjunction with MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 7 MARCH 2018

6. REPORT IN RESPECT OF THE DELEGATED DECISION MAKING BY THE MUNICIPAL MANAGER

RESOLUTION

That note is taken of the decisions made by the Municipal Manager in accordance with his delegated power with reference to the following minutes:

6.1 MINUTES OF A TENDER AWARD COMMITTEE MEETING HELD ON 8 MARCH 2018

7. MATTERS FOR DISCUSSION

7.1 QUARTERLY REPORT (ARTICLE 52 OF MFMA): JANUARY TO MARCH 2018 (7/1/2/2-2)

The presentation of the quarterly report to the Council is prescribed in article 52(d) of the Local Government Act: Municipal Financial Management Act, Act 56 of 2003 (MFMA).

With the permission of the Speaker there followed a question and answer session between cllr D B Philander and officials with reference to aspects from the Article 52 report, inter alia, the impact of the growing film industry and associated policy adjustments, the envisaged Organizational Enquiry in accordance with the 2017-2022 IDP and the Article 78 enquiry in respect of sustainable bulk water supply.

The Executive Mayor, ald T van Essen, interrupted the meeting on a point of order and stated that cllr Philander contravened the Rules for the Holding of Meetings because it is not permitted that the same councillor continual asks questions in respect of a matter.

Cllr D B Fortuin explained that the Public Accountability Committee (MPAC) met on Tuesday 24 April 2018 in order to deal with the Article 52 report, and the meeting was not attended by any of the ANC committee members. Cllr Fortuin confirmed that the MPAC serves as a platform for dealing with the Article 52 report in depth and in so doing to enable the MPAC members to fulfil their oversight role.

The Speaker ruled that there would be no further discussion in respect of the article 52 report.

Cllr Z Bekebu objected and considered the decision made by the Speaker unfair, because council meetings are held in order to discuss council matters.

The Speaker gave cllr C B Fortuin the opportunity, as chairman of the Public Responsibility Committee (MPAC), to present the item.

RESOLUTION

(proposed by cllr C B Fortuin, seconded by cllr B J Stanley)

That Council takes cognisance of the attached quarterly report, as required by Section 52 of the Municipal Finance Management Act, Act 56 of 2003 in respect of the implementation of the budget as well as the performance against the Top Layer Service Delivery and Budget Implementation Plan of the municipality for the period 1 January 2018 to 31 March 2018.

7.2 MUNICIPAL DEMARCATION 2017-2021 (17/17/1/1)

The Municipal Demarcation Board indicated that no fundamental re-demarcation of municipal boundaries is envisaged, except mere technical realignments.

The attached Circular 1 of 2018 has been received from the Municipal Demarcation Board in which the process which will be followed, in order to enlighten role players in respect of the technical realignment of municipal boundaries, was explained.

The Municipal Manager, mr J J Scholtz, gave a detailed illustration of the proposed realignment of municipal boundaries.

RESOLUTION

(proposed by cllr V D McQuire, seconded by cllr C Daniels)

(a) That note is taken

(i) of the contents of Circular 1/2018 from the Municipal Demarcation Board in respect of the planned programme for the technical municipal boundary realignment processes;

- (ii) that complaints/comments in respect of the proposed realignment of the municipal boundaries must be submitted to the Demarcation Board, in the prescribed format, not later than 28 April 2018;
- (b) That, with reference to the maps received from the Demarcation Board on which the proposed amendments are shown, the following comments have been submitted to the Demarcation Board as the opinion of the Council.

