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Municipality
Umasipala

**MINUTES OF A MEETING OF THE SWARTLAND MUNICIPAL COUNCIL HELD IN THE TOWN HALL,
MALMESBURY ON THURSDAY, 26 MAY 2022 AT 10:00**

PRESENT:

Speaker: ald M A Rangasamy
Executive Mayor, ald J H Cleophas
Deputy Executive Mayor, clr J M de Beer

COUNCILLORS:

Bess, D G (DA)	Penxa, B J (ANC)
Daniels, C (DA)	Pieters, C (ANC)
Duda, A A (EFF)	Pypers, D C (DA)
Fortuin, C (ANC)	Smit, N (DA)
Jooste, R J (DA)	Stanley, B J (DA)
Le Minnie, I S (DA)	Van Essen, T (DA)
Ngozi, M (ANC)	Van Zyl, M (DA)
O'Kennedy, E C (DA)	Warnick, A K (DA)
Papier, J R (GOOD)	

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: Protection Services, mr P A C Humphreys
Director: Corporate Services, ms M S Terblanche
Director: Development Services, ms J S Krieger
Manager: Secretarial and Records, ms N Brand

1. OPENING

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

Pastor Piet Smit opened the meeting with a scripture reading and prayer at the request of the Speaker.

The Speaker congratulated those who had celebrated birthdays during May.

2. APOLOGIES

RESOLUTION that apologies are accepted from clrs A M Booyesen, P E Soldaka and G Vermeulen.

3. DEPUTATIONS/DECLARATIONS AND COMMUNICATIONS/SUBMISSIONS

None

4. MINUTES FOR APPROVAL

4.1 MINUTES OF AN ORDINARY COUNCIL MEETING HELD ON 28 APRIL 2022

Resolution/...

4.1/...

RESOLUTION

(proposed by aldd M Van Zyl, seconded by clr E C O’Kennedy)

That the minutes of an Ordinary Council Meeting held on 28 April 2022 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 in the following minutes:

5.1 MINUTES OF AN ORDINARY MEETING OF THE EXECUTIVE MAYOR’S COMMITTEE HELD ON 21 APRIL 2022

read in conjunction with

MINUTES OF A MEETING OF THE PORTFOLIOS COMMITTEE MEETING HELD ON 13 APRIL 2022

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 in the following minutes:

6.1 MINUTES OF A TENDER AWARD COMMITTEE MEETING HELD ON 28 APRIL 2022

7. MATTERS ARISING FROM THE MINUTES

None.

8. MATTERS FOR DISCUSSION

8.1 APPROVAL OF THE PREVIOUS COUNCIL’S INTEGRATED DEVELOPMENT PLAN (WITH AMENDMENTS) AND AREA PLANS (2/1/4/4/1)

The Speaker opened the floor for questions with respect to the Integrated Development Plan (IDP) and area plans, whereupon the Municipal Manager explained the distributed part with replaced pages.

With reference to the Area Plan for Wards 8, 9, 10 and 11, Clr B J Penxa stated, that the capital spending in Ward 9 was welcomed, with specific reference to the electrification of areas, because this service is necessary for the coming winter. Clr Penxa requested a meeting with the ward councillor in order to get clarity on the project in respect of basic services for Phola Park (A,B and C).

The problems being experienced with the contactor of the De Hoop housing project were brought to the Council’s attention by clr B J Penxa.

The Executive Mayor, ald J H Cleophas, tabled the IDP (with amendments) and area plans according to the relevant legal requirements, and the approval thereof was brought to the vote by the Speaker and -

UNANIMOUS RESOLUTION

(a) That the Integrated Development Plan (IDP) of the previous Council (with amendments) be approved in terms of Section 25(3)(a) and (b) of the Municipal Systems Act (Act 32 of 2000); and

(b) That the revision of the area plans be approved.

