1. OPENING

The Speaker welcomed Ds Jacobus Snyders from Nederduitse Gereformeerde Kerk, Swartland Moedergemeente, who opened the meeting with a scripture reading and a prayer.

A further word of welcome was extended to the Executive Mayor, the Deputy Executive Mayor, aldermen, alderdames, councillors, officials and members of the public. A special word of welcome was extended to the representatives from the Office of the Auditor General, ms Gina Schultz and mr Preston Wareley, as well as mr Theron, a former member of the External Audit Committee.

The Speaker congratulated councillors and officials who had celebrated birthdays in December and January, with special mention of clr D G Bess who was celebrating her birthday on that day.

2. APOLOGIES

Apologies received from clrs F S Humphreys, B J Stanley, D B Philander and Z Bekebu.

3. DEPUTATIONS/DECLARATIONS AND COMMUNICATIONS/SUBMISSIONS

3.1 INCOME PROTECTION AND LOSS MANAGEMENT OFFICIAL: MS BELINDA MARAIS (11/1/1/20)

The Speaker gave the Director: Electrical Engineering Services, mr R du Toit, the opportunity to introduce the Municipality’s Income Protection and Loss Management Official, ms B Marais, to the Council.
Ms Marais is the chairman of the Western Cape branch of the **Southern African Protection Association** (SARPA) and represents the latter on the executive council of the **Association of Municipal Electricity Utilities** (AMEU).

Ms Marais had the honour of being nominated President Elect of SARPA in November 2018 in recognition of her proficiency, contributions and commitment to the relevant field of income protection and loss management. SARPA is a prominent and respected national organization with membership and representatives from local, provincial and national government spheres, SALGA, ESKOM, SAPS, Southern African and international countries, private organizations, specialists, etc.

The Council wishes to thank Ms Marais for her hard work and outstanding contributions in the field of income protection and loss management, which are of huge benefit to Swartland Municipality.

The Director: Electrical Engineering Services presented Ms Marais with the appointment letter as President Elect of SARPA.

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### FOR INFORMATION

#### 4. MINUTES FOR APPROVAL

**4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 25 OCTOBER 2018**

**RESOLUTION**

(proposed by alderdame M van Zyl, seconded by clr C B Fortuin)

That the minutes of an Ordinary Council Meeting held on 25 October 2018 are approved and signed by the Speaker.

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**4.2 MINUTES OF A SPECIAL COUNCIL MEETING HELD ON 13 DECEMBER 2018**

**RESOLUTION**

(proposed by clr E S M Maart, seconded by alderdame M S I Goliath)

That the minutes of a Special Council Meeting held on 13 December 2018 are approved and signed by the Speaker.

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#### 5. REPORTING 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, in the following minutes:

**5.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR’S COMMITTEE HELD ON 18 OCTOBER 2018,**

Read in conjunction with **MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 18 OCTOBER 2018**

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#### 6. REPORTING 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, in the following minutes:

**6.1/…**
6.1 MINUTES OF A MEETING OF THE TENDER AWARD COMMITTEE HELD ON 27 SEPTEMBER 2018

6.2 MINUTES OF A MEETING OF THE TENDER AWARD COMMITTEE HELD ON 25 OCTOBER 2018

7. MATTERS FOR DISCUSSION

7.1 SUBMISSION OF THE DRAFT ANNUAL REPORT: 2017/2018 FINANCIAL YEAR (7/1/1/1)

The 2017/2018 Annual Report is drawn up in accordance with the format prescribed in MFMA Circular 63 dated 26 September 2012, and is submitted in accordance with article 127(2) of the Local Government: Municipal Financial Management, Act 56 of 2003 (MFMA).

The draft annual report was circulated separately from the agenda, to all councillors.

The Speaker gave the Municipal Manager the opportunity to present certain highlights in the report to the Council.

The Municipal Manager explained that the presentation of the draft annual report is the reason for the visit from the Office of the Auditor General to the Council, because the audit report forms an integral part of the annual report.

The steps to carry out the public participation process prior to drawing up the oversight report by the Municipal Public Accountability Committee (MPAC) and final approval of the annual report by the Council was highlighted by the Municipal Manager.

