



MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD IN THE TOWN HALL, MALMESBURY ON WEDNESDAY, 17 APRIL 2019 AT 10:15

PRESENT:

Executive Mayor, ald T van Essen (chairman)
Deputy Executive Mayor, add M S I Goliath

Members of the Mayor's Committee:

Clr P E Solomons
Clr O M Stemele
Ald R F van der Westhuizen
Add M van Zyl

Other councillors:

The Speaker, clr M A Rangasamy

Officials:

Municipal Manager, mr J J Scholtz
Director: Financial Services, mr M Bolton
Director: Electrical Engineering Services, mr R du Toit
Director: Civil Engineering Services, mr L D Zikmann
Acting Director: Development Services, mr A M Zaayman
Director: Protection Services, mr P A C Humphreys
Director: Corporative Services, ms M S Terblanche
Manager: Budget Office, ms H Papier
Manager: Secretarial and Record Services, ms N Brand

1. OPENING

The chairman opened the meeting.

2. APOLOGIES

No apologies received.

3. SUBMISSIONS/DEPUTATIONS/COMMUNICATIONS

None.

4. MINUTES

4.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR'S COMMITTEE HELD ON 20 MARCH 2019

RESOLUTION

That the minutes of an Ordinary Meeting of the Executive Mayor's Committee held on 20 March 2019 are approved and signed by the Mayor, subject to the following addition -

ITEM 7.25: AMENDMENT TO THE FRAMEWORK FOR THE IMPLEMENTATION OF PERFORMANCE MANAGEMENT (2/4/2)

4.1/...

RESOLUTION

- (b) That the service contracts in respect of the Municipal Manager, the Director: Financial Services and the Director: Civil Engineering Services are adjusted accordingly, as an addendum.

4.2 MINUTES OF AN PORTFOLIOS COMMITTEE MEETING HELD ON 10 APRIL 2019

[Corrections held over at the prerogative of the various committees.]

5. CONSIDERATION OF RECOMMENDATIONS AND MATTERS ARISING FROM THE MINUTES

5.1 MINUTES OF A PORTFOLIOS COMMITTEE MEETING HELD ON 10 APRIL 2019

5.1.1 MUNICIPAL MANAGER, ADMINISTRATION AND FINANCES

RESOLUTION that the Executive Mayor approves the recommendations in the relevant minutes.

5.1.2 CIVIL AND ELECTRICAL SERVICES

RESOLUTION that the Executive Mayor approves the recommendations in the relevant minutes.

5.1.3 DEVELOPMENT SERVICES

RESOLUTION that the Executive Mayor approves the recommendations in the relevant minutes.

5.1.4 SECURITY SERVICES

RESOLUTION that the Executive Mayor approves the recommendations in the relevant minutes.

6. MATTERS ARISING FROM THE MINUTES

None

7. NEW MATTERS

7.1 SERVICE DELIVERY AGREEMENT WITH THE WEST COAST DISTRICT MUNICIPALITY (WCDM) IN RESPECT OF THE EXISTING FIRE FIGHTING SERVICES MODEL, INCLUDING THE INCREASE OF FIRE FIGHTING TARIFFS BY WCDM AS OF 1 JULY 2019 (17/5/1/1)

The functions, with respect to the provision of fire fighting services respectively by a B municipality and a C municipality, are stipulated by legislation. In 2009 the Swartland Municipality and the West Coast District Municipality entered into a service delivery agreement to provide effective fire fighting functions for residents of the Swartland.

The service delivery agreement stipulated, inter alia, that when one authority supported the other in the case of fire or a related function, no costs would be charged to the authority being assisted.

The indication is that the West Coast District Municipality intends to terminate the service delivery agreement on 30 June 2019 and to implement excessive fire fighting tariffs, as advertised in the draft budget.

Resolution/...

7.1/...