8.2 TABLING OF THE FINAL MULTI-YEAR CAPITAL AND OPERATING BUDGETS-, AMENDED BUDGET AND RELATED POLICIES. PROPERTY RATES AND TAXES, TARIFFS AND OTHER LEVIES FOR 2022/2023, 2023/2024 AND 2024/2025 (5/1/1/1, 5/1/1/2 – 2022/23, 5/1/4)

[Note: for completeness and implementation of the resolution, the English version will be relied upon]

The Speaker gave the Executive Mayor, ald J H Cleophas, the opportunity to deliver his first State of the Municipality Address as Executive Mayor of the Swartland Municipality (see attached for sake of completeness).

The Executive Mayor referred to his manifesto, as presented during the first Council Meeting on 16 November 2021, and stated that the following matters included therein are already being addressed, namely:

- (1) Illegal dumping of refuse and cleaning projects in towns;
- (2) The *Siyamamela* project (we listen) – walking the streets in all the towns in order to listen to all the residents;
- (3) Safety and working hours of Traffic and Law Enforcement Services;

The spending of 96% of the capital budget and 95% of the operating budget in the 2021/2022 financial year was explained. The Executive Mayor thanked the tax payers, with reference to the payment rate of 96,7%, who had faithfully paid their municipal accounts.

The Executive Mayor stated that the Director: Financial Services is requested to allocate R250 000,00 to the Mayor's Office with which the following projects will be addressed:

- (1) Gender Based Violence – one of the first projects in South Africa where GBV ambassadors from each ward will be trained;
- (2) Grants to matriculants – prize awarding ceremony to honour the top three performers in each school in the Swartland municipal area;
- (3) *Golden Games*;
- (4) Sanitary towel drive – under the leadership of the Deputy Executive Mayor;
- (5) Promotion of sport – development of other sport codes and holding of Sport Consultations under the leadership of clr A K Warnick.

The Executive Mayor stated that the multi-year budget was drawn up under difficult economic circumstances with an inflation rate of 5,9% and continuing rise in fuel and food prices. The budget documents were tabled including the reference to property rates and taxes and tariff increases and the free services to destitute households (9 232 in total).

Ald Cleophas emphasised the growth in capital and operating budgets and the rise in capital expenditure from own Council funds from R 295,2 million to R 368 million over the multi-year period. The establishment of a swimming pool in Wesbank was emphasized because it was one of his dreams to bring the facility closer to the relevant community.

Assurance was given that the funds from the Council are optimally planned in order to realize the greatest impact for the community, because capital expenditure serves as a catalyst for job creation.

The approval of the multi-year capital and operating budgets, amended budget, related policies, levying of property rates and taxes, tariffs and other levies for the 2022/2023, 2023/2024 and 2024/2025 was brought to the vote and -

Unanimous resolution/...

UNANIMOUS RESOLUTION

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

- (a) That having considered the inputs received from the public and province as articulated in **(Annexure E, Inputs received on Draft Budget)** it's our considered view that no amendments to the policies or budget are required as it relates to the 2022/2023 MTREF Draft Budget;
- (b) That council takes note that the costs as envisaged by Section 19 (2)(a)(b) were derived after consultation with the respective director(s) who has confirmed the operational costs as per **(Annexure A: 2022/23 – 2024/2025 Final Budget and Tariff File)**;
- (c) That council prior to approving the capital projects above R50 million as listed in **(Annexure B: 2022/23 – 2024/25 Capital Projects ito Sec 19)**, first consider the projected cost covering all financial years until the project is operational and the future operational costs and revenue on the project, including municipal tax and tariff implications;
- (d) That council takes note that the Department of Sport has not timeously issued letters of recommendation for the additional R10 MILLION in specific sport projects resulting in the projects not being registered under the MIG program. Consequently the projects cannot be implemented in the 2022/2023 financial year. The Department of Sport has however approved that the funds be utilised in the 2023/2024 financial year;
- (e) That cognisance be taken of the acceleration of the Resealing Program in the current financial year as a result of the underspending on the Moorreesburg Waste Water Treatment Works project, subject to the budget for the Resealing Program having been reduced by the same amount in the 2022/2023 year and the funds having been reallocated to the Moorreesburg Waste Water Treatment Works;
- (f) That council approve in principle the taking up of an external loan in 2023/24 or 2024/25 to partly finance the Highlands Refuse Site and Bulk electricity capital projects to the tune of around R50 MILLION;
- (g) That council considers the funding sources linked to council's capital program and take note that these funding sources are available and have not been committed for other purposes;