The Municipal Manager explained that one of the highlights is that Swartland Municipality has succeeded in spending more than 90% of the capital budget in a financial year for the last 6-7 years. The Director: Civil Engineering Services had the challenge of spending 70% of MIG funding in respect of the 2018/2019 financial year by December 2018 in order to be in line for additional grants. These grants are the result of the inability of other municipalities to spend MIG funds, and the Swartland Municipality has applied and motivated to receive a further R 9.7 million – the outcome is still awaited.

The Municipal Manager also dealt with the amendments to the draft annual report, which have been proposed by the Office of the Auditor General.

The Executive Mayor expressed his disappointment in the Office of the Auditor General because the audit findings are not consistent. The Executive Mayor referred specifically to the interpretation of “late submission” of financial statements, where some municipalities which submitted their financial statements late were not penalised, but Swartland Municipality was.

The Executive Mayor confirmed that an instruction has been given to institute legal proceedings against the findings of the Office of the Auditor General, and that no further amounts will be paid in respect of the audit, before the legal opinion has been given.

It was also stated that the Office of the Auditor General should have sent out the final management letter on 30 November 2018, but Swartland Municipality only received it on 24 January 2019.

In view of the rumours to which the Executive Mayor referred, the Speaker called the latter to order and requested that the item is tabled, where after the reference to the rumours was rescinded.

RESOLUTION
(proposed by clr O M Stemele, seconded by ald R F van der Westhuizen)

(a) That cognisance be taken of the annual report in respect of the 2017/2018 financial year, as tabled in terms of section 127(2) of the MFMA, and of which the tabling is done in the format as prescribed by National Treasury’s MFMA Circular 63 of 2012;
(b) That cognisance be taken of the following steps to be taken in terms of section 130 of the MFMA, being
(i) disclosure of the annual report;
(ii) inviting the public to submit representations in connection with the report;
(iii) inviting the public and relevant organs of state to attend the special council meeting on 28 March 2019, when the annual report and oversight report will be discussed;
(iv) submission of the annual report to the Auditor-General, provincial treasury and the provincial department responsible for local government;

(c) That the MPAC be authorized in terms of section 79(2)(d) of the Structures Act, 1998 to co-opt advisory members who are not members of the council, including the following:
(i) the external financial audit committee;
(ii) two ward committee members to be co-opted on the performance assessment panel;

(d) That the members of the ward committees also be extended an invitation to attend (1) the MPAC-meeting on the above date and (2) the special council meeting on 28 March 2019;

(e) That councillors who are not members of the MPAC take note that they should also be conducting their own review of the report by inter alia having discussions with their constituents, ward committees and ward representatives to encourage inputs and comments for consideration at the full council meeting on 28 March 2019.

7.2 QUARTERLY REPORT (ARTICLE 52 OF MFMA): OCTOBER - DECEMBER 2017 (7/1/2/2-2)

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

The submission of the report to the Council serves as one of the Executive Mayor's general responsibilities in order to inform the Council with respect to the implementation of the budget and the state of the Municipality's financial matters

The quarterly report in respect of Quarter 2 as at 31 December 2018 was circulated with the agenda.

RESOLUTION
(proposed by clr C B Fortuin, seconded by clr V D McQuire)

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 October 2018 to 31 December 2018.

7.3 HALF YEARLY BUDGETS AND PERFORMANCE EVALUATIONS (2/4/2)

Article 72(1) of the MFMA stipulates that the accountable officer must evaluate and submit to the Executive Mayor the performance of the Municipality during the first half of the financial year, by the 25 January of each year.

The executive mayor must in turn present the evaluation report to the municipal council by 31 January every year, in accordance with article 54(f) of the MFMA.

The Half Yearly Budgets and Performance Report are drawn up in accordance with the prescription of the Municipal Budget and Reporting Regulations (General Notice 393 promulgated in the Government Gazette dated 17 April 2009).

Resolution/…
RESOLUTION
(proposed by clr V D McQuire, seconded by clr C H Papers)

That cognizance be taken of the mid-year budget and performance assessment i.r.o. the first half of the 2018/19 financial year and more specifically the need to revise the original budget by way of an adjustments budget.

7.4 APPROVAL OF THE 2018/2019 HALF YEARLY ADJUSTED CAPITAL AND OPERATING BUDGETS: TECHNICAL RECOMMENDATIONS (5/1/1/1, 5/1/1/2)

The 2018/2019 half yearly Adjusted Capital and Operating Budgets were considered during the Executive Mayor’s Committee Meeting held on 23 January 2019, for approval by the Council.