RESOLUTION

- (a) That cognisance is taken that West Coast District Municipality have the intention to cancel the existing firefighting aid agreement on 30 June 2019;
- (b) That West Coast District Municipality be requested to extend the firefighting aid agreement (which are in place since 2009) until such time that the firefighting function is transferred to them, expected with effect from 1 July 2020;
- (c) That cognisance is taken of the intention of West Coast District Municipality to increase their firefighting tariffs (Annexure B as advertised) from 1 July 2019;
- (d) That the Municipal Manager formally objects to the exorbitant proposed firefighting tariffs inclusive of the potential levying of same with effect from 1 July 2019 by the West Coast District Municipality;
- (e) That the draft firefighting tariffs as per Annexure C hereto be approved as draft for purposes of soliciting public input and comment and for this purpose be advertised on the municipality's web page and other municipal offices as per the notice and that such period will close at 12 midday on 17 May 2019 to allow for inclusion into the final budget to be considered on 30 May 2019;
- (f) That the abovementioned be referred for decision making to the council meeting of 25 April 2019.

7.2 BIENNIAL REPORT FROM THE PERFORMANCE AND RISK AUDIT COMMITTEE FOR THE PERIOD ENDING 31 DECEMBER 2018 (5/15/1/3)

The Municipal Performance and Risk Audit Committee fulfils its function as an independent advisory body of the Council in accordance with article 166 of the Local Government Act: Municipal Financial Management, 2003.

The attached biennial report for the period 1 June 2018 to 31 December 2018 does not contain any recommendations to the Executive Mayor's Committee for further consideration and therefore -

RESOLUTION that note is taken of the biennial report from the Municipal Performance and Risk Audit Committee for the period ending 31 December 2018.

7.3 REPORT IN RESPECT OF THE IMPLEMENTATION OF THE SUPPLY CHAIN MANAGEMENT POLICY FOR THE PERIOD 1 JANUARY 2019 TO 31 MARCH 2019 (8/1/B/2)

Article 6(3) of the *Supply Chain Management* Regulations stipulates that the activities of the relevant division are reported quarterly to the Executive Mayor.

The chairman stated that the supply chain policy does not benefit local contractors, and that, within the legal framework, means must be considered to accommodate local contractors.

RESOLUTION

- (a) That cognisance is taken of the Quarterly Report in respect of the implementation of the Supply Chain Management Policy as envisaged by section 6(3) of the Regulations, as well as reports on the Formal Tenders (Annexure A), Informal Tenders (Annexure B), and the Deviation Report (Annexure C);

7.3/...

- (b) That cognisance is taken of the services rendered for the period 1 January 2019 to 31 March 2019 with reference to the exceptions where it is impractical to test the market and therefore justified a deviation from the procurement processes in terms of paragraph 2(6) of the Supply Chain Management Policy (Annexure D);
- (c) That the efforts implemented via the amendments to the SCM Policy insofar improved management oversight responsibilities in respect of deviations are concerned, be noted.

7.4. RESTRUCTURING: CAPE WEST COAST/SWARTLAND TOURISM ASSOCIATION (9/1/3/B)

Local tourism is a competency bestowed on local governments, in accordance with Attachment 4, Part B of the Constitution, 1996

There are various other legal stipulations, apart from the constitutional mandate, in order to ensure that local tourism is promoted, developed and administered by municipalities,

One of the strategic goals of the Swartland Municipality is inclusive economic growth, and tourism can play a huge role in furthering economic development. It is therefore important to comply with the request from the Cape West Coast/Swartland Tourism Association to revise the tourism model.

RESOLUTION

- (a) That the proposed tourism model as explained in this report be approved as a point of departure for the establishment of a new tourism model for the Swartland, which aligns with the strategic objectives in the 2017-2022 Integrated Development Plan;
- (b) That a service provider (facilitator) be appointed to consult with the tourism sector and other potential partners in order to finalise an appropriate model;
- (c) That it be recommended to Council that the Service Level Agreement between the municipality and Cape West Coast/Swartland Tourism Association be renewed for a year from 1 July 2019 until 30 June 2020, pending the above investigation.