FINANCING SOURCES	Final Budget 2022/2023	Final Budget 2023/2024	Final Budget 2024/2025
Capital Replacement Reserve (CRR)	R 115 812 892	R 122 483 903	R 129 755 722
Municipal Infrastructure Grant (MIG)	R 23 810 000	R 34 711 000	R 25 670 000
Dept. Human Settlements	R 20 059 000	R 33 600 000	R 5 000 000
Integrated National Electrification Programme (INEP)	R 17 600 000	R 5 000 000	R 5 225 000
RSEP	R 1 200 000		
Contributions / Donations	R 12 533 913		
Dept. Cultural Affairs and Sport	R 50 000		
Community Safety Grant	R 30 000	R 40 000	R 40 000
GRAND TOTAL	R 191 095 805	R 195 834 903	R 165 690 722

- (h) That council deemed it appropriate to consider the entire capital program excluding the 3 contractually combined projects above R 50 million as the aforementioned capital program's operational cost, inclusive of future costs will be covered by the rates regime and the normal cost centres found in the operational budget;

- (i) That council approves the capital projects as part of its consolidated capital program as per **(Annexure A: 2022/23 – 2024/25 Final Budget and Tariff File)**;
- (j) That the final high-level multi-year Capital and Operating budgets in respect of the 2022/23 – 2024/25 financial years, be approved as final, in accordance with sections 16, 17 and 19 of the MFMA;

	Original Budget 2021/22	Adjustments Budget 2021/22	Final Budget 2022/23	Final Budget 2023/24	Final Budget 2024/25
Capital budget	166 435 729	170 040 448	191 095 805	195 834 903	165 690 722
Operating Expenditure	911 967 149	953 347 356	1 029 331 859	1 061 375 494	1 139 864 067
Operating Revenue	968 875 613	1 013 254 106	1 093 983 965	1 123 993 180	1 174 158 797
Budgeted (Surplus)/ Deficit	(56 908 464)	(59 906 750)	(64 652 106)	(62 617 686)	(34 294 730)
Less: Capital Grants & Contributions	47 912 409	52 027 246	77 109 000	73 351 000	35 935 000
(Surplus)/ Deficit	(8 996 055)	(7 879 504)	12 456 894	10 733 314	1 640 270

- (k) That council approves the notice given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004, to levy the final property tax rates, exemptions and rebates on property reflected in the schedule below and in the property rates policy for the 2022/2023 financial year with effect from 1 July 2022;

Category of property	Rate ratio	(c/R) rate determined for the relevant property category
Residential properties	1: 1	0,5624
Business and Commercial properties	1: 1,4586	0,8203
Industrial properties	1: 1,4586	0,8203
Agricultural properties	1: 0,25	0,1406
Mining properties	1: 1,4586	0,8203
Public Service Infrastructure	1: 0,25	0,1406
Properties owned by an organ of state and used for public service purposes	1: 1,4586	0,8203
Public Benefit Organisations	1: 0	0,0000
Vacant properties	1: 1,3470	0,7575
Municipal properties	1: 0	0,0000
Conservation Areas	1: 0	0,0000
Protected Areas	1: 0	0,0000
National Monuments	1: 0	0,0000
Informal Settlements	1: 0	0,0000

Exemptions and Reductions

- **Residential Properties:** For all residential properties, the municipality will not levy a rate on the first R15 000 of the property's market value. The R15 000 is the statutory impermissible rate as per section 17(1)(h) of the Municipal Property Rates Act.