The adjusted budget is presented in accordance with article 28 of the MFMA, after the performance of the Municipality during the first half of the financial year has been evaluated – refer item 7.3.

The Speaker brought the matter to the vote and it was decided (in the absence of 4 councillors) with 15 councillors in favour thereof, and four councillors who abstained from voting.

RESOLUTION
(proposed by alderdame M van Zyl, seconded by clr C B Fortuin)

(a) That the Budget Steering Committee convened after having considered the explanations and motivations provided by the financial staff and other directors;

(b) That it be noted that the changes in the budget will have no impact on tariffs in respect of the 2018/2019 financial year but will result in an increase in the budgeted surplus from R 10 914 610 to a budgeted surplus of R 16 149 238;

(c) That the unauthorised expenditure illustrated under 2.5 (a) be approved as part of this adjustments budget of 2018/2019 in line with section 32(2)(a)(i) of the Act;

(d) That the adjusted budget schedules as required by the Budget and Reporting Regulations be approved as well as the correction of the differences identified during the verification process of the original budget schedules;

(e) That the adjusted budget schedule as required by the Budget and Reporting Regulations be approved as set out in Annexure C as well as the correction of the differences identified during the verification process of the original budget schedules;

(f) That the Director: Financial Services adhere to the requirements of the Budget Circulars and Budget Reforms in the context of the reporting requirements to Provincial and National Treasury;

(g) That the Service Delivery Budget Implementation Plan (SDBIP) where appropriate be amended accordingly;

(h) That approval be granted to amend the high-level capital and operating budget for 2018/2019 as follows:

Table/…
The purpose in respect of the proposed amendment to the Municipal Spatial Development Framework (SDF) is to give direction and guidance to spatial developments with specific reference to housing, institutional and cemetery short comings.

The submission to the Council of the proposed amendments aims to obtain approval in principle in order to carry out the public participation process.

RESOLUTION
(proposed by clr N Smit, proposed by clr V D McQuire)

(a) That note is taken of the status quo of the 2017-2022 Municipal Spatial Development Framework (SDF) and the proposed amendment with specific reference to the focus areas, namely (1) housing; (2) institutional needs and (3) cemetery needs;

(b) that approval is given that the first draft amendment to the 2017-2022 SDF is made available, in terms of paragraph 7(1)(b) of the Swartland Municipality: Regulation on Municipal Land Usage Planning (PK 7741 dated 3 March 2017), for public comment;

(c) That the proposed amendment to the SDF is made available to the Provincial Minister and other state organs for comment;

(d) That the time period for the public participation process will be from February to March 2019 and that open days will be held in most of the towns in the Swartland Municipal area as per the attached schedule;

(e) That the attached schedule for the public participation process will be adjusted to include the towns of Riverlands, Kalbaskraal, Koringberg and Ruststasie.

The Supply Chain Management Policy is revised on an annual basis in order to keep pace with the latest legal requirements and relevant conditions. The amendments deal with the handling of departures from the prescribed procurement processes in accordance with paragraph 36 of the policy.

The amended policy was circulated with the agenda.

RESOLUTION
(proposed by clr O M Stemele, seconded by clr E S M Maart)

That the proposed amendments to Council's Supply Chain Management Policy in Paragraph 36(1)(e), as presented in Appendix A, be approved with immediate effect, and Paragraph 2(6)(d) with effect from 1 May 2019.
7.7 SUBMISSION OF THE DRAFT REGULATION IN RESPECT OF PUBLIC NUISANCES (1/1)

In revising of the Regulation in respect of Public Nuisances during 2015, the Council was advised to omit the keeping of animals, specifically dogs, in the relevant regulation, because this was already partially regulated by the Regulation in respect of Municipal Land Usage Planning.

The experience is however that this causes a public nuisance, particularly in respect of the number of dogs which can be kept on a property, and that the regulation must again be revised in order to address the existing short coming.

The amended regulation was circulated with the agenda.

RESOLUTION
(proposed by alderdame M van Zyl, seconded by clr P E Solomons)

(a) That the draft By-law with respect to Public Nuisances be submitted to the Council for approval in principle on 31 January 2019;

(b) That, after approval in principle by the Council, the draft by-law be advertised for public comment in terms of section 12(3)(b) of the Systems Act, 2000 both in the local media and on the municipal website.