SHORT DESCRIPTION ON MAP FROM DEMARCATION BOARD	OPINION OF SWARTLAND MUNICIPAL COUNCIL
DEM6303: Proposed realignment of municipal boundaries in order to incorporate the portion of Farm Botterkloof, which is at present in Drakenstein Municipality, into Swartland Municipality's area of jurisdiction.	The Council supports the incorporation of this area into Swartland Municipality's area of jurisdiction (WC015) – entails a technical realignment of boundaries.
DEM6316: Proposed realignment of municipal boundaries in order to incorporate a portion of the Farm 565, which is at present in Swartland Municipality's area of jurisdiction, into the City of Cape Town's area of jurisdiction – coastal reserve/unregistered governmental land.	The Council does not support the incorporation of this area into the City of Cape Town – does not entail a technical realignment.
DEM6317: Proposed realignment of municipal boundaries in order to incorporate a portion of Farm Modderfontein 27 which is currently in Swartland Municipality's area of jurisdiction into the City of Cape Town's area of jurisdiction.	The Council supports the exclusion of this area from Swartland Municipality's area of jurisdiction, because it entails a technical realignment of municipal boundaries.
DEM6318: Proposed realignment of municipal boundaries in order to incorporate a portion of Farm Mosselbank 906 which is currently in Swartland Municipality's area of jurisdiction into the City of Cape Town's area of jurisdiction.	The Council supports the exclusion of this area from Swartland Municipality's area of jurisdiction because it entails a technical realignment of municipal boundaries.
DEM6319: Proposed realignment of municipal boundaries in order to incorporate Portion 10 of the Farm Munniks Dam 908 which is currently in Swartland Municipality's area of jurisdiction into the City of Cape Town's area of jurisdiction.	The Council does not support the exclusion of this area from Swartland Municipality's area of jurisdiction – does not entail a technical realignment. Although Swartland Municipality is aware of the fact that City of Cape Town has in mind to establish a refuse dump on this portion of land, there has been no effort from City of Cape Town to consult with Swartland Municipality in respect of this matter.
DEM6320: Proposed realignment of municipal boundaries in order to incorporate a portion of Farm 1092, which is currently in City of Cape Town's area of jurisdiction, into Swartland Municipality's area of jurisdiction.	The Council supports the incorporation of Farm 1092 into Swartland Municipality's area of jurisdiction (WC015) – because it entails a technical realignment of municipal boundaries.

7.3 PROPOSED ALIENATION OF MUNICIPAL IMMOVABLE PROPERTY (RESIDENTIAL PROPERTIES) IN MALMESBURY (12/2/5/4-8/17)

In 2017, a tender was called for the alienation of erf 3109, Kameelboom Street, Malmesbury, but the successful tenderer was not able to get the necessary financing and the deal fell through.

7.3/...

In the case of the under-mentioned erven in Dalsig, Malmesbury, this erf was not included in the properties available during the auction which took place in March 2015.

It is therefore the intention to sell the following residential properties by means of a public auction.

RESOLUTION

(proposed by cllr J M de Beer, seconded by cllr C Daniels)

- (a) That in-principle approval be granted by Council in terms of Section 14 of the Municipal Finance Management Act, 2003 and the By-law and Policy relating to the Transfer of Municipal Assets for financial offers to be invited by means of public tenders for the disposal of the following vacant immovable (residential) properties in Malmesbury:
- Erf 3109 (713 m² in extent), Kameelboom Street
 - Erf 10388 (411 m² in extent), Fynbos Street
 - Erf 10335 (511 m² in extent), Fynbos Street
 - Erf 10354 (400 m² in extent), Klipkoppie Close
 - Erf 10357 (399 m² in extent), Klipkoppie Close
- (b) That cognizance be taken that the properties to be sold have been identified from the outset for alienation as residential properties in terms of its zoning and at no stage have been earmarked for the provision of a minimum or any other level of basic municipal services;
- (c) That, as was the case with the other residential properties which were sold over the past two years in Dalsig and Newclair, the reserve prices for the five properties concerned also be determined at 70% of the municipal valuation (date of valuation: 1 July 2015), for the following reasons:
- Said erven were not developed in the recent past, but have been vacant for many years (Newclair erven since 1987) and the development costs of same have thus been fully recovered;
 - The desire exists to give potential entry level buyers the opportunity to enter the property market, particularly as some of them fall within the so-called "GAP" category;
 - Cognizance is taken of the income which is lost due to the fact that the erven are unoccupied and do not have no owners who bears a responsibility in respect of availability charges and liquidated damages;
- (d) That the reserve prices (VAT exclusive) for the properties therefore be determined as follows, which reserve prices are considered by Council to fairly represent the market value of same:

Erf 3109	R136 150,00
Erf 10388	R89 250,00
Erf 10335	R102 900,00
Erf 10354	R87 850,00
Erf 10357	R87 500,00

- (e) That Council's intention to offer the properties for sale by means of a public competitive process be published for comment and/or objections;
- (f) That authorization be given as follows:
- (i) to the Executive Mayoral Committee to
- to deal with any comments and/or objections received in respect of the proposed transactions; and
 - to evaluate and consider for adoption the offers received in respect of the properties, and to finalise a decision regarding the transfer of the assets;

7.3(f)/...

- (ii) to the Director: Corporate Services to finalise the conditions of sale for tender purposes with all the relevant internal role-players, as well as Council's attorney;
- (g) That approval be granted that should the properties remain unsold after the competitive process, it be sold out-of-hand on a 'first come first serve' basis at the reserve prices as aforementioned, provided that the Municipality shall make known its intention to sell the erven out-of-hand from a given date, and further provided that the sale of such properties shall be limited to one erf per purchaser and the reservation of properties for a specific purchaser shall be limited to a period of one calender month.

**SIGNED
SPEAKER**