Rebates in respect of a category of owners of property are as follows:

- **Indigent owners:** 100 per cent rebate will be granted to registered indigents in terms of the Indigent Policy to a maximum valuation of R105 000;

8.2/(k)...

- **Qualifying senior citizens and disabled persons:** A rebate to an amount equal to the rates payable on the first amount of the valuation of such property to a limit of R300 000.

NB: Please refer to the municipality's property rates policy in respect of all rebates offered.

- (l) That council approve the final tariff structures and charges for water, refuse removal, sewerage and other sundry charges as set out in (**Annexure A: 2022/23 – 2024/25 Final Budget and Tariff File**);
- (m) That council approve the electricity tariffs as final for the 2022/2023 financial year, **bearing in mind that it is still subject to NERSA's final approval**;
- (n) That the annual budget tables as required by the Budget and Reporting Regulations be approved as set out in (**Annexure C: Budget Report and A-Schedules 2022/23 – 2024/25**);
- (o) That the **amendments** to the budget and related policies as set out in (**Annexure D: Final Amendments to Budget & Related Policies 2022/23**) hereto, be approved as final;
- (p) That the training budget be limited to **0,65%** of the salary budget in the amount of **R1 911 192** for the 2022/2023 financial year;
- (q) That Council takes note of the increases of the Directors that are contractually linked to the other personnel, which is negotiated and determined at a national level:
 - In respect of all personnel, an increase of **4.9%** for 2022/2023; **4.4%** for 2023/2024 and **4%** for the 2024/2025 financial years, excluding the increase in other benefits that are applicable and the annual 2.5% notch increase where applicable;
 - All salary adjustments are adequately budgeted for;
 - Provision has been made for a **3%** increase for political office bearers which is within the mid band of the inflation targets set by the South African Reserve Bank (SARB);
- (r) That Council takes note of the budgeted operating surpluses and that the budget is "cash-funded" as a result of cash reserves in table A8, the total expenditure growth of **8%** from the current to the new financial year and the revenue streams with growth in revenue of **8% (only 5.6% excluding capital grant income)** for the MTREF period as well as the cash flow statement as per (**A-schedule A7**) for the next three financial years;
 - the budgeted risk factor for cash coverage for operating expenses are **8.9 months** for 2022/23, **8.4 months** for 2023/24 and **7.8 months** for the 2024/25 financial year (this can materially be impacted but not possible to determine scientifically at this stage);
 - over the next three financial years the planning is such that operating net deficits are envisaged for 2022/23 to an amount of **R 12 456 894**, for 2023/24 an amount of **R 10 733 314** and for 2024/25 an amount of **R 1 640 270 (excluding capital grant income)**, which is manageable within the risk appetite of the municipality supported by the improved payment rates;
- (s) 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;
- (t) That Council take note that the budget was prepared in the new mSCOA Version 6.6 as required by National Treasury.

8.3 DETERMINATION OF DEVELOPMENT CONTRIBUTIONS FOR 2022/2023 (15/1/B)

The development contributions have remained unchanged for the past few years and are not in line with the inflation rate.

It is important that the Municipality creates an environment in which economic growth and job creation are promoted, therefore it is also proposed to consider a rebate of 35% on development contributions in order to entice investors/developers to the Swartland municipal area.

The proposed development contributions and rebates thereon were brought to the vote by the Speaker and decided with 16 councillors in favour thereof, with the rest of the councillors abstaining.

RESOLUTION

(proposed by ald T van Essen, seconded by clr D G Bess)

- (a) The attached Development Charges for the 2022/2023 financial year be approved:
 - “Greenfields” Development Charges – Malmesbury (Annexure “A”).
 - “Brownfields” Development Contributions – Swartland Municipal Area (Annexure “B”).
 - Development Charges – Riebeek Valley (Annexure “C” and Annexure “C1”).
 - Development charges for Bulk Services – Yzerfontein (Annexure “D”).
- (b) A rebate of 35% be considered regarding development charges in respect of the 2022/2023 financial year;
- (c) Developers have to enter into an agreement with the Municipality regarding the payment of charges in terms of the existing policies;
- (d) The previous resolution in terms of which exemption from development charges was granted to businesses and industries in the Riebeek Valley of 100m² or smaller in extent, be reconfirmed in respect of the 2022/2023 financial year;
- (e) Actual Cost of Development Charges will apply to all developments, as determined and calculated by the Directors of Civil and Electrical Engineering Services.