7.8 RESIGNATION OF CLR N SMIT AS REPRESENTATIVE OF SWARTLAND MUNICIPALITY ON WEST COAST DISTRICT COUNCIL (3/3/1/1)

A letter dated 21 January 2019 has been received from clr N Smit in respect of her resignation as representative of the Swartland Municipality on the West Coast District Council with immediate effect.

Article 11(1)(a) and (b) of Appendix 2 of the Local Government Act: Municipal Structures (Act 117 of 1998) determines the process in respect of filling of a vacant post on district councils.

RESOLUTION
(proposed by clr N Smit, seconded by alderman R F van der Westhuizen)

(a) That the resignation of clr N Smit as representative on the West Coast District Council is noted and that the resignation is accepted accordingly;

(b) That the chief election officer is notified of the resignation and the IEC is requested to declare the next candidate on the list, namely clr C H Papers, as representative of the Swartland Municipality on the West Coast District Council;

(c) That the West Coast District Municipality is notified of the actions of the chief election officer in order to inform the IEC.

7.9 MOTION RECEIVED: (1) AMENDMENT TO PORTFOLIO COMMITTEES; (2) AMENDMENT IN RESPECT OF REPRESENTATIVES ON THE INTERNAL AND EXTERNAL COMMITTEES; (3) AMENDMENT IN RESPECT OF MEMBERS OF THE PUBLIC ACCOUNTABILITY COMMITTEE (MPAC); (4) APPOINTMENT OF COUNCILLOR TO WEST COAST DISTRICT COUNCIL (3/2)

The Executive Mayor, ald T van Essen, tabled the motion before the Council and explained that the amendment to the portfolio committees aims to put greater focus on the welfare of people, with the establishment of the Development Services Portfolio Committee.

The Speaker brought the matter to the vote and it was decided (in the absence of 4 councillors) with 15 votes in favour thereof, and four councillors who abstained from voting.

Resolution/...
RESOLUTION
(proposed by alderman T van Essen, seconded by alderdame M S I Goliath)

(a) That the following section 79 committees be established by Council effective from 1 February 2019, with the powers as set out in Annexures C to F hereto:

1. Municipal Manager, Administration and Finance Committee (Annexure B)
2. Civil and Electrical Committee (Annexure C)
3. Development Services Committee (Annexure D)
4. Protection Services Committee (Annexure E)

(b) That the following councillors be appointed to the various committees, limited to a maximum of eleven members per committee, in the capacities and to represent the parties as indicated:

1. Municipal Manager, Administration and Finance Committee:
   - Chairman: cllr C Daniels (DA)
   - Vice Chairman: alderlady M van Zyl (DA)
   - Members:
     - alderlady M S I Goliath (DA) / cllr C H Papers (DA) / cllr M A Rangasamy (DA) / cllr J M de Beer (DA) / alderman R F van der Westhuizen (DA) / cllr C B Fortuin (DA)
     - cllr L E Mfutwana (EFF)
     - cllr …………….. ANC
     - cllr …………….. ANC

2. Civil and Electrical Services Committee:
   - Chairman: cllr N Smit (DA)
   - Vice Chairman: alderman R F van der Westhuizen (DA)
   - Members:
     - alderlady M S I Goliath (DA) / cllr B J Stanley (DA) / cllr E S M Maart (DA) / cllr C Daniels (DA) / cllr D G Bess (DA) / cllr O M Stemele (DA)
     - cllr L E Mfutwana (EFF)
     - cllr …………….. ANC
     - cllr …………….. ANC

3. Development Services Committee:
   - Chairman: cllr J M de Beer (DA)
   - Vice Chairman: cllr O M Stemele (DA)
   - Members:
     - alderlady M S I Goliath (DA) / cllr N Smit (DA) / cllr E S M Maart (DA) / cllr V D McQuire (DA) / cllr P E Solomons (DA) / cllr C B Fortuin (DA)
     - cllr L E Mfutwana (EFF)
     - cllr …………….. ANC
     - cllr …………….. ANC

4. Protection Services Committee:
   - Chairman: cllr D G Bess (DA)
   - Vice Chairman: cllr P E Solomons
   - Members:
     - alderlady M S I Goliath (DA) / alderlady M van Zyl (DA) / cllr C H Papers (DA) / cllr B J Stanley (DA) / cllr M A Rangasamy (DA) / cllr V D McQuire (DA)
     - cllr L E Mfutwana (EFF)
     - cllr …………….. ANC
     - cllr …………….. ANC

(c) That representatives from among the councillors be appointed to the various committees and/or external bodies as indicated on the attached motion (Annexure A) and that the relevant internal and external committees be notified of the change in membership;

(d) That the opposition parties be requested to submit the names of councillors to service on the various committees and external bodies before the Portfolio Committee Meetings of 13 February 2019.