7.5 FULFILMENT OF PURCHASE CONDITIONS: ERF 5520, PORTION OF ERF 1133, MOORREESBURG (12/2/5/5-9/2)

In 2015 a tender was awarded to Boland Diesel (Pty) Ltd for the development of a truck stop/petrol station in Piketberg Road, Moorreesburg, subject to certain purchase conditions.

The condition in respect of the development of the property within two years of registration (that is by 3 May 2019), for no less than R1 million, has not been fulfilled.

A meeting took place recently with a delegation from AfricOil (the owner of Boland Diesel (Pty) Ltd) and the former is still eager to continue with the development of erf 5520, Moorreesburg.

RESOLUTION

That a twelve month extension be granted to *AfricOil* (as owner of Boland Diesel) from 3 May 2019 to 3 May 2020 to fulfil the conditions of the deed of sale, based on the content of their letter, namely that

- (a) by no later than 3 May 2020, improvements be made on Erf 5520 to an amount not less than R1 million, and provided that there will be no material

7.5/(a)/...

- deviations from the original development proposal in accordance with the tender;
- (b) by no later than 3 October 2019, all the development designs and plans for the property be submitted to the Municipality for approval;
 - (c) by no later than 3 October 2019, the status of all licenses and operatorship related matters are communicated to the Municipality; and that
 - (d) *AfricOil* shall still be liable in terms of the agreement for the increased rates which are leviable from 3 May 2019.

7.6 TENDER L05/18/19: LEASE OF ERF 11228, MALMESBURY (12/2/4-8/4)

Erf 11228 (formerly known as camps 5, 6 and 7), Malmesbury, is presently leased as agricultural land according to a lease agreement. This agreement, which was signed on 1 March 2016, expired on 28 February 2019.

Erf 11228 was again made available for lease, per tender, from 1 May 2019 for a period not exceeding three years.

Two bids were received, namely:

- Walters Groep, De Gunst, Malmesbury R86 000,00 plus BTW
- Walters Broers, Bakenfontein, Malmesbury R50 000,00 plus BTW

RESOLUTION

- (a) That Tender L05.18.19 for the leasing of erf 1128, part of erf 327, Malmesbury (139,7603 hectares in extent) effective from 1 May 2019 for a period of three years until 30 April 2022 be awarded to the Walters Group, in the amount of R86 000,00 annually, plus VAT, subject to an annual escalation of 7%;
- (b) That approval be granted to the Director: Corporate Services to sign the lease agreement, in respect of which the lessor has already accepted the terms and conditions as part of its tender proposal, on behalf of the Municipality.

7.7 PROPOSED LEASE OF A PORTION OF ERF 483, MALMESBURY FOR PARKING PURPOSES: SA POST OFFICE (12/1/3-8/7)

In April 2016 the Executive Mayor's Committee approved the lease of 11 parking bays at the SA Post Office, Malmesbury, for municipal personnel accommodated in the Pep Stores building. The lease term was for a period of three years from 1 August 2016.

The SA Post Office has presented a renewal offer to the Municipality for acceptance no later than 30 April 2019.

The need to lease the parking bays has not changed and therefore it has been recommended at management level that the lease is renewed for a further period of two years and 11 months, in compliance with the conditions of article 33 of the MFMA.

RESOLUTION

- (a) That approval be granted for the eleven parking bays on a portion of erf 483, Malmesbury to be leased from the SA Post Office for a period of two years and eleven months with effect from 1 August 2019 at a lease amount of R2 539,73,00 per month, VAT excluded i.r.o. Year 1 (2019/20), subject to an annual escalation of 7%;
- (b) That the rental and once-off deposit be debited against vote number 9/220-785-2183 in the multi-year operating budget;
- (b) That cognizance be taken that adequate provision has been made for Year 2 and Year 3;

7.7/...

- (c) That the Director: Corporate Services be authorized to sign the agreement (or addendum to existing agreement) with the SA Post Office on the Municipality's behalf.

7.8 OUTSTANDING DEBTORS: MARCH 2019 (5/7/1/1)

A complete list of outstanding debtors was circulated with the agenda. .