8.4 DRAFT PROCESS PLAN FOR DRAWING UP THE INTEGRATED DEVELOPMENT PLAN AND SPATIAL DEVELOPMENT FRAMEWORK (2/1/4/4/1)

Sections 28 and 29 of the Local Government Act: Municipal Systems (Act 32 of 2000) prescribes the process in respect of the planning, drawing up, adoption and revision of the Integrated Development Plan after the election of the new Council including the public participation process.

The draft Process Plan was circulated separately from the agenda.

RESOLUTION

(proposed by clr N Smit, seconded by aldd M van Zyl)

- (a) That the draft Process Plan be noted;
- (b) that a working session in connection with the Process Plan be held with the Council on 9 June 2022;
- (c) that the local community be consulted during June and July 2022 by means of notices in the local newspapers and on the Municipality's Facebook page and website; and
- (d) that the final Process Plan be submitted to Council in August 2022 for approval.

8.5 SUSPENSION OF THE PREFERENTIAL PROCUREMENT REGULATIONS, 2017: WITHDRAWAL OF THE COUNCIL'S PREFERENTIAL PROCUREMENT POLICY (8/1/B/1)

The Preferential Procurement Regulations were declared invalid with reference to the court case, *Minister of Finance v Afribusines NPC [2022] ZACC 4*.

Accordingly, the Municipality applied for exemption from the National Treasurer in respect of the application of the Preferential Procurement Regulations, 2017. The Council's Preferential Procurement Policy must therefore be withdrawn and preferential procurement applied in line with the National Treasurer's approval conditions for exemption.

The Speaker brought the matter to the vote and –

UNANIMOUS RESOLUTION

(proposed by clr A K Warnick, seconded by clr E C O'Kennedy)

- (a) That the the municipality's Preferential Procurement Policy be withdrawn and cancelled with effect from 16 February 2022; and
- (b) That the 80/20 points system for procurement Rand values above R30,000.00 to R50 million, and the 90/10 points system for Rand values above R50M, together with the applicable BBBEE scorecards, be utilised for tenders advertised on or after 16 February 2022 (in line with National Treasury Exemption attached hereto).

8.6 SUBMISSION OF DRAFT REGULATION IN RESPECT OF THE HOLDING OF MEETINGS (1/1)

The existing regulation was submitted to the Council on 16 November 2021 and it was communicated that it must be revised in order to include the provisions of the Structure Amendment Act, Act 3 of 2021, which came into effect on 1 November 2021.

The Provincial Department of Local Government circulated a standard regulation which was also taken into account in the drawing up of the draft regulation, eg the inclusion of the stipulations for the holding of virtual meetings.

Clr B J Penxa requested that the Speaker considers dropping the requirement that councillors must stand up when addressing the Council

The Speaker brought the matter to the vote and it was decided with 15 councillors in favour thereof, and the rest of the councillors abstained.

RESOLUTION

(proposed by aldd M van Zyl, seconded by clr D C Pypers)

- (a) That approval be granted for the following draft by-law to be submitted in Council on 26 May 2022 for approval in principle:
 - Swartland Municipality: By-law relating to the Conduct of Meetings;
- (b) That, following on in principle approval by the Council, the draft by-law be published for public comment in terms of section 12(3)(b) of the Systems Act, 2000 in both the local media and on the municipal website.

8.7 INTRODUCTION OF SPECIAL TAX AREAS IN TERMS OF THE MUNICIPAL PROPERTY RATES AND TAXES ACT (1/1)

A request was received on 30 September 2021 from the Riebeek Valley Tax Payers Association to consider the introduction of special tax areas in terms of the Municipal Property Rates and Taxes Act, Act 6 of 2004.