7.10/…
7.10 MOTION: AMENDMENT TO THE TERMS OF REFERENCE: MUNICIPAL PUBLIC ACCOUNTABILITY COMMITTEE (3/2/2)

The Municipal Public Accountability Committee (MPAC) was established by the Council on 29 November 2012, where after the committee’s terms of reference was approved on 30 January 2014.

As a consequence of the amendment to the committee structure referred to in item 7.9, the composition of the MPAC and the relevant MPAC terms of reference, must be amended.

The Speaker brought the matter to the vote and it was decided (in the absence of 4 councillors) with 15 votes in favour thereof, and four councillors who abstained from voting.

RESOLUTION
(proposed by clr C B Fortuin, seconded by clr C Daniels)

(a) That the following councillors be appointed on the MPAC, namely

Chairperson: Cllr D B Fortuin (DA)
Vice Chairperson: Cllr C Daniels (DA)
cllr C H Papers (DA) / cllr N Smit (DA) / cllr J M de Beer (DA) / cllr D G Bess (DA)
cllr L E Mfutwana (EFF)
Cllr ……………………. (ANC)
Cllr ……………………. (ANC);

(b) That cognisance be taken that the composition of the MPAC is determined by the Terms of Reference as approved by Council in 2014, but that the opportunity be given to the newly appointed committee to review the terms of reference;

(c) That training by Province or SALGA be arranged for the newly appointed members in order to equip them to give effect to paragraph (b);

(d) That the revised Terms of Reference for the MPAC be submitted to Council for approval.

7.11 REMUNERATION FOR COUNCILLORS: 2018/2019 FINANCIAL YEAR (5/10/1)

Government Notice No 1426 promulgated in Government Gazette 42134 dated 21 December 2018, together with the implications which the increased grants and fringe benefits would mean for the Municipality as a grade 4 local authority, in respect of the 2018/2019 financial year, were circulated with the agenda.

The Municipal Manager confirmed, as in the past, that national and provincial platforms are used to put pressure on the Minister to promulgate the notice in respect of councillors’ remuneration, earlier.

The Speaker brought the matter to the vote and it was decided (in the absence of 4 councillors) –

UNANIMOUS DECISION
(proposed by clr V D McQuire, seconded by clr J M de Beer)

(a) That the contents of Government Notice No 1426 as published in Government Gazette 42134 dated 21 December 2018 be noted, as well as the implications of same in respect of the increased allowances and benefits payable in respect of the 2018/19 financial year by the Municipality as a Grade 4 local authority, as explained in Annexure B to this report;

(b) That, with reference to the motion as tabled under item 7.9 of the agenda regarding the appointment of four additional section 79 committee chairpersons with effect from 1 February 2019, cognisance be taken of the financial implications of same, as contained in the amended Annexure B that was distributed to councillors;
That cognizance be taken that adequate provision, i.e. R10 557 970.00 has been made in the 2018/19 operating budget in order to cover the increased allowances and benefits to the amount of R10 391 579.66, including the appointment of said section 79 chairpersons and that the implementation of same thereof be approved, with retrospective effect from 1 July 2018;

(d) That approval be granted that the monthly allowance of R300 in respect of data bundles (with specific reference to paragraph 7.3 of the report) be paid to all councillors in terms of the Tools of Trade Policy;

(e) That the consultation prescripts of the MEC for local government be complied with in order to obtain the latter's approval for the implementation of the amended allowances and benefits;

(f) That the Municipal Manager ensures that the information required in terms of Paragraph 18 of the Government Notice be submitted to the MEC for local government.

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

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, and annually thereafter, as well as gifts over the value of R1 000.00.

RESOLUTION
(proposed by alderman T van Essen, seconded by clr N S Zatu)

(a) That councillors again take cognisance that any changes in the nature or detail of the financial interests of a councillor referred to in Item 7 of the Code of Conduct for Councillors, must be **declared in writing to the Municipal Manager annually**, including gifts received by such councillor in excess of R1 000.00;

(b) That cognisance be taken that any changes to the particulars referred to in paragraph (a) must be submitted to the Director: Corporate Services by no later than 13 February 2019.

SIGNED
SPEAKER