RESOLUTION that cognizance be taken of the report with reference to the state of the outstanding debtors of Swartland Municipality for March 2019.

7.9 PROGRESS IN RESPECT OF OUTSTANDING INSURANCE CLAIMS (5/14/3/5)

In accordance with the Asset Management Policy outstanding insurance claims must be reported monthly.

RESOLUTION that cognizance be taken of progress in respect of outstanding claims for the period ending March 2019.

7.10 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURES: URGENT REPAIR WORK TO THE SUBMERSIBLE PUMP AT THE MALMESBURY SEWERAGE WORKS (8/1/B/2)

The functioning of the submersible pumps in the purification process at the Malmesbury Waste Water Treatment Works was explained in detail by the Director: Civil Engineering Services in the report circulated with the agenda.

The urgent repair work to the submersible pump was therefore necessary in order to prevent the dumping of raw sewerage.

RESOLUTION

- (a) That it be noted and the action of the Municipal Manager be condoned with regards to the repair of a submersible pump at the inlet works of the Malmesbury Wastewater Treatment Works by GW Trautman for the amount of R30 573.90 including VAT.
- (b) That the reason for the deviation from the prescribed procurement process be recorded as follows:
- (i) The submersible pump would have been left out of service for an extended period of time following due process;
 - (ii) This would have resulted in treatment process failure, the flooding of the sewerage drainage system and an interruption in the sewerage service;
 - (iii) The repair work to the pump had therefore to be handled as an emergency.
- (c) That it be noted that the expenditure was allocated mSCOA Code: 9/239-849-425 and that there is sufficient funding available for the quoted amount of R30 573.90 including VAT.
- (d) That the Senior Manager: Financial Statements and Control be instructed to include the above reason as a note to the financial statements, when same are compiled.

7.11 DEPARTURE FROM THE PRESCRIBED PROCUREMENT PROCEDURES: REPAIR OF THE CATERPILLAR 928H FRONT END LOADER, CK 43236 (8/1/B/2)

The front end loader, CK 43236 is used by the roads and storm water division for construction and maintenance work in Malmesbury and surrounding towns. The machine is at present out of order due to a mechanical fault.

7.11/...

Barloworld, as the original supplier and service agent for Caterpillar equipment in South Africa, were approached for a quotation for repairing the machine. Barloworld confirmed that the expectation is that the machine can achieve 18 000 working hours, and is standing at present at 4 182 service hours, which motivates the repair work.

RESOLUTION

- (a) That the action of the Municipal Manager be condoned with regards to the appointment of Barloworld Equipment for the repair work to the brakes of the rear differential of the Caterpillar 928H front-end loader CK 43236 on the basis of being the authorised agent and the extent of work having been performed to determine the appropriate cause of action;
- (b) That the reasons for the deviation from the prescribed procurement processes is that it would be impractical to follow the official procurement processes because of the extent of work Barloworld has done on the machine to be able to prepare the report and quotation and the fact that they are the authorised South African Agent;
- (c) That it be noted that the total cost as per the quoted amount of R234,610.02 (including VAT) was allocated to vote number 9/1-14-5;
- (d) That the Manager: Financial Statements and Control be instructed to include the aforementioned reason as a note to the financial statements at the time when the statements are compiled.

7.12 LEASE OF OFFICE ACCOMMODATION IN THUSONG CENTRE (12/1/3/1-11/1)

The Council leases a portion (110 m²) of the Thusong Centre in Ilinge Lethu, Malmesbury, to *South African Social Security Agency (SASSA)* for service to the relevant community.

The lease agreement expires on 1 July 2019 and SASSA has asked to lease the office space for a further period of three years.

RESOLUTION

- (a) That a portion of the Thusong Centre, Malmesbury (size 110m²) be leased out-of-hand to SASSA, with effect from 1 August 2019, for a further term of three (3) years for purposes of service delivery to the community;
- (b) That the tariff of R7018.50 per month plus VAT, escalating at 6% per annum, be approved;
- (c) That the conditions of lease remain unchanged.

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