The purpose of special tax areas is to provide a higher level of services from the additional tax levied, in order, inter alia, to create a safer and cleaner environment for the advancement of socio economic circumstances and tourism.

8.7/...

The matter was brought to the vote and -

UNANIMOUS RESOLUTION

(proposed by clr N Smit, seconded by clr D G Bess)

That the establishment of Special Rating Areas at this stage not be approved, having regard to the financial sustainability considerations and real/potential risks as dealt with in the report, and - in particular - considering the potential risk that the establishment of SRAs may advance segregation and existing inequalities in communities that are not homogenous in nature, such as those of Riebeeck West and Riebeeck Kasteel.

8.8 REVISION OF THE SYSTEM OF DELEGATIONS (2/5/1, 2/5/2)

Section 59 of the Municipal Systems Act stipulates that a Council must develop a System of Delegations and maintain administrative and operational efficiency which will optimise and make provision for appropriate checks and balances.

The attachment to the agenda contains the first revision of the System of Delegations which was approved by the Council on 16 November 2021.

RESOLUTION

(proposed by clr D G Bess, seconded by clr J M de Beer)

- (a) That the amendments to the System of Delegation (1st Revision) as per Annexure A be approved, and cognizance be taken of the amendments as per Annexure B;
- (b) That cognizance be taken that no amendments were effected to the Section 53 Role Definition of political structures, political office bearers and the municipal manager, which document forms part of the System of Delegation.

8.9 SWARTLAND TOURISM NPO (NON PROFIT ORGANIZATION): NEW SERVICE LEVEL AGREEMENT 2022-2025 (9/1/3/B)

Local governments have a constitutionally binding mandate to promote, develop and administer tourism in their municipal area.

The Executive Mayor's Committee approved a new model for tourism on 20 May 2021 after consultations with various role players, over a period of three years.

The Cape West Coast/Swartland Tourism Organization will be dissolved and a new Swartland Tourism NPO will come into effect on 1 July 2022.

The proposed Service Level Agreement between the Municipality and Swartland Tourism NPO was circulated with the agenda for consideration and approval.

RESOLUTION

(proposed by clr N Smit, seconded by aldd M van Zyl)

- (a) That approval be granted for a Service Level Agreement (as per Annexure A hereto) to be signed with the Swartland Tourism NPC with effect from 1 July 2022 until 30 June 2025, subject to the agreement being amended to include the following, namely:
 - (i) that a financing model be developed to meet the short- and long-term operating and capital requirements, including a strategy to increase membership and contributions;
 - (ii) that the quarterly report will include the progress in achieving the objectives in terms of the funding model;
- (b) That the Municipal Manager be authorized to sign the Service Level Agreement on behalf of the Council in order to fulfill Council's legislative mandate regarding tourism.

8.10 PROPOSED OUT-OF-HAND ALIENATION OF ERF 56, MALMESBURY (12/2/5/5-3/1)

An application has been received from the owner of Erf 1764, Malmesbury to obtain the open piece of land in front of his property, Erf 56 (474 m² in extent), from the Council for future development.

The motivation and reasons for the out-of-hand alienation of Erf 56, Malmesbury were provided in the report circulated with the agenda.

RESOLUTION

(proposed by clr E C O’Kennedy, seconded by clr J M de Beer)

- (a) That approval be granted by Council in terms of the applicable By-law as well as Section 14 of the Municipal Finance Management Act, 2003 for erf 56, Malmesbury (474 m² in extent) to be alienated and transferred out-of-hand to J A Vlok (the owner of erf 1764, Malmesbury) at R134 616,00, VAT exclusive;
- (b) That cognizance be taken that the property is zoned for residential purposes and at no stage is required for the provision of a minimum or any other level of basic municipal services;
- (c) That the following reasons be recorded for the out-of-hand alienation of the portion of land concerned, and for not undergoing a competitive process:
 - (i) The property qualifies as ‘non-viable’ asset in that due to physical constraints it cannot be developed sensibly as a separate entity within the development parameters for residential zone 1, and therefore only becomes functional if alienated to an adjoining owner for usage in conjunction with his or her property, as proposed;
 - (ii) Transfer of the property to an individual or entity releases the Municipality from its maintenance obligation, as well as limits the risks of potential land invasion or misuse (e.g. illegal dumping);
- (d) That the following conditions of sale shall apply to the transaction:
 - (i) Erf 56 to be consolidated with erf 1764 by the purchaser;
 - (ii) The sewage pipeline that crosses the property to be relocated by the Municipality for the account of the purchaser, which costs amount to R16 205,63 (VAT inclusive) for the period until 30 June 2022, to be recalculated with effect from 1 July 2022;
 - (iii) The purchaser, in addition to the purchase price, shall be responsible for all costs ancillary and incidental to this transaction, including advertisement costs, transfer costs and the costs of consolidation;
- (e) That the proposed transaction be advertised in the media for comments and/or potential objections, and that the Executive Mayor be authorized to deal with any forthcoming objections in consultation with his committee;
- (f) That before the intention is advertised, written confirmation first be obtained from J A Vlok that he agrees to the conditions as provided for in this report;
- (g) That the Director: Corporate Services be authorized to finalise and sign the deed of sale.

8.11 RESIGNATION OF ALD B J STANLEY AS REPRESENTATIVE OF SWARTLAND MUNICIPALITY TO WEST COAST DISTRICT MUNICIPALITY (3/3/1/1)

A letter dated 6 May 2022 was received from ald B J Stanley in which he confirmed his resignation as representative of Swartland Municipality to the West Coast District Municipality.

The necessary processes were followed by the Municipal Manager of the West Coast District Municipality to notify the Head Election Officer accordingly.

Resolution/...

RESOLUTION

- (a) That the resignation of Alderman B J Stanley as a representative to the West Coast District Council be noted and accepted;
- (b) That cognisance be taken that the West Coast District Municipality informed the CEO of the vacancy on 9 May 2022;
- (c) That, at the time of writing the report, the IEC has not yet declared the name of the councillor to be elected to the vacancy.

8.12 FEED BACK IN RESPECT OF FILLING SECTION 56 MANAGEMENT POST: DIRECTOR: ELECTRICAL ENGINEERING SERVICES (4/3/B, 4/3/1)

On 31 March 2022 the Council was notified of the vacancy which will exist in respect of the post of Director: Electrical Engineering Services after the retirement of mr R du Toit on 30 June 2022. The Council accordingly approved advertising the post of Director: Electrical Engineering Services.

The Municipal Manager, mr J J Scholtz, stated that the vacancy has already been advertised twice and that five and three applications respectively had been received of which none had complied with the minimum requirements,

The report before the Council aims to get approval to relax the minimum requirements for the post without placing the Municipality at risk.

The Municipal Manager confirmed that CogTA has not reacted to correspondence sent in respect of extending the service contract of mr R du Toit beyond retirement age, despite the fact that it can be established that the emails have been received (read receipt) and that the records are stored for audit purposes.

RESOLUTION

(proposed by ald T van Essen, seconded by clr R J Jooste)

- (a) That Council takes note of the special effort made to recruit candidates who meet the minimum advertised requirements and to address Swartland Municipality's equity profile on senior management level and that there still are no candidates who meet the minimum requirements;
- (b) That the Municipal Manager in conjunction with the Director Corporate Services, the current Director: Electrical Engineering Services and the Snr Manager: Human Resource Services, be mandated to amend the recruitment advertisement in order to relax the advertised requirements within the requirements of the Regulations on Appointment and Conditions of Employment of Senior Managers, GG 37245 dated 17 January 2014, in order to recruit suitably qualified candidates, and that the vacancy be re-advertised;
- (c) That the amended process plan attached hereto be noted and approved.

**SIGNED
SPEAKER**